VILLAGE OF NORTHPORT

ZONING ORDINACE

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See Separate Table of Contents *with hyperlinks*

THE VILLAGE OF NORTHPORT ZONING ORDINANCE

AN ORDINANCE to establish zoning districts for the Village of Northport pursuant to the provisions of Act 110 of the Public Acts of 2006, as amended, to set forth regulations, minimum standards and procedures for the use, size and protection of land and structures within such districts; to establish provisions for the enforcement of this Ordinance and to prescribe penalties for the violation of this Ordinance.

ARTICLE 1

TITLE AND PURPOSE

1.01 SHORT TITLE. This Ordinance shall be known as the Village of Northport Zoning Ordinance.

1.02 PURPOSE. The purpose of this Ordinance is to establish zoning districts in the Village of Northport within which the use of land for recreation, residence, industry, commercial trade and additional uses of land may be encouraged, regulated or prohibited and for such purposes dividing the Village into districts and areas as deemed best suited to carry out the provisions of this Ordinance, and for each district designating or limiting the location, the height, number of stories and size of dwellings, buildings and structures that may be erected or altered, and the specific uses for which dwellings, buildings and structures that may be erected or altered; the area of yards, courts and other open spaces, and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; and the maximum number of families which may be housed in buildings, dwellings and structures.

1.03 INTERPRETATION. In their interpretation and application, any enforcement officer or agency, any court and any Board or Commission member shall hold the provisions of this Ordinance to be minimum acceptable standards and requirements adopted for the promotion of the health, safety, security and general welfare of the Village of Northport.

1.04 SCOPE. This Ordinance shall affect and regulate the use and occupancy of all land and every structure in the Village. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

1.05 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF. No structure, land or premises shall be used or occupied and no building shall be erected, moved, reconstructed, extended or altered except in conformity with the regulations and provisions of this Ordinance.

ARTICLE 2
DEFINITIONS

2.01 RULES APPLYING TO THE TEXT.

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

1. The particular shall control the general.

2. With the exception of this Article, the headings which title a chapter, section or subsection are for convenience only and are not to be considered in any way construed as an interpretation of this Ordinance or as enlarging or restricting the terms and provisions of this Ordinance in any respect.

3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

4. Unless the context clearly indicates to the contrary, (1) words used in the present tense shall include the future tense; (2) words used in the singular number shall include the plural number; and (3) words used in the plural number shall include the singular number.

5. A "building" or "structure" includes any part thereof.

6. The word "person" includes a firm, association, partnership, joint venture, corporation, trust, or equivalent entity or a combination of any of them as well as a natural person.

7. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," "designed to use," "be used" or "occupied."

8. Any word or term not defined herein shall be considered to be defined in accordance with its common or standard definition.

2.02 DEFINITIONS

ABANDONED SOLAR ENERGY SYSTEM*. *Any solar energy system that remains nonfunctional or inoperative to the extent that it is not used to generate electrical energy for a continuous period of 180 days.

ACCESS. Any driveway, street, easement, right-of-way, or other means of providing for the movement of vehicles to and from a property.

ACCESS MANAGEMENT. The process of managing access to a property in a manner that preserves traffic capacity and maintains safety.

ACCESSORY DWELLING. A secondary dwelling unit contained within a one-family detached dwelling (granny flat)***, in an accessory structure,*** or above a garage (coach house) on the same lot as a one-family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, eating, cooking, and sanitation ~~***bathing and cooking***~~. Also known as a mother-in-law apartment or accessory apartment.

ACCESSORY SALES. The sale of merchandise produced, processed, assembled, packaged or treated on the premises of the principal use. Such activities shall be clearly incidental to, customarily found in connection with, and located on the same lot as the principal use.

ACCESSORY USE OR STRUCTURE. A use or a detached building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure.

ADULT FOSTER CARE. A state licensed residential facility as defined by PA 110 of 2006 that is used for the care and supervision of six (6) or fewer persons under twenty-four (24) hour supervision but excluding persons assigned to adult correction institutions.

ALTERATIONS STRUCTURAL. Any change in the supporting members of a building or structure such as bearing walls, columns, beams or girders, any substantial change in the roof or an addition to or diminution of a structure or building.

ALTERNATIVE ACCESS. A means that is not directly to a road including frontage roads, ***secondary*** ~~***backage***~~ roads, and access to existing or proposed roads.

ANTENNA. An exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication structures.

ATTACHED STRUCTURE. A fully enclosed structure containing a roof, walls, foundation, lighting, and a minimum of three (3) feet in width in the case of interconnecting passageways and of similar case of interconnecting passageways and of similar construction to the remainder of the building.

AUTOMOBILE FILLING STATION: Any building, land area, or other premise, or portion thereof, use for the retail sales of gasoline, diesel, hydrogen, or electricity and sales of other operational fluids and accessories for personal automobiles and light-duty trucks. Such use shall be permitted to include an additional retail use, which may include but not be limited to a restaurant, gift shop, or convenience store.

AUTOMOBILE REPAIR. General repair, rebuilding, or reconditioning of engines or vehicles, collision service (including body repair and frame straightening), painting or upholstering; or vehicle steam cleaning and undercoating, as a business.

BASEMENT. That ***level*** ~~***portion***~~ of the building that is ***more than one half below finished grade*** ~~***partly or completely underground***~~.

BED AND BREAKFASTS. A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and breakfast in return for payment***, in which the owner/operator lives on the premises during the bed and breakfast operation***.

BERM. A man-made, formed, earth mound used for obscuring purposes. Berms shall be at least three (3) feet in height above the highest ground elevation within twenty (20) feet of the berm. Berm slopes shall be a minimum of one (1) foot vertical per three (3) feet horizontal.

BUFFER YARD. A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

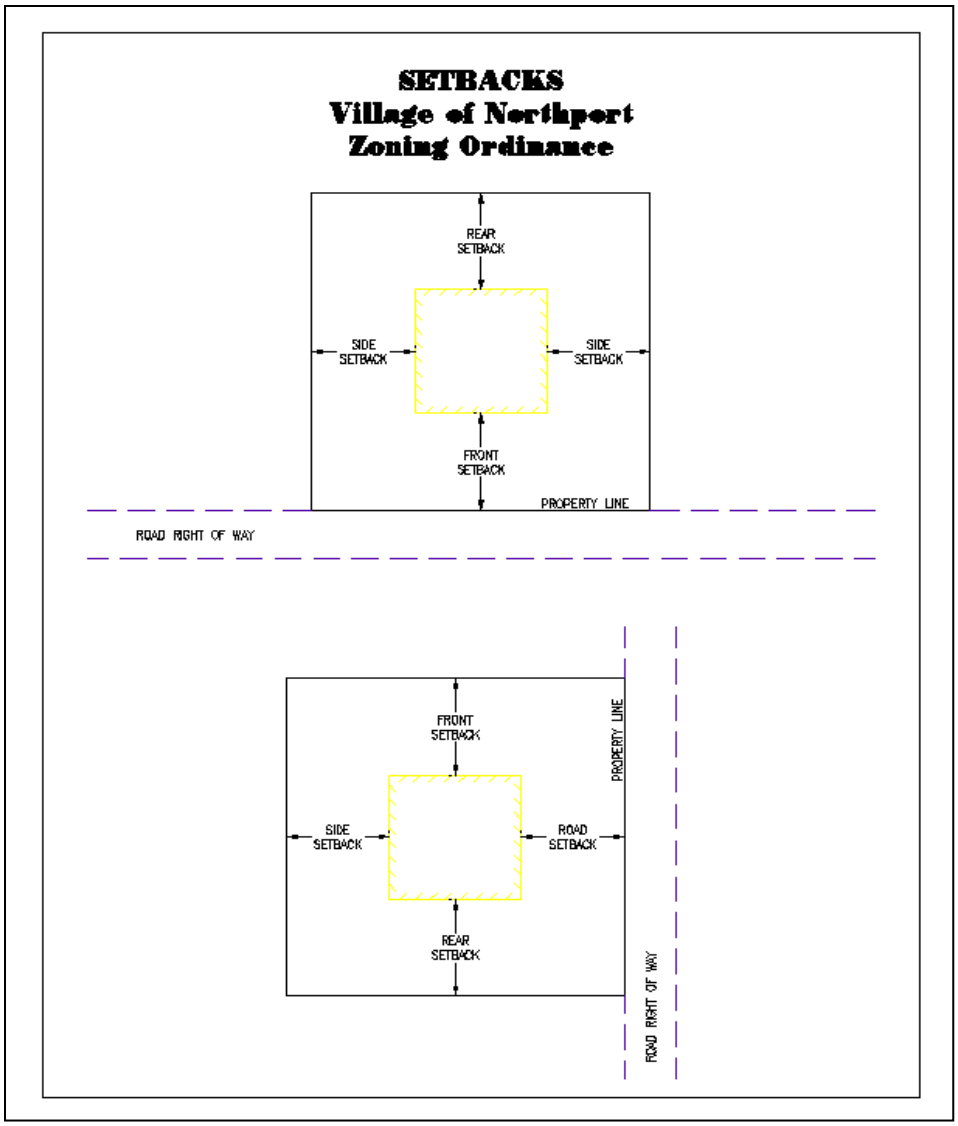
BUILDING. Anything which is constructed or erected, including a mobile home, having a roof supported by columns, walls, or other supports, which is used for the purpose of housing or storing of persons, or personal property or carrying on business activities or other similar uses.

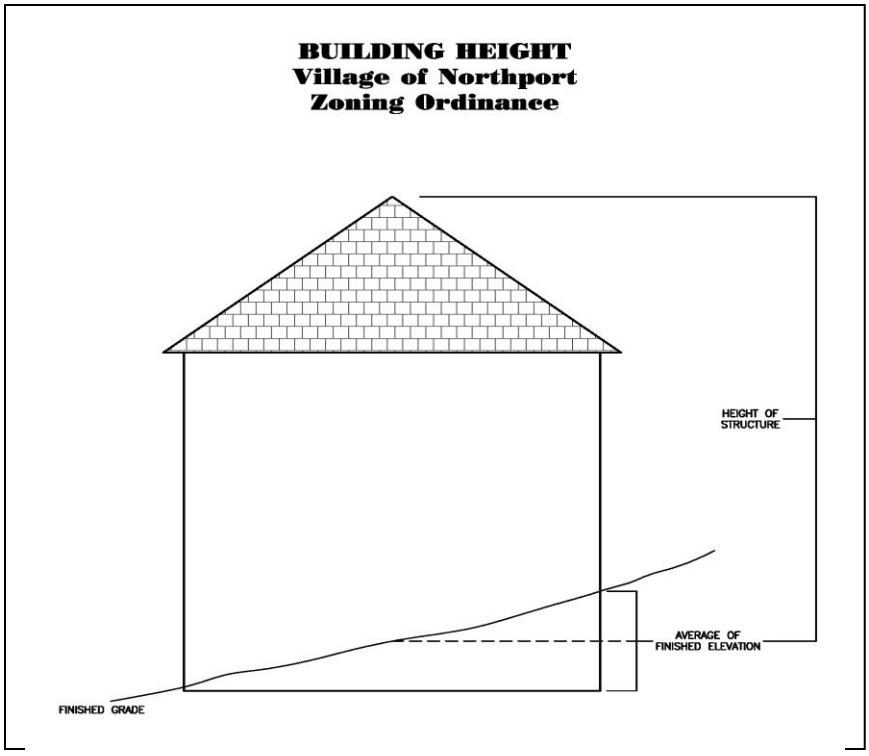
BUILDING HEIGHT. The vertical distance between the average ground surface elevation where a structure intersects finished grade and the highest point of a structure (see diagram on next page). See picture on the next page.

BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM. A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows that generate electricity.

BUILDING SETBACK. The measurement from the property line to the nearest point of any portion of a building or structure, including eaves or overhangs. See picture on the next page.

CHILD DAYCARE FACILITY, GROUP. A private home in which more than six (6) but not more than twelve (12) minor children receive care and supervision for periods of less than twenty-four (24) hours a day, for more than four (4) weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. ***A group childcare home includes a private home with increased capacity in accordance with the Child Care Organizations Act, being PA 116, Public Acts of 1973, as amended.***


SETBACKS
Village of Northport
Zoning Ordinance
REAR SETBACK
SIDE SETBACK
SIDE SETBACK
FRONT SETBACK
PROPERTY LINE
ROAD RIGHT OF WAY
FRONT SETBACK
PROPERTY LINE
SIDE SETBACK
ROAD SETBACK
REAR SETBACK
ROAD RIGHT OF WAY


BUILDING HEIGHT
Village of Northport
Zoning Ordinance
HEIGHT OF STRUCTURE
AVERAGE OF FINISHED ELEVATION
FINISHED GRADE

CHILD DAYCARE FACILITY, HOME. A state licensed private home in which no more than six (6) minor children are given care and supervision for periods of less than twenty-four (24) hours per day unattended by parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. ***A family child care home includes a private home with increased capacity in accordance with the Child Care Organizations Act, being Act 116 of 1973, as amended.***

CHILD DAYCARE FACILITY, SCHOOL. A facility, other than a private residence, receiving one or more infant, toddler, preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Childcare center or daycare center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, daycare center, day nursery, nursery school, parent cooperative preschool, play-group, or drop-in center.

COLOCATE/COLOCATION**.** The location by two (2) or more wireless telecommunication providers of wireless telecommunication facilities on a common structure, tower or building with the intent of reducing the overall number of structures required in the community.

CROSS ACCESS. A method whereby access to property crosses one (1) or more contiguous or adjacent properties. These may include driveway or parking lot connections with cross easements.

CORNER LOT. A lot that has at least two contiguous sides abutting upon a street for their full length.

DISCONTINUANCE. A use shall be considered discontinued and abandoned if the property owner is not able to provide adequate proof that the use has been in active operation for the specified time period. Proof of active operation may include such information as utility records, sales receipts, maintenance records, business transactions and dated photographs.

DISTRICTS. Districts as used herein is synonymous with the word “zones” or “zoning districts."

DRIVE-THROUGH BUSINESS. A business which by design, physical facilities or service permits customers to receive goods or services while remaining in their vehicles ***shall not be permitted within any district***.

DRIVEWAY. An access allowing ingress and egress from a lot to a street, road, alley, or highway. ***All driveway access to Village streets, roads, or alleys will be required to have a Village Driveway Permit. Said access shall be a paved apron from the road right of way to the paved portion of the Village street, road or alley. Minimum driveway width for residential properties shall be nine (9) ~~twelve (12)~~ feet. Commercial driveway widths shall be determined by a site plan review.***

DWELLING. Any building or portion thereof which is occupied in whole or in part as a home residence, or sleeping place, either permanently or temporarily, by one or more families, but not including motels, hotels, tourist rooms or cabins.

DWELLING, MULTI-FAMILY. A building designed for use and occupancy by three (3) or more families.

DWELLING, SINGLE FAMILY. A building designed for use and occupancy by one (1) family only.

DWELLING, TWO FAMILY. A building designed for use and occupancy by two (2) families only.

DWELLING UNIT. One room or suite or two or more rooms designed for use or occupancy by one family for living and sleeping purposes with housekeeping facilities.

EASEMENT. A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity. If the easement is used for access to a property, then it shall be considered a driveway for purposes of this Ordinance.

ESSENTIAL SERVICES. The construction, alteration or maintenance by private companies or public departments or agencies of the various transmissions, distribution or disposal systems that are essential for the preservation of the public health, safety or general welfare such as: gas, electricity, ***telecommunications*** ~~***telephone***~~, water and sewer. Also, this term includes all poles, wires, mains, drains, sewers, pipes, cables, traffic signals, hydrants and other similar equipment or accessories reasonably necessary to provide adequate service of the companies or agencies; but, the term shall not include building or utility substations.

FAMILY. An individual, or two (2) or more who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or a collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include rooming or boarding houses or any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonable nature or for an anticipated limited duration of a school term or other similar determinable period.

FENCE. An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

FINISHED GRADE. The proposed elevation of land of a site after completion of all site preparation work.

FLOOR AREA. The floor area of all floors of a building or an addition to an existing building. For all buildings except dwelling units used for dwelling purposes, floor area shall include the

basement. The area of a floor is computed by measuring the interior faces of the exterior walls of a building.

FORMULA BUSINESS. A business that is required by contractual or other arrangement to maintain any of the following: standardized services, décor, uniforms, architecture, signs, or other similar features. This definition shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale, and industrial operations.

FORMULA RESTAURANT. A restaurant devoted to the preparation and offering of food or beverage for sale to the public for consumption either on or off the premises and which is required by contractual or other arrangement to offer any of the following: standardized menus, ingredients, food preparation, décor, uniforms, architecture, or similar standardized features.

GARAGE, COMMERCIAL**.** A building, structure, or lot or, a portion thereof, used for the repair, cleaning, sewing, equipping, painting or diagnosing of motor vehicles when operated as a business, whether or not registered as a Motor Vehicle Repair Facility pursuant to Act 300 of the public acts of 1974, as amended.

GARAGE, RESIDENTIAL. A building, that is either detached or attached and used for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service, repair or storage of a commercial or public nature. For purposes of use classifications in this Ordinance, Residential Garages are considered an accessory use.

HOME OCCUPATION. ~~***A gainful occupation traditionally or customarily carried on in the home as a use incidental to the use of the home as a dwelling place, which conforms to the provisions stated in this Ordinance.***~~ ***A profession, occupation, activity or use entirely conducted within a dwelling or accessory structure which is incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character or the neighborhood.***

IMPROVEMENTS. "Improvements" means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

INOPERABLE OR DISMANTLED VEHICLE. Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

INSTITUTIONAL USES. Includes churches; accredited public, parochial or private schools; trade schools or colleges; hospitals; parks, non-profit recreational uses; libraries; government owned facilities***; museums;*** fire stations or similar uses providing services necessary to the community.

INTENSITY OF DEVELOPMENT. "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

JUNK YARDS. Where junk, waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including wrecked vehicles, used building materials, structural materials and equipment and other manufactured goods that are worn, deteriorated or obsolete. Screening to comply with county code.

KENNEL. Any land, building or structure where four (4) dogs are boarded housed or bred as a business.

LOT AND LOT WIDTH. A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory structures or utilized for a principal use and accessory uses, together with such open spaces as are required by this Ordinance. In the case of site condominium subdivisions, a lot shall also include the portion of the condominium project designed and intended for separate ownership and use as described in the master deed. Lot width shall be measured at the front building line. Lot area cannot include any part of a public right-of-way.

LOT AREA. The total horizontal area within the lot lines of the lot ***and does not include any part of the public right-of-way***.

LOT: CORNER, INTERIOR AND THROUGH:

1. Corner Lot is a lot that has at least two contiguous sides abutting upon a street.
2. Interior Lot is a lot other than a Corner Lot.
3. Through Lot is an Interior Lot having frontage on two streets that do not intersect at a point contiguous to such lot.

LOT COVERAGE: That portion of a lot that is covered by buildings, including accessory buildings, porches, decks, and breezeways.

LOT LINES. The lines abutting a lot as defined herein:

1. Lot Line, Front. That line separating the lot from the street. In case of a corner lot or through lot, the lines separating the lot from each street***, and a corner lot shall have two front yard setbacks***.
2. Lot Line, Rear. Lot line, which is opposite the front line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one designated rear lot line, the other lot line shall be designated a side lot line. The rear lot line shall be designated by the property owner.

3. Lot Line, Waterfront. The surveyed property line along the shore of a body of water.

In the case of a lot with side lot lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

LOT OF RECORD. A parcel of land where the dimensions are shown on a document or on a map that is on file with the County Register of Deeds.

MAJOR STREET. A public street, the principal use or function of which is to provide an arterial route through traffic, with its secondary use or function the provision of access to abutting property.

MINOR STREET. A public way, the principal use or function of which is to give access to abutting properties. This includes local neighborhood street network for property access.

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 in the structure***, and meets the definition for mobile home as defined in the Michigan Mobile Home Commission Act, PA 96 of 1987, as amended***.

MOBILE HOME PARK. A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual non-recreational basis 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 the incident uses of the occupancy of a mobile home.

MOTEL. A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units that may or may not be independently accessible from the outside with garage or parking space located on the lot and designed for, or occupied by, automobile travelers. The terms shall include any building or building groups designated as motor lodges, transient cabins or by any other title intended to identify them as providing lodging with or without meals for compensation on a transient basis.

NONCONFORMING USE. A use legally existing at the time of adoption of this Ordinance, which does not meet the use requirements of the district within which located.

NONCONFORMING STRUCTURE. A structure legally existing at the time of adoption of this Ordinance, which does not meet the dimensional requirements of the district within which located.

OUTDOOR SALES. The display and sale of merchandise beyond the perimeter of a building.

PARKING AREA. An off-street open area, the principal use of which is for the parking of automobiles, whether for compensation or not, as an accommodation to clients, customers, visitors or employees. Parking area shall include access drives within the actual parking area.

PHOTOVOLTAIC DEVICE. A system of components that generates electrical energy from incidental sunlight by means of photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

PLANNED UNIT DEVELOPMENT. A tract of land developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.

PRACTICAL DIFFICULTY. For determining dimensional variances, a practical difficulty exists when all four of the following apply:

1) Strict compliance with the standard would unreasonably prevent the landowner from using the property for a permitted use or would render conformity necessarily burdensome.

2) The practical request, or a lesser relaxation of the ordinance standard, would provide substantial justice to the landowner and neighbors.

3) The plight of the applicant is due to unique circumstances of the property and is not shared by neighboring properties in the same zone.

4) The problem is not self-created.

PRINCIPAL OR MAIN USE. The primary or predominant use of any lot or parcel.

RECREATION VEHICLE. A vehicle-type portable structure without a permanent foundation that can be towed, hauled, or driven and is 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.

RELIGIOUS INSTITUTION. A building where persons regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such a primary purpose.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses. Generally the right of one to pass ***across*** ~~***over***~~ the property of another.

SENIOR CITIZEN ACCOMMODATION LIVING. Housing where occupants are fifty-five (55) years or older or are physically handicapped.

SETBACK. The minimum distance by which a building or structure shall be separated from a lot line. As stated in the Building Setback definition, the measurement for a setback shall be taken from the property line to the nearest point of any building or structure, including eaves or ***overhangs*** ~~***overhands***~~. The undeveloped land area that is within the required setback area is the yard. (See Yard Definitions.)

