

NORWAY AREA

ZONING ORDINANCE

Ordinance #401

Adopted: City of Norway –August 20, 2012
Norway Township-August 13, 2012

Published: August 29, 2012

Effective: September 4, 2012

**NOTICE of JOINT ZONING ORDINANCE ADOPTION
NORWAY AREA (City of Norway and Norway Township) RESIDENTS**

An ordinance to repeal and replace the current Joint Zoning Ordinance. The Norway Township Board adopted the Norway Area Zoning Ordinance at their regular meeting held August 13, 2012. The Norway City Council adopted the Norway Area Zoning Ordinance at their regular meeting held August 20, 2012. The Norway Area Zoning Ordinance will become effective on September 4, 2012.

A complete copy of the Norway Area Zoning Ordinance may be purchased or inspected by contacting the City of Norway, 915 Main Street, Norway, MI 49870, 906.563.9961 or Norway Township, N1732 Mission Street, PO Box 495, Vulcan, Michigan 49892, 906.563.9100. The Norway Area Zoning Ordinance may also be viewed at [.norwaymi.](http://www.norwaymi.com)

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Maps:

- Norway Area Zoning Map
- City of Norway Zoning Map

ORDINANCE 401**THE NORWAY AREA HEREBY ORDAINS:**

An Ordinance to establish zoning districts and regulations governing the development and use of land within the Norway Area (being the City of Norway and Norway Township) in accordance with the provisions of Public Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

ARTICLE I: ZONINGSection 101 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Promoting the orderly and beneficial development of residential and non-residential areas within the Norway Area;
- C. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
- D. Lessening and avoiding congestion or other traffic-related problems on the public highways and roads;
- E. Facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs;
- F. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- G. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- H. Enhancing social and economic stability in the Norway Area;
- I. Conserving the taxable value of land, buildings and structures in the Norway Area;

- J. Enhancing the aesthetic desirability of the environment throughout the Norway Area;
- K. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land;
- L. Protecting the character and stability of the Norway Area’s valuable natural resources—its forests and agriculture;
- M. Providing for the needs of forest resource production, housing, and commerce for future growth;
- N. Preservation of agricultural uses in the Norway Area; and
- O. Regulating the growth of the Norway Area.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Norway Area Joint Zoning Ordinance.

Section 103 Effective Date

This Ordinance shall become effective seven days following publication of the notice of adoption in a newspaper of general circulation in the Norway Area.

Section 104 Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 105 Property Maintenance

A certain document, three copies of which are on file in the offices of the City Clerk, being marked and designated as the International Property Maintenance Code as published by the International Code Council, Inc., be and is hereby adopted as the property maintenance code of the city for regulating and governing the conditions and maintenance of all property, buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code on file in the

office of the city are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in Section 8-32 of the City of Norway Code of Ordinances.

The International Property Maintenance Code shall only apply to properties within the City of Norway.

Section 106 Severability

This Ordinance and the various parts, sections, subsections, and clauses thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of this Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property; building, or structure, it is provided that the application of such portion of this Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 107 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 108 Repealing Clause

The Zoning Ordinance for City of Norway, Michigan, adopted April 11, 1973, and subsequent amendments, is hereby repealed. The Zoning Ordinance for Norway Township, adopted March 6, 2006, and subsequent amendments, is hereby repealed.

Section 109 Zoning Compliance Permits

- A. Zoning compliance permits filed after November 1, 2010 shall require proof of pins placed by a licensed land surveyor when setbacks and property lines are in question at the discretion of the Zoning Administrator.
- B. Appeals: See Section 1503 B (1).

ARTICLE II: DEFINITIONS**Section 201 Construction of Language**

The following rules of construction shall apply to the text of this Ordinance:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language, but technical words and phrases that have a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, structures and buildings associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future, words in the singular number shall include the plural, and words in the plural shall include the singular.
- G. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

3. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both Sections whose numbers are given and all intervening Sections.
- N. "Day" refers to a calendar day unless otherwise specified as a working day, business day, etc. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

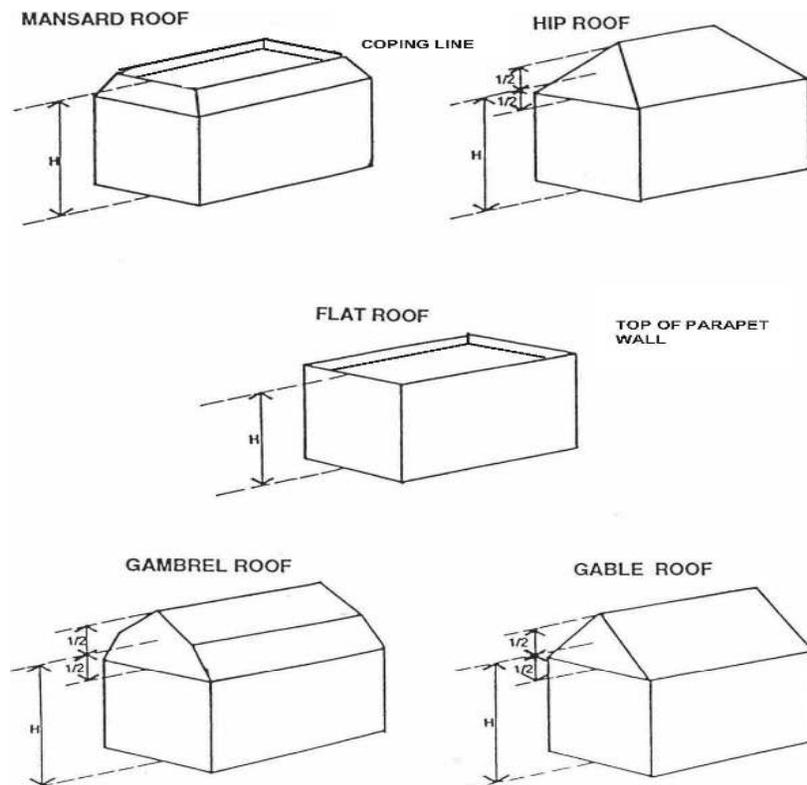
- A. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 1. Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.
 2. Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity and speed on the abutting roadway system.
 3. Access Point: a) The connection of a driveway at the right-of-way line to a road. b) A new road, driveway, shared access or service drive.
 4. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building or use. Except as otherwise permitted by this Ordinance, an accessory building or accessory structure shall not be used for human habitation.
 5. Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use. Residential accessory uses may include storage of household goods, gardening, private swimming pools, private emergency shelters and other similar uses.
 6. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks,

for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.

7. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
8. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
9. Agriculture: The production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
10. Alley: Any dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.
11. Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
12. Alternative Support Structure: Any vertical component not designed and constructed primarily for the purpose of supporting antennas, including but not limited to, buildings, silos, water towers, or utility poles.
13. Amusement Park: A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sales of items, buildings for shows and entertainment, and restaurants and souvenir sales.
14. Antenna: Any exterior device for transmitting and receiving wireless communication to more than one customer at a time.
15. Antenna, Attached: An antenna affixed to a tower or alternative support structure.

16. Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antenna and/or towers from public view, in a manner appropriate to the site's context and surrounding environment, including but not limited to clock towers, church steeples, light structures, water towers, or flagpoles that do not exceed 10 feet above the maximum building height.
17. Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.
18. Assisted Living Facility: A residence for the frail elderly that provides rooms, meals, and personal care. Other services, such as recreational activities, financial services, and transportation, may also be provided.
19. Automobile: A self-propelled, free-moving vehicle, with four wheels, usually used to transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.
20. Automotive Repair Garage: A premise where one or more of the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of automobiles; auto glass work, collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles. Retail sale of motor fuels, lubricants and accessories may also occur on these premises.
21. Automobile Wash Facility: A structure containing facilities for washing automobiles, including automatic or self-service applications of cleaning solutions, water, wax and/or heat for drying.
22. Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five feet, such basement shall be rated as a first story.
23. Bed and Breakfast: A single-family detached dwelling, containing four or fewer sleeping rooms available for rental to transient tenants for less than 15 consecutive nights. Guest accommodations shall be subordinate to the principal use of the dwelling as a single-family residence. Breakfast shall be served to guests at no additional cost; other meals may be served in accordance with P.A. 112 of 1987, as amended.
24. Billboard: A large sign that is affixed to or erected upon a freestanding framework, designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located

25. **Bluffline:** The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lake ward side.
26. **Buffer Strip:** Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.
27. **Buildable Area:** The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met.
28. **Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind. This shall include tents, awnings or vehicles situated on private property and used for such purposes.
29. **Building, Accessory:** *See Accessory Building.*
30. **Building Area:** The area covered by a structure, measured from the exterior walls of the structure.
31. **Building Height:** The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.



32. Building Line: A line parallel to the street touching that part of a building closest to the street.
33. Building, Principal: *See Principal Building.*
34. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.
35. Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.
36. Car Wash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.
37. Change of Use: Any use that substantially differs from the previous use of a building or land.
38. Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
39. Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.
40. Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.
41. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
42. Co-location: The use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.
43. College: An educational institution authorized by the state to award baccalaureate or higher degrees, typically with residential facilities.

44. College, Community: An educational institution authorized by the state to award associate or higher degrees, and usually lacking residential facilities for students.
45. Common Open Space: Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.
46. Common Use Riparian Lot: Property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property which does not abut the lake.
47. Communication Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.
48. Conditional Use: A use requiring express approval by the Joint Planning Commission and issuance of a conditional use permit before the use may begin. Conditional land uses must meet certain requirements and performance standards, as specified in this Ordinance, before being authorized and additional conditions may be imposed by the Joint Planning Commission.
49. Conditional Use Permit: A permit issued by the Joint Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Norway Area's inhabitants.
50. Condominium: A building or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the common areas, facilities, and in some cases structures are owned by all the owners on a proportional, undivided basis.
51. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational time-share, or any other type of use.
52. Conference Center: A facility used for conferences and seminars, with lodging, food preparation, dining, recreation, entertainment, and/or meeting facilities.

53. Conservation Easement: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development.
54. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building and forestry operations.
55. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.
56. Cultural Facilities: Establishments that document the social, intellectual and artistic manifestations that characterize a society, and include museums, art galleries, and similar facilities of historical, educational or cultural interest.
57. Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person, and which is licensed and regulated under P.A. 116 of 1973.
58. Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
59. Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.
60. Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City or Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City or the Township.
61. Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

62. Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.
63. Detached Single Family Dwelling: A structure, except a mobile home, designed or used for residential occupancy by one family that is not attached or connected to another single-family dwelling by means of a garage, entrance way, covered pathway, or other structure.
64. District: A specifically delineated area within the Norway Area, within which uniform regulations and requirements under this Ordinance govern the use, placement, spacing and size of land and structures.
65. Dog Run: An area enclosed on all sides made of wood or metal for the exclusive use of a dog.
66. Domesticated Pet: An animal that is considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation nor cause death, maiming, or illness to human beings, including by way of example: bird (caged), fish, rodent (bred such as a gerbil, rabbit, hamster or guinea pig), cat (domesticated), lizard (nonpoisonous), and dog. Wild, vicious or exotic animals shall not be considered domesticated. Animals bred, raised or boarded for commercial purposes are not considered pets.
67. Drive-Through Use: An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services or obtain goods while remaining in their automobiles.
68. Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
69. Driveway Apron: A sloping transition from the public street to a private driveway. If there is no curb, it is the area between the property line and the street.
70. Driveway, Offset: The distance between the centerline of two driveways on opposite sides of an undivided roadway.
71. Driveway, Shared: A driveway connecting two or more contiguous properties to the public road system.
72. Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. *See Dwelling, Two-Family.*

- 73.. Dwelling, Multiple Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
74. Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family. The single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of 20 feet in the R-1 and R-2 Districts. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet. In the other zoning districts, the minimum breadth/caliper/width shall be 14 feet.
75. Dwelling, Two-Family: A single building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from an exterior wall to an exterior wall, except for a common stairwell exterior to both dwelling units. The two-family dwelling building shall have a minimum exterior breadth/caliper/width of 20 feet. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.
76. Dwelling, Upper Floor Commercial: A dwelling unit located in the upper floors of a commercial establishment, with an outside entrance allowing the occupants to come and go without entering the commercial establishment. There may be more than one dwelling unit associated with a single commercial establishment.
77. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
78. Easement: A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which the owner of the property shall not erect any permanent structures.
79. Enlargement: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.
80. Erected: Any physical operations on the premises required for construction on or moving onto said premises and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
81. Essential Services: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and

- receivers, valves, and all buildings and structures relating to the furnishing of utility services, including but not limited to electric, gas, telephone, water, sewer, and public transit, to the public.
82. Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
83. Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.
84. Exotic Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. Or an animal from a species which is not commonly domesticated or kept as livestock, or which is not native to the State of Michigan, or a species which, irrespective of geographic origin, is of wild or predatory character, or which because of size, aggressive or vicious characteristics would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner, including any hybrid animal that is part exotic animal.
85. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
86. Farm, Livestock: The land and buildings where domesticated animals, such as cattle, horses, sheep, etc. are kept for home or personal use and/or as a source of income, at an intensity of no more than 1.0 per acre of land directly devoted to the raising and keeping of the animals. *See Intensive Agricultural Activity.*
87. Farm, Poultry: The land and buildings where fowl such as chickens, turkeys, ducks, etc. are kept on a commercial scale for the production of eggs and/or meat, at an intensity of no more than 1.0 per acre of land directly devoted to the raising and keeping of the animals. *See Intensive Agricultural Activity.*
88. Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption within the restaurant building, in cars on the premises, and/or off the premises. Often includes drive-through service.

89. Feedlot: A concrete slab holding animals being prepared for market (over 150 per slab), or a field used for the same purpose with density of 25 or more animals per acre.
90. Fence: Any artificially constructed above-ground barrier of any material or combination of materials, including living fences, erected to enclose, screen or separate areas. Fences constructed of barbed wire, electrified materials or a single strand of any material are allowed only in the RR, RP, AP and TP Districts.
91. Fence, Decorative: An artificially constructed above-ground barrier of any material or combination of materials, used for decorative or ornamental purposes, rather than for enclosure.
92. Fence, Garden: An artificially constructed above-ground barrier of any material or combination of materials, erected specifically to enclose and protect a garden.
93. Fence, Obscuring: An artificially constructed aboveground barrier of any material or combination of materials, other than barbed wire, razor wire, or electrified materials, erected to enclose, screen or separate areas and to block vision from one area to another.
94. Fence, Open Constructed: A fence in which at least two-thirds (2/3) of the area between the grade level and the top cross member (wire, wood, or other material) is open.
95. Financial Institution: A non-residential structure in which money is kept for savings or commercial purposes or is invested, supplied for loans or exchanged. Such business establishment can be a bank, credit union or other establishment pertaining to the management of money.
96. Flea Market: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.
97. Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
98. Floor Area Ratio: The percentage of lot area of the floor area of all buildings, excluding the floor area of garages, carports and breezeways and excluding the area of any floor more than four feet below average grade where no part of such basement is used for sleeping rooms or quarters.

99. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls. For the purposes of computing parking for those uses not enclosed within a building the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.
100. Food Processing Establishment: An establishment in which food is processed or otherwise prepared for eventual human consumption, but not consumed on the premises. If retail sales are conducted, such sales are incidental and subordinate to the processing or preparation of food.
101. Freight Handling Facility: A terminal with the capability of handling a large variety of goods involving various forms of transportation and which may provide multimodal shipping capabilities, such as rail to truck or truck to air.
102. Frontage: The total continuous length of the front lot line.
103. Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
104. Funeral Home: A building used for the preparation of the deceased for burial, and for the display of the deceased and rituals connected therewith before burial and cremation.
105. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial automobiles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
106. Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
107. Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

108. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
109. Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.
110. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.
111. Ground Coverage Ratio: The percentage of lot area included within the outside lines of the exterior walls of all buildings located on the lot except garages and carports and including the area of porches, decks, patios, breezeways, balconies, and bay windows, except patios not more than six inches above grade.
112. Guest House: An accessory structure on the same lot as a single-family dwelling used to house occasional visitors and guests of the occupants of the single-family dwelling.
113. Health Care Facility: A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental and/or physical conditions. Health care facilities may be either inpatient or outpatient facilities; inpatient facilities provide for overnight or long-term care, while outpatient facilities provide care to patients who receive treatment or consultation without being hospitalized. Inpatient facilities often provide outpatient care as well.
114. Height, Tower: The distance measured from ground level at the base of the tower to the highest point on a tower or structure, including any attachments.
115. Home Occupation: Any activity carried out for gain by a resident and conducted as a secondary, incidental, and accessory use in the resident's dwelling unit and/or accessory structure, and which does not change the character thereof.
116. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but not including hospitals, nursing homes or similar facilities. A hotel may also include a restaurant, small meeting rooms, etc., primarily for use by guests.

- 117. Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate.
- 118. Incidental: Subordinate and minor in significance and bearing a reasonable relationship with the primary use.
- 119. Intensive Agricultural Activity: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species exceeds one animal unit per acre, and where the following conditions exist:
 - a. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of 45 days or more, in any 12 month period.
 - b. Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

An animal unit is a unit of measurement for determining the number of domestic animals or poultry permitted in a district and calculated by multiplying the actual number of animals or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For purposes of this Ordinance, the following equivalent animal units shall be used:

Animal or Poultry Type	No = to 1 Animal Unit (A.U.)
Slaughter and Feeder Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing >55 lb.	0.60
Horses	1.00
Sheep or Goats	0.10
Turkeys	0.02
Chickens w/Overflow Watering	0.01
Chickens w/Liquid Manure System	0.03
Ducks	0.20

120. Junk: Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.
121. Junkyard: An open area greater than 200 feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.
122. Kennel: Any lot or premises on which three or more dogs or three or more cats more than six months of age are either permanently or temporarily kept.
123. Kennel, Commercial: An establishment in which three or more dogs and/or cats more than six months of age are housed, groomed, bred, boarded, trained, and/or sold, primarily for financial gain.
124. Land Use: A description of how land is occupied or utilized.
125. Laundromat: An establishment providing washing, drying, and/or dry-cleaning machines on the premises for rental use to the general public. Laundromats may incorporate drop off facilities for commercial dry-cleaning establishments, but do not include dry-cleaning equipment other than self-service machines.
126. Living Fence: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.
127. Loading Space: An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.
128. Long-Term Care Facility: An institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the governing body or its members by marriage, blood or adoption. Such facilities include nursing homes, hospices, etc.
129. Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon.
130. Lot Area: The total horizontal area within the lot lines of the lot, excluding any street rights-of-way.

131. Lot, Corner: A lot abutting on two or more streets or roads at their intersection or upon two parts of the same street forming an angle of less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135 degrees.
132. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
133. Lot, Double Frontage: Is any interior lot having frontages on two or more or less parallel streets or roads as distinguished from a corner lot. All lot lines consisting of streets or roads shall be front lot lines, and front yards shall be provided as required.
134. Lot, Interior: A lot other than a corner lot.
135. Lot Line(s): The lines bounding a lot as defined herein from another lot or from a public or private street or any other public space:
- a. Front Lot Line: The line separating said lot from a street right-of-way. In the case of corner or double frontage lots, both lot lines abutting on street rights-of-way shall be treated as front lot lines.
 - b. Rear Lot Line: The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and entirely within the lot.
 - c. Side Lot Line: Any lot lines other than the front lot line or rear lot line. In the case of a corner lot or double frontage lot, all lot lines other than front lot lines shall be side lot lines.
136. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
137. Lot, Waterfront: A lot which fronts on a water body. All waterfront lots have two front yards, except corner waterfront lots which have three front yards. The owners of nonconforming waterfront lots may elect to meet rear lot requirements for the portion of the lot which fronts the public or private road providing access.

138. Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
139. Main Building: A building in which is conducted the principal use of the lot upon which it is situated.
140. Manufactured Home and Manufactured Housing Community: Dwelling units prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), and are transported to the building site for long-term use.
141. Manufactured Housing Community: A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.
142. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
143. Master Plan: The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Norway Area and includes any unit or part of such plan, and any amendment to such plan or parts thereof.
144. Meat or Poultry Processing Facility: A facility for the processing, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products. This does not include the killing of animals on site.
145. Mental Health Center: A hospital or clinic where the primary activity is the treatment and care of persons suffering from mental or emotional disorders.
146. Minimum Landscaped Open Space: The percentage of lot area which must be maintained in grass or other living vegetation.
147. Minimum Waterfront Setback: The distance between the lake's bluffline or river's bank and the edge of the permanent structure closest to the water.
148. Mobile Home: A structure, transportable in one or more sections, which is built on a 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 in the structure. Mobile home does not include a recreational vehicle.

149. Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.
150. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
151. Motel: *See Hotel.*
152. Multi-Use Building: A building containing two or more distinct uses.
153. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
154. Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
155. Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
156. Nuisance: Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.
157. Nursery: An establishment where flowers, shrubs, trees or other plants are raised and/or offered for sale. A nursery may include a greenhouse, but also includes unenclosed areas used for growing and/or displaying plants for sale. Sales of related items, such as fertilizers, landscaping materials, etc. may be included when clearly related to the principal use of growing and/or selling plants.

158. Nursing Home: A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
159. Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.
160. Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communications equipment.
161. Office Building: A building used primarily for conducting the affairs of a business, profession, service or government, or like activity, and which may include ancillary services exclusively for workers in the building, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities.
162. Office Park: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space designed, planned constructed and managed on an integrated and coordinated basis.
163. Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.
164. Ordinary High Water Mark: The line between upland and bottomland that 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 the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.
165. Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.
166. Overlay Zone or Overlay District: A zoning district that encompasses one or more underlying zones and that imposes additional requirements beyond those required for the underlying zone.

167. Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.
168. Park: A tract of land, designated and used by the public for active and passive recreation.
169. Parking Lot: An off-street, ground-level open area, usually improved for the short-term (not overnight) parking of automobiles, constructed in accordance with the requirements of this Ordinance.
170. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width (refer to Section 804) and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
171. Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the City and Township as assurance that required improvements or conditions associated with project approval are properly built or conformed with.
172. Permitted Use: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.
173. Person: An individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.
174. Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.
175. Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in this Ordinance.
176. Planning Commission: The Norway Area Joint Planning Commission.
177. Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

178. Porch: Roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.
179. Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.
180. Principal Building: A building in which is conducted the principal use of the lot on which it is located.
181. Permitted Principal Use: A use which is allowed in a certain zoning district with no permits or stipulations other than the issuance of a zoning compliance permit and such general requirements as setbacks, lot size, etc.
182. Principal Use: The primary or predominant use of any lot or parcel.
183. Public Building: Any building, structure, facility, or complex used by the general public or providing public services, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, city halls, community centers, senior citizen centers; fire halls, etc.
184. Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate.
185. Public Service: Relating to the health, safety, and welfare of the population.
186. Public Sewer and Water System: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of waste and the furnishing of potable water.
187. Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.
188. Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.
189. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

190. Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.
191. Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.
192. Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
193. Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.
194. Recycling Plant: A facility in which recyclable materials, such as newspapers, magazines, books, and other paper products; glass; metal; and other products, are recycled, reprocessed, and/or treated to return such products to a condition in which they may again be used in new products.
195. Religious Institution: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
196. Rental Dwelling: A dwelling, with kitchen facilities located on the same lot of a principal single-family dwelling, which is rented for year round occupancy.
197. Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential, dwelling units, cottages, cabins, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this Ordinance.
198. Restaurant: An establishment where food and drink are prepared, served and consumed primarily within the principal building.
199. Retail Food Establishment: Any fixed facility in which food or drink is offered primarily for retail sale. May include food preparation on the premises, such as a deli or bakery, when clearly related and incidental to the retail sale of food items.
200. Retail Outlet Mall: A parcel of land occupied by more than one retail outlet store, typically served by common parking facilities.

201. Retail Outlet Store: A retail establishment selling a single manufacturer's product.
202. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
203. Retail Warehouse Outlet: A retail operation from a warehouse as an accessory to the principal warehouse use.
204. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
205. Riparian Lot: Lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.
206. Riparian Owner: A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.
207. Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
208. River's Bank: The edge or crest of the elevated segment of shoreline above the river, which inclines steeply on the water side.
209. Road, Private: A private way or means of approach to provide access to two (2) or more abutting lots, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.
210. Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation.
211. Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.
212. School, Elementary: Any school, public, private or parochial, which meets state requirements for elementary education.

