

Norman Township Zoning Ordinance
of April 8, 1993, annotated

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ARTICLE 1: TITLE, PURPOSES AND LEGAL CLAUSES

101. Title

Norman Township Zoning Ordinance shall be known as the "Norman Township Zoning Ordinance", hereinafter called the "Ordinance".

102. Purposes

This Ordinance is based upon the Norman Township Master Plan and designed:

- A. To promote and protect the public health, safety and general welfare;
- B. To protect the character and stability of the agricultural, forestry, recreational, residential, commercial and industrial areas within the unincorporated portions of Norman Township and promote the orderly and beneficial development of the Township;
- C. To regulate the intensity of use of land and parcel areas in a manner compatible with the Norman Township Land Use Plan and to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
- D. To lessen and avoid congestion on the public highways and streets;
- E. To provide for the needs of agriculture, forestry, recreation, residence, commerce, and industry in future growth;
- F. To promote healthful surroundings for family life in residential and rural areas;
- G. To set reasonable standards to which buildings and structures shall conform;
- H. To prohibit uses, buildings or structures which are incompatible with the character or development or the uses, building or structures permitted within specified zoning districts;
- I. To prevent such additions to or alteration or remodeling of existing structures which avoid the regulations and limitations imposed hereunder;
- J. To protect against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards;
- K. To prevent the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district;
- L. To conserve the value of land, buildings, and structures throughout the Township;
- M. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
- N. To create an Appeals Board and to define the powers and duties thereof;
- O. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;

- P. To provide for the payment of fees for zoning permits;
- Q. To provide penalties for the violation of the Ordinance; and
- R. To accomplish any other purposes contained in Public Act 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.* [Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 *et seq.* to M.C.L. 125.3101 *et seq.*]

103. Legal Basis

This Ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*) and pursuant to part 305 of P.A. 451 of 1994, as amended, being the Natural Rivers part of the Natural Resources and Environmental Protection Act, M.C.L. 324.30501 *et seq.* The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the “Zoning Act” [Annotation: This Section changed by amendment, effective April 22, 2006 at 12:01am to add reference to the Natural Rivers Act. This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 *et seq.* to M.C.L. 125.3101 *et seq.*]

104. Effective Date

This Ordinance was adopted by the Township Board of the Township of Norman, Manistee County, Michigan, at a meeting held on March 9, 1993 and a notice of publication ordered published in the *Manistee News Advocate*, a newspaper having general circulation in said Township, as required by the Zoning Act.

105. Scope

This Ordinance is not intended to repeal, abrogate, annul or in any way impair or interfere with existing provisions of deed restrictions; subdivision regulations; private restrictions placed upon property by covenants; condominium rules, ownership association rules; ordinances, laws, regulations of any federal, state or county agency. When this Ordinance has more restrictive regulations, limitations or requirements, then this Ordinance shall control. The Administrator shall not be engaged in the enforcement of deed restrictions or private restrictions placed upon property by covenants.

106. Codification

This Ordinance is codified by use of articles and sections, and organized in the following manner. Section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.

Article 1-9 for introductory material for this Ordinance.

Article 1 for basic legal clauses such as but not limited to title, citation, purposes, legal basis, effective date, explanation of scope and codification.

Article 5 for definitions of words and uses which are used in this Ordinance.

Article 10-19 for general regulations applicable to all of the land under jurisdiction of this Ordinance.

Article 10 for general regulations which are applicable in all zoning districts. This article is further subset as follows:

Sections 1000-1009 for general provisions.

Sections 1010-1019 for water related environmental regulations.

Sections 1020-1029 for solid waste related environmental regulations.

Sections 1030-1039 for land and other environmental regulations.

Sections 1040-1049 for parcel and setback regulations.

Sections 1050-1059 for vehicle access, road and parking regulations.

Sections 1060-1069 for aesthetic (sign, viewshed, sex-oriented businesses) regulations.

Sections 1070-1079 for structure (not dwelling) regulations.

Sections 1080-1089 for dwelling and residential regulations.

Sections 1090-1099 for other special purpose general regulations which are not classified above.

Article 16 for standards for specific possible conditional and special uses.

Article 18 for establishment of the zoning map and definition of zoning districts.

Articles 20-79 for each zoning district, further organized as follows with articles 20-69 organized from least intense to most intense:

Articles 20-29 for environmental, historic and other special zoning districts with each zoning district organized from least intense to most intense.

Articles 30-39 for agricultural, forestry, rural and rural residential zoning districts with each zoning district organized from least intense to most intense.

Articles 40-49 for residential zoning districts with each zoning district organized from least intense to most intense.

Articles 50-59 for commercial zoning districts with each zoning district organized from least intense to most intense.

Articles 60-69 for industrial zoning districts with each zoning district organized from least intense to most intense.

Articles 70-79 for overlay districts.

Articles 80-89 for permit process and procedures.

Article 80 for nonconformities.

Article 82 for administration of the Ordinance.

Article 83 for permit procedures.

Article 85 for conditional uses procedures.

Article 86 for special uses procedures.

Article 88 for planned unit development procedures.

Articles 90-99 for Ordinance administration.
Article 94 for site plan review process.
Article 96 for appeals board.
Article 98 for Ordinance amendment, validity, enforcement and penalties.
[Annotation: Section on Codification added by amendment, effective October 25, 2000.]

DATE: March 9, 1993
Township Supervisor

DATE: March 9, 1993 _____ Township Clerk

Effective: April 8, 1993 at 12:01 a.m.

ARTICLE 5: DEFINITIONS

501. Purpose

For the purpose of this Ordinance certain terms are defined. When not inconsistent with the context, the present tense includes the future, words used in the singular number include the plural number.

502. Undefined Words

Any word not defined herein, or not referred to in the S.I.C. Manual, shall be interpreted within its common and approved usage.

503. Definitions of words:

ACCESSORY BUILDING means a structure which shall be construed to include, but not limited to, the following: garages, pole barns, accessory dwelling unit, trailers, mobile homes, or structures that at one time were a trailer or mobile home. A building cannot be accessory unless the principle use, building or structure is located on the same parcel. Such use shall not include any building used for a dwelling, residential or lodging purposes, or sleeping quarters for human beings except as authorized by this zoning ordinance. *[Annotation: Definition added by amendment effective February 27, 2019]*

ACCESSORY DWELLING UNIT (ADU) means a dwelling unit for not more than one (1) family which is an integral part of a single-family dwelling or is included in a detached building. *[Annotation: Definition added by amendment effective February 27, 2019]*

ACCESSORY STRUCTURE means a structure or building which shall be construed to include, but not limited to, the following: bridges, docks, decks unattached to a principle structure, pump houses, playground equipment, sports courts, children's playhouses, domestic animal shelters, fallout shelters, swimming pools, gazebos, parking lots, loading docks, radio and television antennas and similar structures. Accessory structures shall not include fences, hunting blinds, signs, garages, pole barns, accessory dwelling unit, trailers, mobile homes, or structures that at one time were a trailer or mobile home. A structure or building cannot be accessory unless the principle use or structures is located on the same parcel, except when a bridge is necessary as the only access from a road to the only buildable area on a parcel. *[Annotation: Definition changed by amendment, effective May 23, 2002 at 12:01am. This definition changed by amendment, effective April 22, 2006 at 12:01am to add make changes to be consistent with the Natural Rivers Act rules for the Pine River. Definition changed by amendment, effective May 23, 2007 at 12:01am. Definition changed by amendment effective February 27, 2019]*

ADMINISTRATOR means the Norman Township Zoning Administrator as created in Section 82 *et. seq.* (entire article).

ALTERED/ALTERATIONS means any construction, modification, remodeling, repair, improvement, relocation, replacement of a structure, building, dwelling, accessory building or structure which needs a permit under the provisions of section 8401 *et. seq.* (entire article) or under the provisions of section 8601 *et. seq.* (entire article).

ALTERED means any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or any substantial change in the roof or exterior walls.

AMBIENT means the sound pressure level exceeded 90% of the time or L₉₀. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

ANEMOMETER TOWER means a freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system which is an accessory land use to a UTILITY GRID WIND ENERGY SYSTEM. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

ANSI means the American National Standards Institute. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

APPEALS BOARD means the Norman Township Board of Appeals, created in section *et seq.*, pursuant to Public Act 184 of 1943, as amended, being Township Rural Zoning Act, M.C.L. 125.271 *et seq.*

ARTICLE means the main divisions of this Ordinance, cited by the words "section XXX *et seq.*" Articles are further divided by sections.

ADULT BOOK AND/OR VIDEO STORE means an establishment having, as a substantial or significant portion of its stock in trade or business, books, videotapes, CDs, computer software, computer services, magazines and other periodicals or other writings as defined in M.C.L. 15.232(e), MSA 4.1801(2)(e) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or specified anatomical areas," hereinafter defined. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ADULT LIVE ENTERTAINMENT ESTABLISHMENTS REGARDLESS OF WHETHER ALCOHOLIC BEVERAGES MAY OR MAY NOT BE SERVED means establishments which include a nightclub, bar, restaurant, or similar commercial establishment, which features (a) persons who appear nude or in a "state of nudity" or "semi-nude"; and/or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities". [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ADULT MOTION PICTURE THEATER means an enclosure with a capacity of 50 or more 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 hereinafter defined for observation by patrons therein. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ADULT MINI MOTION PICTURE THEATER means an enclosure with a capacity for less than 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 hereinafter defined for observation by patrons therein. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ADULT PANORAMS means an establishment which has a substantial or significant portion of its business devoted to the viewing by patrons of films, tapes, or live entertainment showing "specified sexual activities" or "specified anatomical areas". [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ADULT PARAPHERNALIA/NOVELTY STORE means an establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

APPEALS BOARD means the Norman Township Board of Appeals, created in section 9601 *et. seq.*, pursuant to the Zoning Act. [Annotation: This definition added by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 *et seq.* to M.C.L. 125.3101 *et seq.*]

BRIDGE means a structure built to provide access to the other side of a road, river, valley, culvert or other gap or obstacle to be used for motor vehicle traffic. [Annotation: Definition added by amendment, effective May 23 2007 at 12:01am.]

BUFFER AREA means an area which does not have any structures which is designed to buffer noise, light, visual and other impacts by use of distance or setback greater than otherwise required, berm, walls, fences, vegetation between incompatible land uses. (See also Vegetation Belt, Greenbelt.)

BUILDING means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind. Buildings shall include awnings, eaves to the drip line, attached decks and porches with or without a roof, and trailers, whether mounted or on wheels and situated on private property and used for purposes of a building. [Annotation: Definition changed by amendment effective February 27, 2019]

BUILDING AREA means the total exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING ENVELOPE means that portion of a parcel excluding the setbacks and applied to that parcel by this Ordinance.



BUILDING HEIGHT means the vertical distance measured from the lowest elevation of the ground next to the building to the highest point of the roof (for flat roofs, to the deck line), but not including chimneys, antennas, steeples, and other similar non-inhabitable structures or portions of structures.



"A" is the highest point (not including chimneys, antennas, steeples, etc.); "B" is the lowest point of the ground's surface around the perimeter of the structure; and "C" is the vertical distance measured for the height.

COMMISSION means the Norman Township Planning Commission created pursuant to Public Act 168 of 1959, as amended, being Township Planning Act, M.C.L. 125.321 *et. seq.*, and has vested with it all the powers and duties of a zoning Board pursuant to the Zoning Act.

[Annotation: This definition changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 *et seq.* to M.C.L. 125.3101 *et seq.*]

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

[Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

DECIBEL means the unit of measure used to express the magnitude of sound pressure and sound intensity. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

DOCK means a structure intended to facilitate the loading and unloading of watercraft and the mooring thereof, that extends into or over an inland lake or stream for personal use. A dock shall not include a “marina” as that term is defined in the NREPA being MCL 324.20101

et. seq. [Annotation: Definition added by amendment, effective May 23, 2007 at 12:01am. “NREPA” means the Michigan Natural Resources and Environmental Protection Act.]

DNR means the Michigan Department of Natural Resources.

EARTH CHANGE – an artificial change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state. Prior to engaging in any earth change activity within five-hundred (500) feet of a lake, river or stream, a valid soil erosion and sedimentation control permit is necessary from the Manistee County Soil Erosion and Sedimentation Control Officer. [Annotation: added by amendment effective March 29, 2016]

EASEMENT means a private irrevocable agreement of record between landowners, public utilities, persons, for a specific purpose such as but not limited to utilities, driveways, pipelines, pedestrian ways, roads.

ENVIRONMENT ASSESSMENT means a summary review of environmental impacts of a project.

ENVIRONMENTAL IMPACT STATEMENT means a document which is a detailed review of the impacts on the environment by a proposed project.

EXISTING BUILDING means a building existing in whole or whose foundations are complete, and whose construction is being diligently pursued on the effective date of this Ordinance.

FAMILY means an individual or a collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. However, this shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

FARM means a business enterprise engaged in agricultural production, (and otherwise known as farms, ranches, dairies, nurseries, orchards) of crops, livestock and trees and:

A. Includes forty (40) or more acres of land in one ownership which is primarily devoted to agricultural use, or

B. Has five (5) or more acres of land in one ownership, but less than forty (40) acres, devoted primarily to agricultural use, which has produced a gross annual income from agriculture of two hundred dollars (\$200.00) per year or more per acre of cleared and tillable land, or

C. Has been designated by the Michigan Department of Agriculture as a specialty farm in one ownership which has produced a gross annual income from an agricultural use of two thousand dollars (\$2,000.00) or more.

FENCE means a constructed barrier or planted hedge which is designed to do any one, or more, of the following;

- A. restrict passage through it regardless if the fence has a gate(s) or not,
- B. prevent viewing through it, and/or
- C. be decorative.

FILTERED VIEW OF WATERS – the maintenance or establishment of woody vegetation of sufficient density to screen development from waters, to provide for river/stream bank and lakeshore stabilization, nutrient and erosion control, to serve as an aid to infiltration of surface water runoff, and to provide cover to shade the water in a manner while providing an adequate view to the water. *[Annotation: added by amendment effective March 29, 2016]*

FLOOR AREA means the sum of the horizontal areas designed and built as habitable living areas and finished to code of each story of the building measured from the exterior faces of the exterior walls, but not including basements, unfinished garages, attached garages, breezeways and enclosed or unenclosed porches. As used herein, "code" shall mean the state or county building code in effect in the Township. *[Annotation: Definition changed by amendment April 12, 1994, effective April 24, 1994 12:01am. Previously the definition read: "FLOOR AREA means the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls, but not including basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches."]*

GREENBELT means a landscaped area for purposes of aesthetics and for purposes of a buffer area. (See also Buffer Area, Vegetation Belt.)

HAZARDOUS SUBSTANCES mean a chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

HOBBY means an activity carried out by a person primarily for pleasure and self-entertainment.

HOST OR HOSTESS ESTABLISHMENTS means establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee. *[Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]*

HOUSING UNIT means a house, apartment, mobile home, group of rooms, or single room occupied as a separate living quarter (or if vacant, intended for occupancy as a separate living quarter.) Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall.

IEC means the International Electrotechnical Commission. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

ISO means the International Organization for Standardization. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

JUNK means

A. old scrap ferrous or nonferrous material, rubber, cloth, paper, rubbish, refuse, litter;

B. materials from demolition, waste building materials; and

C. junked, abandoned, scrap, dismantled or wrecked (including parts of) motorized vehicles, farm equipment, boats, trailers, mobile homes, appliances and all other machines. But shall not include classic or antique items kept and collected for their antique or collectable value and shall not include junk kept at a licensed Type I, II or III landfill for purposes of disposal as solid waste.

LAKE – as used in this ordinance refers to the definition of inland lake or pond found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended. [Annotation: added by amendment effective March 21, 2016]

LEASE UNIT BOUNDARY means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

LIVESTOCK means horses, cattle, sheep, swine, fowl, and other farm or ranch animals, but not domestic house pets.

LOT – a parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet all minimum dimensional and use requirements and to provide such setback area and other open space as required by this ordinance. Such lot shall have frontage on a public road or street or an approved private street or drive, and may consist of: (a) a single lot or record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds; provided that in no case of lot division or combination shall the area of any lot or parcel created, including residuals be less than the minimum size required by this ordinance. [Annotation: added by amendment effective March 21, 2016]

MASSAGE PARLOR means any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the hands, feet, scalp, face, neck or shoulder. This definition shall not be construed to include the practices of massage therapists who meet one or more of the following criteria: [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

- A. Proof of graduation from a school of massage licensed by the State of Michigan;
- B. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; plus, three references from massage therapists who are professional members of a massage association referred to in this section;
- C. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
- D. A current occupational license from another state;

MOBILE HOME means a dwelling, transportable in one or more sections which is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*, and administrative rules promulgated thereunder.

NONCONFORMING BUILDING, STRUCTURE means a structure or building lawfully constructed that does not conform to the requirements of the district in which it is situated and existed prior to the effective date of this Ordinance.

NONCONFORMING USE means structure, building, plot, premise or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated and lawfully existing on the effective date of this Ordinance.

ON SITE WIND ENERGY SYSTEM means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

OPEN DANCE HALL means an establishment where open public dancing by patrons is available during at least four days per week with partners furnished by the establishment.

[Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

ORDINARY HIGH-WATER MARK – the line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and vegetation; OR any legally established ordinary high-water mark on waters. [Annotation: added by amendment effective March 21, 2016]

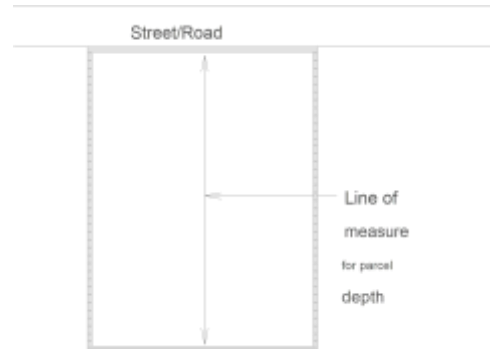
OWNERSHIP means the proprietor of the land who is a natural person, or his heirs, executors, administrator, legal representatives, successors, assigns, firm, association, partnership, corporation or government, or combination of any of them.

PARCEL AREA means the total land area encompassed by the property lines, including any combination of lots or parcels of record or portions thereof and a single unit (including limited commons area) site condominium.

[Annotation: Definition changed by amendment, effective November 30, 2004 at 12:01am.]

PARCEL MEASUREMENTS mean:

A. DEPTH of a parcel shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the front property line and rearmost points of the rear property line.

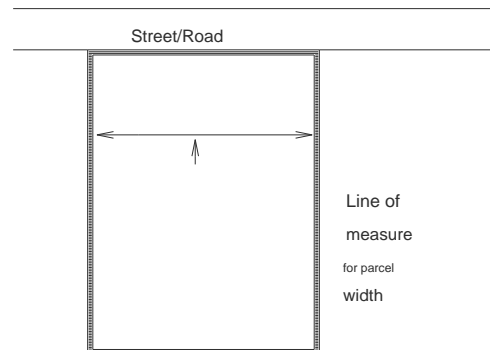


B. WIDTH

1. The distance between the side property lines at each side of the parcel.

2. In determining parcel width on odd-shaped parcels, if the parcel abuts a curving street and, as a result, the side property lines are not parallel, the measurement of the width shall be at the front yard setback line.

3. In determining parcel width on other odd-shaped parcels, the average width measured at right angles to its depth.



PARKING SPACE means one unit of parking area provided for the parking of one automobile.

PERSON means an individual, partnership, firm, corporation, association, organization, trust, company, local unit of government or other political subdivision of the state, or a state or state agency as well as an individual.

PERSONAL PROPERTY SALES mean events such as garage sales, yard sales, basement sales, auctions or other similar events where personal property is offered for sale on a limited basis and not for a duration of more than six (6) days within any three (3) month period.

PLANNED UNIT DEVELOPMENT means a special use which encompasses more than one residential unit and/or more than one commercial use.

PRIVATE ROAD means a road which is part of a recorded subdivision and shown as a private road on the plat, or a road which is not public which services more than one dwelling and business. Private Road shall not include driveways to a dwelling or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a United States Forest Service road; a county road as shown on maps certifying the same to the Michigan Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

PROPERTY LINE means the outside perimeter of a legally described parcel of land.

PUBLIC UTILITY means any person, firm, corporation, municipal department or board fully authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewage facilities to the public. For purposes of this ordinance communication tower facilities are not included in the definition of a public utility or exempt from a permit under Section 8403 C. *[Annotation: Definition changed by amendment, effective March 19, 2000 at 12:01am. The definition used to read: "PUBLIC UTILITY means any person, firm, corporation, municipal department or Board fully authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to the public."]*

RESTABILIZATION means restoration of the natural contours of a critical dune to the extent practicable, and the restoration of the protective vegetative cover of a critical dune through the establishment of indigenous vegetation, and the placement of snow fencing or other temporary sand trapping measures for the purpose of preventing erosion, drifting, and slumping of sand.

RIGHT-OF-WAY means a public or private way for road purposes.

RIVER – as used in this ordinance refers to the definition of rivers, streams, creeks, etc. found within the Michigan Inland Lakes and Streams Act, Part 301 of P.A. 451 of 1994, as amended. *[Annotation: added by amendment effective March 29, 2016]*

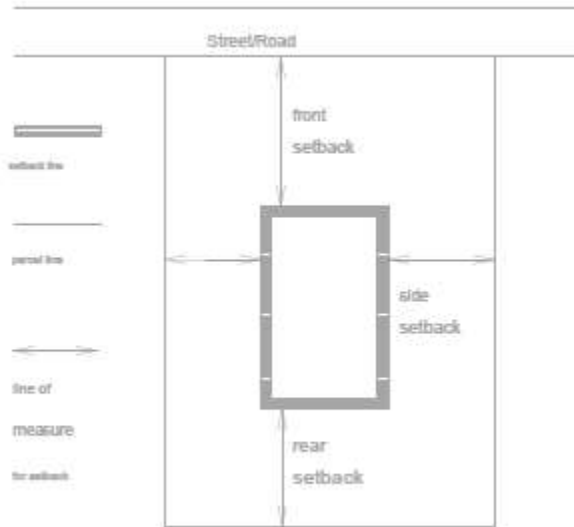
RIVERFRONT SETBACK LINE – the minimum required principal structure setback from the ordinary high-water mark. *[Annotation: added by amendment effective March 29, 2016]*

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

[Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

SECTION means a part of this Ordinance, being the next division under an Article. A section is cited by article number and section number, "XXX", with the last two digits being the section number, and the remaining digits to the left being the article number. Sections may be further divided into subsections "A.", divisions "1.", paragraphs "a.", and subparagraphs "(1)", for example.

SETBACK means a line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or water front. Side, front, rear and waterfront setbacks correspond to the respective yard. See yard in section.



SHALL means a mandatory directive. The word "shall" is always mandatory and not merely permissive.

SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

SIGN means any structure or wall or other object used for the display of any message.

SOIL EROSION AND SEDIMENTATION CONTROL ACT AGENCY – the Soil Erosion and Sedimentation Control Officer, Manistee County enforcing the provisions of Part 91: Soil

Erosion and Sedimentation Control Act; Michigan’s Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended. [Annotation: added by amendment effective March 29, 2016]

SOUND PRESSURE means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB). [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

SPECIFIED ANATOMICAL AREAS means human genitals less than completely or opaquely covered including the pubic region, buttocks, or anus; or female breasts below a point immediately above the top of the areolae; or human male genitals in a discernible state of tumescence, even if opaquely covered. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

SPECIFIED SEXUAL ACTIVITIES means and includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated;
- D. The display of human genitals in a state of sexual stimulation, arousal or tumescence;

E. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (A.) through (D.) of this subsection. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

STEEP SLOPES – slopes on land of eighteen (18%) percent or greater. [Annotation: added by amendment effective March 29, 2016]

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it then the space between any floor and the ceiling next above it.

STRUCTURE means anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground, except, structure shall not include automobiles, trucks, trailer, hunting blinds, fences, hedges, sidewalks, gardens, shore stabilization devices. For purposes of the Big Manistee River Corridor District hunting blinds, fences, hedges, sidewalks, shore stabilization devices which are in place more than 30 days a year shall be considered structures. [Annotation: This definition changed by amendment, effective April 22, 2006 at 12:01am to add make changes to be consistent with the Natural Rivers Act rules for the Pine River.]

STRUCTURE, MOVABLE means a structure which is determined to be movable based on a review of the design and size of the structure, a review of the capability of the proposed structure to withstand normal moving stresses, and a site review to determine whether the structure is accessible to moving equipment.

SUBSTANDARD PARCEL means

A. A parcel of record or a parcel which is described in a land contract or deed executed and delivered before the designation of a high-risk erosion area and which does not have adequate depth to provide the minimum required setback from the bluff line for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area, which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes.

B. A parcel of record or a parcel which is described in a land contract or deed executed and delivered prior to the effective date of this Ordinance, which does not have adequate size, width or which is not big enough to provide for the minimum setbacks and building size required in this Ordinance.

SUBSTANTIAL OR SIGNIFICANT PORTION means a business or establishment which has:

A. Thirty-five percent or more of its stock, materials, or services provided relating to or describing "specified sexual activities", and/or "specified anatomical areas"; and/or

B. Thirty-five percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both; and/or

C. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business or establishment, describes or relates to "specified

sexual activities" and/or "specified anatomical areas". [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

SUPERVISOR means the chief elected official of Norman Township Board.

TOWNSHIP means the Township of Norman, a Michigan municipal corporation.

TOWNSHIP BOARD means the Norman Township Board of Trustees.

TRAILER means a vehicle which can be drawn on a highway and is used for recreational or camping purposes. Includes the terms motor home, pole-trailer, trailer coach, trailer, mobile home as defined in Public Act 300 of 1949, as amended, being the Michigan Motor Vehicle Code, M.C.L. 257.1-257.82, and including camping units, tents, or any other temporary dwellings.

[Annotation: Definition changed by amendment effective February 27, 2019; definition remained the same]

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS means and includes any of the following:

A. The sale, lease or sublease of the business or establishment;

B. The transfer of securities which constitute a controlling interest in the business or establishment, whether by sale, exchange or similar means;

C. The establishment of a trust, management arrangement, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control. [Annotation: Definition added by amendment, effective March 19, 1997 at 12:01am.]

USE means the purpose for which land or a building thereon is designed, arranged or intended to be occupied or used, or for which it is maintained.

USED or **OCCUPIED** means the physical presence of a person to use a structure and include the words "intended", "designed", or "arranged" to be used or occupied.

UTILITY GRID WIND ENERGY SYSTEM means a land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA TOWER, electric substation. A **UTILITY GRID WIND ENERGY SYSTEM** is designed and built to provide electricity only to the electric utility grid. [Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]

VARIANCE means a relaxation of the terms of this 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 the Ordinance would result in unnecessary or practical difficulty.

VEGETATION BELT means an area which does not have any buildings which is designed to mitigate the movement of nutrients in the ground into a water body by use of woody plant material whose roots are likely to remove nutrients from the soil prior to the nutrients reaching the water body, and for erosion and bank stabilization. (See also Buffer Area, Greenbelt.)

WALK BRIDGE means an uncovered structure, not more than five feet wide, built to provide passage across a river, creek, gully, valley or other natural gap or obstacle, not to be used for automobile traffic. *[Annotation: Definition added by amendment, effective May 23, 2007 at 12:01am.]*

WATER BODIES means surface water, lakes, wetlands, rivers, streams, ponds, springs but does not include man-made farm ponds, storm water retention ponds, sediment ponds or impromptu or uncontrolled collection of storm water.