SEXUALLY ORIENTED BUSINESS DEFINITIONS

Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated of slug-operated or electronically, electrically or mechanically controlled still or motion

picture machines, projectors or other image-producing devices are maintained to show images for any form of consideration to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas as defined herein.

Adult Book and Video Store. A business which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

a) books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
b) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

Adult Cabaret. A nightclub, bar, restaurant or similar business, which regularly features:

a) persons who appear in a state of semi-nudity or nudity;
b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
c) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
d) persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Massage Parlor. A massage parlor that provides for any form of consideration, the rubbing, stroking, kneading, tapping or rolling of the body in a manner that is characterized by an emphasis on specified sexual activities or specified anatomical areas.

Adult Motel and Hotel. A hotel or motel or similar commercial establishment that:

a) offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproduction;
b) offers a sleeping room for rent for any form of consideration for a predesignated period of time that is less than twelve hours; or
c) allows a tenant or occupant of a sleeping room to sub-rent the room for any form of consideration for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction of specified sexual activities or specified anatomical areas.

Adult Novelty Store. A business that sells devices for any form of consideration that stimulate human genitals or are designed for sexual stimulation.

Adult Panorama. A business where patrons are entertained for any form of consideration by viewing individual booths, films, tapes or live entertainment showing specified sexual activities or specified anatomical areas.

Adult Theater. A theater, concert hall, auditorium or similar business establishment which regularly features persons who appear in a state of nudity or live performances which are

characterized by the exposure of specified anatomical areas or by specified sexual activities.

Burlesque Hall. A business that regularly features entertainers showing specified anatomical areas or specified sexual activities.

Escort Agency. A person or business, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

Nude Model Studio. A place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by other persons who pay money or any form of consideration.

Sexual Encounter Center. A business that, as one of its principal business purposes, offers for any form of consideration:

a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Specified Anatomical Areas. The male genitals and female breasts in a state of arousal and/or the vulva or more intimate parts of the female genitals.

Specified Sexual Activities including any of the following:

a) fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
b) sex acts, actual or simulated, including intercourse, oral copulation or sodomy;
c) masturbation, actual or simulated; or
d) excretory functions as part of or in connection with any of the activities set forth in a. through c. above.

SHARED ACCESS. A method whereby adjoining property owners share a common access to a street or highway. These accesses are generally located at the common property line but may be located entirely on one property with access to another property by easement or other access agreement.

SIGNS.

1. A sign is a name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, project, place, activity, person, institution, organization or business. Signs located completely within an enclosed building shall not constitute a "sign" for purposes of this Ordinance.
2. Identity Sign: A sign that carries only the name of the firm, major enterprise or the principal product offered for sale on the premises, or combination of these.
3. Directional Sign: A sign showing the direction to a specific location.
4. Sign Area: The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame or border. The sign area shall not include necessary supporting framework if functionally proportional and incidental to the display, such as braces, brackets posts, and uprights. Decorative features, if not a vital part of the supporting framework shall be included in the sign area calculation. Curved, spherical or any other shaped sign face shall be computed on the basis of actual surface area. The copy of signs composed of individual letters, numerals or

other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of said letters or devices. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide, are parallel and are not more than twelve (12) inches apart.

SITE PLAN. The required set of documents and drawings necessary for the Village, its officials, and the Planning Commission to determine that the proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SOLAR ARRAY. Any number of photovoltaic devices connected together to provide a single output of electrical energy or other energy.

SOLAR ENERGY SYSTEM - LARGE. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by photovoltaic devices or other conversion technology, for the sale, delivery or consumption of the generated energy by more than one end-user, and typically the power output of that system is equal to or greater than 1 megawatt.

SOLAR ENERGY SYSTEM - SMALL. A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether photovoltaic devices or other conversion technology, primarily for consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts. Small solar energy systems shall only be an accessory use to a primary use.

STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the State of Michigan to provide resident services or care for six (6) or fewer persons under 24-hour supervision for persons in need of that care or supervision. This definition does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from adult correction institutions.

SITE CONDOMINIUM SUBDIVISIONS. The division of land on the basis of condominium ownership whereby a master deed is required in accordance with the Condominium Act, Act 59 of 1978, as amended.

STORY. The portion of a building between the surface of any floor at grade level and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above it.

STREET. A publicly or privately owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including buildings, signs, billboards, antennas, swimming pools, parking areas, sheds and decks. The term "structure" shall not include fences and driveways.

SUBDIVISION. A subdivision as defined by the State Land Division Act of 1967.

TELECOMMUNICATIONS TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice and monopole towers and guyed towers. The term includes towers such as radio and television transmission towers, microwave towers, common-carrier towers and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

TRANSIENT. Short term rental of an accommodation for less than 30 days without a lease or contract.

UNDEVELOPED STATE. Land that is in a natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

UNDERGROUND HOME. A residence with sides which are either partially or totally below grade designed as a complete living unit. An underground home shall include earth-bermed, earth sheltered and envelope homes and similar dwelling units. The underground home shall be at grade on one side or have one exit at a common grade to the interior of the home.

USE. The principal purpose, for which land or a building is arranged, designed or intended or for which land or a building is or may be occupied.

VEHICLE. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices propelled by human power or used exclusively upon stationary rails or tracks.

WIND ENERGY CONVERSION SYSTEM (WECS). A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the off-site electrical grid.

WIND ENERGY CONVERSION SYSTEM - ON-SITE. A wind energy conversion system which has a rated capacity of not more than 100 kilowatts (kW) and which is primarily intended to eliminate or reduce on-site consumption of utility power.

WIND ENERGY CONVERSION SYSTEM – RESIDENTIAL. A wind energy system which has a rated capacity of not more than 15 kilowatts (kW) and which is accessory to the site's residential structure and generates power for the sole use of the permitted residential use.

YARD. The minimum amount of specified open space area (can be stated as a setback) that is required to be unoccupied and unobstructed by any building or structure or portion thereof from thirty (30) inches above the general ground level of the lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

This Zoning Ordinance states the minimum yard requirements for each lot in the District Regulations. If the location of a structure exceeds the minimum yard requirement (such as placing a building forty (40) feet from the lot line instead of the minimum requirement of thirty-five (35) feet) the additional footage (five (5) feet in this example) shall not become a setback requirement. The minimum yard requirement shall continue to be the one explicitly stated in this Zoning Ordinance (35 feet in this example).

YARD – EXCESS. The unoccupied land area that is not within the required yard area, but provides additional open space.

YARD - FRONT. A yard extending across the full width of the lot, the depth of which is the distance between the front property line and the nearest exterior point of a building or structure. In the case of waterfront lots, the yard fronting on the street shall be considered the front yard.

YARD - REAR. A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest exterior point of a building or structure.

YARD - SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the side lot line to the nearest exterior point of a building or structure.

YARD – WATERFRONT. A yard measured from the ***ordinary*** high water mark established by the ~~***State of Michigan Water Resources Commission***~~ ***US Army Corps of Engineers*** to the nearest exterior point of a building or structure.

ZONING ADMINISTRATOR. The administrator of this Ordinance, appointed by Village Council.

ZONING PERMIT. A standard form issued by the Zoning Administrator, upon application and declaration by the owner or his or her duly authorized agent, granting approval for the construction or use for which an application was made.

ARTICLE 3

GENERAL PROVISIONS

(Renumber Section to eliminate reserve sections and Section 3.17)

3.01 ACCESS TO A STREET. Any lot created after the effective date of this Ordinance shall have frontage on a public or private street, except as may be approved as a planned unit development in accordance with the provisions of this Ordinance.

3.02 ACCESSORY ***~~BUILDINGS~~ STRUCTURES*** AND GARAGES.

1. Setbacks. All accessory ***structures*** ***~~buildings~~*** shall be subject to the same front yard setback requirements as the principal building in that district, except provided in this section. Side ***~~and rear yard~~*** setback requirements for accessory ***structures*** ***~~buildings~~*** and for garages (either attached or detached) shall be at least ***five (5)*** ***~~eight (8)~~*** feet from adjacent property lines. ***In the rear yard only, all accessory buildings and detached garages may have setbacks of at least three (3) feet from the side and/or rear lot lines.***

2. In Any R or C District. Detached ***structures*** ***~~buildings~~*** shall not exceed a height of one story or fifteen (15) feet. The height of detached or attached garages shall not exceed the height of the principal building and, in all cases, shall not exceed thirty-five (35) feet in height.

3. In Any R District. Adequate off-street parking for vehicles shall be provided.

3.03 ANNEXATION. Any land that is annexed to the Village shall be classified R-1 Residential District immediately upon annexation to the Village and shall remain as such until the land is officially rezoned. If the R-1 zoning is inconsistent with the zoning and use of surrounding properties, the Village shall initiate the rezoning of the property within six (6) months of the date of the annexation.

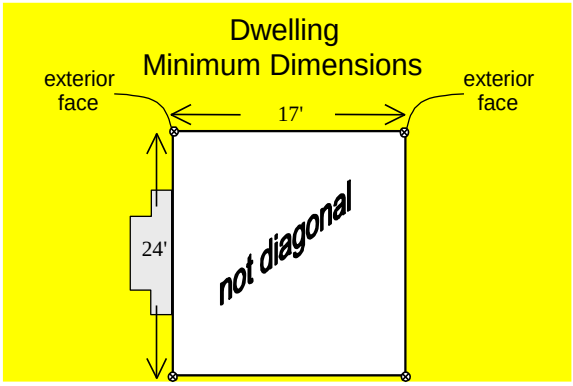
3.04 BASEMENT DWELLINGS. ***Unless approved by the Building Official, t~~T~~***he use of any basement as a residence or dwelling unit is prohibited in all districts. This section shall not exclude underground homes or other similar dwelling units from locating in the Village.

3.05 ***CLEAR VISION TRIANGLE ~~CORNER LOT~~***. Any yard that abuts a street right-of-way shall meet the front yard requirements of the district in which it is located. No fence, structure or planting over thirty (30) inches in height shall be planted or erected on the street side of a line drawn between two points each being twenty (20) feet from the intersection of the rights-of-way of two intersecting streets.

3.06 DAMAGED BUILDINGS. A building damaged by fire, collapse, or an act of God to such an extent that the cost of repair and reconstruction exceeds 50 percent of its replacement value at the time the damage occurred shall be repaired or reconstructed according to the provisions of Article 4.

3.07 DWELLINGS ON MORE THAN ONE LOT. If a structure is to be located on a parcel of land containing two or more lots under single ownership, the entire parcel shall be considered a "lot" for purposes of this Ordinance.

3.08 DWELLING UNITS. All dwelling units located outside of a mobile home park shall comply with the following conditions (does not apply to accessory dwelling units):



1. All dwelling units shall meet the requirements of the district in which it is located, including living area requirements and area, height, and dimension regulations.

2. There shall be a minimum width throughout the entire length of the dwelling unit of seventeen (17) feet measured between the outside walls having the greatest length and the minimum permitted size shall be ***408*** ~~***578***~~ square feet.

3. All wheels, towing mechanisms, and tongues of mobile homes shall be removed and none of the undercarriage shall be visible from outside the mobile home.

4. Exterior building materials of all dwelling units shall extend to the foundation on all sides.

5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code adopted by the County, or a mobile home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."

6. All dwellings ***in the Sewer Assessment District*** shall be connected to a public sewer system and water supply system. ***If outside the Sewer Assessment District, the dwelling shall have*** ~~***and/o***~~r a well ***and*** ~~***or***~~ septic system approved by the Benzie-Leelanau County Health Department.

7. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.

8. All additions to dwellings shall meet all of the requirements of this Ordinance.

9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be

determined ~~*by the*~~ ***at the discretion of the*** Zoning Administrator ***or at the request of the applicant by the*** ~~***and***~~ ***Planning Commission*** ~~***upon***~~ ***during*** review of the plans submitted for a particular dwelling. 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.

10. All mobile homes must meet standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the County.

3.09 ESSENTIAL PUBLIC SERVICES. It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain essential public services including buildings, reasonably necessary for the furnishing of adequate services for the public health, safety and general welfare, in any zone, area or use district of the Village; provided that the erection or construction of any or all above-grade construction consisting of necessary buildings and structures shall be designed and erected to conform harmoniously with the general architecture and plan of such district in which it is to be erected and shall be subject to the approval of the ***Planning Commission*** ~~***Board of Appeals***~~.

The ***Planning Commission*** ~~***Board of Appeal***~~s is granted the power to permit any public service corporation, contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building, or a structure for the aforesaid public utility purposes in any permitted district to a greater height or of a greater area than the district requirements herein established; and to permit the location in any use district of a public utility building or structure providing such ***that the Planning Commission*** ~~***Board of Appeals***~~ shall find such use, height, area, building or structure necessary for public convenience and service, provided that such public building, structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district and the advantage of the proposed location to the utility is not outweighed by the detriment to the locality and a different suitable location is not readily available.

3.10 HEIGHT EXCEPTIONS. The following structural appurtenances shall be permitted to exceed the height limitations for authorized uses.

1. Ornamental in purpose, such as church steeples, belfries, cupolas, domes, ornamental towers and flagpoles provided such structural elements do not exceed 20% of the gross roof area.

2. Appurtenances to mechanical or structural functions such as chimneys and smokestacks, water tanks, ventilators and communications towers provided the ***Planning Commission*** ~~***Zoning Board of Appeals***~~ approves such appurtenances.

~~***3.11 RESERVED***~~

3.12 HOME OCCUPATION REQUIREMENTS. All home occupations, as defined in Article 2, shall meet all of the following conditions:

1. The home occupation shall be operated in its entirety within the principal dwelling or a residential type garage or within any other accessory building located on the lot.

2. The activity is carried out by the person(s) who reside within the principal dwelling, and no more than one (1) persons residing elsewhere is employed at this location.

3. The use of the dwelling unit and residential type garage for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than 25 % of the floor area of the dwelling unit (excluding garage) shall be used in the conduct of the home occupation.

4. No alteration to the exterior of the residential dwelling, accessory building or yard that alters the residential character of the premises is permitted. One sign, not exceeding three (3) square feet in area, non-illuminated, freestanding or mounted flat against the wall of the main building will be allowed.

5. The occupation shall not involve any alteration or construction not customarily found in dwellings.

6. The home occupation shall not generate vehicular traffic beyond that normally generated by standard single family homes in the residential neighborhood. Parking shall be provided off of the street and on the premises. The designated parking area shall be in similar size to the parking areas for the surrounding housing units on the street.

7. No sale or rental of goods shall be allowed on the premises except as secondary and incidental to the furnishing of a service.

3.13 INOPERATIVE OR DISMANTLED VEHICLES. The storage of dismantled, wrecked and/or unlicensed vehicles required to be licensed by the State within any district is expressly prohibited unless contained within a junk yard or an enclosed structure or provided the storage does not exceed one (1) month.

3.14 KEEPING OF ANIMALS. It shall be unlawful to keep animals that are injurious to the health, welfare and safety of the public.

3.15 MILL POND, ***NORTHPORT CREEK, AND WETLANDS*** ~~***AND SUCKER CREEK***~~ SETBACK. Any new construction within ***seventy-five (75)*** ~~***fifty (50) feet***~~ of the Mill Pond or ***Northport*** ~~***Sucker***~~ Creek or any of its associated wetlands ***or Michigan regulated wetland*** is prohibited. New construction includes buildings, shed, septic fields, parking lots, and bridges. Any other types of construction will not be permitted, except for pathways, decks under ***120*** ~~***200***~~ square feet, and erosion control measures. Existing constructed buildings may be replaced in the original footprint of the building if other permitting agencies issues a permit.

3.16 MOVING OF STRUCTURES. The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. The Building Inspector and/or Zoning Administrator may require a performance bond prior to such moving.

3.17 OUTDOOR LIGHTING. The outdoor lighting of yards, parking areas, buildings, grounds, signs, private roads, and waters shall be designed and constructed to insure that direct or directly reflected light is confined to the site on which the light is located and lamps and luminaries are hooded to insure that there will be no direct light spillage beyond the boundaries of the site or private road right-of-way.

3.18 PARKING VEHICLES. Storage of commercial vehicles exceeding a rated capacity of two and one-half tons is prohibited in all residential districts. Temporary off-street parking of such vehicles may be permitted in residential districts, not to exceed 24 hours per week.

3.19 PERFORMANCE STANDARDS

1. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour, which is:

    a. as dark or darker in shade as that designated as No. ½ on the Ringelmann chart, as published by the United States Bureau of Mines; or

    b. of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in the above subsection.

    c. At no time may smoke emissions be darker than Ringelmann No. 1.

2. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations that are offensive, produce a public nuisance or hazard on any adjoining lot or property, or could be detrimental to human, plant, or animal life.

3. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed 50% excess air.

4. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in

excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as to not cause a nuisance across any lot lines.
If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

5. Noise. The intensity level of sounds shall not exceed the following decibel levels measured at the common lot line when adjacent to the following types of uses:

In Decibels (dbal)	Adjacent Use
55	Residential Dwellings/Parks/Playgrounds
65	Institutional Uses/Day Nurseries
70	Industrial and Other

3.20 PRINCIPAL USE. Only one principal use shall be permitted on a lot, except as otherwise specifically permitted. A single-family dwelling, other than a farm dwelling, shall constitute a principal use. Only one principal single-family dwelling shall be permitted on a lot.

3.21 PRIOR PERMITS. Any building and/or zoning permit issued prior to the adoption of this Ordinance, shall be valid, provided it complies fully with the regulations in effect at the time of issuance of the building and/or zoning permit and further provided the construction is meaningfully commenced within six (6) months of the date of issuance of the building or zoning permit. In the event construction is not so commenced within the 6-month period following issuance, the building, structure, or use for which the permit was issued shall be required to conform to all of the provisions of this Ordinance.

~~3.22 RESERVED~~

~~3.23 RESERVED~~

3.24 SATELLITE DISH AND ANTENNA. A satellite dish or antenna shall meet the side and rear yard requirements of the district in which it is located.

~~3.25 RESERVED~~

3.26 SITE CONDOMINIUM AND REGULAR SUBDIVISIONS
The purpose of this Section is to regulate the creation and use of regular subdivisions and condominium subdivision developments within the Village and to promote and protect the health, safety and general welfare of the public. These regulations and controls shall in no way repeal, annul or in any way interfere with the provisions and standards of any other State and Federal laws and regulations.

A. General Requirements**.** The following general requirements shall apply.

1. Compliance with Federal, State and Local Laws**.** All regular subdivisions and condominium subdivisions shall comply with all applicable Federal, State and local laws and ordinances.

2. Zoning Standards. Subdivision and condominium subdivisions shall comply with all of the zoning standards of this Ordinance.

3. Residential Design. The design of single-family units in a regular subdivision and in a condominium subdivision shall provide a varied street scene and eliminate the reuse of identical or substantially similar buildings in close proximity. The following restrictions shall apply in new residential developments.

    a. Identical or similar buildings shall not be repeated more frequently than every fourth (4) house along the same side of any street.

    b. Buildings shall be considered similar if they have similar building mass and building form.

4. Required Review and Approval. Prior to the recording of a subdivision under the Land Division Act of 1967, or a master deed, required by Section 72 of the Condominium Act, the project shall undergo Site Plan Review and approval by the ***Planning Commission*** ~~***Village Council***~~ in accordance with Article X VIII of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or convert a regular subdivision or a condominium subdivision in the Village.

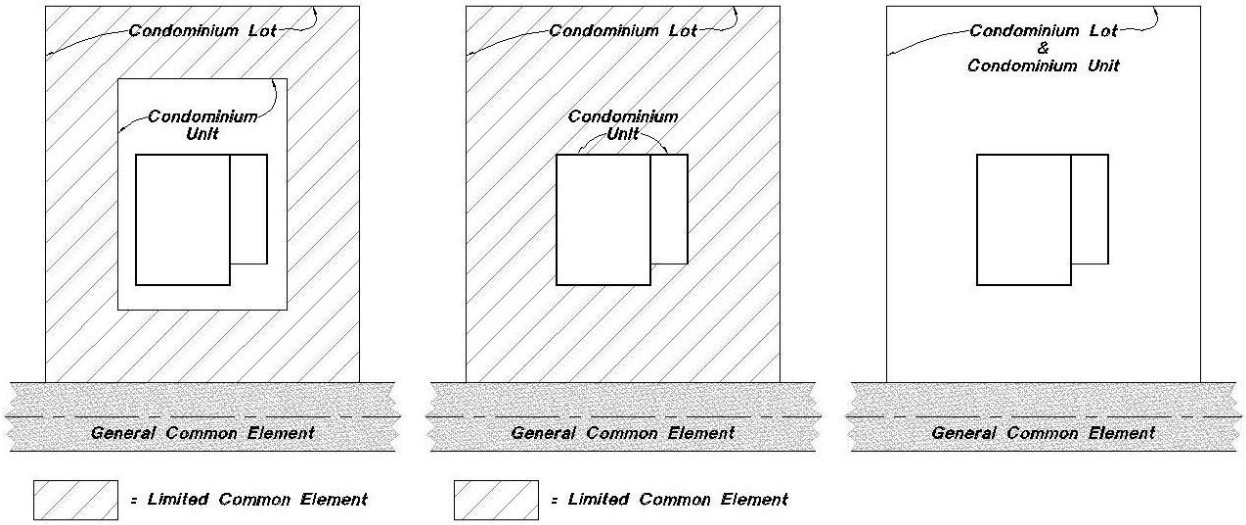
5. Compliance of Lot. For the purposes of these regulations, each lot in a regular subdivision and each lot in a condominium subdivision shall be considered as a single lot and shall comply with all of the regulations of the Zoning District in which it is located. In a regular subdivision and a condominium subdivision containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a lot and no dwelling unit shall be located on a lot with any other principal structure or use. Required yards shall be measured from the boundaries of a regular subdivision or condominium lot.

6. Easements for Utilities. Road rights-of-way shall be dedicated to the public or an association. The rights-of-way shall be for roadway purposes and for maintaining, repairing, altering, replacing, and/or removing pipelines, wires, poles, mains, conduits, and other installations of a similar nature, hereinafter collectively called "public infrastructure," for the purpose of providing public utilities, including electric, communications, water, drainage and sewers.