213. School, Secondary: Any school, public, private or parochial, which meets state requirements for secondary education.
214. Setback: The distance between a building and any lot line. The minimum setbacks establish required yards and define the zoning envelope.
215. Setback, Required: The minimum horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this Ordinance.
216. Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.
217. Shoreline: That area of shorelands where land and water meet.
218. Sidewalk Café: A restaurant with tables on the sidewalk in front of the premises.
219. Side Lot Line: Any lot line which meets the end of a front lot line or any other lot line within 30 degrees of being parallel to such a line except a front lot.
220. Sight Distance: The distance of unobstructed view for the driver of a vehicle, as measured along the normal travel path of a roadway to a specified height above the roadway.
221. Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.
222. Sign Face: The area or display surface of a sign used for the message, not including any structural framework not used for display. Where a sign has two display surfaces back-to-back or in V-formation, each display surface is considered a face.
223. Sign, Marquee: A sign that is mounted, painted, or attached to an awning, canopy or marquee.
224. Sign, Mechanical: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

225. Sign, Off-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered at a location other than the premises on which the sign is located.
226. Sign, On-premise: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered on the premises on which the sign is located.
227. Sign Structure: The assembled components which make up an outdoor advertising display, including but not limited to uprights, supports, facings and trim. Such sign structure may contain two faces arranged back-to-back or in V-formation.
228. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
229. Ski Resort: Includes base lodges, ski lifts, storage and maintenance buildings, restaurants and related uses. See Resort.
230. Slaughterhouse: A commercial establishment where cattle, sheep, hogs or other animals are killed and butchered, cut, packaged, and/or processed for sale; provided, however, that this shall not be taken to include the killing of livestock for personal consumption.
231. Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner, resulting in a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.
232. Sprawl: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.
233. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it and including those basements used for the principal use.
234. Street: Is a dedicated public right-of-way which affords the principal means of vehicular access to abutting property. A street includes the entire road right-of-way and any improvements constructed thereon.
235. Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants,

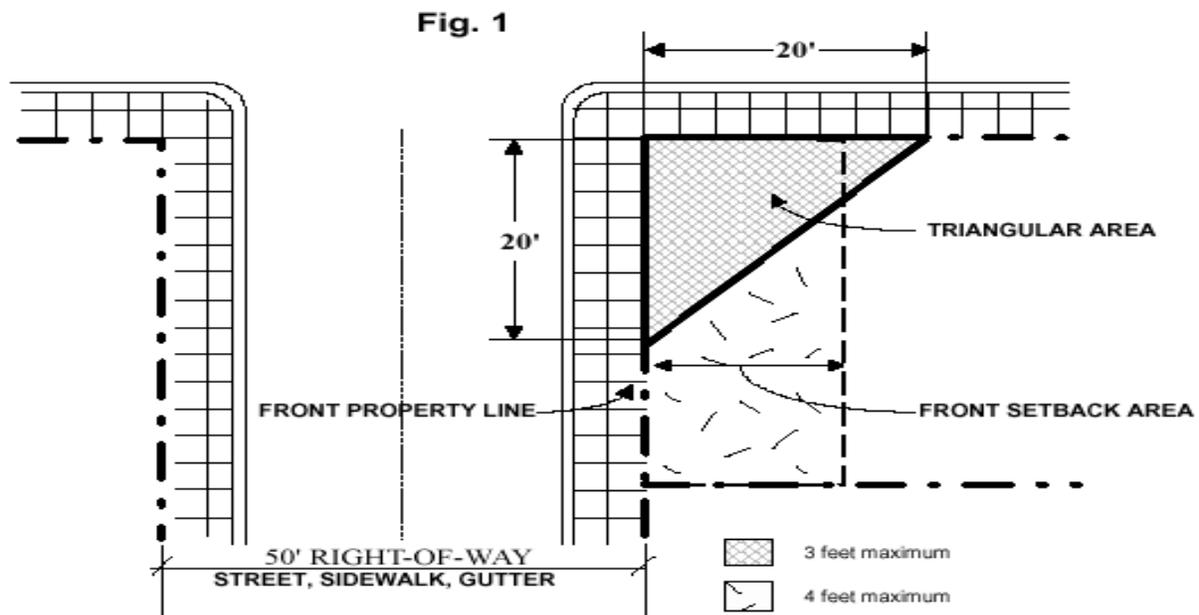
electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

236. Structure Height: For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.
237. Subdivision: The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance in the Norway Area.
238. Supermarket: A retail establishment primarily selling food as well as other convenience and household goods.
239. Swimming Pool: Any structure, container, or pool, portable or nonportable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.
240. Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.
241. Temporary Outdoor Activity: Happenings that are carried out primarily out-of-doors for a fixed period of time, not to exceed five consecutive days, and including but not limited to fireworks, displays, speeches, farm stands, seasonal sales, swap and shop markets, racing meets, circuses, carnivals, concerts and parades. Tents or other temporary structures may be used, but permanent structures are not permitted.
242. Temporary Structure: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.
243. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
244. Theater: A building or part of a building devoted to the showing of motion pictures or for dramatic, dance, musical or other live performances.
245. Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measured from the face of the curb. On roadways

without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

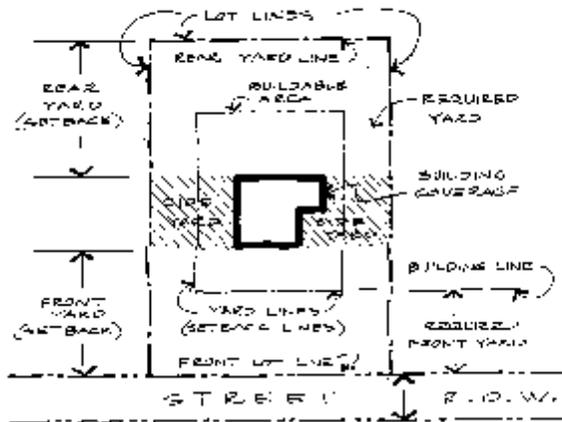
246. Throat Width: The distance edge-to-edge of a driveway measured at the right-of-way line.
247. Tower: A structure designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers, monopole towers, and lattice towers.
248. Tower, Lattice: A self-supporting structure, erected on the ground, which consists of cross-bracing of structural steel to support antennas and other related equipment.
249. Tower, Monopole: A self-supporting structure, with a single shaft of wood, steel or concrete, to support antennas and other related equipment.
250. Trip Generation: The estimated total number of vehicle trip ends produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based upon the type and intensity of development.
251. Truck Stop: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of equipment or accessories for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.
252. Truck Terminal: An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.
253. Underlying District: The base zone below an overlay zone that establishes the fundamental permitted uses, densities and dimensional regulations applicable to lands subject to a zoning ordinance.
254. Undeveloped or Unimproved Land: Land in its natural state before development.
255. Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are or may be occupied or maintained. Includes actual and/or proposed use of land and/or structures.
256. Use, Accessory: *See Accessory Use.*

- 257. Utility Easement: Easement to accommodate the placement of water, sewer, gas or communication lines or to allow for the free flow of stormwater across properties so it is properly managed.
- 258. Variance: Is a modification of the literal provisions of the Zoning Ordinance granted by the Board of Appeals when in its judgment the strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of a variance are undue hardship, practical difficulties and unique circumstances.
- 259. Vision Triangle: This triangular area is determined by measuring 20 feet from the point of intersection of the two streets, along the right of way (or property) lines of both intersecting streets. Then a line is drawn which connects the two points (See Fig.1).



- 260. Warehouse: A building used primarily for the storage of goods and materials.
- 261. Warehouse, Self Storage: See *Mini-storage Warehouse*.
- 262. Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.
- 263. Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

264. Wind Turbine: Any of the various machines used to produce electricity by converting kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle and tower) and any other buildings, support structures, or other related improvements for the generation of electrical power. See Section 416 for zoning districts, permitted uses and conditions for approval.
265. Wireless Communication Equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
266. Wireless Communications Equipment Compound: An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
267. Wireless Communication Facility: Any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.
268. Wireless Communication Provider: Any FCC-licensed service provider, and/or any supplier of wireless communication facilities for such providers.
269. Wireless Communication Support Structure: A structure that is designed to support, or capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.



270. Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in this Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.
271. Yard, Front: A space extending the full width of the lot between the principal building and the front line and measured perpendicular to the building at the closest point to the front lot line.
272. Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
273. Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.
274. Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
275. Zoning Administrator: The Norway Area Zoning Administrator is hired for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.
276. Zoning Board of Appeals: The body appointed to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties or would cause unnecessary hardship to the property owner.

277. Zoning Compliance Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance.
278. Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks and sky exposure plane regulations when applicable.

Section 203 Words Not Defined

Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

ARTICLE III: ZONING DISTRICTS AND SCHEDULE OF REGULATIONS

Section 301 Establishment of Districts

For the purpose of this Ordinance, the Norway Area is divided into the following zoning districts, which shall be known by the following respective symbols and names:

- R-1 Residential One District
- R-2 Residential Two District
- R-3 Residential Three District
- RR Rural Residential District
- RP Resource Production District
- B-1 Essential Business District
- B-2 Central Business District
- B-3 General Business District
- I Industrial District
- AP Agricultural Production District
- TP Timber Production District
- PL Public Land District
- HC-O Highway Commercial Overlay District

Section 302 Zoning District Map

- A. The boundaries of the respective districts enumerated in Section 301 are established as depicted on the map entitled "Norway Area Official Zoning Map," which is an integral part of this Ordinance. This map, along with all notations and explanatory matter, shall become as much a part of this Ordinance as if fully described herein.
- B. The Norway Area Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and the Township Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Norway Area Official Zoning Map and approved by the City Council and the Township Board together with an entry on the Norway Area Official Zoning Map showing the date and official action taken.
- C. One copy of the Norway Area Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in the Norway Area.

Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning maps, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon; the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
 2. Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- B. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the Norway Area as well as all other relevant facts.

Section 304 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 by the City Council and Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current City and Township officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

The regulations established for 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 buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XV, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various zoning districts. Uses not expressly permitted are prohibited. Uses for enterprises or purposes that are contrary to federal, state, or local laws or ordinances are prohibited. Where not specifically permitted, either by right or conditionally, uses are prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions. The Zoning Board of Appeals may grant a variance to allow a use not permissible under the terms of this Ordinance in any district, in accordance with the standards in Section 1504.
- C. Accessory uses are permitted as indicated for the various zoning districts and are clearly incidental to the permitted principal uses.
- D. The uses permitted as conditional uses are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.
- F. Structures or uses which were lawful prior to the adoption of this Ordinance existing on non-conforming lots may be used for any of the permitted uses in the districts in which they are located providing all other requirements of this Ordinance are met.
- G. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding City of Norway or Norway Township Zoning Ordinance.

Section 307 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

- B. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 309 R-1-Residential One District

- A. Intent: The R-1 Residential One District is established and maintained for medium- to high-density residential and related uses, typically in older residential neighborhoods with small lots. These areas are served by municipal water and wastewater services.

B. Permitted Principal Uses:

1. Adult foster care small group home
2. Day care facility, family
3. Elementary or secondary school
4. Home Occupation (Class I)
5. Library and other public building
6. Religious institution
7. Single-family dwelling
8. Two-family dwelling
9. Wireless Communications Equipment (per section 414)

C. Conditional Uses Authorized by Permit:

1. Adult foster care large group home
2. Bed and breakfast establishment
3. Day care facility, group
4. Funeral home
5. Home occupation (Class II)
6. Kennel
7. Parks and recreational facilities for day use
8. Planned unit development (PUD)
9. Wind turbine
10. Wireless communication facility

- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality.

Section 310 R-2 Residential Two District

- A. Intent: The R-2 Residential Two District is established and maintained for medium-density residential and related uses in those areas which are served by municipal water and sewer, or where such service could be easily extended.

B. Permitted Principal Uses:

1. Adult foster care family home

2. Adult foster care small group home
3. Day care facility, family
4. Elementary or secondary school
5. Foster family home
6. Home occupation (Class I)
7. Libraries and other public building
8. Religious institution
9. Single-family dwelling
10. Two-family dwelling
11. Wireless Communications Equipment (per section 414)

C. Conditional Uses Authorized by Permit:

1. Adult foster care large group home
2. Bed and breakfast establishment
3. Day care facility, group
4. Foster family group home
5. Funeral home
6. Home occupation (Class II)
7. Kennel
8. Multiple-family dwelling
9. Nursing home, assisted living facility or similar use
10. Parks and recreational facility for day use
11. Planned unit development (PUD)
12. Wind turbine
13. Wireless communication facility

- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, facilities for household pets, boathouse, swimming pools, woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality.

Section 311 R-3-Residential Three District

- A. Intent: To establish and preserve neighborhoods for single family dwellings, two-family dwellings, multiple family dwellings and mobile homes in an appropriate, safe, sanitary and attractive environment.

B. Permitted Principal Uses:

1. Adult foster care family home
2. Adult foster care small group home
3. Religious Institutions
4. Detached single-family dwelling
5. Foster family home
6. Family day care home

7. Home occupation (Class I)
 8. Multiple-family dwelling
 9. Mobile homes on individual lots
 10. Mobile home parks
 11. Two-family dwelling
 12. Wireless Communications Equipment (per section 414)
- C. Conditional Uses:
1. Adult foster care large group home
 2. Foster family group home
 3. Group day care home
 4. Home occupations (Class II)
 5. Planned unit development (PUD)
 6. Wireless Communication Facility
- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, pens, boathouses, swimming pools, woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality. Accessory structures clearly incidental to the agricultural activity permitted on the site, to include roadside sales, are also permitted.

Section 312 RR-Rural Residential District

- A. Intent: The RR Rural Residential District is established and maintained to provide a low-density residential environment in accessible rural areas. Uses in this district will normally not be served by municipal water and wastewater services.
- B. Permitted Principal Uses:
1. Adult foster care small group home
 2. Adult foster care family home
 3. Agriculture production
 4. Cemetery
 5. Day care facility, family
 6. Foster family home
 7. Home occupation (Class I)
 8. Keeping of livestock and poultry, on parcels at least five acres in size, and not to exceed one animal unit for the first five acres plus one animal unit per acre over five.
 9. Mobile homes on individual lots
 10. Mobile home parks
 11. Religious institution
 12. Single-family dwelling
 13. The growing and harvesting of timber

14. Two-family dwelling
15. Wireless Communications Equipment (per section 414)

C. Conditional Uses Authorized by Permit:

1. Adult foster care large group home
2. Bed and breakfast establishment
3. Campground, RV park, stables and other similar recreational uses
4. Day care facility, group
5. Foster family group home
6. Greenhouse or nursery, implement sales and service, etc.
7. Gravel pit, sand and topsoil excavation
8. Home occupation (Class II)
9. Kennel
10. Kennel, commercial
11. Multiple-family dwelling
12. Planned unit developments (PUD)
13. Private club and lodge hall
14. Two-family dwelling
15. Wind turbine
16. Wireless communication facility, concealed or stealth antennas only
17. Veterinary services, when located and designed so as not to reasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land
18. Wireless Communication Facility

- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a garage, shed for yard tools, playhouse, pens, boathouses, swimming pools, woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality. Accessory structures clearly incidental to the agricultural activity permitted on the site, to include roadside sales, are also permitted.

Section 313 RP-Resource Production District

- A. Intent: The RP Resource Production District is established and maintained for low intensity use of those areas which, because of their location, physical characteristics and current use are suitable for agricultural, forestry and recreational uses. Uses in this district will normally not be served by municipal water and wastewater services.

B. Permitted Principal Uses:

1. Farm, livestock
2. Farm, poultry
3. Growing and harvesting of timber
4. Home occupation (Class I)
5. Single family dwelling

6. Timber production
 7. Wireless Communications Equipment (per section 414)
- C. Conditional Uses Authorized by Permit:
1. Adult foster care small group home
 2. Asphalt plant
 3. Campground or RV park
 4. Day care facility, family
 5. Greenhouse or nursery, implement sales and service, etc.
 6. Home occupation (Class II)
 7. Kennel
 8. Kennel, commercial
 9. Light manufacturing
 10. Mining operations, gravel pits, quarries, sand pits and top soil excavation
 11. Planned unit development (PUD)
 12. Sales or service establishments which are related to agricultural, forestry and recreational uses, including but not limited to small-scale wood products
 13. Wind turbine
 14. Wireless communication facility
- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as a private garage, shed for yard tools, playhouse, pens, boathouses, swimming pools, woodshed, or sauna are permitted. Boathouses and other shoreline uses may be regulated or prohibited by other agencies, including but not limited to, the Michigan Department of Environmental Quality. Accessory structures clearly incidental to the agricultural activity permitted on the site, to include roadside sales, are also permitted.

Section 314 B-1-Essential Business District

- A. Intent: The B-1 Essential Business District is established and maintained for business uses within the Central Business District, in those areas which are served by municipal water and sewer, and where small lots, zero lot line development and minimal or no side setbacks are common.
- B. Permitted Principal Uses:
1. Business, professional or trade school
 2. Dwelling unit in the upper floors of commercial establishment provided that such dwelling unit have a separate entrance.
 3. Financial institution
 4. Laundromat
 5. Medical offices, including clinic
 6. Off-street parking lot
 7. Outdoor retail sale of merchandise when associated with a permitted use in this district.

8. Personal service establishments, such as barber or beauty shops, health and fitness facilities, etc.
 9. Professional office building
 10. Religious institution
 11. Restaurant and tavern not having drive-through service
 12. Retail store
 13. Service business, such as photo studio, shoe repair, etc.
 14. Theater, concert hall, art gallery, museum, or similar place of assembly
 15. Wireless Communications Equipment (per section 414)
- C. Conditional Uses Authorized by Permit:
1. Automobile repair establishment
 2. Bowling alley, indoor archery range, indoor skating rink, or similar form of indoor recreation
 3. Day care facility, group
 4. Funeral home
 5. Outdoor retail sale of merchandise when associated with a permitted use in this district
 6. Publicly-owned building, publicly-owned or regulated utility buildings and facility
 7. Sales and showroom for new and/or used motor vehicles, recreational vehicles, boats, etc.
 8. Wireless Communication Facility
- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Article X Signs are permitted.

Section 315 B-2-Central Business District

- A. Intent: The B-2 Central Business District is established and maintained for business uses within the Central Business District, in those areas which are served by municipal water and sewer, and where small lots, zero lot line development and minimal or no side setbacks are common.
- B. Permitted Principal Uses:
1. Business, professional or trade school
 2. Dwelling unit in the upper floors of commercial establishment, provided that such dwelling unit have a separate entrance and separate off-street parking in addition to the entrance and parking required for the commercial use
 3. Financial institution
 4. Laundromat
 5. Medical offices, including clinic
 6. Off-street parking lot

7. Outdoor retail sale of merchandise when associated with a permitted use in this district
 8. Personal service establishments, such as barber or beauty shops, health and fitness facilities, etc.
 9. Professional office building
 10. Publicly owned building, publicly owned or regulated utility buildings and facility
 11. Religious institution
 12. Restaurant and tavern not having drive-through service
 13. Retail store
 14. Service business, such as photo studio, shoe repair, etc.
 15. Theater, concert hall, art gallery, museum, or similar place of assembly
 16. Wireless Communications Equipment (per section 414)
- C. Conditional Uses Authorized by Permit:
1. Automobile repair establishment.
 2. Bowling alley, indoor archery range, indoor skating rink, or similar form of indoor recreation.
 3. Restaurant with drive-through
 4. Sales and showroom for new and/or used motor vehicles, recreational vehicles, boats, etc.
 5. Wireless Communication Facility
- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Article X Signs are permitted.

Section 316 B-3-General Business District

- A. Intent: The B-3 General Business District is established and maintained for diverse business uses outside the Central Business District, in those areas which are served by municipal water and sewer, or where such service could be easily extended. This district provides for business development at a low density.
- B. Permitted Principal Uses:
1. Automobile repair establishment
 2. Business, professional or trade school
 3. Financial institution
 4. Greenhouses, florists, and plant material sale
 5. Laundromat
 6. Long term care facilities, such as hospital, convalescent or nursing home
 7. Medical office, including clinic
 8. Off-street parking lot
 9. Outdoor retail sale of merchandise when associated with a permitted use in this district

10. Personal service establishment, such as barber or beauty shop, health and fitness facility
 11. Plumber, decorator, electricians, etc. showroom and office
 12. Private club, fraternal organization and lodge hall
 13. Professional office building
 14. Religious institution
 15. Restaurant and tavern not having drive-through service
 16. Retail store
 17. Sales of mobile homes, campers, recreational vehicles, boats, and monuments
 18. Service business, such as photo studio, shoe repair, etc.
 19. Theater, concert hall, art gallery, museum, or similar place of assembly
 20. Wireless Communications Equipment (per section 414)
- C. Conditional Uses Authorized by Permit:
1. Accessory use(s) incidental and subordinate to a principal use permitted under this Ordinance
 2. Amusement park and similar outdoor recreational facility
 3. Bottling works and food packaging
 4. Bowling alley, indoor archery range, indoor skating rink, or similar forms of indoor recreation
 5. Car wash
 6. Convenience mart on lots of 10,000 square feet or greater
 7. Dwelling unit in the upper floors of commercial establishment, provided that such dwelling unit have a separate entrance and separate off-street parking in addition to the entrance and parking required for the commercial use
 8. Funeral home
 9. Gasoline service station on lots of 10,000 square feet or greater
 10. Gravel pit
 11. Hotel and motel
 12. Publicly-owned building, publicly-owned or regulated utility buildings and facility
 13. Planned unit development
 14. Restaurant with drive-through
 15. Sales and showrooms for new and/or used motor vehicles, recreational vehicles, boats, etc. repair establishment
 16. Shopping center/mini mall
 17. Veterinary hospital or animal clinic, provided that all activities are conducted within a completely enclosed building
 18. Wholesale and warehousing, locker plant, mini-storage warehouse
 19. Wireless Communication Facility
- D. Accessory Uses Permitted: Structural or mechanical building normally associated with permitted uses and signs subject to the regulations established in Article X Signs are permitted.

Section 317 I-Industrial District

A. Intent: The I, Industrial District is established and maintained for industrial uses and to make provision for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, in areas which are served by municipal water and sewer, or where such service could be easily extended. Uses in the I-1 District generally do not produce noise, odors, light, smoke or other impacts which extend beyond the boundary of the district.

B. Permitted Principal Uses:

1. Automobile repair garage
2. Automobile parts and tire sales
3. Automobile sales and rental
4. Bottling works and food packaging
5. Building materials sales and storage
6. Commercial printing and publishing
7. Construction and farm equipment sales
8. Contractors yards and shops
9. Drop forging, punching and plating operation
10. Forest industries
11. Freight handling facility
12. Jobbing and machine shop
13. Laundry and cleaning/dyeing plants
14. Lumber and coal yards, and storage of similar materials
15. Manufacturing and assembly
16. Public utility building
17. Research and development establishment
18. Retail warehouse outlet
19. Warehouse, self storage
20. Wholesale and warehousing
21. Wireless Communications Equipment (per section 414)

C. Conditional Uses Authorized by Permit:

1. Extractive processing
2. Food processing establishment
3. Gravel or rock crusher
4. Junk yards, including baling and disposal of scrap materials or salvage yards
5. Painting, varnishing and undercoating shop
6. Planned unit development
7. Recycling collection center
8. Reduction, conversion, and disposal of waste goods and materials
9. Sexually oriented business
10. Slaughterhouse
11. Storage of flammable liquids
12. Trade and technical school

13. Truck stop
 14. Truck terminal
 15. Utility substation
 16. Wireless communication facility
 17. Wind turbine
- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Article X Signs are permitted.

Section 318 AP-Agriculture Production District

- A. Intent: To insure that land areas which are uniquely suited for agricultural production are retained for that use, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Adult foster care small group home
 3. Agricultural production including the raising or growing of forages and sod crops; grains and feed crops; dairy and dairy products; livestock, including breeding and grazing; fruits; plants, trees, shrubs, and nursery stock; vegetables; and other similar agricultural uses except feedlots, poultry farms, and fur farms
 4. Family day care home
 5. Foster family home
 6. Home occupation (Class I)
 7. Rendering, slaughtering, and dressing only of animals raised on the premises
 8. Roadside stands for the sale of a farm product
 9. Single and two-family dwelling and mobile homes.
 10. Uses or structures customarily incidental to the operation of a farm and permitted dwellings
 11. Wireless Communications Equipment (per section 414)
- C. Conditional Uses:
1. Adult foster care large group home
 2. Feedlots, poultry farms, fur farms, gravel or sand pits, provided that no such operations shall be established within one-quarter mile of any existing residence not on the premises
 3. Foster family group home
 4. Group day care home
 5. Home occupations (Class II)
 6. Sale and service of farm machinery; storage and sale of seed, feed, fertilizer, and other products essential to agricultural production; facilities used for the

centralized bulk collection, storage, and distribution of agricultural products to wholesale and retail markets; and facilities used to provide veterinarian services for livestock, on lots fronting on and with principal driveway access to a paved street at least 20 feet in width, and so located and designed so as not to interfere with, degrade, or decrease the existing uses of nearby land

7. Wireless Communication Facility

Section 319 TP-Timber Production District

- A. Intent: To maintain for timber production purposes those lands which because of their soil, drainage, and other characteristics, are especially productive timber lands.
- B. Permitted Principal Uses:
1. Detached single family dwelling
 2. Home occupation (Class I)
 3. The growing and harvesting of timber
 4. Wireless Communications Equipment (per section 414)
- C. Conditional Uses:
1. Home occupations (Class II)
 2. Wireless Communication Facility

Section 320 PL-Public Land District

- A. Intent: To establish and preserve areas for certain public purposes. Provisions are made to allow for certain types of commercial or nonprofit use within the area.
- B. Permitted Principal Uses:
1. Community agriculture/flower garden
 2. Governmental or proprietary function conducted by any governmental agency or publicly-owned corporation which is authorized to conduct such function, except such uses as constitute a nuisance in the place where conducted. Including, but not limited to, schools, parks, and utility buildings, facilities, or equipment
 3. Recreational uses: community playgrounds, picnic areas, passive park, swimming beach, non-motorized trails.
 4. Wireless Communications Equipment (per section 414)
- C. Conditional uses Authorized by Permit:
1. Cultural/ conference facility
 2. Museum
 3. Nature center
 4. Recreational uses: archery range (outdoor), campground, cross-country ski-trail, fields (soccer, hockey, baseball, football), fishing pier, ice rink, indoor recreation (handball, badminton, tennis, archery, golf, bowling, ice skating), mini-golf, track (ORV, bicycle, BMX, motor cross, go-carts, snowmobile, car, midget racing)
 5. Temporary outdoor activity

6. Wireless Communication Facility

- D. Accessory Uses Permitted: Accessory uses and structures normally associated with permitted uses, such as any structural or mechanical building or use customarily incidental to the permitted principal use, and signs subject to the regulations established in Article X Signs are permitted.

Section 321 HC-O Highway Commercial Overlay District

- A. Intent: To preserve existing single-family residential and retail commercial uses along US-2 that are compatible with a small town setting and serve residents and tourists. This district is designed for small unincorporated town areas along US-2 where a mix of residential and retail commercial has been established.

