

ELMWOOD TOWNSHIP

ZONING ORDINANCE

ORDINANCE NO. 100

Adopted June 21, 2006

TOWNSHIP OF ELMWOOD ZONING ORDINANCE

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C. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

D. VOID PERMITS. Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.

E. PRIVATE RESTRICTIONS. The Zoning Administrator shall not refuse to issue a zoning permit due to violations of private covenants, agreements, or deed restrictions if the proposed use is permitted by the Zoning Ordinance.

F. FEES. The amount of any fees charged for zoning permits, applications, or inspections shall be established by the Township Board.

ARTICLE IV

Zoning Districts

Section 4.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

AR	Agricultural - Residential
R	Single Family Residential
MHP	Manufactured Housing Park
C	Commercial
I	Industrial

Section 4.02. DISTRICT BOUNDARIES AND MAP. The boundaries of the zoning districts are shown on the zoning map which is a part of this Ordinance. The map shall be designated as the Elmwood Township Zoning Map.

Section 4.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as "principal uses permitted" shall be permitted throughout the district under which they are listed. Any use not expressly listed as a "principal use permitted" is prohibited in that district, unless approval has been obtained from the Planning Commission for the use as a "use permitted after special approval".

Section 4.04. SPECIAL LAND USES. A use of land or structures listed as a "special land use" shall be permitted within the district under which it is listed, provided that Planning Commission approval has been granted pursuant to this Ordinance.

ARTICLE V

AR Agricultural - Residential District

Section 5.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings, and farm uses on parcels of land containing five (5) or more acres.
- B. Single-family dwellings (subject to Section 12.05).
- C. Roadside stands limited to the selling of locally raised farm produce.
- D. Family day care homes.

1. Each application for special approval shall contain the following:
 - a) Names and addresses of property owners and proposed operators of the premises.
 - b) Legal description of the premises.
 - c) Detailed statement as to method of operation, type of machinery or equipment to be used and estimated period of time that the operation will continue.
 - d) Detailed statement as to the type of deposit proposed for extraction.
 - e) Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

2. Operational Requirements.

- a) Pit Operations.
- b) In operations involving excavations over five (5) feet in depth, the operator shall provide adequate safeguards to protect the public safety. The Planning Commission may require fencing, locked gates, and warning signs.
- c) The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment.
- d) The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).
- e) No cut or excavation shall be made closer than two hundred (200) feet from the centerline of the nearest road right of way or closer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geologic conditions warrant it.
- f) The Planning Commission shall, to ensure strict compliance with Ordinance provisions and required conditions of a permit for quarrying, require the permittee to furnish a bond in an amount determined by the Planning Commission.

- D. Two family dwellings.
- E. State licensed residential facilities for seven or more residents.
- F. Group day care homes, which comply with statutory standards.
- G. Township and County governmental buildings, structures and facilities.
- H. Schools, Church's and Cemeteries.
- I. Bed and breakfast establishments.
- J. Communications and wind generation towers (subject to Section 12.11).

- E. State licensed residential facilities for seven or more residents.
- F. Group day care homes, which comply with statutory standards.
- G. Governmental buildings, structures, facilities, and parks.
- H. Schools and churches.
- I. Platted subdivisions, which comply with the requirements of the Michigan Land Division Act.
- J. Site condominium developments.

Single-family detached condominium developments, subject to the following requirements:

1. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, all Site Condominium Plans shall require final approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
 - a) Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. Plans submitted for preliminary review shall include information specified in items a, b, and c of the submission requirements in subsection 2 below.
 - b) Final Plan Review. Upon receipt of preliminary plan approval, the applicant may prepare the appropriate engineering plans and apply for final approval by the Planning Commission. Final plans shall include information as required by items a-g of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
2. Submission Requirements. All Condominium Plans shall be submitted for review pursuant to the standards in Article XV of this ordinance (Site Plan Review) and Section 66 of the Condominium Act, and shall also include the following information:
 - a) A survey of the condominium subdivision site.

2. There shall be no more than three (3) dwelling units per acre.
3. Each dwelling unit shall contain a minimum of six hundred (600) square feet. There shall be an additional one hundred (100) square feet required for each bedroom beyond the first bedroom.

ARTICLE VII

MHP Manufactured Housing Park

Section 7.01. PRINCIPAL PERMITTED USES.