WATER'S EDGE means the line where the water and shore meet when the water level is static. For other fluctuating water bodies, it shall be the line where the water and shore meet when the water is at its annual high level. For purposes of the Big Manistee River Corridor District "Water's Edge" means the line defined here, or the Ordinary High-Water Mark as defined in Part 301 of P.A. 451 of 1994, as amended, being the Natural Resources and Environmental Protection Act, M.C.L. 324.301 *et seq.*, whichever is farther landward. *[Annotation: This definition changed by amendment, effective April 22, 2006 at 12:01am to add make changes to be consistent with the Natural Rivers Act rules for the Pine River.]*

WETLANDS – Wetlands as defined by the Part 303: Wetland Protection Act of the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended. *[Annotation: added by amendment effective March 29, 2016]*

WIND ENERGY SYSTEM means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also **ON-SITE WIND ENERGY SYSTEM** and **UTILITY GRID WIND ENERGY SYSTEM**. *[Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]*

WIND SITE ASSESSMENT means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system. *[Annotation: Definition added by amendment, effective June 22, 2010 at 12:01am]*

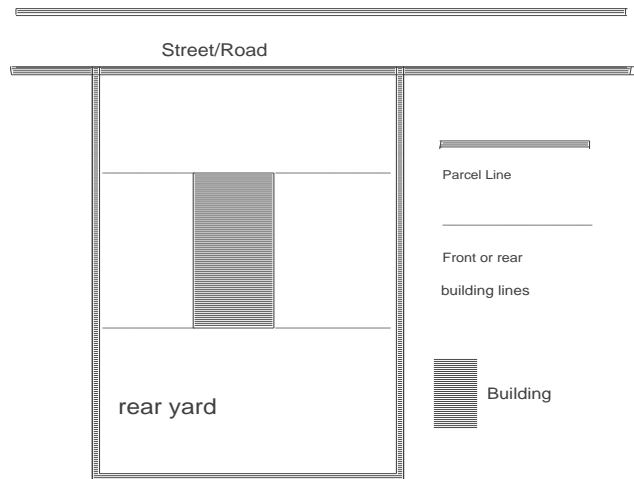
WOODY PLANT MATERIAL means vegetation characterized as having a wooden stem or trunk (as opposed to a fibrous or grass stem) and may include those plantings recommended in Lakeland Report Number 12 on Greenbelts; A Circle of Protection For Inland Lakes prepared by University of Michigan Biological Station, Douglas Lake, February 1979.

YARD means an open space extending the full width of a parcel or extending from the front building line to the rear building line. Designations of side, rear, front, waterfront yards and side, rear, front, waterfront setbacks shall have a direct correlation.

A. Front Yard means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line:



B. Rear yard means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line:

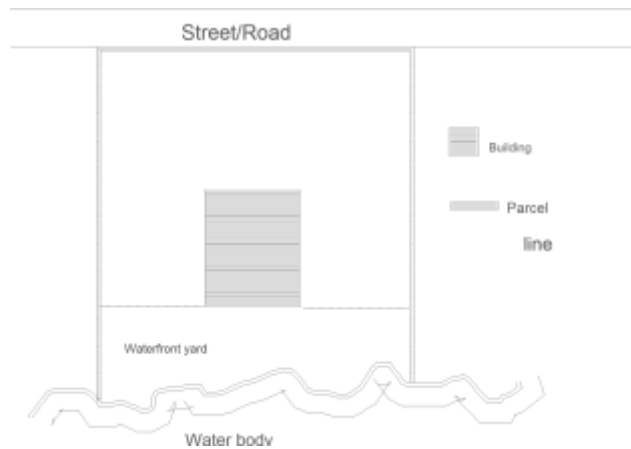


C. Side yard means the remaining yard(s) between the front and rear building lines, and the side line(s) of the parcel:

[Annotation: The definition of "Yard, Rear", above, indicates the rear yard is opposite the front yard. Drawing here shows side yards opposite the front yards. Zoning Administrator interprets this ordinance such that side yards are opposite the front yard. Planning Commission in issuing a special use permit made the same interpretation (see November 11, 2002 Planning Commission minutes)]



D. Waterfront yard means a yard between the water's edge and a building line. It may be situated in what would be a side or rear yard if the water body was not present:



E. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc.:

[Annotation: The definition of "Yard, Rear", above, indicates the rear yard is opposite the front yard. Zoning Administrator Rochell Rollenhagen, in 2002 decided when a parcel of land is adjacent to two intersecting right-of-ways, i.e. is on a corner, then the yards between the property lines adjacent to the right-of ways have a front yard setback. Corner lots have two (2) front yards. The remaining yards shall be side yards and have side yard setbacks.

Rational for the side yards is that normally the two yards not having road frontage will be abutting properties that also have side yard setbacks, so there will be side yard setback to side yard setback.

Planning Commission in issuing a special use permit made the same interpretation (see November 11, 2002 Planning Commission minutes)]

ZONING ACT means P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) [Annotation: This definition added by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]

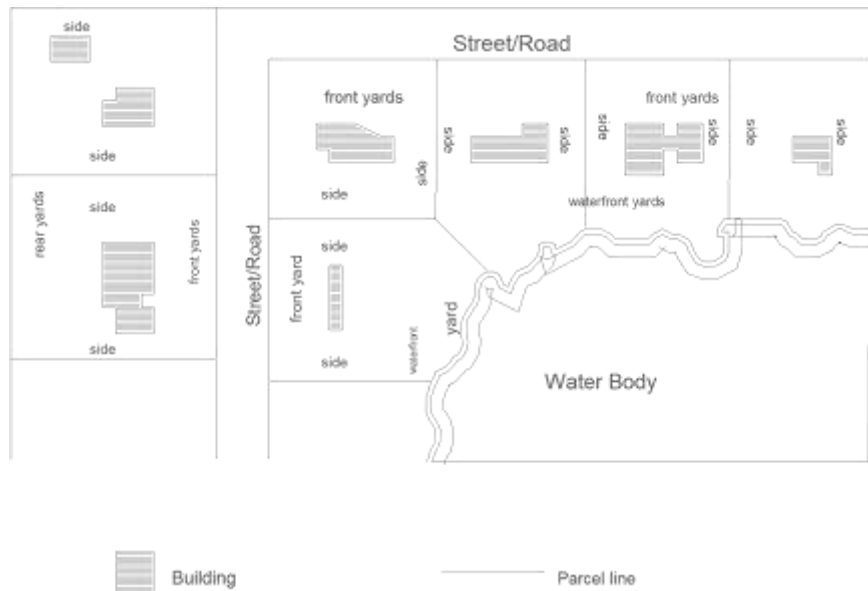
100-YEAR FLOOD PLAIN – flood plain along waters within Norman Township that are inundated during a 100-year flood event as mapped by the Federal Emergency Management Agency. [Annotation: added by amendment effective March 29, 2016 at 12:01 am]

100-YEAR FLOODWAY – floodway along waterways within Norman Township that are convey flood flow during a 100-year flood event as mapped by the Federal Emergency Management Agency. [Annotation: added by amendment effective March 29, 2016 at 12:01 am]

504. Standard Industrial Classification Manual

A. For purposes of this Ordinance, where "uses" and "special uses" are listed for each land use district, those terms are defined in Section 505 of this Ordinance.

B. Terms denoting "uses" which are not defined in Section 505 of this Ordinance, but which are followed by a capital letter and/or number or series of numbers enclosed in brackets ([]) shall be defined as found under the respective Standard Industrial Classification Code, as found in the Standard Industrial Classification Manual, 1987 published by the Executive Office



of the United States President, Office of Management and Budget, and adopted by reference herein. Terms defined by use of the Standard Industrial Classification Code shall be exclusive and shall include only those uses or activities found included in the respective Standard Industrial Classification(s). A listing of more general classifications shall include all sub-classifications included within the general classification. If a term denoting a use is defined in Section 505 of this Ordinance, that use shall not be considered within the respective Standard Industrial Classification(s), Standard Industrial Classification Manual, 1987 notwithstanding.

C. Terms denoting "uses" which are not defined in Section 505 of this Ordinance, and not followed by a bracketed Standard Industrial Classification reference shall be interpreted within its common and approved usage.

505. Definitions of Uses:

ACCESSORY BUILDINGS means a use which is a supplementary building or structure on the same parcel as the main building, or part of the main building, occupied by or devoted exclusively to an accessory use. Such use shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings. A building can not be accessory unless the principle use or structure is located on the same parcel. *[Annotation: This definition changed by amendment, effective April 22, 2006 at 12:01am to add make changes to be consistent with the Natural Rivers Act rules for the Pine River.]*

ACCESSORY USE means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings, but not including uses considered accessory buildings or accessory structures. A use can not be accessory unless the principle use or structure is located on the same parcel. *[Annotation: This definition changed by amendment, effective April 22, 2006 at 12:01am to add make changes to be consistent with the Natural Rivers Act rules for the Pine River.]*

APARTMENT BUILDING means a use which is a dwelling designed for three or more housing units or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

CAMPGROUND means a use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units which includes trailers as defined in this Ordinance.

COMMUNICATION TOWER FACILITIES means a facility, which includes transmitters, antenna structures, towers and other types of equipment necessary for, but not limited to, providing radio broadcasts, television broadcasts, dispatching, wireless services and all commercial mobile services including all those that are available to the public (for-profit or not-for-profit) which give subscribers the ability to access or receive calls from the public switched telephone network. Common examples are radio and television broadcasting stations, repeater stations, radiotelephone, telegraph, cable television receiver stations, dispatching, Personal Communications Systems (PCS), cellular radiotelephone services, and paging [48-

4899]. Also included are services that are non-licensed, but are deployed through equipment authorized by the FCC and common carrier wireless exchange services designed as competitive alternatives to traditional wireline local exchange providers. Communication tower facilities does not include antennas and their towers at a person's home for his personal use for television and radio reception, and citizen band or HAM radio hobby activity. [Definition added by amendment, effective March 19, 2000 at 12:01am.]

COTTAGE INDUSTRY means a use which includes any activity carried out for gain by a resident and conducted as an accessory use at a person's home, but is not a hobby or a home occupation. A cottage industry is more intensive with more potential impacts on neighboring landowners than a home occupation because some of the activity may occur outside of the home in accessory buildings and very limited outdoor activity, if any. [Annotation: This definition added by amendment, effective April 22, 2006 at 12:01am.]

DUPLEX means a use which is a dwelling designed for two housing units or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each which complies with the standards given in this Ordinance.

DWELLING means a use which is a building, mobile home, premanufactured or precut dwelling structure designed and used as a single housing unit for complete living accommodations which complies with the standards given in this Ordinance. [Annotation: Definition changed by amendment effective February 27, 2019]

HOME OCCUPATION means a use which includes any activity carried out for gain by a resident and conducted as an accessory use in the person's home, but not a hobby.

MOBILE HOME PARK means a use which is a parcel of land under the control of a person upon which three or more mobile homes are located on a continual nonrecreational 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 and which is not intended for use as a temporary mobile home or trailer.

PARKS means uses which are public or private playgrounds, vest pocket parks, nature areas, natural areas, ball fields, open space preserves, arboretums, gardens, beaches, and so on but not including facilities designed for overnight or camping use.

PERSONAL RIDING STABLE means a use which is a non-commercial use which consists of 2½ acres ore more than one (1) horse per acre.

RIDING STABLE means a use which is a business enterprise which boards horses for purposes of allowing clients to ride horses on a for hire basis.

STATE LICENSED RESIDENTIAL FACILITIES means a use which is a structure constructed for residential purposes that is licensed by the state, pursuant to the Adult Foster Care Licensing Act, being Public Act 218 of 1979, as amended, (M.C.L. 400.701 *et. seq.*) or

Public Act 116 of 1973, as amended (M.C.L. 711.111 *et. seq.*) or for the care of six or fewer elderly (senior) citizens.

SWEETENING PLANT means a use which is a facility or plant which is designed for the removal of sulfur compounds from natural gas from gas and oil wells.

ARTICLE 10: GENERAL REGULATIONS

100. General

1001. Purpose

It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted uses and special uses.

1002. Scope

Zoning applies to all parcels of land and to every building, structure or use. No parcel of land, no building, structure or part thereof and no new building, structure or part thereof shall hereafter be located, erected, altered, occupied or used except in conformity with this Ordinance.

1003. Bulk Regulations

A. The continuing maintenance of and association with required spacial relationships and physical requirements of this ordinance for the permitting of a use, structure, building, and parcel shall be the obligation of the owner of the use, structure, building and parcel.

B. Required spacial relationships and physical requirements of this Ordinance shall be allocated to be in connection with only one use, structure, building, parcel and are not transferable, not to be split or divided by any means, not to be shared, unless;

1. any of the uses, structures, buildings, parcels involved in the transfer does not result in failing to meet required spacial relationships and physical requirements of this Ordinance or other applicable ordinances including, but not limited to, the Township, Manistee County and State of Michigan subdivision control laws.

2. specifically permitted elsewhere in this Ordinance.

C. Required special relationships and physical requirements and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels except that the following can be located anywhere on a parcel:

1. those parts of a building which are unroofed porches, terraces, patios and steps, and awnings and nonpermanent canopies;

2. flag poles;

3. hydrants;

4. clothes lines;

5. arbors, trellises, trees, plants, shrubs;

6. recreation equipment, outdoor cooking equipment; and sidewalks, private driveways and walkways;

7. bridges, walk bridges, or docks. *[Annotation: Subsection changed by amendment, effective May 23,*

2007 at 12:01am.]

D. As used in this section;

1. "Required spacial relationships" means all the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building and parcel, including but not limited to, buffer areas, greenbelt, building area, building envelope, parcel area, parcel measurements (width, setback), parking space, vegetation belt, yard.

2. "Physical Requirements" means all the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved use, structure, building and parcel, including but not limited to, placement of accessory structures, improvements within buffer areas, building height, easement, floor area, improvements within a greenbelt, all requirements found in Section 1001 *et. seq.* of this Ordinance, access drive, drives, loading areas, solid waste storage areas, service drive, parking areas.

1004. General Provisions

No parcel, building or structure in any district shall be used or occupied in manner which creates any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided 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 to limit dangerous and objectionable elements to acceptable limits including but not limited to those established by the following performance requirements: [Annotation: Section (first paragraph, above) changed by amendment, effective June 22, 2010.]

A. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting 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 as is required by applicable provisions of the State Construction Code and rules promulgated thereunder and/or the State Fire Marshal.

B. Activity which emits radioactivity at any point, or electrical disturbance shall not be permitted in excess of the applicable federal, state, or local regulations or rules promulgated thereunder, including but not limited to, regulations of the Federal Nuclear Regulatory Commission or Public Service Commission or Michigan Department of Health and Department of Radiology.

C. No vibration shall be permitted in excess of the applicable county noise ordinance or regulations promulgated by rule thereunder.

D. No malodorous gas or matter shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.

E. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted in excess of the applicable state or federal air pollution statutes or regulations promulgated by rule thereunder.

F. No pollution of water bodies shall be permitted in excess of the applicable state or federal water pollution statutes or regulations promulgated by rule thereunder.

G. No audible noise shall be permitted in excess of the standards in the Norman Anti-Noise and Public Nuisance Ordinance (F-01). [*Annotation: Subsection changed by amendment, effective May 23, 2002 at 12:01am.*]

H. No storm water runoff, which is a result of development site design, or other manmade alternatives, shall be allowed to collect which results in water standing on the surface, unless the standing water is a part of a properly managed and maintained storm water retention system, sediment pond; or the standing water is in a natural wetland or water body.

The Administrator shall cooperate with and report suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. [*Annotation: Section (last paragraph, above) changed by amendment, effective June 22, 2010. Paragraph used to read: "The Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Administrator with other agencies has not been successful."*]

101. Environmental, Water

1010. Water Supply and Sewage Facilities

A. A structure which is for human occupancy shall be connected to a public sewer and water supply or to such private facilities in compliance with the Manistee County Sanitary Code, as amended.

B. The Administrator shall enforce this section by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for enforcement of the statutes, rules or ordinances cited above. The Township Board may take direct enforcement action only after a finding that cooperation by the Administrator with other agencies has not been successful.

1011. Surface Water Protection

Notwithstanding anything to the contrary contained in this Ordinance, (specifically, but not limited to, the setbacks contained in each respective district established by this ordinance) the following provisions shall apply:

A. No structure shall be built, located or constructed closer than one hundred feet measured on a horizontal plane to the water's edge. In the event the water's edge moves landward, the setback line shall also be construed as to have moved landward an equal horizontal distance. In cases where parcels are smaller than the minimum parcel size allowed in the particular district so that applicable setbacks given here and in a particular district result in a building envelope less than 25 by 40 feet the Appeals Board shall grant a further reduction of side yard setback and/or a front yard setback prior to reducing the required water front setback.

B. Within twenty (20 feet of the water's edge (or landward beach/vegetation line) a vegetation belt shall be maintained by not removing trees with a trunk diameter of three inches at breast height, or greater, unless dead or chronically diseased. Trees and other woody plant material of a smaller diameter at breast height shall not be removed, except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain this vegetation belt in a healthy state.

C. No building or structure shall be built, located or constructed within a 100-year flood plain of any water bodies in any land use district as may be determined by the Michigan Department of Natural Resources.

D. The 100-foot waterfront setback shall not apply to docks, bridges, walk bridges, foot paths, sidewalks, or stairs leading to a beach, dock or walk bridge. *[Annotation: Section changed by amendment, effective May 23, 2007 at 12:01am.]*

1012. Hazardous Substance Groundwater Protection.

All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month or twenty-five (25) gallons or two hundred twenty (220) pounds per month, whichever is less, shall comply with the following requirements;

A. Groundwater Protection, generally:

1. The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.

2. Storm water management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.

3. General purpose floor drains for areas and facilities where loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used;

a. shall be connected to an on-site holding tank in accordance with state, county and municipal requirements, or

b. shall be discharged under authorization of a State of Michigan groundwater discharge permit, or

c. shall be designed and constructed to prevent discharge or runoff to floor drains (e.g. no floor drains) and to prevent runoff to or via a floor drain, river, lake, wetland, groundwater or soils.

4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

5. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Aboveground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.

B. Above-ground Storage

1. Primary containment of hazardous substances shall be product-tight.
2. Secondary containment of hazardous substances shall be provided for all facilities. Secondary containment shall be one and a half (1½) times the volume of the stored hazardous substance or sufficient to store the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, whichever is greater.
3. Outdoor storage of hazardous substances is hereby prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. Secondary containment shall be sufficient to store one and a half (1½) times the volume of the stored hazardous substance or the substance for the maximum anticipated period of time necessary for the operator to recover any released substance, including an allowance for the expected accumulation of precipitation, whichever is greater.
4. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.
5. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.
6. At a minimum, State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

C. Underground Storage

1. Existing and new underground storage tanks shall be registered with the Michigan State Police Fire Marshal Division in accordance with Federal and State requirements.
2. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of the Fire Department, the Michigan Department of State Police Fire Marshal Division. Leak detection, corrosion protection, spill prevention and overflow protection requirements shall be met. Records of monthly monitoring or inventory control must be retained and available for review by state or local officials.
3. Out-of-service and/or abandoned underground tanks shall be emptied and removed from the ground in accordance with the requirements of the State Police Fire Marshal Division, the DNR and this Ordinance.

102. Environmental, Solid Waste

1020. Waste Accumulation and Outside Storage

A. It shall be unlawful for any person to accumulate junk on any land except in a permitted junkyard or licensed sanitary landfill or as allowed by Township or county ordinance.

B. No sewage, waste water or water containing foreign substances shall be deposited or drained into any water bodies unless the same has first been approved by state and county health authorities.

C. The provisions of this section are not to be deemed to prohibit storing or spreading of manure, fertilizers, or other soil conditioners as part of a permitted farm, forestry or home garden or lawn operation, botanical and zoological gardens [84], parks.

104. Parcel & Setback Regulations

1040. Fences

Fences over six (6) feet high shall be set back the required distance for the respective land use district. Fences within the setback area shall not exceed six (6) feet in height. Fences located in the waterfront yard portion(s) of a parcel shall not exceed four (4) feet in height. No fence shall be within forty (40) feet of water bodies.

1041. Height

A. No building or structure or part thereof shall be erected or altered to a height exceeding:

1. Principle buildings or structures in all zoning districts – forty (40) feet.
2. Accessory buildings or structures – forty (40) feet if a maximum height is not required for the respective zoning district, otherwise the height the respective zoning district.
3. Sidewall(s) of any building in all zoning districts – height from the ground to the eave (at the top plate of the highest floor): twenty-five (25) feet

B. The following are not subject to height requirements of this section or the respective zoning district:

1. Appendages to structures which are ornamental in purpose, such as church steeples, belfries, cupolas, domes, towers and flag pole, so long as such appendages to structures do not exceed twenty (20) percent of the roof area.
2. Appendages to structures relating to its mechanical or structural functions, such as chimney and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, antennas and their towers.
3. Commercial free-standing towers, such as radio, television, telephone antennas and their towers.

C. Any building or structure or part thereof may be erected or altered to any height if approved by the Appeals Board, pursuant to its power to grant variances or the Commission in

connection with a Special Use Permit application approval. This section does not apply to radio, television antenna systems. [Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am.]

1042. Parcel Width to Depth Ratio

Any parcel created after the effective date of this Ordinance shall not have a depth which is more than four (4) times its width, or the width to depth ratio required by the Norman Township Land Division Ordinance, whichever is the stricter.

1043. High-Forest Fire Urban Interface Regulations

Any structure constructed or altered after the effective date of this Ordinance which is located in a highly combustible vegetation area shall comply with the requirements of this section. "Highly combustible vegetation area" means an area which has predominantly evergreen tree species with lower branches which do not die off and are near to the ground, such as, but not limited to, Jack Pine or Scrub Pine (*Pinus banksiana*), Scotch Pine or Scotch Fir (*Pinus Sylvestris*), Red Pine or Norway Pine (*Pinus resinosa*), Spruces (*Picea*), Hemlock (*Tsuga canadensis*), and Cedars or Junipers (*Pinaceae*); and other situations where structures encroach into wildlands.

A. Defensible space.

1. A three (3) foot primary fire-defensible space shall be established on all sides of each structure. Primary fire-defensible space shall:

- a. not have any combustible materials.
- b. have landscaping which includes, but is not limited to, non-combustible materials such as gravel, marble chips, concrete, or mineral soil.
- c. Not have a cluster of combustible trees, and no Jack Pine or Scrub Pine (*Pinus banksiana*), and Scotch Pine or Scotch Fir (*Pinus Sylvestris*) species.

2. A thirty (30) foot secondary fire-defensible space within the parcel shall be established on all sides of each structure. The thirty (30) foot secondary fire-defensible space shall be increased by one (1) foot for each one (1) foot where the ground slopes more than 15% down from the structure. Secondary fire-defensible space shall have:

- a. tree branches below six (6), or more, feet pruned and removed.
- b. trees spaced so the edges of crowns are ten (10), or more, feet apart.
- c. household and other debris, brush, ground fuels (leaves and pine needles) removed.

d. landscaping which includes, fire-resistant plants such as those listed in Michigan State University Extension Bulletin E-2948 "Wildfire-Resistant Landscape Plants for Michigan" of 2005, or a manicured lawn or garden.

3. A tertiary space beyond the thirty (30) to one hundred (100) foot secondary fire-defensible space within the parcel shall be established on all sides of each structure. Tertiary space shall have:

a. trees spaced so the edges of crowns are ten (10), or more feet apart and distance from power lines.

b. trees spaced so trunks are twenty (20), or more feet from other trees. tree branches below six (6), or more, feet shall be pruned and removed.

c. household and other debris, brush, ground fuels (leaves and pine needles) removed.

B. A minimum of ten (10) feet shall separate each structure, firewood storage pile, fuel storage, and storage of other flammable items; or they shall be situated outside of the secondary fire-defensible space.

C. Chimneys and flues shall be provided with an approved spark arrester made of 12-gauge welded or woven wire mesh with holes no larger than ½ inch. A ten (10) foot secondary fire-defensible space shall be established on all sides of each chimney, flue, grille or similar structure.

D. In addition to requirements of P.A. 230 of 1972, as amended, (being the Stille-Derossett-Hale Single State Construction Code Act of 1972, M.C.L. 125.1501 *et seq.*) the following design features are recommended:

1. Roofs are designed and constructed to minimize the possibility of ignition from a wildfire and to minimize the spread of a structural fire to the wildland by use of National Fire Protection Association class A standards (metal, fiberglass shingle, clay, or tile).

2. Exterior walls are constructed of at least ½ inch sheathing or an equivalent material. Exterior sheathing shall extend from the roof line to ground level. Preferred siding should be non-flammable materials (such as brick, stone, stucco, or metal).

3. Foundations, crawl spaces enclosures, space under mobile homes; areas under porches, decks, or similar areas are provided with full enclosure skirting constructed of ½ inch nominal sheathing or the equivalent and made of non-combustible material (such as metal, block, cement, stone, stucco). Crawl spaces which have vents through the foundation and other similar openings are enclosed with metal screening with less than ¼ inch openings.

4. Vents, eaves, fascias, soffits and other similar openings are enclosed with metal screening with less than ¼ inch openings.

5. Windows are double pane glass. All windows, window wells in the foundation wall, and glazed openings within thirty (30) feet of concentrations of vegetative fuels should be provided with closeable, solid, exterior shutters, especially in areas of highly hazardous fuels, such as pine or spruce. Window wells in the foundation are enclosed with fire-resistant screening or other fire-resistant material to prevent collection of flammable debris in the window well.

6. Space under decks are enclosed with fire-resistant screening or other fire-resistant material to prevent collection of flammable debris under the deck. [*Annotation: Section added by amendment, effective April 22, 2006 at 12:01am.*]

105. Vehicle access/Roads/Parking

1050. Traffic Visibility at Corners

No use, structure or plant material, such as parking spaces, fences, signs, berms, hedges, or planting of shrubs, which obstructs safe vision at a road corner, shall be located, erected or maintained within a triangular area formed by a line connecting two points;

- A. forty (40) feet from the point of intersection of the two front property lines adjacent to a road, or
- B. the two road right-of-way lines, or
- C. a line parallel to and thirty-three (33) feet to the side of the center lines of the used lanes of travel of the two roads, whichever creates the larger triangular area.

1051. Road

Every road which provides or may provide access to and from another road for three (3) or more dwelling units or principal buildings on separately owned parcels shall meet the following conditions:

A. Be constructed in a good and workmanlike manner within the right-of-way which is established by duly recorded conveyance and which is not less than sixty-six (66) feet in width, dedicated to the public.

B. Be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage by such means as two-foot-deep ditches constructed parallel to and on either side of the street, or by use of curb and gutter with a storm sewer system; and by sloping the sides of the street from the center thereof, or by other effective methods.

C. Be constructed by standards as may be adopted by the Manistee County Road Commission.

D. Shall be a public road.

1052. Driveway Design

Driveways, unless specified otherwise elsewhere in this Ordinance:

A. shall have a minimum unobstructed width of twelve (12) feet and a minimum unobstructed height of fourteen (14) feet. Driveways over two hundred (200) feet long shall have a turnaround within fifty (50) feet of the principle structure.

1. If a driveway takes the form of a bridge in order to access a buildable envelope on a parcel, and the principal structure is set back two hundred (200) feet or more from the bridge, the bridge must be designed to support access of all emergency vehicles. *[Annotation: Subsubsection added by amendment, effective May 23, 2007 at 12:01am.]*

B. gates shall open inward, with a clear opening which is two (2) feet wider than the driveway, and located thirty (30), or more, feet from the road or private road right-of-way.

C. shall have at the foot of the driveway an address number displayed on a sign or mail box in compliance with the County Address Ordinance. [Annotation: Section added by amendment, effective April 22, 2006 at 12:01am.]

1053. Vehicular Parking Space, Access and Lighting

A. For each principal building or establishment hereafter erected or altered and located on a public road in any land use district, including buildings and structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown below. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance and in the case of more than one use on a parcel, the minimum shall be the sum of the required parking for each use:

1. Dwellings, Duplexes and Apartment Buildings: Two (2) parking spaces for each family unit occupying the premises.
2. Hotels and other Lodging Places [70]: One (1) parking space for every three (3) spaces of legal sleeping capacity.
3. Nursing and Personal Care Facilities [805], Hospitals [806]: Institutions of a Similar Nature: One (1) parking space for each four (4) beds, plus one (1) space for each doctor.
4. Motion Picture Theaters [783]; Amusement and Recreation Services [79]; Membership Organization's [86] halls; Public Administration [J] halls/meeting centers; Theaters; Auditoriums and any other places of public assembly: One (1) parking space for each four (4) seats of legal capacity.
5. Offices; Finance, Insurance, and Real Estate [H]; Offices of Physicians, Dentists, Osteopathic Physicians and other health practitioners [801-804]; Legal Services [81]; Social Services [83]; Miscellaneous Services [89]; Public Administration [J]: One (1) parking space for every two hundred (200) square feet of floor area; provided, however, that doctors' offices and clinics shall be provided with three (3) spaces for each doctor.
6. Eating and Drinking Places [58]: One (1) parking space for each three (3) seats of legal capacity.
7. Any other Retail Trade [G]: One (1) parking space for each one hundred (100) square feet of floor area.
8. Any other Services [I]: One (1) parking space for each two hundred (200) square feet of floor area.