7. All utilities shall be installed underground including electrical and telecommunications infrastructure networks.

8. Three Scenarios of Condominium Elements

In a Single Family Detached Condominium Project



B. Procedures for Site Plan Review. The following procedures shall apply.

1. Required Information.

a. All regular subdivisions and condominium subdivisions shall include the information required by the respective Acts and all other information required under the regulations pertaining to the Zoning District in which the subdivision or condominium subdivision is proposed or located.

b. In the case of a regular subdivision or a condominium subdivision consisting of single-family detached dwelling units, the location and dimensions of regular subdivision lots and condominium lots and units and required yards shall be shown on the Site Plan.

2. Site Plan Review.

a. An application for Site Plan approval shall be filed for review per the requirements of Article 18 of this Ordinance. All procedures and standards of Article 18 shall apply to regular subdivisions and condominium subdivisions.

b. For regular subdivision deed restrictions, if any, shall accompany the application. For condominium subdivisions, the application for Site Plan Review shall also include a copy of the proposed Master Deed. Both shall be reviewed and approved by the Village Council and thereafter recorded with the County Register of Deeds.

c. For regular subdivision deed restrictions, if any, and for condominium subdivisions, the Master Deed shall be reviewed with respect to all matters subject to regulation by the Village, including but not limited to: the description, boundaries, use and preservation of common elements; the maintenance of drainage, retention ponds, wetlands and other natural areas; and the maintenance of landscaping in common areas of the project. For a condominium subdivision, the Master Deed shall provide for the means by which any private road right-of-way may be dedicated to the public entity having jurisdiction in the future should the Condominium Association deem such dedication later appropriate.

3. Performance Guarantees. As a condition of approval of the Site Plan for a regular subdivision or a condominium subdivision, the Village Council may require surety by the developer to make improvements shown on the Site Plan and to insure completion of filing requirements in accordance with this Ordinance.

4. Manufactured Home Condominium Project. Manufactured home condominium developments shall conform to the requirements of this Ordinance in accordance with the Condominium Act, and other applicable Local and State laws, ordinances, and regulations.

5. Additional Filings Required**.** Subsequent to the recording of the subdivision, and associated deed restrictions, or the Master Deed for a condominium subdivision, and subsequent to the construction of improvements, the developer shall file the following information with the Village Clerk:

a. One (1) mylar copy and five (5) prints of the as-built subdivision or condominium subdivision plans.

b. Two (2) copies of the recorded deed restrictions for a regular subdivision or the Master Deed for a condominium subdivision with all pertinent attachments. The Master Deed shall ensure that the Village will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided and there will be adequate access and turnaround for emergency vehicles. Responsibility for the maintenance of storm water retention areas, drainage easements, drainage structures, lawn cutting and other general maintenance of common areas shall be clearly stated.

c. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

d. Upon fulfillment of all requirements, the developer shall apply to the Village Clerk for release of performance guarantees.

3.27 SOLAR ***ENERGY SYSTEMS*** ~~***PANELS AND WIND GENERATORS***~~. ***To support the development of renewable energy options within the Village, solar energy systems shall be permitted and subject to reasonable conditions that will protect the public health, safety, and welfare.***

1. ***Solar Energy Systems – Small. May be installed as a right if the following requirements are met:***
   - ***a. Solar energy systems – small shall be an accessory use to the site's primary use.***
   - ***b. No freestanding solar arrays shall be permitted in the front yard.***
   - ***c. Freestanding solar arrays shall meet all side and rear yard setbacks of the districts in which they are located.***
   - ***d. Residential small solar energy systems are limited to 1,000 square feet in size while commercial and industrial small solar energy systems are limited to 10,000 square feet in size.***
   - ***e. Maximum height of ground-mounted arrays in residential districts is eight feet while maximum height in all other districts is twelve (12) feet.***
   - ***f. Ground-mounted arrays shall be buffered from adjoining properties by a continuous opaque buffer hedge measuring at least six feet in height and encircling the entire solar array. Area occupied by ground-mounted arrays shall count towards the calculation of lot coverage and may only be located in non-required side or rear yards.***
   - ***g. Roof-mounted arrays on pitched roofs shall not extend above the peak of the roof. On flat roofs, arrays shall not extend more than five-feet above the parapet as long as the arrays are set back five feet from the edge of the roof. In no instance shall the solar array exceed the maximum permitted building height for the zoning district in which it is located.***
2. ***Solar Energy Systems – Large. May be installed as a special use in the D-1 Multi-Use district provided the following requirements are met:***
   - ***a. Minimum lot size of two acres***
   - ***b. No freestanding solar arrays shall be permitted in the front yard.***
   - ***c. Maximum height of ground-mounted arrays shall be twelve (12) feet in height when orientated at maximum vertical tilt.***
   - ***d. All solar arrays and support structures associated with such facilities (excluding perimeter fencing) shall be setback twenty (20) feet from the side and thirty (30) feet from the rear lot lines.***
   - ***e. All solar arrays and electrical equipment shall be setback no less than seventy-five feet from any adjacent residentially zoned or occupied structure.***

f. All electrical equipment besides the solar arrays shall be secured by a six (6) foot tall security fence.

g. During operation, the sound level of fifty (50) dBA of continuous sound as measured at the property line shall not be exceeded.

h. Buffering shall be provided so that concentrated glare is not directed towards or onto adjacent properties or roadways at any time of the day.

i. All electrical interconnections shall be buried underground within the site.

j. Additional Special Use Criteria: In addition to the special land use and site plan requirements found in Article 17 Special Uses and Article 18 Site Plan Review, the applicant shall address the following topics in the application for large solar energy system applications:

i. Project Description and Rationale: Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, developmental phases (and potential future expansions) and expected markets for the generated energy.

ii. Analysis of On-site Traffic: Estimated construction jobs and estimated permanent jobs associated with the development.

iii. Visual Impacts: Graphically demonstrate the visual impact of the project using photographs and renderings of the project with consideration given to setbacks and proposed landscaping.

iv. Environmental Analysis: Identify impacts on surface water quality and any impacts stormwater flows may have on established natural and private drainage features in the area.

v. Waste: Identify any solid or hazardous waste generated by the project.

vi. Lighting: Provide plans showing all lighting within the facility. No light may adversely affect adjacent parcels. Site lighting shall not reach any adjoining property lines.

vii. Transportation Plan: Provide a proposed access plan during construction and operational phases. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system. Due to infrequent access following construction, it is not required to pave or curb solar panel access drive.

viii. Public Safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.

ix. Sound Limitations: Identify noise levels at the property lines of the project when completed and operational.

x. Telecommunications Interference: Identify any electromagnetic fields and communications interference that may be generated by the project.

xi. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete or an abandoned solar energy system, as determined by the Building Official, Zoning Administrator, or any other expert or specialist to be designated by the Village to make such a determination, the applicant shall perform

decommissioning and removal of the large solar energy system and all its components. The Applicant shall prepare a decommissioning plan and submit the plan to the Planning Commission for review and approval prior to issuance of the Special Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping and other materials may be left in place. Any solar array or combination of photovoltaic devices that become an abandoned solar energy system shall be removed under the approved decommissioning plan. The ground must be restored to its original condition within 180 days of becoming an abandoned solar energy system, or decommissioning, whichever occurs first. If decommissioning is not completed within a 180-day period, the Village Council shall have the authority to complete any decommissioning and restoration activities necessary to restore the property to the condition in existence prior to the installation of the large solar energy system or any components thereof. Any costs incurred by the Village in pursuing such activities shall be at the expense of the Applicant, including the Applicant's continuing restoration security as provided by this Section.

xii. Continuing Security and Escrow: If any large solar energy system is approved for construction under this Section, the applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the large solar energy system has been finally removed, as provided below:

xiii. Continuing Restoration Security: If a Special Use Permit is approved pursuant to this Section, the Village Council shall require security in the form of a cash deposit, or surety bond acceptable to the Village, which will be furnished by the applicant to the Village in order to ensure full compliance with this Section and all conditions of approval. When determining the amount of each required security, the Village may also require an annual escalator or increase based on the Consumer Price Index (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Village Clerk after a Special Use Permit has been approved but before construction commences on the large solar energy system. At a minimum, the financial security shall be in an amount determined by the Village to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the large solar energy system. Such financial security shall be kept in full force and effect during the entire time that the large solar energy system exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a large solar energy system approved by the Village shall inform the Village in the event that system, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to

provide the Village with the security described by this section, along with relevant contact information.

xiv. Continuing Obligations: Failure to keep the required financial security and escrow deposit in full force and effect at all times while a large solar energy system exists or is in place shall constitute a material and significant violation of the Special Use Permit and this Ordinance, and will subject the large solar energy system applicant, owner and operator to all remedies available to the Village, including enforcement action pursuant to Section 17.03 and revocation of the Special Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this section.

xv. Transfer of Ownership/Operation: Prior to a change in the ownership or operation a large solar energy system, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Village at least sixty (60) days prior to that change becoming effective. This notice shall inform the Village of the intended transfer of control of the large solar energy system, and it shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the large solar energy system shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

xvi. Village Review: Because of the ever-changing technical capabilities of the photovoltaic solar panels and of new technology in general, the Village Planning Commission shall have the authority to review and consider alternatives in both the dimensional and physical requirements in this Section as a part of the Special Use Permit approval process.

3. Building integrated photovoltaic system. No zoning approval is required for building integrated photovoltaic systems that are not visible to the average resident, if the systems are integrated directly onto/into the surface of the building or structure.

~~***No freestanding solar panel or wind generator shall be located in a front yard. Solar panels and wind generators shall meet all side and rear yard requirements of the district in which they are located.***~~

3.28 SOLID WASTE ENCLOSURE. ***For commercial, multifamily, or industrial uses,*** any solid waste container large enough to require a mechanical device to empty shall be located in an enclosure that is screened on three (3) sides by a solid wood fence or masonry wall or other suitable wall at least as high as the container. ***Container size shall meet typical industry standards for the site's uses. Evergreen shrubs measuring at least four feet tall at time of planting shall be installed on four (four) foot centers on the three sides of the enclosure, where possible, as determined by the Planning Commission during Site Plan Review. Where the solid waste enclosure may be viewed from adjoining rights-of-way, adjacent properties, or public parking areas, the fourth side shall be shielded by an opaque gate.*** ~~The fourth side of~~

~~the enclosure may be left open if the container has a lid that is kept locked except when waste is being deposited or removed.~~

The solid waste container and enclosure shall be located, at a minimum, eight (8) feet from any adjacent property line. The solid waste container and enclosure shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel.

These provisions regarding solid waste enclosure do not apply:

1. If a structure, with a valid building permit and zoning permit, is being built on the site.

2. If a building is being torn down, with a valid zoning permit.

3. Or, if a dumpster remains on a property no longer than seven days per a year.

3.29 STORAGE OF RECREATIONAL VEHICLES. The storage or temporary parking of house travel trailers, motor homes, watercraft and other recreation vehicles is permitted in any district PROVIDED that such storage or parking of such vehicles meets the following requirements.

1. The non-commercial storage of vehicles such as house travel trailers and motor homes shall be permitted in R-1, R-2, CR-1, C-2, D-1 and M-1 districts but limited to one vehicle per R-1, R-2, CR-I and C-2 lot and to two vehicles per D-1 or M-l lot provided that there shall be no limitation to the number that may be stored in an enclosed building. provided also that such vehicle is parked in the side or rear yard, that it is not used as living or guest quarters and that it is so located as to not create a nuisance to a neighborhood use. The storage of such vehicles in CN-I, C-l and R-3 districts and in Mobile Home Parks and Planned Unit developments is subject to the approval of the Zoning Administrator.

2. One house travel trailer or motor home may be temporarily parked on any R-l or R-2 residential lot for the purpose of guest quarters for a period not to exceed ten continuous days or an aggregate period of fifteen (15) days in one month, and that such vehicle is parked in the side yard or rear yard and that it is located so as to not create a nuisance to a neighboring use, and further that all waste water and sewage is contained and carried off the lot to an approved sanitary disposal station.

3. Small recreation vehicles such as all terrain vehicles, watercraft and snowmobiles may be parked or stored on any lot provided that such vehicles are not parked or stored in the street right-of-way or in such location as to create nuisance to neighboring uses. Such parking or storage shall be strictly for the personal, noncommercial use of vehicles owned by the property owner, tenant or guest.

3.30 STREET VACATIONS. Whenever any road, street, alley or other public right-of-way, or railroad right-of-way, is vacated by official action of the appropriate agency or governmental body, the zoning district adjoining each side of such right-of-way shall automatically be extended to the center of such vacation, and all areas included in the vacation shall then be subject to all of the regulations of the extended districts.

3.31 SWIMMING POOLS. Swimming pools may be installed in any district as an accessory use. All pools must meet the following conditions:

1. Pools may be installed in the side or rear yards of a lot in a residential district. Motels and hotels may install pools in the front yard. All yard requirements shall be met, except as provided in paragraph (4) below.

2. A good quality fence, not less than five feet in height shall be required. The support posts thereof shall be constructed in a permanent manner and in such a way as to last for the duration of such pool. Such posts shall be spaced at intervals of not more than eight feet. The fence shall entirely enclose the pool.

3. Every gate or other opening in the fence shall be designed and maintained to prevent entry of persons except as permitted by the owner.

4. Pools shall comply with the setbacks as required for buildings or structures.

3.32 TEMPORARY STRUCTURE. No structure, whether temporary or permanent, of a fixed or portable construction, shall be erected or moved onto a lot and used for or stored for temporary purposes unless subject structure meets the minimum standards as defined in this Ordinance and is authorized by the issuance of a temporary permit by the Zoning Administrator as provided in Section 20.10.

3.33 TEMPORARY STRUCTURES INCIDENTAL TO CONSTRUCTION WORK. Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Zoning Administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate six months after the date of its issuance. The Zoning Administrator may renew the permit for additional six-month periods if construction of the principal structure has been progressing in a reasonable manner. In any event, the temporary facility and all debris shall be removed within 15 days after completion or abandonment of the work.

3.34 WIND ENERGY CONVERSION DEVICES. To support the development of renewable energy options within the Village, wind energy conversion systems (WECS) shall be permitted and subject to reasonable conditions that will protect the public health, safety, and welfare. Larger utility-scaled WECS exceeding 100 kilowatts (kW) that are predominately designed for generating energy to be provided solely to the electrical grid are strictly prohibited.

1. Review Requirements. On-site and residential WECS, as defined in this Ordinance, may be allowed, subject to the following:

a. Maximum Height. An on-site WECS shall have a maximum height of one-hundred forty (140) feet, measured from the base of the system to the top of the blade in its vertical position. A residential WECS shall have a maximum tower height of 80 feet.

b. Property Setbacks. For on-site and residential WECS, the distance between such tower and any property line shall be not less than 1.5 times the height of the tower.

c. Location. On-site WECS shall only be permitted in the D-1 Multi-Use district. Residential WECS shall be permitted in the R-1 Rural Residential, R-3 Single-Family Development, R-4 Multi-Family Development, and D-1 Multi-Use Districts. Both on-site and residential WECS shall only be allowed within the rear yard.

d. Sound Pressure Level Standards. A WECS shall not exceed fifty-five (55) dBA at the property line closest to the WECS. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe windstorms. If the ambient sound pressure level exceeds fifty-five (55) dBA, the standard shall be ambient dBA plus five (5) dBA.

e. Construction Codes and Interconnection Standards.

- ***i. An on-site WECS shall comply with all applicable state construction and electrical codes and local building permit requirements.***
- ***ii. An on-site WECS shall comply with Federal Aviation Administration (FAA) requirements; the Michigan Airport Zoning Act (PA 23 of 1950); the Michigan Tall Structures Act (PA 259 of 1959); and any other State or Federal regulations.***
- ***iii. An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.***

f. Safety Standards.

- ***i. WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.***
- ***ii. WECS shall be equipped with lightning protection.***
- ***iii. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for both the on-site and residential WECS employing a horizontal axis rotor.***
- ***iv. All WECS towers must be unclimbable by design or protected by anti-climbing measures such as fences.***

g. Visual Impact.

- ***i. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades. However, appropriate warning signs and owner identification may be allowed on buildings or other structures associated with a WECS.***
- ***ii. WECS tower may be a monopole, monotube, or lattice-style construction. Guy wires shall not be permitted as part of the either the on-site or residential WECS.***

iii. WECS shall be finished in a single, non-obtrusive, non-reflective matte color.

h. Illumination. No illumination of the turbine or tower shall be allowed unless required by the FAA.

i. Abandonment. WECS that has not been operated for a continuous period exceeding six (6) months shall be considered abandoned. The WECS tower and all related facilities shall be removed by the property owner or lessee within six (6) months of being notified by the Village of such abandonment. Failure to remove the WECS tower and all related facilities within six (6) months shall be grounds to remove the WECS at the owner's expense.

2. Review Process. Prior to the establishment of a WECS, a site plan shall be submitted for review and approval by the Planning Commission in accordance with the requirements of Article 18. In addition to the submittal of a site plan containing the required information outlined in Section 18.04, the following additional information shall be submitted:

a. Plans showing the location of proposed turbine towers, underground and overhead wiring, access roads, and all new infrastructure above ground related to the project.

b. Standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer.

c. Line drawings of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to applicable electrical codes.

d. Certifications that the applicant has complied or will comply with all applicable Local, State and Federal laws and regulations.

ARTICLE 4

SITE DEVELOPMENT STANDARDS

4.01 INTENT AND PURPOSE. It is the intent of this Article preserve the quality and character of the Village's environment by regulating man-made development and by preserving existing environmental assets. The requirements of this Article are to achieve the following objectives:

1. ***Uphold the Village's right and duty to protect its natural resources and amenities, as established within the State Constitution and the enabling legislature.***

2. ***To enhance the visual quality of the Village, while preserving and/or enhancing each individual property's economic value.***

3. ***To protect adjacent property owners, persons passing by, and the Village from activities and/or negative impacts created by development.***
    - ***a. Establish minimum site design standards***
    - ***b. Reduce or eliminate glare into and from adjacent sites and activities.***
    - ***c. Reduce or eliminate debris, dust and other pollutants from the air.***
    - ***d. Control noise and provide acoustical modification into and from adjacent sites.***
    - ***e. Control the direction and velocity of surface water runoff and minimize soil erosion.***
    - ***f. Minimize visibility of undesirable elements contained within the site.***

4. ***Recognizing the above-cited benefits of the natural and well-designed built environment, it is important to integrate these standards into all developments to improve the community's environmental qualities and to enhance the visual character of its built environment***

4.023.34 LANDSCAPING AND BUFFERING ~~WALLS, FENCES AND BUFFER YARDS~~.

1. ***Intent and Purpose. In an effort to improve the aesthetic character of the Village through the requirement for landscaping, buffer uses from adjoining properties, increase the tree cover of the community, and improve the stormwater filtering capacity of the community, the following landscaping and buffering requirements shall apply.***

2. ***Landscape Plan. At the discretion of the Zoning Administrator or upon appeal to the Planning Commission, a ~~A~~ landscape plan ~~prepared by a registered landscape architect~~ shall be prepared for all developments requiring site plan approval illustrating all site landscaping, parking lots, fences and walls, and buffer areas.***

~~***3. Street Trees. In every zoning district, canopy shade trees shall be planted on 40-foot centers in the parkway area between the sidewalk and the street or where no sidewalk is present, in a row planted two (2) feet inside the front lot line. On corner lots, street trees shall be required across both frontages. At the time of planting,***~~

~~***street trees shall measure two and one half (2 1/2) inch caliper at five foot diameter breast height.***~~

~~***Where the use of tree wells are necessary to enable the planting of street trees due to the presence of curb-to-building sidewalks, every effort shall be made to provide tree wells appropriately sized to allow for the healthy growth of the required trees. Tree wells should be sized as large as possible, measuring as close to five feet wide by ten feet long as possible. To enlarge the cubic volume of the tree well for tree root growth, the use of engineered structures to support paving over uncompacted soil is the preferred method while the use of structural soil is a less desirable alternative for improving and expanding the necessary tree root zone cubic volume.***~~ ***(replaced by Village Managing Public Trees ordinance)***

4. Open Space Planting. In commercially zoned districts and multifamily developments, for each one thousand (1,000) square feet of open space that is not utilized for buildings, stormwater control, or parking lots, the open space shall be planted at a minimum with one canopy shade tree, five decorative trees or shrubs, and 25 ornamental grasses or perennials. These plantings may be bunched together for enhanced visual effect. At the written request of the applicant, the Planning Commission may adjust this requirement during the Site Plan Review process, if they are satisfied as to how the intent and purpose of this section is achieved through a non-conforming design.

5. Use of Native and Low Maintenance Plantings. Use of at least fifty percent (50%) native plant species to Northern Lower Michigan shall be required and the selection of plants requiring only periodic maintenance is encouraged.

6. ***Walls and Fences*** ~~***WALLS AND FENCES:***~~ All walls and fences constructed in the Village of Northport shall ***require a zoning permit or be included on an approved site plan and*** comply with the following requirements:

   A. No fence, wall or structural screen other than plant materials shall be erected on any residential property to a height greater than seven (7) feet.

   B. Walls or fences for use in a required buffer yard shall be at least four (4) feet in height, but shall not be higher than six (6) feet.

   C. Required walls or fences used for screening purposes other than for required buffer yards shall be at least four (4) feet in height, but in no case shall the fence or wall be lower than the installation, structure or activity to be screened, unless the installation, structure or activity exceeds seven (7) feet in height.

   D. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as may be approved by the ***Planning Commission*** ~~***Zoning Board of Appeals***~~.

E. All walls herein required shall be constructed of weather resistant, rust proof and easily maintained materials.

F. Masonry walls may be constructed with openings. The ***open ~~masonry~~*** portion shall not exceed 20% of the wall surface area.

G. Wood walls may be permitted for screening under the following conditions:

i. All walls shall have one of the following wall types.

1) Board
2) Staggered Board
3) Wood 1" x 4" screen
4) Board and Batten
5) Solid Stockade Fence
6) Panel
7) Solid Picket
8) Split Rail
9) Lattice work

(Insert Images of fence types)

ii. Lumber may be spruce, cedar, ***~~redwood~~*** or wolmanized or of equal construction quality or grade.

~~iii. Grade of lumber shall be at least "construction grade" as determined by the Zoning Administrator.~~

iv. An anchor post set in concrete ***meeting industry standards ~~a minimum of 8" thick and 16" deep and 6" wider than the post (or other equivalent anchoring)~~*** shall be located at fence ends, corners and at approximately 20' centers for all types of wood screening fences.