B. Permitted Principal Uses:

1. Adult foster care family home
2. Adult foster care small group home
3. Detached single-family dwelling
4. Family day care home
5. Foster family home
6. General retail establishments that are designed to serve nearby residents and tourists and include such establishments as offices; clinics; grocery, drug, gift, hardware, or sporting goods stores; art and crafts studios; barber and beauty shops; banks, restaurants; laundromats; and gas stations. All other retail and personal service establishments shall be permitted, except those that could be detrimental to surrounding residential land uses such as motor vehicle sales and service; construction and farm equipment sales; sales of mobile homes, campers, recreational vehicles, and boats; wholesale and storage areas; food packaging and bottling works; and contractor's yards and shops.
7. Home occupation (Class I)
8. Mobile homes on individual lots
9. Resorts
10. Wireless Communications Equipment (per section 414)

C. Conditional uses Authorized by Permit:

1. Adult foster care large group home
2. Churches and other buildings of a religious nature, but not including tents or other temporary structures
3. Foster family group home
4. Group day care home
5. Home occupations (Class II)
6. Motor vehicle sales and services.
7. Wireless Communication Facility

ARTICLE IV: SCHEDULE OF REGULATIONS

Section 401-Height, Bulk and Placement Regulations

Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. If there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, through the point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet.

Any sale of land in violation of this Section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator. For additional regulations within the Highway Overlay Zone, refer to Article XII.

Norway Area Schedule of Regulations							
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet) ^{A, L}	Minimum Setback (Feet) ^{B, C}			Maximum Height (Feet)	Maximum Lot Coverage Ratio
			Front	Side	Rear		
R-1	6,000 square feet	50 feet	25 feet	5 feet	20 feet	30 feet ^G	40%
R-2	20,000 square	100	25 feet	10 feet	35 feet	30 feet ^G	30%
R-3	20,000 square	100	25 feet	10 feet	35 feet	30 feet ^G	30%
RR	2.5 acres	300 feet	50 feet	25 feet	50 feet	30 feet	25%
RP		300 feet	50 feet	25 feet	50 feet	30 feet	25%
B-1	6,000 square feet	50 feet	10 feet ^D	8 feet ^E	20 feet	30 feet	80% ^H
B-2	6,000 square feet	50 feet	10 feet ^D	8 feet ^E	20 feet	30 feet	80% ^H
B-3	10,000 square feet	100 feet	50/30 feet ^F	10 feet	20 feet	30 feet	80%
I	20,000 square feet	150 feet	50/30 feet ^F	25 feet	30 feet	40 feet	
AP	5 acres	100 feet	30 feet	30 feet	30 feet	30 feet	
TP	5	300 feet	30 feet	30 feet	30 feet	30 feet	
PL	None	None	25 feet	25 feet	25 feet	40 feet	

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. Cornices, eaves, and gutters, may project two feet into the required yard. Attached or unattached decks and porches shall comply with required front, side and rear setbacks.
- C. The setback shall be measured from the road right-of-way, except where a parcel abuts a water body. In that case the setback shall be measured from the ordinary high water mark.
- D. If more than 50% of the structures in the same block on the same side of the street are at different front setback line, then other structures may be built at the average setback line of the majority of structures in the block.
- E. In the B-1 and B-2 Districts the side yards may be eliminated if the side walls are of fireproof construction and are wholly without opening and the zoning of the adjacent property is business.

- F. Where parking is in the front, the front setback shall be a minimum of 50 feet; where the parking is in the rear or side yard, the front setback shall be a minimum of 30 feet.
- G. The maximum height of an accessory building in the R-1 or R-2 District shall be 14 feet.
- H. The maximum lot coverage will be 100% in the situation where side yards have been eliminated.
- I. 15,000 feet where lot is served by public water and/or water supply.
- J. Detached garage not exceeding 14 feet in height may be located not less than seven feet from a single lot line.
- K. A detached single family dwelling may be located on a one-acre minimum lot size. As set forth in the Access Management Section, Subsection Q, minimum front setback for lots within the Highway Overlay Zone is 50' from the roadway right-of-way.
- L. Minimum lot width within the Highway Overlay Zone is 300 feet as set forth in the Access Management Section, Subsection Q, refer to Access Management Section for exceptions.

Section 402 Variance of the Size and Width of Lots of Record

- A. Minimum lot size and lot width regulations as specified in Section 401 do not apply to any parcel of land shown as a lot in a recorded plat, described in a deed, lease agreement, or land contract recorded with the County Register of Deeds prior to the effective date of this Ordinance, or described in a deed, land contract, or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance. However, all other dimensional requirements shall apply to such nonconforming lots.
- B. To reduce or eliminate nonconforming lot sizes or lot width, where two lots are held in common ownership and one or both of these lots are non-conforming, they shall each be considered combined as a single lot and subject to the provisions of this Ordinance. No portion of such parcel shall be occupied or used in a manner inconsistent with the minimum lot area and width requirements of this Ordinance
- C. Where three or more abutting lots of record are held in common ownership, and where one or more of these lots are non-conforming, the provisions of this Ordinance relating to lot area and lot width shall not be avoided by the sale or conveyance of a portion of such lots of record.

Section 403 District Boundary Setback Regulations

On lots in the I District, no structure shall be erected or maintained within 30 feet of the boundary line of any R-1, R-2 or R-3 Districts. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Section 404 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions to an area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 405 Height Requirement Exceptions and Restrictions

- A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, and cooling towers; amateur radio antennas; and cell towers and wind turbines.
- B. Radio antennas and towers, television antennas, satellite dishes, microwave towers, flag poles, public monuments, church spires, and the like shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property. Placement of such facilities shall not be less than the horizontal distance from such structure to the property line.
- C. For wireless communication tower, see Section 414.
- D. For wind turbine requirements, see Section 416.

Section 406 Setback from Inland Lakes and Streams

All structures on lots abutting any inland lake or stream as defined in Public Act 451 of 1994, shall maintain a minimum setback of 75 feet as measured from the ordinary high water mark.

Section 407 Minimum Building Floor Area

The minimum principal floor area, exclusive of basements, garages, porches and breezeways for structures used for residential use shall be:

Residential Dwelling	Minimum Square Feet for a Dwelling
Single-family dwelling	750 square feet
Residence within the upper floor of a commercial establishment	350 square feet
Two family dwelling	750 square feet
Multiple dwelling	500 square feet
Manufactured home	750 square feet
Mobile home	750 square feet

Section 408 Minimum Standards for Dwelling Units

- A. Every dwelling unit in the R-1, R-2 and R-3 Districts shall comply with the following standards:
1. A structure used for residential use shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Dickinson County Building Code, including minimum heights for habitable rooms. Where a dwelling is lawfully required to comply with any federal or state standards or regulations for construction and where such standards or regulations are different than those imposed by the Dickinson County Building Code, then such federal or state standards or regulations shall apply.
 2. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the Dickinson County Building Code, shall have a wall of the same perimeter dimensions of the dwelling, and shall be constructed of such material and type as required in the applicable building code.
 3. The dwelling shall be connected to a public sewer and water supply or to an on-site septic system or water supply approved by the Dickinson-Iron District Health Department.
 4. The structure shall have a floor area of not less than 750 square feet and shall contain a storage capability area in a basement located under the structure, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.
 5. The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; have not less than two functioning exterior doors with one being in either the rear or side of the dwelling; and contains permanently attached steps connected to the exterior door areas or to porches connected to door areas where a difference in elevation requires same. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall take into account the standards set forth in this definition of dwelling as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling. Such area is to be developed with dwellings on not less than 20% of the lots. Where said area is not so developed, compatibility shall be determined

by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Norway Area. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

6. The dwelling shall not contain any addition, room or other area which are not constructed with similar or higher quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required.
 7. The dwelling shall comply with all pertinent building and fire codes. In the case of a manufactured home, all construction and plumbing, electrical apparatus and insulation within and connected to the manufactured 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, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 8. Manufactured homes which do not conform to the standards of Section 406 shall not be used for dwelling purposes within the Norway Area unless located within a mobile home park or a mobile home plat.
- B. Manufactured homes shall be installed at a minimum in compliance with rules established by the Manufactured Home Commission.

Section 409 One Principal Structure or Use per Lot

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

Section 410 Temporary Dwelling for Home under Construction

- A. A recreational vehicle, mobile home, or the basement of a home under construction may be used as a temporary dwelling until the owner or occupant completes the construction or erection of a house for which a building permit has been issued.
- B. The applicant may obtain a Temporary Dwelling Permit for an initial period up to one year from the date of the building permit. Upon reasonable progress, the applicant may renew the permit for not more than two additional one-year periods. The unit must be connected to municipal sewer or an on-site sewage system, health department approved water source, and electric service.
- C. The mobile home may not be placed on a permanent foundation and must meet the required setback requirements of the district. Upon completion of the structure, the mobile home must be removed from the lot.

Section 411 Recreational Vehicle as a Temporary Dwelling Unit

- A. A recreational vehicle having a valid state license/registration may be used on a lot without a principal building for dwelling purposes for a period not exceeding 90 consecutive calendar days. A 30-day extension may be granted at the discretion of the Zoning Administrator.
- B. One recreational vehicle shall be allowed per lot.
- C. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.

Section 412 Recreational Vehicle Storage

- A. The parking and/or storage of recreational vehicles, snowmobile, motorcycles, scooters, 3 and 4 wheelers, boats, and other similar vehicles (whether on trailer or not) are permitted in the side and rear yards provided there is a minimum setback of one (1) foot.
- B. The storage of the above items is only permitted on lots with a principal building.
- C. Travel trailers, campers, or other recreational vehicles may be stored in the rear or side yard, provided that such vehicles are not occupied for a period of more than 14 days in any 12-month period.
- D. Recreational vehicles, snowmobiles, motorcycles, scooters, 3 and 4 wheelers, boats and other similar vehicles (where on trailer or not) shall not be parked or stored on the front setback area of the property unless on an area permanently constructed as a driveway or parking area.
- E. At no time shall any Recreational vehicles, snowmobiles, motorcycles, scooters, 3 and 4 wheelers, boats and other similar vehicles (where on trailer or not) be parked on a Norway Area right of way, that area defined as from the curb to the sidewalk, commonly referred to as the parkway or boulevard, be it paved or unpaved.

Section 413 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:
 - 1. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be

- considered a part of the main building, but shall not be considered livable floor space.
2. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than five (5) feet to any other structure on the lot.
 3. An accessory building in R-1, R-2 and R-3 Districts shall occupy no more than 25% of a required rear yard plus 20% of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the principal building.
 4. The following structures shall not be used as an accessory building in the R-1, R-2, R-3 and RR Districts: Mobile homes, containerized boxes, trailers units, and the like.
 5. A dog run is an accessory building. Dog runs located in a rear yard with an obscuring fence are exempt from setback requirements in this Article.
 6. Within the R-1, R-2, R-3 and RR Districts the same or similar quality exterior material as used in the construction of the principal building shall be used in the construction of an accessory building; dog runs are exempt from this provision. All accessory buildings shall be compatible with the principal building on the lot and shall be designed to blend with the environment. "Compatible" means that the exterior appearance of the accessory building is not at variance with the principal building from an aesthetic and architectural standpoint as to cause:
 - a. A difference to a degree to cause incongruity.
 - b. A depreciation of neighborhood values or adjacent property values.
 - c. A nuisance being an unsightly building exterior.
 7. An accessory building in the RR District shall not exceed one and one-half times the floor area of the principal building.
 8. An accessory building shall be no closer than 10 feet from the rear lot line. An accessory building having a gross floor area of 250 square feet or less may be located on the rear or side lot line in the rear yard. The placement of the accessory building cannot interfere with the view of the adjoining neighbor.
 9. The maximum height of an accessory building in the R-1 and R-2 Districts shall be 14 feet.

Section 414 Wireless Communication Facilities

- A. The Norway Area desires to encourage and facilitate communication services within the Norway Area, in a manner that protects the health, safety and welfare of local residents, protects historic values, and minimizes environmental and visual impacts.
- B. Wireless communications equipment is a permitted use of property and is not subject to conditional use approval if all of the following requirements are met:
1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing wireless communications equipment compound.
 2. The existing wireless communications support structure or existing equipment compound is in compliance with the Norway Area Zoning Ordinance or was approved by the Norway Area Planning Commission.
 3. The proposed collocation will not do any of the following:
 - a. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c. Increase the area of the existing wireless communications equipment compound to greater than 2,500 square feet.
 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or wireless communications equipment compound by the Norway Area Planning Commission.
- C. Wireless communication towers may be allowed in any district with the issuance of a conditional use permit.
- D. The Joint Planning Commission shall use the following standards in reviewing the Conditional Use Permit:
1. Towers shall be designed and constructed in such a manner as to accommodate at least three antennas or other facilities, thus encouraging co-location. Towers must also be designed to allow for future rearrangement of antennas and to accept antennas mounted at different heights.
 2. An applicant for a new wireless communication tower must demonstrate that existing communication towers will not provide adequate coverage or capacity, thus encouraging co-location and minimizing the total number of towers.
 3. Wireless communication towers shall not exceed 250 feet in height.

4. Towers shall be set back from any lot line a distance at least one and one half times ($1 \frac{1}{2} \times$) the tower height.
5. All towers and alternate support structures must be certified by a professional structural engineer licensed in Michigan. All support structures must comply with all applicable federal, state and local standards.
6. All wireless communication facilities shall be camouflaged to the extent possible, using compatible building materials and colors, screening, camouflage techniques, landscaping and/or placement within trees. Existing native vegetation and natural landforms shall be preserved to the extent possible.
7. Wireless communication towers and antennas shall not be lighted, except as specifically required by the Federal Aviation Administration, and/or any other state or federal agency having jurisdiction in such cases. When flashing lights are required on a tower, red lights shall be used during night time hours unless white strobe lights or other lights are required by regulatory agencies. Lighting of equipment structures or other accessory structures is discouraged and shall not project beyond the property line.
8. No advertising message shall be attached to any wireless communication facility. Signage shall be limited to that required by the Federal Communications Commission or other regulatory agencies.
9. All metal towers shall be constructed of or treated with corrosion-resistant material.
10. Security fencing shall be constructed to prevent access by unauthorized personnel.
11. All wireless communication facilities shall have legal documented access to a public road or street.
12. Wireless communication facilities proposed for location in the Norway Area shall not interfere with existing local telecommunications and shall be Federal Communications Commission (FCC) compliant.
13. No tower shall be constructed on a parcel within a platted residential subdivision. Concealed (stealth) antennas may be permitted under special condition within a platted residential subdivision.
14. Where an equipment enclosure is proposed as a roof appliance or penthouse on an existing building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.

15. Evidence that appropriate federal and/or state permits have been obtained shall be required prior to tower construction. The Norway Area may, at its discretion, require that a copy of all permit application materials be submitted.
16. If a tower is proposed for construction on leased property, written acknowledgment of the landowner that he/she will abide by the terms and conditions of the permit in the event that the lessee is unable to do so is required.
17. Wireless communication facilities shall be removed within 120 days of discontinuance or abandonment. A facility shall be considered abandoned when it has not been used for a period of one year. If an antenna on a tower is abandoned, removal shall consist of removing the abandoned antenna from the tower or alternate structure on which it is mounted and transporting it off the site. If a tower is abandoned, the tower and all antennas, equipment, accessory structures, fences, etc. shall be removed. The site must be returned to its original contours, and shall be covered with at least six inches of topsoil, seeded, and mulched. The site shall be free of litter, debris and/or abandoned equipment. To assure that such removal takes place, the Norway Area shall require a performance bond in an amount equal to the estimated cost of removal. The bond shall be issued by an acceptable bonding company authorized to do business in the State of Michigan. Any funds remaining after removal shall be returned to the owner upon the completion of removal of the facilities. If the cost of removal exceeds the amount of the bond, the owners shall be responsible for all additional costs. In the event that the owner fails to remove the facilities and/or restore the site, the Norway Area shall use the bond to pay for such removal and restoration no less than 60 days following written notification by certified mail to the owner of the facilities.
18. In order that the Norway Area may provide due notice of the requirements of this Ordinance to any subsequent owner, the owner of any wireless communication facility in the Norway Area shall notify the City or Township within 30 days of transfer of ownership, identifying the name, address, and phone number of an appropriate contact person for the new owner.
19. If development in accordance with the Conditional Use Permit issued for the wireless communication tower has not commenced within one year from the date of issuance, the permit will automatically expire. Upon request of the applicant, the Zoning Administrator may approve an extension for one additional year. Unless otherwise specified by the Joint Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit. Also see Section 1303.

Section 415 Home Occupation

- A. There shall be two classes of home occupations. Home occupation Class I shall be permitted in all districts by application of a zoning compliance permit. Class II home occupation may be allowed in all districts upon application of and issuance of a Conditional Use Permit pursuant to Article XIII Conditional Use Permits.
- B. The following uses may be permitted as a home occupation II by application for and issuance of a Conditional Use Permit: animal boarding establishments, commercial garages, bump and paint shops, light manufacturing and commercial production.
- C. Uses that are engaged in the selling of goods and merchandise to the general public for personal or household consumption shall not be conducted as a home occupation.
- D. Home occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts subject to the provisions of Sections 415(E) and 415(F).
- E. Class I and Class II home occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.
- F. Class I and Class II home occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- G. Class I home occupation shall:
 - 1. Employ only those members of the family residing on the premises and not more than one non-occupant employee,
 - 2. Be conducted within the principal dwelling or accessory structure and utilize not more than 25% of the usable floor space of the principle dwelling or 50% of the usable floor space of the accessory structure,
 - 3. Permit no outdoor storage nor exterior evidence of the conduct of home occupations, other than an approved sign,
 - 4. Permit no exterior display of merchandise produced by such home occupations,
 - 5. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood,

6. Provide that parking generated by the conducted of such home occupation meet the requirements of Section 802.
 7. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside,
 8. Allow a sign, not to exceed six square feet, to advertise the home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush on the building or placed in the front of the lot or parcel. The sign location may be at the front lot line, but may not be placed so to interfere with traffic visibility. The sign shall not detract from the visual appearance of the neighborhood.
- H. Class II home occupation may:
1. Employ not more than two non-occupant employees,
 2. Be conducted in an accessory building not exceeding 20 feet in height, and not more than 1,200 square feet,
 3. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors,
 4. Utilize structures to store commercial vehicles which shall not exceed twice the floor area of the principal structure,
 5. Permit outdoor storage or exterior evidence of the conduct of home occupations,
 6. Permit exterior display of merchandise produced by such home occupations,
 7. Provide for an illuminated sign greater than six square feet, except in the R-1 and R-2 Districts.
- I. The Joint Planning Commission may place additional conditions upon Class II home occupations to assure compliance with the intent of the zoning district.

Section 416 Garage Sales

Garage sales at residences are allowed a maximum of three occurrences per calendar year in all zoning districts; each occurrence shall not exceed four consecutive days. Garage sales are not considered to be a Home Occupation.

Section 417 Temporary Sales Products Stand

A temporary sales products stand is permitted in any district subject to the following regulations: one stand per parcel, written permission from the property owner is clearly posted on the stand, operated from sunrise to 9:00 p.m., maximum total floor area is 320 square feet, off-street parking to be provided for a minimum of four vehicles, and are located a minimum of five feet from the road right-of-way. Temporary sales stands are permitted on the parcel for a maximum of 90 days. The stand must be removed within 14 days of ceasing operations.

Section 418 Wind Turbines

- A. The Norway Area desires to encourage and facilitate wind turbines and wind test towers within the Norway Area, in a manner that protects the health, safety and welfare of local residents, protects historic values and minimizes environmental and visual impacts.
- B. Wind Turbines and wind test towers may be permitted in any district with the issuance of a conditional use permit.
- C. The Joint Planning Commission shall use the following standards in reviewing the Conditional Use Permit.
 1. The proposed wind turbine or test tower will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
 2. The primary purpose of a wind turbine will be to provide power for the principal use of the property whereon said wind turbine is to be located and shall not be the generation of power for commercial purposes unless permitted by the Planning Commission. This provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a wind turbine designed to meet the energy needs of the principal use.
 3. Towers shall be set back from any lot line a distance at least equal to one and one-half times (1 ½ x) the wind turbine height. Additional side and rear yard setbacks from the required structure zoning ordinance setback shall be determined by the Joint Planning Commission and shall be based upon the height of the proposed wind turbine.
 4. No variance shall be granted in connection with a proposed wind turbine or test tower to permit a height greater than 175 feet or the placement of a wind turbine or test tower so close to a property line as to result in any portion of the

wind turbine or test tower at any time, whether erect or in the even the wind turbine or test tower should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

5. No wind turbine or test tower shall be located within the front yard area.
6. Any proposed wind turbine or test tower shall produced sounds levels no more than fifty (50) decibels as measured on the db(A) scale at the property lines of the site in question. A noise report shall be prepared by a qualified professional and shall include the following, at a minimum: a description and map of the project's noise producing features, including the range of noise levels expected and a description of the project's proposed noise control features and specific measures proposed to mitigate noise impacts to a level of insignificance.
7. Where feasible, as determined by the Joint Planning Commission, all on-site electrical transmission lines connecting the wind turbine or test tower to the public utility distribution system shall be located underground.
8. All wind turbines and test towers shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.
6. All structures must meet or exceed all applicable federal, state and local standards, including those of the FAA, the Michigan Public Service Commission, National Electric Safety Code and any other agency of the state or federal government with the authority to regulate wind turbines in effect at the time the conditional use permit is approved.
7. The Joint Planning Commission may add reasonable conditions.
8. A grant of a zoning compliance permit constitutes an agreement between the land owner and the Norway Area that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.
9. No wind turbine or test tower shall be erected until final site plan approval has been granted by the Joint Planning Commission and all necessary permits have been issued by all government agencies involved.
10. The site plan, in addition to information required in Article XI of this Ordinance, shall also show:
 - a. Location of tower on-site and tower height, including blades
 - b. Underground utility lines within a radius equal to the proposed tower height, including blades;

- c. Dimensional drawings, installation and operation instructions;
 - d. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions;
 - e. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes;
 - f. Any other information that the Zoning Administrator or Joint Planning Commission deems necessary.
11. Wind turbines and test towers shall be removed within 120 days of discontinuance or abandonment. A wind turbine or test tower shall be considered abandoned when it has not been used for a period of one year. If wind turbine or test tower is abandoned, removal shall consist of removing the abandoned wind turbine or test tower and transporting it off the site. The site must be returned to its original contours, and shall be covered with at least six inches of topsoil, seeded, and mulched. The site shall be free of litter, debris and/or abandoned equipment. To assure that such removal takes place, the Norway Area shall require a performance bond in an amount equal to the estimated cost of removal. The bond shall be issued by an acceptable bonding company authorized to do business in the State of Michigan. Any funds remaining after removal shall be returned to the owner upon the completion of removal of the facilities. If the cost of removal exceeds the amount of the bond, the owners shall be responsible for all additional costs. In the event that the owner fails to remove the facilities and/or restore the site, the Norway Area shall use the bond to pay for such removal and restoration no less than 60 days following written notification by certified mail to the owner of the facilities. The owner of any abandoned wind turbine or test tower may file for an extension with the Norway Area for a later removal date.
12. In order that the Norway Area may provide due notice of the requirements of this Ordinance to any subsequent owner, the owner of any wind turbine shall notify the Norway Area within 30 days of transfer of ownership, identifying the name, address and phone number of an appropriate contact person for the new owner.

Section 419 Grading Requirements

- A. No grading, including any act by which soil, rock, or mineral matter is cut into, dug, quarried, uncovered, removed, displaced, or relocated, and including the removal of vegetable cover, excavation, and land balancing, shall be undertaken without first obtaining a grading permit from the Zoning Administrator and upon payment of a fee of \$10 per acre or fraction thereof, but not exceeding \$200, and a performance or other security in the amount necessary to insure compliance with the requirements of Section 312. No grading permit shall be required for agricultural, horticultural and forestry

activities, the construction of a driveway which does not at any point vary from the surrounding grade by more than one foot, the normal graveling or grading of a road or driveway, any project that does not involve, in any one year, an area exceeding 2,000 square feet or more than 1,000 cubic yards of material, or construction or maintenance of a septic tank or associated drain field. No grading permit for operations requiring more than one year for completion shall be issued except for lands in District I.

- B. No grading permit shall be required for activities for which a permit has been issued pursuant to the provisions of the Soil Erosion and Sedimentation Control Act, Act 347, Public Acts of 1972.
- C. Anyone engaged in grading shall at all times take all appropriate and reasonable steps to prevent erosion including the construction of silt traps, the mulching and temporary or permanent planting of all areas exposed by grading, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures, and shall limit, insofar as is practical, the area of land exposed to erosion resulting from grading at any one time and the length of time that any area is exposed, and shall, upon completion of operations, leave the area in a condition where further erosion will not take place and the land is at least as suitable for uses permitted under this Ordinance as when grading operations commenced. For additional grading provisions within the Highway Overlay Zone, refer to Section 1218, Subsection P.
- D. An application for a grading permit must contain sufficient information to enable the Zoning Administrator to determine that the applicant proposes to take such measures as are necessary to meet the requirements of the preceding section. Where necessary, the Zoning Administrator shall require the submission of topographic maps, soil boring reports, or other necessary technical information. Upon receiving an application meeting the requirements set forth in this section, and payment of any fee required, the Zoning Administrator shall issue a grading permit to the applicant. No grading permit shall be valid except for work described in the application. The Zoning Administrator shall impose such conditions or requirements in granting the permit as may be necessary to insure compliance with the requirements of the preceding section, and shall impose such limits on working hours and time limits for completion of operations and various stages thereof as may be necessary to minimize incompatibility with nearby land uses, and failure to take any action or refrain from any action specified either in the application or on the face of the permit shall constitute a violation of this Ordinance.
- E. Pursuant to the provisions of Section 1108, the applicant shall provide financial security in one or a combination of the following arrangements:
 - 1. Performance bond. A performance or surety bond issued by a bonding company authorized to do business in the State of Michigan.
 - 2. Escrow fund. A cash deposit or by certified check.