- A. Manufactured housing parks which comply with the regulations of the Michigan Manufactured Housing Commission.
- B. Single family dwellings.
- C. Crop production.
- D. Family day care homes.
- E. State licensed residential facilities for six or fewer residents.
- F. Buildings, structures and uses which are accessory to any of the above-permitted uses.

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Group day care homes.
- B. Governmental buildings, structures, facilities, and parks.
- C. Schools and churches.

ARTICLE VIII

C Commercial District

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry cleaning establishments.

3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.

ARTICLE IX

I Industrial District

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining, or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage, or wholesale facilities.
- E. Fuel storage facilities and fuel transfer facilities, including propane, petroleum, ethanol, and similar fuels.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 9.02. SPECIAL LAND USES.

- A. Junk or salvage yards. Any such yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures all material within the yard.
- B. Sewage treatment plants and similar facilities.
 1. Must comply with all regulations of the State of Michigan.
 2. Must be completely enclosed by an obscuring wall, fence, or greenbelt.
- C. Slaughter houses and meat processing facilities.
- D. Industries involving the processing, treatment, use or storage of explosives, toxic chemicals, or radioactive materials.
- E. Communications towers (pursuant to Section 12.11).

ARTICLE X

- A. **MINIMUM PARKING SPACE SIZE.** Each parking space shall be at least ten (10) feet wide and twenty (20) feet long, exclusive of drives.
- B. **MINIMUM WIDTH OF ACCESS LANES IN PARKING AREAS.** The minimum width of access lanes for parking spaces shall be twenty-five (25) feet.
- C. **LOCATION OF PARKING SPACE.** The parking facilities shall be located on the same lot or within five hundred (500) feet of the permitted uses requiring the parking.
- D. **SEATING.** As used in this Article for parking requirements, a seat shall mean either an individual chair or each twenty-four (24) inches of seating facilities.
- E. **SIMILAR USES AND REQUIREMENTS.** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is similar shall apply.
- F. **EXISTING OFF-STREET PARKING.** Off-street parking existing at the effective date of this Ordinance which serves an existing building or use shall not be reduced in size to less than that required under the terms of this Ordinance.
- G. **DRAINAGE.** All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. Drainage shall be provided to ditches, retention ponds or entirely on to the property on which the parking lot is located.
- H. **ILLUMINATION.** All illumination for such parking areas shall be deflected away from adjacent residential areas.
- I. **HARD SURFACING.** All required parking areas for commercial, industrial or institutional uses shall be surfaced with a pavement having an asphalt or concrete binder or with compacted limestone.

Section 11.02. **TABLE OF PARKING REQUIREMENTS.** The amount of required off-street parking space for new uses of land, buildings, or additions shall be determined in accordance with the following table:

Use	Required Number Of Parking Spaces	Per Each Unit of Measure as Follows:
A. Auditoriums, Assembly Halls, Theaters, and Churches	1	Two seats based upon maximum seating capacity in the main place of assembly therein, plus one space for each employee.
B. Automobile Service Stations	2	Each gasoline pump and lubrication stall

L. Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred square feet of usable floor area, plus one space for each employee on the basis of the maximum number of employees on duty at any one time, plus two spaces for each auto serviced.
M. Repair establishments for appliances, household items, glass, and similar items; lawn and garden establishments	1	Three hundred square feet of usable floor area plus one space for each employee.

For purposes of this section, "usable floor area" shall mean the floor area open to the public for customer, office, or retail use. This excludes areas such as bathrooms, warehousing areas, and mechanical rooms.

Section 11.03. OFF-STREET LOADING REQUIREMENTS. On the same property with every building or structure used for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for loading and unloading. All such loading and unloading areas shall be paved with a pavement having an asphalt or concrete binder.

Such loading and unloading space, unless adequately provided for within a building, shall be an area at least 10 feet by 30 feet, with minimum 14 foot height clearance, and shall be provided according to the following schedule:

<u>Gross Floor Area (Square Feet)</u>	<u>Loading Spaces Required</u>
0 - 2,000	None
2,000 - 20,000	One space
Over 20,000	One space for each 20,000 square feet.