B. In addition to the above requirements, parking space in the proportion of one (1) space for every two (2) persons employed at the establishment shall be provided. Where no specific requirement is designated for other businesses, parking space which is adequate shall be provided. Adequacy of parking shall be based upon the anticipated intensity of use of the business establishment by patrons and employees and by reference to the standards contained in

Section 1053.A. The Zoning Administrator shall establish the number of parking spaces required in the Land Use Permit.

C. A parking space shall be a minimum area of ten (10) feet by twenty (20) feet, with center and cross aisles being a minimum of twenty (20) feet wide.

D. Approval for location of all exits and entrances shall be obtained from the County Road Commission for all roads. Such approval shall also include the design and construction thereof in the interests of safety, adequate drainage and other public requirements.

E. Parking areas required under this section, and publicly owned parking lots, shall not be used for the storage or continuous parking of recreational vehicles, trailers, motor vehicles without a current license plate, and junk for more than a twenty-four (24) hour period.

106. Aesthetics, signs

1060. Signs

A. Purpose: The number and size of signs may be distracting to motorists and pedestrians and can create traffic hazards. The number and size of signs can also reduce the effectiveness of traffic control signs and mar the appearance of the natural landscape. The provisions of this section are intended to apply the minimum amount of regulation in order to avoid these problems.

B. Off premises commercial signs: Signs or messages advertising a commercial product, service, activity, event, person, institution or business (other than the sale or rental of real property) which is located within Norman Township shall be allowed only in those land use districts designating signs as a permitted or special use and shall be further regulated as follows:

1. Not more than one sign or message advertising a commercial product, service, activity, event, person, institution or business relating to a single business or institution shall be located on a parcel and no more than two signs or messages advertising a commercial product, service, activity, event, person, institution or business relating to a single business or institution shall be located in the Township.

2. No parcel shall contain more than two off premises commercial signs, whether located on a single structure or on two structures.

3. Notwithstanding the above, institutions and businesses which are clustered or located in a development (for example, a plaza or mini-mall) such that more than two institutions or businesses share a common driveway or entrance from a public road may each have one sign located on a single structure at the entrance of the common driveway or entrance.

4. Off premises commercial signs shall not exceed thirty-two (32) square feet in size.

5. The signs (and any structures on which the signs are erected) shall be maintained in a structurally sound and upright manner such that the message of the sign is at all

times visible to passersby and such that it does not present a threat of physical injury or property damage or constitute a nuisance.

C. Off premises real estate signs: Signs or commercial messages advertising the sale or rental of a parcel(s) or other real property other than the parcel on which the sign is located, located in Norman Township shall be allowed only in those land use districts designating signs as a permitted or special use and shall conform to the regulations of Section 1060.B, except that each sign shall not exceed sixteen (16) square feet.

D. On premises real estate signs: One (1) Sign or commercial message on a road advertising the sale or rental of the parcel on which sign or message is located is permitted in all land use districts, in addition to any off premises real estate signs regulated under Section 1060.C, provided the same does not exceed sixteen (16) square feet.

E. On premises signs: Signs or messages advertising a commercial product, service, activity, event, person, institution or business (other than the sale or rental of real property) which is located within Norman Township, and which are located on the parcel which constitutes the principal place of business of the institution or business to which the sign relates, are allowed without limitation as to number, but no one (1) sign shall exceed thirty two (32) square feet and signs located on the wall of a building shall not exceed twenty percent (20%) of the wall area or twenty percent (20%) of the height of the side of the building, whichever is greater.

F. Unregulated signs: This Section 1060 does not apply to any of the following signs:

1. Signs which are not visible at any time of the year to motorists or pedestrians on any road, alley, water body, public lands or adjacent parcels;
2. Traffic control signs erected by any federal, state, county or township authority or agency;
3. Signs relating to home occupations which are regulated elsewhere in this Ordinance;
4. Off premises political signs directly associated with a pending ballot issue or candidate during the period of the campaign prior to the election, provided the same are removed within ten (10) days following the election to which the sign pertains;
5. Signs located on a parcel restricting access to or use of the parcel (for example, private property, no trespassing, no hunting or fishing signs) provided the same do not exceed ten (10) square feet;
6. Temporary personal property sales signs located at a residence before or during a temporary personal property sale. *[Annotation: Entire section on signs changed by amendment, effective November 30, 2004 at 12:01am.]*

107. Accessory Buildings and Structures

Section 1070. All accessory buildings and structures shall be in the side yard or rear yard, except:

1. When built as part of the main building;

2. Located on a parcel that that abuts water bodies, in which case accessory structures, shall not be located in the waterfront yard except bridges, pump houses, decks, docks and other water-related structures as permitted by the Michigan Department of Environmental Quality, or [Annotation: Subsection changed by amendment effective February 27, 2019]

3. When built in the Big Manistee River District and each of the following three (3) conditions are met: [Annotation: Subsection changed by amendment effective February 27, 2019]

- a. The accessory building height is less than sixteen (16) feet or the height of the principle structure, whichever is greater; and
- b. The accessory structure facade is the same as the dwelling; and
- c. The accessory building and structures are setback 100 feet from the front property line.

[Annotation: Subsection 1070.3.c changed by amendment effective February 27, 2019]

4. Accessory buildings such as pole barns, garages, etc., may be served by potable water and/or sanitary sewage treatment and disposal if approved by the District Health Inspector. Accessory buildings may be serviced by an adequate temporary potable water Department #10, and/or electric service if approved by the Construction Code Inspector and septic system such as holding tanks, porta-johns, etc. as approved by the District Health Department #10.

5. Accessory building's use must be non-commercial/non-rental.

6. An accessory building attached to a principal building shall be made structurally a part thereof and shall comply in all respects with the requirements applicable to the principal building. An accessory building and structure, unless connected with a roof at least four (4) feet wide attached and made part of the principal building as provided, shall not be closer than ten (10) feet to the principal building and shall meet all setback requirements of the district in which it is located. An accessory building and structure shall not be larger than what is established in each respective Zoning District in this Ordinance.

[Annotation: Subsection 1070.4, 5 and 6 added by amendment effective February 27, 2019]

1071. Temporary Dwellings

- A. No person shall have any temporary dwelling or "trailer" as defined in this Ordinance as a principal or seasonal dwelling on any parcel, except as one of the following:
1. As temporary dwelling during the construction and installation of a building or structure conforming to this Ordinance when each of the following conditions are met:
 - a. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
 - b. The use of the temporary dwelling or trailer shall not be contrary to the public health, safety or welfare.
 - c. The temporary dwelling or trailer is only located on a parcel of land when there is an open permit for the construction of a building or structure or as part of the permit for the construction of a building or structure.
 - d. The use of the temporary dwelling or trailer shall be limited to the duration of the building permit.
 2. As part of a campground licensed by the Michigan Department of Environmental Quality.
 3. For temporary recreation on a non-commercial/non-rental basis on public land where such activity is allowed by state or federal regulations.
 4. On one's own land if the owner has obtained a temporary trailer permit, which is obtained from the Administrator, and which meets each of the following conditions:
 - a. The applicant has paid a trailer or temporary dwelling permit fee as established by the Township Board.
 - b. The current trailer or temporary dwelling permit is prominently displayed on the exterior of the trailer or temporary dwelling.
 - c. The trailer or temporary dwelling permit must specify a date the trailer shall be removed from the parcel. That date shall not result in any trailer or temporary dwelling being located on the parcel for more than one-hundred and eighty (180) days a year. The trailer or temporary dwelling permit shall expire on the date the trailer shall be removed.
 - d. There shall not be more than one trailer or temporary dwelling on a parcel.

- e. The parcel on which the trailer or temporary dwelling is located must meet all other requirements established by this Ordinance, including minimum area and minimum width requirements for the Zoning District in which the parcel is located.
 - f. The trailer or temporary dwelling meets all setback requirements for the Zoning District in which it is located.
 - g. The trailer or temporary dwelling may be served by water well and septic system approved by the District Health Department #10, and/or electric service approved by the Construction Code Inspector.
 - h. The trailer or temporary dwelling is serviced by an adequate temporary potable water and septic system such as holding tanks, porta-johns, etc. as approved by the District Health Department #10.
 - i. The trailer is currently licensed and registered through the Michigan Secretary of State's Office or the corresponding motor vehicle registration office of another State and such license and registration is displayed on the trailer in accordance with applicable law.
 - j. A trailer or temporary dwelling's use must be non-commercial/non-rental.
5. Storage and use of temporary dwellings, recreational vehicles, trailers, etc. shall comply with each of the following conditions:
- a. Must be inside a building or in the rear or side yard of a dwelling;
 - b. Comply with the setbacks of the Zoning District, unless stored on a driveway; and
 - c. Possess no more than one (1) trailer or temporary dwelling per parcel.
6. Unoccupied parking or storage of trailers and temporary dwellings on a road-side or front yard are prohibited.
- B If a trailer or temporary dwelling is on a parcel on or before April 8, 1993, and has an on-site sewage system, water well and electricity, the use of the temporary dwelling or trailer may continue, until replaced by a dwelling which complies with Section 1080 of this Ordinance or removed from the parcel. If any one or more of the on-site sewage, water well or electricity is not present, the trailer or temporary dwelling shall comply with provisions of Section 1071-

- C. If the trailer or temporary dwelling does not have a current permit, it shall obtain a permit or be removed from the parcel. [Annotation: Section 1071 changed by amendment effective February 27, 2019]

Section 1072. Accessory Dwelling Units. [Annotation: This (NEW) Section 1072 added by amendment to accommodate Accessory Dwelling Units – the former Section 1072 (Communication Tower Facilities-Permitted Use) was renumbered to Section 1073 effective February 27, 2019]

One (1) accessory dwelling unit (ADU) per parcel is allowed in the Residential, Agricultural Residential, Big Manistee, and Forest Conservation Districts, subject to the following standards:

- A. An ADU is permitted on a parcel that has one single-family dwelling as the permitted principal use.
- B. The owner shall occupy either the ADU or the single-family dwelling on the parcel, except for temporary absences not to exceed a combined total of six (6) months in a calendar year.
- C. The ADU shall be designed so that the appearance of the building remains that of a single-family residence or detached accessory building such as a garage or carriage house. Any new entrances shall be located on the side of the building or in the rear of the building.
- D. The minimum parcel area for an ADU is 5,000 square feet. For lots from 5,000 to 7,200 square feet in size, the maximum size of an ADU is 600 square feet in gross floor area or the size of the gross floor area of the ground floor of the primary dwelling, whichever is less. For parcels 7,200 square feet or greater in size, the maximum size of an ADU is 800 square feet in gross floor area or the size of the gross floor area of the ground floor of the primary dwelling, whichever is less.
- E. If there is an existing legally conforming accessory building constructed before _____, 2018 (effective date) that is more than 200 square feet in gross floor area, then it may be replaced or modified and used as an ADU as long as the new or modified accessory building is legally conforming. A nonconforming accessory building that was constructed before (effective date), 2018 which is over 200 square feet in gross floor area may be replaced or modified and used as an ADU as long as the new or modified accessory building is legally conforming.
- F. At least one (1) off-street parking space shall be provided for the ADU. Tandem or stacked parking in a driveway may count toward the off-street parking requirement if not located in the front yard setback.
- G. Leasing or rental of the ADU for less than 30 days is prohibited.

- H. The ADU may not be sold separately from the single-family dwelling unless all applicable setbacks and lot size requirements for a principal dwelling can be satisfied.

1073. Communication Tower Facilities (Permitted Use).

A. Wireless Communication Facilities may locate in any zoning district, as a permitted use, if:

1. located on an existing building or structure, or is otherwise hidden from view by being incorporated in an existing building, or if it co-locates on an existing tower, and the purposed height does not require lighting by FCC and/or FAA regulations, and

2. shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used),

3. shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.

B. Any other private or individual television/radio reception/transmitter tower shall be so constructed and placed that there is no danger of the structure falling on adjacent properties or off premises electric power lines and further the operation of any such facilities shall not interfere with normal radio/television reception in the area.

[Annotation: Entire section added by amendment, effective March 19, 2000 at 12:01am.]

Section 1074. Storage Building without a Principle Use or Structure

[Annotation: This (NEW) Section 1074 added by amendment effective February 27, 2019]

For a storage building on a parcel without a principle land use or structure:

- A. It shall be built and designed as an accessory building to a future dwelling and only one (1) such building shall be allowed on a parcel.
- B. The Zoning Administrator shall issue a zoning permit for storage buildings without a principle use or structure after the Planning Commission has reviewed and approved an informal site plan showing the location of the storage building, and future dwelling location (including septic system, potable water well, electric service, etc.) on the parcel, that if built would comply in all respects with this Ordinance and would position the building in the side or rear yard pursuant to Section 1070 of this Ordinance. The site plan shall become part of the zoning permit.
- C. The storage building does not have more than twenty-four (24) feet peak height and complies with all setbacks, etc.

D. The storage building shall be built using uniform materials throughout its exterior.

1075. On-site Wind Energy Systems and Anemometer Tower.

An On-site wind energy system is an accessory use which shall meet the following standards:

A. Designed to primarily serve the needs of a home, farm, or small business.

B. Shall have a tower height of 125 feet or less. The tower and blade in the upright position shall not be more than 150 feet high.

C. Property Set-back: The distance between an On-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

D. Sound Pressure Level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

E. Construction Codes, Towers, & Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. An interconnected On-site wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

F. Safety: An On-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

[Annotation: Entire section added by amendment, effective June 22, 2010 at 12:01am]

108. Dwelling/residential Standards

1080. Dwellings

No person shall use, occupy permit the use or occupancy of a structure as a dwelling, or duplex, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any district, except in a designated mobile home park, and except as hereinafter provided. All dwelling structures shall comply with the following minimum standards:

A. No dwelling or duplex shall hereinafter be erected which shall have less than the minimum square footage and minimum width required in each respective zoning district. Two or more mobile homes or parts of mobile homes shall not be placed, connected or fastened together or used as a single dwelling unless each mobile home or part thereof has been designed, constructed and intended to be so placed, connected or fastened and used as a single dwelling.

[Annotation: The second sentence is added by amendment, effective March 21, 1998, 12:01am.]

B. Dwelling or duplex shall comply in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under provisions of Public Act 230 of 1972, as amended, being M.C.L. 125.1501 *et. seq.*, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan building code, then and in that event such federal or state standard or regulation shall apply.

1. Foundations: It shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling, except cantilevers, and constructed of such materials and type as required in the said State Construction Code for dwellings, or, in the case of mobile homes, that dwelling shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis;

2. Framing, structural, insulation shall comply with the said State Construction Code, or in the case of mobile homes, shall comply with the "mobile home construction and safety standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same;

3. Final finished; shall comply with the said State Construction Code.

C. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

D. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required in this Ordinance pertaining to such parks.

E. All construction required by this section are commenced only after a construction permit has been obtained in accordance with the applicable construction code provisions and requirements.

1081. Second Dwelling on a Parcel

A. This Ordinance does not permit a second dwelling or principle use on a parcel, as a first priority. However, under certain circumstances the purpose of this section is to provide for placement of a second dwelling on a parcel, that would not otherwise be allowed by this Ordinance --recognizing a need for extended members of family to take residence near their home, but in separate living quarters-- due to age, illness, or handicap such that they can not care for them self; while at the same time protecting the character of a single family neighborhood.

B. A second dwelling may be placed on the same parcel where a dwelling already exists if all the following conditions are met:

1. The application for a use permit shall include a site plan, pursuant to section ,
et. seq.
2. The second dwelling shall comply with all applicable construction, minimum size, height, yard and setback regulations of this Ordinance. The Appeals Board shall not grant variances to construction, height, yard and setback regulations of this Ordinance to the principle and second dwellings when both are located on the same parcel.
3. The minimum parcel size shall be
 - a. twice the minimum parcel size required for a dwelling in the respective district, or
 - b. forty thousand (40,000) square feet (unless in the Big Manistee River Corridor District where the minimum parcel size shall be one hundred sixty thousand (160,000) square feet), or [Annotation: Sub subsection changed by amendment, effective April 22, 2006 at 12:01am to comply with the Natural Rivers Act rules for the Pine River.]
 - c. the minimum parcel size required for a dwelling or principle use in the respective district; whichever is smaller.

4. The distance between the principle and second dwelling shall be equal to twice the side yard setback required in the respective district.

5. The dwelling is on a parcel with frontage on a public road, with a driveway adequate to provide off-road parking for two dwellings (at least, but not limited to, three parking spaces), which has access to public road or alley.

6. Occupancy of a second dwelling shall be only by family members or extended family members who are not able to fully take care of them self.

7. The design of the second dwelling may be a moveable structure and shall be temporary, to be removed when no longer occupied by qualified resident (see 1081.B.6). Before a permit is issued, the applicant shall provide security pursuant to section 9414 to cover removal costs.

8. The permit, when issued, shall indicate it is a temporary permit and not transferable to another individual.

1082. Home Occupations

Home occupations shall not be allowed in any zoning district except as hereinafter provided:

A. The home occupation(s) takes place in a dwelling owned by the resident and where the resident engaging in the home occupation lives on a full-time basis.

B. The home occupation(s) shall be accessory to the residential use of the property.

C. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation.

D. The home occupation(s) shall be conducted entirely within the enclosed dwelling or auto garage accessory to the house with no external evidence of the activity except for a sign that shall not exceed six (6) square feet in size.

E. The home occupation(s) shall not involve the

1. generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (M.C.L. 299.433 *et. seq.*) or

2. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.

F. The home occupation shall employ no one at the residence except those who live there.

G. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.

H. Home occupation is listed as a permitted use in the respective district.

ARTICLE 16: SPECIAL USE SPECIFIC STANDARDS

1601. Purpose

In addition to general special use standards (section 8609 of this Ordinance) there are specific standards for Special Uses. The specific standards for determining if the following types of Special Use Permits are to be granted or not are provided in this Article.

1602. Any in Big Manistee River Corridor District

For all special uses in the Big Manistee River Corridor District:

A. Shall be located more than one hundred fifty (150) feet from the Big Manistee River and Pine River, or one hundred (100) feet from the top (crest, rim) of the sides of the river valley, whichever is farther landward. Setbacks shall be measured in the same manner as found in section 1011 of this Ordinance. All other provisions of section 1011 of this Ordinance shall also apply. Fences, section 1040 of this ordinance notwithstanding, shall also comply with waterfront setbacks in that district. *[Annotation: Subsection changed by amendment, effective April 22, 2006 at 12:01am to comply with the Natural Rivers Act rules for the Pine River.]*

B. For Dwellings:

1. Shall be located on land which was not owned by the United States, State of Michigan, or Consumers Power Company at the time of adoption of this Ordinance.

2. Shall be on a parcel of land which is the same size, or larger, than the size of the parcel at the time of adoption of this Ordinance.

3. Shall comply with all regulations set forth in Section 1080 of this Ordinance.

C. Any parking, camping, playground or other structures shall be located on existing dry land within portions of the district.

D. The proposed use shall not require fill in wetland portions of the district, but may include fill on dry land portions of the district which is not located in a floodplain. *[Annotation: Subsection changed by amendment, effective April 22, 2006 at 12:01am to comply with the Natural Rivers Act rules for the Pine River.]*

E. Minimum land area for the use is large enough, and under one ownership, to accommodate the proposed uses and structures without endangering or compromising the intent and purpose of this district.

F. Adequate measures have been taken in design and site plan to insure protection of the wetland area for the purposes and intent of this district.

1603. Livestock Agriculture

For Agricultural Production - Livestock [02]:

A. shall be located on a minimum of five (5) acres as livestock or for other agricultural or recreational purpose.

1604. Campgrounds

For Campgrounds:

A. the location of a campground shall front or have public access to a public road or the developer shall agree to provide the funds to upgrade or will upgrade a private road to a public road.

B. the campground shall conform to all applicable regulations of any rules promulgated by the Michigan Department of Health under authority of sections 1201 *et. seq.* of Public Act 368 of 1978, as amended, being the Michigan Health Code (M.C.L. 333.1201 *et. seq.*).

C. the application for a zoning Special Use Permit for a campground shall contain all the elements and parts which are required by the Health Department for a campground license under authority of sections 12501 to 12516 of Public Act 369 of 1978, as amended, being the Michigan Health Code, being M.C.L. 333.12501 *et. seq.*), in addition to the Special Use Permit application requirements presented in this Ordinance.

D. the minimum parcel area shall not be less than (X) square feet, where (X) equals 2,000 times the number of proposed campsites.

E. management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses provided:

1. such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the campground.

2. such establishments shall be restricted in their use to occupants of the campground and their guests.

3. such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the campground and their guests.

F. no space shall be so located so any part intended for occupancy for sleeping purposes shall be within one hundred (100) feet of the right-of-way line of any road. Setback spaces may be reduced if occupied by plant material and/or a berm. In no case shall the setback be less than 40 feet, and allowed only in instances when screening is an opaque fence or berm. In all cases, plant materials shall be maintained in a setback area. Plant materials shall be of sufficient size when installed to assure immediate and effective screening of the campground from adjacent roads and properties. The plans and specifications for a campground shall include the proposed arrangement of such plantings.

G. In the Big Manistee River Corridor District campgrounds shall be located 400 feet landward from the water's edge of the Big Manistee River and Pine River. Only campsites if the campsites have a density of 10,890 or more square feet per campsite may be located within two hundred (200) feet of the water's edge of the Big Manistee River and Pine River. [Annotation: Subsection changed by amendment, effective April 22, 2006 at 12:01am to comply with the Natural Rivers Act rules for the Pine River.]

1605. Tourist Courts or Cabins.

A. Density: Individual units in a tourist court or cabins may be clustered on a parcel provided that there is no more than 10 units or cabins per 2½ acres for the parcel in its entirety.

B. Minimum Setbacks and Yard Requirements: Between individual units in a tourist court or cabins: 20 feet; and adhere to all other setbacks for the district.

C. Screening Requirements: As a condition for granting a special use permit for tourist courts or cabins, the Planning Commission may require the establishment and maintenance of a buffer area within any side, rear or front yard of the parcel.

[Annotation: Section added by amendment, effective March 21, 1998, 12:01am.]

1606. Mobile Home Parks

For Mobile Home Parks:

A. The location of a mobile home park shall front or have public access to an existing paved or blacktopped surfaced county road, existing state trunk line, existing county primary road or the developer shall agree to provide the funds to upgrade or will upgrade an existing county or private road to a county road which is paved, blacktopped, or to a county primary road.

B. The mobile home park shall conform to all applicable regulations of the Michigan Mobile Home Commission Rules promulgated by the Michigan Mobile Home Commission under authority of, Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*, and thus mobile homes which locate within said mobile home park shall be exempt from Dwelling Regulations, above.

C. The mobile home park shall provide at least two (2) 'entrances/exits' to a state trunk line or county road.

D. The application for a zoning Special Use Permit for a mobile home park shall contain all the elements and parts which are required by the administrative rules of the Michigan Mobile Home Commission promulgated pursuant to Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, M.C.L. 125.1101 *et. seq.*, for an application for license to operate a mobile home park in addition to the Special Use Permit application requirements presented in this Ordinance.

1607. Mining

For mining operation of a duration of more than two (2) years:

- A. A map and/or aerial photograph of the property which shall indicate:
 - 1. Proposed location, aerial extent, and depth of intended mine excavation;
 - 2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, utilities or other permanent or temporary facilities used in mining.
 - 3. Estimated depth to groundwater.
- B. A description of measures to be taken to control noise and vibrations from the operation;
- C. A description of measures to be taken to screen the operation from view;
- D. A description of the plans for topsoil storage;
- E. A reclamation plan which shall include:
 - 1. A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and vegetation where applicable, and erosion control, and alternative future land uses;
 - 2. Description of topsoil stripping and conservation during storage and replacement;
 - 3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property;
 - 4. Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining;
 - 5. A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations;
 - 6. The estimated cost of reclamation for the total project;
- F. A statement in writing and adequate evidence to indicate the duration of the operation in years;
- G. A timetable of the commencement, duration and cessation of mining operations.

1608. Temporary mining

For mining on a temporary (two (2) or fewer years) basis:

- A. As may be required by the Commission, a map and/or aerial photograph of the land with any or all of the information as listed in section 1607, relating to requirements for maps and/or aerial photographs for regular mining Special Use Permits;
- B. As may be required by the Commission, any or all of the information listed in section, relating to requirements for information for regular mining Special Use Permits.

1609. Manufacturing, Trucking and Warehousing

For Manufacturing [D] and Trucking and Warehousing [42]:

A. The use and associated activity is carried on entirely within an enclosed building, and, if there is a yard work area and storage area, it shall be enclosed as specified below. Whenever the Manufacturing [D] and Trucking Warehousing [42] property boundary is contiguous to a road, a water body, and another type of land use, then along that property boundary there shall be:

1. a solid wall six (6) feet, or more, high or
2. a berm six (6) feet, or more, high or
3. a buffer area of fifty (50) feet back, or
4. a proportionately adjusted combination of the above.

B. Odor shall not be detectable by normal human senses under normal operational circumstances at a distance of six hundred (600) feet from the manufacturing [D] and trucking and warehousing [42] establishment.

C. Noise shall not be over 60 decibels at the parcel boundary.

D. A pollution incident prevention plan, if required by state or federal regulation, and fiscal impact study may be required by the Commission to obtain additional information needed to make a determination of compliance with the standards, requirements and purposes of this Ordinance.

E. Upon review of the Special Use Permit application, the Commission may require upgrading of roads from the proposed establishment to the closest road already constructed to adequately service anticipated traffic. Upon mutual agreement between the Commission and applicant, upgrading of road(s) to a more distant road already constructed to adequately service anticipated traffic may be required. The cost of upgrading of roads shall be the responsibility of the applicant unless a cost sharing agreement is mutually agreed to between the applicant, Township Board and Manistee County Road Commission.

1610. Junkyards

For junkyards [5093]:

A. Has a Michigan Sales Tax license;

B. Has records of sales and other transactions which are required by, and whose business falls under the jurisdiction of, Public Act 350 of 1917, as amended, (the Second-Hand Junk Dealers Act, being M.C.L. 445.401 *et.seq.*).

C. Shall be designed to comply with one of the following:

1. Shall be set back from parcel boundaries at least 300 feet. Shall be set back 300 feet from a road right-of-way or 333 feet from the centerline of a road, whichever is greater.

2. Shall have a buffer area to screen it from view from a road and from adjacent parcels by means of an opaque fence, vegetation, earth berm, or another form of screening, or a combination of the above; or

3. Shall not be visible from a road or from adjacent parcels.

D. Shall be set back from parcel boundaries at least 100 feet. Shall be set back 100 feet from a road right-of-way or 133 feet from the centerline of a road, whichever is greater.

E. Shall be designed and operated so noise, under normal operational circumstances, shall not be over 60 decibels at the boundary of the parcel and at the nearest road.

F. Shall comply with Public Act 219 of 1966, as amended, (the Control of Junkyards Adjacent to Highways Act, being M.C.L. 252.201 *et. seq.*); Public Act 350 of 1917, as amended, (the Second-Hand Junk Dealers Act, being M.C.L. 445.401 *et. seq.*); Public Act 641 of 1978, as amended, (the Solid Waste Management Act, M.C.L. 299.401 *et. seq.*) and, if applicable Township licensing of junk yards.

G. Shall not operate a landfill, as defined in Public Act 641 of 1978, as amended, (the Solid Waste Management Act, M.C.L. 299.401 *et. seq.*), as an accessory function to a junkyard. Shall be more than 1,000 feet from a school, campground, or park.

1611. Sexually Oriented Businesses

A. Purpose.

It is recognized that sexually oriented businesses have a deleterious effect upon adjacent areas, causing blight, an increase in crime, a decrease in property values, a chilling effect upon other businesses and residents, and a downgrading of the quality of life in adjacent areas, especially when such uses are concentrated in the same general area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require their dispersal throughout the commercial zone of the Township to thereby minimize their adverse impact to the best extent possible on any other permitted use.

B. Conditions.

In order to obtain and retain a special use permit for operation of a sexually oriented business regulated use as defined by this Ordinance, the following conditions must be met, in addition to all other standards set forth herein for special use permits:

1. A special use permit must be acquired through the special use procedures as described in Section 8601 *et. seq.* of this Ordinance.