H. The finished side of a fence shall be facing toward the adjacent properties and right of way (ROW).

I. Other appropriate screening that meets the equivalent of the standards specified in this Section may be allowed contingent upon approval of a sketch plan by the reviewing agency (i.e., the Planning Commission for Site Plan Reviews and Special Use Permits and the Zoning Board of Appeals for variances, appeals and interpretations) or the Zoning Administrator when there is no agency review.

J. Barbed wire and electric fences are prohibited ~~not permitted~~ and chain link fences are not permitted on property lines.

K. ***To ensure compliance with the Zoning Ordinance placement and design requirements, all walls and fences shall have to obtain a Village Zoning***

Permit prior to initiating any work, which may be waived by the Zoning Administrator.

7. ~~***B.***~~ ***Buffering BUFFERING.*** All buffer yards in the Village of Northport shall comply with the following requirements:

   A. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way.

   B. Existing plant materials, fences or walls may be counted as contributing to the total buffer yard requirement. ~~***The Planning Commission or Zoning Administrator***~~ ***Depending upon the appropriate review agency, the Zoning Administrator or the Planning Commission shall determine how much the existing plant materials, fences, or walls contribute to the buffer yard requirement.*** The buffer yards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining buffer yards. Buffer yards are to be located along the entire property line.

   C. Plant materials shall not be placed closer than four (4) feet from the property line.

   D. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.

   E. Evergreen trees shall be not less than ***six (6)*** ~~***four (4)***~~ feet in height.

   F. Deciduous trees shall ***be two and one half (2 ½) inch diameter at five-foot diameter breast height*** ~~be not less than six (6) feet in height~~.

   G. Deciduous shrubs shall be not less than ***eighteen (18) inches*** ~~***one (1) foot***~~ in height.

   H. The following landscape/plant materials are suggested for inclusion in the required buffer yards.

      i. Deciduous Trees: Hard Maple, Oak, Birch, Beech, Linden, ~~*Ash,*~~ Hackberry, Sycamore, Sweet-Gum.

      ii. Evergreen Trees: Pine, Fir, Spruce, Hemlock, Juniper, and Cedar.

      iii. Shrubs: Dogwood, Redbud, Flowering Crab, Hawthorn, Magnolia, Honeysuckle, Lilac, Cotoneaster, Forsythia, Euonymus, Hydrangea, Privet, Sumac, Hazelnut.

I. The following trees are not permitted for use in the required buffer yards: Box Elder, ***non-disease resistant American*** Elms, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa, Female Ginkgo.

J. The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining residential area and shall maintain their density and screening effect throughout the calendar year.

K. Determination of Buffer Yard Requirements. All uses permitted by right or by special use permit shall require a buffer yard determined by following the procedures outlined below.

i. Identify the land use class of the proposed use by referring to Table One.

ii. Identify the land use class of each adjoining use referring to Table One.

iii. Refer to Table Two to determine the buffer yard category required based on the land use classes identified in Table One.

iv. Refer to the figures in Table Three to identify the various buffer yard specifications allowed in the proper buffer yard categories

L. Refer to the following Table to determine the land use class of the use in question.

TABLE ONE: Table of land use classes.

Class I
Single Family Dwellings
Public Parks
Public Playgrounds
Public Right of Way

Class II
Two Family Dwellings
Institutional Uses
Planned Unit Developments
Day Nurseries
Multiple Family Dwellings
Mobile Home Park Development
Golf Courses
Major Transportation Routes

Class III
Laboratories
Trade Skills or Industrial Schools
Veterinary Hospitals or Clinics
Public Utilities
Contractor's Establishments
Automobile Related Uses
Retail Establishments
Service Establishments
Restaurants of Taverns
Offices
Other Non-Industrial Uses Not Listed
Commercial Recreation Facilities

Class IV
Warehouses and Wholesale Establishments

Building Supplies
General Industrial Uses (production, processing, assembling, packaging, treatment or manufacturing)

M. Refer to the Table Two to determine the buffer yard categories required based on the previously identified land use classes:

TABLE TWO Table of Adjacent Land Use Classes

Proposed Land Use Class	I	II	III	IV
I	*	*	*	*
II	A	A	*	*
III	B	A	*	*
IV	C	B	A	*

8. ***14.*** ~~The following illustrations graphically illustrate the requirements of each buffer yard category.~~
Buffer yard requirements are separated into Filtering, Medium, and Intensive Buffers with the requirements for each stated below. Where appropriate, the buffering described in this subsection is in addition to the buffering described in Section 4.03.5.A and 4.03.5.B. Where present, existing onsite vegetation that meets the buffering and opacity requirements of each level of buffering may be substituted for the buffering described within this subsection. The Zoning Administrator and/or the Planning Commission shall make this determination regarding if the existing plantings and foliage meet the requirements found within this subsection. ~~***are stated in terms of the width of the buffer yard and the number of plant units required per 100 linear feet of buffer yard. The buffer yard requirement also applies to any yard that is less than 100 linear feet. The requirements of a buffer yard may be satisfied by any of the options indicated.***~~

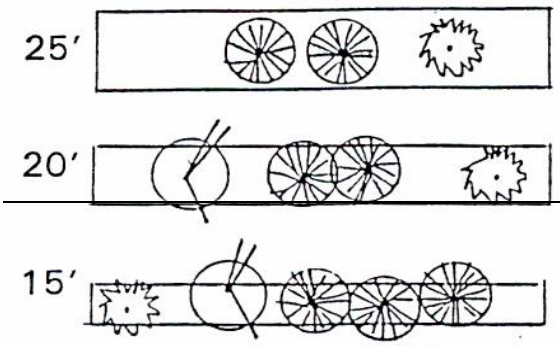
A. Filtering Buffer. A buffer yard measuring at least ten feet in width with upright evergreen trees planted at a maximum of ten (10) feet on center for the length of the buffer area with deciduous trees spaced every forty (40) feet on center. If the Filtering Buffer is along the front lot line, the deciduous trees may be eliminated where street trees, as described in 4.02.3, are present or proposed. The plantings shall be to be linear in fashion, but they may be staggered as to not create a straight row. Required tress shall not to be bunched together. At the time of planting, evergreen trees shall be a minimum of six (6) feet in height, and deciduous trees shall have a caliper of at least two and a half (2 ½) inches, measured at five (5) feet above the ground surface.

B. Medium Buffer: A buffer yard measuring at least ten feet in width with upright evergreen trees planted at a maximum of five (5) feet on center for the length of the buffer area with deciduous trees spaced every forty (40) feet on center. If the Medium Buffer is along the front lot line, the deciduous trees may be eliminated where street trees, as described in 4.02.3, are present or proposed. The plantings may be staggered as to not create a straight row. Required tress shall not to be bunched together. At the time of planting, evergreen trees shall be a minimum of six (6) feet in height, and deciduous trees shall have a caliper of at least two and a half (2 ½) inches, measured at five (5) feet above the ground surface.

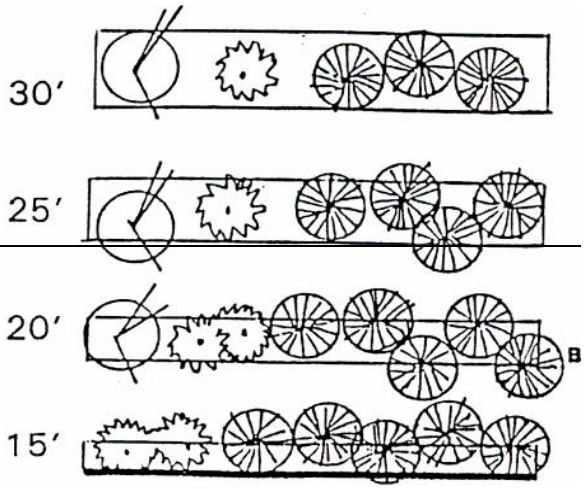
C. Intensive Buffer: A buffer yard measuring at least fifteen feet in width with two staggered rows of upright evergreen trees planted at a maximum of five (5) feet on center for the length of the buffer area and deciduous trees shall be planted every forty (40) feet on center. The plantings are to be linear in fashion and shall not to be bunched together. The buffer area is to provide an opaque natural buffer. At the time of planting, evergreen trees shall be a minimum of six (6) feet in height and provide a fully opaque screen at least five feet tall at planting, and deciduous trees shall have a caliper of at least two and a half (2 ½) inches, measured at five (5) feet above the ground surface.

~~*REQUIRED PLANT UNITS PER 100 FEET*~~

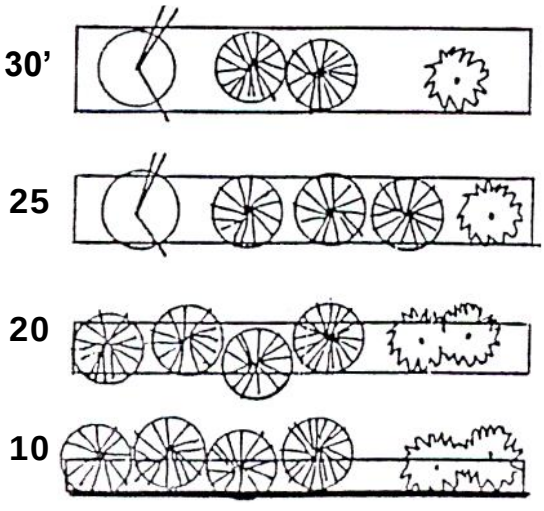
~~A~~



~~C~~



~~B~~



~~*LEGEND*~~

Deciduous Trees

Deciduous Shrubs

Evergreen Trees

Fence or wall

4.03~~3.35~~ OFF-STREET PARKING AND LOADING ~~Off-Street Parking and Loading~~. Within the CR-1 Village Commercial and C-1 Village Center districts, no off-street parking spaces are required for any residential and commercial developments. Parking space maximums within all districts shall not exceed the number of spaces listed in TABLE THREE. ~~Off-street parking~~

~~*facilities shall be provided for occupants, employees, and patrons of buildings within the Village of Northport.*~~

1. ~~*5.02*~~ *Measurement Units* ~~*MEASUREMENT UNITS*~~. *For the purpose of determining the maximum number of allowed off-street parking and loading facilities permitted within each district* ~~*required as accessory to a use*~~*, definitions and standards are established as follows:*

   A. *Off-Street Parking Area. An open or enclosed area directly accessible from a public or private street for parking of automobiles. Each space shall be directly accessible from a drive or aisle.*

   B. *Usable Floor Area (UFA). Used in determining parking maximums* ~~*requirements*~~*, usable floor area shall mean the total area of all the floors of the building used by the principal activity as specified in the Parking Schedule – TABLE THREE, measured from the interior faces of the building. The areas used for storage, mechanical equipment, and stairwells or otherwise not occupied by people shall be excluded from the floor area calculation.*

   C. *Gross Floor Area (GFA). Used in determining loading requirements, gross floor area means the total floor area used for the main and accessory activities and storage areas of the building served.*

   D. *Seating Capacity. The number of seating units installed or indicated on plans for places of assembly; where not indicated on plans, it shall be assumed that a seating unit will occupy six (6) square feet of floor area exclusive of all aisles; where benches, pews or other similar seating is provided, each twenty (20) inches of such seating shall be counted as one seat.*

   E. *Employees. Wherever the parking requirement is based on employees, it shall mean the maximum number of employees on duty on the premises at one (1) time or on any two (2) successive shifts, whichever is the lesser* ~~*greater*~~*.*

   F. *Off-Street Loading Space. An open space or enclosed area as part of a building directly accessible to a public street and available whenever needed for the loading or unloading of goods and products to the main use.*

2. ~~*5.03*~~ *Application and Determination* ~~*APPLICATION AND DETERMINATION*~~*.*

   A. *Application for Parking Facilities. Any application for a Land Use Permit to construct a parking area shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area and loading facilities to be provided in compliance with the provisions of this Section* ~~*Article*~~*.*

   B. *Determination of Required Parking Facilities. The Zoning Administrator shall determine the maximum* ~~*minimum*~~ *number of spaces allowed* ~~*required*~~ *for*

accessory off-street parking by applying the Parking Area Design Standards, the Schedule of Parking Maximums ~~Requirements~~ for the various uses, and any other applicable provisions of this Ordinance. Where the computation results in a fractional space, it shall be counted as one less ~~additional~~ space permitted ~~required~~.

C. The Planning Commission may waive ~~vary~~ the parking maximums ~~requirements~~ of Section 4.03 ~~Article 5~~ where it finds that due to the nature of the particular use, the requirements will not be adequate to provide sufficient parking or where the ~~strict~~ application of the maximums ~~requirements~~ will result in insufficient number ~~an excess amount~~ of parking spaces related to the particular use. The Planning Commission ~~Board of Appeals~~ shall have the authority to determine the maximum number off-street parking requirements of any use not specifically mentioned in TABLE THREE ~~Section 5.04~~.

3. ~~5.04~~ Schedule of Parking Maximums ~~SCHEDULE OF PARKING REQUIREMENTS~~. The number ~~amount~~ of off-street parking space permitted ~~required~~ by type of use shall be determined in accordance with the following schedule:

TABLE THREE (see new Schedule of Parking Maximums Table)

~~Use~~	~~Required Spaces~~	~~Unit of Measure~~
~~A. Residential~~		
~~1. One and two family dwellings~~	~~2~~	~~Per dwelling unit~~
~~2. Multiple Family, townhouses~~	~~2~~	~~Per dwelling unit~~
~~3. Bed and Breakfast~~	~~1~~	~~Per rented room, plus~~
	~~2~~	~~for resident family~~
~~4. Senior Citizen Accommodation Living~~	~~0.5~~	~~Per one bedroom unit~~
	~~1~~	~~Per two bedroom unit~~
~~B. Institutional~~		
~~1. Family Day Care Center~~	~~1~~	~~Per 400 sq. ft. of UFA plus~~
	~~1~~	~~per each three employees~~
~~2. Churches~~	~~1~~	~~Per five seats~~
~~3. Schools~~	~~1~~	~~Per teacher plus~~
	~~1~~	~~Per each three employees and high school students~~
~~4. Hospitals~~	~~2~~	~~Per three beds plus~~
	~~1~~	~~Per each three employees~~
~~5. Libraries, museums, public office buildings, post offices~~	~~1~~	~~Per 400 sq. ft. UFA plus~~
	~~1~~	~~per each three employees~~
~~6. Private clubs or lodges~~	~~1~~	~~Per three members allowed by law~~
~~7. Public golf courses~~	~~3~~	~~Per hole plus~~
	~~1~~	~~Per each three employees~~

~~8. Private golf, tennis, swim clubs~~	~~1~~	~~Per two member, families, or individual~~
~~9. Theaters, auditoriums, assembly halls with fixed seats~~	~~1~~	~~Per four seats plus~~
	~~1~~	~~per each three employees~~
~~10. Sanitariums~~	~~1~~	~~Per each four beds plus~~
	~~1~~	~~per each staff doctor plus~~
	~~1~~	~~per each three employees~~
~~11. Marinas, harbors, launching ramps and related facilities~~	~~1~~	~~Per each berth plus~~
	~~12~~	~~per each boat launch plus~~
	~~1~~	~~per each three employees plus~~
	~~1~~	~~per each commercial fishing boat~~
~~12. Public outdoor recreation facilities~~	~~1~~	~~Per each five seats or ten feet of benches plus~~
	~~5~~	~~per each one acre of undesignated area~~
~~**C. Businesses**~~		
~~1. Animal hospitals and kennels~~	~~1~~	~~Per each 400 sq. ft. UFA, plus~~
	~~1~~	~~per each three employees~~
~~2. Auto salesroom, wholesale stores, machinery sales, and other similar uses~~	~~1~~	~~Per each 1,000 sq. ft. UFA, plus~~
	~~1~~	~~per each three employees~~
~~3. Automobile service stations, filing stations~~	~~2~~	~~Per each service stall, plus~~
	~~1~~	~~per each three employees plus~~
	~~1~~	~~per each two gasoline pumps~~
~~4. Automobile wash establishments~~	~~4~~	~~Per each unit (computed dividing the line dimension of the operation by 20 feet), plus~~
	~~1~~	~~per each three (3) employee~~
~~5. Beauty or Barber shops~~	~~2~~	~~Per each three beauty or barber chairs, plus~~
	~~1~~	~~per each three employees~~
~~6. Bowling alleys~~	~~3~~	~~Per bowling lane~~
~~7. Dance halls, exhibition halls, pool halls, and assembly halls without fixed seats~~	~~1~~	~~Per each 100 square feet UFA~~
~~8. Drive-in restaurants or similar drive-in uses for the sale of food, beverages or refreshments~~	~~1~~	~~Per each 50 sq. ft. UFA, plus~~
	~~1~~	~~per each three employees with a minimum total of 20 parking spaces~~
~~9. Furniture, appliances, and household equipment, repair~~	~~1~~	~~Per each 800 sq. ft. of UFA, plus~~

~~*shops, hardware stores and other similar uses*~~	~~*1*~~	~~*Per each three employees*~~
~~*10. Laundromats, coin operated dry cleaning establishment*~~	~~*1*~~	~~*Per each three washing machines*~~
~~*11. Miniature or "Par 3" golf course*~~	~~*3*~~	~~*Per each hole, plus*~~
	~~*1*~~	~~*per each three employees*~~
~~*12. Mortuary establishment*~~	~~*1*~~	~~*Per each fifty sq. ft. of parlor area*~~
~~*13. Motels, Inns, Lodges, and Hotels*~~	~~*1*~~	~~*Per each guest bedroom, plus*~~
	~~*1*~~	~~*per each three employees, plus amount required for accessory uses*~~
~~*14. Personal service establishments (not otherwise provided for herein)*~~	~~*1*~~	~~*Per each 800 sq. ft. of UFA, plus*~~
	~~*1*~~	~~*per each three employees*~~
~~*15. Restaurants and other establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food beverages or refreshments*~~	~~*1*~~	~~*Per each 100 sq. ft. UFA, plus*~~
	~~*1*~~	~~*per each three employees*~~
~~*16. Retail stores, except as otherwise specified herein*~~	~~*1*~~	~~*Per each 800 sq. ft . of UFA, plus*~~
	~~*1*~~	~~*per each three employees*~~
~~***D. Offices***~~		
~~*1. Banks, businesses, and professional offices*~~	~~*1*~~	~~*Per each 300 sq. ft. UFA*~~
~~*2. Medical clinic and dental clinic*~~	~~*3*~~	~~*Per each staff or visiting doctor plus*~~
	~~*1*~~	~~*Per each three employees*~~
~~***E. Industry***~~		
~~*1. Industrial or manufacturing establishments, research establishments*~~	~~*1*~~	~~*Per each two employees*~~
~~*2. Warehouses and storage buildings*~~	~~*1*~~	~~*Per each employee OR*~~
	~~*1*~~	~~*Per each 1,700 sq. ft. GFA (whichever is greater)*~~

4. ~~5.05~~ Design Standards ~~DESIGN STANDARDS~~. The off-street parking permitted ~~required~~ by this Section ~~article~~ shall be provided in accordance with the following requirements:

A. ***Each parking space shall be at least ten (10) feet in width and twenty (20) feet in length. Up to two feet of the length of each parking stall may overhang a sidewalk, as long as the unobstructed width of the sidewalk remains five (5) feet, or two feet of adjacent landscaped area may be counted towards the overall stall length. All landscaping excluding grass or ground cover must be set back more than two feet from the edge of the parking area where overhanging will be occuring. To permit the two-foot (2 foot) overhang, curbs or parking blocks are required to prevent vehicular damage to landscape areas.***

B. ***Except for one (1) and two (2) family dwellings, each off-street parking area shall be connected to a driveway at least twenty (20) feet in width.***

C. ***Driveways to a parking area opening onto a major street shall not be closer than eighty (80) feet to an intersection. No driveway to a parking area shall be closer than twenty (20) feet to any minor street corner.***

D. ***No parking or loading space shall be accessible to a street except by a driveway.***

E. ***Use of pervious paving in parking lot construction is recommended wherever its use is appropriate.***

F. ***Use of bioswales and other green infrastructure stormwater controls are required, wherever possible. During site plan approval, this requirement may be modified by the Planning Commission if the applicant is able to illustrate why it cannot be met.***

G. ***All parking lots shall provide for a minimum of five bicycle parking spaces, located conveniently near the building's main entrance or parking lot's main driveway.***

5. ***~~5.06~~ Parking in Commercial and Industrial Districts ~~PARKING IN COMMERCIAL AND INDUSTRIAL DISTRICTS~~. Every parking area in a Commercial or Industrial District shall meet the following requirements:***

A. ***Parking areas shall be effectively screened on any side that adjoins a residential district by an 8-foot buffer yard pursuant to Section 4.02.7. No parking area shall be closer than eight (8) feet to any residential property or district or right-of-way.***

B. ***Public right-of-way buffer: Along all street frontages, an eight foot wide buffer strip comprised of a decorative brick knee wall or opaque row of shrubs measuring three (3) feet in height shall be required. Installation of additional decorative shrubs and plantings is recommended.***

C. Every driveway and parking area shall be surfaced with a material that shall provide a durable material. It shall be graded and drained so that all surface water flows do not impact neighboring properties. Use of bioswales and other green stormwater controls is required, where possible. All drainage plans shall be reviewed by the Zoning Administrator. No lighting shall shine toward dwellings or streets. ~~When the plans meet the design requirements, they shall be approved~~.

D. A site development plan of any parking area ~~with twenty (20) spaces or more~~ shall require Planning Commission approval as provided in Article 18.

6. Interior Parking Lot Landscaping. To improve the safety of pedestrian and vehicular traffic; guide traffic movement; reduce heat island effect; reduce stormwater flow; and improve the appearance of the parking area, off-street parking lots exceeding 20 parking spaces shall be landscaped as follows:

A. Interior Parking Lot Islands and Required Area. For each parking space, ten square feet (10 sq. ft.) of interior parking lot island space is required. Lots with fewer than twenty spaces are exempt from compliance with the interior parking lot island requirements.

B. Size of Parking Lot Islands. The minimum parking island shall measure seven (7) feet wide by sixteen (16) feet long for single aisle locations and seven (7) feet wide by thirty-two (32) feet long for double aisle locations. For single aisle locations, one (1) canopy shade tree shall be provided while two (2) canopy shade trees shall be provided for double aisle locations.

C. Industrial Uses. Parking lot island requirements shall apply, but only to parking areas for employees and customers, not to loading and vehicle storage areas; however, parking lot perimeter landscaping requirements apply to the loading and vehicle storage areas.