ARTICLE XII

General Provisions

- A. The following signs may be erected in the Township without prior Planning Commission approval, provided the other requirements of this section are complied with:
1. Signs advertising real estate for sale or rent. Such signs may not exceed nine (9) square feet in sign area.
 2. Signs advertising agricultural produce grown on the premises. Such signs may not exceed nine (9) square feet in sign area.
 3. Signs advertising personal property owned by a resident of the premises; provided such personal property was not purchased for the purpose of resale. Such signs may not exceed nine (9) square feet in sign area.
 4. Signs advertising home occupations which have received approval pursuant to the Zoning Ordinance. Such signs may not exceed sixteen (16) square feet in sign area.
 5. Signs promoting political candidates or election issues. Such signs may not exceed thirty-two (32) square feet in sign area. Such signs shall not be erected more than sixty (60) days prior to an election and shall be removed within ten (10) days after the election.
 6. Signs stating the name and/or address of a property owner. Homeowner signs may not exceed four (4) square feet in sign area. Farm owner signs may not exceed thirty-two (32) square feet in sign area.
1. Temporary signs advertising non-commercial public event for not to exceed sixty (60) days. Such signs shall not exceed thirty-two (32) square feet in sign area.
- B. A sign site plan shall be approved by the Township Planning Commission before any sign is erected, constructed, or altered, except for signs permitted by sub-section A above.
- C. The Planning Commission shall review each site plan as to location, height, aesthetics, compatibility with the surrounding buildings and facilities, and compliance with Township ordinances. The Planning Commission may require revisions to the sign site plan.
- D. No sign shall include any flashing, oscillating, or intermittent illumination.
- E. All illuminated signs shall be so placed as to prevent the rays and illumination therefrom from being directly cast upon any residences or roadways.
- F. No sign shall rotate nor contain any moving parts.

construction project shall be deemed to be completed until all landscaping features required on the site plan have been planted or installed.

- D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

Section 12.09. TEMPORARY DWELLINGS.

- A. The Zoning Administrator may issue a permit for a temporary manufactured home or other structure to be occupied for up to one (1) year during the time that a permanent dwelling is being constructed. A temporary dwelling does not have to comply with the single family dwelling standards contained in Section 12.05. A temporary dwelling permit may be issued if the following requirements are complied with:
1. A building permit for the permanent dwelling must be acquired before the temporary dwelling is placed on the premises or occupied.
 2. The permanent dwelling must be completed and any temporary manufactured home removed from the property before the expiration of the temporary dwelling permit. In the case of garages or other structures, the improvements which make the structure usable as a dwelling must be removed.
 3. The applicant must execute an affidavit guaranteeing that any temporary manufactured home will be removed from the premises at the expiration of the permit period. In the case of garages and other structures, the affidavit must guarantee that the improvements which make the structure usable as a dwelling unit will be removed.
 4. A temporary dwelling permit may be renewed one time by the Zoning Administrator for up to one (1) additional year for completion of the permanent dwelling, providing reasonable progress has been made on construction of the permanent dwelling during the first one (1) year permit period.
 5. A performance bond, letter of credit or cash deposit shall be posted with the Township Treasurer to guarantee removal of the temporary dwelling. The funds shall be released to the applicant upon verification of removal of the temporary dwelling.
- B. Variances to permit the temporary occupancy of manufactured homes which do not comply with the single-family dwelling standards of Section 12.05 may be granted by the Board of Zoning Appeals pursuant to the procedures contained in Article XVIII. Such variances may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any manufactured home approved under this section may not be over fifteen (15) years old at the time it is placed on the site. Any manufactured home approved pursuant to this section shall be placed on a reinforced concrete pad or concrete

structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.

2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:
 - (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

5. The towers, windmills, and related equipment shall comply with all current guidelines published by the Energy Office of the State of Michigan or its successor agency.
6. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the caisson upon which the tower is located to a depth which is at least three (3) feet below the natural surface of the ground . This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
7. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3) performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

Section 12.13. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- D. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales", "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale". Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this ordinance.

Section 12.14. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

Section 12.16. ACCESSORY BUILDINGS. Within areas of the Township zoned R-Residential, no accessory building shall be constructed until such time as a dwelling is constructed on the property. In all other zoning districts, accessory buildings may be constructed prior to the main building. Any such accessory buildings shall be located so as to allow for the later construction of a main building in full compliance with all setbacks and other regulations. In no event shall an accessory building be constructed any closer to the road than the dwelling.