2. In order to prevent the undesirable concentration of sexually oriented businesses, the regulated uses as specified by Section shall not be located within 1,000 feet of any other such regulated uses as defined by this Section, nor within 300 feet of any residentially zoned district or preexisting residential use prior to enactment of the zoning districts, school, daycare center, church or other religious institution, or public park or other public facility, as

measured along a line forming the shortest distance between any portion of the respective properties;

3. The regulated uses, as specified by Section 6303.B, shall only operate between the hours of 8 a.m. and 10 p.m.;

4. There shall be a manager on the premises at all times;

5. No one under the age of 18 shall be allowed onto the premises by the on-site manager of the regulated use;

6. No product or service for sale or gift, or any picture or other representation thereof, which relates in any way to "specified sexual activities" or "specified anatomical areas", shall be displayed so as to be visible from the street or exterior of the building of the regulated use;

7. Once a special use permit has been issued for a sexually oriented business, the regulated use shall only be expanded and/or otherwise amended in the manner required by section 8613 of this Ordinance;

8. A Special Use Permit for a sexually oriented business is subject to the terms and conditions of validity set forth in section 8616 of this Ordinance.

C. Exceptions to Conditions.

The Planning Commission may waive the foregoing spacing requirements if it finds all of the following conditions exist:

1. The proposed use will not be contrary to the public interest or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;

2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other business and residents or a disruption in neighborhood development;

3. The establishment of the proposed regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;

4. Where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township ordinances will be observed. *[Annotation: Section added by amendment, effective March 19, 1997 at 12:01am.]*

1612. Communication Tower Facilities

A. Communication Tower Facilities may be permitted by special use permit pursuant to Section 8601 of this Ordinance provided said use:

1. Shall be located centrally on a contiguous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line or leased area boundary. The setback standard may be reduced by up to fifty (50%) percent, if the construction plan, the tower, and its guying/anchoring systems are Certified by a Registered

Professional Engineer as being safe from the hazard of falling onto public roads or adjoining properties. [Annotation: Sub-subsection changed by amendment, effective October 25, 2000.]

2. All guy wires/cables and anchors shall meet the zoning setback standards of the district.

3. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity. [Annotation: Zoning Administrator interprets, on July 9, 2007, "Section 8601 of this Ordinance" as a misprint, using the page number, and should read "Section 8601 of this Ordinance".]

B. The following standards will be required for all Communication Tower Facilities:

1. Wireless Communication Facilities may be permitted if it is found that there is no reasonable opportunity for them to be built as a permitted use in compliance with Section 1072 of this ordinance. Information must be submitted to show efforts made to screen, co-locate or place such facilities on an existing structure. [Annotation: Zoning Administrator interprets, on July 9, 2007, "Section 1072 of this Ordinance" as a misprint, using the page number, and should read "Section 1072 of this Ordinance".]

2. The proposed height meets FCC and/or FAA regulations.

3. Towers must be equipped with devices to prevent unauthorized climbing or the base enclosed by a fence to prevent unauthorized access to the tower.

4. All reasonable measures are taken to blend the tower into the landscape, including greenbelt planting and/or screening, painting and/or concealing the tower in a "stealth" design.

5. All new towers shall be constructed in such a manner so as to provide co-location of at least five additional antennae. Depending on tower height, additional co-located antennae may be required by the Commission. These antennae sites shall be made available at a fair market value on a need for basis to anyone wanting to mount commercial communication equipment. This commitment shall be reflected as a condition in the special use permit for the tower. No new construction will be approved, unless it can be demonstrated that space on existing towers is unavailable or unsuitable. [Annotation: Sub-subsection changed by amendment, effective October 25, 2000.]

6. Protective fencing and screening may be required to be placed around all guy wire anchor points as appropriate to the site.

7. All communication tower facilities shall be removed and the site restored to its original condition by the property owner or lessee within ninety (90) days of being abandoned (no longer used).

8. The proposed height meets FCC and FAA regulations so that the tower does not have lights, or the Planning Commission makes a finding it is more desirable to have a single taller tower to avoid multiple unlit towers. [Annotation: Sub-subsection added by amendment, effective October 25, 2000.]

9. A tower shall not be located closer than two miles from another tower.

Lighted towers shall not be located closer than ten miles from another lighted tower. [Annotation: Sub-subsection added by amendment, effective October 25, 2000.] [Annotation: Entire section added by amendment, effective March 21, 2000 at 12:01am., and further amended October 25, 2000 as indicated.]

1613. Utility Grid Wind Energy System, On-site Wind Energy System over 125 feet high, and Anemometer Towers over 125 feet high.

An Utility Grid Wind Energy System, On-site Wind Energy System over 125 feet high, and Anemometer Towers over 125 feet high shall meet the following standards in addition to the general special use standards (section 8609 of this ordinance):

A. Property Set-Back:

1. Anemometer Tower setback shall be the greater distance of the following:

- a. The setback from property lines of the respective zoning district;
- b. The setback from the road right-of-way; and
- c. A distance equal to the height of the tower from property lines or from

the lease unit boundary, whichever is less.

2. Utility Grid and On-site Wind Energy System setback shall be greater distance

the following:

- a. The setback from property lines of the respective zoning district;
- b. The setback from the road right-of-way; and
- c. A distance equal to the height of the tower including the top of the

blade in its vertical position from property lines or from the lease unit boundary, whichever is less.

3. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement of the respective zoning district. Overhead transmission lines and power poles shall comply with the set-back and placement requirements applicable to public utilities.

B. Sound Pressure Level: The sound pressure level shall not exceed 55 dB(A) measured at the property lines or the lease unit boundary, whichever is farther from the source of the noise. This sound pressure level shall not be exceeded for more than three minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

C. Safety: Shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential

danger of falling ice. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

D. Post-Construction Permits: Construction Codes, Towers, and Interconnection Standards: Shall comply with all applicable state construction and electrical codes and local building permit requirements.

E. Pre-Application Permits:

1. Utility Infrastructure: Shall comply with Federal Aviation Administration (FAA) requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950 as amended, M.C.L. 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959 as amended, M.C.L. 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Utility Grid wind energy systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards.

2. Environment:

a. The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities, as identified in the Environmental Analysis.

b. Comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, M.C.L. 324.101 *et seq.*) (including but not limited to:

- (1) Part 31 Water Resources Protection (M.C.L. 324.3101 *et seq.*),
- (2) Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 *et seq.*),
- (3) Part 301 Inland Lakes and Streams (M.C.L. 324.30101 *et seq.*),
- (4) Part 303 Wetlands (M.C.L. 324.30301 *et seq.*),
- (5) Part 323 Shoreland Protection and Management (M.C.L. 324.32301 *et seq.*),
- (6) Part 325 Great Lakes Submerged Lands (M.C.L. 324.32501 *et seq.*), and
- (7) Part 353 Sand Dunes Protection and Management (M.C.L. 324.35301 *et seq.*))

as shown by having obtained each respective permit with requirements and limitations of those permits reflected on the site plan.

F. Performance Security: Performance Security, pursuant to section 8612 of this Ordinance, shall be provided for the applicant making repairs to public roads damaged by the construction of the wind energy system.

G. Utilities: Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

H. The following standards apply only to Utility Grid Wind Energy Systems:

1. Visual Impact: Utility Grid wind energy system projects shall use tubular towers and all Utility Grid wind energy systems in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's Plan.

2. Avian and Wildlife Impact: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on avian and wildlife, as identified in the Avian and Wildlife Impact analysis.

3. Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker, as identified in the Shadow Flicker Impact Analysis.

4. Decommissioning: A planning commission approved decommissioning plan indicating 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored.

5. planning commission approved process to resolve complaints from nearby residents concerning the construction or operation of the project

6. Electromagnetic Interference: No Utility Grid wind energy system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No Utility Grid wind energy system shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

[Annotation: Entire section added by amendment, effective June 22, 2010 at 12:01am]

1614. Cottage Industry

For a cottage industry, a major home-based enterprise:

- A. The use and associated activity is located on the same parcel as the business operator's dwelling.
- B. The cottage industry activity shall be accessory to the residential use of the property.
- C. The activities and carrying on of the enterprise shall be operated in such a manner that, under normal circumstances, will not create a nuisance.
- D. Any machinery, mechanical devices or equipment used in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the parcel for residential purposes.
- E. A building used or erected for the business shall be designed to be in keeping with the rural character of the surrounding area. The cottage industry shall be limited to the occupancy of one building in addition to the dwelling.
- F. One sign for the enterprise shall be allowed. The sign shall not exceed six (6) square feet in size and the sign shall not be lighted.
- G. The cottage industry shall not involve the
 - 1. generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 *et. seq.*), or [Annotation: M.C.L. 324.11101 *et. seq.* is formerly P.A. 64 of 1979 (being M.C.L. 299.501 to 299.551, the Hazardous Waste Management Act).]
 - 2. use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies or heating fuel.
- H. The volume of business is such that there shall not be more than two customer's automobile(s) parked at the cottage industry at a time.
- I. The cottage industry shall employ no more than two employees at any time in addition to those who live in the dwelling.
- J. Equipment, materials and waste stored outside shall be screened from view with vegetation, berm or fence, so it cannot be seen from adjacent property or public rights-of-way.
- K. Total floor area for the cottage industry located both within a dwelling and an accessory building when taken together with outdoor storage area shall not exceed two thousand (2,000) square feet.
- L. Cottage Industry is listed as a possible special use in the respective district, but in no case shall include:
 - 1. Automotive Dealers & Service Stations [55].
 - 2. Auto Repair, Services and Parking [75].

3. Snowmobile repair. [part of 7699].

4. Outside storage of parts, equipment, customer's items waiting repair or pickup.

M. Hours of operation shall be established as a condition for the Cottage Industry as part of the special use permit.

[Annotation: Entire Section added by amendment, effective April 22, 2006, 12:01am.]

ARTICLE 18: GENERAL ZONING DISTRICT PROVISIONS

1801. Establishment of Districts

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map:

A. Special area districts:

1. Big Manistee River Corridor District
2. Wetland Conservation District
3. Natural Area District

B. Rural, agriculture and forestry districts:

1. Forest Preservation District
2. Rural Residential District

C. Residential districts:

1. Residential District
2. Developed Residential District

D. Commercial districts:

1. Commercial District

[Annotation: Township board adopted an amending ordinance to rezone a parcel from "Commercial" to "Developed Residential." This action was petitioned to a general vote. Electorate voted to reject the rezoning, 147 "yes" to 116 "no" votes, effective April 12, 2004 at 8pm. Voter referendum may be needed for any change of zoning affecting at a minimum parcel 51-10-113-325-02 located at 1657 and 1659 S. Seaman Road.]

2. Highway Commercial District

E. Industrial districts:

[Annotation: The "Industrial District" was deleted from this section and from the zoning map by amendment, effective May 23, 2002 at 12:01am.] [Annotation: A new Manufacturing / Light Industrial Overlay District was added to the zoning map adopted March 10, 2016]

1802. Industrial Districts

No industrial land use districts are established by this ordinance for the following reasons: (1) that no such uses currently exist in the township in sufficient number or concentrations to warrant the creation of a separate district; (2) the *Manistee County Land Use Plan* of 1997 documents the existence of industrial zoned areas, which exceed industrial land area needs, within the same sphere of economic influence in which Norman Township is located

and (3) Norman Township intends to comply with the *Manistee County Land Use Plan Map* which proposes industrial areas, which exceed projected industrial land area needs, within the same sphere of economic influence in which Norman Township is located. In accordance with M.C.L. 125.297a the Township will create such districts when the presence of a demonstrated need for such uses is established.

[Annotation: Section added by amendment, effective May 23, 2002 at 12:01am.]

1803. Provision for Official Zoning Map

For the purpose of this Ordinance the zoning districts as provided in section 1801 of this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Norman Township", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.

1804. Identification of Official Zoning Map

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

1805. Changes to Official Zoning Map

If, in accordance with the procedures of this Ordinance and of the Zoning Act a change is made in a zoning district boundary, such change shall be made by, or under the direction of, the Township Supervisor promptly after the amendment authorizing such change shall have been adopted and published.

[Annotation: Zoning map changed by amendment, June 1997, from "Developed Residential" to "Residential" near the corner of Hoxville and Snyder Roads; a parcel of land 1,356 by 1,356 feet on the north side of Hoxville Road and 575 by 1,356 feet on the south side of Hoxville Road (note discrepancy between the ordinance legal description and zoning amendment map (exhibit A) as drawn).

[Annotation: The entire "Industrial District" was deleted from the zoning map by amendment, effective May 23, 2002 at 12:01am.]

[Annotation: Township board adopted an amending ordinance to rezone a parcel from "Commercial" to "Developed Residential." This action was petitioned to a general vote. Electorate voted to reject the rezoning, 147 "yes" to 116 "no" votes, effective April 12, 2004 at 8pm. Voter referendum may be needed for any change of zoning affecting a minimum parcel 51-10-113-325-02 located at 1657 and 1659 S. Seaman Road.]

[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]

1806. Authority of 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

Norman Township Hall shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

1807. Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may by resolution authorize the transcribing and drawing of a duplicate original Official Zoning Map which shall supersede the prior Official Zoning Map. The duplicate 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 duplicate Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Norman Township duplicated on _____ which replaces and supersedes the Official Zoning Map which was adopted on _____."

1808. Rules of Interpretation

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley or easement shall be construed as following such line.
- B. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village or Township shall be construed as following such line.
- D. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way or former railroad right of way.
- E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- F. A boundary indicated as following the centerline of a water body shall be construed as following such centerline.
- G. A boundary indicated as parallel to, or an extension of, a feature indicated in corrections A through F above shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections A

through H above, or question in interpreting subsections A through H above, the Appeals Board shall interpret the zoning district boundary.

1809. Application of Regulations

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each district.

[MODEL\ZONE10S.ANY]

ARTICLE 20: BIG MANISTEE RIVER CORRIDOR DISTRICT

2001. Purpose

It is the intent of this district to protect the free flowing conditions of the Big Manistee River and Pine River, to preserve the values of a natural river and its valley for present and future generations, to prevent economic and ecological damages, to prevent unwise development patterns, to prevent flood damages due to interference with the natural floodplain, to prevent development of land which is unsuited for building purposes, while at the same time to provide for residential and other permitted uses that complement the natural characteristics of the Big Manistee River and Pine River.

2002. Permitted Uses

Only the following uses shall be permitted:

1. Forestry and forest products, except clear cutting is prohibited.
2. Parks and outdoor recreation.
3. Permitted uses within the Residential District.
4. Accessory buildings, structures and uses to the above.

2003. Special Uses

Only the following uses shall be permitted by Special Use:

- a) Campgrounds.
- b) Outdoor recreational facilities and structures.
- c) Forest products processing and temporary staging/storage.

2004. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. Minimum Parcel Area – 20 acres. The building site shall be one (1) acre or less. The building site and access driveway shall not include:

1. slopes greater than 18 percent,
2. beach contiguous to a lake or stream,
3. wetland,
4. high risk erosion area, and
5. a 100-year floodway.

B. Minimum Parcel Width - Parcel width shall be six hundred (600) feet or more frontage on a public road.

C. Minimum Setback Requirements:

1. The following requirements shall apply:

a. Front Yard - The minimum front setback shall not be less than one hundred (100) feet from the front lot line, or one hundred thirty-three (133) feet from the centerline of the road, whichever is greater.

b. Side Yards - The minimum setback of either side yard shall not be less than fifty (50) feet;

c. Rear Yard - The minimum rear setback shall not be less than one hundred (100) feet.

d. Waterfront Yard - The minimum waterfront setback from the Pine River and Big Manistee River shall not be less than one hundred fifty (150) feet, or one hundred (100) feet from the top (crest, rim) of the sides of the river valley, whichever is farther landward. Setbacks shall be measured in the same manner as found in section 1011 of this Ordinance. All other provisions of section 1011 of this Ordinance shall also apply. Fences, section 1040 of this ordinance notwithstanding, shall also comply with waterfront setbacks in this district.

D. A vegetation belt and buffer area one hundred (100) feet wide on each side of and parallel to the Big Manistee River and associated wetlands shall be maintained in trees and shrubs or in its natural state except as follows:

1. Between the river's water's edge and 50 feet landward pruning of vegetation for a filtered view corridor up to 50 feet wide, in a downstream direction from the dwelling, and dead, diseased and fallen trees shall be retained.

2. Between 50 feet landward and 100 feet landward (1) dead, diseased, unsafe, or fallen trees, as well as noxious plants may be removed; and (2) a filtered view, in a downstream direction from the dwelling, may be made by trimming mature tree branches and selected removal of immature trees, shrubs, vegetation.

3. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than sixteen (16) feet in width throughout at least one-half of its length.

ARTICLE 21: WATERFRONT OVERLAY DISTRICT

[Annotation: amended effective March 29, 2016]

2101. Purpose

This Article is enacted to protect water quality within Norman Township, prevent soil erosion and sedimentation into waters, and to promote the scenic character and protect property values of waterfront parcels. This overlay district encompasses all land within one-hundred (100') feet of the shorelines of all water bodies such as lakes and ponds, and the banks of all-natural watercourses such as rivers and streams as defined by Michigan's Part 301 Inland Lakes and Streams Act, as amended; and the edge of all state-regulated wetlands as defined by Michigan's Part 303, Wetlands Protection Act, as amended.

2102. Waterfront Overlay Area Regulations

- a. The requirements of this Article are supplemental to those imposed on waterfront lands by any underlying zoning provisions of this ordinance or other ordinances of Norman Township. These regulations supersede all conflicting regulations of the underlying zoning district(s) to the extent of such conflict, and no more.
- b. Every lot and parcel of land physically abutting a along an inland lake or stream, lying between the ordinary high-water mark and a line one-hundred (100) feet horizontal from and perpendicular to the ordinary high water mark or an inland lake or river/stream bank as shown on the official Norman Township Zoning Map, is subject to this overlay district. This line shall be known as the waterfront overlay line. In addition, the provisions of Section 2003.B. below concerning natural vegetation strips, apply to all waterfronts within Norman Township, even if not depicted on the Norman Township Zoning Map.
- c. 100-year Flood Plain and Flood Way. No principal structure shall be constructed within the 100-year floodway. Any structures within the 100-year flood plain shall be constructed in a manner that allows for the free flow through of water, complies with all state and/or federal regulations, and compensates for flood plain losses, if any.

2103. Waterfront Area Development Standards

- A. Waterfront/Front Yard Setback

1. Waterfront setback: No principal structure, accessory building or parking area(s), shall be erected closer than seventy-five (75) feet from the ordinary high-water mark of a water body or the bank of a waterway, except on nonconforming lots of record.
2. Waterfront setbacks on lots of record on or before the effective date of the Article within the Norman Township Zoning Ordinance may be reduced by averaging the setback from the ordinary high-water mark to primary structures on the two closest developed lots on either side of the subject parcel property lines. The minimum front yard setback shall be no less than sixty-five (65) feet.
3. Compost piles, manures/fertilizers, livestock, small animal pens and other nutrient sources; solid waste, garbage, trash, discarded appliances, motor vehicles (not including motorized boats), and other unsightly or potentially polluting materials shall not be stored within the waterfront setback.
4. Lots of record after the effective date of this Article shall conform to waterfront setbacks established in this Section.
5. The waterfront portion of shoreline parcels within Norman Township shall be considered the front yard pursuant to the Norman Township Zoning Ordinance.
6. Roadways except as may be required to provide access to a boat ramp, are prohibited.

B. Natural Vegetative Strip

1. To minimize erosion, stabilize waterfronts, protect water quality, keep nutrients from entering waters, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen artificial structures, protect property values, and also to preserve the scenic values of waterfront areas, a natural vegetation strip shall be maintained on each parcel or lot between the ordinary high water mark and a buffer line, each point of which is fifty (50) feet horizontal from and perpendicular to the ordinary high water mark of a waterbody or the banks of a waterway.
2. Existing vegetation shading water surfaces shall be preserved to the maximum extent possible.
3. Existing natural ground cover and native vegetation shall be preserved to the fullest extent feasible, and where removed shall be replaced with native vegetation that is equally effective in retarding runoff, preventing erosion, preserving property values, and protecting community scenic values. Refer to Appendix A for a list of allowed native plant species. Natural vegetation buffer shall be fenced with silt fence and construction barrier fencing prior to grading or other on-site construction activities. This protective fencing shall be maintained until the completion of construction. The topping of trees is prohibited.
4. All exterior lights shall be shielded, downward directed, and below tree level as measured from post-construction grade.

5. Within the natural vegetation strip, thirty (30%) percent of existing trees and shrubs may be selectively pruned or removed to enhance a filtered or corridor view of the water from the principal structure and for reasonable private riparian access to the water. A corridor view shall be established through selective cutting only after the principal structure has been sufficiently constructed to locate windows, decks or other structure features s intended to enjoy and utilize a water view. Said pruning and removal activities shall ensure that a live root system stays intact to provide for waterfront bank stabilization and erosion control. Tree-topping and clear cutting within the natural vegetation buffer is prohibited.
6. A maximum of one (1) pathway shall be allowed per parcel or lot within the waterfront setback and through the natural vegetation strip to the water's edge. The improved surface of such pathways shall consist of porous pavement, wood chips, mulch or other natural materials. Said pathways are to be no more than a total of four (4) feet in width. Pathway(s) shall meander down to the ordinary high-water mark in a manner which protects the soil and vegetation from erosion, while also screening the principal structure, parking areas and vehicles from direct view from the water.
- C. Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, Phragmites, poison sumac, purple loosestrife, etc. may be removed at the homeowner's discretion. Landowners are encouraged to consult with the Norman Township Zoning Administrator or the Manistee County Forester before removing dead, diseased, unsafe or fallen trees from within the natural vegetation buffer. Planting of perennial native species (ground cover, shrubs and trees) in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist (i.e., 18% slope or greater).

C. Building Height

All principal structures and accessory buildings should, as far as practicable, be designed so as not to obstruct existing scenic view sheds. Single-family dwellings shall be limited to two (2) stories or thirty-five (35) feet in height, whichever is less. Accessory structures and other buildings shall not exceed one (1) story or twenty (20) feet in height from post-construction grade to its highest peak as measured along the longest/highest exterior face.

A. Waterfront Accessory Structures

Docks, boat ramps, pump houses, walkways/pathways, and/or elevated walkways accessory to permitted uses which provide property owners with reasonable access to the water are to be permitted by the Michigan Department of Environmental Quality pursuant to Parts 301 and/or 303 of Michigan's NREPA, P.A. 451 of 1994, as amended. Dock and accessory building/structure lighting is prohibited. Lighting of any other structures within the Waterfront Overlay District though, if provided, shall be of low intensity, shielded, below tree line and downward-directed so

as to prevent glare and appearance from a public way or water body, the illumination of the night sky or adjoining properties.

B. Waterfront Lot Width

Waterfront lots must provide a minimum straight-line width of one (100) hundred feet between side lot lines, as measured at the side lot lines' points of intersection with the OHWM of a water body or the bank of a watercourse.

C. Impervious Surface

The maximum percentage of lot coverage a lot within the waterfront overlay district with sealed surface, such as roofs, structures, asphalt, concrete, etc. shall be as follows:

<u>Slope</u>	<u>Percent Lot Coverage</u>
0-25%	50%
26-35%	25%
36% or more	10%

D. Innovative Stormwater

Stormwater flow from lots regulated by the waterfront overlay district and within underlying Commercial and Manufacturing/Light Industrial Districts shall be directed to the non-lakeward side of any principle structure(s), be treated/disposed of on-site, not leave the subject parcel above pre-development rates, and shall utilize innovate stormwater treatment methods such as rain gardens, groundwater infiltration structures and/or constructed wetlands.

E. Additional Standards

1. Each legally created lakefront lot shall be entitled to one (1) seasonal dock and one (1) shore station. A minimum of two (200) hundred feet of frontage is required for a second dock or shore station. Each additional dock or shore station shall require an additional one (100) hundred feet of water frontage.
2. Not more than three (3) motor-powered watercraft shall be docked at any single dock at any time.
3. One swimming/diving raft is allowed per legally created waterfront lot. A minimum of two (200) hundred feet of water frontage is required for a second raft. Each additional raft shall require an additional one (100) hundred feet of water frontage.
4. All waterfront parcels are required to utilize underground utilities.

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Article 22: Natural Area District

[Annotation: amended effective March 29, 2016 to combine the former Article 25, Wetland Conservation District into this Article 22]

2201. Purpose

It is the intent of this district to protect special and unique environments which are not wetland ecological systems or part of the Big Manistee River/Pine River corridor but are still ecologically sensitive environments such as, but not limited to Pine Creek Huff Road (a scenic road), to recognize those wetlands are ecologically sensitive environments (including but not limited to wetlands associated with Lake-of-the-Woods, Pine Lake Wildcat swamp, along Seaman Road between Wellston and Dublin), to protect wildlife habitat, to provide compatible uses for recreation and game management, to provide for compliance with Norman Township's comprehensive planning.

2202. Permitted Uses

The following uses are permitted by permit in this district:

- A. Permitted uses within the Residential District.
- B. Accessory buildings, structures and uses to the above.
- C. Game areas
- D. On lake front lots, one boat dock for private use.
- E. Parks

2203. Special Uses

The following special uses are permitted by a Special Use Permit:

- A. Forestry and forest products, except clear cutting is prohibited.
- B. Boat launch and/or ramps.

2204. Regulations and Standards

The following regulations shall apply:

- A. Minimum Parcel Area – 10 acres. The building site shall be one (1) acre or less. The building site and access driveway shall not include:
 - 1. slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. wetland,
 - 4. high risk erosion area, and
 - 5. a 100-year floodway.

- B. Minimum Parcel Width - Parcel width shall be no less than three hundred thirty (330) feet and it shall front on an existing public road, or a road built pursuant to Section 1051 of this Ordinance.

- C. Minimum Setback Requirements:
 - 1. The following requirements shall:
 - a. Front Yard - The minimum front setback shall not be less than one hundred (100) feet from the front lot line, or one hundred thirty three (133) feet from the centerline of the road, whichever is greater.
 - b. Side Yards - The minimum setback of either side yard shall not be less than fifty (50) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than one hundred (100) feet.

- D. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than sixteen (16) feet in width throughout at least one-half of its length.

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ARTICLE 34: FOREST CONSERVATION DISTRICT

[Annotation: amended effective March 29, 2016]

3401. Purpose

It is the intent of this district to conserve large areas of forest for recreation and forestry purposes, to encourage landowners to retain large parcels of land for cost effective forest management purposes, to conserve special and unique, while at the same time providing for limited residential use of land, to conserve and provide a natural resource for forestry industry, recreation, and compatibility with land management programs of the United States Forest Service.

3402. Permitted Uses

Only the following uses shall be permitted, by permit as specified in Section 8401 of this Ordinance:

- A. Harvesting of timber in accordance with approved conservation practices, including the establishment and utilization of wood lots, tree farms and forest nurseries, timber stand improvement practices, and associated timber harvesting operations, providing that no materials or equipment used in such operations shall contribute to the pollution or contamination of the groundwater of adjoining lakes and rivers. In connection with these uses, accessory buildings may be maintained which are necessary for the above operations and/or exclusively for storage of equipment and materials connected with the above operations.
- B. Outdoor low impact recreational activities such as hunting (including licensed upland game bird hunting preserves), trapping, fishing, hiking, skiing, or snowmobiling which do not interfere with timber production and have no adverse effect upon the natural environment.
- C. Those uses permitted in the Residential District under the terms provided for such uses, except as altered in this Section.
- D. Farms for both general and specialized farming, together with farm dwellings and buildings, and other installations usual to such farms.
- E. Greenhouses, nurseries, orchards, groves and vineyards, apiaries, habitats, and sanctuaries for wild birds and animals, provided the sanctuaries be approved by the Michigan Department of Natural Resources.
- F. Parks and outdoor recreation.
- G. Accessory buildings and structures.

3403. Special Uses

The following shall be permitted, by Special Use Permit as specified in 8601 of this Ordinance:

- A. Campgrounds
- B. Anemometer tower, over 125 feet high.
- C. Commercial Wind Energy System.
- D. Mineral extraction and related structures and activities.
- E. Accessory buildings, structures and uses to the above, including signs.