3. Irrevocable letter of credit. An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

The security shall be filed with the City or Township Treasurer and shall be for the same time period as the grading permit and of an amount estimated by the Zoning Administrator as necessary to make the site as suitable for uses permitted in this Ordinance as before grading operations commenced.

- F. Whenever, during or following grading operations, conditions arise which require the taking of any measures or precautions or the imposition of any limits or restraints to assure compliance with the requirements of Section ---, the Zoning Administrator shall make a written order requiring the taking or refraining from any such action and post such order on the premises, and any violation thereof shall constitute a violation of this Ordinance. Wherever it appears that measures or precautions previously required are unnecessary, the Zoning Administrator shall waive them in writing.

Section 420 Keeping of Animals and Pets

- A. The keeping of household pets, including dogs, cats, rabbits, fish birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district. However, no more than three dogs or cats, six months of age or older, in any combination, and no more than a total of five animals over one pound in weight shall be kept or housed in or at one dwelling unit in a residential district, unless the use is a commercial kennel.
- B. The keeping of exotic animals, not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.) or household pets, is prohibited in a residential zoning district.

Section 421: Riparian Lot Use Regulations

- A. The following regulations are to protect public health, safety and welfare and preserve the quality of waters which could be threatened by the over-usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources and diminish property values. The regulations shall apply to the following private sites, platted lots and other lots to be held in common by a subdivision, condominium, association, similar agency or group of individuals; or held in common by virtue of the terms of a plat; or provide for common use under deed restrictions:
 1. Lots created after the effective date of this amendment.
 2. Lots of record existing prior to the effective date of this Ordinance that did not provide common use access to a water body prior to the effective date of this amendment.

3. Lots of record which existed prior to the effective date of this amendment that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under Part 301 Inland Lakes Streams of Public Act 451 of 1994.
- B. The use of riparian lot and common use riparian lot for boat dock and launching site are:
1. No more than one boat dock per dwelling unit shall be permitted for single-family dwelling and two family dwellings located on a riparian lot.
 2. No more than one boat dock per dwelling unit shall be permitted for multiple-family dwellings located on a riparian lot.
 3. Boat launching sites and boat docks within a common use riparian lot shall be permitted in the Residential (R-3) district as a Conditional Use upon review and approval in accordance with the standards and procedures of Article XIII and the standards listed below.
- C. The Joint Planning Commission shall be guided by the following standards for reviewing a conditional use request for a boat launching site or boat dock within a common use riparian lot.
1. Waterfront lots dedicated to a common use for water access, boat launching and docking shall conform to all respects to the minimum lot size and minimum lot width requirements of the district in which they are located. In addition, common use riparian lots shall have the following minimum lot dimensions:
 - a. Such riparian lot shall have a minimum of fifty feet of riparian frontage for each non-riparian lot served. Riparian frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.
 - b. Such riparian lot or parcel shall have a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
 - c. The recorded deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.
 2. For condominiums, site condominiums, or Planned Unit Development where there are common areas with riparian frontage, there shall be a minimum of 50 feet of riparian frontage for each dwelling unit. One boat dock shall be

permitted for every five dwelling units, with a required minimum spacing of 50 feet between boat docks.

3. Any boat dock facility within a common use riparian lot must obtain a permit for marina operation from the Michigan Department of Natural Resources in accordance with Administrative rules of Part 301 Inland Lakes and Streams of Public Act 451 of 1994. The design for a boat dock facility shall meet all of the Michigan Department of Natural Resources standards for a marina.
4. Public access sites owned and operated by the State of Michigan are exempt from township riparian lot use regulations.

ARTICLE V-PLANNED UNIT DEVELOPMENT

Section 501 Intent

To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 502 Eligibility

- A. In order to receive consideration by the Joint Planning Commission, a proposed Planned Unit Development shall:
1. Be located on a parcel at least two (2) acres in size.
 2. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 3. Minimize the amount of impervious surface created.
 4. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 503 Application and Modification Powers

- A. The applicant shall submit an application to the Joint Planning Commission in accordance with the procedures in Section 504 through Section 507.
- B. In acting upon the application, the Joint Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules and density and intensity limits. It may also authorize uses not permitted in the district.
- C. The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located.

Section 504 Preliminary Conference

Prior to preparing a formal application, the applicant shall meet with the Joint Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.

Section 505 Preliminary Application

- A. Following the preliminary conference, the applicant shall prepare and submit ten (10) copies of the preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the City Council and Township Board:
1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of Section 501 and with the eligibility requirement in Section 502.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements and other interested parties.
 - e. A projected assessment of demands upon the public services and utilities, including, but not limited to: water, sewer, electrical service, streets and roads, sidewalks, refuse disposal and emergency services.
 2. A preliminary site plan shall illustrate the proposed activity, and shall include the following information. If the preliminary site plan has been prepared in digital format (.dwg, .dxf, etc.), a copy shall be provided to the Joint Planning Commission.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale.
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect or registered landscape architect with survey stakes visible. The requirement for a survey may be waived if existing building dimensions will not change as a result of the proposed activity.
 - f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
 - h. The dimensions of all proposed structures on the subject lot(s), including height of the proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and road right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s). Named streets should be labeled.
 - m. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).

- n. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - o. The size and location of all existing and proposed public and private utilities.
 - p. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - q. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - r. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - s. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A schedule for development, proposed covenants or deed restrictions, proposed maintenance agreements for open space or common ownership areas; and a description of the type of financial guarantees to be utilized to ensure PUD development.
4. Any other information the Joint Planning Commission may reasonably require showing the applicant's intent for the development and viability of the proposal.
5. The applicant may request that the requirement for a final application be waived, and include all of the information required for a final application be submitted as the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 505(1) through (4) above, and Section 506(1) through (5), are included, the requirement for a final application and final public hearing may be waived. If the final application is waived, the public hearing notice and all other materials pertaining to the preliminary application should clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated.
- B. All application materials must be received in the office of the Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Joint Planning Commission shall hold a public hearing to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Joint Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 508 and Section 1304 and other relevant provisions of this Ordinance. Following the review, the Joint Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons

for approval or denial of the application, and any conditions imposed as part of approval with conditions.

- D. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- E. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Joint Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 506 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit ten (10) copies of a final application which shall include:
 - 1. All information required by the Joint Planning Commission for preliminary approval or conditional approval of the preliminary application, including any modifications required to meet conditions imposed on the preliminary application.
 - 2. Signed copies of any preliminary plat, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 - 3. A detailed development time schedule.
 - 4. Deed restrictions or covenants of the parcel.
 - 5. Any other plans, documentation or specifications, as the Joint Planning Commission may require, to ensure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs and letters of commitment or intent insuring adequate financing for public utilities and/or services.
- B. All the application materials must be received in the office of the Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Joint Planning Commission shall hold a public hearing to determine whether or not the final plans conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 507 Authorization and Issuance of Conditional Use Permit

- A. When the Joint Planning Commission determines that the final application is consistent with this Article and other requirements and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Joint Planning Commission, the City Council or the Township Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Dickinson County Register of Deeds.

Section 508 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
 1. Dimensional requirements: Yard, setback, lot size, type of dwelling unit, height and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this Section as defined in the intent statement, are incorporated within the total development plan. The Joint Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this Article.
 2. Access: Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 3. Sidewalks: In areas of residential development and significant pedestrian use, streets and roadways shall have a sidewalk at least four feet in width on at least one side of the street or roadway. A planting strip of at least two feet shall separate the sidewalk from the roadway. This standard may be modified by the Joint Planning Commission based on site specifics.
 4. Pathway/walkway: As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/non-motorized use. The pathway/walkway shall be at least four feet in width and located to convenient for pedestrian use. Depending on the expected traffic volume, the pathway/walkway could be the side of the road, striped to separate vehicle traffic from the pedestrian, bicycle use.
 5. Land usage: Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.

6. Privacy: Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
7. Off-street parking: Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 801, 803, 804 and 805. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
8. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
9. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
10. Review standards: The PUD shall be consistent with the standards outlined in Section 1304 and other relevant provisions of this Ordinance.

Section 509 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Joint Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Joint Planning Commission following a public hearing. The public hearing notice shall be published no less than 15 days prior to the public hearing.
- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VI: OPEN SPACE PRESERVATION

Section 601 Intent

- A. It is the intent of this Article to offer an open space preservation option to developers as authorized by Public Act 179 of 2001 for the purpose of:
1. Assuring the permanent preservation of open space, agricultural lands, and other natural resources;
 2. Allowing innovation and greater flexibility in the design of residential developments;
 3. Encouraging a less sprawling form of development, thus preserving open space.
- B. For the purpose of this Article the term “open space” shall refer to a natural state preserving natural resources, natural features, or scenic or wooded conditions; agriculture use; or a similar use of condition.
- C. Development in accordance with the Open Space Preservation provisions of this Ordinance can be in the form of a platted subdivision, a site condominium development or other legal means.

Section 602 Eligibility Criteria

To be eligible for open space preservation consideration, the applicant must present a proposal for residential development that meets each of the following:

- A. **Minimum Project Size**: The minimum size of an open space preservation development shall be ten acres of contiguous land.
- B. **Unified Control**: The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- C. **Guarantee of Open Space**: The applicant shall guarantee to the satisfaction of the Joint Planning Commission that all open space portions of the development will be maintained in the manner approved. Documentation shall be presented that binds all successors and future owners in fee title to commitments set forth in the applicant’s proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City and the Township and the land uses continue as approved in the open space preservation site plan.

Section 603 Project Design Standards

A proposed open space preservation project shall comply with the following project design standards:

- A. The open space preservation option is applicable to R-1, R-2, R-3, RR and RP Districts.
- B. Unless specifically waived or modified by the Joint Planning Commission, and excepting the minimum lot area, all Zoning Ordinance dimensional requirements for the underlying zoning district and other Norway Area regulations shall remain in full force.
- C. The developer shall maintain a minimum of 20% of the gross area of the site as dedicated open space. Land dedicated for open space does not include a golf course, street rights-of-ways, unbuildable land areas, or submerged land areas but may include a recreational trail, picnic area, children's play area, greenway or linear park. The dedicated open space may be, but is not required to be, dedicated to the use of the public.
- D. The number of dwelling units allowable within an open space preservation project shall be determined in the following manner: The applicant shall prepare and present to the Joint Planning Commission a design of the area that is consistent with the existing Norway Area zoning requirements. The Joint Planning Commission shall review the design and determine the number of lots that could be feasibly constructed on the property. This number, as determined by the Joint Planning Commission, shall be the maximum number of dwelling units allowable for the open space preservation project.
- E. To encourage flexibility and creativity consistent with the open space preservation concept, the Joint Planning Commission may grant specific departures from the requirements of the Zoning Ordinance for yard, lot, and bulk standards as a part of the approval process. Any regulatory modification approved by the Joint Planning Commission shall result in a higher quality of development than would be possible using conventional zoning standards. The regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space preservation site plan may be appealed to the Zoning Board of Appeals.
- F. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the Joint Planning Commission, such as:
 - 1. Recorded deed restrictions in perpetuity,
 - 2. Covenants that run perpetually with the land, or
 - 3. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251),
 - 4. Deeded property to the City or Township,
 - 5. Common ownership of all the property owners within the development.

- G. Such conveyance shall assure that the open space "will be protected from all forms of development and shall never be changed to another use." Such conveyance shall:
1. Indicate the proposed allowable use(s) of the dedicated open space.
 2. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space.
 3. Provide standards for scheduled maintenance of the open space.
 4. Provide for maintenance to be undertaken by the City or Township in the event that the dedicated open space is inadequately maintained, or is determined by the City or Township to be a public nuisance, with the assessment of costs upon the property owners of the development.
- H. The dedicated open space shall forever remain open space, subject only to uses set forth on the approved site plan. Further subdivision of open space land or its use for other than recreation or conservation shall be strictly prohibited.
- I. Accessory structures related to a recreation, or conservation use may be erected within the dedicated open space, subject to the approved open space preservation site plan. These accessory structures shall not exceed, in the aggregate, 1% of the total required open space area.
- J. Direct access onto a public road shall be required for all developments receiving approval under the open space preservation option.
- K. The developer shall be responsible for construction of roads providing access into and circulation within the new development.
- L. The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Joint Planning Commission, as a condition of approval, may require that the open space preservation site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

Section 604 Project Standards

In considering any application for approval of an open space preservation site plan, the Joint Planning Commission shall make the determinations on the basis of the standards for site plan approval set forth in Article XI Site Plan Review as well as the following standards and requirements:

- A. Compliance with the project design standards in Section 603.
- B. The open space preservation project shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses.
- C. The proposed open space preservation project shall be protective of the natural environment.

- D. Compliance with all applicable federal, state, and local regulations.

Section 605 Application and Approval Process

- A. The application for approval of an open space preservation proposal shall be in accordance with procedures for consideration of a conditional use permit. The required materials and fees shall be submitted to the Zoning Administrator.
- B. Approval of an open space preservation proposal shall be upon issuance of a conditional use permit following a public hearing. All improvements and uses of the site shall conform to the approved open space preservation site plan and comply fully with any conditions imposed by the Joint Planning Commission.
- C. The applicant shall record an affidavit with the register of deeds containing the full legal description of the project site specifying the date of final City and Township approval, and declaring that all improvements will be carried out in accordance with the approved open space preservation site plan unless an amendment is adopted by the Joint Planning Commission. In addition, all deed restrictions and easements shall be duly filed with the Dickinson County Register of Deeds with copies of recorded documents presented to the City and the Township.
- D. Following final approval of the open space preservation site plan by the Joint Planning Commission, a zoning compliance permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable city, township, county, state or federal permits.
- E. If construction has not commenced within 24 months of final approval, all City and Township approvals become null and void. The applicant may make written application to the Joint Planning Commission for an extension, not to exceed 12 months. A maximum of two extensions may be allowed.
- F. The Joint Planning Commission may require that a performance guarantee, in accordance with the Section 1305(D) of the Zoning Ordinance, be deposited with the City or Township Treasurer to insure completion of improvements.

Section 606 Revision of Approved Plans

- A. Minor changes to an approved open space preservation site plan may be permitted by the Joint Planning Commission following normal site plan review procedures outlined in Section 1105, subject to the finding of all of the following:
1. Such changes will not adversely affect the initial basis for granting approval;
 2. Such minor changes will not adversely affect the overall open space in light of the intent and purpose of such development as set forth in this Article; and
 3. Such changes shall not result in the reduction of open space area as required herein.

- B. Changes which are a substantial departure from the approved site plan or alter the character or intent of the development will require the resubmission of the proposal to the Joint Planning Commission for a public hearing.

ARTICLE VII: NONCONFORMING USES, STRUCTURES AND LOTS**Section 701 Intent**

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect the orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of and in the Norway Area by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of nonconformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Any use or structure created in violation of any preceding City of Norway or Norway Township Zoning Ordinance remains a violation unless the use or structure is in compliance with the present Zoning Ordinance.
- E. Where, at the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the provisions of this Article.

Section 702 Provisions for Continued Use of a Nonconforming Structure or Use

- A. A nonconforming structure may be enlarged to occupy an area no greater than 110% of its gross floor area at the effective date of adoption of this Ordinance without the approval of the Joint Planning Commission.
- B. If a nonconforming structure is damaged by fire or other casualty and such damage is less than the State Equalized Value of such property, reconstruction or repair may proceed without the approval of the Joint Planning Commission.
- C. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the State Equalized Value of such property, reconstruction or repair to the structure is not permitted unless the Joint Planning Commission authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Joint Planning Commission within six (6) months of the occurrence.

- D. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Joint Planning Commission.
- E. Structural alterations to the exterior of a nonconforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Joint Planning Commission.
- F. A nonconforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the specific approval of the Joint Planning Commission.
- G. A nonconforming use or structure may be changed to another nonconforming use subject to specific approval of the Joint Planning Commission. Before granting the approval, the Joint Planning Commission shall determine that such change in use will have a less harmful effect on neighboring properties than the existing nonconforming use.
- H. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated 18 month time period, unless extended by the Joint Planning Commission.
- I. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- J. In the situation where two or more nonconforming dwellings are located on the same lot and one dwelling sustains damage by fire or other casualty, to the extent that the cost of reconstruction or repair exceeds the State Equalized Value of the structure, the damaged structure shall be removed, unless the damaged dwelling is closer to the street or faces a street. In such case it may be rebuilt with the approval of the Joint Planning Commission.
- K. Existing driveways that do not conform to current Zoning Ordinance regulations shall be considered nonconforming driveways and shall be brought into conformance with current regulations under the following conditions:
 - 1. When new access permits are requested;
 - 2. When driveway upgrades are proposed;
 - 3. If the use served by the nonconforming driveway discontinues for a consecutive period of two years, or;
 - 4. As major road improvements take place at the discretion of the City of Norway and Norway Township.

Section 703 Procedure for Approval by the Joint Planning Commission

- A. A written application shall be filed with the Joint Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
1. Name and address of property owner and applicant, if not same;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Section 1103 or 1104;
 4. An explanation describing the present nonconforming use or structure;
 5. An explanation of any proposed addition or alteration to the uses or structures;
 6. Time frame for completion of the project; and,
 7. Comparison of the proposed activity to the existing structure or use.
- B. The Joint Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1403. The applicant must demonstrate undue hardship and a necessity for the continuation or expansion of the nonconforming use or structure. Upon hearing the facts and information, the Joint Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 1404. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 704 Standards for Review and Approval

- A. In granting its approval, the Joint Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
 2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
 3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
 4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by the Norway Area;
 5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
 6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;

7. The use or structure will not diminish the value of land, buildings, or structures in the district;
8. The use or structure will be served adequately by essential public facilities and services; and,
9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 705 Provision for Designation of a Class A Nonconforming Structure

- A. It is recognized that there exists within the Norway Area structures which were lawfully established prior to passage of this Ordinance, but which no longer are in conformance with this Ordinance.
- B. It is the intent of this section to permit such legal nonconforming structure to be reconstructed as a result of damage by fire or other casualty, without the approval of the Joint Planning Commission.
- C. The Joint Planning Commission shall, upon receipt of an application, schedule a public hearing. A written application shall be filed with the Joint Planning Commission which shall include:
 1. Name and address of property owner;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Section 1103 or 1104; and
 4. An explanation describing the present nonconforming structure or use.
- D. Upon hearing the facts and information, the Joint Planning Commission shall make its decision in writing as to whether the structure shall be granted a Class A Nonconforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 704.
- E. The conferring of a Class A Nonconforming designation on a structure only allows the structure to be rebuilt or reconstructed in the event it is damaged by casualty or fire without obtaining the approval of the Joint Planning Commission.
- F. Should the non conforming structure or use become a conforming structure or use, the Class A Nonconforming designation becomes null and void.
- G. Any Class A Nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Joint Planning Commission. The Joint Planning Commission shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information, the Joint Planning Commission shall make its decision to consider revocation of the Class A

Nonconforming designation in writing and set forth the findings and reasons on which it is based.

Section 706 Appeal of Granting, Denying or Revocation of Class A Status

Any person aggrieved by the Joint Planning Commission's granting or failure to grant Class A status must appeal that decision to the Circuit Court of Dickinson County, as provided by law (within thirty (30) days).

Section 707 Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.

No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that holes or shafts shall be established. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area that was used at the time of becoming nonconforming. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 708 Nonconforming Lots

Any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a Notary Public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described may be used for permitted uses even though the lot area and/or dimensions are less than those required for the district in which the lot is located, provided that yard dimensions and other requirements of the district, not involving lot area or width, are met.

If a parcel contains more than one nonconforming lot, which is contiguous and in one ownership and would make one or more conforming lots, then only one structure would be permitted per conforming parcel. In addition, if a parcel contains more than one nonconforming lot which is contiguous and in one ownership but would not make one or more conforming lots, then only one structure would be permitted per parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic systems, drainage and similar public health considerations. No vested right shall arise to the property owner for any parcel created in violation of any preceding City of Norway or Norway Township Zoning Ordinance.

ARTICLE VIII OFF-STREET PARKING

Section 801 General Requirements

- A. There shall be provided in all districts at the time of erection, enlargement or change of use of any principal building or structure adequate automobile off-street parking as required in Section 802.
- B. Off-street parking for other than residential uses shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all lots or parcels intended for use as parking by the applicant.
- C. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
- D. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- E. In the instance of shared off-street parking spaces where operating hours of the building occupants do not overlap, the Zoning Board of Appeals may consider reducing the total number of spaces required. If a reduction of required parking is requested based on joint use, a copy of the agreement between joint users shall be provided to the City and Township and shall become part of the zoning file. Such an agreement shall include provisions which insure continued long-term use and maintenance of the parking facility by each party, and their successors in interest, including owners and occupants of the premises which are served by the parking facility.
- F. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- G. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Board of Appeals considers as being similar in type. If the use cannot be regarded as being similar to the uses listed, the Board of Appeals shall establish a reasonable minimum parking space requirement based upon such considerations as building floor area, number of employees and the volume of customer vehicular traffic.
- H. For the purpose of computing the number of parking spaces required the definition of Usable Floor Area shall govern.
- I. The minimum number of off-street parking spaces by type of use shall be determined in accordance with Section 802. Where calculation of parking in accordance with this table

results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

- J. The number of minimum parking spaces per unit of measure as required in this Ordinance shall apply fully to the erection, alteration or extension of residential uses within the developed central business area, however, the provisions of parking spaces as required in this Section may be reduced by one-half the minimum required spaces for all other uses within the developed business areas, being those areas zoned B-1 or B-2 on the zoning district map of this Ordinance and subsequent amendments.
- K. All parking areas, driveways and access ways on individual lots shall be surfaced with an acceptable material, such as asphalt, concrete or gravel. Driveway aprons-defined as the area between the property line and the curb-shall be surfaced with asphalt or concrete. All approaches to boulevards shall also be surfaced with an acceptable material such as asphalt or concrete.
- L. Parking areas on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Zoning Administrator, shall require submittal of a parking plan which indicates property lines, existing and proposed ground elevations at two (2) foot contour intervals, the number of spaces, calculations for meeting the minimum space requirements of this Article, dimensions of aisles, driveways and typical parking stalls, location of curbs and curb blocks, location and size of signs, existing and proposed landscaping, existing and proposed lighting and drainage facilities.

Section 802 Required Minimum Off-Street Parking Requirements

Use	Spaces Required
Residential Uses	
Single, two-family and multiple family dwelling	2 per dwelling unit
Rooming house	1 per guest room and 2 for owner or resident manager
Family or group day care	1 per non-resident employee, in addition to the 2 spaces required for dwelling unit and 2 for pick up and delivery of children
Mobile home subdivisions and parks	2 per mobile home
Dining, Entertainment and Assembly, Lodging	
Restaurant (except fast food), bar, tavern, private club (see drive-through requirements if applicable)	1 per 150 square feet of usable floor area
Fast food restaurant	1 per 100 square feet of usable floor area

Use	Spaces Required
Arcade, pool hall, game room	1 per pool table, video game machine, etc. <u>or</u> 1 per 150 square feet of usable floor area, whichever is greater
Bowling alley	4 per lane, plus spaces required for restaurant and/or bar, if any
Church, theater, facility for spectator sports, auditorium, concert hall, or similar facility with fixed seats	.25 times the seating capacity (1 space for each four seats)
Dance hall, roller and ice rink, exhibition hall, arena or assembly hall without fixed seats	1 per 150 square feet of usable floor area, or 0.25 times legal capacity where established
Drive-through use	Space for 5 cars between sidewalk (or curb if there is no sidewalk) and service window, in addition to parking required for primary use. Primary parking and maneuvering lanes must not encroach upon drive-through lanes
Golf course	4 per hole, plus spaces required for restaurant and/or bar, if any
Hotel and motel	1.5 per room plus spaces required for restaurant and/or bar, if any
Retail Establishments	
Furniture , appliance, hardware store, household equipment repair shop, showroom of a plumber, decorator, electrician, or similar trade, shoe repair and other similar uses.	1 per 800 square feet of usable floor area
Other retail establishment	1 per 300 square feet of usable floor area
Service Establishments	
Barber shop and beauty parlor	2 plus 1 per chair
Residential care facility	.25 times maximum lawful number of occupants, plus .5 per employee
Educational institution	2 per classroom plus 1 per 10 students for high schools, colleges, technical schools, etc.
Financial institution (see drive-through requirements if applicable)	3 per teller window; parking and maneuvering lanes must not encroach upon drive-through lanes, if any
Funeral home	1 per 150 square feet of usable floor area in assembly rooms, parlors and slumber rooms
Hospital	.16 times number of beds, plus .5 per employee
Laundromat	1 for every 3 washing machine
Medical office	1 per 100 square feet of waiting room area plus 2 per medical professional
Office (except as otherwise noted)	1 per 300 square feet of usable floor area
Other service establishment	1 per 150 square feet of usable floor area

Use	Spaces Required
Automotive Related Uses	
Automobile gasoline station/convenience retail	1 per 150 square feet of usable floor area plus 2 per service bay, in addition to stopping places adjacent to pumps
Automobile repair garage	1 per employee plus 2 per service bay
Auto wash	1 per vacuum plus 1 waiting space per self-service or automatic wash facility
Motor vehicle sales	1 per 800 feet of usable floor area in showroom, plus 2 per service bay, if any
Other Uses	
Warehouse, including mini-storage warehouse	1 parking/loading space per unit, plus .5 per employee, if any
Other industrial use	.75 times maximum number of employees on premises at any one time

Section 803 Payment in Lieu of Off-Street Parking

- A. It is the policy of the City Council and Township Board that off-street parking as required by Section 801 shall be required to the maximum extent possible. The Norway Area recognizes that due to the small lots found in the Norway Area and existing development patterns, new development may not be able to secure sufficient property to meet the minimum requirements. Subject to the approval of the Zoning Board of Appeals, all or part of the required off-street parking in all districts may be waived subject to the applicant’s election to contribute a predevelopment fee to the City and Township in lieu of the number of spaces waived. Such fee shall be established by resolution of the City Council and Township Board and shall be based on the number of spaces waived. The predevelopment fee shall only be contributed once based on the number of parking spaces waived. All business shall be included in the payment in lieu of parking strategy, including rental units.
- B. Where there is a change of use of an existing structure, the predevelopment fee shall be based on the increased amount of parking spaces required.
- C. The Norway Area Alternative Parking Fund is established for the sole purpose of assuring that adequate off-street parking areas in all districts are adequately satisfied. Fees paid shall be deposited into this fund. In order to accomplish these objectives, expenditures from this fund shall be restricted to the purchase of property and physical improvements to provide for additional off-street parking.
- D. The funds will be managed and maintained as a separate account by the City and Township Treasurers. The fund will be the repository of contributions generated under this Section. The fund may be augmented by transfers from federal, state, municipal

and private sources. Expenditures from the fund will be made by the City Council and Township Board according to appropriation procedures as specified in the city charter and upon recommendations of the Joint Planning Commission.