D. Arrangement. Interior parking lot island spaces shall be evenly distributed throughout the parking lot, and if possible, arranged in a way to support pedestrian and vehicular wayfinding.

E. Required Landscaping. Any other required landscaping shall not count towards meeting the Interior Parking Lot Island requirements.

F. Parking Lot Perimeter Landscaping: Canopy shade trees shall be planted on the perimeter of all parking lots on forty-foot (40') centers wherever more than fifteen (15) feet exists between buildings and the edge of the parking lot and/or seven (7) feet between the surface of the parking lot and other paved surfaces including sidewalks and adjoining parking areas.

7. ~~5.07~~ Location of Parking ~~LOCATION OF PARKING~~.

A. One and Two Family Dwellings. The off-street parking facilities required for one (1) and two (2) family dwellings shall be located on the premises or plot of ground as the building the parking area is intended to serve, but shall not be considered a parking lot under the provisions of Section 4.03 ~~this Article~~.

B. Multiple-family. For multi-family dwellings not located within the CR-1 Village Commercial and the C-1 Village Center districts, t~~T~~he off-street parking facilities for multi-family dwellings shall be located on the premises or plot of ground as the dwellings they are intended to serve, and shall consist of parking area as defined in this Section 4.03 ~~this Article~~.

C. Other Land Uses. The off-street parking area for all commercial or industrial uses not located within the CR-1 Village Commercial and the C-1 Village Center districts shall be located within three hundred (300) feet of the building it is intended ~~required~~ to serve.

8. ~~5.08~~ Joint Use of Parking Facilities ~~JOINT USE OF PARKING FACILITIES~~

A. The joint use of parking facilities by two (2) or more uses not located within the CR-1 Village Commercial and the C-1 Village Center districts is encouraged whenever practical and satisfactory to each of the uses to be served. ~~A reduction of individual parking requirements may be permitted by the Planning Commission in cases where neighboring uses have significantly different hours of operation from each other. However, each use shall provide a minimum of 50% of its individual off-street parking requirements.~~

B. Prior to approving any request for joint use of parking facilities, the Planning Commission shall consider:

i. the location, number and spacing of driveways;

ii. the use of landscaping to soften the visual impact of the parking lot;

iii. internal circulation patterns and access to all participating uses; and

iv. potential conflicts among users and changes in parking demand.

C. The Planning Commission may require, as a condition of approval, a copy of an agreement among participants to share parking facilities. Such agreement shall specify the time period for which such arrangement is agreed to.

9. ~~5.09~~ Permits ~~PERMITS~~. A Land Use Permit shall be obtained before a parking area may be constructed or enlarged. A site plan approved by the Planning Commission shall be submitted to the Zoning Administrator before issuance of a Land Use Permit ~~for a parking area with twenty (20) spaces or more~~.

10. 5.10 Off-Street Loading Requirements ~~OFF-STREET LOADING~~ REQUIREMENTS. On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street and parking areas.

A. Such loading and unloading space, unless completely and adequately provided within a building, shall be a minimum area of 10 feet by 50 feet, with 14 foot height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	*Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area*
0 – 4,000 ~~2,000~~	*None*
4,001 ~~2,001~~ –20,000 ~~10,000~~	*One Space*
~~10,001 – 20,000~~	*~~Two Spaces~~*
~~20,001 – 50,000~~	*~~Three Spaces~~*
20,001 ~~50,001~~ – 100,000	*One Space, plus one space for each 20,000 additional square feet ~~Four Spaces~~*
Each additional 100,000	*Five, plus one space for each 100,000 square feet.*

~~B. Off-street loading space area shall not be construed as, or counted towards, the supplying of area required as off-street parking space area.~~

4.04 ~~3.36~~ SIGN REGULATIONS. The purpose of Section 4.04 is to identify the following municipal interests that are considered by the Village to be compelling and important government interests. Each interest is intended to be achieved in a manner that represents the least restrictive means of accomplishing the stated interest, and in all events intended to promote an important government interest that would be achieved less efficiently absent the regulation. These important government interests are in no respect intended to target the content of the messages to be displayed on signs but seek to achieve non-speech objectives. In no respect do the regulations of signage prohibit a property owner or occupant from an effective means of conveying the desired message.

This Section provides a framework in which the identification and informational needs of all land uses may be harmonized with community interests in public health, safety and welfare, including the preservation of Village's overall small-town character and that of its business and residential areas. It is intended through the provisions contained herein to give recognition to the legitimate needs of business, industry, and other activities, in attaining their

identification and informational objectives, while recognizing that unrestricted or unregulated signage does not support the desired character of the Village of Northport or benefit neither private enterprise nor the community-at-large.

This Section's time, place, and manner restrictions on signage are to ensure the following government interests: traffic and pedestrian safety; security for observing children; aesthetics including maintenance of character, scenic integrity, and quality of life while promoting design creativity; avoidance of nuisance-like conditions including blight, physical clutter, and visual clutter; economic development and maintenance of property values; property identification for public safety; and vehicular and non-motorized wayfinding.

Regarding temporary signage, to balance the interests of free speech and the government's interests as stated above to limit potential for negative impacts of excessive signage and blight it causes, the Village is choosing to support free speech by allowing for temporary signs, but closely regulating this activity. The Village has determined that allowing for this component of free speech outweighs the risk, and it believes that the following regulations on temporary signage are reasonable and fair.

The following conditions shall apply to all signs erected or located in any use district.

a. All signs shall conform to all applicable codes and Ordinances of the Village. A Land Use Permit shall be required for the erection, construction or alteration of any sign. All signs shall be approved by the Zoning Administrator to their conforming to the requirements of the zoning district they are located in and the requirements of this Section ~~Article~~. An approved sign permit is not transferable between alternate sites or locations within a Zoning District or between zoning districts.

b. No flashing, oscillating or intermittent type of illuminated sign or display shall be permitted in any zoning district. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

c. No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement, except as otherwise provided in this Ordinance.

d. No sign otherwise permitted shall project above or beyond the maximum height limitation of the use district in which it is located and no sign shall be located on the roof of any building or accessory ~~building.~~ structure or dwelling.

e. Illumination of signs is permitted provided that the light from any illuminated sign shall be so shaded or directed that the light intensity is not objectionable to surrounding areas and is not hazardous to pedestrians or vehicle operators.

f. Any sign not expressly authorized by this ordinance is prohibited.

1. ***Temporary Signs. ~~6.02 TEMPORARY SIGNS~~. The following signs shall be permitted anywhere within the Village and shall conform with all setback requirements. A temporary sign is intended to be displayed for a transitory or temporary period of time. A temporary sign is any sign that is not permanently embedded in the ground or permanently affixed to a building or sign structure that is permanently embedded in the ground All ground mounted temporary signs shall not exceed a height of six feet above ground level. Temporary signs shall conform to the following requirements:***

A. ***Construction site signs ~~which identify the architects, engineers, contractors and other individuals or firms involved with the construction, but not including any advertisement of the building enterprise or the purpose for which the building is intended,~~ may be installed during a period of active construction, to a maximum area of forty-eight (48) square feet ~~sixteen (16) square feet for each firm~~. The signs shall be confined to the site of the construction and shall be removed within 14 days of the beginning of the intended use of the project.***

B. ***Up to two small scale temporary signs, measuring six (6) square feet or less, shall be permitted at anytime on commercial and industrially zoned properties. Three (3) months prior to any local, state, or federal election and up to seven days after an election, two (2) additional small-scale temporary signs may be permitted to be displayed. For residentially-zoned properties, one (1) small-scale sign is permitted year-round while one (1) additional sign is permitted during the period between three (3) months prior to an election and seven (7) days after its conclusion.***

~~C. Real Estate signs advertising the sale, rental or lease of the premises or part of the premise on which the signs are displayed, up to a total area of six (6) square feet. Such signs shall be removed within 14 days of the sale, rental or lease of the premises.~~

D. ***No lighting is permitted for temporary sign.***

E. ***Signs must remain in good condition and cannot be torn, frayed, or damaged.***

~~F. Political campaign signs announcing the candidates seeking public political office.~~

F. ***Street banners shall require approval from the Village Council at locations authorized by the Village Council for no more than twenty-one (21) days with dimensions approved by the Village. ~~advertising a public entertainment or event, if specially approved by the Village Council and only for locations designated by the Council during and for fourteen (14) days before and seven days after the event.~~***

1. Exemptions. Signs required by law, signs placed by government agencies, signs not visible from the public right-of-way, signs less than three (3) square feet, building markers, handheld or human-worn signs, works of art without a commercial message, and historical markers are allowed without a permit.

2. Specific Use District Requirements. ~~6.03 SPECIFIC USE DISTRICT REQUIREMENTS~~.

A. CN-l Conservation District.

i. Signs allowed in this district shall contain only information pertaining to the premises on which the sign is located.

ii. One sign is permitted per each principal use and shall not exceed a maximum area of sixteen (16) square feet.

iii. Illumination, if used, shall be directed such that it shines only on the sign or on the premises. The illumination wattage per sign shall not exceed 400 watts, incandescent light or equal.

B. R-l, R-2, R-3, R-4 and CR-l Residential Districts.

~~i. Signs shall indicate only the address, name of occupant(s), name of structure, identification of an on premise home occupation or any practical combination of the foregoing. Additionally, signs in the (CR-l) District may direct attention to a business or to a product, service or activity sold or offered on the premise. Signs may also indicate the name of a customary home occupation as described in Article 2, PROVIDED that the information of such signs is limited to the name of the home occupation.~~

ii. Signs shall not exceed three (3) square feet in area in all Residential Districts except (CR-l) Commercial District, in which signs shall not exceed 10 square feet in area with the restriction of 6 feet in length and 5 feet in height. Where three or more establishments share a structure (are contiguous), an additional 3 square feet ~~identity sign~~ per establishment is permitted in a combined sign.

iii. Illumination, if used, shall be directed such that it shines only on the sign or on the premises. The illumination wattage per sign shall not exceed 400 watts, incandescent light or equal.

C. Commercial Districts. C-1, C-2.

i. Wall signs shall not exceed a total area of 1 ½ square feet for each 1 lineal foot of building frontage or ½ square foot for each 1 lineal foot of lot frontage, whichever results in the larger sign area, provided that the

maximum total area of all permitted signs for any establishment shall not exceed 40 square feet.

ii. Where frontage is on more than one street, only the signs computed with the frontage of that street shall face that street.

iii. Where two or more establishments share a sign, the tota1 area of that sign shall not exceed 50 square feet.

iv. Flat wall signs may be located anywhere on the face of the building.

v. Within the C-1 District, all projecting decorative blade signs ~~or freestanding signs shall be 25% smaller in area than a permitted wall sign and~~ shall have a minimum clearance of eight (8) feet above a sidewalk and not measure more than six (6) square feet~~.~~ These signs are permitted in addition to either a wall sign or a ground-mounted sign. ~~and 15 feet above alleys or driveways~~.

vi. Permitted ~~freestanding or~~ ground mounted signs may be located anywhere on the premises PROVIDED that the sign is:

1. not located closer than three (3) feet from any side lot line,

2. does not obstruct pedestrian traffic, clear vision of vehicle operators or maintenance of any sidewalk, street or other right-of-way.

3. top of the sign shall be no taller than eight feet in height.

~~vii. Freestanding signs may be extended up to 20 feet above the average ground level at the base of the sign.~~

viii. Signs shall not project above the roofline.

G. D-1 Multi-Use ~~Development~~ District.

~~i. Signs permitted in these districts shall be identity signs and directive signs such as "entrance" or "exit" only.~~

ii. One ~~identity~~ sign is permitted per establishment that does not exceed a maximum area of 36 square feet in D-l District.

~~iii. Directive signs may be used as needed. Maximum allowable size for directive signs is two (2) square feet.~~

iv. ~~Free standing or~~ Gground mounted signs may be located anywhere on the premises provided the sign is not located closer than ten (10) feet to any lot lines and does not obstruct pedestrian traffic or the clear vision of vehicle operations. Other location requirements shall be the same as those set for Commercial Districts.

4. Substitution Clause. The owner of any sign which is otherwise allowed under this section may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of signage on a lot or allow the substitution of an off-site commercial message in place of an on-site commercial message.

4.05 LIGHTING. The Purpose of this Section is to ensure site lighting is designed in such a manner that limits the impacts of light ~~intrusion~~ trespass onto adjoining properties, improve roadway safety by limiting off-site glare, and to limit light pollution into the night sky by providing regulatory standards for outdoor lighting. During Site Plan Review, the Planning Commission may request a photometric site lighting plan be provided by the applicant so that compliance with this Section may be verified.

1. Exempted areas and types: The following types of outdoor lighting shall not have to meet the requirements of this section.

A. Decorative holiday lighting that is temporary in nature.

B. Decorative gas lamps.

C. Detached single family homes – however, homeowners are encouraged to abide by the same standards as delineated in this section including utilizing dark-sky compliant outdoor fixtures.

2. Regulated lighting: The following types of lighting shall be regulated by this Ordinance:

A. Parking lot light and site lighting for commercial, industrial and institutional developments.

B. Publicly and privately owned roadway lighting.

C. Building façade lighting.

D. Other forms of outdoor lighting, which, in the judgement of the Planning Commission is similar in character, luminosity, and/or glare to the foregoing.

3. Standards: Lighting shall be designed and constructed in such a manner to:

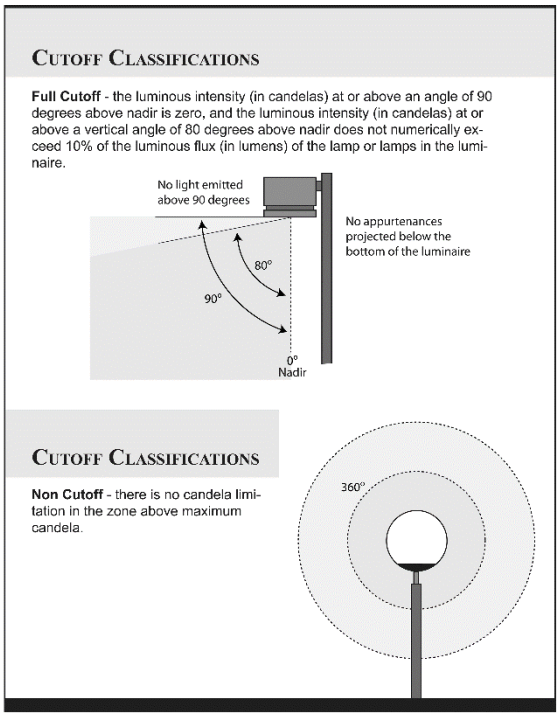
A. Insure that direct or directly reflected light is confined to the development site with measured light not exceeding 1 foot-candle at all commercial

property lines and 0.1 foot-candles at all residentially zoned or used property lines.

B. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.

C. Intensity: Parking lots and building entrances shall not exceed an average maintained five (5) footcandles in intensity in any location while under canopy lighting at automobile filling stations shall not exceed an average maintained fifteen (15) footcandles in any location.

D. Lighting fixtures shall have full cutoff feature where one hundred percent (100%) of the light from the lowest part of the light source does not shine above the horizontal plane (see Exhibit 1). No light fixture shall be mounted higher than twenty-five feet (25') feet above the average grade of the site



E. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.

F. All lighting shall meet the International Dark-Sky Association's Fixture Seal of Approval or similar standard that minimizes glare, sky glow, and short-wavelength blue-rich white light.

G. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.

H. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

~~*ARTICLE 4*~~

~~*NONCONFORMING USES, STRUCTURES AND LOTS*~~

Moved to Article XX

~~*ARTICLE 5*~~

~~*OFF-STREET PARKING AND LOADING*~~

Moved to Section 4.03

ARTICLE 6

SIGNS AND BILLBOARDS

Moved to Section 4.04

ARTICLE *5*~~7~~

DISTRICTS

(renumber Article 7 sections to 5.0X)

5~~7~~.01 DISTRICT. To carry out the purpose of this Ordinance, The Village of Northport shall be divided into the following districts:

CN-1	Conservation District
R-1	Rural Residential District
R-2	Village Residential District
R-2 S	Shoreline Residential District
R-3	Single Family Residential District
R-4	Multi Family Residential District
CR-1	Commercial Residential District
C-l	Core Commercial District
C-2	Commercial/Resort/Residential District
D-1	***Multi-Use*** ~~***Development***~~ District

7.02 SCOPE OF REGULATIONS. Except as provided, no structure shall be erected or altered nor shall any bui1ding or premises be used for any purpose other than is permitted in the district in which such building or premises is located.

7.03 PROVISION FOR OFFICIAL ZONING MAP. For the purpose of this Ordinance, the zoning districts as provided herein are bound and defined as shown on a map entitled "Official Zoning Map of Northport." The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.

7.04 IDENTIFICATION OF OFFICIAL ZONING MAP. The official zoning map shall be identified by the signature of the Zoning Administrator attested by the Village Clerk, and shall have the following wording: "This is to certify that this is the Official Zoning Map referred to in the Northport Zoning Ordinance of 2006," together with the effective date of this Ordinance.

7.05 AUTHORITY OF OFFICIAL ZONING MAP. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the Village Clerk and open to public inspection, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Village.

7.06 INTERPRETATION OF BOUNDARIES. Where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

1. Where boundaries indicated as approximately following streets or highways, the centerline of then roadways shall be construed to be such boundaries;

2. Where boundaries indicated as approximately following Village Boundary lines or following lot lines shall be construed as following said lines.

3. Where boundaries indicated as approximately parallel to the center lines of streets or highways shall be construed as being parallel thereto and at such distance there from as indicated by given distance or scaled dimension.

On an unsubdivided property, or where a district property divides a lot, the location of such boundary, unless shown by dimensions on the Zoning Map, shall be determined by the use of the map scale shown on the map. If there is a disagreement about this measurement, then it shall be reviewed and determined by the ***Zoning Board of Appeals*** ~~***Village Council***~~.

Whenever any road, alley, or other public right-of-way with the Village of Northport is vacated, then the road, alley or public right-of-way or portion thereof, shall automatically be classified in the same zoning district as to the property it attaches.

7.07 USE TABLE The following table details those uses that are Uses Permitted by Right within each zoning district with the identifier of P while uses with the SU identifier require obtaining a Special Use Permit in accordance with the provisions cited in Article 17. Uses without a P or SU identifier are not permitted.

(INSERT USE TABLE HERE)

7.08 ACCESSORY USES Customary Accessory uses are permitted that are accessory to any of the permitted uses by right listed in each of the districts and as defined in Article 2.

7.09 HOME OCCUPATIONS Home occupations as defined in Article 2 are an accessory use to a permitted residential use in all districts except for CN-1 Conservation District.

ARTICLE *6*~~*8*~~

CN-1 CONSERVATION DISTRICT

(renumber Article 8 sections to 6.0X)

6~~*8*~~.01 INTENT AND PURPOSE. This district is intended to protect and preserve natural features,
wildlife areas and scenic landscape and to provide recreational areas in the Village.

~~**8.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within the CN-1 District.**~~

~~1. Parks, playgrounds and conservation areas therein owned and operated by a public agency or a private citizens' group.~~

~~2. Publicly owned buildings and structures such as wastewater treatment facilities, public utilities, and government facilities.~~

~~3. Customary Accessory use to any of the permitted uses by right listed in the CN-1 District and as defined in Article 2.~~

~~**8.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and building may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.**~~

~~1. Marinas and launching ramps, but not including refreshment or restaurant facilities, provided ample, grade, off street parking and storage facilities are provided for vehicles.~~

~~2. Recreation, refreshment and service structures under supervision of municipal authorities and provided no structures are erected in an area subject to incidental flooding.~~

8.0*4**2* DIMENSIONAL REQUIREMENTS.

None.

ARTICLE 7~~9~~

R-1 RURAL RESIDENTIAL DISTRICT

(renumber Article 9 sections to 7.0X)

7~~9~~.01 INTENT AND PURPOSE. This district is intended for larger lot, low-density residential development and related uses. The purpose of this district is to maintain the rural residential character of the community and to provide a transition area from Leelanau Township zoning to Village zoning. Forested areas, open spaces and scenic views should be preserved as integral components of developments.

9.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within a R-1 District:

~~***1. Standard single-family dwellings.***~~

~~***2. Public parks, public playgrounds.***~~

~~***3. Home occupations as defined in Article 2.***~~

~~***4. State licensed residential facility.***~~

~~***5. Home child day care facilities for six (6) or fewer children licensed by the State of Michigan.***~~

~~***6. Publicly owned buildings and structures such as wastewater treatment facilities, public utilities, and government facilities.***~~

~~***7. Customary Accessory Uses to any of the permitted uses listed in the R-l District and as defined in Article 2.***~~

9.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and buildings may be permitted by obtaining a Special Use Permit in accordance to the provisions cited in Article 17.

~~***1. Family or Group day care centers.***~~

~~***2. Institutional uses.***~~

~~***3. Planned Unit Development.***~~

9.0~~4~~2 DIMENSIONAL REQUIREMENTS.

1. Lot Area. There shall be a lot area of at least ***two acres*** ~~***20,000 square feet***~~ with a minimum lot width at the front lot line of ***200*** ~~***150***~~~~***100***~~ feet.

2. Front Yard. Each lot shall have a minimum front yard setback requirement of ***forty-five (45)*** ~~***seventy-five (75)***~~ ***feet*** ~~***twenty (20)***~~ feet.

3. Side Yard. Each lot shall have a total side yard setback requirement of at least ***forty (40) feet*** ~~***twenty (20) feet***~~ with a minimum of ***fifteen (15) feet*** ~~***eight feet***~~ on one side.

4. Rear Yard. Each lot shall have a minimum rear yard setback requirement of thirty (30) feet. Review Section 3.25, Setback Exceptions for garages and accessory buildings.

5. Building Height: No building shall exceed thirty-five (35) feet in height.

6. Lot Coverage: No more than ***twenty percent (20%)*** ~~***thirty (30 %)***~~ of the lot shall be covered by ***buildings structures***~~.~~

ARTICLE ~~10~~ 8

R-2 VILLAGE RESIDENTIAL DISTRICT

(renumber Article 10 sections to 8.0X)

~~10~~ 8.01 INTENT AND PURPOSE. This district is intended for single-family and two-family residential uses, together with schools, churches, parks, and playgrounds. This district provides the main living area for the Village; therefore it is important that developments provide social interaction components such as sidewalks and parks. Buildings in this district are strongly encouraged to be designed to be compatible with the architectural character of existing buildings with respect to their: garage location, building height, materials of construction, roofline slopes, porches, windows and pedestrian and vehicular access location.