3404. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. **Minimum Parcel Area** - No building, structure or use shall be established on any parcel less than forty (40) acres. The building site shall be one (1) acre or less.

B. **Minimum Parcel Width** - Parcel width shall be no less than one thousand three hundred twenty (1,320).

C. Minimum Setback Requirements:

- 1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than one hundred (100) feet from the front property line;
 - b. Side Yards - The minimum setback of either side yard shall not be less than fifty (50) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than one hundred (100) feet.

D. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than twenty (20) feet in width throughout at least one-half of its length.

E. The total structure(s) shall not cover more than 30 percent of the building envelope.

ARTICLE 37: AGRICULTURAL / RURAL RESIDENTIAL DISTRICT

[Annotation: amended effective March 29, 2016]

3701. Purpose

It is the intent of this district to provide for rural character with a mix of forestry, agriculture, residential uses, and resort-residential uses.

3702. Permitted Uses

No building or part thereof shall be hereafter used, erected, or altered, or land used, in whole or in part, in the Agricultural/Rural Residential District except for:

- A. Those uses permitted in the Residential District under the terms provided for such uses, except as altered in this Section.
- B. Additional dwellings on any farm for the use of farm or domestic employees of the owner or his lessees, provided there is only one (1) such tenant house in addition to the main dwelling for each ten (10) acres of farm land, and provided that each such tenant house is surrounded by sufficient land to provide a future separate lot of two (2) acres and a minimum width at the building line of two hundred (200) feet.
- C. Housing for seasonal usage by migrant employees of the farm, and provided the migrant housing meets all requirements of the Manistee County Health Department Agency and applicable regulations of the Michigan Department of Agriculture, other State and Federal rules and regulations.
- D. Farms for both general and specialized farming, together with farm dwellings, buildings, and other installations usual to such farms, including roadside stands selling crops normally grown on the property, which are situated so as to provide adequate off-highway parking for customers.
- B. Greenhouses, nurseries, orchards, groves and vineyards, apiaries, farms for breeding of domestic animals, and sanctuaries for wild birds and animals provided the sanctuaries shall be approved by the Michigan Department of Natural Resources.
- C. Agricultural warehouses and storage plants, milk processing plants, primary processing plants for non-animal farm products.
- D. Agricultural product washing, sorting, processing and storage facilities.
- E. Forest preserves and wood lots including the rough milling of wood produced on the property at which the processing takes place.
- F. Parks and playgrounds (with necessary service buildings and structures) of a scale and magnitude that provides for the recreational needs of the immediate area within which the

park is located. The immediate area shall not be construed to extend beyond the boundaries of the Township.

- G. Public-owned buildings excluding sewage treatment plants, solid waste disposal facilities, warehouses or storage yards.
- H. Home occupations.
- I. Licensed upland game bird hunting preserve.
- J. Commercial kennels.
- K. Retail Agricultural Enterprises
- L. Wineries and Cideries
- M. Riding stables, barns and associated structures and uses.
- N. Hotels and other lodging places.
- O. Golf courses.
- P. Sports and recreation clubs and organizations
- Q. Bed and breakfasts
- R. Accessory buildings and uses to the above.

3703. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in section 8601 of this Ordinance:

- A. Communication towers and associated facilities.
- B. Campgrounds
- C. Anemometer Tower over 125 feet high.
- D. Commercial Wind Energy System.
- E. Mineral extraction and related structures and activities
- F. Mobile Home Parks.
- G. Vehicle and Equipment Repair
- H. Sawmills and planing mills
- I. Communication Services including antenna towers.
- J. Solid Waste Transfer and Recycling Collection
- K. Cottage Industries
- L. Accessory buildings and uses to the above

3704. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

- A. **Minimum Parcel Area** - No building, structure or use shall be established on any parcel containing less than two and one-half (2½ acres).

B. Minimum Parcel Width - Parcel width shall be no less than one hundred sixty-five (165) feet.

C. Minimum Setback Requirements:

1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than fifty (50) feet from the front property line.
 - b. Side Yards - The minimum setback of either side yard shall not be less than twenty (20) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than fifty (50) feet.
2. When a proposed non-residential or non-park use is contiguous to any dwelling, the parcel owner of the proposed use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
 - a. a buffer area (setback) of fifty (50) feet, or
 - b. a solid wall six (6) feet, or more, in height, or
 - c. a proportionately adjusted combination of the above.

C. No principle building shall be constructed in this District which contains less than seven hundred twenty (720) square feet of floor area or is less than sixteen (16) feet wide for at least half the length of the structure.

D. The total structure(s) shall not cover more than 30 percent of the buildable envelope and not exceed twenty-five (25) feet in height. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than sixteen (16) feet in width throughout at least one-half of its length.

E. The total structure(s) shall not cover more than 30 percent of the building envelope.

[MODEL\ZONE30S.ANY]

ARTICLE 40: RESIDENTIAL DISTRICT

[Annotation: amended effective March 29, 2016]

4001. Purpose

It is the intent of this district to provide for more densely developed neighborhoods for residential and certain mixed retail and service, to promote a compatible arrangement of land uses for homes, and to keep neighborhoods relatively quiet and free from detrimental uses.

4002. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in section 8401 *et seq.* of this Ordinance:

- C. Single and two-family dwellings with accessory buildings and uses as defined in this Ordinance including structures which are considered necessary in, or compatible with, residential neighborhoods. An accessory use or structure is not allowed on lots within the Residential District prior to the establishment of a primary use or structure, such as a single-family dwelling.
- A. Home occupations
- B. Parks.
- C. Accessory buildings and uses to the above.

4003. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in section 8601 *et. seq.* of this Ordinance:

- A. Multiple-family dwellings.
- B. Churches with accessory uses and structures (including but not limited to a rectory, convent, and halls).
- C. Schools
- D. Libraries
- E. Museums
- F. Parks
- G. Play Grounds
- H. Community Centers and similar public facilities and uses
- I. Professional, educational and medical services and offices
- J. Retail establishments and shops
- K. Restaurants without drive-through

- L. Cottage industries
- M. Accessory buildings and uses to the above.

4003.A. Additional Requirements.

1. When a proposed non-residential or non-park use is contiguous to any use within the residential district, as determined and required by the Planning Commission the proposed use shall establish one of the following buffers on his/her parcel adjacent to and along any contiguous boundary of the parcel on which the residential use is permitted:
 - a. a vegetated buffer area (setback) of one hundred (100) feet, or
 - b. an earthen berm six (6) feet, or more high, or
 - c. a solid wall constructed of concrete block or ceramic panels six (6) feet, or more, in height,
 - d. a solid fence that prohibits a line of sight onto the non-residential or non-park use parcel as observed from the residential use or parcel, or
 - e. a proportionately adjusted combination of the above.
2. Minimum lot line setbacks for structures, driveways, and parking areas shall be as required for uses permitted by right with the exception of the side and rear lot line setbacks which shall contain a minimum distance of one hundred (100) feet, a portion of which may be occupied by the greenbelt. These setback standards shall replace those required in Article 16: Special Use Specific Standards.
3. Facilities which will be used or have the potential to be used between the hours of 10:00 p.m. and 7:00 a.m. or which will be used for purposes that will generate potential nuisances, including noise—shall contain greater setbacks and greenbelts including vegetated earthen berms at the discretion of the Planning Commission.
4. The above listed special uses must also meet the standards contained in Article 16 of this Ordinance.

4004. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

- A. **Minimum Parcel Area** - No building, structure or use shall be established on any parcel containing less than fifteen thousand (15,000) square feet. No apartment building shall be established on any parcel less than seven thousand five hundred (7,500) square feet per each housing unit, which ever parcel is greater. If the parcel

has a waterfront yard, then no building, structure or use shall be established on any parcel less than twenty thousand (20,000) square feet. If a lot in a subdivision which received a preliminary plat approval prior to being included in this zoning district and the lot is still being sold by the subdivision developer, his estate, or heirs then the minimum parcel size shall be the size of the lot. Lots of record may be developed in accordance with this Section provided they comply with required setbacks, regardless of its minimum lot size.

B. Minimum Parcel Width - Parcel width shall be no less than one hundred (100) feet.

C. Minimum Setback Requirements:

1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than seventeen (17) feet from the front property line, or fifty (50) feet from the centerline of the road, whichever is greater.
 - b. Side Yards - The minimum setback of either side yard shall not be less than ten (10) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than five (5) feet.
2. When a proposed non-residential or non-park use is contiguous to any use within the residential district, as determined and required by the Planning Commission the proposed use shall establish one of the following buffers on his/her parcel adjacent to and along any contiguous boundary of the parcel on which the residential use is permitted:
 - a. a vegetated buffer area (setback) of one hundred (100) feet, or
 - b. an earthen berm six (6) feet, or more high, or
 - c. a solid wall constructed of concrete block or ceramic panels six (6) feet, or more, in height,
 - d. a solid fence that prohibits a line of sight onto the non-residential or non-park use parcel as observed from the residential use or parcel, or
 - e. a proportionately adjusted combination of the above.

D. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than twenty (20) feet in width throughout at least one-half of its length.

E. The total structure(s) shall not cover more than 30 percent of the building envelope.

[Annotation: amended effective March 29, 2016 deleting former Article 46 [Developed Residential] in its entirety]

[MODEL\ZONE40S.ANY]

ARTICLE 53: COMMERCIAL DISTRICT

[Annotation: amended effective March 29, 2016]

5301. Purpose

It is the intent of this district to provide for commercial enterprises in certain parts of Norman Township consistent with the provisions of Norman Township Master Plan.

5302. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in section 8401 *et seq.* of this Ordinance subject to the requirements of article 53, section 5303.F:

- A. Retail and wholesale businesses less than fifteen thousand (15,000) square feet and similar uses such as:
 - 1. Grocery and convenience stores
 - 2. Hardware and sporting goods stores
 - 3. Bakeries, delicatessens, sandwich, coffee and pastry shops
 - 4. Book, stationery, gift, floral, bridal and antique stores
 - 5. Indoor galleries, jewelry shops, hobby and arts and craft supply stores
 - 6. Consignment, resale, and vintage clothing shops
 - 7. Electronics sales and service stores
 - 8. Similar retail and wholesale businesses

- B. Professional, educational, financial, medical and personal services and offices such as and similar uses:
 - 1. Banks
 - 2. Real estate
 - 3. Insurance
 - 4. Travel
 - 5. Legal
 - 6. Medical and dental offices
 - 7. Accounting and title services
 - 8. Hospital labs
 - 9. Similar professional, educational, financial, medical and personal services

- C. Automotive, vehicle and equipment repair.
- D. General building and specialty trade contractors
- E. Transportation and public utilities

- F. Churches with accessory uses and structures (including but not limited to a rectory, convent, and halls).
- G. Schools, libraries and museums
- H. Restaurants without drive-through
- I. Cottage industries
- J. Offices, shops, stores and similar uses with residential uses on upper floor(s)
- K. Indoor restaurants and taverns without drive-through service
- L. Indoor art and sales, music, and dance studios
- M. Trade showrooms, including plumbing, lighting, and upholstering
- N. Adult and child care facilities
- O. Fraternal organizations and halls
- P. Mortuaries and funeral homes
- Q. Government and civic buildings
- R. Bed and breakfast
- S. Wine, cidery, meade, spirits, beer and similar tasting rooms
- T. Micro-Breweries and Micro-Distilleries and tasting rooms
- U. Accessory buildings and uses to the above.

Outdoor retail displays and showrooms for any of the above uses are prohibited.

5303. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in section 8601 *et seq.* of this Ordinance:

- A. Restaurants and taverns with drive-through, take out and/or outdoor service
- B. Laundromats, dry cleaners, and car washes
- C. Auto, boat, and recreational vehicle sales, storage and service facilities
- D. Gas stations
- E. Processing and packaging of agricultural products
- F. Rental storage buildings
- G. Furniture showrooms and sales
- H. Lodges, hotels, motels and inns
- I. Veterinary clinics and animal hospitals, provided they are operating as a commercial kennel
- J. Lumber yards and building supplies
- K. Greenhouses, garden and landscape supply
- L. Drive in or outdoor theaters
- M. Campgrounds and recreational vehicle parks
- N. Outdoor display and sales of merchandise
- O. Processing and packaging of agricultural commodities

- P. Commercial bakeries
- Q. Commercial vehicle storage
- R. Rental storage buildings and warehousing
- S. Accessory Buildings and uses to the above.
- T. Any permitted use listed above, at Article 5302, if the land use involves any of the following:
 - 1. Any storage, use, or handling of hazardous materials (above or below ground);
 - 2. Any discharge of regulated pollutants into the air or water or activities resulting in a nuisance odor.

5304. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

A. Minimum Parcel Area - No building, structure or use shall be established on any parcel less than fifteen thousand (15,000) square feet.

B. Minimum Parcel Width - Parcel width shall be no less than one hundred (100) feet and it shall front on an existing public road, or a road built pursuant to section 1051 of this Ordinance.

C. Minimum Setback Requirements:

- 1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than seventeen (17) feet from the front property line, or fifty (50) feet from the centerline of the road, whichever is greater.
 - b. Side Yards - The minimum setback of either side yard shall not be less than ten (10) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than five (5) feet.
- 2. When a proposed non-residential or non-park use is contiguous to any use within the residential district, as determined and required by the Planning Commission the proposed use shall establish one of the following buffers on his/her parcel adjacent to and along any contiguous boundary of the parcel on which the residential use is permitted:
 - a. a vegetated buffer area (setback) of one hundred (100) feet, or
 - b. an earthen berm six (6) feet, or more high, or
 - c. a solid wall constructed of concrete block or ceramic panels six (6) feet, or more, in height,
 - d. a solid fence that prohibits a line of sight onto the non-residential or non-park use parcel as observed from the residential use or parcel, or
 - e. a proportionately adjusted combination of the above.

D. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than twenty-four (24) feet in width throughout at least one-half of its length.

E. The total structure(s) shall not cover more than 30 percent of the building envelope.

F. All exterior lights shall be arranged and installed so as to be downward directed, shielded from direct view at, or further from, the property line of any adjoining non-commercial establishment parcel.

[MODEL\ZONE50S.ANY]

ARTICLE 63: MANUFACTURING / LIGHT INDUSTRIAL OVERLAY DISTRICT

[Annotation; amended effective March 29, 2016]

6301. Purpose

It is the intent of this district to provide for small scale manufacturing and light industry within Norman Township, while at the same time requiring certain physical, access/curb cut, pedestrian, parking, loading/unloading area, landscaping, and sign regulations and standards to mitigate the negative impacts of lineal development along main roads; avoid land-locking parcels behind road-front manufacturing or light industrial enterprises; avoid lineal manufacturing or light industrial development patterns; and to encourage clustering of manufacturing or light industrial development with one access servicing several businesses (as opposed to many driveways, one or more for each business). These elements are essential for quality use of land, environmental protection and the economic development of Norman Township, and to be consistent with the provisions of Norman Township Master Plan.

6302. Permitted Uses

Any area within the Manufacturing/Light Industrial District will be considered for such uses as manufacturing, light manufacturing or processing operations with attendant warehouses, research and office buildings. The following uses are allowed by Land Use Permit in this district pursuant to Section 8401 *et seq.* of this Ordinance subject to the requirements of Article 63.

- A. General building and specialty trade contractors
- B. Transportation and public utilities
- C. Wholesale trade, storage and distribution facilities
- D. Sawmills and planing mills
- E. Millworks and wood products
- F. Metals fabrication and productions, including coating, engraving, and associated services
- G. Commercial enterprises allowed as special uses in Section 5303
- H. Accessory buildings and uses to the above

6303. Special Uses

The following special uses are permitted by a Special Use Permit, as specified in Section 8601 *et seq.* of this Ordinance:

- A. Any permitted use listed above in 6302 if the land use involves any of the following:
 - 1. Any activity, storage or display outside a building, except for parking for employees, customers, and a loading dock;

2. Any storage, use, or handling of hazardous materials (above or below ground);
3. Any discharge of regulated pollutants into the air or water, noise, dust vibration or nuisance odors that have the potential to migrate beyond the lot lines of the subject use.

B. Sexually Oriented Businesses

C. Accessory buildings and uses to the above.

6304. Regulations and Standards

- A. All operations shall be conducted within enclosed structures.
- B. Exterior yard storage shall be screened on sides and rear by a solid uniformly finished and maintained wooden or masonry wall or fence of durable material, or a well-maintained greenbelt, each of which shall be no less in height than the enclosed storage, loading activities, accessory structures or trucks.
- C. All structures permitted in this zone shall at a minimum, meet the following setback requirements:
 1. A minimum front lot line setback of one hundred (100) feet.
 2. A minimum side lot line setback of fifty (50) feet from each side lot line.
 3. A minimum rear lot line setback of fifty (50) feet.
- D. No parking of vehicles will be allowed in the setback area.
- E. Building height shall not exceed forty-one (41) feet measured from the peak of the roof to the lowest grade level of the ground within fifteen (15) feet of the building. The height of the uppermost floor capable of being used for human occupancy shall not exceed twenty-one feet measured from the lowest grade level to a distance within fifteen (15) feet of the building.
- F. Off street parking, loading and unloading space shall be provided.

6305. Offensive and Hazardous Emissions

No use shall discharge any produced dust, smoke, nuisance odors or toxic fumes; physical vibrations; or, heat or glare beyond the boundaries of the premises. No noise created from any use shall be allowed that would cause a nuisance to an adjacent District.

6306. Additional Regulations

- A. Any applications under this section shall be made to the Planning Commission as provided in Article 94 and accompanied by a site plan detailing the reasonably anticipated impacts on traffic; environment; dust, vibration, noise and glare; on fire and safety hazards; on emission of nuisance or dangerous odors; and on the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. It shall show the plans for disposal of sewage and all wastes. It shall specify the fuels to be used, including secondary containment, emergency response, smoke and pollution control.

- B. When a proposed non-residential or non-park use is contiguous to any use within the residential district, as determined and required by the Planning Commission the proposed use shall establish one of the following buffers on his/her parcel adjacent to and along any contiguous boundary of the parcel on which the residential use is permitted:
 - 1. a vegetated buffer area (setback) of one hundred (100) feet, or
 - 2. an earthen berm six (6) feet, or more high, or
 - 3. a solid wall constructed of concrete block or ceramic panels six (6) feet, or more, in height,
 - 4. a solid fence that prohibits a line of sight onto the non-residential or non-park use parcel as observed from the residential use or parcel, or
 - 5. a proportionately adjusted combination of the above.
- C. Every principal building constructed in this District shall: (i) contain not less than seven hundred twenty (720) square feet of floor area, and (ii) be not less than twenty-four (24) feet in width throughout at least one-half of its length.
- D. The total structure(s) shall not cover more than 30 percent of the building envelope.
- E. In addition to Site Plan requirements in Article 94 of this ordinance, a site plan in this zoning district shall also show and/or comply with the following:
 - 1. Loading and solid waste storage areas shall be located in the side or rear of the commercial establishment.
 - a. Solid waste container(s) shall be screened from all four (4) sides with an opaque fence or wall with a gate(s) at least as high as the tallest solid waste container. The fence, wall, and/or gate shall be constructed of material which is compatible with the architectural materials used in the site.
 - b. The location of the solid waste container(s) shall be adjacent to a building, unless specifically waived by the Commission.
 - c. Loading/unloading docks and areas (including solid waste containers) shall be situated so that trucks loading and unloading do not park in parking lot areas.
 - 2. Yard, median, and all grounds areas shall be maintained and shall be a landscaped lawn and shrub area or maintain the existing natural vegetation. The Commission may require manicured lawn covered berm, fences, walls, and other screening and the same shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
 - a. All utilities (electric, cable television, and other similar services) shall be located underground. This requirement applies to service to individual commercial establishments and to any utilities necessary to travel between the rear wall of the principle commercial establishment building and the

centerline of the road. All utility pad fixtures, meters, shall be shown on the site plan and integrated with the architectural elements of the site plan.

b. All exterior lights shall be arranged and installed so the direct illumination is shielded from direct view at, or further from, the property line of any adjoining non-commercial establishment parcel.

c. Landscaping of the yard and grounds area of the parcel shall meet the following standards:

(1) All open yard and grounds areas in front and on the sides and the rear 20 feet (closest to the building) of the parcel shall be maintained as:

(a) manicured lawn,

(b) existing natural vegetation, and/or

(c) formal garden.

(2) The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition and free from refuse and debris, except for continuous watering during periods of water shortage or drought.

(3) The site plan shall show use of trees, bushes, shrubs, on each side, front and rear yard, either by preserving such plants which exist prior to development or by planting them upon completing construction.

3. All buildings, fences, walls, gates, shall meet the following architectural standards:

a. No building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall prevent using different building exteriors which would be acceptable as representative of good architectural design and does not involve use of inferior materials on sides which face adjoining property and thus might adversely impact existing or future development.

b. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

c. For all commercial establishments, servicing or processing shall be conducted within completely enclosed buildings, except for off-road parking, loading, unloading, and open air uses which are specifically approved by the Planning Commission.

[Annotation: amended effective March 29, 2016]

Manufacturing / Light Industrial Overlay District; Art. 63

[Annotation: The entire version of the former "Article 63: Industrial District" along with the corresponding Industrial District on the zoning map was deleted by amendment effective May 23, 2002 at 12:01am.]

[MODEL\ZONE60S.ANY]

ARTICLE 70: PLANNED UNIT DEVELOPMENT (PUD) OVERLAY

[Annotation: amended effective December 30, 2015]

SECTION 1. Addition of Article 70: Planned Unit Development (PUD).

7001. Purpose

The PUD zoning district is an overlay district that encompasses Agricultural and Residential zoning districts and provides for the review of single and mixed-use land development projects on a case by case basis.

The types of land developments eligible for consideration as PUDs include, but are not necessarily limited to, single and two-family residential developments; single and two-family residential uses combined with golf course/country clubs; single use recreational and resort-oriented developments such as campgrounds, resorts, public or quasi-public golf courses; conference and retreat centers providing lodging and dining facilities together with residential facilities for management and staff. All site condominium projects and platted subdivisions proposed in Norman Township shall comply with this Article.

The PUD zoning district is established to accomplish the following objectives:

- a. To encourage the use of land in ways consistent with its character and adaptability;
- b. To encourage and provide incentives for the implementation of conservation design and low impact development principles within Norman Township;
- c. To enable farmers and other landowners to realize their rightful equity in their land holdings by providing for the division, sale, and development of land;
- d. To provide for the preservation of farmland, orchards, forest land, open space, visual and community character and to protect and preserve natural resources;
- e. To provide for the division of land under the provisions of the Land Division Act (P.A. 591 of 1996, as amended) and the Condominium Act (P.A. 59 of 1978, as amended);
- f. To provide for the orderly development of land and the orderly layout of lots;
- g. To assure that land is suitable for the creation of building sites and to allow innovation and flexibility in the design of residential and mixed-use developments;
- h. To provide for the provision of environmental amenities and recreational opportunities to present and future residents of the community by providing for the development of land in a manner consistent with the Norman Township Master Plan;

- i. To provide for safe and adequate ingress and egress to lots;
- j. To provide for the construction and maintenance of roads, storm water management systems, and public utilities in an economical and efficient manner;
- k. To provide for the construction and maintenance of public facilities and infrastructure in a manner that does not overburden the Township's financial ability to provide such facilities and infrastructure;
- l. To assure the equitable provision of fire, emergency, medical, and police services to all residents and property owners;
- m. To encourage and accommodate innovation in the design, layout, and construction of land uses and land development projects;
- n. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the Township;
- o. To promote and ensure greater compatibility of design and use between neighboring properties; and
- p. To provide for other purposes as outlined in Section 503, Michigan Zoning Enabling Act, P.A. 110 of 2006.

7002. General Requirements

Residential site condominium developments in Norman Township shall be comply with this Article as it relates to single use PUDs. Mixed use site condominium developments in Norman Township shall be comply with this Article as it relates to mixed use PUDs. Single and mixed-use PUDs shall be subject to the following general requirements:

a. Location

PUD may be established in the Agricultural or Residential zoning districts.

b. Minimum Land Area

The minimum lot area eligible for PUD overlay is ten (10) acres.

c. Single Ownership and Control Required

The land and proposed PUD must be under single ownership or control. Single ownership and control shall consist of landownership and/or control by an individual or family, or a single legal

entity. An individual, family or single legal entity shall assume responsibility for completing a PUD subject to the provisions of this Article.

d. Escrow Funds

Applicants shall be required to deposit escrow funds of a reasonable amount to cover costs associated with the Township's use of engineering, legal and planning consultants during the review of preliminary and final applications for PUD zoning.

e. Approved PUD Plan Functions as PUD District Regulations

The final site plan, other plans and statements submitted by applicants and conditions associated with an approved PUD shall constitute the zoning regulations governing the alteration of land and natural resources and the layout, construction, use and occupancy of buildings, improvements, and structures within a PUD.

7003. PUD Zoning Districts are Established on Case by Case Basis

a. Single Use PUDs

Single use PUDs containing a use allowed in an underlying zoning district shall be established as a special use approved under Article 86 of the Norman Township Zoning Ordinance.

b. Mixed Use PUDs

Applications for mixed use PUDs shall be processed in the same manner as any other application for rezoning property. Mixed use PUDs may be established provided underlying zoning district use regulations will not be circumvented by the uses proposed.

The establishment of business or industrial uses in zoning districts in which such uses are not allowed as permitted or special uses are not permitted under any circumstances.

7004. Pre-application Conference

Applicants shall attend a pre-application conference with the zoning administrator and/or Township planner to present PUD concepts for informal, non-binding informational purposes. Pre-application conferences are intended to allow applicants to address Article 11.8 Design and Approval Standards; develop an administratively complete PUD application prior to consideration by the Planning Commission; and to allow the Township to inform applicants of the Township's PUD and other land use goals, policies and objectives, and to identify and address any potential areas of concern.

Statements made by applicants or the Zoning Administrator at pre-application conferences are intended to be informational and not legally binding.

7005. Applications

Applications for PUDs shall be submitted and processed as outlined below:

a. Single Use PUDs

Single use PUDs containing a use allowed in an underlying zoning district shall be established as a special use. Single use PUD applications shall be submitted to the Zoning Administrator not less than thirty (30) days before the date on which the Planning Commission will first consider same.

b. Mixed Use PUDs

Applications for mixed use PUDs shall be processed in the same manner as any other application for rezoning property. Mixed use PUDs may be established provided underlying zoning district use regulations will not be circumvented by the uses proposed.

Applications shall consist of the following materials and information:

- a. A completed application form;
- b. An application fee;
- c. An escrow fee within twenty (20) days of the zoning administrator and/or Planning Commission's determination of the required reasonable escrow amount;
- d. A preliminary PUD site plan complying with the provisions of Article 94 of the Norman Township Zoning Ordinance. If the PUD is proposed for development in phases, the location and timing of each phase must be indicated on the site plan;
- e. A natural and cultural features inventory identifying primary conservation areas such as wetlands, waterways, floodplains, shorelines, views into and from the site, etc. and secondary conservation areas such as steep slopes, ridgelines, old buildings/structures, historic/archeological features, farmland, groundwater recharge/discharge areas, significant plant/wildlife habitat, etc., and potential development areas.
- f. A site yield plan showing potential lots, roads, lot density, etc. allowed by underlying zoning.
- g. A conservation design plan indicating development areas and proposed lots, common elements such as conservation areas, access roads, utilities, and acreage percent of conservation area set asides.
- h. A typewritten legal description of the property.
- i. A typewritten statement describing:
 1. The number of acres of land subject to the application;
 2. The use or uses to be established in the proposed PUD, including the number and area of lots or building sites; number, type, and floor area of dwelling units; and the number, type, and floor area of all other buildings; and
 3. If a PUD is proposed for phased development, a tentative construction schedule must also be provided.

7006. Review Process

The steps followed in the single and mixed-use PUD review processes are outlined below. Steps 1 through 5 apply to both types of developments. Step 6 applies only to single-use developments. Steps 6a and 7 apply only to mixed-use developments.

Step 1 The Zoning Administrator notifies the applicant in writing that a PUD application is administratively complete and that escrow funds have been created or reasonable assurances are received in writing from a financial institution or other third party that escrow funds will be created.

Step 2 Applicant files application for preliminary PUD approval at least thirty (30) days before the date of the regularly scheduled Planning Commission meeting at which the applicant wishes to have the application considered.