- E. The Zoning Board of Appeals may allow for the contribution to the fund only if the applicant can demonstrate by clear and convincing evidence that (1) off-site parking will be impossible or constitute an undue hardship, or (2) a contribution to the fund under the particular circumstances of the application will be more beneficial to the Norway Area. The contribution to the fund, if allowed, shall represent the smallest amount of variance from the requirements of off-street parking that will afford relief. Such contribution shall be deemed a payment in lieu of providing off-street parking and shall not be deemed an impact fee or exaction.
- F. The amount of the predevelopment contribution will be determined and adjusted periodically as needed by the City Council and Township Board upon the recommendation of the City Manager and Township Supervisor.
- G. It is clearly understood that the off-street parking areas to be developed by the Norway Area may not directly benefit the applicants but will benefit the community at large. There shall be no time limit established by when the City and Township must expend funds in the Alternative Parking Fund.
- H. All in-lieu-of parking fees shall be paid prior to the issuance of the certificate of occupancy, building permit or zoning compliance permit. In the case of a multi-tenant building, the fees shall be calculated based on and paid prior to the issuance of certificate of occupancy for each individual tenant's spaces.

Section 804 Residential Parking Layout, Design, Construction and Maintenance

- A. All off-street residential parking shall be laid out, constructed and maintained according to the following standards and regulations.

For the purpose of this Section, the following definitions shall apply:

- Driveway: A private approach giving vehicles access from a public way to a building or parking space(s) on the same site.
- Front Area: That area located between the edge of the physical street and the nearest point of that dwelling, projected parallel to the street.
- Hard Surface: For one and two family dwellings a hard surface shall comprise of compacted gravel, concrete or asphalt pavement, pavers or other products designed for parking.
- Parking Space: A defined area of at least 9 feet by 18 feet for the storage or parking of a vehicle. This area is to be exclusive of drives, driveways, aisles or entrances giving access to the space from the public right-of-way.

- B. Parking is not permitted in the front area with an exception of on a driveway or in a garage. All parking in the front area shall be on parking spaces which are at least 2 feet from the side lot line, at least 2 feet from the inside edge of a sidewalk, and at least 10 feet from the edge of an established street.
- C. Allowable driveway widths are 18 feet wide on a lot up to and including 50 feet in width and 24 feet on a lot 100 or more feet in width. Driveways on lot widths between 50 and 100 feet are prorated accordingly.
- D. A driveway may be widened beginning at a point 2 feet from the inside edge of a sidewalk or 10 feet from the edge of an established street without sidewalks, provided the hard surfaced areas of the driveway and parking spaces utilize no more than 30% of the front area. On corner lots, there shall be two front areas. The overlapped area at the corner may be counted with either front area, but not both, at the discretion of the property owner. The two front areas may not be combined for the purpose of exceeding the 30% maximum hard surface within either front area.
- E. Hard surface residential parking locations approved under previous ordinance language are not subject to above language provided that the minimum safeguards are met for all parking uses where vision hazards and locations impact public safety.
- F. The Zoning Administrator may permit parking in a front area during the winter parking ban period if deemed that the site cannot be reasonably altered to provide parking which is not in the front yard.
- G. Parking on the boulevard shall not be permitted.
- H. Any useable, non-licensed vehicle (plow truck, race car, etc.) may be parked in the side or rear yard provided the owner obtains a zoning compliance permit for the vehicle.

Section 805 Off-street Parking Space Layout, Standards, Construction and Maintenance

Wherever the off-street parking requirements in Section 802 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed until a zoning compliance permit has been issued. Applications for a permit shall be submitted with a site plan in accordance with Section 1104.
- B. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the City Manager, Township Supervisor, Zoning Administrator, Police Chief, Fire Chief, County Road Commission and MDOT (if applicable) in order to provide for the greatest possible public safety and welfare. In some cases this may mean shared driveways, frontage roads, or other access management techniques. Such

necessary directional signs and controls as are required shall be established and maintained by the owner or lessee of the parking lot.

- C. All spaces shall be provided adequate access by means of maneuvering lanes and spaces shall not be designed in such a way, that vehicles will be backing directly onto a City or Township street.
- D. All maneuvering lane widths shall require one-way traffic movement, with the exception of the 90° pattern where two-way movement may be permitted.
- E. Any ingress/egress point for any parking lot in a district other than residential shall be located at least 25 feet away from any adjacent residential district.
- F. Wherever any off-street parking facility abuts any property zoned residential, a continuous and obscuring wall or planting screen at least four feet six inches in height shall be provided along the boundary with the residential district.
- G. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width Of One Tier Of Spaces Plus Maneuvering	Total Width Of Two Tiers Of Spaces Plus Maneuvering
75° to 90°	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.
54° to 74°	15 ft.	8 ft. 6 in.	20 ft.	36 ft. 6 in.	58 ft.
30° to 53°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.

Section 806 Off-Street Loading and Unloading

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated streets or alleys. Such space shall be provided as follows:

- A. All spaces in B-1, B-2 and B-3 Districts shall be provided within the area required in the Schedule of Regulations found in Section 401 as minimum rear yard.
- B. All spaces in the Industrial District shall be laid out in the dimension of at least 10 feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. All spaces in the Industrial District shall be provided in the following ratio of spaces to gross floor area:

Gross Floor Area (In Square Feet)	Loading And Unloading Space Required In Terms Of Square Feet Of Gross Floor Area
0 - 1,400	None
1,401 - 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each 20,000 square feet in excess of 20,000 square feet
100,000 and over	5 spaces

ARTICLE IX: PLANTINGS AND FENCES

Section 901 Landscaping Regulations

- A. Whenever a yard or open area is created, the area shall be landscaped within six months from the date occupancy (depending upon seasonal conditions) and shall be reasonably maintained. In the event that an existing yard or area lacks groundcover the property shall be landscaped to prevent washing, blowing and shifting of soil.
- B. Minimum landscaping shall be natural ground covering material of sufficient density to prevent the washing, blowing and shifting of soil.
- C. Landscaping is exempt from permit requirements of this Article, provided that it is not structural in nature.

Section 902 Fence Regulations

- A. Any person desiring to build or cause to be built a fence upon property shall first apply to the Zoning Administrator for a permit. The permit application shall contain information and drawings required to determine compliance with this Ordinance. A fee shall be paid at the time of application. All fences permits shall require proof of pins placed by a licensed land surveyor when property lines are in question at the discretion of the Zoning Administrator.
- B. The following requirements shall apply:
 - 1. Within the front yard setback, open constructed fences shall not exceed four feet and solid constructed fences shall not exceed three feet in height. Open constructed fences shall be defined as: a fence in which at least two-thirds (2/3) of the area between the grade level and the top cross member (wire, wood, or other material) is open.
 - 2. Within the rear or side yard setback, the maximum height of a fence shall be six feet, without restriction on open or closed construction.
 - 3. Living fences are permitted to a maximum height of four feet in the front yard setback and six feet in the rear and side setback areas. In the vision triangle at the intersection of the streets that border the corner lot, the maximum height for a fence is three (3) feet from the grade of the street mat.
 - 4. Fences for the express purpose of retaining or excluding animals may be a height not to exceed six feet and shall have clear visibility through it (such as a chain link fence).
 - 5. All fences must be located on the private property of the person, firm or corporation constructing the fence, and shall be placed at least six inches from

the property line, unless otherwise permitted by Section 902(B)(6). No fence shall be constructed or placed upon any property within five feet of the curb or shoulder of a street or alley where there is no public sidewalk.

6. Fences located on the property line may be erected by written agreement between property owners. The agreement shall become part of the permit application.
 7. The boards, wire or other materials used in the building of the fence shall be fixed to the side of the posts nearest to the property dividing line. That side of any fence considered to be its "face" (i.e., the finished side having no structural supports) shall face abutting property or the public right-of-way.
 8. No fence shall obstruct the vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. Clear vision shall be maintained at three feet from the grade of the street or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting street or alley.
 9. Fences shall be constructed to posts sunk in the soil at least three feet or at least 18 inches into concrete.
 10. Fences designed for agricultural purposes in the RR, RP, AG and FP Districts may be constructed of barbed wire, electrified materials or a single strand of any material and are exempt from the above provisions with the exception of Section 902(B)(7).
 11. Fences may not be installed, constructed or maintained on right-of-ways or any properties not owned by that person.
- C. Exempt fences: The following fences are exempt from permit requirements, and at the discretion of the Zoning Administrator, from the provisions of this Article, provided that they are not so constructed as to obstruct the vision triangle or to create other hazards to public safety:
1. Temporary fences constructed of materials approved by the Zoning Administrator and not in excess of six feet (6') which are erected at a construction site for the purpose of security and protection.
 2. Fences erected at the order of the Zoning Administrator for the protection of the public.
 3. Decorative fences located at least five feet (5') from the property line.
 4. Fences protecting gardens may be up to eight feet (8') in height provided they are a minimum of five feet (5') from any property line.
 5. Fences constructed for public utilities.

- D. Fences must be maintained so not to endanger life or property. Fences constructed of barbed wire, or a single strand of any material is allowed only in the RR, RP, AG and FP Districts. No fence, except located in the RR, RP, AG and FP Districts shall be constructed or maintained in such a fashion that it is charged or connected with an electrical current in such a manner as to transmit the electrical current to person, animals or things which intentionally or unintentionally might come in contact with it. Both sides of any fence shall be maintained in a condition of reasonable repair and appearance by its owner. Any fence which, through lack of repair, type of construction or otherwise imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which the fence is located of the existence of the nuisance and require the nuisance be abated within 6 days of receiving such a notice.

- E. The use of barbed wire above six feet (6'), not to exceed eight feet (8') from grade is allowed in the B-3 and I Districts where there are unique or exceptional circumstances. Site plan approval is required for the use of barbed wire in the B-3 or I Districts.

Section 903 Required Fences or Buffers

- A. Obscuring fences or walls shall be provided and maintained for those uses and districts listed below, where such uses and/or districts abut or are adjacent to a residential district. These requirements do not apply if the use is more than 200 feet from the residential district boundary.

Use	Required Height Of Buffer	Primary Purpose
Off street parking for all uses except single- and two family residential uses	6 feet	Reduce headlight glare, noise, visual impact
B-1, B-2, B-3, and I Districts	6 feet	Reduce headlight glare, noise, visual impact
Open outdoor storage areas larger than 200 square feet	6 feet	Minimize visual impact, help prevent vandalism
Hospital and funeral home service entrances	6 feet	Reduce glare and noise associated with traffic
Utility service buildings and/or substations	6 feet	Reduce visual impact, help prevent vandalism
Junkyard	8 feet	Reduce visual impact, help prevent vandalism, restrict access by children, animals, etc.

- B. All fences and/or walls constructed as required by this Section shall require a Zoning Compliance Permit. The permit application shall specify the materials, location, entrance ways, basic design, and any other information required for the Zoning Administrator to evaluate compliance with the intent of this Section.

- C. Fences and/or walls constructed in accordance with this Section shall not be allowed to fall into disrepair.
- D. Greenbelts, hedges, or naturally-occurring wooded areas may be substituted for a fence or wall required under this Section upon approval of the Zoning Board of Appeals.

Section 904 Required Planting Screens

- A. When a planting screen, buffer or greenbelt is required by this Ordinance, such planting screen, buffer or greenbelt shall be in accordance with the requirements of this Section. Planting screens, buffers or greenbelts shall be of sufficient length to interfere with the view thereof from the adjoining property, except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats or a masonry wall may be substituted upon approval by the Zoning Board of Appeals.
- B. All planting screens required by this Ordinance shall be maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet.
- C. Spacing of plant materials shall be in accordance with the following standards:
 - 1. Plant materials shall not be closer than four feet from the fence line or property line.
 - 2. Where planting materials are planted in two or more rows, plantings shall be staggered in rows.
 - 3. Evergreen trees shall be planted not more than 30 feet on centers.
 - 4. Narrow evergreens shall be planted not more than three feet on centers.
 - 5. Deciduous trees shall be planted not more than 30 feet on centers.
 - 6. Tree-like shrubs shall be planted not more than 10 feet on centers.
 - 7. Large deciduous shrubs shall be planted not more than four feet on centers.
- D. Plant materials used shall have the following height at planting:

Plant Material	Minimum Height at Planting
Evergreen trees (Spruce, juniper, red cedar, white cedar, pines (except jack pine) or similar species)	Five feet
Narrow evergreens (Pyramidal arborvitae, columnar juniper, or similar species)	Three feet
Deciduous trees (Oaks, hard maple, ash or similar species)	Five feet
Tree-like shrubs (Flowering crabapple, Russian olive, mountain ash, or similar species)	Three feet
Large deciduous shrubs (Lilacs, honeysuckle, viburnum, mock-orange, forsythia, or similar species)	Four feet
Other plant material at the discretion of the Zoning Administrator	Four feet

- E. When possible, trees from the U.S. Forest Service-Dickinson County native tree species list shall be used for planting.
- F. The following trees: Box Elder, Poplars, Ailanthus (Tree of Heaven), Horse Chestnut, Catalpa, Jack Pine are not permitted to be used as a planting screen.
- G. All plantings required by this Ordinance shall be established prior to occupancy or commencement of use. Where compliance is not possible because of the weather the Zoning Administrator shall grant an appropriate delay. Any zoning compliance permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.
- H. No planting screen shall be planted in right-of-ways or on any properties not owned by that person. In the vision triangle at the intersection of the streets that border the corner lot, the maximum height for a planting screen is three (3) feet from the grade of the street mat.

ARTICLE X-SIGNS

Section 1001 Intent

It is determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 1002 Definitions

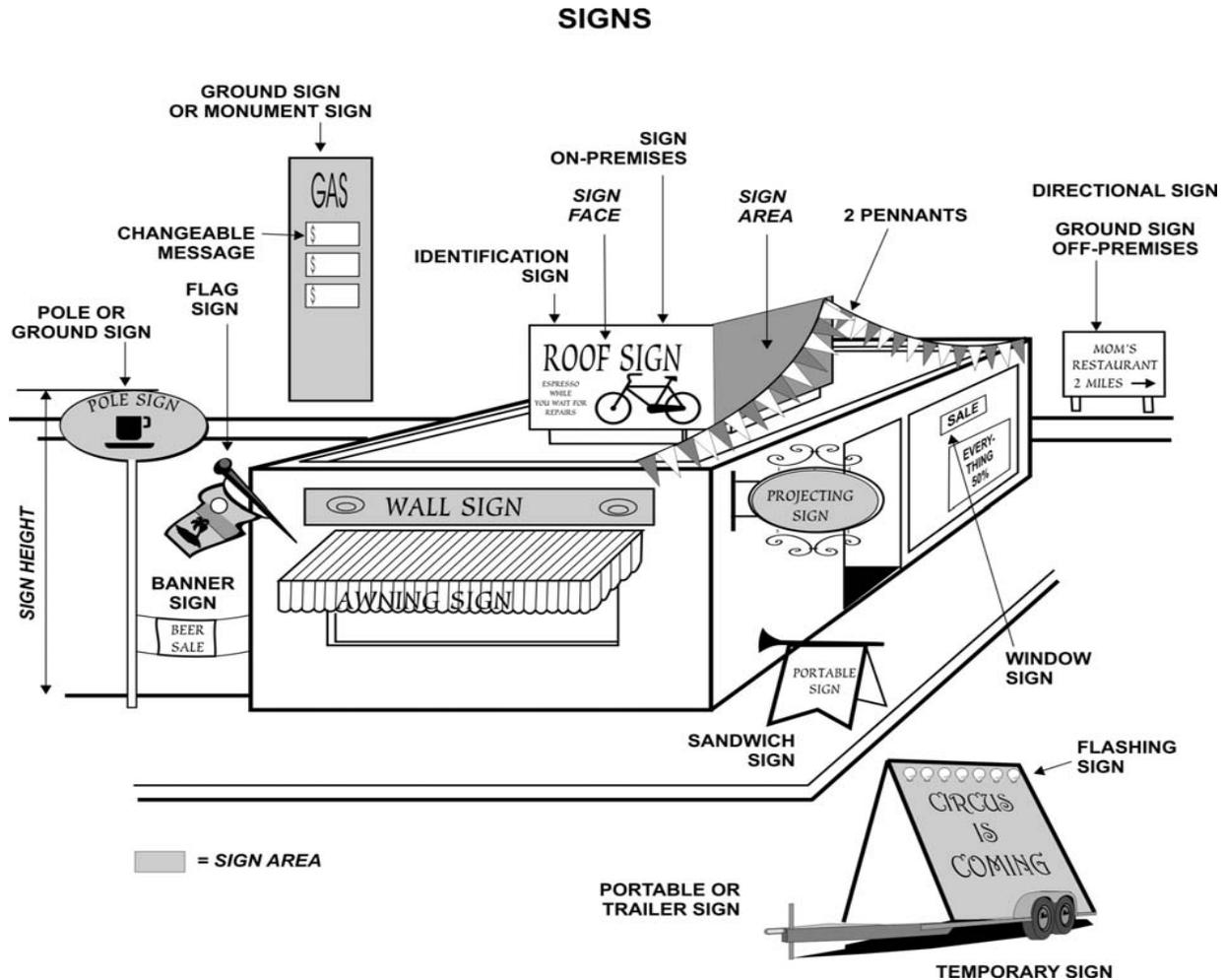
The following definitions apply only to words and phrases used in this Article.

- A. Animated Sign: A sign, other than a changeable message sign, whereby the sign itself or the information conveyed incorporates or involves action, motion, or the appearance of action or motion, such as lights, color changes, moving parts, reflective materials, scrolling messages or video-like features.
- B. Awning Sign: A sign which is part of, hung from the underside of, or attached to, a marquee, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, canopy, or covered structure.
- C. Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.
- D. Billboard: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign and is subject to regulation under the Highway Advertising Act, Public Act 106 of 1972.
- E. Changeable Message Sign: A sign on which the message can be changed by hand, mechanically, electrically or electronically. A sign on which the message changes more than four (4) times per hour shall be considered an animated sign. Time and temperature displays and fuel price displays shall be considered changeable message signs rather than animated signs regardless of the number of changes per day.
- F. Cluster Sign: A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages.
- G. Directional Sign: An on- or off- premises sign which provides no advertising display or commercial message, but is used to direct visitors or customers to a particular land use.
- H. Flag: a) Governmental Flag: Usually a rectangular piece of fabric of distinctive design that is used as a symbol, as of a nation or state; b) Nongovernmental Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem. A flag of a nation or state is not a sign.

- I. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
- J. Governmental Sign: A sign authorized by a local unit of government, the county, a governmental agency, the State of Michigan, or the federal government, for street direction, destination, hazardous condition, traffic control, public notice or identification purposes.
- K. Ground or Pole Sign: A freestanding sign supported by one (1) or more uprights, poles, braces or some other structure, placed in or upon the ground surface and not attached to any building.
- L. Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.
- M. Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.
- N. Illuminated Sign: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).
- O. Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.
- P. Ingress-Egress Sign: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
- Q. Marquee Sign: An "identification or business" sign attached to a marquee, canopy, or awning projection from the building.
- R. Nonconforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.
- S. On-Premises Sign: A sign, other than a billboard as defined by this Section that advertises a commodity, service, business or event lawfully conducted, sold, or offered on the premises on which the sign is located.
- T. Off-Premises Advertising Sign: A sign, other than a billboard as defined by this Section, that advertises a commodity, service, business or event lawfully conducted, sold, or offered at a location other than the premises on which the sign is located.
- U. Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
- V. Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.
- W. Projecting Sign: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
- X. Residential Neighborhood Identification Sign: A free-standing ground sign used to identify a subdivision plat, condominium project, apartment complex or residential PUD.

- Y. Roof Sign: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
- Z. Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. House or building numbers and tenant nameplates under one-square foot in size on or next to a door or on a mailbox are not considered signs.
- AA. Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.
- BB. Temporary Sign: A display sign, banner, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display, such as grand openings, vehicle shows, displays, craft shows, benefits, fund raisers, festivals, holidays or public demonstrations.
- CC. Wall Sign: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches therefrom. The exposed face of the sign must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

Figure 10-1 illustrates many of the different types of signs defined above.



Section 1003 General Standards

- A. Compliance Required. Signs erected, altered and maintained in the Norway Area shall conform to the standards of this Article.
- B. Standards of Measurement. Dimensional standards and measurements for signs shall be subject to the following:
 1. **Sign height.** The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
 2. **Sign setback.** Setbacks shall be measured from the closest road right-of-way or front lot line to the nearest edge of the sign.
 3. **Sign area.** Measurements of permitted sign area shall be in accordance with the following standards:

- a. The surface area of a sign shall include the total area within a regular geometric figure (circle, triangle, rectangle or square) enclosing the extreme limits of letters, symbols or other materials forming an integral part of the display, plus the surface area of any board, panel, or similar sign copy area to which the letters, symbols or other materials are attached (see illustration).
 - b. For an internally illuminated sign, the entire illuminated surface area of a sign face shall be included in the measurement of sign area.
 - c. Where two (2) sign faces with identical sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of one (1) face.
 - d. Where two (2) sign faces with different sign areas are placed back to back no more than 18 inches apart, then the sign area shall equal the area of the larger face.
 - e. Where two (2) sign faces are placed more than 18 inches apart at any point, then the sign area shall equal the total area of all sign faces.
 - f. Where a sign has more than two (2) sign faces, then the sign area shall equal the total area of all sign faces.
4. **Signable area:** The signable area of a building shall equal the area of the building's street level façade.
- a. Signable area for multi-tenant buildings. Where more than one business or use occupies space on the street level façade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. Signable area for buildings on corner lots. Where a building has two (2) or more street level facades (such as on a corner lot), each street level façade shall be considered as a separate signable area for purposes of this Article (e.g. - A building that faces two (2) road rights-of-way shall have two (2) signable areas).
- C. Placement Requirements. The following placement standards shall apply to all signs:
1. No sign may extend above any parapet or be placed upon, cantilevered over or otherwise suspended above any roof surface. For purposes of this Article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
 2. No sign attached to a building, other than a permitted awning sign, shall project more than one (1) foot from the building wall.
 3. Signs shall not be located within nor extend over any road right-of-way or corner clearance area, except where specifically authorized by this Article. This restriction shall include any future planned rights-of-way, as defined by the master transportation plans for the Norway Area, or county or state road authorities.

4. All signs shall be set back at least ten (10) feet horizontal distance from any utility pole, overhead wire, transformer or streetlight.
- D. Hazards and Obstructions. Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.
- E. Use. Signs shall not impair the use of adjacent properties. Any sign permitted by this Article may contain a non-commercial message.

Section 1004 Regulations for Signs in Residential Areas

Within all districts allowing residential uses as a permitted principal use, the following signs shall be permitted as follows:

- A. Churches shall be permitted a sign structure with a face on both sides, with each side having a maximum sign area of 40 square feet. The total sign area may be divided into one or more signs. The maximum height of the sign shall be eight feet above grade.
- B. One sign, not exceeding 36 square feet and eight feet in height above grade, shall be permitted at each vehicle entrance to a platted subdivision development or mobile home park.
- C. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 36 square feet and eight feet in height above grade.
- D. One sign, not to exceed six square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated or have working parts. The sign must be attractive and compatible with a neighborhood setting and designed so not to detract from the visual appearance of the neighborhood.
- E. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs shall not be located on the road right-of-way, or interfere with traffic visibility. Signs shall not be permitted in a vision triangle.

Section 1005 Ground On-Premises Sign Regulations

Within Business and Industrial districts, freestanding ground on-premises signs shall be permitted for non-residential land use as follows:

- A. One freestanding monument or pole sign is permitted per property, regardless of the number of businesses there, except that one additional freestanding sign may be

erected per road frontage when the development has parallel frontage on more than one major street or corner frontages on major streets totaling over 600 linear feet.

- B. Free standing (ground) signs advertising an onsite business are permitted an area not to exceed six square feet for each ten feet or fraction of frontage, or 60 square feet for each acre or fraction of acre developed on the premises, whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.
- C. The on-premises sign shall be subject to the following setback requirements:
 - 1. A minimum of five feet when the road right-of-way width from the centerline of the road to the property is less than 50 feet or, located at the lot line when the road right-of-way width from the centerline of the road to the property line is greater than 50 feet.
 - 2. Setback measurement shall be from the road right-of-way to the closest part of the sign, whether it be at or above grade.
 - 3. The maximum height for an on-premise sign shall be 30 feet above grade.