~~***10.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within a R-2 District:***~~

~~1. *Standard single-family dwellings.*~~

~~2. *Public parks, public playgrounds.*~~

~~3. *Home occupations as defined in Article 2.*~~

~~4. *Two family dwellings.*~~

~~5. *State licensed residential facility.*~~

~~6. *Home child day care facilities for six (6) or fewer children licensed by the State of Michigan.*~~

~~7. *Customary Accessory Uses to any of the permitted uses listed in the R- 2 District and as defined in Article 2.*~~

~~***10.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and building may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.***~~

~~1. *Institutional uses.*~~

~~2. *Senior citizen housing.*~~

~~3. *Family or Group day care centers.*~~

~~4. *Accessory dwelling unit.*~~

10.0~~4~~2 DIMENSIONAL REOUIREMENTS.

1. Lot Area. The following lot area requirements shall be met by all lots within the R-2 District with the exception of lots of record:
   a. There shall be a lot area of at least ***5,000*** ~~***15,000***~~ square feet with a minimum lot width at the front lot line of ***fifty (50) feet*** ~~***one hundred (100 feet)***~~.

   b. Two family dwellings shall have a lot area of at least ***8,000*** ~~***20,000***~~ square feet.

2. Front Yard. Each lot shall have a minimum front yard setback requirement of twenty (20) feet.

3. Side Yard. Each lot shall have a total side yard setback requirement of at least ***fifteen (15) feet*** ~~***twenty (20) feet***~~ with a minimum of ***five (5)*** ~~***eight (8)***~~ feet on one side.

4. Rear Yard. Each lot shall have a minimum rear yard setback requirement of ***twenty (20) feet*** ~~***twenty-five (25) feet***~~ ~~***thirty (30) feet***~~.
   Review Section 3.25, Setback Exceptions for garages and accessory buildings. (Section 3.25 does not exist – why was it removed? Should it be allowed back or did it cause too many problems. If it is OK, should be added to R-4 too).

5. Building Height. No building shall exceed thirty-five (35) feet in height.

6. Lot Coverage. No more than ***forty percent (40%)*** ~~thirty~~ ~~***five***~~ ~~(35~~***0***~~%)~~ of the lot shall be covered by ~~***buildings***~~ ***structures***.

ARTICLE *9*

(renumber all subsequent sections)

R-2 S SHORELINE RESIDENTIAL DISTRICT

9.01 INTENT AND PURPOSE. This district is intended for single-family and two-family residential uses, together with schools, churches, parks, and playgrounds along the shoreline of Northport Bay. This district includes most of the residential shoreline within the Village. The intent is to ensure compatibility of buildings along the shoreline with neighboring buildings. The purpose is to ensure that the buildings do not impact view of neighboring parcel's views of the water while preserving viewsheds to the bay whenever feasible. Buildings in this district are strongly encouraged to be designed to be compatible with the architectural character of existing buildings with respect to their: garage location, building height, materials of construction, roofline slopes, porches, windows and pedestrian and vehicular access location.

9.2 DIMENSIONAL REQUIREMENTS.

1. Lot Area. The following lot area requirements shall be met by all lots within the R-2 S District with the exception of lots of record:
   a. There shall be a lot area of at least ~~6,000~~ 8,000 square feet with a minimum lot width at the front lot line of ~~sixty (60)~~ 100 (100) feet.

   b. Two family dwellings shall have a lot area of at least 8,000 square feet.

2. Front Yard. Each lot shall have a minimum front yard setback requirement of twenty (20) feet.

3. Side Yard. Each lot shall have a total side yard setback requirement of at least **twenty (20) feet** with a minimum of **eight (8)** feet on one side.

4. Rear Yard. Each lot shall have a minimum rear yard setback requirement of thirty feet.

5. Waterfront Yard. The waterfront yard shall be the yard that meets the water's edge, and it shall have a minimum setback from the nearest point of the ordinary high-water mark to the dwelling.

5. Building Height. No building shall exceed thirty-five (35) feet in height.

6. Lot Coverage. No more than forty percent **(40%)** of the lot shall be covered by structures.

7. Accessory Dwelling Units are permitted in the front and side yards, but they are not permitted within the waterfront yard.

8. No accessory structures shall be permitted in the waterfront yard.

9. All garages entrances shall face the street and may not be placed in the waterfront yard.

ARTICLE ~~*11-A*~~ *9*

R-3 SINGLE-FAMILY RESIDENTIAL DEVELOPMENT DISTRICT

(renumber Article 11-A sections to 10.0X)

9.01 ~~***11-A.01***~~ INTENT AND PURPOSE. This district is intended for single-family developments that incorporate unique designs features such as preserving large amounts of open space as a conservation designed development and/or allowing for a mixture of uses.

~~***11-A.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within the R-3 District:***~~

~~***1. Standard single-family dwellings***~~

~~***2. Public parks, public playgrounds***~~

~~***3. Home occupations as defined in Article 2***~~

~~***4. State licensed residential facility***~~

~~***5. Home child day care facilities for six (6) or fewer children licensed by the State of Michigan***~~

~~***6. Customary Accessory Uses to any of the permitted the R-3 District and as defined in Article 2.***~~

~~***11-A.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and buildings may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.***~~

~~***1. Family or Group day care centers***~~

~~***2. Golf Courses and country clubs***~~

~~***3. Planned Unit Developments***~~

~~***4. Institutional Uses***~~

~~***5. Accessory dwellings***~~

11-~~A~~.0***42*** DIMENSIONAL REQUIREMENTS.

1. Lot Area. There shall be a lot area of at least 15,000 square feet with a minimum lot width of 100 feet (the minimum lot size requirement may be waived if 50% of more of the area remains as designated open space).

2. Front Yard. Each lot shall have a minimum front yard setback requirement of thirty-five (35) feet.
3. Side Yard. Each lot shall have a total side yard setback requirement of a minimum of twenty (20) feet with a minimum of 8 feet on one side.

4. Rear Yard. Each lot each lot shall have a minimum rear yard setback requirement of thirty (30) feet. Review Section 3.25, Setback Exceptions for garages and accessory buildings.

5. Building Height. No building shall exceed thirty-five (35) feet in height

6. Lot Coverage. No more than thirty-five (35%) of the lot shall be covered by ***~~buildings~~ structures***.

ARTICLE 1*01* ~~B~~

R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

(renumber Article 11-B sections to 10.0X)

1***01B***.01 INTENT AND PURPOSE. This district is intended to provide a sound and stable residential environment for medium and higher density developments. Permitted uses in this area include single and multiple family dwellings, apartments, condominiums and Planned Unit Developments (PUD). Additional uses compatible with the residential character of the district are allowed under special conditions. The purpose of this district is to promote variety in housing style, design and cost to meet existing and future housing needs.

~~***11B.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within the R-4 District:***~~

~~***1. Single-family dwellings***~~

~~***2. Public parks, public playgrounds***~~

~~***3. Home occupations as defined in Article 2***~~

~~***4. Two-family dwelling***~~

~~***5. Multiple-family Dwellings***~~

~~***6. Customary Accessory Uses to any of the uses permitted by right in the R-4 District and as defined in Article 2***~~

~~***11.03B USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and buildings may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.***~~

~~***1. Mobile Home Parks***~~

~~***2. Family or Group day care centers***~~

~~***3. Planned Unit Developments***~~

~~***4. Institutional uses***~~

~~***5. State licensed residential facilities***~~

~~***6. Accessory dwellings***~~

11.0***24B*** DIMENSIONAL REQUIREMENTS.

1. Lot Area.

   a. There shall be a lot area of at least 15,000 square feet with a minimum lot width of 100 feet.

   Single family dwellings shall be allowed on lots measuring 4,000 square feet with a minimum lot width of 40 feet forty-five (45) feet.

   b. Two family dwellings shall have a lot area of at least ***20,000 square feet 6,000 square feet with a minimum lot width of 60 feet***.

   c. Multiple-family dwelling units shall not exceed a density of ***twelve four*** dwelling units per acre.

2. Front Yard. Each lot shall have a minimum front yard setback requirement of thirty-five (35) feet.

3. Side Yard. Each lot shall have a total side yard setback requirement of a minimum of ***eighteen (18) fourteen (14) twenty (20)*** feet with a minimum of ***five (5) four (4) eight (8)*** feet on one side.

4. Rear Yard. Each lot shall have a minimum rear yard setback requirement of ***twenty-five (25) thirty (30) feet***.

5. Building Height. No building shall exceed thirty-five (35) feet in height.

6. Lot Coverage. A maximum of thirty-five (35%) of the lot may be covered by all buildings.

11.0***35B*** PERFORMANCE STANDARDS. All uses permitted in the R-4 District shall also meet the buffer yard requirements specified in Section 16.07.

ARTICLE *11* ~~*12*~~

CR-1 COMMERCIAL/RESIDENTIAL DISTRICT

(renumber Article 12 sections to 11.0X) – to be addressed with Form-based Code

11~~12~~.01 INTENT AND PURPOSE. ~~***It is the purpose of this district to accommodate both residential and commercial uses in a way that maintains the established character of the community. Structures in this district should be designed to be compatible with the architectural character of the existing buildings with respect to building placement and building height, materials of construction, roofline slope, porches and windows, and pedestrian and vehicular access locations.***~~ The CR-1 District is a mixed-use district that represents a transition between the more intense commercial nature of the C-1 District and the surrounding single-family residential districts. It is the purpose of this district to accommodate both residential and commercial uses that utilizes existing buildings and creates opportunities for new buildings that enhance the neighborhood form to the CR-1 District. Structures in the CR-1 District include a range of building type and architectural style. It is this diversity and eclectic architecture that the CR-1 is designed to preserve and enhance.

This area is not conducive to automobile-dependent commercial operations. Drive-thrus, large size formula based operations, and uses that require a large amount of parking ***should*** ~~***should***~~ are not ***be*** ~~***be***~~ permitted in this district.

~~***12.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within a CR-1 District:***~~

~~1. *Standard single-family dwellings*~~

~~2. *Public parks, public playgrounds*~~

~~3. *Home occupations as defined in Article 2*~~

~~4. *Two-family dwellings*~~

~~5. *Retail whose principal activity is the sale of notions, souvenirs, gifts, antiques, artwork, books, confections, flowers or plants, and clothing*~~

~~6. *Office building for any of the following occupations: attorneys, architects, engineers, accountants, insurance agents, artists, doctors, dentists and similar professionals*~~

~~7. *State licensed residential facility*~~

~~8. *Home child day care facilities for six (6) or fewer children licensed by the State of Michigan*~~

~~*9. Customary Accessory Uses to any of the permitted uses listed in the CR- 1 District and as defined in Article 2*~~

~~***12.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and buildings may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17. All commercial uses whether they are housed in a converted residential structure or in a new structure shall be further judged, by the Zoning Board of Appeals, on the basis of their architectural and aesthetic compatibility with the surrounding uses and buildings.***~~

~~*1. Art and craft demonstration establishments*~~

~~*2. Family or group day care centers*~~

~~*3. Bed and breakfasts*~~

~~*4. Living quarters above a principal structure subject to the following conditions:*~~

~~*a. The principal use is a business.*~~

~~*b. The living quarters shall be designed to be compatible with the architectural style and character of the principal business in terms of materials of construction and roofline slope.*~~

~~*5. Restaurants, taverns and other eating or drinking establishments that provide food and/or drink and/or entertainment on the premises. "Drive-in" establishments and similar uses are not allowed in this district.*~~

~~*6. Buildings with a minimum floor area (measured from the outside walls of the first floor) of 5,000 square feet or more.*~~

~~***12.024 DIMENSIONAL REQUIREMENTS.***~~

~~*1. Lot Area. There shall be a lot area of at least 15,000 square feet with a minimum lot width of 100 feet.*~~

~~*2. Front Yard. Each lot shall have a minimum front yard setback requirement of twenty (20) feet. Street wall exception: where existing buildings within 100 feet on either side of a proposed building establish a street wall, new buildings shall maintain and continue the average setback of the existing buildings.*~~

~~*3. Side Yard. Each lot shall have a total side yard setback requirement of at least twenty (20) feet with a minimum of eight (8) feet on one side.*~~

~~*4. Rear Yard. Each lot shall have a minimum rear yard setback requirement of thirty (30) feet.*~~

~~*5. Building Height. No building shall exceed thirty-five (35) feet in height.*~~

~~*6. Lot Coverage. No more than thirty-five (35%) of the lot shall be covered by buildings.*~~

~~*7. Commercial Building Size. The minimum floor area for all principal buildings shall be 600 square feet, measured from the outside walls of the first floor. This provision is designed to encourage compatible building design, to preserve the unique character of the Village and to preserve neighboring property values.*~~

~~***12.035 OUTDOOR STORAGE.** No outdoor storage of supplies, materials, equipment, or merchandise, other than for temporary sidewalk sales shall be permitted.*~~

~~***12.046 ARCHITECTURAL DESIGN STANDARDS.** For all new commercia1 construction and renovation, the Village of Northport Architectural Design Standards for architectural features, materials, colors and signage shall apply. A copy of the Village of Northport Architectural Design Standards is available at the Village Office.*~~

11.0*2* ARCHITECTURAL STANDARDS AND BUILDING TYPOLOGY.

Purpose. The CR-1 District is a walkable, pedestrian-oriented mixed-use district with both residential and small-scale commercial buildings and is intended to be a transition space between the commercial nature of the C-1 District and the purely residential nature of the surrounding districts.

There is no unifying architectural style within the CR-1 District. It is made up of a mix of building typologies. This collection includes a mix of commercial and residential buildings in a variety of architectural styles. The CR-1 District should include a variety of building types that are not found elsewhere in Northport. These building types are listed below:

1. Single Family detached building. The Detached House: Compact building type is a small, detached structure on a small lot that incorporates one unit. It is typically located within a ~~*primarily single-family*~~ ***mixed residential commercial*** neighborhood in a walkable urban setting, potentially near a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.
2. Cottage Court apartments. The Cottage Court building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element of this type. This type is appropriately scaled to fit within primarily single-family or medium-density neighborhoods. It enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.
3. Duplex. The Duplex building type is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a

single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods.

4. Row or Townhouse - attached single family buildings that share a common wall. The Rowhouse/Townhouse building type is a small- to medium-sized typically attached structure that con-sists of 2–8 Rowhouses placed side-by-side. This type is typically located within medium-density neighborhoods or in a location that transitions from a primarily single-family neighborhood into a neighborhood main street. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.
5. Multiplex. The Multi-plex: Small building type is a medium structure that consists of 3–6 side-by-side and/or stacked dwelling units, typically with one shared entry or individual entries along the front. This type has the appearance of a medium-sized family home and is appropriately scaled to fit sparingly within primarily single-family neighborhoods or into medium-density neighborhoods. This type enables appropriately-scaled, well-designed higher densities and is important for providing a broad choice of housing types and promoting walkability.

11.03~~5~~ Building Placement Standards. Please refer to the following diagrams for building placement and architectural standards. These standards differ based on building type.

11.04~~6~~ Lighting.

1. Exterior site lighting, other than flag and decorative lighting, shall be confined to the development site and conform to the following:
   i. Lamps and luminaries shall be Dark Sky Friendly as defined by the International Dark-Sky Association and shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, and the light source are not directly visible from beyond the bound-ary of the site.
   ii. Maximum color temperature of all outdoor lighting shall be 3000 Kelvins
   iii. The light from any illumination source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
   iv. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than fifteen (15) feet above the average grade of the site.
   v. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.

Singl;e Family Detached House

Photo to be replaced

Examples of Permitted Building Typologies (continued)

Rowhouse/Townhouse *(Photo credit: City of Cincinnati)*

Cottage Court *(photo credit: Opticos Design)*

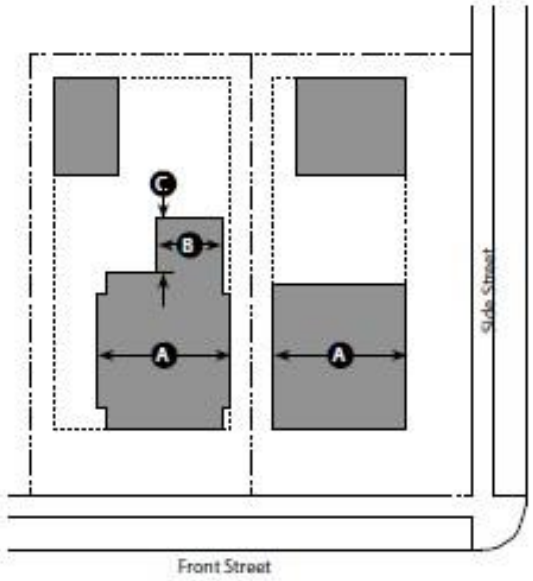
Multiplex *(Photo credit: Chuck McShane)*

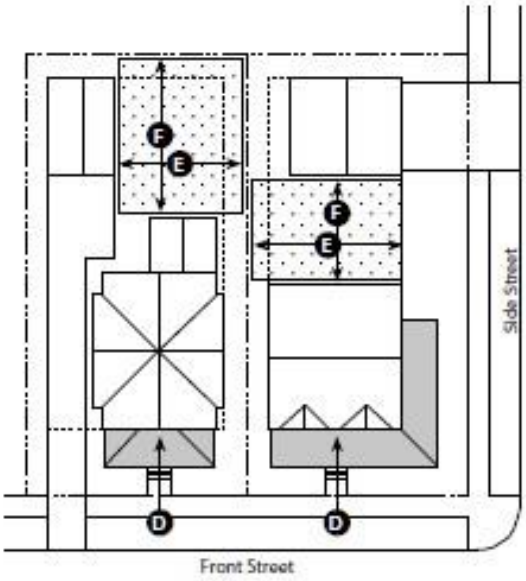
Cottage Court *(photo credit: Opticos Design)*

Multiplex *(photo credit: Missing Middle Housing)*

Duplex *(photo credit: Michigan Municipal League)*

11.03 (A) Building Site Placement Requirements - Detached House





Key

---- ROW / Lot Line

----- Setback Line

Building

Key

---- ROW / Lot Line

----- Setback Line

Frontage

Private Open Space

Number of Units	
Units Per Building	1
Houses Per Lot	1
ADU	Permitted
Minimum Lot Size	4,000 sq. ft.
Minimum Lot Width	40'
Minimum Lot Depth	60'
Maximum Impervious Surface	60%
Building Size and Massing	
Building Height	2 1/2 stories 35'
Main Body	
Width A	No Maximum
Secondary Wing	
Width B	20' Max
Depth C	30' Max

Setbacks	
Front Yard	Average of all buildings on block
Side Yard	10 ' (minimum 5' each side)
Rear Yard	20'

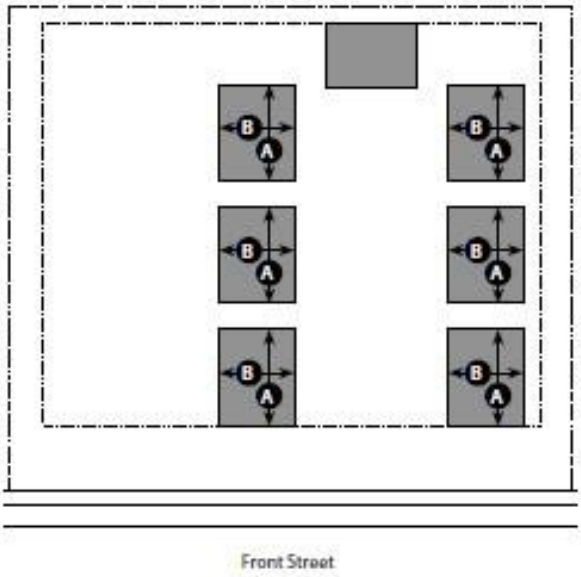
Allowed Frontage Type	
Porch	Permitted
Stoop	Permitted

Pedestrian Access D	
Main Entrance Location	Front Street

Private Open Space	
Width E	15' Min
Depth F	15' Min
Area	300 SF Min

Parking
1 space minimum

11.03 (B) Building Site Placement Requirements - Cottage Court

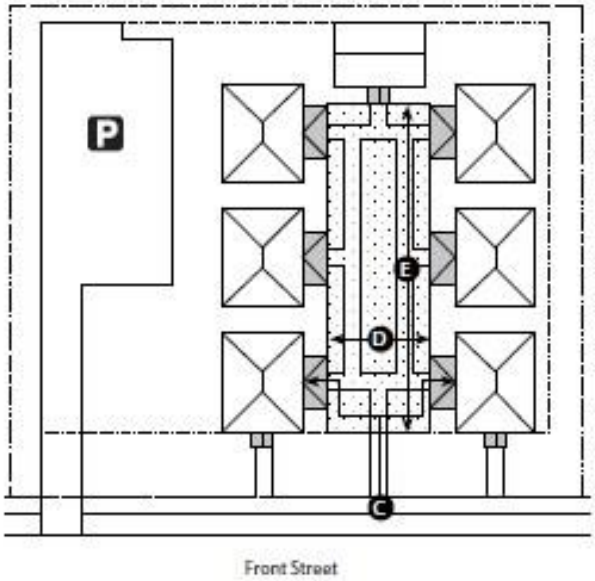


Key

---- ROW / Lot Line

----- Setback Line

Building



Key

---- ROW / Lot Line

----- Setback Line

Frontage

Private Open Space

Number of Units	
Units Per Building	1 Max.
Houses Per Lot	3 Min. 7 Max.
ADU	Not Permitted
Minimum Lot Size	13,500 sq. ft.
Minimum Lot Width	135'
Minimum Lot Depth	100'
Maximum Impervious Surface	60%
Building Size and Massing	
Building Height	1.5 stories/ 30'
Minimum unit size	500 sq. ft.
Main Body	
Width B	32 ' Max
Depth A	36' Max
Secondary Wing	
Width	24' Max
Depth	12' Max
Setbacks	
Front Yard	10' Min. / 25' Max
Side Yard	10 ' (minimum 5' each side)
Rear Yard	5' Min

Driveways/Parking may be located in side and rear yard setbacks

Allowed Frontage Type	
Porch	Permitted
Stoop	Permitted

Pedestrian Access C	
Main Entrance Location	Front Street

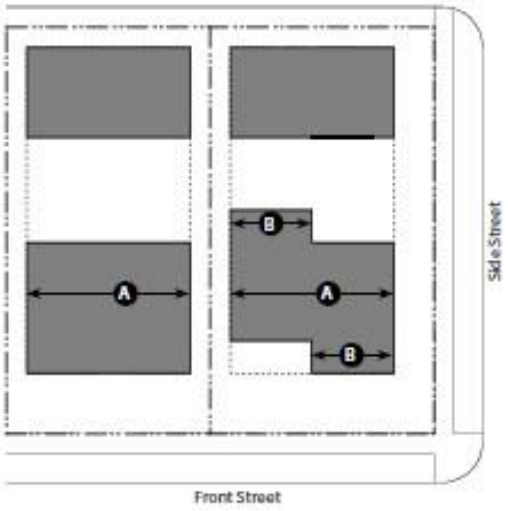
Common Open Space	
Width D	15' Min
Depth E	60' Min
Area	900 sq. ft. Min

Parking

1.5 spaces per unit Max.