Step 3 Planning Commission reviews the application, preliminary site plan, supporting documentation and if adequate information has been provided by the applicant, then the Planning Commission sets a date for public hearing in accordance with Article 86, Section 8607.

The Planning Commission may request modifications to the preliminary site plan or may request that the applicant submit additional information deemed necessary to continue informed deliberations on the application. In such cases, the Planning Commission shall table consideration of the application until the modified site plan and/or additional adequate information is provided by the applicant.

Step 4 Planning Commission conducts public hearing.

1. Applicant presents the proposal;
2. Public makes comments and asks questions;
3. Commissioners make comments and ask questions;
4. Applicant addresses comments and questions; and
5. Planning Commission preliminarily approves, approves with conditions, or denies application.

Within a reasonable period of time following the public hearing, the Planning Commission shall approve, deny, or approve with conditions the preliminary PUD site plan. The Planning Commission's decision must be consistent with the following standards:

The Planning Commission's decision must be in writing and include findings of fact clearly describing how the preliminary PUD does or does not comply with the provisions of this Article. The finding of fact shall state the bases for the Planning Commission's decision, and make specific reference to each of the design and approval standards outlined under Section 7008 below.

Approval of a preliminary PUD site plan authorizes the applicant to proceed with the preparation of an application for final PUD approval.

Step 5

Applicant submits written request for review of final PUD plans and supporting documentation not less than twenty (20) days before the date of the regularly scheduled Planning Commission meeting at which the applicant wishes to have the application considered.

This request must be accompanied by the following materials and information:

1. Final site plan;
2. Itemized cost estimate for construction of all improvements;
3. A soils report delineating soil types at the site, septic suitability, construction suitability, etc. as determined by the Manistee County Soil Survey;
4. Approvals by the District Health Department #10; approval from fire and safety officials; approval from the Manistee County Road Commission for public road development (if any); and approval from Norman Township Board of Trustees for private road development;
5. At the request of the Planning Commission, a hydrogeological report shall be provided documenting the depth to groundwater, groundwater flow direction, groundwater flow velocity, potential to impact nearby water well supplies and/or natural features, and/or the results of pump test(s), etc.;
6. Documentation of arrangements for construction of improvements; and
7. Proposed covenants, deed restrictions, master deed, condominium or property owners' association by-laws.

Step 6

Final Review by Planning Commission (single-use PUDs only)

Planning Commission reviews the final PUD site plan and supporting documentation and approves, approves with conditions, or denies application.

Step 6a

Final Review by Planning Commission (for mixed-use PUDs only)

Planning Commission reviews final application, final site plan and supporting documentation and recommends that Township Board approve, approve with conditions, or deny the final PUD application. The Planning Commission's recommendation must be transmitted to the Manistee County Planning Commission for review, and comment as is required of any Planning Commission recommendation on the rezoning of property.

If the County Planning Commission's response has not been received by the Township within fifteen (15) days of receipt of the Township Planning Commission's recommendation, it shall be presumed that the County has waived its right for review. If such recommendation has been

received, it shall be considered by the Township Planning Commission and forwarded to the Township Board with the Township Planning Commission's original recommendation.

Step 7

Final Action by Township Board (for mixed-use PUDs only)

The Township Board may take any of the following actions:

1. Conduct additional public hearings, if desired. If so, notification of such hearings shall be published in accordance with state law.
2. Refer the Planning Commission's recommendation on the PUD to the Planning Commission for further deliberation if the Board considers amendments, changes, additions or departures advisable.
3. Approve or reject the PUD as recommended by the Planning Commission.
4. If approved, publish a notice describing the nature and extent of the PUD in a newspaper within fifteen (15) days of the date of its approval by the Township Board.

7007. Public Hearing Requirements

At least one public hearing shall be conducted on applications for all PUDs. The date and time of the public hearing shall be set by the Planning Commission during Step 3 described above.

The notice shall 1) describe the nature of the proposed PUD; 2) indicate the property subject to the application (an address, tax number, or legal description); 3) state where and when the application will be considered; 4) indicate when and where the application, preliminary site plan and other materials may be inspected by the public and; 5) state when and where written comments on the application will be received.

1. Publication

Notice including the date, time and place of a public hearing must be posted outside the Township Hall and published once in a newspaper of general circulation in Norman Township. The publication must occur not more than fifteen (15) and not less than twenty (20) days before the date of the public hearing.

2. Delivery

Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in Norman Township, and to each electric, gas, pipeline, and telephone public utility company and each railroad company operating within the underlying zoning district, that has registered its name with the Planning Commission for the purpose of receiving the notice.

Notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term “occupant” may be used in making notification under this subsection. The notice shall do all of the following: a) describe the nature of the request, b) indicate the property that is the subject of the request including a listing of all existing street addresses within the property, however 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, c) state when and where the request will be considered, and d) indicate when and where written comments will be received.

7008. Design and Approval Standards

Before approving or recommending approval of preliminary and final single or mixed use PUDs, the Planning Commission must insure compliance with the following standards:

a. Design Standards

1. Perimeter Setbacks/Greenbelt Buffer Zone

All PUD projects shall establish and maintain perimeter setbacks of one hundred (100) feet, which may be reduced at the discretion of the Planning Commission. Setback areas shall be maintained as a greenbelt buffer zone. Perimeter greenbelt buffer zones shall be one hundred (100) feet in width, which may also be reduced at the discretion of the Planning Commission. Such greenbelt buffer zones shall be maintained as vegetated open space or be re-planted with native vegetation consisting of trees, shrubs and/or groundcovers to create an effective visual buffer between a PUD and adjacent land uses. *Refer to Appendix A for a list of allowable native plant species.*

Pedestrian and bicycle pathways may occupy setback areas, and such areas may be used for stormwater management and/or snow storage. Pathways, if proposed, shall be four (4) feet or less in width; within a ten (10) foot dedicated easement; utilize mulch, crushed stone, or other natural surfaces; be non-lighted; meander to avoid tree removal, minimize impact on neighboring and on-site land uses; and be intended for non-motorized use only.

2. Density and Open Space Requirements

The maximum number of single and two-family dwelling units permitted in a single or mixed-use PUD shall be based on a density of one (1) lot or condominium unit per two (2) acres of land area, excluding land areas in, dedicated to, improved for, or occupied by any of the following:

- i. Surface waters, wetlands or floodplains;
- ii. Existing or proposed public or private road right-of-ways;

- iii. Existing or proposed constructed utility and storm water drainage structures and/or easements;
- iv. Existing or proposed parking areas; or
- v. Existing buildings, including historic structures or sites.

Lots and condominium units may vary in size. There shall be no minimum parcel size except what is deemed necessary for adequate septic disposal as required by the Health Department District #10. There will be no maximum parcel size. Rather, the total land area dedicated to single and two-family residential lots or condominium units and all other improvements shall not exceed fifty (50%) percent of the parent parcel(s) pre-existing area.

Not less than fifty percent (50%) of the total land area shall be dedicated open space to be held in common association ownership. Any of the following natural and cultural features existing at a proposed PUD should be located within the fifty percent (50%) open space area to the greatest extent feasible, including but not limited to: scenic vistas; pathways or other recreation areas internal to the development and intended for use by PUD landowners/association members; historic sites and structures; wetlands; and floodplains.

Such open space shall be set aside by the applicant through an irrevocable conveyance acceptable to the Township. The conveyance shall insure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use without approval by the Planning Commission for single use PUDs and by the Township Board for mixed use PUDs. Forms of conveyance may include:

- i. A recorded deed restriction;
- ii. Covenants that run with the land in perpetuity; or
- iii. A conservation easement established in accordance with the provisions of P.A. 197 of 1980, as amended.

3. Gross Site Density Calculation

Additional site density may be developed by the applicant by the permanent protection of the following natural and cultural features in accordance with Table 1 as follows:

Table 1: Example Conservation Points/Density Incentives and Credits

<i>Example Calculation for Hypothetical 200-acre parcel</i>					
CONSERVATION POINT SYSTEM CHART	LAND AREA		CONSERVATION POINTS	(POINTS x AREA)	POINTS PER LAND TYPE
	acres	%			
Conservation Lands/Buildable Lands:					
•Active Farmland	0	0%	0.8	0.8 x 0.0	0
•Inactive Farmland	55	28%	0.7	0.7 x 0.28	0.17875
•Woodlands	30	15%	0.5	0.5 x 0.15	0.075
•Scenic Viewsheds	5	3%	1.0	1.0 x 0.03	0.025
Unbuildable Lands:					
•Wetlands	15	8%	0.8	0.8 x 0.08	0.06
•Steep slopes (>18%)	20	10%	0.4	0.4 x 0.1	0.04
River Banks/Shorelines	0	0%	1.0	1.0 x 0.0	0
Adjoining Conservation Lands			0.4		0.4
TOTAL Open Space	125	62.5%			
TOTAL Development Lands	75	37.5%			
TOTAL Lands	200	100%			
Conservation Bonus	<i>0.5 pt. - If land percentage exceeds 60%</i>		0.625 + 0.5		1.125

CREDITS			
Environmental Contamination Clean-up		0.3	
Innovative Stormwater Treatment		0.5	0.50
Pathways		0.2	
Recreation Areas		0.3	
River/Lake frontage (at least 500.0 lineal ft. or more and vegetated buffer required)		1.0	
Wetland Buffers (25.0 ft. no-grade buffer and 40.0 ft. building setback buffer required)		0.8	
Significant plant/wildlife habitat		0.6	
Historic/Archeological Sites and/or Structures		0.3	
<i>Total Conservation Points:</i>			<i>1.625</i>
Developer is entitled up to 2 additional units beyond that established in underlying zoning district.			

4. Layout of Residential Lots and Non-Residential Uses

Residential lots and non-residential buildings and improvements shall be laid out to the greatest extent feasible, as follows:

- i. On soils most suitable for septic systems. Hydric soils and soils containing a permanent high-water table or hydric inclusions are to be avoided.
- ii. Within the outside one-hundred (100) feet of the edge of a woodlot, or along the far edge of open fields adjacent to any woodland.
- iii. Below the crest of ridgelines, and in other locations least likely to block scenic vistas as seen from public roads and surface waters.
- iv. On areas not actively being used for agricultural purposes, or on soils not designated as prime, unique, or important farmland soils, or timberland soils important on a national or regional basis.

v. On pre-development slopes of less than eighteen (18%) percent. Plans for residential lots proposed to be created on pre-development steep slopes of eighteen (18) to twenty-five (25%) percent must be accompanied by a statement from a licensed architect or professional engineer indicating that the steep slope may be safely developed, and explanation of the construction methods to be used in overcoming foundation and other structural problems potentially presented by steep slope conditions, preserving the natural vegetation and drainage, and preventing soil erosion.

Plans for residential lots intended to be created on pre-development slopes greater than twenty-five (25%) percent must be accompanied by stamped, detailed plans and a statement from a licensed architect or professional engineer indicating that the steep slope may be safely developed, and explanation of the construction methods to be used in overcoming foundation and other structural problems potentially presented by steep slope conditions, preserving the natural vegetation and drainage, and preventing soil erosion.

Special land use approval must also be obtained for lot creation in pre-development areas of twenty percent (25%) slope or greater in accordance with Article 86.

5. Setbacks

Lot and building setbacks shall be as follows:

- i. Waterfront lots proposed within a PUD shall comply with Article 20: Waterfront Overlay within this Ordinance.
- ii. Side setbacks shall be fifteen (15) feet, and may be modified or waived at the Planning Commission's discretion.
- iii. Front and rear building setbacks shall be established on the basis of underlying zoning district regulations, though front and rear setbacks may be modified or waived at the discretion of the Planning Commission.

6. Access

Each building site, lot, dwelling unit or other use shall have access to a public road by way of a public or private road.

7. Roads

PUDs shall provide for vehicular access to all uses and areas. All roads must provide dedicated easements and shall be designed by a Professional Engineer in compliance with Section 1050 of the Norman Township Zoning Ordinance and the Manistee County Road Commission standards.

The Planning Commission may recommend and the Township Board of Trustees may waive maximum grade, radius and width standards as deemed appropriate for the protection of natural or cultural features on a particular site and for compliance with these design standards. In no instance shall a road be approved which renders the development or that road being incapable of being serviced by commonly used public safety vehicles.

8. Signs

Signs, other than required for traffic circulation and/or public safety, shall not be allowed at PUD projects.

9. Lighting

All exterior lighting fixtures, whether attached to a building or freestanding, shall be of unified design and shall be fully shielded, shaded and downward directed. Lighting fixtures shall be located so as not to illuminate the night sky or produce glare outside of the boundaries of the development. Light fixtures/poles shall be fourteen (14) feet or less in height.

10. Parking Areas

Common parking areas, if proposed, shall be designed and constructed to adequately serve the needs of all buildings and uses within the PUD. Such areas are encouraged to utilize permeable surfaces such as permeable pavement, porous pavers, etc.

Common parking areas shall be screened from view from adjoining property as deemed appropriate by the Planning Commission for the setting and zoning district in which a PUD is located. Screening can be accomplished by existing trees or other vegetation or by landscaped native plant buffers or greenbelts.

Common parking areas shall provide storm water management systems that infiltrate to groundwater to prevent off-site impacts of any kind. The use of innovative storm water management, treatment and disposal is strongly encouraged, such as rain gardens, grassed waterways, constructed wetlands, etc. The direct discharge of storm water from parking areas to natural watercourses, wetlands, or other surface waters is prohibited.

11. Driveways and Access

Access to the PUD from adjoining public roads shall be designed and constructed to insure the safety of vehicles and pedestrians. Clear vision areas shall be maintained at adjoining public roads and at public and private road rights-of-way in accordance with Section 1050 of the Norman Township Zoning Ordinance, as amended, site distance standards.

12. Snow Removal

Adequate areas shall be provided for the storage and disposal of snow removed from roadways, walkways, and parking areas during the winter months.

13. Access for Emergency Services

Routes for police, fire, and emergency medical services vehicles shall be provided to all buildings and uses in accordance with fire and safety agency standards and guidelines. Such routes shall be maintained to assure access to all buildings and uses in the PUD year-round under all weather conditions. Site plan approval is required from police, fire and emergency services agencies before a PUD application shall be considered administratively complete in accordance with Sections 7004 and 7005.

14. Loading, Service, and Storage Areas

Areas used for the delivery or pickup of goods or materials, or for servicing vehicles or equipment, shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Areas used for the storage of waste materials shall be screened from view from adjoining properties and public roadways. Screening may be provided by existing trees and other vegetation, or by landscaped native plant buffers or greenbelts.

15. Storm water drainage

Storm water runoff from improved areas shall be managed to prevent off-site impacts. Each PUD shall be provided with a storm drainage system that maintains storm water runoff at a predevelopment rate. Storm water plan preliminary approval is required from county and/or state agencies before a PUD application shall be considered administratively complete in accordance with Sections 7004 and 7005. Final storm water plan approval is required from county and/or state agencies before final Planning Commission PUD approval in accordance with Step 6, Section 7006.

16. Integration of Natural Features

Lots, buildings, roads, and other improvements shall be situated to minimize alteration of floodplains, stands of mature trees, productive woodlots, and farmland.

17. Utility Service

Utilities services shall be installed underground.

18. Fire Fighting/Public Safety

Dry hydrants or underground water storage tanks may be required as a condition of approval.

b. Approval Standards

1. The use or uses established in a proposed PUD shall be consistent with the Norman Township Master Plan and Norman Township Zoning Ordinance. The type of development

authorized by the PUD zoning will be consistent with the intent and purpose of the Master Plan, the Norman Township Zoning Ordinance, as well as with the intent and purpose of the zoning district in which the PUD is located.

2. The proposed PUD will create recognizable and substantial benefit to the community in addition to the property owner/developer. The granting of PUD zoning will result in a recognizable and substantial benefit to the users of the PUD and the Township. Such benefits would not likely be realized if the PUD zoning was not granted.
3. The Proposed PUD will not unreasonably burden public roads, facilities, utilities and services. The use or uses established in the PUD will not result in a material burden on police and fire services nor on other public services or facilities.
4. The proposed PUD will not unreasonably impact use and development of surrounding property. The use or uses established in the PUD will not diminish the opportunity for surrounding properties to use and develop their property as zoned.
5. The proposed PUD must be under single ownership or control. An individual or single legal entity as a landowner or having control has responsibility for completing the project in conformity with the approved final site plan and any conditions of approval.
6. Natural and cultural features and amenities, including waterbodies and waterways, natural and artificial drainage ways, shorelines, wetlands, floodplains, groundwater recharge/discharge areas, historic places and structures, woodlots, etc., shall be meaningfully incorporated into the design and construction of the PUD. The PUD shall be designed so as to result in a minimal disturbance of the natural topography.
7. Buildings and improvements must be completed prior to use and occupancy unless such use or occupancy will not impair the health, safety, and general welfare of the users or occupants of the PUD or of users and occupants of adjoining property. The Planning Commission may establish conditions applicable to completion of buildings and other improvements.
8. As a condition of approval of a PUD site plan, the Planning Commission may require a performance guarantee of a sufficient sum to assure the installation or construction of those features or components of the approved PUD considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed PUD.

Features or components, hereafter referred to as “improvements,” may include, but shall not be limited to, survey monuments and irons, streets/roads, curbing, landscaping, fencing,

walls/berms, screening, vegetated buffers, snow removal, emergency vehicle access, lighting, drainage facilities, pathways, sidewalks, paving, common driveways, roads, parking, common potable water facilities (if any), common septic and/or sewage treatment and disposal facilities (if any), utilities and similar items. Improvements do not include the entire PUD.

When required, performance guarantees shall be deposited with the Township Clerk before any land clearing, excavation or other construction activities commence at or within a PUD.

Performance guarantees shall be processed in the following manner:

- a) Prior to the issuance of any Township zoning permits for lots within a PUD, the applicant or their agent shall submit and itemized estimate of the cost of the required improvements that are subject to the performance guarantee, which shall then be reviewed by the Planning Commission and Zoning Administrator. The amount of the performance guarantee shall be one-hundred percent (100%) of the cost of purchasing materials, installation and construction of the required improvements, plus the cost of necessary engineering, planner, legal and inspection costs borne by the Township and a reasonable amount for contingencies.
- b) The required performance guarantee shall be payable to the Township and may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other surety instrument acceptable to the Township.
- c) Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a land use permit for the subject PUD, provided in consultation with the Planning Commission it is in compliance with all other applicable provisions of this Zoning Ordinance and other applicable Norman Township ordinances.
- d) The Zoning Administrator, upon written request of the obligor, shall rebate portions of the performance guarantee upon the Zoning Administrator's determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- e) When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of the completion of all improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of reason(s) for any rejections.
- f) If partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- g) The Zoning Administrator/Township Clerk shall maintain a record of required performance guarantees.

7009. Actions Following Final PUD Approval

Three (3) copies of the approved final site plan shall be signed and dated by the Planning Commission Chair and the applicant. A copy of the Planning Commission's approving report or recommendation shall be attached to each signed final site plan. A mixed-use PUD application shall require similar action by the Township Board.

One (1) site plan shall be provided to the applicant. One (1) shall be provided to the Township Clerk for inclusion in the Norman Township Zoning Ordinance. One (1) copy shall be provided to the Zoning Administrator for inclusion in his or her files of Township approval of the PUD.

If a final application for a mixed-use PUD is approved by the Township Board, a notice describing the nature and extent of the PUD district shall be published in a newspaper within fifteen (15) days after approval by the Township Board.

7010. Statement of Compliance Required

All buildings, structures and improvements within an approved final PUD shall be established in strict compliance with the approved final site plan and any conditions of approval. All buildings and improvements shall be constructed as illustrated on the approved final site plan. No project related construction of any type is allowed until final PUD approval.

Following completion of site plan elements, including but not limited to the construction of buildings, shared facilities, roads, utilities, structures and other improvements, the applicant shall provide a statement, prepared by an independent professional (a licensed surveyor, professional engineer, registered landscape architect) certifying that all common buildings, shared structures, and improvements have been constructed in compliance with approval granted.

7011. Recorded Affidavit Required

An affidavit in a form acceptable to the Norman Township Attorney containing the information outlined in this Article shall be recorded with the Manistee County Register of Deeds within thirty (30) days following approval:

- a) Date of approval of the PUD by the Planning Commission (in the case of single-use PUDs) or Township Board (in the case of mixed-use PUDs).
- b) Legal description of the property.
- c) A statement by the applicant(s) certifying that the property will be developed in accordance with:
 - 1. The site plan and other information approved by the Planning Commission or Township Board, and
 - 2. All conditions associated with approval of the PUD.

This statement shall specifically indicate that no modifications shall be made to the PUD as approved; to the final site plan or other information provided by the applicant; or to any conditions associated with approval of the PUD, unless approved under the modification provisions of this Article.

Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One (1) copy shall be attached to his or her copy of the signed site plan. One (1) copy shall be placed in the Planning Commission's record of proceedings on the PUD. One (1) copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD.

7012. Modification of an Approved PUD

- a. Minor modifications to a PUD may be approved by the Planning Commission by mutual agreement between the applicants or successors in interest as follows:
 1. Reorientation of buildings provided no such structure is moved more than twenty-five (25) feet from the original plan location; the move is determined to be necessary based on site conditions not previously known; the intent, concept, and objectives of the PUD are not circumvented; and no greater impact is exerted on adjacent properties.
 2. Redistribution of the dwelling units among the proposed structures, provided building heights are not increased, and the density of dwelling units is not increased.
 3. Minor realignment of roads, pedestrian ways, parking areas based on the need to respect site features (i.e., topography, soils, bedrock, vegetation) or to accommodate minor reorientation of buildings.

b. Major Modifications

Major modifications to an approved PUD shall be subject to review and approval under a new application for PUD. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty (120) square feet; or increases in the number of building sites, lots, or dwelling units; increases in land area occupied by non-residential uses; decrease in open space set-aside; or the addition of other buildings, structures, uses and improvements not originally included in the final PUD plan as approved.

7013. PUD Plan Expiration and Renewal

The expiration, repeal and renewal of a PUD site plan, whether preliminary or final, shall be in accordance with the following standards:

a. Plan Expiration

PUD approval shall automatically expire after twenty-four (24) months, following the effective approval date, if one or more of the following apply:

1. In the case of a final site plan no earthwork or construction activities are in evidence and no valid construction permits are in effect;
2. The project appears to be abandoned, there is no apparent interest in continuing the PUD as established, and no applications for renewal have been received;
3. No apparent effort is being made to market the PUD project or operate it as an active development; or
4. In the case of a preliminary site plan, the use proposals are different from the approved preliminary site plan.

b. Plan Renewal

To forestall automatic expiration, the PUD applicant shall request renewal of the PUD prior to the expiration date. Renewal shall be by formal action of the Planning Commission. Renewal requests shall be filed at least seven (7) days prior to the scheduled meeting date of the Planning Commission, but no formal public hearing is required. Renewals shall be for periods not to exceed twelve (12) months and only two (2) such renewals shall be permitted.

[Annotation: article added by amendment effective December 30, 2015 at 12:01 am]

ARTICLE 80: NONCONFORMITIES

[Annotation: amended effective October 22, 2017]

8001. Purpose

If a use of a dwelling, building, or structure or of lands was lawful at the time of the enactment of this zoning ordinance or an amendment to this Ordinance, then it may continue although the use does not conform to the zoning ordinance or amendment. Such uses are referred to as nonconformities, and may continue until they are discontinued, damaged or removed. It is the intent of this Ordinance that such nonconformities shall not be completed, resumed, restored, reconstructed, extended, or substituted except as provided herein, nor shall nonconformities be used as grounds for the addition of other buildings, structures and uses prohibited elsewhere in the same zoning district.

8002. Regulations

No nonconforming use of land shall be changed to any other nonconforming use and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use. No nonconforming lot shall be reduced or enlarged except in compliance with the current lot size and dimension standards in the zoning district in which the nonconforming lot is located. No nonconforming use shall be moved in whole or in part to any other portion of the same parcel, or to a different parcel, not occupied on the effective date of this Ordinance, or amendment thereto, except as provided in Section 8003.

8003. Extensions

A nonconforming structure and use may not be completed, resumed, restored, reconstructed, extended, or substituted; and a non-conforming lot or parcel may not be used or built upon; except for any one or combination of and subject to the following restrictions:

- a) If the nonconforming land use is not otherwise allowed in the district; then the use, and the structures upon which the use is associated, shall not be expanded more than fifty (50%) percent in size, hours of operation or level of service, or any other extension which exists at the time of adoption of this Ordinance.
- b) Under no condition shall the nonconforming lot or parcel be expanded or the use be expanded to a contiguous parcel. If the nonconformity is that the parcel is too small and already has existing uses and structures, then the structures shall not be expanded more than fifty (50%) percent of the area occupied by the structure at the time of

adoption of this Ordinance, or spatially possible while such expansion shall comply with all applicable setback regulations in this Ordinance, whichever is less.

- c) Any expansion of the structure shall comply with all other provisions of this Ordinance.

Nothing in this Article is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the zoning district. If the nonconformity is that the parcel is too small, and the parcel is vacant, and the parcel does not qualify for consideration under Section 8005, then a nonconforming use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, except if the Zoning Board of Appeals may grant a variance if the following conditions are found to be met: it is documented by the applicant that

- a) The parcel existed prior to April 8, 1993, and the parcel was not made smaller after April 8, 1993,
- b) That contiguous land, or sufficient contiguous land, can not be purchased, and
- c) The District Health Department #10 approves required well and septic treatment and disposal.

[Annotation: Section 8003.D. on nonconforming vacant parcel is too small and larger than 15,000 square feet was added by amendment, effective November 30, 2004 at 12:01am.]

If the nonconformity is based on the lot or parcel being too small, and the lot or parcel is vacant, then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough. However, the Zoning Administrator may issue a zoning permit for a dwelling, and its accessory buildings, after documenting the nonconformity and the following standards are met:

- a) It is documented by the applicant that parcel existed prior to April 8, 1993,
- b) The parcel is 15,000 square feet or greater,
- c) The parcel is in a subdivision,
- d) The parcel is in the rural residential district, and
- e) The District Health Department #10 approves required well and septic treatment and disposal.

[Annotation: Section 8003.D. on nonconforming vacant parcel is too small and larger than 15,000 square feet was added by amendment, effective November 30, 2004 at 12:01am.]

If the nonconformity is based on the structure is too small; then the use shall not be expanded more than fifty (50%) percent in hours of operation, level of service, or other similar extension than existed at the time of adoption of this Ordinance. Nothing in this Article is intended to prevent any addition in the size of a nonconforming structure, if:

- a) the size of the structure is the only nonconformity,
- b) the addition results in the structure being in full or near compliance as determined by the Zoning Administrator, and
- c) no structure shall be replaced or reconstructed unless it results in being in full compliance except as provided in Section 8002 of this Ordinance.

[Annotation: Sub-subsection 3 was added by amendment effective May 23, 2002 at 12:01am.]

8004. Repairs and Maintenance

Nothing in this Ordinance shall bar or prevent the reconstruction, repair, restoration, reinforcement, improvement or rehabilitation of any nonconforming buildings, structures, or part thereof existing before at the effective date of this Ordinance, as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, structure, or portion thereof, but such rights shall not constitute a right to alter, enlarge or extend the conforming use. However, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60%) percent of the replacement value of such building at the time such work is done. Provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is commenced; and there shall be no change of use of said building, structure or part thereof.

8005. Building Damage

No building damaged by fire, act of God or other causes to the extent that the damage is in total (i.e., the insurance coverage, if it existed, would pay the full amount insured) shall be repaired or rebuilt, except in conformity with the non-use provisions of this Ordinance. Further, in compliance with the permitted and/or special use provisions of this Ordinance, such reconstruction, repair or restoration of the original use shall be completed within one (1) year of the date of the damage, and resumption of use takes place within ninety (90) days of completion. The one (1) year deadline may be extended if one of the following conditions are met:

- a) the Zoning Appeals Board finds that the delay was not avoidable due to weather;
- b) the Zoning Administrator finds that the delay was a result of a criminal investigation;
- c) the Zoning Administrator finds that the delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance; or

- d) the Zoning Administrator finds that the delay was a result of property held in probate.

[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am.]

8006. Completion

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the actual, substantial construction of which was commenced prior to the passage of this Ordinance, or any amendment thereto, and the construction of which shall have been completed within one (1) year after said date of adoption.

