NOTICE OF ORDINANCE ADOPTION

VILLAGE OF ELBERTA
BENZIE COUNTY, MICHIGAN

TO: THE RESIDENTS AND PROPERTY OWNERS OF VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that a zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Village of Elberta. The Village Council of the Village of Elberta adopted Ordinance No. 48 at its regular meeting held on November 19, 2026. Ordinance No. 48 is a new version of the Village's zoning ordinance and replaces the previous zoning ordinance.

A complete copy of the Ordinance is available at the office of the Village Clerk at the address printed below. A summary of the Ordinance follows:

SUMMARY OF ORDINANCE NO. 48
VILLAGE OF ELBERTA ZONING ORDINANCE

ARTICLE 1 TITLE & PURPOSE. This section sets forth the title, the purpose, the legal basis and authority for the zoning ordinance; and sets forth the zoning ordinance jurisdiction, the interpretation and application of the zoning ordinance, and that the zoning ordinance affects all structures and land and use thereof.

ARTICLE 2 GENERAL PROVISIONS. This section provides for the applicability of these provisions, and requirements for performance standards. This section provides regulations regarding principal use, barrier free modification, restoration of unsafe buildings, relocation and demolition of buildings, zoning or vacated areas, setback projections, accessory buildings and structures, clear vision areas, fences, height exceptions, personal wind and solar energy systems, private roads and shared driveway standards, public uses, recreational vehicles and trailers, temporary uses and structures, water supply and sewage disposal facilities, and other generally applicable regulations.

ARTICLE 3 ZONING DISTRICTS AND MAP. This section divides the Village into seven (7) zoning districts and incorporates the zoning map as part of the ordinance. This section provides rules for when uncertainty as to zoning district boundaries exist. This section provides a purpose for the C, NR, FR, NC, D, W, and DW zoning districts, and lists permitted and special land uses and provides dimensional requirements for each zoning district.

ARTICLE 4 OVERLAY DISTRICTS. This section provides the intent and purpose for the Sensitive Overlay District and provides for the applicability, general requirements, structure regulations, limitations on vegetation disturbances, and regulations pertaining to steep slopes, lake access, shoreland protection strips, wetland areas

ARTICLE 5 SITE DEVELOPMENT STANDARDS. This section provides the intent and purpose for the site development standards. This section provides regulations and requirements for Landscaping and Buffers, Off-Street Parking, Exterior Lighting, Signs, Stormwater Management, and Nonmotorized Transportation.

ARTICLE 6 SUPPLEMENTAL USE STANDARDS. This section provides the intent and purpose for the supplemental use standards. This section provides for supplemental regulations for Accessory Dwelling Units, Automobile Wash, Service Stations, Repair Shops, Boarding Rooms, Bungalow/Cottage Courts, Campgrounds, Drive-In or Drive-Thru Establishments, Dwelling Units, Extractive Industries, Gasoline Service Stations, Golf Facilities & Country Clubs, Hotels, Motels & Other Transient Lodging, Home Occupation Requirements, Kennels, Marinas, Off-Site Public or Private Parking, Short-Term Rentals, Communication Towers.

ARTICLE 7 SITE PLAN REVIEW. This section provides site plan application requirements and application review procedures, site plan review standards and processes. This section includes procedures for expiration and revocation, and amendments and modifications of site plans, along with fees and performance guarantees.

ARTICLE 8 SPECIAL LAND USES. This section provides the procedure for special land use application and review. This section includes procedures for expiration and revocation, and amendments and modifications of special land use permits, along with fees and performance guarantees.

ARTICLE 9 LAND DEVELOPMENT OPTIONS. This section provides for the review procedure and standards for Planned Unit Developments, Site Condominiums, and Manufactured Housing Communities, and Open Space Preservation Developments, including setback and site plan requirements.

ARTICLE 10 NONCONFORMITIES. This section provides the intent and purpose for this article, standards and regulations for nonconforming uses, nonconforming structures and nonconforming lots, and for the repair and maintenance of nonconformities.

ARTICLE 11 ZONING BOARD OF APPEALS. This section provides for establishment of a zoning board of appeals, membership, meeting times, duties and powers of the ZBA, procedures for applications to the ZBA, variance standards, rules of procedures, appeals of ZBA decisions, stay of proceedings, and limitations of ZBA authority.

ARTICLE 12 ADMINISTRATION, ENFORCEMENT & VIOLATIONS. This section details the authorities and duties of the zoning administrator and process for a land use permit applications, approvals, fees, performance guarantees and escrow funds. This section also sets forth the process for rehearings, and public notices requirements. Further, this section also provides that violations of the zoning ordinance are a municipal civil infraction and provides enforcement procedures. This section further provides for the authority to adopt temporary moratoriums.

ARTICLE 13 AMENDMENTS & SEVERABILITY. This section sets forth the process for Zoning Ordinance amendments, provides that the zoning ordinance is severable, repeals

conflicting ordinances, with a savings clause, and provides that the effective date for the zoning ordinance, and that amendments will become effective 7 days following publication after adoption.

ARTICLE 14 DEFINITIONS. This section sets forth the rules applying to the text and the definitions of terms used throughout the ordinance.

VILLAGE OF ELBERTA
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