Section 1006 Building-Mounted Signs

The intent of this Section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the Norway Area. The following standards shall apply to building-mounted signs in any zoning district:

Standards	Types of Permitted Signs			
	Wall	Awning	Projecting	Window
Permit Required?	YES	YES	YES	NO
Maximum Number of Sign Faces per Building Mounted Sign	One (1)	One (1)	One (1)	None
Minimum Sign Height	None	8 feet	8.0 feet	None
Maximum Permitted Sign Area of All Building-Mounted Signs	10% of the signable area of the building space occupied by the use			None

- A. Certificate approval. Approval of a Sign Permit per Section 1016 shall be required to erect, alter or relocate a wall or awning sign in the Norway Area.
- B. Window signs. Window signs shall be restricted to interior window surfaces. A Sign Permit shall not be required for permitted window signs under this Section.
- C. Location. All building-mounted signs shall be located entirely within the street level façade(s).
- D. Rear public entrance sign. One (1) additional building-mounted sign not exceeding four (4) square feet in area shall be permitted for each rear public entrance. This sign area

shall be in addition to the building-mounted sign area otherwise permitted under this Section.

- E. Painted wall signs. Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this Section. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
- F. Awning signs. Awning signs shall be restricted to the surface area of the awning's valance, which is the band of material hanging perpendicular to the ground (see illustration). Awning materials for an internally illuminated awning sign shall be opaque, except for any permitted sign area.
- G. Residential uses. Building-mounted signs shall be a prohibited accessory to single and two-family residential uses in any zoning district.
- H. Projecting signs. Projecting signs shall be further subject to the following:
 - 1. Such signs shall project from the wall at an angle of 90 degrees.
 - 2. A maximum of one (1) projecting sign shall be permitted per use, with a maximum sign area of 30 square feet per sign face.
 - 3. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces.
 - 4. Projecting signs may extend out from the building wall a maximum of five (5) feet, and shall be pinned away from the building wall at least six (6) inches.
 - 5. No part of the sign extends into or over a road right-of-way.
 - 6. Must comply with applicable building codes.

Section 1007 Changeable Message Signs

Changeable message signs, as defined in this ordinance, are permitted, subject to the following limitations:

- A. Such sign shall be subject to the area, height, and placement requirements for a business ground sign in such location as otherwise permitted under this Ordinance.
- B. Such signs shall be permitted in the B-1, B-2, B-3, I and HC-O Districts, subject to any other applicable requirements for such uses in this Ordinance.
- C. The changeable copy portion of such sign shall not exceed 2/3 of the sign area; the remainder of the sign shall be of a permanent character as otherwise required under this ordinance.
- D. In addition to the general requirements for sign maintenance, all changeable copy signs shall bear a legible message, other suitable display or be left blank. Electronic devices when not in use may be left blank and unlighted. Any lighted or electronic changeable

message sign in which the electrical or lighting components are operating in an erratic, broken or damaged fashion shall be turned off or removed.

Section 1008 Portable Signs

Portable signs, as defined in this ordinance, are permitted in the B-1, B-2, B-3, I and HC-O Districts, subject to the following limitations:

- A. B-1, Central Business District Portable Signs: One sign is allowed per business subject to the following conditions:
 - 1. Portable signs shall not exceed 8 square feet of surface display area per side.
 - 2. Portable signs shall not exceed 4 feet in height.
 - 3. Portable signs on private property shall not obstruct doorways.
 - 4. Portable signs on a public right-of-way/sidewalk shall be kept within 36 inches of the building face and within six feet of the building entrance for the business to which the sign pertains and shall not obstruct pedestrian traffic or impede maintenance and/or snow and ice removal.
 - 5. Portable signs shall be displayed only during the business hours of the business displaying the sign.

- B. B-2, B-3, I and HC-O Districts Portable Signs: One sign is allowed per business subject to the following conditions:
 - 1. Portable signs shall not exceed 32 square feet of surface display area per side.
 - 2. Portable signs shall not exceed 6 feet in height.
 - 3. Portable signs on private property shall not obstruct doorways.
 - 4. Portable signs shall be subject to the placement requirements for a business ground sign and shall not be placed on a public right-of-way/sidewalk.

Section 1009 Animated Signs

Animated signs, as defined in this ordinance, are permitted in the B-2, B-3, I and HC-O Districts, subject to the following limitations:

- A. For signs adjacent to residential districts or uses, the face of the sign shall be dimmed automatically from 30 minutes before sunset to 30 minutes before sunrise down to five (5) percent of its daylight brightness setting.

- B. Animated signs shall not exceed an illumination of 50 foot candles as measured from a two (2) foot distance.

- C. The owner(s) of an animated sign must coordinate with relevant public agencies to allow for the display of real-time emergency information such as Amber Alerts or natural disaster directives.

Section 1010 Off-Premises Sign Regulations

- A. Off-premises advertising signs (not including billboards) are permitted in all areas subject to the following regulations:
1. The maximum sign area for any one face shall not exceed 50 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not be allowed.
 2. Signs may be back-to-back or V-type and shall be considered as one off-premises sign.
 3. The sign shall have a maximum height not to exceed 15 feet above road grade level.
 4. Setback requirements are:
 - a. Front: A minimum setback of 10 feet from the road right of way.
 - b. Side: A minimum setback of 10 feet from the road right of way.
- B. Billboards may be permitted along US-2 in areas zoned as B-3 or Industrial and subject to the following regulations:
1. The maximum sign area for any one face of a billboard shall not exceed 150 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.
 2. Signs may be back-to-back or V-type style and such structure shall be considered as one sign.
 3. The top of the billboard shall not exceed twenty 20 feet above the average grade on a vacant lot and 35 feet above the average grade on a lot with a principal structure. Average grade shall be determined by; the ground on which the billboard sits or; the grade of the abutting roadway, whichever is higher.
 4. No billboard may be established within 500 feet of any other billboard, measured along either side of the street or highway to which the sign is oriented. Spacing from Directional and Official Signs, On-Premises signs or any other sign which does not constitute an off-premises sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.

5. Off-premises signs shall be located a minimum of 300 feet from the intersection of public roads.
 6. Setback requirements for off-premises signs are:
 - a. Front: A minimum setback of 10 feet from the road right of way.
 - b. Side: A minimum setback of 10 feet from the road right of way.
 7. All required permits from the Michigan Department of Transportation shall also be obtained prior to erecting the billboard adjacent to any state highway.
 8. Billboards shall not have one (1) sign above the other per the Highway Advertising Act of 1972, as amended.
- C. No off-premises sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

Section 1011 Agricultural Sign Regulation

- A. Where a farm or other agricultural operation is permitted within a zoning district, the total sign area shall not exceed 32 square feet to advertise agricultural goods or other items for sale at that location.
- B. Individual signs not exceeding six square feet are permitted to advertise seeds that are planted at a specific field.
- C. Signs permitted by this Section are exempt from the setback requirements of Section 401 and shall not be located on the road right-of-way nor interfere with traffic visibility.

Section 1012 Cluster Sign Regulations

- A. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet. The cluster sign must be maintained by the owner or owners of the sign.
- B. A cluster sign is exempt from the setback requirements of Section 401 and shall not be located on the road right-of-way nor interfere with traffic visibility. A cluster sign shall not be located in a vision triangle.

Section 1013 Signs for Conditional Use

In granting a conditional use permit, the Joint Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 1014 Temporary Signs

- A. Signs which are intended to identify or advertise a nonprofit annual or one-time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed one month preceding the event provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations of this Ordinance. Signs shall not be located in a vision triangle or interfere with traffic. Signs mounted on a mobile base shall all conform to setbacks and conform to lighted sign regulations.
- B. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.
- C. Temporary signs shall be limited to private property only, with the property owner's permission, unless otherwise permitted by this Article.

Section 1015 Construction Signs

- A. No more than six individual contractor signs are permitted per building project or site. At residential sites, the total combined sign area shall not exceed 16 square feet. At non-residential projects the total combined sign area shall not exceed 32 square feet.
- B. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 1016 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet and are otherwise exempt from this Ordinance:
 - 1. Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
 - 2. Those signs which are intended to advertise a public election, individual actively participating in such an election, or public ballot issue, or express personal opinions. All political campaign signs shall not be erected 45 days prior to the election to which the sign pertains and shall be removed within ten (10) days after the election date. Political signs shall not be placed closer than 100 feet from any polling place whether private or public property. Political signs shall not be permitted in the public right-of-way or any other public property. Political signs shall not exceed 9 square feet in area in all zoning districts except the R1 district which is limited to a maximum size of 4 square feet in area. There shall be only one political sign allowed per candidate per property. Such signs shall conform to state and federal election laws.

3. Signs which announce no hunting or no trespassing.
 4. Those signs which have an occupant's name and/or house number or emergency identification number.
 5. Signs which indicate a garage sale or directions to a garage sale. Garage sale signs shall not be allowed on public property or public right of way.
- B. Signs which identify the name of a farm or farming operation shall not exceed a total sign area of thirty-two (32) square feet.
- C. One sign, whose area shall not exceed six (6) square feet, shall be permitted to announce the sale or rent of the residential property on which the sign is maintained. More than one sign, whose total area shall not exceed twenty-four (24) square feet, shall be permitted to announce the sale or rent of the commercial or industrial property on which the sign is maintained. Provided clear vision corners are maintained, temporary unlighted real estate signs may be located on premises other than those being offered for sale, rental or lease.

Section 1017 Lighting of Signs

- A. No strobe, blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.
- B. All outdoor illumination of signs shall be shielded, shaded, designed and/or directed away from adjacent residential districts and uses. It shall not glare upon or interfere with persons and vehicles using public streets.
- C. Changeable message signs and animated signs located on property adjacent to residential districts and uses shall possess automatic dimming capabilities and shall be situated to minimize glare to a residential district or use.
- D. Materials for internally lighted signs shall be opaque.

Section 1018 Placement of Signs

- A. No signs shall be located on any street corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises. No sign shall be placed in a vision triangle.
- B. No sign shall be located or designed to materially block or obstruct a passing motorist's view of an existing sign or business.

- C. Permission from the property owner or representative must be obtained prior to placement of any sign.
- D. An on-premise sign shall be located a minimum of thirty (30) feet from the lot line of a lot in a residentially zoned district.

Section 1019 Nuisance Signs

- A. Dilapidated sign structures such as those with which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. Dilapidated sign structures are those with but not limited to structural defects or supports with broken or rotten wood.
- B. The Joint Planning Commission is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and or property owner shall be notified and given two months to rectify the situation. The Joint Planning Commission may grant a reasonable extension of time following a meeting with the property owner or sign owner.

Section 1020 Nonconforming Signs

- A. It is the intent and purpose of this Section to permit the continuance of all permanent signs existing at the effective date of this Article. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. Sections 702 and 705 of Article VII shall not be applicable to signs. The continuation of all nonconforming signs within the Norway Area shall be subject to the conditions and requirements set forth below.
- B. No nonconforming sign:
 - 1. Shall be structurally altered so as to prolong the life of the sign, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall be continued after the activity, business, or usage to which it relates has been discontinued for one year; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the original structure size.
- C. A conforming sign shall not be changed to a nonconforming sign.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

Section 1021 Prohibited Signs

The following limitations, obligations and prohibitions apply to all signs:

- A. Any sign installed prior to the effective date of this Ordinance is considered legal.
- B. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance is prohibited.
- C. No portion of a privately owned sign, or its supported structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), a proposed public right-of-way or boulevard, except within the B-1 District.
- D. Signs which imitate an official traffic sign or signal which contains the words “stop”, “go”, “slow”, “caution”, “danger”, “warning”, or similar words except as otherwise provided in this section are prohibited.
- E. Signs which are of a size, location, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection are prohibited.
- F. Signs affixed to trees, rocks, shrubs, fences, utility poles (except utility company signs) or other similar features are prohibited.
- G. Billboards, except in the B-3 or I districts are prohibited.
- H. Signs erected on a roof of a building above the roofline are prohibited.
- I. Advertising signs such as banners, balloons, flags, pennants, pinwheels, robots, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for periods not to exceed one (1) month to announce a sale or the opening of a new type of business or use by a new owner.
- J. Signs that emit sound are prohibited.

Section 1022 Sign Permits

- A. All signs shall require the issuance of a sign permit by the Zoning Administrator. Each sign permit issued shall remain valid upon the condition the sign meets the requirements contained in this Article. The Zoning Administrator shall have permission to inspect the signs at any time. The application shall contain the following information unless a site plan meeting the requirements of Article XI has already been submitted and the following information is included on it:
 - 1. The property owner’s name and address in full.

2. Applicant's name and address, phone, fax and email address.
 3. Address of property on which sign is to be situated.
 4. Business to which sign belongs or relates.
 5. Total display area in square feet.
 6. Proposed setback from right-of-way.
 7. A scale drawing of the property, showing the location of all buildings/structures and their uses and the location of the proposed sign on the lot, building or structure.
 8. Sign type and purpose.
 9. Sign height.
 10. Drawing of proposed sign indicating proposed copy or message.
- B. Each applicant for a sign permit must be accompanied by the payment of a fee to defray the cost of processing the application.
- C. The Zoning Administrator shall maintain a record of all Sign Permits issued. Upon installation of the sign, a photograph shall be taken of the sign by the Zoning Administrator (including time/date of photograph) and shall become part of the record. Said record shall be open for public inspection.
- D. Sign permit fees shall be established by the Norway City Council and Norway Township Board.
- E. A sign permit may be revoked at anytime for non-compliance with the Ordinance.

ARTICLE XI: SITE PLAN REVIEW

Section 1101 Intent

It is the purpose of this Article to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Norway Area; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 1102 Site Plan Required

A site plan is required for and shall accompany the applications for:

- A. Zoning Compliance Permits for:
 - 1. Any proposed construction
 - 2. Any commencement of a new use
 - 3. Any proposed change in use
- B. Conditional Use Permit
- C. Variances
- D. Class A Non-Conforming Use designation or Continued Use of a Non Conforming Structure or Use
- E. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

Section 1103 Site Plans for Single and Two-family Dwellings, Residential Accessory Uses and Structures, and Agricultural Buildings

- A. Site Plans for Single and Two-family dwellings, residential accessory uses and structures and agricultural buildings shall be required at the discretion of the Zoning Administrator.
- B. A site plan for single and two-family dwellings, residential accessory uses and structures, and agricultural buildings shall show the following information:
 - 1. A legal description of the site.
 - 2. All lot lines and dimensions of the lot.
 - 3. All roads and easements.
 - 4. All existing and proposed buildings shall be shown and labeled.
 - 5. Proposed use of each building
 - 6. Distances between buildings and all lot lines.
 - 7. Building dimensions.

8. Natural features affecting development (rock, water, etc.).
 9. Well and septic locations.
 10. A north arrow and scale.
 11. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties. This requirement is at the discretion of the Zoning Administrator.
- B. The site plan may be drawn on the application form or on a separate sheet of paper.

Section 1104 Site Plans for Commercial, Industrial and Multiple Family Development and Other Developments

- A. A site plans for commercial and industrial uses, multiple-family residential developments, parking lots, and all other developments shall show the following:
1. A scale adequate to illustrate the proposed activity and all information required by this Section.
 2. A legal description and street address of the property; the name, address and telephone number of the owner, developer and/or designer.
 3. North arrow and date the site plan was prepared.
 4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
 5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
 6. The dimensions of all existing and proposed structures, including height.
 7. Distances between all existing and proposed structures and all lot lines.
 8. Use(s) of all existing or proposed structures on the property.
 9. The location and dimensions of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject property.
 10. The location and all road right-of-way widths of all abutting streets, alleys, and private easements located within or abutting the property. Named streets and roads should be labeled.
 11. The location of existing ingress/egress points, driveways, streets, roads and/or alleys within 500 feet of the boundary of the property.
 12. The location of the proposed planting and screening, fencing, signs and advertising features.
 13. The size and location of all existing and proposed public and private utilities and required landscaping.
 14. The location of natural features affecting development, such as rock outcrops, water, wetland, etc.

15. Location of all existing and proposed surface water impoundments and surface water drainage pattern.
 16. The location and extent of any planned earth movement. Indicate status of any necessary permits, such as soil erosion and sedimentation permits, wetlands permit, etc.
 17. Provisions for the maintenance and responsibility of common areas.
 18. Requisites for future maintenance, repair and snow removal on streets, roads, parking areas and sidewalks.
 19. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinance.
- B. Site plans for Section 1104 shall be drawn on a sheet of paper measuring not more than 24 inches by 36 inches, drawn to a scale not smaller than 40 feet to the inch and certified by a registered land surveyor, professional engineer or architect

Section 1105 Procedure for Site Plan Submission and Review

- A. Three copies of the site plan shall be provided to the Zoning Administrator. If the site plan has been prepared in digital format (.dwg, .dxf, etc.), a digital copy shall also be provided.
- B. Upon receipt of a Section 1103 site plan, the Zoning Administrator shall within 10 working days determine whether it is in proper form and contains all of the required information. The Zoning Administrator shall review the Site Plan to determine compliance with this Ordinance, other ordinances of the City of Norway and Norway Township, and adequacy of municipal utility service. If found to be satisfactory, the Zoning Administrator shall issue a zoning compliance permit within ten (10) working days.
- C. For Section 1104 site plans the Zoning Administrator shall determine whether it is in proper form and contains all of the required information. An administratively complete application shall be forward to the Joint Planning Commission with staff comments and recommendations. The Joint Planning Commission shall review the site plan at their next regularly scheduled meeting, provided city staff has had time to prepare comments. The Joint Planning Commission shall act on all site plans within sixty (60) days of receipt.
- D. The Joint Planning Commission will consider all site plans submitted to it for approval, revision or disapproval at a scheduled meeting:
1. When the Joint Planning Commission determines the site plan is compliance with the Zoning Ordinance and other regulations, it shall so indicate on the site plan and in a resolution.

2. When the Joint Planning Commission determines the site plan is in compliance, except with minor revisions, the noted changes shall be so indicated on the plan. When these changes have been adequately addressed, the applicant shall resubmit a revised site plan to the Zoning Administrator for final approval.
 3. When the Joint Planning Commission determines extensive revisions to the site plan are necessary to meet the Zoning Ordinance and other applicable regulations the site plan shall be disapproved and the applicant requested to prepare an alternative site plan. In this case the word “disapproval” shall be written on the plan and reasons for disapproval indicated in the Joint Planning Commission’s resolution.
- E. The Zoning Administrator, Joint Planning Commission, and Zoning Board of Appeals shall use the standards of Section 1107 in their review.
- F. The proposer may appeal any denial to the Zoning Board of Appeals.

Section 1106 Amendments to Approved Site Plans

- A. Amendments to an approved site plan may be made by the Zoning Administrator provided such changes conform to this Ordinance and the applicant agrees.
- B. Minor changes to an approved site plan may be made by the Zoning Administrator after construction has begun provided that:
1. There is no significant change in the use or character of the development.
 2. There is no increase in the overall lot coverage of the structures.
 3. There is no significant increase in the intensity of use.
 4. There is no reduction in the required open space.
 5. There are no reductions in the required off-street parking and loading.
 6. There is no reduction in pavement widths or utility pipe sizes
 7. There is no significant increase in traffic on public streets or an increase in the burden on public utilities or services
- C. Significant changes which will affect and cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or

pavement width requirements must be authorized by the Joint Planning Commission. Review of the changes must be made in the same manner as the original site plan.

- D. Changes which are approved by either the Zoning Administrator or the Joint Planning Commission must be recorded in the Zoning Book of Orders.

Section 1107 Standards for the Review of Site Plans

- A. The site plan shall be reviewed by the Zoning Administrator and the Joint Planning Commission for compliance with the following standards:

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed so not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The landscaping shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or groups of buildings shall be arranged to permit emergency vehicle access to all sides of each building.
6. All buildings or groups of buildings shall be arranged to permit the efficient movement of traffic on the site.
7. Parking on the site shall be located so not to impede traffic flow or create an unsafe dangerous situation for motorist or pedestrians. Parking spaces shall be conveniently located near the entrances to the building.
8. Every structure or dwelling shall have access to a street, walkway or other area for common use.
9. In areas of residential development and significant pedestrian use, streets and roadways shall have a sidewalk at least four feet in width on at least one side of the street or roadway. A planting strip of at least two feet shall separate the

sidewalk from the roadway. This standard may be modified by the Joint Planning Commission based on site specifics.

10. As an alternative to sidewalks, a pathway/walkway may be constructed to accommodate pedestrian/non-motorized use. The pathway/walkway shall be at least four feet in width and convenient for pedestrian use. Depending on the expected traffic volume, the pathway/walkway could be the side of the road, striped to separate vehicle traffic from pedestrian/non-motorized use.
11. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
12. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
13. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets, sidewalks and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall be in compliance with the requirements of the Michigan Department of Transportation and the Norway Area. Driveways and ingress/egress points shall be planned and arranged so as to provide for the safe and efficient movement of traffic.
14. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.

Section 1108 Site Plan Completion Guarantee

- A. Prior to the issuance of any building permit for any building other than a single family home or duplex, and prior to the signing of the final plat by the City and Township Clerk in a platted subdivision, or prior to the issuance of any building permit for any building in a site condominium project, or prior to the issuance of a certificate of occupancy for any other development which requires site plan review under this Ordinance, the applicant for same shall provide to the City and Township the following:
 1. A completion guarantee deposit to the City and Township. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan or final preliminary plat. For the purpose of this Section, completion shall

man inspection by the appropriate City and Township officials and/or other government agencies for compliance with the final site plan approved by the Joint Planning Commission or preliminary plat finally approved by the City Commission and Township Board, not less than six (6) months after all site plan or plate improvements have been installed.

- B. Site improvements shall mean, but not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
- C. The minimum amount of the guarantee shall be as follows:
 - 1. Residential projects, except single family homes and duplexes: Five hundred (\$500.00) dollars per dwelling unit, but not less than twenty thousand (\$20,000) dollars.
 - 2. Non-residential projects: Twenty thousand dollars (\$20,000).
- D. In the event that the applicant fails to correct any deficiencies within thirty (30) days of written notice from the City and Township, the City and Township shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The City and Township may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The City and Township may use the completion guarantee to hire subcontractors to complete work, fund inspections and for the administration of the required work, including legal fees.
- E. The guarantee, or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable City and Township standards and specifications. Portions of the guarantee may be released in not more than three (3) installments, provided:
 - 1. The project or approved phase of a project has been completed for six (6) months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 - 2. This guarantee shall not be reduced below the minimum amount required in paragraph B above.

- F. Types of Completion Guarantees-The applicant may provide a guarantee in the form of a cash deposit or certified check, or in the form of a surety bond or letter or credit in a form acceptable to the City and Township. Surety bonds and letters of credit shall be valid for a period of one (1) year past the anticipated request for the last certificate of occupancy for the entire project and shall contain language acceptable to the City and Township that states that unless the bond or letter of credit is released by the City and Township, that thirty (30) days prior to its expiration the bond or letter of credit shall automatically renew for one (1) year periods unless the issuer of the security sends by certified mail to the City and Township a notice of its intention to not renew the financial security not less than sixty (60) days prior to the expiration of security.

ARTICLE XII ACCESS MANAGEMENT

Section 1201 Findings and Intent

Conditions along the major highways in Dickinson County are changing with increasing development and traffic. Continued development along US-2/US-141 and M-95 will further increase traffic volumes and introduce additional conflict points which will erode traffic operations and increase potential for traffic crashes. Numerous published studies document the positive relationship between well-designed access management systems and traffic operations and safety. Those studies and the experiences of many other communities demonstrate that implementing standards on the number, placement and design of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while preserving a good business environment and the existing investment in the highway. The conditions along US-2/US-141/M-95 and a series of access management recommendations are embodied in the US-2/US-141/M-95 Access Management Action Plan. Among those recommendations are the creation of an overlay zone along these highways within Dickinson County and the adoption of uniform access management standards by all the jurisdictions along the US-2/US-141/M-95 corridor which are based on the Michigan Department of Transportation access management standards and the Michigan Access Management Guidebook, provided to local governments by the Michigan Department of Transportation.

The provisions of this Section are intended to promote safe and efficient travel on state highways within Dickinson County; improve safety and reduce the potential for crashes; minimize disruptive and potentially hazardous traffic conflicts; ensure safe access by emergency vehicles; protect the substantial public investment in the highway and street system by preserving capacity and avoiding the need for unnecessary and costly reconstruction which disrupts business and traffic flow; separate traffic conflict areas by reducing the number of driveways; provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Norway Area Master Plan and the US-2/US-141/M-95 Access Management Action Plan recommendations; ensure reasonable access to properties, although not always by the most direct access; and to coordinate access decisions with the Michigan Department of Transportation, the Dickinson County Road Commission, and adjoining jurisdictions, as applicable.

To these ends, the following provisions:

- A. Establish a Highway Overlay Zone to regulate access points along the highway.
- B. Identify additional submittal information and review procedures required for parcels that front along US-2.
- C. Require demonstration that new parcels are accessible and in compliance with the access standards of this Ordinance to ensure safe accessibility as required by the Land Division Act.

- D. Restrict lots and parcels to a single access point except under certain circumstances.
- E. Require longer frontages or wider minimum lot widths than are required in underlying zoning districts to help achieve access management spacing standards;
- F. Require coordinated access among adjacent lands wherever feasible;
- G. Improve situations where existing development along the highways does not conform to the standards and intent of this Ordinance.
- H. Establish uniform standards to ensure fair and equal application.