Parking to be located at rear or side of lot

11.03 (C) Building Site Placement Requirements - Duplex

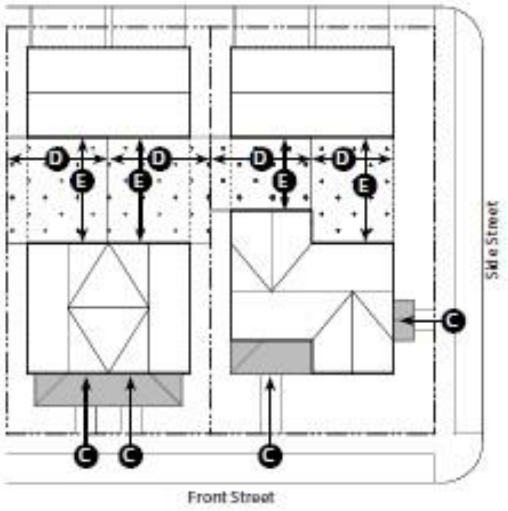


Key

ROW / Lot Line

Setback Line

Building



Key

ROW / Lot Line

Setback Line

Frontage

Private Open Space

Number of Units	
Units Per Building	2 Max
Duplex Per Lot	1
ADU	Permitted
Minimum Lot Size	5,000 sq. ft.
Minimum Lot Width	50'
Minimum Lot Depth	100'
Maximum Impervious Surface	60%
Building Size and Massing	
Building Height	2.5 stories/ 35'
Minimum unit size	600 sq. ft.
Main Body	
Width A	55 ' Max
Depth	60' Max
Secondary Wing	
Width B	30' Max
Depth	15' Max
Setbacks	
Front Yard	Average of all buildings on block
Side Yard	10 ' (minimum 5' each side)
Rear Yard	5' Min

Driveways may be located in side and rear yard setbacks

Allowed Frontage Type	
Porch	Permitted
Stoop	Permitted

Pedestrian Access C	
Main Entrance Location	Front Street

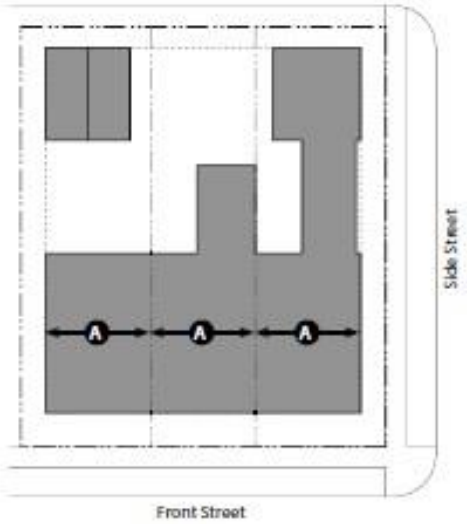
Each unit shall have an individual entry facing the street

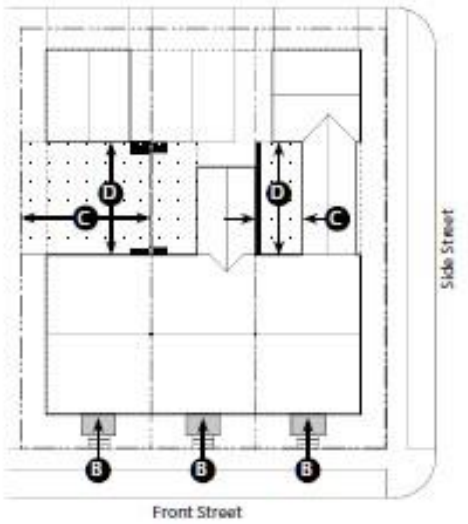
On corner lots, each unit entry shall front a different street.

Common Open Space	
Width D	15' Min
Depth E	15' Min
Area	300 sq. ft. Min/unit

Parking
1 space per unit Min; 2 per unit Max
Parking to be located at rear or side of lot

11.03 (D)Building Site Placement Requirements - Row/Townhouse





Key

ROW / Lot Line

Setback Line

Shared Lot Line[1]

Building

[1]Rowhouses may have a shared Lot Line.

Key

ROW / Lot Line

Setback Line

Frontage

Private Open Space

Number of Units	
Units Per Building	1 Max.
Rowhouses per lot	1*
Rowhouses per run	2 min; 6 max
ADU	Permitted
Minimum Lot Size	2,500
Minimum Lot Width	25'
Minimum Lot Depth	100'
Maximum Impervious Surface	75%
Building Size and Massing	
Building Height	2 stories/ 30'
Minimum unit size	1,000 sq. ft.
Main Body	
Width (A)	25' Max
Depth	36' Max
Secondary Wing	
Width	N/A
Depth	N/A
Setbacks	
Front Yard	10' Min. / 25' Max
Side Yard	0' Min
Rear Yard	30' Min
Minimum space between Main Building and ADU (D)	15' Min

Driveways may be located in side and rear yard setbacks

* maximum 3 per lot if condominiums

Allowed Frontage Type	
Porch	Permitted
Stoop	Permitted

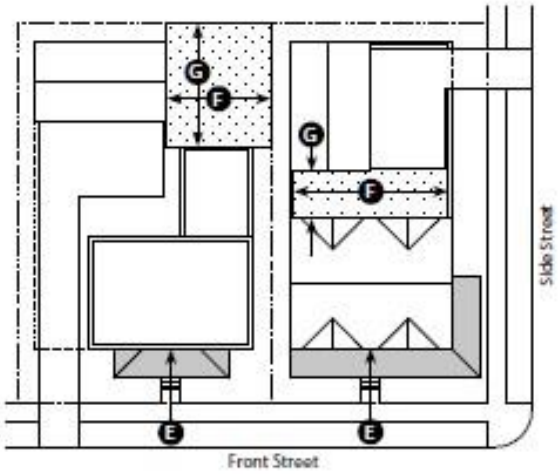
Pedestrian Access (B)	
Main Entrance Location	Front Street

Each unit shall have a primary entry facing a street

Common Open Space (C)	
Area	400 sq. ft. Min

Parking
1.5 spaces per unit Max.
Parking to be located at rear of lot

11.03 (E) Building Site Placement Requirements - Multiplex building



Key

---- ROW / Lot Line	Building	ROW / Lot Line	Frontage
----- Setback Line		Setback Line	Private Open Space

Number of Units	
Units Per Building	3 min; 4 max
ADU	Permitted
Minimum Lot Size	7,500 sq. ft.
Minimum Lot Width	75'
Minimum Lot Depth	100'
Maximum Impervious Surface	80%
Building Size and Massing	
Building Height	3 stories/ 36'
Minimum unit size	600 sq. ft.
Main Body	
Width (A)	48' Max
Depth (B)	48' Max
Secondary Wing	
Width (C)	30' Max
Depth (D)	30' Max
Setbacks	
Front Yard	Average of all buildings on block if less than 15'; 15' max
Side Yard	10' (minimum 5' each side)
Rear Yard	5' Min

Driveways and parking areas may be located in side and rear yard setbacks

Allowed Frontage Type	
Porch	Permitted
Stoop	Permitted

Pedestrian Access (E)	
Main Entrance Location	Front Street

Each unit may have an individual entry

Common Open Space		
Width	(F)	10' Min
Depth	(G)	10' Min
Area		100 sq. ft. Min/unit

Required open space shall be behind the main building

Parking

1.25 spaces/unit Max

Parking to be located behind primary building

ARTICLE *12~~13~~*

C-l CORE COMMERCIAL DISTRICT

(renumber Article 13 sections to 12.0X) – to be addressed with Form-based Code

12~~13~~.01 INTENT AND PURPOSE. It is the purpose of this district to accommodate commercial activities offering goods and services needed by Village residents. The C-1 District is the most urban of zoning districts within the Village and is characterized by a mix of commercial, civic, and residential uses. ~~This district also accommodates resort retail and service operations as well as residential land uses and apartments under appropriate conditions~~.

Structures in this district should be designed to be compatible with the architectural character of the existing buildings with respect to building placement and building height, materials of construction, roofline slope, porches and windows, and pedestrian and vehicular access locations. Drive-thrus, larger size formula based operations, and uses that require large amount of parking should not be permitted in this district.

~~13.02 USES PERMITTED BY RIGHT. The following uses are permitted by right within a C-l District.~~

1. ***~~Standard single-family dwellings~~***
2. ***~~Public parks, public playgrounds~~***
3. ***~~Home occupations as defined in Article 2~~***
4. ***~~Two-family dwellings~~***
5. ***~~Resort retail, whose principal activity is the sale of notions, souvenirs, gifts, antiques, artwork, books, confections, flowers or plants, and clothing~~***
6. ***~~Office building for any of the following occupations: attorneys, architects, engineers, accountants, insurance agents, artists, doctors, dentists and similar occupations.~~***
7. ***~~Retail food establishments that supply groceries, fruits, vegetables, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises~~***
8. ***~~Retail businesses, such as, but not limited to: drug, variety, dry goods, clothing, notions, music, books, hardware or furniture stores which supply commodities on the premises, but excluding sexually oriented businesses. Formula-based retail operations are only permitted with the approval of a special use permit.~~***
9. ***~~Personal service establishments, which perform services on the premises, such as, but not limited to: barber, beauty or health shops, repair shops (i.e., shoes, radio,~~***

~~*television, jewelry), photographic studios and self service laundries and dry cleaning.*~~

~~*10. Banks and other financial corporation offices*~~

~~*11. Commercial schools including art, music, dance, business, professional and trade*~~

~~*12. Restaurants, taverns and other eating establishments, which provide food and/or drink and/or entertainment on the premises. "Drive-in" establishments are not allowed in this district.*~~

~~*13. Customary accessory uses to any of the permitted uses listed in the C-1 District and as defined in Article 2.*~~

13.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and structures may be permitted by obtaining a Specia1 Use Permit in accordance with the provisions cited in Article 17.

~~*1. Automobile service station*~~

~~*2, Family or Group day care centers*~~

~~*ii.Institutional uses*~~

~~*iii.Funeral homes and mortuaries*~~

~~*iv.Commercial recreation facilities*~~

~~*v.Buildings with a minimum floor area (measured from the outside walls of the first floor) greater than 5,000 square feet.*~~

~~*vi.Buildings containing residential and commercial components. There shall be a minimum of one parking space per residential unit. Parking for the commerical use shall meet the requirements listed in Section 5.04, Schedule of Parking Requirements.*~~

13.024 DIMENSIONAL REQUIREMENTS.

~~*1. Lot Area. There is no minimum lot area or width requirement for lots in the C-1 District, except as may be specifically provided elsewhere in this Ordinance.*~~

~~*2. Front Yard. All new buildings shall maintain and continue the average setback of the existing buildings within 100 feet on either side of a proposed building.*~~

~~*3. Side Yard. Side yard setbacks shall not be required except on that side of the lot abutting a residential district, in which case there shall be a side yard requirement*~~

~~*of not less than twenty (20) feet or where a lot is situated on a corner in which case there shall be a side yard of not less than ten (10) feet on the side facing the street.*~~

~~*4. Rear Yard. Each lot shall have a rear yard setback requirement of twenty (20) feet, except rear yards abutting upon a residential district, in which case there shall be a rear yard setback requirement of not less than thirty (30) feet.*~~

~~*5. Building Height. No building shall exceed forty-five (45) thirty-five (35) feet in height.*~~

~~*6. Lot Coverage. There is no maximum lot coverage requirement for lots in the C-1 District.*~~

~~*7. Commercial Building Size. The minimum floor area for all principal buildings shall be (600) six hundred square feet, measured from the outside walls of the first floor. This provision is designed to encourage compatible building design, to preserve the unique character of the village and to preserve neighboring property values.*~~

~~*13.035 OUTDOOR STORAGE. No outdoor storage along the sidewalk and road side of supplies, materials, equipment, or merchandise, other than for temporary sidewalk sales shall be permitted.*~~

~~*13.046 ARCHITECTURAL DESIGN STANDARDS. For all new commercia1 construction and renovation, the Village of Northport Architectural Design Standards for architectural features, materials, colors and signage shall apply. A copy of the Village of Northport Architectural Design Standards is available at the Village Office.*~~

12.02 **BUILDING SITE PLACEMENT**. Please refer to Figure 13.1 for site placement requirements.

1. Lot Area. There is no minimum lot area or width requirement for lots in the C-1 District, except as may be specifically provided elsewhere in this Ordinance.

2. Front Build-to line. Maximum front setback from property line is five (5) feet.

3. Side Yard. Side yard setbacks shall not be required except on that side of the lot abutting a residential district, in which case there shall be a side yard requirement of not less than ten (10) feet.

4. Rear Yard. There is no rear yard setback requirement.

5. The following architectural elements may project into required setbacks, beyond required build-to-zones or into the public right-of-way as indicated below. For encroachments into the public right-of-way, an encroachment permit shall be obtained from the applicable City department(s).

6. Balconies. A balcony with a minimum ground clearance of twelve (12) feet above adjacent grade may extend six (6) feet maximum from the exterior wall of the building into the public right of way. Balconies that do not extend over the public right of way may extend eight (8) feet from the exterior wall of the building.

7. Awnings and Canopies. An awning or canopy with a minimum ground clearance of eight (8) feet above adjacent grade may extend eight (8) feet maximum from the exterior wall of the building.

8. Eaves. Building eaves with a minimum ground clearance of twelve (12) feet above adjacent grade may extend two (2) feet maximum from the exterior wall of the building.

9. Cornice. Building cornices with a minimum ground clearance of twelve (12) feet above adjacent grade may extend up to a two (2) foot maximum from the exterior wall of the building.

10. Bay Windows. Bay windows are permitted on the second or third story and may extend three (3) feet maximum from the exterior wall of the building.

11. Blade or Projecting Signs. Projecting signs with a minimum ground clearance of eight (8) feet above adjacent grade may extend three (3) feet maximum from the exterior wall of the building.

12.03 **ARCHITECTURAL STANDARDS.**

Purpose. There is no unifying architectural style within the C-1 District, which creates an eclectic vernacular style.

This collection of architectural styles includes "frontier" style buildings, more classical style buildings, mid-century modern buildings, converted houses, and a few detached residential homes in different styles.

1. **Street Wall.**
   a. To the best extent possible, buildings should create a solid and continuous street wall. Where parking areas or side yards break up the street wall, a masonry wall, decorative fencing, or evergreen landscape plantings shall be required to continue the streetwall.
   b. Zero side yard setbacks are encouraged in the C-1 District.
2. **Architectural Features.**
   a. All multi-story buildings must have a clearly delineated base, middle, and top.
   b. Decorative brackets, cornices, coping, eaves, ex-posed rafters, friezes, lintels, decorative molding, and transom windows may be used to delineate middle and top sections of multi-story buildings.
3. **Building Height.**
   a. Building heights shall be measured in number of stories and feet from original grade.
   b. Story height shall be measured from floor to ceiling for each floor of a building.

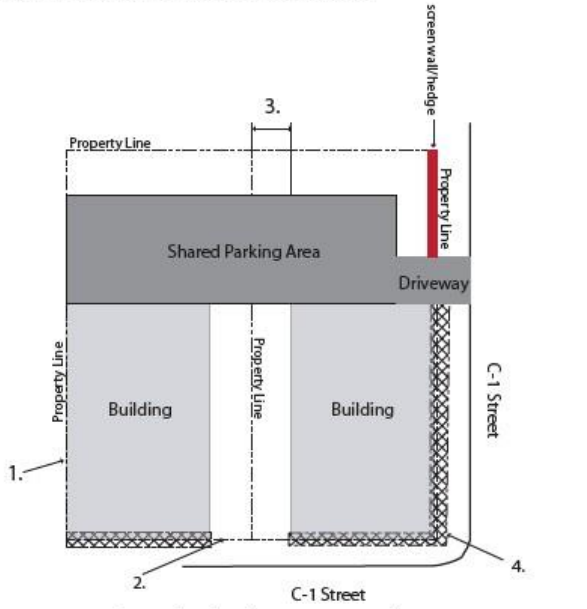
c. Attic and basements are not counted as stories.

d. Screening that is required for elevators and/or stair enclosures for roof access are not counted as stories. Screening and stair enclosures shall not extend more than 12 feet from the adjacent roof surface.

e. Two story buildings are encouraged.

f. Maximum height of 40 feet.

Figure 12.1 Building Site Placement



1. Side yard setback (none required)
2. Front build-to line
3. Side yard setback (access for shared rear parking area)
4. Allowable projection into public right of way

Figure 12.2 3rd Story Setback Illustration

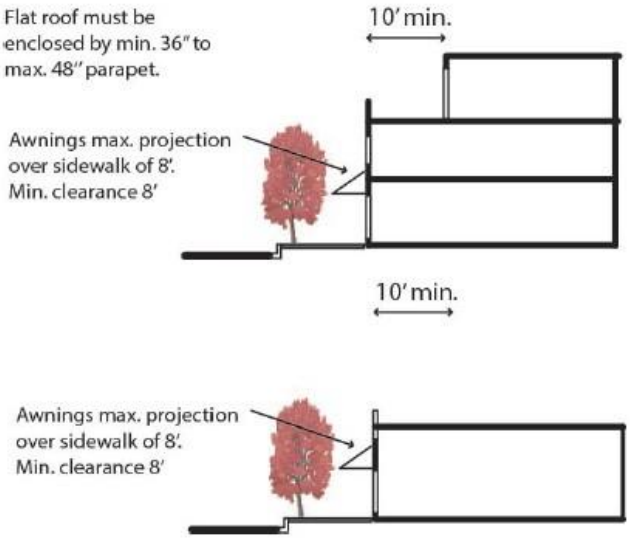


Figure 12.3 Building Facade Treatments

Example of Single-Story Building or 2-story Building with Peaked Roof

f. Single story buildings are permitted only if there is a solid two-story façade on the street frontage. See Figure 13.3 for example.

g. Maximum building height is three (3) stories.
    i. Third story must be set back at least 10 ft. from the street-facing façade.

4. Building Roofs.

a. Flat Roof. Flat roofs must be enclosed with a minimum 3 ft. high parapet wall.
b. Hip roof. Hip roofs may be partially concealed with a solid square façade on the primary street frontage. See Figure 13.4 for example.
c. Gabled roofs including Front Gable, Box Gable, Stepped or Crowstepped gables
d. Dutch Gable. First floor roof must cover a porch or promenade.
e. Shed roof. Permitted only over a porch with a false second-story façade.
f. Rooftop Mechanicals. All rooftop mechanical, communication, and similar devices shall be screened from view of adjacent properties and streets. Screening shall be so designed as to be an integral part of the building. The screening material shall match the building's material and color or be another material or color that is compatible with the building exterior.

5. Building Materials.

a. Building Materials. Traditional building materials or equivalents should be used in the C-1 district. This includes brick, stone, wood, stucco and modern equivalents such as engineered lumber and fiber cement board (also called HardiBoard). Vinyl siding and External Insulation and Finishing Systems (EIFS) are prohibited.

Figure 12.4 Example of Frontier-style facade with hipped roof.

b. Siding. Permissible siding types:
    i. Lap siding (horizontal wood or Hardiboard siding)
    ii. Clapboard siding
    iii. Board and batten
    iv. Wood shingle

v. Brick
vi. Stone
vii. Stucco.

6. Building Fenestration.

a. Primary entrances shall face the street, If a building is on a corner lot, there may be entrances on both streets, on one street or at the corner.
b. Entrances from rear parking areas shall be secondary entrances with limited signage.
c. Windows and doors must take up a minimum of 50% and maximum of 90% of total area of the ground floor façade with street frontage. For buildings located on corner lots, this requirement is applicable on both street frontages.
d. Street-facing facade transparency requirements for building elevations facing principal and secondary frontage lines are measured as a percent-age of clear glass surface area to total façade area.
e. Transparency shall be subject to the following requirements:
    i. Calculation. The calculation of the percentage of transparency shall include only the glass within the windows, doors and display windows.
    ii. Clear Glass. Only clear or lightly tinted glass in windows, doors and display windows is permitted and considered transparent.
    iii. Reflective Surfaces. The use of highly reflective surfaces, including reflective glass and mirrors is prohibited on the ground floor.
    iv. Exterior steel doors, storm shutters, barriers, hurricane curtains and other security devices are not permitted on the exterior of the building. If they are located in the interior of the building, they may not be visible from the sidewalk or public right-of-way during business hours.
    v. Interior Display. Interior display shelves and merchandise are not permitted to block or obscure clear views into or out of the building at windows, doors or display windows that are included as part of the required transparency.
    vi. Upper story windows should be taller than wide.

7. Projections.

The following architectural elements may project into required setbacks, beyond required build-to-zones or into the public right-of-way as indicated below. For encroachments into the public right-of-way, an encroachment permit shall be obtained from the applicable City department(s).

a. Balconies. A balcony with a minimum ground clearance of twelve (12) feet above adjacent grade may extend six (6) feet maximum from the exterior wall of the building into the public right of way. Balconies that do not extend over the public right of way may extend eight (8) feet from the exterior wall of the building.
b. Awnings and Canopies. An awning or canopy with a minimum ground clearance of eight (8) feet above adjacent grade may extend six (6) feet maximum from the exterior wall of the building.