8007. Non-Use/Abandonment

Any nonconforming use, building or structure which has not been used or occupied for such nonconforming purposes for a period exceeding one (1) year, and for which there is competent and material evidence documented in the records of the Norman Township Zoning Administrator or Zoning Board of Appeals that the owner of the nonconforming use, building or structure has abandoned the non-conforming status of the use, building or structure, shall not thereafter be used or occupied unless in conformity to this Ordinance. In determining whether an owner has intended to abandon the nonconforming use, building or structure, all facts and circumstances shall be taken into account and documented. The presence or absence of the following factors shall tend to show that such an abandonment was or was not intended:

- a) Utility services to the use, building or structure have been disconnected;
- b) Any signs advertising the use, building or structure have been removed or have fallen into disrepair;
- c) Statements of the owner, prior owner or representatives of the owner indicating an intent to abandon or not abandon the non-conforming use, building or structure;
- d) A use of the parcel or occupation of a building or structure in a manner which conforms, or more closely conforms, to the requirements of this Ordinance than the prior non-conforming use or occupation;
- e) Fixtures relevant to a non-conforming use or occupation, within and outside a building, have been removed and not replaced;
- f) The classification of the parcel or its use for real or personal property tax purposes has been changed to reflect another use;
- g) U.S. Mail delivery has been discontinued to the parcel or is forwarded to another parcel;
- h) The building or structures on the parcel have fallen into disrepair;

- i) The use or occupation of the parcel, building or structure has been delayed by reason or probate proceedings, insurance settlement or dispute, or criminal, civil or administrative investigations; or
- j) By reason of other state or federal laws, rules or regulations, the parcel cannot lawfully be used for its prior nonconforming uses or the buildings or structures may not be lawfully reoccupied for their prior nonconforming purposes.

Action to find a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing: a) the property is held in a probate court action; b) insurance dispute; or c) a criminal investigation.

[Annotation: Section 8007. on non-use was changed by amendment, effective November 30, 2004 at 12:01am.]

8008. Change of Tenancy or Ownership

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

8009. Nonconforming Special Uses

There are uses which were in effect immediately prior to this Ordinance which are not permitted uses under this Ordinance. Of those uses, there are some which are listed as special uses in this Ordinance. Those existing uses which were permitted uses, and are listed as special uses in this Ordinance, shall not be considered nonconforming uses.

Those uses, or parts of uses, which exist immediately prior to this Ordinance, and are listed as special uses in this Ordinance shall be considered to be an approved existing special use with the configuration shown on a site plan drawn to reflect how the use exists at the time of adoption of this Ordinance. Parts of uses which are nonconforming immediately prior to the adoption of this Ordinance shall continue to be nonconforming under this Ordinance. A permit in existence pursuant to this subsection shall be known as an Pre-existing Special Use Permit.

An owner of a Pre-existing Special Use Permit may, at no charge to the owner, obtain from the Planning Commission a certification of a site plan reflecting how the use exists at the time of adoption of this Ordinance with identification of nonconforming parts, if any. In the case of a dispute over facts on what existed at the time of adoption of this Ordinance, aerial photographs flown in spring 1985 by Manistee County or other aerial photographs, flown to the same or greater standards for mapping as the county's photos, taken after the County photos but before the adoption of this Ordinance, shall be given the greatest weight as evidence to establish a

certified site plan. For purposes of this section, the above-mentioned photos may be accepted as the site plan for the Pre-existing Special Use Permit.

When a special use owner applies to amend the unwritten Special Use Permit for expansion or change, a written Special Use Permit shall be prepared for the entire use and parcel. In review of the Special Use Permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the Special Use Permit. If the application for amendment of the Special Use Permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the Pre-existing Special Use Permit.

8010. Nonconforming Uses

The Zoning Administrator shall survey the Township and file with the Planning Commission a written statement of the nature and extent of the nonconforming uses after adoption of this Ordinance, or any amendments thereto. The determination of when a nonconforming use may be replaced, extended, substituted or substandard parcels used shall be determined in the first instance by the Zoning Administrator. Any determination concerning nonconformities may be appealed to the Zoning Board of Appeals.

8011. Acquisition, Purchase or Condemnation

The Norman Township Board of Trustees may acquire, by purchase, condemnation, or other mechanism, private property or an interest in private property for the removal of nonconforming uses and structures. The Township Board may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to special district in accordance with applicable statutory provision relating to the creation and operation of special assessment districts for public improvements.

ARTICLE 82: ADMINISTRATION OF THIS ORDINANCE

[Annotation: amended effective October 22, 2017]

8201. Purpose

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

8202. Zoning Administrator

The administration of the provisions of this Ordinance shall be the responsibility of the Norman Township Board of Trustees and Planning Commission, and the Norman Township Zoning Administrator. Applicants for the position of Zoning Administrator shall be interviewed by the Planning Commission. The Planned Commission shall make its recommendations to the Township Board regarding the qualifications of the applicants. The Township Board shall designate, from the list of applicants recommended by the Planning Commission, a Zoning Administrator who shall serve for such term, subject to such conditions, and at such rate of compensation as the Township Board shall determine. The duty of the enforcement of this Ordinance shall rest with the Zoning Administrator as shall be authorized by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, MCL 125.3101 *et seq.*, and other state statues, court decisions and law. Under no circumstances shall the Zoning Administrator be permitted to make changes to this Ordinance, nor to vary its terms while carrying out the duties prescribed herein.

Eligibility. Elected officials of Norman Township and/or members of the Planning Commission and Zoning Board of Appeals shall be ineligible for appointment to the office of Zoning Administrator.

Interim Zoning Administrator. In the event of the resignation, death, disability, vacation, conflict of interest or disqualification of the Zoning Administrator, the secretary of the Planning Commission shall serve as interim Zoning Administrator until a new Zoning Administrator shall be appointed by the Township Board, or the existing Zoning Administrator again assumes their duties. In issuing an order, requirement, decision or determination on any discretionary matter referred to the Zoning Administrator or upon which they are required to pass under this Ordinance, it shall be sufficient for the Zoning Administrator to reasonably conclude that in

addition to the standards set forth in this Ordinance, the proposed order, requirement, decision or determination is compatible with the present uses of adjacent land, is consistent with and promotes the intent and purposes of this Ordinance, is compatible with the natural environment, is consistent with the capabilities of public services and facilities affected by such order, requirement, decision or determination and protects the public health, safety and welfare, and is consistent with constitutional requirements of due process and equal protection of the law.

8203. Zoning Administrator Duties

The Zoning Administrator shall submit to the Township Board monthly reports fully explaining the type and nature of uses permitted, the collection of fees and handling of violations, and zoning enforcement.

ARTICLE 84: PERMITS

[Annotation: amended effective October 22, 2017]

8401. Land Use Permits

No excavation shall be initiated, land occupied or used, nor shall any building or structure be erected, altered or relocated under the provisions of this Ordinance until a land use permit authorizing the same shall be issued by the Zoning Administrator. No land use permit shall be issued for any building or use of land where the construction, addition, or use thereof shall be in violation of this Ordinance, except upon written order of the Zoning board of Appeals or by any order of a court of competent jurisdiction.

8402. Land Use Applications

If a use is listed in a respective land use district as a permitted use, anyone with an interest in a parcel may apply for a zoning permit under this Section. Zoning permit applications are made on a form prepared by the Zoning Administrator and presented to the Zoning Administrator. The Zoning Administrator shall require that the application include the form, copies of plans, specifications and such other information as he may deem necessary. Such other information may include, but not be limited to:

- a) A site plan, drawn to the specifications of Article 94 of this Ordinance.
- b) The legal seating and/or sleeping capacity of all buildings and structures, if applicable.
- c) A concise statement of all operations and uses which will be conducted on the land, buildings, and structures.
- d) A concise statement of the services, if any, to be offered to the public, if applicable, and
- e) Any other information required by this Ordinance.

The application, and all the supporting documents, shall be kept by Norman Township as part of the Zoning Administrator's permanent records. The application and site plan, if applicable, shall show the proposed use and structures which will be developed in compliance with all aspects of this Ordinance.

Upon receipt of a zoning permit application, the Zoning Administrator shall review the application to insure it is administratively complete, to coordinate its review with other agencies, if required, and act on the application within ten (10) days. If the application is not complete, the

Zoning Administrator shall return the application with a letter that specifies the additional material required. If the application is administratively complete, but is found not to conform with this Ordinance, a permit denial shall be sent to the applicant, in writing, listing the deficiencies of the application, violations of the Ordinance, and/or what changes would be necessary to obtain a permit. If the application is administratively complete and the proposed land use, buildings and/or structures are found to comply with this Ordinance, a zoning permit shall be issued.

A zoning permit shall be required prior to the issuance of a Michigan State Construction Code permit, issued pursuant to P.A. 230 of 1972, as amended, being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*

8403. Permit Exemptions

Section 8401 notwithstanding, a zoning permit or fee is not needed under this section for the following uses. Nothing in this Section exempts or requires construction permits, other than required by P.A. 230 of 1972, as amended, being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*

Only exterior or interior repair and improvement which does not structurally alter the premises or change the exterior shape or form of any building in any manner, and the use of the land remains one of those listed as permitted in the respective land use district. Relocation or replacement of machinery or equipment within a building located in a commercial or industrial zone, conforming to the provisions of this Ordinance and used for commercial or industrial purposes, nor for any modification to such building in connection with said relocation or replacement, unless said modification structurally alters the premises or changes the exterior shape or form in any manner. The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of over ground or underground gas, electrical, water, communication, or sewer systems, for the local distribution and/or collection systems via pipes, drains, sewers, wires, cables, traffic signals, hydrants, towers, pools, electrical substations, gas regulation stations, and similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service to individual customers/clients, but not including regional, long distance, interstate distribution or collection systems. Other land use, building and structures exempt from this Section of the Ordinance include:

- a) Open space.
- b) Individual recreation uses such as boating, hiking, hunting, fishing and trapping.
- c) Plowing and planting cash crops, row crops, orchards, or use of land as pasture or fallow when part of a permitted agricultural operation on one or more parcels of land.

- d) Harvesting of timber as part of a forest management activity when part of a forest management plan.
- e) Hedges, arbors, trees, gardens, plants, shrubs.
- f) Sidewalks, driveways to dwellings, duplexes, apartment buildings.
- g) Domestic animal shelters for two or fewer household pets.
- h) Accessory structures to dwellings and duplexes which are constructed by minors or children for purposes of play by the same minors and children including, but not limited to, playhouses, dollhouses, tree houses, forts, hideouts, and so on, so long as such accessory structures adhere to setback requirements of this Ordinance.
- i) Personal property sales which do not operate with a business license, and operate only on Fridays, Saturdays, Sundays, and legal holidays.

[Annotation: Section changed by amendment, effective April 22, 2006 at 12:01am.]

8404. Land Use Permit Expiration

A land use permit issued under this Article is void if the use is not substantially commenced within one (1) years as determined by the Zoning Administrator. One (1) land use permit renewal of an expired land use permit under this Section may be granted by the Zoning Administrator after a second review of the permit application at no cost to the applicant, and the applicant continues to meet all requirements for a permit.

8405. Void Permits

A violation of any condition or permit requirement issued under this Article shall render the permit void. Any improper or incorrect information contained in the application for permit issued under this Article shall void the permit until properly corrected upon the permit application; provided that, as corrected, the applicant continues to meet all applicable Ordinance requirements for a permit.

8406. Permit Fees

Non-refundable fees for the review of development proposals, inspections and the issuance of permits or certificates required under this Ordinance shall be deposited with the Township Clerk, or in the case of a dwelling with the Zoning Administrator, in advance of processing any application or the issuance of any permits. No application for which a fee is required shall be processes until the fee is deposited. The amount of such fees shall be established by the Township Board by resolution and shall cover the cost of inspection and administration resulting from the administration and enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including the

newspaper notice, website notice, postage, copying, staff time, Planning Commission and/or Zoning Board of Appeals costs, mileage, and any reasonable costs associated with reviews by qualified professionals including professional planners and/or engineers.

ARTICLE 86: SPECIAL USES

[Annotation: amended effective October 3, 2017]

8601. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

8602. Authority to Grant Permits

The Planning Commission has the authority to approve or disapprove Special Use Permits in accordance with this Ordinance. If approved by the Planning Commission, the administrator shall issue these permits.

8603. Application and Fee

Application for any special use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed special use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be returnable to the applicant.

If an application of a complex nature is received, the Zoning Administrator may determine that the application requires the assistance of expert(s) resulting in additional costs.

Upon the Zoning Administrator's determination that expert review is required requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of up to two thousand five hundred (\$2,500) dollars. The applicant shall deposit the additional fee with the Norman Township Treasurer who shall keep an accurate accounting of the funds in a separate account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Zoning Administrator shall use the additional fee to contact and select necessary experts,

receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s).

At the next meeting of the Planning Commission, or prior to the next meeting of the Planning Commission the Zoning Administrator in consultation with the Chair of the Planning Commission, shall: a) establish a budget for the services of the expert(s), meeting costs, zoning administration expenses; and b) send an invoice to the applicant for the amount of the budget established with a request the applicant notify the township within ten (10) days, in writing, that he will withdraw the application, or will proceed and pay the balance of the additional fees based on the budget.

The applicant shall deposit the additional fee with the Township Treasurer who shall keep an accurate accounting of the funds in the same account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Commission shall use the additional fee to pay the services of the expert(s), meeting costs, and zoning administration expenses.

During the application process, the Planning Commission may from time-to-time modify the budget for such costs. Any additional actual costs incurred in processing such application shall be paid before a permit is issued and may be required to be payable in increments as review of the application progresses. The additional costs shall be for no more than the actual costs incurred by the Township processing the application. No part of such actual cost shall be returnable to the applicant. If there are any remaining monies in the Township Treasurer's account upon conclusion of the application, those monies shall be returned to the applicant.

The deposit required by this section is in addition to any security required elsewhere in this Ordinance.

[Annotation: Entire section re-written by amendment, effective April 22, 2006 at 12:01am.]

8604. Pre-Application Conference

Applicant(s) may request a meeting with the Zoning Administrator and not more than two (2) members of the Planning Commission before submitting an application. The purpose of the meeting is to discuss special use permit processing procedures, explanation of this zoning ordinance, what has been required of similar applications in the past, and to assist the applicant and township with understanding of general concepts and design parameters prior to investment in preparation of a site plan or special use permit application. Township officials at this meeting

shall not indicate or otherwise commit the township to any particular action regarding the application.

[Annotation: Entire section added by amendment, effective April 22, 2006 at 12:01am.]

8605. Information Required in Application

An application for Special Use Permit shall include:

1. The applicant(s) name(s) and address(s).
2. A signed affidavit the applicant(s) are the owner, or has an ownership interest, or is acting on the behalf of owners.
3. The address and legal description of the property.
4. A detailed site plan as specified in Article 94 of this Ordinance.

8606. Review for Completeness

Upon receipt of the Special Use Permit application, the zoning administrator will review the application for administrative completeness. If the application is not administratively complete, the zoning administrator will return the application to the applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the zoning administrator and chair of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit application.

8607. Notice of Public Hearing

If the application is administratively complete, the zoning administrator shall notify the following persons of the application being considered. This notice must be sent not less than fifteen (15) days before the date of the public hearing. These notices shall be sent to:

- a. The applicant(s).
- b. The owner of the property, if different.
- c. The owners of all real property within 300 feet of the boundary for the property for which the Special Use review has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the Township.
- d. Occupants of any structures within 300 feet of the boundary for the property for which the Special Use review has been requested, regardless of whether the owner and property is located in the Township.
- a. The public by notification in a newspaper of general circulation in the Township.

- e. The members of the Planning Commission.
- f. The adjoining township (if proposed special use is located within 1 mile),
Manistee County and the Little River Band of Ottawa Indians.
- a. Utility providers.
- g. Michigan Department of Transportation, if within 300 feet of a state highway.
- h. Michigan Department of Environmental Quality if the proposed special use is on
property with surface water, wetlands, sand dunes, or otherwise requires a permit
from the MDEQ.

[Annotation: A copy of the notice, by policy, should also be sent to the Michigan Natural Rivers Program, c/o Dan Pearson, MDNR Fisheries Division, Gaylord Operations Service Center, 1732 W. M-32, Gaylord, Michigan 49735 when a special use permit is within 200 feet of the Pine River.]

Failure of the Zoning Administrator to notify those persons and entities listed in subsection 8606.A. of this Ordinance shall not be grounds to challenge the validity of the proposed special use permit, provided notice has been given in accordance with the Michigan Zoning Enabling Act. The notice shall include:

- a) The nature of the Special Use Permit being requested.
- b) The property(-ies) for which the request has been made.
- c) A listing of all existing street addresses within the property(-ies) subject of the special use (i.e., street addresses do not need to be created and listed if no such addresses currently exist and another means of identification may be used.)
- d) Where the application documents can be viewed prior to the date of its consideration.
- e) The date, time and location of the public hearing.
- f) The address at which written comments may be directed prior to Township consideration.
- g) For members of the Planning Commission only, a complete copy of the Special Use Permit application and supporting documents in the record.

Any person or entity that receives notice pursuant to this section of this Ordinance may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the hearing on the issue. Such submissions shall be considered advice to the Planning Commission. The applicant may wish to review an application with Manistee County, public utilities, MDEQ, road agencies and other governing authorities having jurisdiction over the proposed special use prior to the hearing, or prior to submitting the application to the Commission.

[Annotation: Entire section changed by amendment, effective April 22, 2006 at 12:01am.]

[Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update these provisions to comply with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.]

8608. Hearing and Decision

The Planning Commission shall hold a public hearing on the Special Use Permit application. Anyone who receives notice pursuant to Section 8606 may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the public hearing. Such submissions shall be considered advice to the Planning Commission.

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

- A. A summary of public comments made at the hearing,
- B. Formal finding of facts,
- C. The conclusions derived from the facts (reasons for the decision),
- D. The decision, and
- E. A listing of any conditions upon which issuing a permit is issued or occupancy is allowed.

[Annotation: Entire section changed by amendment, effective April 22, 2006 at 12:01a.m.]

8609. Special Use Permit Standards

1. In addition to the standards established for specific uses herein, an application for a Special Use Permit shall be reviewed for compliance with Site Plan review standards in Article 94: Site Plan. The Planning Commission may impose reasonable conditions upon a Special Use Permit.
2. No Special Use Permit may be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that the proposed Special Use shall:
 1. Be designed, constructed, operated and maintained so as to be harmonious and compatible with the existing or intended character of the general vicinity, and that the use will not change the essential character of the area in which it is proposed.
 2. Be adequately served by essential public facilities and services such as highways, streets, fire and safety, drainage, refuse disposal, water and sewage treatment, etc.
 3. Not create excessive additional public costs for essential public services or facilities.
 4. Not involve activities, processes, materials, equipment or conditions that will be detrimental to any persons, property, or the public from the traffic, noise, smoke, vibration, fumes, glare, odors, etc.

5. Be sufficiently designed to maintain adequate provision for the protection of the health, safety and welfare of those proposing the special use, residents and adjoining landowners and the community as a whole.
6. Be consistent with the intent of this Ordinance and the Master Plan.
7. Not create or substantially add to traffic hazards.
8. Not have significant adverse impacts to environmental, ecological or natural resources.
9. Not have significant adverse impacts on adjoin properties or allowed or established uses.

8610. Special Use Permit Conditions

Special Use Permits can be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be based upon findings of fact and be:

- A. reasonable and designed to protect natural resources, the health, safety and welfare of the public;
- B. relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
- C. a valid exercise of the police power;
- D. related to the purposes which are affected by the proposed use or activity;
- E. consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective District;
- F. designed to ensure compatibility with adjacent uses of land and the natural environment; and
- G. the proposed special use or activity will be designed to ensure compatibility with public services and facilities.

8611. Record of Special Use Permit

A notice of the Special Use Permit shall be recorded with a property description with the Manistee County Register of Deeds. The application and all other information relating to the Special Use Permit shall be filed with the Township by the Zoning Administrator.

8612. Security Requirement

To ensure compliance with the site plan, Ordinance and any Special Use Permit conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural

resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

8613. Amendment of Special Use Permits

Major amendments to Special Use Permits shall be handled in the same manner as the initial Special Use Permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Township as represented and recorded by the Zoning Administrator and applicant(s), if done prior to the issuance of an occupancy permit.

8614. Transfer of Special Use Permit

A Special Use Permit, with any and all associated benefits, conditions and required security may be transferred to a new landowner. The responsibility for effecting the transfer shall be the original landowner. If not transferred, the original landowner shall continue to be held responsible for any conditions, security, etc. required by the Special Use Permit. The original landowner, upon transferring the Special Use Permit shall advise the Zoning Administrator of said transfer in order to ensure the continued validity of the permit, compliance with security and other conditions.

8615. Construction Code Permit

A Special Use Permit shall be required prior to the issuance of a Michigan State Construction Code Permit, issued pursuant to P.A. 230 of 1972, as amended, being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*

8616. Expiration of Special Use Permits

A Special Use Permit shall be valid for as long as the approved special use continues in accordance with the terms and conditions of the approved permit. The Special Use Permit will expire on the occurrence of one or more of the following conditions:

- A. If replaced or superseded by a subsequent Special Use Permit.
- B. If replaced or superseded by a permitted use.
- C. If the applicant requests the rescinding of the Special Use Permit.
- D. If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

8617. Violation of Special Use Permit

Any violation of the terms, conditions or limitations of a Special Use Permit shall be cause for revocation or suspension of the Special Use Permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Special Use Permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Special Use Permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit the Planning Commission shall make a finding that a material violation of the Special Use Permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

ARTICLE 94 SITE PLAN REVIEW

[Annotation: amended effective October 3, 2017]

9401. Purpose

This Ordinance requires site plan review by the Planning Commission under the provisions of Article 86: Special Use.

9402. Site Plan Review

Every application for a Special Land Use zoning permit shall include a site plan, drawn according to the specifications of this article.

9403. Site Plan Requirements

A Site Plan shall be a sketch, drawn to scale, or superimposed on an air photo, or superimposed on a survey, of the parcel. The following shall be shown on the Site Plan:

- a) The property, identified by parcel lines and location and size.
- b) Name and address of the property owner(s), developer(s), and engineers/architects/planners, etc., and their interest in said properties.
- c) The project parcel legal description(s).
- d) The scale, north point.
- e) A description of the proposed development.
- f) Natural features such as woodlots, water bodies, wetlands, high risk erosion areas, slopes over 25%, beach, sand dunes, drainage and similar features.
- g) Location of proposed and main and accessory buildings, existing structures, fences, and the height of all buildings and square footage of floor space.
- h) Proposed access/driveway.
- i) Any proposed alterations to the topography and other natural features.
- j) Any proposed location of connections to existing utilities and/or proposed utility extensions.
- k) Location dimensions of existing and proposed man-made features such as buildings, structures, utility easements, water, storm sewer and sanitary sewer lines, storm water drainage and retention lines.
- l) Neighboring driveways, and other vehicular circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lanes and service parking, snow storage areas.

- m) Any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Planning Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)
- n) The proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.
- o) The location, proposed finished floor and grade line elevations.
- p) 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 type.
- q) Any proposed roads, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site.
- r) Topography information based on USGS datum, or selected on-site elevations. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of topography.
- s) Generalized soil analysis data, which may include data prepared by the Manistee County Soil Conservation District or Manistee County Planning Department regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.

9404. Submission of a Site Plan

Seven (7) copies of a site plan shall be submitted with a zoning permit application to the Zoning Administrator. The applicant may request a pre-application meeting with the Zoning Administrator to ensure the applicant's understanding of zoning ordinance requirements and the site plan review process.

9405. Review for Completeness

The Zoning Administrator shall review the site plan received to ensure it is administratively complete. Such finding shall be concurrently with the required finding that a zoning application is complete. The Zoning Administrator shall review the site plan application for administrative completeness, and the Zoning Administrator shall only forward administratively complete site plans to the Planning Commission for review at its next regularly scheduled meeting.

If the site plan is not found to be administratively complete, the Zoning Administrator shall return the site plan to the applicant(s) with a written list of items needed to make the site plan complete. If the site plan is found to be complete, the Zoning Administrator shall:

- a. Send copies of the site plan to the Manistee County Road Commission, Manistee County Soil Erosion Inspector, Manistee County Drain Commissioner, Manistee County Health Department, Michigan Department of Transportation, for their recommendations to be subsequently forwarded with the site plan, and
- b. Schedule a site plan review meeting and forward the copies of the site plans to each member of the Planning Commission a week or more prior to the Planning Commission's meeting.

9406. Standards for Site Plan Review

The following standards shall be used by the Planning Commission to review site plans. The Planning Commission may waive or modify site plan review standards or require additional information as appropriate. A site plan shall not be approved unless all of the following standards are met:

- A. The uses and configuration proposed will not adversely affect the public health, safety or general welfare.
- B. The site plan shall provide reasonable visual and sound privacy for all dwelling units or parcels zoned that allow dwelling units located within and/or adjacent to the proposed development.
- C. Removal or alteration of significant natural features, including native vegetation, shall be restricted to those areas which are reasonably necessary to develop the site. Native vegetation and significant natural features shall be preserved to maximum extent possible as follows:
 - i. Landmark trees and significant vegetation to be protected shall be marked on-site to prevent damage during construction.
 - ii. A plan for natural feature protection during construction shall be provided.
 - iii. Utilities may be required to be placed underground.
 - iv. Provisions shall be made to treat and dispose of storm water on-site wherever practical.
 - v. Areas of natural drainage such as swales, wetlands, ponds, etc. shall be protected insofar as practical in their natural state to provide for natural habitat, drainage patterns and characteristics.
 - vi. Direct discharge of storm water into surface waters is prohibited.
 - vii. Storm water infiltration devices such as rain gardens, bio swales, infiltration basins/structures, etc. are preferred over storm water retention basins.
- D. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided within the site.

- E. The minimum number of driveway and access points shall be provided at appropriate locations to maximize convenience and public safety.
- F. Paths, drives and streets shall be designed to promote safe and efficient traffic operations within and between developments.
- G. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character.
- H. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary.
- I. The Planning Commission may require shared driveways, cross access easements and pathway cross-connections between developments.
- J. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission.
- K. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department.
- L. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings and structures shall be shielded and downward directed and shall minimize light pollution.
- M. All loading and unloading areas and outside storage areas, including areas for the storage of trash, shall be provided.
- N. The uses and configuration shall not have significant negative impacts on adjoining properties and their existing and allowed uses, or the environment.
- O. The general purposes and intent of this Ordinance and the Master Plan of Norman Township shall be maintained.

9407. Approval and Compliance

Within seven (7) days of the site plan being found to be administratively complete the Zoning Administrator shall forward the Site Plan to the Planning Commission. The Planning Commission shall act in good faith to approve, approve with modifications, or disapprove the site plan in writing with stated reasons.

The Planning Commission action shall be recorded with the zoning application and shall be filed with the Zoning Administrator. The Planning Commission shall notify the applicant in writing of its decision. If rejected, the reasons for rejection and, if approval is possible, the requirements for approval, shall be given to the applicant, in writing, attached to the rejection.

9408. Conditions of Site Plan Approval

A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.

9409. Security Requirement

To ensure compliance with the site plan, Ordinance and any Site Plan conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

9410. Transfer of Special Use Permit

An approved Site Plan, with any and all associated benefits, conditions and required security may be transferred to a new landowner. The responsibility for effecting the transfer shall be the original landowner. If not transferred, the original landowner shall continue to be held responsible for any conditions, security, etc. required by the approved Site Plan. The original landowner, upon transferring the approved Site Plan shall advise the Zoning Administrator of said transfer in order to ensure the continued validity of the permit, compliance with security and other conditions.

9411. File Copies

At least one (1) copies of the site plan, all accompanying documents, record of approval, list of conditions, security shall be kept by Norman Township for its records.

9412. Zoning Permits

No zoning permit or Michigan Construction Code building permit, issued pursuant to P.A. 230 of 1972, as amended, being the State Construction Code Act, M.C.L. 125.1501 *et. seq.*, shall be issued or otherwise authorized until after the site plan has been approved and any required securities have been received.

9413. Amendment of Site Plan

Major amendments to approved Site Plans shall be handled in the same manner as the initial Site Plan application. However, minor non-substantive changes may be made to an approved Site Plan by mutual agreement between the Township as represented and recorded by the Zoning Administrator and applicant(s).