Section 1202 Applicability

The standards of this Section apply to all lots and parcels that abut the highway right-of-way of US-2 and such other lands that front on intersecting streets within three hundred fifty (350) feet of the US-2 right-of-way within the Norway Area. This area is referred to as the Highway Overlay Zone.

The standards of this Section shall be applied by the Norway Area Joint Planning Commission during site plan review, as is appropriate to the application. The Norway Area Joint Planning Commission shall make written findings of nonconformance, conformance, or conformance if certain conditions are met with the standards of this Section prior to disapproving or approving a site plan per the requirements of Article XII. The Norway Area shall coordinate its review of the access elements of a site plan with the appropriate road authority prior to making a decision on an application (see Section 1204 below). The approval of a site plan does not negate the responsibility of an applicant to subsequently secure driveway permits from the appropriate road authority, either the Dickinson County Road Commission, or the Michigan Department of Transportation. Any driveway permit obtained by an applicant prior to review and approval of a site plan as required under this Ordinance will be ignored, unless it is conditioned upon approval under this Ordinance.

These regulations apply in addition to, and simultaneously with, the other applicable regulations of the Zoning Ordinance. Permitted and Special Land Uses within the Highway Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

- A. The number of access points is the fewest needed to allow motorists reasonable access to the site.
- B. Access spacing from intersections and other driveways shall meet the standards within the Highway Overlay Zone, and the guidelines of the applicable road agency (MDOT and/or Dickinson County Road Commission) and the recommendations of the US-2/US-141/M-95 Access Management Access Plan as appropriate.

- C. Where an applicant shares access with adjacent uses, either now or in the future, any shared access and maintenance agreements must be recorded with the County Register of Deeds.
- D. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Highway Overlay Zone regulations applicable to the site are met and maintained in connection with such building, structure, or enlargement.
- E. No land division, subdivision or site condominium project for land within this Highway Overlay Zone shall be approved unless compliance with the access spacing standards in this Section is demonstrated.
- F. Any change in use on a site that does not meet the access standards of this Highway Overlay Zone, shall be required to submit an application for approval by the Norway Area Joint Planning Commission and submit information to the MDOT, and/or County Road Commission as appropriate, to determine if a new access permit is required. See Section 1211 below.
- G. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Norway Area Joint Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this Highway Overlay Zone. In making its decision, the Norway Area Joint Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, characteristics of the affected land uses, recommendations within the US-2/US-141/M-95 Access Management Action Plan, and any recommendations from the MDOT, and/or Dickinson County Road Commission as appropriate. Required improvements may include removal, rearrangement or redesign of driveways or other access.
- H. Where conflict occurs between the standards of this Ordinance and other applicable ordinances, the more restrictive regulations shall apply.

1203 One Access per Parcel

- A. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding this provision to the Ordinance (hereafter referred to as "the parent parcel"), that shares a lot line for less than six hundred (600) feet with right-of-way on US-2 shall be entitled to one (1) driveway or road access per parcel from said public road or highway, unless hereafter shared access or alternative access is provided to that parcel.
 - 1. All subsequent land divisions of a parent parcel shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.

2. Parcels subsequently divided from the parent parcel, either by metes and bounds descriptions, or as a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or developed as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road, frontage road or rear service drive.
- B. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of Section 1103.1.a and Section 1103.1.b above, except that whether subsequently divided or not, they are entitled to not more than one driveway for each six hundred (600) feet of public road frontage thereafter, unless a registered traffic engineer determines to the satisfaction of the Norway Area Joint Planning Commission that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate an additional driveway within a lesser distance is safer or the nature of the land use to be served requires an additional driveway for improved safety. See also Section 1218.A.1.

Section 1204 Applications

- A. Applications:
Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation and Dickinson County Road Commission as applicable. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
- B. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of Article XI in addition to those of this Section 1204. In addition:
1. Applications are strongly encouraged to rely on the following sources for access designs, the National Access Management Manual, TRB, 2003; National Cooperative Highway Research Program (NCHRP), "Access Management Guidelines to Activity Centers" Report 348, "Impacts of Access Management Techniques" Report 420; and the AASHTO (American Association of State Highway and Transportation Officials) "Green Book" A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access:
 - a. Not more than one driveway access per abutting road
 - b. Shared driveways
 - c. Service drives: front and/or rear
 - d. Parking lot connections with adjacent property
 - e. Other appropriate designs to limit access points on an arterial or collector.
 2. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of Section 1407.

3. In addition to the information required in Article XI the information listed below shall also be submitted for any lot or parcel within the Highway Overlay Zone accompanied by clear, scaled drawings (minimum of 1"=20') showing the following items:
 - a. Property lines.
 - b. Right-of-way lines and width, and location and width of existing road surface.
 - c. Location and size of all structures existing and proposed on the site.
 - d. Existing access points. Existing access points within 250 feet on either side of the US-2 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
 - e. Surface type and dimensions shall be provided for all existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs), intersecting streets, and all curb radii within the site.
 - f. The site plan shall illustrate the route and dimensioned turning movements of any passenger vehicles as well as expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing of vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
 - g. Size and arrangement of parking stalls and aisles.
 - h. The applicant shall submit evidence indicating that the sight distance, driveway spacing and drainage requirements of the Michigan Department of Transportation or Dickinson County Road Commission are met.
 - i. Dimensions between proposed and existing access points on both sides of the highway or road (and median cross-overs if applicable now or known in the future).
 - j. Design dimensions and justification for any alternative or innovative access design such as frontage roads, rear access or service drives, or parking lot cross-access.
 - k. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the County Register of Deeds.
 - l. Show all existing and proposed landscaping, signs, and other structures or treatments within and adjacent to the right-of-way.
 - m. Dumpsters or other garbage containers.
 - n. The location of all proposed snow storage from parking lots which must not interfere with clear sight distance when turning into or out of a site, or safely moving within a site.
 - o. Traffic impact study meeting the requirements of Section 1208 where applicable.

Section 1205 Review and Approval Process

The following process shall be completed to obtain access approval:

- A. An Access Application meeting the requirements of Section 1204 above shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable.
- B. The completed application must be received by the Zoning Administrator at least fourteen (14) days prior to the Norway Area Joint Planning Commission meeting where the application will be reviewed.
- C. The applicant, the Zoning Administrator and representatives of the Dickinson County Road Commission, the Michigan Department of Transportation and the Norway Area Joint Planning Commission may meet prior to the Norway Area Joint Planning Commission meeting to review the application and proposed access design. Such a meeting shall occur for all projects where a traffic impact study is required.
- D. If the Norway Area Joint Planning Commission considers the application first, it shall recommend approval conditioned upon approval of the applicable road authority, or it shall recommend denial based on nonconformance with this Ordinance, or if necessary, table action and request additional information. The action of the Norway Area Joint Planning Commission shall be immediately transmitted to the applicable road authority.
- E. It is expected that if the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, review the application first, each entity will immediately send its decision on the application to the Norway Area Joint Planning Commission for their consideration. One of three actions may result;
 1. If the Norway Area Joint Planning Commission and the Michigan Department of Transportation, and the Road Commission, as applicable, approve the application as submitted, the access application shall be approved.
 2. If both the Norway Area Joint Planning Commission and the Michigan Department of Transportation and the Road Commission, as applicable, deny the application, the application shall not be approved.
 3. If either the Norway Area Joint Planning Commission, Michigan Department of Transportation, or Road Commission, as applicable, requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Norway Area Joint Planning Commission and staff of the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, and the applicants. The purpose of this meeting will be to review the application to obtain concurrence between the Norway Area Joint Planning Commission and the applicable road authorities regarding approval or denial and the terms and conditions of any permit approval.
- F. No application will be considered approved, nor will any permit be considered valid

unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies would clearly violate adopted regulations of the agency. In this case the application shall be denied by that agency and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Norway Area Joint Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

Section 1206 Record of Application

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be a public record.

Section 1207 Period of Approval

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road is not initiated by the end of one (1) year, the authorization is automatically null and void. Any additional approvals that have been granted by the Norway Area Joint Planning Commission or the Zoning Board of Appeals, such as Special Land Use Permits, or variances, also expire at the end of one year.

Section 1208 Renewal

An approval may be extended for a period not to exceed one-year. The extension must be requested, in writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of applicable ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition. If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation and/or the Dickinson County Road Commission, as applicable, for input.

Section 1209 Re-issuance requires New Application

Re-issuance of an authorization that has expired requires a new Access Application form to be filled out, fee paid, and processed independently of previous action. See Section 1205.A.

Section 1210 Maintenance

The applicant shall assume all responsibility for all maintenance of driveway approaches from the right-of-way line to the edge of the traveled roadway.

Section 1211 Change of Use Also May Require New Driveway

When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use for any land, buildings, or structures, all of the existing, as well as proposed driveway approaches and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and/or the Dickinson County Road Commission as applicable, and as set forth in this Ordinance prior to the issuance of a Zoning

Permit, and pursuant to the procedures of this section.

Section 1212 Changes Require New Application

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in this Section.

Section 1213 Closing of Driveways

Application to construct or reconstruct any driveway entrance and approach to a site shall also cover the reconstruction or closing of all nonconforming or unused entrances and approaches to the same site at the expense of the property owner, unless some other arrangement is agreed to by the road authority responsible for the road in question.

Section 1214 Inspection

The Zoning Administrator shall inspect the driveway and any other required access elements during construction and following construction for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT and/or the County Road Commission as applicable, prior to making a determination of conformance or nonconformance with an approved application.

Section 1215 Performance Bond

The community may require a performance bond or cash deposit in any sum not to exceed \$5,000 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and the deposit be returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

Section 1216 Reserved for Future Use

Section 1217 Lot Width and Setbacks

- A. Minimum Lot Width - Except for existing lots of record, all lots fronting on US-2 subject to this Section, shall not be less than three hundred (300) feet in width, unless served by shared access or a service drive that meets the requirements of Section 1218 9, 10, or 11, in which case minimum lot width may be reduced to not less than one hundred (100) feet in width if a deed restriction is approved and recorded with the County Register of Deeds demonstrating an effective method for long term maintenance of the shared access, service drive and/or parking lot cross-access.
- B. Structure Setback - No structure other than signs, as allowed in Article X, telephone poles and other utility structures that are not buildings, transfer stations or substations, shall be permitted within fifty (50) feet of the roadway right-of-way.
- C. Parking Setback and Landscaped Area - No parking or display of vehicles, goods or other materials for sale, shall be located within fifty (50) feet of the roadway right-of-way. This setback shall be planted in grass and landscaped with small clusters of salt tolerant

trees and shrubs suitable to the underlying soils unless another design is approved under the landscape provisions of Article IX.

Section 1218 Access Management Standards

No road, driveway, shared access, parking lot cross-access, service road, or other access arrangement to all lots and parcels within the Highway Overlay Zone shall be established, reconstructed or removed without first meeting the requirements of this Article.

- A. Each lot/parcel with highway frontage on US-2 shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted in Sections 1202 and 1203, land divisions shall not be permitted that may prevent compliance with the access location standards of this Highway Overlay Zone.

- B. When alternatives to a single, two-way driveway are necessary to provide reasonable driveway access to property fronting on US-2, and shared access or a service drive are not a viable option, the following progression of alternatives should be used:
 - 1. One (1) standard, two-way driveway;
 - 2. Additional ingress/egress lanes on one (1) standard, two-way driveway;
 - 3. Two (2), one-way driveways;
 - 4. Additional ingress/egress lanes on two (2), one-way driveways;
 - 5. Additional driveway(s) on an abutting street with a lower functional classification;
 - 6. Additional driveway on arterial street.

*Note: Restricted turns and roadway modifications will be considered in conjunction with alternative driveway designs.

- C. Driveways and new intersecting streets shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline of each access point), based on the posted speed limit along the public street segment, unless the appropriate road authority approves less based on the land use characteristics, lot size, and/or restricted turns in the driveway design.

Posted Speed Limit	Along US-2*	Along Other Intersecting Major Arterials	Along all Other Intersecting Streets (not major arterials)
35 mph or less	245 ft.	245 ft.	150 ft.
40 mph	300 ft.	300 ft.	185 ft.
45 mph	350 ft.	350 ft.	230 ft.
50 mph	455 ft.	455 ft.	275 ft.
55 mph	455 ft.	455 ft.	350 ft.

* Unless greater spacing is required by MDOT

- D. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- E. Driveways or new intersecting streets along sections of US-2 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards.
- F. Driveways and new intersecting streets shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline wherever feasible. The Norway Area Joint Planning Commission may reduce this to not less than 150 feet where each of the opposing access points generates less than 50 trips (inbound and outbound) during the peak hour of the public street or where sight distance limitations exist, or shall rely on the best option identified by MDOT.
- G. Minimum spacing of driveways from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge) unless MDOT authorizes a lesser spacing:

Signalized Locations*	Distance in Feet	Unsignalized Locations	Distance in Feet
Along US-2	300	Along US-2	300
Along other public streets	200	Intersections with US-2	300
		Other intersections	150

* Spacing for signalized intersections shall also be applied at intersections where MDOT indicates spacing and approach volumes may warrant a signal in the future.

- H. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Norway Area Joint Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
- I.
 - 1. Sharing or joint use of a driveway by two or more property owners shall be encouraged. In cases where access is restricted by the spacing requirements of Section 1218.3 above a shared driveway may be the only access design allowed. The shared driveway shall be constructed along the midpoint between the two properties unless a written easement is provided which allows traffic to travel across one parcel to access another, and/or access the public street.
 - 2. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the site plan is designed to

accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a performance guarantee to cover the cost of removing the temporary driveway if the applicant or then owner does not remove the temporary driveway once a permanent driveway is established.

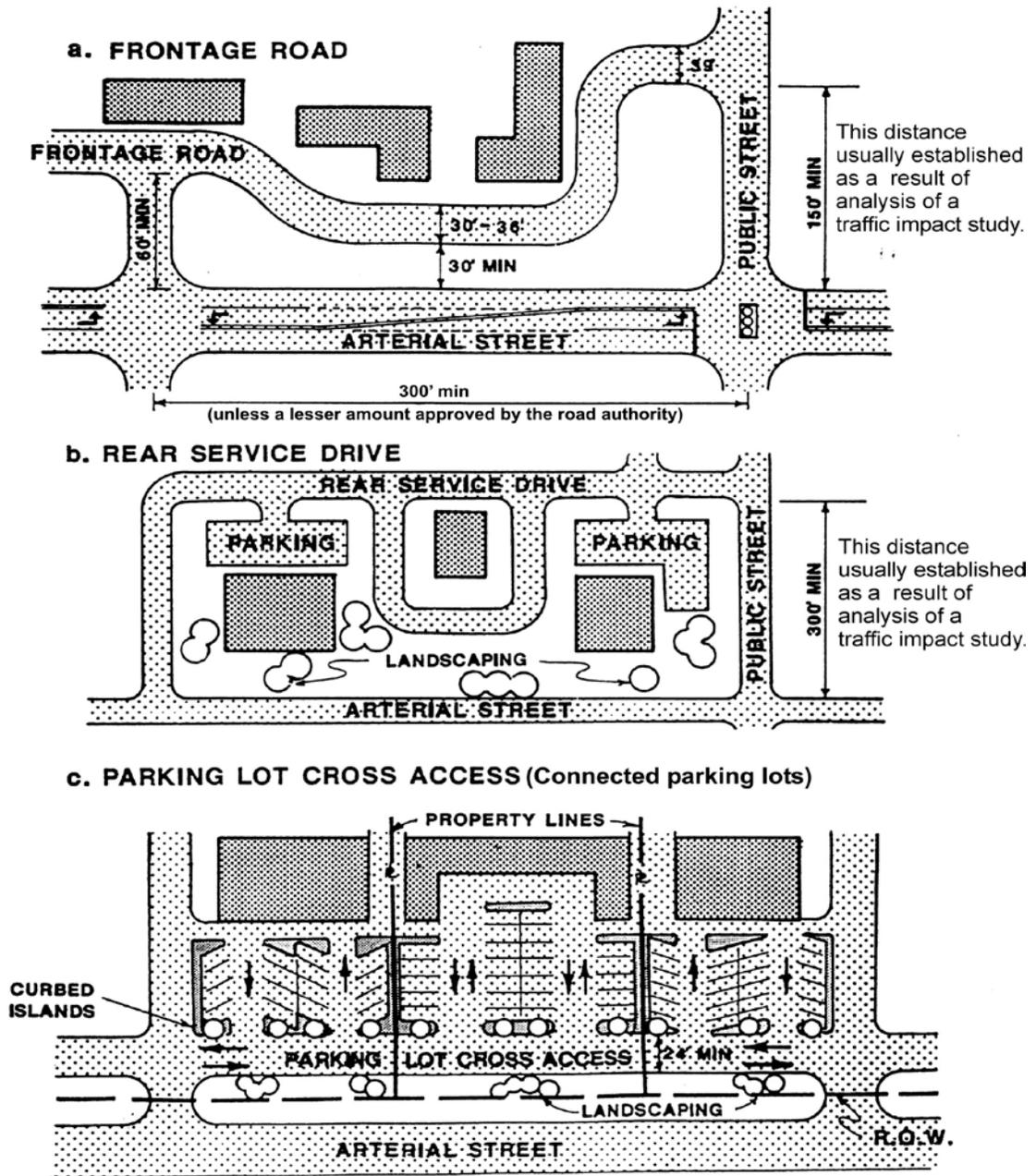
- J. Frontage roads or service drives (see Figure 1) shall be designed, constructed and maintained in accordance with the following standards:
1. Location - Frontage roads or service drives shall generally be parallel to the front property line and may be located either in front of, or behind, principal buildings and may be placed in required yards. In considering the most appropriate alignment for a service road, the Norway Area Joint Planning Commission shall consider the setbacks of existing and/or proposed buildings and anticipated traffic flow for the site.
 2. Alignment - The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This determination may require use of aerial photographs, property line maps, topographic information and other supporting documentation
 3. Setback - Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of thirty (30) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum sixty (60) feet of throat depth provided at the access point. The access point location shall conform with all the applicable standards of this Ordinance.
 4. Access Easement - A frontage road or service drive shall be within an access easement permitting traffic circulation between properties. The easement shall be recorded with the County Register of Deeds. This easement shall be at least forty (40) feet wide. A frontage road or service drive shall have a minimum pavement width of twenty-six (26) feet, measured face to face of curb with an approach width of thirty-six (36) feet at intersections. The frontage road or service drive shall be constructed of a paved surface material that is resistant to erosion and shall meet the road authority (City, Township, County Road Commission or MDOT, depending on what road the service drive parallels) standards for base and thickness of asphalt or concrete, unless the community has more restrictive standards.
 5. Snow Storage - A minimum of fifteen (15) feet of snow storage/landscaping area shall be reserved along both sides of the frontage road or service drive.
 6. Service Drive Maintenance - No service drive shall be established on existing public right-of-way. The service drive shall be a public street (if dedicated to and accepted by the public), or a private road maintained by the adjoining property owners it serves who shall enter into a formal agreement for the joint maintenance of the service drive. The agreement shall also specify who is

- responsible for enforcing speed limits, parking and related vehicular activity on the service drive. This agreement shall be approved by the Norway City and Norway Township attorney and recorded with the deed for each property it serves by the County Register of Deeds. If the service drive is a private road, the local government shall reserve the right to make repairs or improvements to the service drive and charge back the costs directly or by special assessment to the benefiting landowners if they fail to properly maintain a service drive.
7. Landscaping - Landscaping along the service drive shall conform with the requirements of Article IX. Installation and maintenance of landscaping shall be the responsibility of the developer or a property owners association.
 8. Parking Areas - All separate parking areas shall have no more than one (1) access point or driveway to the service drive.
 9. Parking - The service road is intended to be used exclusively for circulation, not as a parking, loading or unloading aisle. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum width. One-way roads or two-way roads designed with additional width for parallel parking may be allowed if it can be demonstrated through traffic studies that on-street parking will not significantly affect the capacity, safety or operation of the frontage road or service drive. Perpendicular or angle parking along either side of a designated frontage road or service drive is prohibited. The Norway Area Joint Planning Commission may require the posting of "no parking" signs along the service road. As a condition to site plan approval, the Norway Area Joint Planning Commission may permit temporary parking in the easement area where a continuous service road is not yet available, provided that the layout allows removal of the parking in the future to allow extension of the service road. Temporary parking spaces permitted within the service drive shall be in excess of the minimum required under Article VIII.
 10. Directional Signs and Pavement Markings - Pavement markings may be required to help promote safety and efficient circulation. The property owner shall be required to maintain all pavement markings. All directional signs and pavement markings along the service drive shall conform to the current Michigan Manual of Uniform Traffic Control Devices.
 11. Assumed Width of Pre-existing Service Drives - Where a service drive in existence prior to the effective date of this provision has no recorded width, the width will be considered to be forty (40) feet for the purposes of establishing setbacks and measured an equal distance from the midpoint of the road surface.
 12. Pedestrian and Bicycle Access - Separate, safe access for pedestrians and bicycles shall be provided on a sidewalk or paved path that generally parallels the service drive unless alternate and comparable facilities are approved by the Norway Area Joint Planning Commission
 13. Number of Lots or Dwellings Served - No more than twenty-five (25) lots or dwelling units may gain access from a service drive to a single public street.
 14. Service Drive Signs - All new public and private service drives shall have a designated name on a sign meeting the standards on file in the office of the

Zoning Administrator.

15. Pre-existing Conditions - In the case of expansion, alteration or redesign of existing development where it can be demonstrated that pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the aforementioned standards, the Norway Area Joint Planning Commission shall have the authority to allow and/or require alternative cross access between adjacent parking areas through the interconnection of main circulation aisles. Under these conditions, the aisles serving the parking stalls shall be aligned perpendicularly to the access aisle, as shown in Figure 1c., with islands, curbing and/or signage to further delineate the edges of the route to be used by through traffic.

Figure 1: Frontage Road, Rear Service Drive and Parking Lot Cross Access



K. Parking Lot Connections or Parking Lot Cross-Access: Where a proposed parking lot is adjacent to an existing parking lot of a similar use, there shall be a vehicular connection between the two parking lots where physically feasible, as determined by the Norway Area Joint Planning Commission. For developments adjacent to vacant properties, the

site shall be designed to provide for a future connection. A written access easement signed by both landowners shall be presented as evidence of the parking lot connection prior to the issuance of any final zoning approval.

- L. Access Easements: Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operating and maintenance agreements for these facilities should be recorded with the deed.
- M. Access points shall be located to provide safe sight distance, as determined by the applicable road agency.
- N. All access points shall maintain clear vision as illustrated in Figures 2 and 3.

Figure 2

CLEAR VISION AT DRIVEWAYS

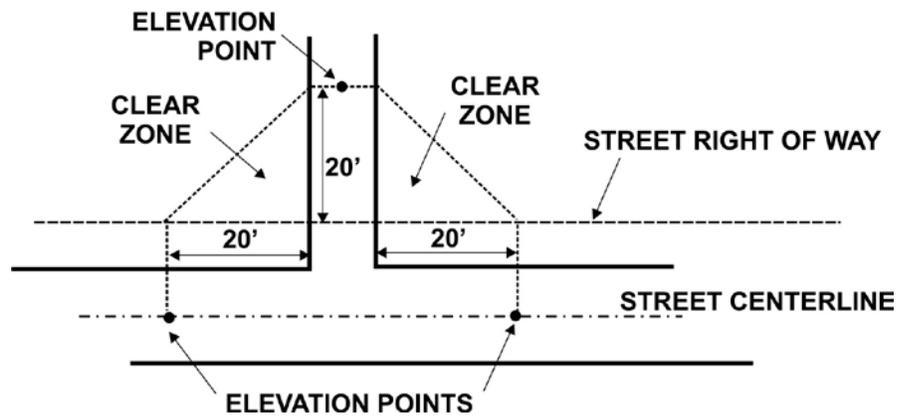
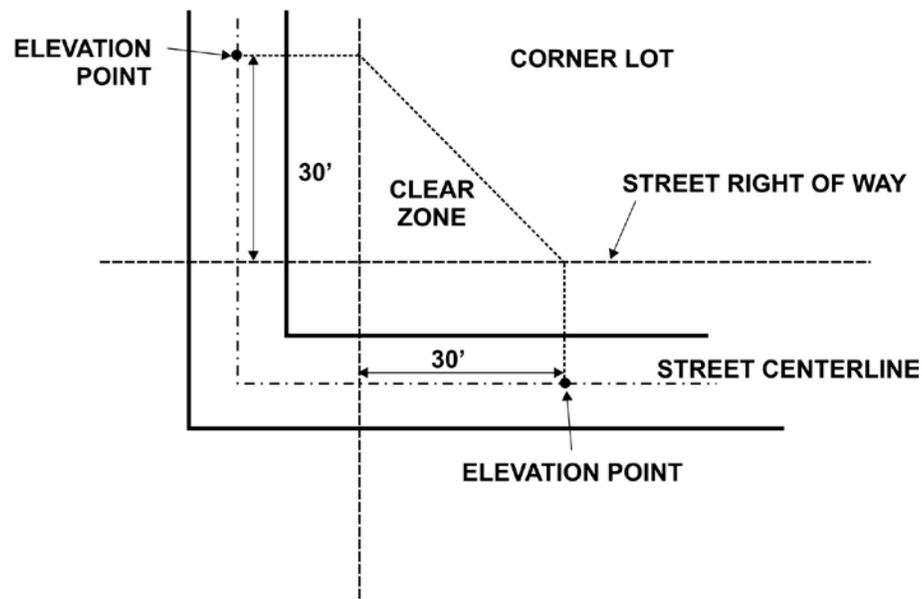


Figure 3

CLEAR VISION ON CORNER



- O. Throat width and throat length of driveways shall be as required by the road authority and this Ordinance. The driveway design shall safely accommodate the needs of pedestrians and bicyclists.
- P. Grades and drainage:
1. Driveways shall be constructed such that the grade for the 25 feet nearest the pavement edge or shoulder does not exceed 1.5% (one and one-half foot vertical rise in one-hundred feet of horizontal distance) wherever feasible. Where not feasible, grades shall conform with requirements of the applicable road authority.
 2. Driveways shall be constructed such that drainage from impervious areas located outside of the public right-of-way, which are determined to be in excess of existing drainage from these areas shall not be discharged into the roadway drainage system without the approval of the responsible agency. Storm drains, or culverts, if required shall be of a size adequate to carry the anticipated storm flow and be constructed and installed pursuant to the specifications of the responsible road authority.
- Q. Directional Signs and Pavement Markings - In order to ensure smooth traffic circulation on the site, direction signs and pavement markings shall be installed at the driveway(s) in a clearly visible location as required by the Norway Area as part of the site plan review process and approved by the Michigan Department of Transportation and the

Dickinson County Road Commission (as appropriate), and shall be maintained on a permanent basis by the property owner. Directional signs and pavement markings shall conform to the standards in the Michigan Manual of Uniform Traffic Control Devices.