ARTICLE XIII

Non-conforming Lots, Uses, and Structures

Section 13.01. CONTINUED NON-CONFORMING USES PERMITTED.

Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to the adoption of this Ordinance. These non-conformities may continue until they are removed. The non-conformities shall not be enlarged upon, expanded or extended in any manner which increases their non-conformity.

Section 13.02. NON-CONFORMING LOTS OF RECORD. A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, depth, and area is not less than one-half (50%) percent of that required by this Ordinance. Permission to build on smaller recorded lots which lack adequate width, depth, or area, may be granted by the Board of Zoning Appeals as long as reasonable living standards can be provided.

Section 13.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered in an way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 13.04. NON-CONFORMING USES OF LAND OR STRUCTURES. Where at the time of passage of this Ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

single-family residences, farm buildings, or buildings which are accessory to single-family residences.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03. CONTENT. Each site plan shall include the following:

- A. Area of the site.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within one hundred (100) feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights-of-way), driveways, sidewalks, and parking areas (see Article XI).
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings, greenbelts and landscaped areas (see Section 12.08).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 12.06).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 15.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulations, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.

- A. The location, size and character of the proposed use shall be in harmony with, and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a special land use. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

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

Section 16.05. EXPIRATION. Planning Commission permission for a special land use shall expire one (1) year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

each decision. Any conditions imposed by the Zoning Board Of Appeals shall meet the following requirements:

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

Section 17.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 17.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE XVIII

Amendments and Rezoning

Section 18.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184 of the Public Acts of 1943, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 18.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within one thousand (1,000) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. The notices shall be published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

ARTICLE XIX

Voluntary Rezoning Agreements

Section 19.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.286, being part of the Township Zoning Act.

Section 19.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article XVIII, shall be complied with.

Section 19.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 19.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Township.

Section 19.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in

ARTICLE XX

Violations

Section 20.01. ENFORCEMENT AND PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Elmwood Township Civil Infraction Ordinance.

Section 20.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, razed, or converted or any use of any premises which is begun or changed and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

ARTICLE XXI

Definitions

Section 21.01. DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building related to and secondary to the main use of the premises.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR NOVELTY STORES. An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material or items.

ADULT MOTION PICTURE THEATRE. A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" for observation by patrons.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Elmwood.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support of enclosure of persons, animals, or personal property. This shall

JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, broken concrete, or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Tuscola County Register of Deeds.

MANUFACTURED HOME (includes house trailers, and mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels or as one or more units. This includes all units which could be licensed under the provision of Act 300 of the Public Acts of 1949, as amended.

MANUFACTURED HOUSING PARK. Any parcel of land which has been designed, improved or used for the placement of three or more manufactured homes or manufactured homes for dwelling purposes.

OFF-SITE SIGN (BILLBOARD). A sign advertising something other than a facility or enterprise which is located on the same parcel of land as the sign.

PARKING SPACE. An area of not less than ten (10) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of Elmwood Township, as authorized by Michigan Public Act 168 of 1959.

PRINCIPAL ON-SITE SIGN. A sign advertising the name of a facility located on the same parcel of land as the sign.

QUARRYING. The removal of sand, clay, gravel, soil or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.

SECONDARY ON-SITE SIGN. A sign advertising a service or product available at a facility located on the same parcel of land as the sign.

SETBACK. The distance between the base of a building and a road right-of-way line or a property line.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

ARTICLE XXII

Severability and Repeal

Section 22.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 22.02. REPEAL. The former Elmwood Township Zoning Ordinance, adopted on the 10th day of November, 1989, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE XXIII

Enactment

Section 23.01. ORDINANCE ENACTED. The provisions of this Ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Elmwood.

Section 23.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 23.03, pursuant to Michigan Public Act 184 of 1943, as amended.

Section 23.03. CERTIFICATION. The undersigned Clerk of the Township of Elmwood hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Elmwood Township Board, at a meeting held on the 21st day of June, 2006.

I further certify that a notice of adoption of this Ordinance was duly published in the Tuscola County Advertiser on the _____ day of _____, 2006, pursuant to Section 11a of Michigan Public Act 184 of 1943, as amended.

Amy Lowman
Elmwood Township Clerk