ARTICLE 96: APPEALS BOARD

9601. Appeals Board Established

There is hereby established an Appeals Board, which shall perform its duties and exercise its powers as provided in the Zoning Act, in such a way the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done. *[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]*

9602. Duties of the Appeals Board

The Appeals Board shall hear and decide such matters as the Appeals Board is specifically authorized to pass on as provided in this Ordinance and such matters as may be provided by law, including, but not limited to, variances, interpretation of Ordinance text and map.

9603. Variance

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

A written application for a variance is submitted, demonstrating:
That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

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.

That the special conditions and circumstances do not result from the actions of the applicant.
That granting the variance will not alter the essential character of the area.

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.

The Appeals Board shall make findings that the requirements of this Ordinance have been met by the applicant for a variance.

The Appeals Board 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.

The Appeals Board 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.

In granting any variance, the Appeals Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance and including requirements for a buffer area, greenbelt, vegetation belt. 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.

Under no circumstances shall the Appeals Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

9604. Voiding of and Reapplication for Variance

The following provisions shall apply:

Each variance granted under the provisions of this Ordinance shall become null and void unless:
The construction authorized by such variance or permit has begun within one (1) year after the granting of such variance and pursued diligently to completion; or
The occupancy of land or buildings authorized by such variance has taken place within one (1) year after the granting of such variance.

No application for a variance which has been denied wholly or in part by the Appeals Board shall be resubmitted, except on grounds of new evidence or proof of changed conditions found by the Appeals Board to be valid. [Annotation: Subsection changed by amendment, effective May 23, 2002 at 12:01am.]

9605. Interpretation of Ordinance Text

A. Interpretation - Pursuant to the requirements of the Zoning Act; nothing contained herein shall be construed as prohibiting the Appeals Board from interpreting the text of this Ordinance in such a fashion that will allow in a land use district, buildings, uses and structures which are sufficiently similar to the specifically delineated permitted or special uses in that land use district, under the same permitted or special use regulations. Such interpretation shall not have the effect of granting a variance but rather shall be deemed only to be an interpretation of the Ordinance text. [Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]

B. Standards - In determining whether a proposed building, use or structure is sufficiently similar to a specifically delineated permitted or special use, the Appeals Board shall consider the relevant policies for the Land Use District in question as set forth in the Master Plan, the nature, use and purpose of the proposed building, use or structure and whether or not the proposed building, use or structure is a permitted or special use in any other Land Use District.

C. Precedent - An earlier determination under this section shall be considered a precedent for other applications proposing an identical building, use or structure in the same Land Use District, provided the earlier determination was made with respect to a building, use or structure sufficiently similar to a specifically delineated permitted use in the Land Use District and not with respect to a specifically delineated special use. An earlier determination with respect to an identical, sufficiently similar special use shall be considered as a precedent only to the extent that such sufficiently similar special use shall be considered as a candidate for a Special Use Permit in that Land Use District, but shall otherwise be subject to all requirements of section.

9606. Appeals to the Appeals Board

Appeals to the Appeals Board

A. A demand for a zoning appeal shall be filed with the zoning administrator. Appeals can be filed by:

1. a person aggrieved, or
2. an officer, department, board, or bureau of the state, Manistee County or the

Township.

B. The Appeals Board shall have the authority to hear appeals concerning:

1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
2. All administrative orders, requirements, decisions or determinations made by the Zoning Administrator.
3. All decisions concerning site plan review.

C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the demand for appeal to the applicant with a letter that specifies the additional material required.
2. If the demand for appeal is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal following notice as required by this Ordinance and the Zoning Act.

D. The appeal stays all proceedings in furtherance of the action appealed, unless the Commission or Administrator from whom the appeal is taken certifies to the Appeals Board that by reason of facts stated in the certificate, a stay would in the opinion of the Commission or Administrator cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the Appeals Board or a circuit court.

E. The notices shall be given not less than 15 days before the date of the hearing on an appeal.

1. notices shall be sent to:
2. The individual demanding the appeal.
3. The owner (or other owners) of the property, if different.

4. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, whether or not the owner and property are located in the Township.
5. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether or not the owner and property are located in the Township or not.
6. The general public by publication in a newspaper which circulates in the Township.
7. Members of the Appeals board.

[Annotation: A copy of the notice, by policy, should also be sent to the Michigan Natural Rivers Program, c/o Dan Pearson, MDNR Fisheries Division, Gaylord Operations Service Center, 1732 W. M-32, Gaylord, Michigan 49735 when a request for a variance is within 200 feet of the Pine River.]

F. The notice shall include:

1. The nature of the appeal demanded.
2. The property(ies) for which the appeal or variance has been made.
3. A listing of all existing street addresses within the property(ies) which is(are) subject of the appeal. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)
4. The location where the demand for appeal can be viewed and copied prior to the date of the hearing.
5. The date, time and location of the hearing.
6. The address at which written comments should be directed prior to the hearing.
7. For members of the appeals board only, a copy of the demand for appeal, the entire record on the case, the staff report, and supporting documents in the record.

G. The Appeals Board shall hold a hearing on the demand for appeal.

1. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by agent or by attorney.

2. Standards for Variance Decisions by the Appeals Board:

The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:

- a. For Dimensional Variances: A dimensional variance may be granted by the Appeals Board only in cases where the applicant demonstrates that practical difficulty exists by showing all of the following:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
2. That the need for the requested variance is not the result of actions of the applicant or previous property owners (self-created).

3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.

5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

b. For Use Variances: Under no circumstances shall the Appeals Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am to update these provisions to comply with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.]

9607. Appeals Board Members

A. The Appeals Board shall consist of the three (3) members as follows:

1. First member shall be a member of the Commission appointed by the Township Board.

[Annotation: Subsection changed by amendment, effective April 22, 2006 at 12:01am.]

2. Second, third members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated areas of the Township.

3. Members of the Township Board but shall not serve on the Appeals Board.

4. The Township Board may appoint not more than two standing alternate(s) to serve in the place of a regular members who is absent, unable to attend one or more meetings, has a conflict of interest, and because the regular member has already voted on the issue when it was before Commission.

B. Appointments to the Appeals Board shall be for three-year terms, and staggered so that, as much as is possible, an equal number of members' terms end each year and those vacancy(ies) are filled each year.

C. The Township Board may remove a member of the Appeals Board for misfeasance, nonfeasance or malfeasance in office upon written charges and after public hearing.

D. A member of the Appeals Board shall disqualify himself or herself from a vote, discussion, and deliberation on a case when the member has a conflict of interest. Failure of a member to disqualify himself or herself when a conflict of interest exists constitutes malfeasance in office. Conflicts of interest shall be determined in accordance with the Township's regular policy on conflicts of interest.

[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am to update these provisions to comply with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.]

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ARTICLE 98: AMENDMENT VALIDITY PENALTIES

9801. Initiating Amendments and Fees

The Township Board may from time to time, on recommendation from the Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the 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 Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay a filing fee as set from time to time by the Township Board.

9802. Amendment Procedure

A. The procedure for making amendments to the Ordinance shall be in the manner provided by law.

B. Pre-proposal Conference and Neighborhood Meetings:

1. The applicant, at his or her option, may request a meeting with the Administrator and not more than two members of the Commission before submitting a zoning amendment. The purpose of the meeting is to discuss amendment processing procedures, explanation of this zoning ordinance, what has been required of similar proposals in the past, and to assist the applicant and Township with understanding of general concepts and design parameters prior to investment in preparation of the zoning amendment. Township officials at this meeting shall not indicate or otherwise commit the Township to any particular action regarding the amendment.

2. The applicant, at his or her option, may sponsor a neighborhood meeting for those who live near and within land subject to the zoning amendment. The purpose of the neighborhood meeting is for the applicant to learn residents' concerns and to be able to design the zoning amendment to mitigate those concerns prior to submitting the same to the Township. If a neighborhood meeting is held, minutes of the meeting shall be prepared by the applicant and a copy provided to the Commission with the application.

[Annotation: This section changed by amendment, effective September 18, 2007 at 12:01am to update these provisions to comply with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.]

C. Notice.

1. The notices shall be given not less than 15 days before the date of the hearing on a proposed zoning amendment and notices shall be sent to:

- a. The applicant.
- b. The owner (or other owners) of the property, if different.
- c. If the zoning amendment proposes to rezone less than 11 properties:

(1) the owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, whether or not the owner and property are located in the Township.

(2) occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, whether or not the owner and property are located in the Township.

d. The general public by publication in a newspaper which circulates in the Township.

e. Members of the Commission, or legislative body and Commission if the hearing is being held by the legislative body.

f. The adjoining township if proposed zoning amendment is located within 1 mile, Manistee County and the Little River Band of Ottawa Indians.

g. County road commission.

h. Utility providers;

i. Michigan Department of Transportation if within 300 feet of a state highway;

j. Michigan Department of Environmental Quality if the proposed special use in on property with surface water, wetlands, sand dunes, or otherwise requires a permit from MDEQ.

[Annotation: A copy of the notice, by policy, should also be sent to the Michigan Natural Rivers Program, c/o Dan Pearson, MDNR Fisheries Division, Gaylord Operations Service Center, 1732 W. M-32, Gaylord, Michigan 49735 when a zoning amendment involves land within 200 feet of the Pine River.]

2. Failure of the administrator to notify those persons and entities listed in this section shall not be grounds to challenge the validity of the proposed amendment, provided notice has been given in accordance with the Zoning Act.

3. The notice shall include:

a. The nature of the zoning amendment being requested.

b. The property(ies) for which the zoning amendment has been made.

c. If the zoning amendment proposes to rezone is for less than 11 adjacent properties, also a listing of all existing street addresses within the property(ies) which is(are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identification may be used.)

d. The location where the zoning amendment can be viewed and copied prior to the date the hearing.

e. The date, time of the hearing.

f. The address at which written comments should be directed prior to the hearing.

g. For members of the Commission only, a copy of the request for the zoning amendment, the draft of the zoning amendment, and supporting documents in the record.

4. The Commission shall maintain an affidavit of mailing for each mailing made under this section.

5. A person or entity that receives notice pursuant to this section may choose to submit material to the Commission. Such submissions shall be delivered to the Township at or before the hearing. Such submissions shall be considered advice to the Commission. The applicant may wish review the application with Manistee County, public utilities, road agencies and other governmental agencies having jurisdiction over the property subject to the zoning amendment prior to the hearing, or prior to submitting the application to the Commission.

[Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update these provisions to comply with the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.]

D. Hearing and Decision

1. The Commission shall hold a public hearing to receive input on the proposed Zoning Amendment.

2. Following the hearing, the Commission shall consider each proposal for amendment. The Commission may recommend any additions or modification to the original amendment proposal. The Commission shall review the proposed amendment:

a. For compliance with formal adopted township plans adopted pursuant to P.A. 168 of 1959, as amended, (being Township Planning Act, M.C.L. 125.321 *et. seq.*) upon which this zoning ordinance is based:

(1) If it is found to comply with formal adopted plan and receives favorable Commission judgement, then it shall recommend to the Township Board for adoption.

(2) If it is found to comply with formal adopted plan and receives unfavorable Commission judgement, then it shall recommend to the Township Board not to be adopted.

(3) If it is found not to comply with formal adopted plan, then further steps to adopt the amendment shall cease until the formal adopted township plans adopted pursuant to P.A. 168 of 1959, as amended, (being Township Planning Act, M.C.L. 125.321 *et. seq.*), upon which this zoning ordinance is based, is first or simultaneously amended so that the Commission can find the proposed zoning complies with the plan.

b. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

c. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning;

d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land; and Other relevant standards set forth in the Township Zoning Act.

E. Conditional zoning proposal:

1. Intent: It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in

zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of section 405 of the Zoning Act by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. [Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]

2. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

3. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Subsection. All other provisions of this section shall apply and criteria which includes but is not limited to compliance with the process outlined in this section, notices, hearing, comments at hearing(s), and a finding of compliance with the plan. In addition, a proposed zoning agreement, or conditional zoning amendment proposal:

a. Hearing notices shall clearly indicate the proposed zoning amendment is a conditional rezoning amendment which is specific to property which is indicated in the notice. The notice shall also indicate the condition, or zoning amendment request may be rejected, approved, or changed before approved.

b. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

c. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

d. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

e. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.

f. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

g. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final

rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Commission for a new public hearing with appropriate notice and a new recommendation.

h. A conditional zoning proposal shall not be accepted for consideration if the proposed Statement of Conditions contains provisions which are less restrictive, than those found in the proposed zoning district. Such requests shall be pursued as a variance.

i. The Statement of Conditions: The offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. The Statement of Conditions shall:

(1) Be in a form recordable with the Manistee County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

(2) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Manistee County Register of Deeds.

(3) Contain a legal description of the land to which it pertains.

(4) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

(5) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

(6) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions and the agreement is lawful, is enforceable, the applicant is shall not take a contrary position, and the parties are entitled to injunctive relief.

(7) A reciting of the process for approval and adoption of the Statement of Conditions.

(8) Duration of the Statement of Conditions.

(9) The conditions and timing of the development. However, such conditions shall:

a. Be tangible offerings along the nature of site design, restriction on type of use (but not intangible items such as hours of operation, and other operation practices).

b. Shall not include provisions which contract away the board's police powers, or otherwise prohibit a future zoning amendment for the property.

c. Shall not include provisions for off-site improvements.

d. Where necessary an agreement on rough proportionality for sharing costs for applicable conditions.

(10) A reversion clause.

(11) Enforcement provisions.

j. If the terms of the Statement of Conditions, in an approved conditional rezoning, are violated and enforcement efforts have not been successful, then the Commission shall initiate, and the Board shall adopt a zoning amendment to revert the zoning back to what it was prior to adoption of the conditional zoning. In doing so, the same process for amending the zoning ordinance in this section shall be followed, except for the requirement of a finding of compliance with the plan.

k. Upon approval of a conditional zoning amendment, the Statement of Conditions shall be recorded in the Manistee County Register of Deeds office. Upon approval of a conditional zoning amendment the boundary of the parcel(s) subject to the conditional rezoning shall be shown on the zoning map with a symbol (such as but not limited to an asterisk) to indicate a Statement of Conditions exists for the parcel(s).

4. Review of Conditional Rezoning:

a. Commission Review of conditional zoning amendment. The Commission, after public hearing and consideration of the factors for rezoning set forth elsewhere in this Section, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

b. Township Board review of conditional zoning amendment. After receipt of the Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth elsewhere in this Section.

5. Compliance with Conditions.

a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

6. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

7. Reversion of Zoning.

a. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection above, then the land shall revert to its former zoning classification as set forth of section 405 of the Zoning Act. The reversion process shall be initiated by the Township Board requesting that the Commission proceed with consideration of rezoning of the land to its former zoning classification or by the Commission. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. *[Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]*

b. Subsequent Rezoning of Land: When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to this Subsection or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Manistee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

8. Amendment of Conditions.

a. During the time period for commencement of an approved development or use specified pursuant to Subsection above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

9. Township Right to Rezone: Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Act. *[Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 et seq. to M.C.L. 125.3101 et seq.]*

10. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

F. After the public hearing and the finding in Section 9802.D.2 has been made, the Commission shall submit:

1. a summary of the comments received at the public hearing,
2. the proposed amendment, and
3. any zoning maps,

to the Township Board. After receiving the recommended zoning amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of the proposed amendment. Any amendments shall be approved only by a roll call vote of the majority of the members of the Board. The Board shall not make a change or departure from the proposed zoning amendment, as recommended by the Commission, unless the proposed change or departure is first submitted back to the Commission. Should the Township Board consider amendments to the proposed zoning amendment advisable and if such contemplated amendments (and in the case of conditional rezoning, are acceptable to and thereafter offered by the owner) then the Township Board shall, in accordance with section 401 of the Zoning Act refer such amendments to the Commission for a report thereon. Unless a different time is specified by the Township Board, the Commission shall have thirty (30) days from and after receipt of the proposed change or departure to send its second report to the Township Board. If the proposed change or departure is found by the Commission not to comply with the Township's adopted plan, then further steps to adopt the amendment shall cease, regardless if the thirty (30) days has passed or not, until the formal adopted plan(s) adopted pursuant to P.A. 168 of 1959, as amended, (being Township Planning Act, M.C.L. 125.321 *et. seq.*), upon which this zoning ordinance is based, is first or simultaneously amended so that the Commission can find the proposed zoning amendment complies with the plan. Upon receiving the second report the Township Board may adopt, adopt with modification, or not adopt the proposed zoning amendment. [Annotation: This subsection changed by amendment, effective September 18, 2007 at 12:01am to update the zoning enabling act citation from M.C.L. 125.271 *et seq.* to M.C.L. 125.3101 *et seq.*]

G. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification. In the case of conditional rezoning

1. The map shall also show a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

2. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the

conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

3. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions. [Annotation: Entire section re-written by amendment, effective April 22, 2006 at 12:01am.]

9803. 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.

9804. Violations and Penalties: Nuisance Per Se: Abatement

A. Nuisance Per Se. Any building or structure or temporary dwelling which is erected, reconstructed, altered, converted, maintained, or used or any use of land or premises which is begun, maintained or changed in violation of any provisions of this Ordinance is hereby declared to be a nuisance per se.

[Annotation: Subsection added by amendment, effective October 25, 2000.]

B. Authorized local official: The Zoning Administrator or any police officer having jurisdiction to act within Norman Township is hereby designated as an authorized local official to issue municipal civil infraction citations.

[Annotation: Subsection changed by amendment, effective September, 2004.]

C. Violations; Civil Infractions: Any person, including, but not limited to, an individual, partnership, corporation, limited liability company, or other incorporated or unincorporated, voluntary association, who violates any provision of this Ordinance shall be guilty of a civil infraction. Violation of this Ordinance and its penalties shall be judicially enforced through the 84th Judicial District Court. Enforcement for violations of this Ordinance shall be as follows:

1. Unless immediate action is necessary upon the determination by the Township Zoning Administrator that there is a danger to the public health, safety, or welfare, the person violating this Ordinance shall be served personally or through first class mail with a notice of violation requiring that the violation be corrected within thirty (30) days of the notice.

2. Upon failure to correct the violation or in cases when immediate action is necessary, a person violating this Ordinance shall be issued a citation requiring his or her appearance in the 84th Judicial District Court.

3. A person who violates this Ordinance and shall be fined not less than \$150.00 nor more than \$500.00 plus costs.

4. A person who violates this Ordinance and has been previously found responsible or admitted responsibility for a violation of this Ordinance in a civil infraction

proceeding within one (1) year immediately preceding the issuance of the second citation, shall be fined not less than \$300.00 nor more than \$500.00 plus costs.

5. A person who violates this Ordinance and has been found responsible or admitted responsibility for violation of this Ordinance in a civil infraction proceeding on at least two prior occasions within two (2) years immediately preceding the issuance of the third or later citation, shall be fined \$500.00 plus costs.

D. Violations; Civil Action: The Township Board, the Township Zoning Administrator, the Board of Appeals, the Attorney for the Township, or any owner or owners of real estate within the Zoning District in which such building, structure or land is situated, may institute a nuisance, injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings, to prevent, enjoin, abate, or remove any building or structure or use, which has been erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance.

E. Cumulative Remedies: The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. The issuance of a municipal civil infraction citation and a finding or admission of responsibility for violation of this Ordinance in a civil infraction proceeding shall not bar a civil action seeking equitable relief beyond the jurisdiction of the 84th Judicial District Court under Section hereof, arising from the same violation. [Annotation: Subsection added, by amendment, effective October 25, 2000.]

9805. Caption

The captions used in this Ordinance shall not be deemed to be a part of this Ordinance and shall not be construed to enlarge or restrict the rights and obligations otherwise contained herein.

9806. Validity and Severability Clause

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

9807. Period of Effectiveness

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

[MODEL\ZONE90S.ANY]

ADOPTION AND AMENDMENT HISTORY

ADOPTION HISTORY:

First zoning ordinance establishing zoning in Norman Township

Notices of Hearing published: October 20, 1992 and November 4, 1992 for the first hearing; and November 17 1992 and December 2, 1992 for the second hearing.

Public Hearings held: November 12, 1992 and December 10, 1992 both at 7pm.

Recommended for adoption by Norman Township Planning Commission: February 6, 1993

Review by the Manistee County Planning Commission: February 17, 1993.

Adopted by the Norman Township Board: March 9, 1993

Effective: April 8, 1993 12:01am

AMENDMENT HISTORY:

#1 Notices of Hearing published: Feb. 4 and 25, 1994 in *Manistee News Advocate*

Public Hearing held: March 2, 1994 7pm

Recommended for adoption by Norman Township Planning Commission: March 5, 1994.

Review by the Manistee County Planning Commission: March 16, 1994

Adopted by the Norman Township Board: April 12, 1994.

Effective: April 24, 1994 12:01am.

#2 Notices of Hearing published: February 27 and March 16, 1995 in *Manistee News Advocate*.

Public Hearing held: March 23, 1995 7pm

Recommended for adoption by Norman Township Planning Commission: April 7, 1995.

Review by the Manistee County Planning Commission: May 17, 1995

Adopted by the Norman Township Board: June 13, 1995

Effective: June 17, 1995 12:01am

#3 Notices of Hearing published: December 12, 1997 and December 30, 1997 in *Manistee News Advocate*.

Public Hearing held: January 3, 1997 7pm

Recommended for county review by Norman Township Planning Commission: January 7, 1997.

Review by the Manistee County Planning Commission: January 15, 1997.

Recommended for adoption by Norman Township Planning Commission: February 27, 1997.

Adopted by the Norman Township Board: March 12, 1997.

Effective: March 19, 1997 at 12:01am.

#4 Notices of Hearing published: _ and _ in *Manistee News Advocate*.

Public Hearing held: January 13, 2000.

Recommended for county review by Norman Township Planning Commission: January 13, 2000.

Review by the Manistee County Planning Commission: February 23, 2000.
Recommended for adoption by Norman Township Planning Commission: January 13, 2000.
Adopted by the Norman Township Board: March 2000.
Effective: March 21, 2000 at 12:01am.

#5 Omnibus 2000 Amendments:

Notices of Hearing published: June and July 2000 in *Manistee News Advocate*.
Public Hearing held: July 13, 2000 7pm
Recommended for county review by Norman Township Planning Commission: July 13, 2000.
Review by the Manistee County Planning Commission: August 24, 2000.
Recommended for adoption by Norman Township Planning Commission: September 7, 2000.
Adopted by the Norman Township Board: September 13, 2000.
Effective: October 25, 2000, 30 days following publication in the *News Advocate*, Sept. 25, 2000.

#6 Omnibus 2001 Amendments:

Notices of Hearing published: January and February 2002 in *Manistee News Advocate*.
Public Hearing held: February 14, 2002 at 7pm
Recommended for county review by Norman Township Planning Commission: Feb. 14, 2002.
Review by the Manistee County Planning Commission: Feb. 23, 2002.
Recommended for adoption by Norman Township Planning Commission: Feb. 14, 2002.
Adopted by the Norman Township Board: April 2002.
Effective: Published April 24, 2002, 30 days following publication in the *News Advocate*, May 23, 2002 at 12:01am.

#7 Seaman Road Developed Residential rezoning.

Notices of Hearing published: September 6 and 25, 2003 in *Manistee News Advocate*, and notices mailed to owners/occupants within 300 feet.
Public Hearing held: September 30, 2003 at 7pm
Recommended for county review by Norman Township Planning Commission: September 30, 2003.
Review by the Manistee County Planning Commission: November 2003.
Recommended for adoption by Norman Township Planning Commission: September 30, 2003.
Adopted by the Norman Township Board: December, 2003.
Petitioned to be placed on the ballot.
Election April 12, 2004 where Electorate voted to reject the rezoning, 147 “yes” to 116 “no” votes, effective April 12, 2004 at 8pm.
Not made effective, never adopted.

#8 Omnibus 2003/2004 Amendment:

(sent to atty _)
Notices of Hearing published: April 6, 2004 and April 20, 2004 in *Manistee News Advocate*.
Public Hearing held: April 27, 2004 at 7pm
Recommended for county review by Norman Township Planning Commission: April 27, 2004.

Review by the Manistee County Planning Commission: May 27, 2004.
Recommended for adoption by Norman Township Planning Commission: August 9, 2004???.
Adopted by the Norman Township Board: August 10, 2004 and again November 20, 2004.
Effective Date: November 30, 2004 at 12:01am (Published, in the *News Advocate*, November 29, 2004)

#9 Omnibus 2005 Amendment:

(sent to atty _)

Notices of Hearing published: November 18 and December 9, 2005 in *Manistee News Advocate*.

Public Hearing held: December 12, 2005 at 7pm

Recommended for county review by Norman Township Planning Commission: December 12, 2005.

Review by the Manistee County Planning Commission: January 23, 2006.

Recommended for adoption by Norman Township Planning Commission: February 13, 2006.

Adopted by the Norman Township Board: March 14, 2006.

Effective Date: April 22, 2006 at 12:01am (Published, in the *News Advocate*, March 23, 2006.)

#10 Bridge Amendment:

(sent to atty March 13, 2007)

Notices of Hearing published: _March 22, 2007 in *Manistee News Advocate*.

Public Hearing held: Monday April 9, 2007 at 7pm

Recommended for county review by Norman Township Planning Commission: April 9, 2007.

Review by the Manistee County Planning Commission: April 25, 2007, 2007.

Recommended for adoption by Norman Township Planning Commission: May 14, 2007.

Adopted by the Norman Township Board: May 14, 2007.

Effective Date: May 23, 2007 at 12:01am (Published, in the *News Advocate*, May 22, 2007.)

#11 Omnibus 2006 Amendment:

(sent to atty _)

Notices of Hearing published: _, 2007 and _, 2007. in *Manistee News Advocate*.

Public Hearing held: _, 2007 at 7pm

Recommended for county review by Norman Township Planning Commission: _, 2007.

Review by the Manistee County Planning Commission: _, 2007.

Recommended for adoption by Norman Township Planning Commission: _, 2007.

Adopted by the Norman Township Board: _, 2007.

Effective Date: September 18, 2007 at 12:01am (Published, in the *News Advocate*, _, 2007.)

#12 Omnibus 2009 Amendment:

(sent to atty _)

Notices of Hearing published: _, 2009 and _, 2009. in *Manistee News Advocate*.

Public Hearing held: _January 11, 2010 at 7pm

Recommended for county review by Norman Township Planning Commission: January 11, 2007.

Review by the Manistee County Planning Commission: February, 2010.

Recommended for adoption by Norman Township Planning Commission: March 8, 2010.
Adopted by the Norman Township Board: April 13, 2010 and again May 12, 2010.
Effective Date: June 22 at 12:01am (Published, in the *News Advocate*, May 22, 2010.)

#13 Tank Cleaning/Fischer Amendment:

(sent to atty _)

Notices of Hearing published: _, 2010 and _, 2010. in *Manistee News Advocate*.

Public Hearing held: _April 12, 2010 at 7pm

Recommended for county review by Norman Township Planning Commission: April 12, 2007.

Review by the Manistee County Planning Commission: April, 2010.

Recommended by Norman Township Planning Commission not to be adopted : May 10, 2010.

Adopted by the Norman Township Board: May 12, 2010.

Effective Date: June 22 at 12:01am (Published, in the *News Advocate*, May 22, 2010.)

#_ Cottage Industry Amendment:

(sent to atty Aug 12, 2002)

Notices of Hearing published: _ in *Manistee News Advocate*.

Public Hearing held: _ at 7pm

Recommended for county review by Norman Township Planning Commission: _.

Review by the Manistee County Planning Commission: _.

Recommended for adoption by Norman Township Planning Commission: _.

Adopted by the Norman Township Board: _.

Effective: Published _, 30 days following publication in the *News Advocate*, _ at 12:01am.

Article 70, PUD Amendments

Published: December 22, 2015

Effective: December 30, 2015

Articles 18 through 37 Amendments [Zoning Districts]

Published: March 21, 2016

Effective: March 29, 2016

Articles 86 and 94 Amendments

Published: September 25, 2017

Effective: October 3, 2017

Articles 80, 82, and 84 Amendments

Published: October 14, 2017

Effective: October 22, 2017

Article 5 and 10

Published: February 19, 2019

Effective: February 27, 2019

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[C:\Users\zoning administrator\Desktop\THE ZONING ORDINANCE\Current WORD Zoning Ordinance\NZO-WPD.wpd; March 26, 2019]