- R. Traffic Signals – Access points on US-2 may be required to be signalized in order to provide safe and efficient traffic flow. Any signal shall meet the spacing requirements of the applicable road authority. A development may be responsible for all or part of any right-of-way, design, hardware, and construction costs of a traffic signal if it is determined by the road authority that the signal is warranted by the traffic generated from the development. The procedures for signal installation and the percent of financial participation required of the development in the installation of the signal shall be in accordance with criteria of the road authority with jurisdiction.
- S. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the property owner with the problem driveway.

Section 1219 Nonconforming Driveways

- A. Driveways that do not conform to the regulations in this Article, and were constructed before the effective date of this Section, shall be considered legal nonconforming driveways. Existing driveways previously granted a temporary access permit by MDOT or the County Road Commission are legal nonconforming driveways until such time as the temporary access permit expires.
- B. Loss of legal nonconforming status results when a nonconforming driveway ceases to be used for its intended purpose, as shown on the approved site plan, or a plot plan, for a period of twelve (12) months or more. Any reuse of the driveway may only take place after the driveway conforms to all aspects of this Article.
- C. Legal nonconforming driveways may remain in use until such time as the use of the driveway or property is changed or expanded in number of vehicle trips per day or in the type of vehicles using the driveway (such as many more trucks) in such a way that impact the design of the driveway. At this time, the driveway shall be required to conform to all aspects of the Ordinance.
- D. Driveways that do not conform to the regulations in this Ordinance and have been constructed after adoption of this Ordinance shall be considered illegal nonconforming driveways.
- E. Illegal nonconforming driveways are a violation of this Ordinance. The property owner

shall be issued a violation notice which may include closing off the driveway until any nonconforming aspects of the driveway are corrected. Driveways constructed in illegal locations shall be immediately closed upon detection and all evidence of the driveway removed from the right-of-way and site on which it is located. The costs of such removal shall be borne by the property owner.

- F. Nothing in this Ordinance shall prohibit the repair, improvement, or modernization of lawful nonconforming driveways, provided it is done consistent with the requirements of this Article.

1220 Waivers and Variances of Requirements in Article XI

- A. Any applicant for access approval under the provisions of this Article may apply for a waiver of standards in Section 1218 if the applicant cannot meet one or more of the standards according to the procedures provided below:
1. For waivers on properties involving land uses with less than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: Where the standards in this Article cannot be met, suitable alternatives, documented by a registered traffic engineer and substantially achieving the intent of the Article may be accepted by the Zoning Administrator, provided that all of the following apply:
 - a. The use has insufficient size to meet the dimensional standards.
 - b. Adjacent development renders adherence to these standards economically unfeasible.
 - c. There is no other reasonable access due to topographic or other considerations.
 - d. The standards in this Article shall be applied to the maximum extent feasible.
 - e. The responsible road authority agrees a waiver is warranted.
 2. For waivers on properties involving land uses with more than 500 vehicle trips per day based on rates published in the Trip Generation Manual of the Institute of Transportation Engineers: During site plan review the Norway Area Joint Planning Commission shall have the authority to waive or otherwise modify the standards of Section R following an analysis of suitable alternatives documented by a registered traffic engineer and substantially achieving the intent of this Section, provided all of the following apply:
 - a. Access via a shared driveway or front or rear service drive is not possible due to the presence of existing buildings or topographic conditions.
 - b. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
 - c. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use.
 - d. The proposed location and design is supported by the County Road

Commission and/or the Michigan Department of Transportation, as applicable, as an acceptable design under the circumstances.

- B. Variance Standards: The following standards shall apply when the Board of Appeal considers a request for a variance from the standards of this Section.
1. The granting of a variance shall not be considered until a waiver under Section 1220. A.1 or A.2. above has been considered and rejected.
 2. Applicants for a variance must provide proof of practical difficulties unique to the parcel (such as wetlands, steep slopes, an odd parcel shape or narrow frontage, or location relative to other buildings, driveways or an intersection or interchange) that make strict application of the provisions of this Section impractical. This shall include proof that:
 - a. indirect or restricted access cannot be obtained; and,
 - b. no reasonable engineering or construction solution can be applied to mitigate the condition; and,
 - c. no reasonable alternative access is available from a road with a lower functional classification than the primary road; and,
 - d. without the variance, there is no reasonable access to the site and the responsible road authority agrees.
 3. The Board of Appeals shall make a finding that the applicant for a variance met their burden of proof above, that a variance is consistent with the intent and purpose of this Article, and is the minimum necessary to provide reasonable access.
 4. Under no circumstances shall a variance be granted unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created.

SECTION 3: a new Section, 1408 of ARTICLE XIV ADMINISTRATION AND ENFORCEMENT called "TRAFFIC IMPACT STUDY", is hereby adopted and shall read as follows:

Section 1408 Traffic Impact Study

- A. If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator shall require submittal of a traffic impact study at the expense of the applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Norway Area Joint Planning Commission. At their discretion, the Norway Area Joint Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Norway Area Joint Planning Commission following consultation with the Michigan Dept. of Transportation or County Road Commission, as applicable:
1. For any residential development of more than twenty (20) dwelling units, or any office, commercial, industrial or mixed use development, with a building over 50,000 square feet, or

2. When permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
 3. Such other development that may pose traffic problems in the opinion of the Norway Area Joint Planning Commission.
- B. At a minimum the traffic impact study shall be in accordance with accepted principles as described in the handbook Evaluating Traffic Impact Studies, a Recommended Practice for Michigan, developed by the MDOT and other Michigan transportation agencies and contain the following:
1. A narrative summary including the applicant and all project owners, the project name, a location map, size and type of development, project phasing, analysis of existing traffic conditions and/or site restrictions using current data transportation system inventory, peak hour volumes at present and projected, number of lanes, roadway cross section, intersection traffic, signal progression, and related information on present and future conditions. The capacity analysis software should be the same for each project, such as using HCS 2000 or a later version.
 2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. The Norway Area may approve use of other trip generation data if based on recent studies of at least three (3) similar uses within similar locations in Michigan.
 3. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
 4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
 5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the US-2/US-141/M-95 Access Management Action Plan and the Community or Comprehensive Master Plan, and will not reduce capacity or traffic operations along the roadway.

6. Qualifications and documented experience of the author of the Traffic Impact Study, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.
- C. The Norway Area may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 1407.

SECTION 4: The following Subsection B added to Section 1407 "FEES," is hereby adopted and shall read as follows:

- B. Any application for rezoning, site plan approval, a Special Land Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance above the following threshold, may also require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee may be required by either the Zoning Administrator or the Norway Area Joint Planning Commission for any project which requires a traffic impact study under Article XI or Section 1408, or which has more than twenty (20) dwelling units, or more than twenty-thousand (20,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces, or which involves surface or below surface mining or disposal of mine materials. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Norway Area Joint Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.
1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise **the Norway Area** values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Norway Area Joint Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Norway Area and a copy of the statement of expenses for the professional services rendered, if requested.
 2. No application for which an escrow fee is required will be processed until the escrow fee is deposited with the Treasurer. The amount of the escrow fee shall

be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.

3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by the Norway Area in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.
4. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

SECTION 5. Severability.

If any section, clause, or provision of this Amendatory Ordinance were declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Norway City Council and Norway Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

SECTION 6. Effective Date.

This Amendatory Ordinance shall become effective thirty (30) days after a notice of adoption has been published in a newspaper of general circulation within the community.

ARTICLE XIII: CONDITIONAL USE PERMITS

Section 1301 Intent

- A. Certain land uses require a flexible and equitable procedure for properly accommodating those activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Conditional use permits allow the Norway Area to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but at the same time, provide for the health, safety, convenience and general welfare of the community's inhabitants.
- B. Provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent land uses.

Section 1302 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit.
- B. Applications shall be submitted through the Zoning Administrator to the Joint Planning Commission. Each application shall be signed by the applicant and the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. A completed application shall include:
1. Site plan drawn to a readable scale and containing that information specified in Section 1103 or 1104.
 2. A statement with supporting evidence regarding the required findings specified in Section 1104.

- D. A public hearing shall be scheduled with notification as required by Section 1403.

Section 1303 Conditions and Approvals

- A. The Joint Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the public hearing. The Joint Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Joint Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 1304 and 1402.
- B. If development in accordance with a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Zoning Administrator may approve an extension for one additional year. Unless otherwise specified by the Joint Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Joint Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Joint Planning Commission may declare the permit null and void.

Section 1304 General Standards

- A. The Joint Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general policies of the Norway Area or with any specific objectives of any adopted development plans;
 2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
 3. Will not be hazardous or disturbing to existing or future neighboring uses;
 4. Will not diminish the value of land, buildings, or structures in the district;
 5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and wastewater, drainage

structures, refuse disposal, and/or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
 7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;
 8. Will protect the public health, safety and general welfare of the community; and
 9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- B. The following standards shall be used by the Joint Planning Commission when considering Group Child Care Facilities:
1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Joint Planning Commission.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.

4. Does not exceed 16 hours of operation during a 24-hour period. The Joint Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
 6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
 7. Other standards as amended by state statute.
- C. The following standards shall be used by the Joint Planning Commission when considering a Bed and Breakfast Establishment:
1. The use shall be confined to the single family dwelling unit which is the principal dwelling unit on the property. The dwelling unit in which the Bed and Breakfast Establishment takes place shall be the principal residence of the operator who shall live on the premises during any times the Bed and Breakfast Establishment is active.
 2. No premises shall be utilized as a Bed and Breakfast Establishment unless there are at least two exits to the outdoors. Rooms utilized for sleeping shall have a minimum size of 100 square feet for two occupants, with an additional 30 square feet for each additional occupant to a maximum of four occupants per room.
 3. The minimum size of a dwelling unit for a Bed and Breakfast Establishment shall be 2,000 square feet of residential space, exclusive of garages and storage sheds.
 4. Each room shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any Bed and Breakfast Establishment.
 5. The maximum stay for any occupant shall be 14 consecutive days.
 6. The Bed and Breakfast Establishment shall provide parking in accordance with the requirements of Section 802.
 7. The impact of a Bed and Breakfast Establishment shall be no greater than that of a private home with guests.
- D. The following additional standards shall be used by the Joint Planning Commission when considering if an accessory building may be used as a Guest House:

1. No more than two Guest Houses are permitted per lot.
 2. The size of the Guest House can not exceed 50% of the principle structure or 750 square feet, whichever is greater.
 3. The Guest House will comply with all setback requirements of a principal structure.
 4. There is one ingress/egress point from the public road to the primary and Guest Houses; however the Joint Planning Commission may authorize a separate access points.
 5. The Guest House shall be considered as an accessory structure to a principal single-family dwelling; there are no charges made for the accommodation provided and shall not be rented or leased.
 6. The Guest House will not be used as a year-round dwelling is occupied on an intermittent basis, not to exceed a total of 120 days over a 12 month period by the same person.
- E. The following additional standards shall be used by the Joint Planning Commission when considering if an accessory building may be used as a Rental House:
1. No more than two Rental Houses are permitted per lot.
 2. The size of the Rental House can not exceed 75% of the principle structure or 750 square feet, whichever is greater.
 3. The Rental House will comply with all setback requirements of a principal structure. A site plan will show the Rental House as located on a minimum lot size parcel of that district meeting the required set back requirements
 4. There is one ingress/egress point from the public road to the primary and Rental Houses, however the Joint Planning Commission may authorize a separate access points.
 5. The Rental House shall be considered as an accessory structure to a principal single-family dwelling, however fees may be charged for the accommodation provided.

Section 1305 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Joint Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 1304 and therefore be necessary to meet the intent and purpose of the regulations.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. A use that is clearly temporary in nature may have time limits or periodic reviews attached as conditions of approval.
- D. Conditional Use Permits may be issued for time periods as determined by the Joint Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- E. In authorizing a Conditional Use Permit, the Joint Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the City or Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, buffers or planting screens, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the City or Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Joint Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- F. Revocation of a Conditional Use Permit by the Joint Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Joint Planning Commission are violations of this zoning ordinance.

- G. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Joint Planning Commission shall become part of the Conditional Use Permit issued by the Joint Planning Commission.
- H. The standards in Section 1304 are basic to all conditional uses as identified in this Ordinance.

Section 1306 Appeals

Recourse for a person aggrieved by a decision of the Joint Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE XIV: ADMINISTRATION AND ENFORCEMENT

Section 1401 Administration and Enforcement

The administration and enforcement of this Ordinance shall be the responsibility of the City Council and Township Board. The City Council and Township Board shall have the right to delegate responsibility to appropriate City and Township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

Section 1402 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make an administrative decision, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Joint Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
 1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in this Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.
 4. Consideration shall also be given by the reviewing body to the following:
 - a. Intent of the zoning district,
 - b. Current use of the adjacent lands and neighborhoods,
 - c. Physical appearance of existing or proposed structures (location, height, bulk of building, as well as construction materials),

- d. The suitability of the proposed landscaping in providing ground cover, screening and decoration of the site,
- e. The nature and intensity of operations involved in or conducted in connection with the proposed use,
- f. The time of use and physical and economic relationship of one type of use to another,
- g. The assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity,
- h. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and sight distances,
- i. The physical characteristics of the site such as: drainage, topography, open space, landscaping, and access to minor and/or major streets,
- j. Demands upon public services, such as electricity, police and fire protection, schools, and refuse disposal,
- k. The type and amount of litter, waste, noise, dust, traffic, fumes, glare, and vibration which may generated by such use,
- l. Area requirements for the proposed use and potential for the use or its area requirements to expand, and
- m. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal uses in the district.

Section 1403 Administrative Procedures for Public Notifications

- A. When a public hearing is required in the administration of this Ordinance, the Joint Planning Commission and the Zoning Board of Appeals shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:

All administrative decisions of the Joint Planning Commission and Zoning Board of Appeals which require a public hearing must have a notice published in a newspaper of general circulation within the Norway Area and mailed or delivered as provided in this Section.

- B. Personal and mailed notice-When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided by first class mail or personal service to:
1. All property owners to whom real property is assessed and to all occupants of structures within three hundred (300) feet of the boundary of the property in question regardless of whether the property or occupant is located in the zoning jurisdiction. The current year's assessment roll shall be used as prima facie evidence of record of ownership. Street addresses do not need to be created and listed if no such addresses currently exist within the property.
 2. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, business or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than 15 days prior to the public hearing.
 3. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Norway Area. If the name of the occupant is not known, the term "occupant" may be used in making notification.
- C. Notification for Amendments shall be given to registered utilities and to railroads within the zone affected.
- D. All hearing notices shall include the nature of the request, the geographic area included in the zoning proposal, when and where the request will be considered, where and when written comments will be received and where and when the zoning ordinance and proposals may be examined.
- E. Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as following:
1. For a public hearing on an application for rezoning, text amendment, special use permit, planned unit development, variance, appeal or ordinance interpretation, notification shall be provided not less than fifteen (15) days before the date the application will be considered for approval.

Decision	Required Notice
Class A non-conforming use or continued use of a non-conforming structure or use	Notice published not less than 15 days
Hearing before the Zoning Board of Appeals	Notice published not less than 15 days
Conditional Use Permit	Notice published not less than 15 days
Ordinance amendment (text or map)	Notice published not less than 15 days
Planned Unit Development	Notice published not less than 15 days
Changes to an Approved Planned Unit Development	Notice published not less than 15 days

Section 1404 Standards for Hearings and Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.

- B. The body conducting the hearing:
 - 1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;

 - 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;

 - 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the City and Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;

 - 4. Shall comply with all other requirements under the law; and

 - 5. Shall record all administrative actions in the Official Zoning Orders Book and Map.

- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Joint Planning Commission shall be filed with the City and Township Clerk and be open to public inspection.

Section 1405 Zoning Administrator

- A. The Office of Zoning Administrator is established. The Zoning Administrator shall be appointed by the City Council and Township Board and shall receive such compensation as the City Council and Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed or

elected officer of the City and/or Township. The Zoning Administrator shall not be a member of the Joint Planning Commission or Zoning Board of Appeals.

- B. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other office or body. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements.
- C. The Zoning Administrator shall issue Zoning Compliance Permits and review Site Plans to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits which shall be open for public inspection.
- D. The Zoning Administrator shall review all requests for administrative and legislative action. He shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.
- E. The Zoning Administrator shall keep records of all zoning matters, including variances, conditional use permits, zoning ordinance amendments (map and/or text), designations of nonconformance, and any modifications or terminations of any of these matters. The Zoning Administrator shall also maintain the Official Zoning Map on which all zoning ordinance map amendments (rezoning) shall be recorded. All zoning records shall be open to public inspection.
- F. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each owner of or a party in interest whose name the property appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, he shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 1406 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance

Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.

- B. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 1407 Fees

- A. The City Council and Township Board shall establish by resolution a schedule of fees for administering this Ordinance. No activity shall commence nor shall any permit be issued unless the fee has been paid.
- B. Fees are waived for actions initiated by the City Council, Township Board or the Joint Planning Commission.

Section 1408 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this Ordinance shall constitute a violation of this Ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity that admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine or not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.
- C. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the City Council and Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

ARTICLE XV ZONING BOARD OF APPEALS

Section 1501 Creation and Membership

- A. The Zoning Board of Appeals is established in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended. The Board shall consist of five (5) regular members, appointed by the City Council and Township Board: one member shall be a member of the Joint Planning Commission, one member may be a member of the City Council or Township Board and the remaining members shall be residents of the Norway Area. The term for Planning Commission, City Council or Township Board member shall be limited to the time serving as a member of the respective board.
- B. The City Council and Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members. The alternate may be called to serve in the absence of a regular member if a regular member is absent or will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals. One alternate shall be a resident of the City; one alternate shall be a resident of the Township.
- C. The term of office of the first members appointed shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a 3-year term.

Section 1502 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures.
- B. The concurring vote of 2/3 (four) of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or determination of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- C. The concurring vote of 2/3 (four) of the members of the Zoning Board of Appeals shall be necessary to grant a variance from uses of land permitted in this Ordinance.
- D. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed with the City Clerk and Township Clerk.

- E. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing when a hearing is required under this Ordinance. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1403. The Zoning Board of Appeals shall decide the appeal within a reasonable time.

Section 1503 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.
- B. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide:
1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator.
 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 802 or by an analysis of the specific needs; consider use of share off-street parking spaces.
 4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.
 5. Hear and decide appeals from and review any orders, requirements, decisions or determinations made by the Zoning Administrator.
 6. Hear and decide appeals of the granting or denial of Conditional Use Permits.
 7. Consider requests for variances.

Section 1504 Variances

- A. The Zoning Board of Appeals is authorized to grant upon appeal in specific cases a variance from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would, with respect to non-use (dimensional) variances result in practical difficulties to the applicant and with respect to applications for use variance result in unnecessary hardship to the applicant.

- B. If development as a result of a variance has not commenced within one year from the date of issuance, the variance shall automatically expire. Upon request of the applicant, the Zoning Administrator may approve an extension for one additional year.
- C. A non-use variance shall not be granted unless the Zoning Board of Appeals finds:
1. The dimensional zoning requirements cannot be physically met by an existing lot due to its shape or natural characteristics. The physical hardship is unique and is not shared by neighboring properties in the same district that the special conditions and circumstances do not result from actions of the applicant.
 2. That all fees in accordance with the duly adopted "Schedule of Fees" to cover the administrative costs of such application have been paid
 3. That proper notice of a public hearing as required in Section 1403 has been given.
 4. The public hearing shall be held allowing any party the opportunity to appear in person, or by a duly authorized agent or attorney. At the public hearing the Board of Appeals shall make a finding that the reasons set forth in the application justify the granting of the variance and shall 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.
 5. In granting any variance, the Board of Appeals shall be guided by the Administrative Standards in Section 1402(C). The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation 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 1408.
- D. A use variance shall not be granted unless the Zoning Board of Appeals finds:
1. That unique 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.
 2. That the land cannot reasonably be put to a conforming use.
 3. That the unique conditions and circumstances do not result from actions of the applicant.

4. That the use to be authorized by the variance will not alter the essential character of the neighborhood.
5. That all fees in accordance with the duly adopted "Schedule of Fees" to cover the administrative costs of such application have been paid.
6. That proper notice of the public hearing as required in Section 1403 has been given.
7. The public hearing shall be held allowing any party the opportunity to appear in person, or by a duly authorized agent or attorney. At the public hearing the Board of Appeals shall make finding that the reasons set forth in the application justify the granting of the variance and shall 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.
8. In granting any variance, the Board of Appeals shall be guided by the Administrative Standards in Section 1402(C). The Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation 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.

Section 1505 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was based upon.
- B. Payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination made by the Zoning Administrator or Joint Planning Commission, as authorized elsewhere in this Ordinance. All actions taken by the Zoning Board of Appeals must be in conformance with this Ordinance.

- E. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.

- F. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1506 Procedure on Matters of Appeal

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Dickinson County, as provided by law. An appeal under this section shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing or approves the minutes of its decision.

ARTICLE XVI: AMENDMENTS TO THE ZONING ORDINANCE**Section 1601 Intent**

- A. For the purpose of establishing and maintaining sound, stable and desirable development within the limits of the Norway Area, the zoning ordinance may be amended to correct an error in this Ordinance, to reflect a change in Norway Area policy, to respond to changed or changing conditions in a particular area or the Norway Area in general, to rezone an area, to extend the boundaries of an existing zoning district or to change the regulations and restrictions of the zoning ordinance.
- B. Only the City Council and Township Board may amend this Ordinance. Proposals for amendment or changes may be initiated by the City Council or Township Board on its own motion, by the Joint Planning Commission or by an individual.

Section 1602 Required Amendment Information

- A. If the amendment is to propose a change to the text of this Ordinance, the petitioner shall transmit proposed language for consideration to Zoning Administrator, who shall in turn transmit the proposed language to the Joint Planning Commission. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the amendment involves a proposed change in the Zoning Map (rezoning), the petitioner shall submit the following information to the Zoning Administrator:
 - 1. A legal description of the property;
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 - 3. The name and address of the petitioner;
 - 4. The petitioner's interest in the property;
 - 5. Date of filing with the Zoning Administrator;
 - 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
 - 7. The desired change and reasons for such change.

Section 1603 Review of Proposed Amendment by Joint Planning Commission

In viewing any petition for a zoning amendment, the Joint Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the public hearing.

Section 1604 Changes and Amendments

- A. An application for amendment shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Joint Planning Commission for their review at a public hearing.
- B. The Joint Planning Commission may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning within the previous six months.
- C. When a public hearing is required in the administration of this Ordinance, the Joint Planning Commission shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the requirements listed in Section 1403.
- D. Following the public hearing, the Joint Planning Commission shall submit the proposed zoning ordinance amendment and applicable maps to the City Council and Township Board, along with a summary of the comments received at the public hearing.
- E. Upon receipt of the recommended amendment, a public hearing may be held by the City Council and Township Board. Notice of the public hearing shall be published at least once in a newspaper of general circulation in the Norway Area. The notice shall meet the requirements listed in Section 1403. The notice shall appear in the newspaper no less than 15 days prior to the date of the public hearing.
- F. The City Council and Township Board at a regular meeting or at a special meeting called for that purpose shall consider and vote upon the adoption of the amendment. An amendment shall be approved by a majority vote of the City Council and Township Board, except in the case of a protest petition. The City Council and Township Board shall not make a change or departure from the plans, text, or maps as certified by the Joint Planning Commission, unless the proposed change or departure is first submitted to the Joint Planning Commission for its advice and suggestions. The Joint Planning Commission shall have thirty (30) days from the receipt of the proposed changes or departure to send its report to the City Council and Township Board.
- G. Upon presentation of a protest petition meeting the requirement of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed by a 2/3 vote of the City Council and Township Board. The protest petition shall be presented to the City and Township Clerk at or before the public hearings, and shall be signed by one of the following:
 - 1. The owners of at least 20% of the area of land, excluding publicly owned lands, included in the proposed change.

2. The owners of at least 20% of the area of land, excluding publicly owned lands, included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- H. Notice of adoption of an amendment shall be published in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

Section 1605 Standards for the Review of Amendments

- A. The general standards to be considered by the Joint Planning Commission shall include, but not be limited to, the following:
1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 2. Whether the requested zoning change is consistent with local plans and policies;
 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 4. The ability of the City, Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
 6. Effect of approval of the petition on adopted development policies of the City, Township and other governmental units.

EFFECTIVE DATE

This ordinance shall become effective 15 days after adoption and publication by the City Council and Township Board, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006 and the City Charter.

ADOPTED: *City of Norway-August 20, 2012*
 Norway Township-August 13, 2012

PUBLISHED: *August 29, 2012*

EFFECTIVE: *September 4, 2012*