Figure 12.5 Example of facade treatments and fenestration requirements

c. Eaves. Building eaves with a minimum ground clearance of twelve (12) feet above adjacent grade may extend two (2) feet maximum from the exterior wall of the building.

d. Cornice. Building cornices with a minimum ground clearance of twelve (12) feet above adjacent grade may extend up to a two (2) foot maximum from the exterior wall of the building.

e. Bay Windows. Bay windows are permitted on the second or third story and may extend three (3)feet maximum from the exterior wall of the building.

f. Blade or Projecting Signs. Projecting signs with a minimum ground clearance of eight (8) feet above adjacent grade may extend three (3) feet maximum from the exterior wall of the building.

8. Lighting.

a. Exterior site lighting, other than flag and decorative lighting, shall be confined to the development site and conform to the following:

i. Lamps and luminaries shall be Dark Sky Friendly as defined by the International Dark-Sky Association and shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, and the light source are not directly visible from beyond the boundary of the site.

ii. Maximum color temperature of all outdoor lighting shall be 3000 Kelvins

iii. The light from any illumination source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
iv. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than fifteen (15) feet above the average grade of the site.
v. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.

9. Fencing and Walls.

a. Fencing. Fencing shall be permitted with approval of the Zoning Administrator. Fencing shall adhere to Section 3.34 and the following additional provisions:
   i. Fencing shall be permitted in rear and side yards only and located behind the front building wall.
   ii. Fencing shall be a maximum of ~~***six (6)***~~ ***eight (8)*** feet in height.
   iii. Chain link or Cyclone fencing shall be prohibited.

10. Solid Waste and Recycling Enclosures.

Open storage or refuse areas shall adhere to the requirements of Section 3.28 and the following:

a. All solid waste, recycling, compost, and grease storage containers must be stored behind an Opaque Screen Wall enclosure. An opaque masonry or wood screen wall is required around three (3) sides of the dumpster and/or trash bin area. The height of the screen wall shall not exceed eight (8) feet.
b. Solid waste and recycling enclosures shall not be placed or face a front or side street.
c. Solid waste and recycling enclosures shall be located behind the front building wall.

10. Sidewalks and Driveways.

a. New construction may be allowed a front set-back if that setback then accommodates a ten foot wide sidewalk.
b. Shared driveways and parking areas are preferred and encouraged.
c. 45 ft. minimum separation distance between driveways.

ARTICLE *13~~14~~*

C-2 COMMERCIAL/RESORT/RESIDENTIAL DISTRICT

(renumber Article 14 sections to 13.0X)

13~~14~~.01 INTENT AND PURPOSE. It is the purpose of this district to accommodate specialized resort retail and service operations as well commercial businesses that are an extension, but not an integral part of the C-1 Commercial District. Residential uses are also permitted in this district.

14.02 USES PERMITTED BY RIGHT. ~~The following are the principal permitted uses by right in the C-2 District.~~

~~1. Standard single-family dwellings~~

~~2. Public parks, public playgrounds~~

~~3. Home occupations as defined in Article 2~~

~~4. Two-family dwellings~~

~~5. Resort retail whose principal activity is the sale of notions, souvenirs, gifts, antiques, artwork, books, confections, flowers or plants, and clothing~~

~~6. Office building for any of the following occupations: attorneys, architects, engineers, accountants, insurance agents, artists, doctors, dentists and similar occupations~~

~~7. State licensed residential facility~~

~~8. Home child day care facilities for six (6) or fewer children licensed by the State of Michigan~~

~~9. Customary Accessory Uses to any of the permitted uses listed in the C-2 District and as defined in Article 2.~~

14.03 USES PERMITTED UNDER SPECIAL USE PERMIT. ~~The following uses and buildings may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.~~

~~1. Storage, selling and repair of recreationa1 vehicles where the principal activity of an establishment is the storage, selling, servicing or repair of travel trailers, motor homes, all terrain vehicles, snowmobiles or boats.~~

~~2. Transient lodging~~

~~*3. Commercial recreational facilities*~~

~~*4. Family or Group day care centers*~~

~~*5. Buildings containing residential and commercial components. There shall be a minimum of one parking space per residential unit. Parking for the commerical use shall meet the requirements listed in Section 5.04, Schedule of Parking Requirements.*~~

13.0***2******4*** DIMENSIONAL REQUIREMENTS.

1. Lot Area. There is no minimum lot area or width requirement for lots in the C-2 District, except as may be specifically provided elsewhere in this Ordinance.

2. Front Yard. Each lot shall have a front yard setback requirement of twenty (20) feet and it shall remain clear and not be used for parking, loading, or accessory structures, except for necessary drives or walks.

3. Side Yard. Side yard setbacks are not required except on the side of the lot abutting a residential district or structure, in which case there shall be a side yard setback requirement of not less than twenty (20) feet or where a lot is situated on a corner in which case there shall be a side yard setback requirement of not less than twenty (20) feet on the side facing the street.

4. Rear Yard. Each lot shall have a rear yard setback requirement of thirty (30) feet.

5. Building Height. No building shall exceed thirty-five (35) feet in height.

6. Lot Coverage. There is no maximum lot coverage requirement for lots in the C-2 District.

7. Commercial Building Size. The minimum floor area for all principal buildings shall be (600) six hundred square feet, measured from the outside walls of the first floor. This provision is designed to encourage compatible building design, to preserve the unique character of the Village and to preserve neighboring property values.

13.0***3******5*** PERFORMANCE STANDARDS. All ***non-residential*** uses permitted in the C-2 District shall also meet the buffer yard requirements specified in Section ***4.02*** ~~***16.07***~~.

13.0***4******6*** ARCHITECTURAL DESIGN STANDARDS. For all new commercial construction and renovation, the Village of Northport Architectural Design Standards for architectural features,

materials, colors and signage shall apply. A copy of the Village of Northport Architectural Design Standards is available at the Village Office.

ARTICLE *14~~16~~*

D-1 *MULTI-USE* ~~*DEVELOPMENT*~~ DISTRICT

(renumber Article 16 sections to 14.0X)

14~~16~~.01 INTENT AND PURPOSE. This district is designed and intended to meet the needs of a variety of uses that can be made compatible with surrounding residential uses via performance standards. This district is intended to maintain a high quality residential environment while allowing for the development of compatible, non-residential uses.

The purpose of this district is to encourage and promote a wide array of activities in order to enhance Northport's economic vitality while maintaining the housing stock and quality living environment of the community.

~~***16.02 USES PERMITTED BY RIGHT. The following are the principal permitted uses by right within a D-1 District.***~~

~~***1. All uses permitted by right within the R-2 District, subject to the provisions of Section 10.04.***~~

~~***2. Production, processing, assembling, packaging or treatment of such products as: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool, dye, garage and machine products.***~~

~~***3. Production, processing, assembling, packaging, accessory sales or treatment, of articles or products from the following previously prepared or semi-furnished materials: bone, hair, plastic, fur, leather or wood, paper or cork, sheet metal or wire, tobacco, rubber, precious or semi-precious stones, and similar articles or products which are previously prepared or semi-finished.***~~

~~***4. Manufacturing of pottery and ceramics***~~

~~***5. Manufacturing of musical instruments, toys, novelties or other small molded products***~~

~~***6. Manufacturing and assembling of electronic equipment and electrical appliances and devices***~~

~~***7. Instruments and laboratories including experimental, film and testing***~~

~~***8. Trade skills of industrial schools and veterinary hospital or clinics***~~

~~***9. Public utility installations and buildings, including fuel, communication and water treatment***~~

~~*10. Contractor's establishments*~~

~~*11. Warehouses and wholesale establishments*~~

~~*12. Building supplies*~~

~~*13. Other uses similar uses that will not create more impact than a listed use in Section 15.02.*~~

~~*14. Accessory uses clearly subordinate to the main use of the lot or building such as:*~~

~~*a. Restaurant or cafeteria facilities for employees*~~
~~*b. Caretaker's residence if situated upon a portion of the lot complying with all the requirements of the R-2 Core Residential District.*~~

~~*16.03 USES PERMITTED UNDER SPECIAL USE PERMIT. The following uses of land and buildings may be permitted by obtaining a Special Use Permit in accordance with the provisions cited in Article 17.*~~

~~*1. Family day care centers*~~

~~*2. Institutional uses*~~

~~*3. Planned unit developments*~~

~~*4. Formula restaurants*~~

~~*5. Formula retail operation*~~

~~*6. Junk yards*~~

~~*7. Sewage treatment and disposal installations*~~

~~*8. Auto body repair shops*~~

~~*9. Automobile service stations*~~

~~*10. Automobile wash*~~

14.0*24* DIMENSIONAL REQUIREMENTS.

1. Lot Area. The minimum lot area shall be ***two acres*** ~~*20,000 square feet*~~.

2. Front Yard. Each lot shall have a front yard setback requirement of fifty (50) feet and this setback area shall remain clear and not be used for loading, storage, or accessory structures.

3. Side and Rear Yards.

   a. Each lot shall have a side yard setback requirement of twenty (20) feet.

   b. Each lot shall have a rear yard setback requirement of thirty (30) feet.

4. Building Height. No building shall exceed thirty-five (35) feet in height

5. Lot Coverage. A maximum of forty (40)% of the lot is permitted to be covered by all buildings.

14.0~~35~~ GENERAL REQUIREMENTS.

1. Trash containers shall be enclosed on at least three (3) sides by a structure aesthetically compatible with the development and surrounding property, and shall meet the requirements specified in Article 3. The waste storage area shall be maintained free from litter.

2. Heating, ventilation or air condition (HVAC) units, heating oil storage tanks or similar appurtenances shall be properly screened from adjacent properties and road right-of-way.

3. Enclosed buildings and storage activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors provided said storage area is at least 150 feet from any other district. All outdoor storage shall be properly screened as provided for in Required Plants Units Per 100 feet "C" in Section 3.34 of this Ordinance.

4. The manufacturing process involving any production or storage of any material designed for use as an explosive shall be prohibited.

5. Activities that produce, store or dispose of toxic wastes or toxic chemicals shall be prohibited.

6. All uses permitted in the D-1 District that share a common lot line with parks, public playgrounds, day nurseries, institutional uses, cemetery or a Residential Zoning District shall have a building setback of not less than 100 feet. Residential dwelling in the D-1 District are exempt from this requirement.

ARTICLE 15

RESERVED

ARTICLE 16

RESERVED ~~D-1 DEVELOPMENT DISTRICT~~

(Moved to Article 14 and Article 16 Reserved)

ARTICLE 17
SPECIAL USES

(Renumber Section from 17.01A through end of Article)

17.01 SCOPE. This Section provides the procedures and standards for Special Uses of land or structures. These uses have unique characteristics and, therefore, require a special consideration in relation to the welfare of adjacent properties and the community as a whole. This Article, together with previous references in other Articles of this Ordinance, describe the requirements, procedures and standards which shall be met prior to the issuance of a special use permit.

Renumber Section numbers to eliminate #16, #24, and #26

1. Accessory Dwelling Unit
2. Arts and Crafts Demonstration Establishments
3. Automobile Car Wash
4. Automobile Service Station
5. Auto Body Repair Shops
6. Bed and Breakfast
7. Buildings greater than 5,000 square feet
8. Commercial Recreational Facilities
9. Drive-In Restaurants
10. Family or Group Day Care Centers
11. Formula Businesses and Restaurants
12. Funeral Homes or Mortuaries
13. Golf Courses and Country Clubs
14. Institutional Uses
15. Junk Yards

~~16. Reserved~~

17. Marinas and Launching Ramps ***for a Commercial Operation***

18. Mobile Home Parks

19. Planned Unit Development (PUD)

~~***20. Recreation***~~

21. Restaurants, Taverns or Other Eating and Drinking Establishments

22. Senior Citizen Housing

23. Sexually Oriented Businesses

24. ~~Reserved~~

25. Short-Term Rentals

26. ~~State Licensed Residential Facilities~~

27. ~~***Storage Selling and Repair of Recreational Vehicles***~~

28. Towers-Communication ~~& Wind Energy Conversion Systems~~

29. Transient Lodging

17.***02***~~***01 [A]***~~ EXPANSION OF SPECIAL USES. Special Use Approval shall also be required for the expansion of existing uses or buildings containing uses that would initially require a Special Use Approval, unless the expansion is less than two hundred (200) square feet in area, in which case one such expansion may be permitted without obtaining Special Use approval. However, the Zoning Administrator may require expansions of less than two hundred (200) square feet to obtain Special Use Approval where, in the opinion of the Zoning Administrator, unique circumstances exist or where the proposed expansion could impact adjacent properties. All expansions, regardless of size, shall meet the described zoning requirements.

17.***03***~~***02***~~ PERMIT PROCEDURES. The application for a Specia1 Use Permit shall be submitted and processed under the following procedures:

1. Submission of Application. An application shall be submitted to the Zoning Administrator on a form obtainable from the the Zoning Administrator. Each application shall be accompanied by the payment of a fee in accordance with the adopted schedule of fees.

2. Site Plan. A complete site plan as specified in Article 18 shall be submitted to the Zoning Administrator with the application.

3. Review and Hearing. The Special Use application with the required data shall be transmitted to the Northport Planning Commission. The Planning Commission shall hold a public hearing. .

   Upon receipt of the application, one public hearing notice shall be published ***meeting the notice requirements found in Section 22.07.*** ***(insert hyperlink)*** ~~***in a newspaper of general circulation in the Village and shall be sent by mail to the owners of property for which the approval is being considered and to all persons whom real property is assessed within three hundred (300) feet of the property in question and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village. Notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making the notification. The notice shall do all of the following:***~~

   ~~***a. Describe the nature of the request.***~~

   ~~***b. Indicated the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exist with the property. If there are no street addresses, other means of identification may be used.***~~

   ~~***c. State when and where the request will be considered.***~~

   ~~***d. Indicate when and where written comments will be received concerning the request.***~~

   Upon conclusion of the hearing and not more than ***forty-five (45)*** ~~***thirty (30)***~~ days thereafter, the Planning Commission shall take final action on the application. Only upon approval by the Planning Commission, with or without modification, may a Special Use Permit be issued by the Zoning Administrator.

4. Permit Expiration. A Special Use Permit shall be valid for one (1) year from the date of issuance of the permit. ***Prior to Special Use Permit expiring due to lack of progress within one (1) year of issuance, the permit holder may apply to the Zoning Administrator for a six (6) month extension and detail the cause(s) for delay. If acceptable to the Zoning Administrator, a single six-month extension may be granted.*** If construction has not commenced and proceeded meaningfully toward completion by the end of this 1-year period ***or conclusion of the six month extension period***, the Zoning Administrator shall notify the applicant in writing about the expiration of the Special Use Permit.

5. Revocation. The Zoning Board of Appeals shall have the authority to revoke any Special Use Permit after it has been proven that the holder of the Permit has failed to comply with the specified requirements. The Zoning Administrator shall send written

notification of the revocation and allow the holder of the Permit a minimum of thirty (30) days to correct the violation. If the violation continues to exist after this notice, then the permit shall be revoked.

6. Reapplications. No reapplication for a Special Use Permit that has been denied shall be submitted, unless new facts or conditions arise which substantially modify the application or until the expiration of one year from the date of the denial.

17.03 PERMIT STANDARDS.

1. General Standards. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on the proposed site will:

   a. 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 area in which it is proposed.

   b. Not be hazardous or disturbing to existing or intended uses in the same general area and will be an improvement to property in the immediate vicinity and to the community as a whole.

   c. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, water and sewage facilities and schools.

   d. Not create excessive additional requirements at public cost for public facilities and services.

   e. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

   f. Be consistent with the intent and purpose of the Zoning District in which it is proposed to be located.

   g. Be in conformance with the Village Master Land Use Plan.

2. Conditions and Safeguards

   a. The Planning Commission may stipulate conditions necessary to insure that public services and facilities affected by a proposed land use activity will be capable of accommodating increased services and facility needes caused by the land use or activity, to protect the natural environment and conserve natural

resources and energy, to insure compatibility of with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:,

1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic wellbeing, 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.

2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

3) Be necessary to meet the intent and purpose of the zoning requirements, be related to the standards established in the zoning ordinance for land use or activity under consideration, and be necessary to insure compliance with those standards.

The conditions imposed with respect to the approval of the land use or activity shall be recorded in the record or the approval of action and remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of conditions which are changed.

b. Bond for Compliance. In authorizing a Special Use Permit the Planning Commission or the Zoning Administrator may require that a bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the granting of the Special Use Permit.

17.04 SPECIFIC REQUIREMENTS. The general standards and requirements are basic to all uses authorized by Special Use Permit. The specific and detailed requirements in the following section relate to a particular use and shall be met prior to the approval of a special use.

1. Accessory Dwelling Unit

a. Accessory dwellings are only permitted on lots with a standard, detached single-family dwelling units. Only one accessory apartment is permitted on a lot.

b. The total square footage of the accessory dwelling unit shall not exceed 45% of the square footage contained in the primary residence or nine hundred (900) square feet, whichever is less.

2. Art and Craft Demonstration Establishments

a. The total floor area devoted to demonstrations shall not exceed the area devoted to retail sales.

b. There shall be no perceptible industrial character to the building.

c. All production operations and storage shall be within a completely enclosed building.

3. Automobile ***Carwash*** ~~***Wash***~~

a. The minimum area of the site shall be 15,000 square feet.

b. The minimum street frontage shall be one hundred (100) feet.

c. All lighting shall be installed in a manner, which will not cause direct illumination on adjacent properties or public thoroughfares.

d. The auto wash shall be completely enclosed in a building except that steam cleaning or vacuuming may be permitted outside the building when the parcel does not abut a residential use or district.

e. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 4.02.9.B ~~***3.34 (B)***~~ shall be planted ~~***within 20 feet of all***~~ ***along the side and rear*** ~~***of the***~~ property lines ***and a buffer yard meeting the requirements listed in Section 4.02.9.A along the front lot line.***.

4. Automobile Service Stations

a. All repair services shall be conducted within a completely enclosed building.

b. Minimum lot area shall be 15,000 square feet with a minimum width of one hundred fifty (150) feet.

c. The proposed site shall have at least one property line on a major or minor street.

d. The station pumps and service drives shall be considered part of the building, and the buildings and accessory structures shall maintain the minimum setback requirements.

e. The building shall not be located closer than twenty (20) feet to any property line in a Residential Zoning District or an existing residential dwelling unit.

f. No installations, except walls or fencing and permitted signs, lighting, and essential services, may be constructed closer than fifteen (15) feet to the line of any street right-of-way.

g. Hydraulic hoists, pits, and all lubrication, greasing, automobile washing, and repair equipment shall be entirely enclosed within a building.

h. No more than two driveway approaches shall be permitted directly from any major street nor more than one driveway approach from any minor street.

i. If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable, but no less than twenty (20) feet.

j. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line.

k. The entire service area shall be paved with a permanent surface of concrete or asphalt.

l. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

m. All vehicles shall be stored within the building or within an opaque fence. Vehicles storage shall not be permitted to exceed seventy-two (72) hours.

5. Auto Body Repair Shops

a. All repair activities shall be conducted wholly within a completely enclosed building.

b. Any outdoor storage of vehicles and equipment shall be screened from view on all sides by a properly maintained opaque fence, except if there is an existing vegetative buffer acceptable to the Planning Commission. If the vegetative buffer is removed after the approval of the special use, the owner shall submit buffering plans to the Planning Commission for review and approval.

c. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

6. Bed and Breakfasts

a. The bed and breakfast establishment shall be the principal dwelling unit on the property and shall be occupied by a permanent resident.

b. No separate cooking facilities shall be provided for guests of the bed and breakfast in the rooms.

c. Proof of evaluation of the well and septic system by the County Health Department or sewer capacity and conformance with that agency's requirements shall be supplied by the owner of the establishment.

d. Rental of snowmobiles, all terrain vehicles, or similar vehicles, boats or other marine equipment in conjunction with the establishment shall be prohibited.

e. Bed and Breakfast establishments shall only be permitted in standard single-family dwelling units. The structures for the single-family dwelling units shall be in compliance with all applicable zoning regulations, such as lot size, setbacks, building height, parking, etc**.** Bed and breakfasts are permitted on legal, nonconforming lots.

f. One non-illuminated sign identifying the establishment not to exceed nine (9) square feet in area and not closer to the front lot line than ten (10) feet shall be allowed.

g. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants.

h. Bed and Breakfasts are allowed as a special use in all Residential Zoning Districts.

7. Buildings greater than 5,000 square feet in size

a. Buildings shall have a well-defined front façade with entrances facing the street.

b. Buildings shall have windows and doors at street level. The windows shall be a minimum of three (3) feet wide and three (3) feet high.

c. No building shall have more than fifteen (15) horizontal feet of wall facing the street without a window or door opening.

d. Trademark architecture, which identifies a specific company by building design features, shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic ***commercial*** architecture ~~of the Village of Northport ***as described in the Village's Architectural Design Standards***~~ as described within Section 13.05 Architectural Standards.

e. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

8. Commercial Recreational Facilities

a. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

9. ~~Drive-In Restaurants~~

~~a. Driveway openings shall be located as far from street intersections as practical but in no case closer than (one hundred) 100 feet (measured from the nearest right-of-way line to the edge of such driveway).~~

~~b. No drive shall be closer to any other drive than seventy-five (75) feet.~~

~~c. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with thru traffic movement on abutting streets.~~

~~d. All buildings shall be set back a minimum distance of thirty (30) feet from any adjacent right-of-way line.~~

~~e. All refuse containers shall be located in the rear yard and be screened from view by a 6-foot high fence or wall of sound construction.~~

~~f. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.~~

9~~10~~. Family or Group Day Care Centers

a. No dormitory facilities shall be provided.

b. Not more than one dwelling unit shall be provided on the parcel.

c. The play area shall be fenced and screened from any adjoining property line.

10~~11~~. Formula Businesses and Restaurants. The Village of Northport Future Land Use Plan stresses the importance of the design of buildings in the downtown area. Northport's quality of life and economic vitality is directly related to the look and feel of the downtown area. The Guiding Principles in the future land use promote the importance of the downtown character and support homegrown businesses in the downtown area. To meets these goals and the intent of the future land use plan, formula businesses shall not be permitted in the C-1 or CR-1 zoning districts, but they will be allowed, with approval of a special use permit in the D-1 zoning district.

a. Buildings shall have a well-defined front façade with entrances facing the street.

b. Buildings shall have windows and doors at street level. The windows shall be a minimum of three (3) feet wide and three (3) feet high.

c. No building shall have more than fifteen (15) horizontal feet of wall facing the street without a window or door opening.

d. Trademark architecture, which identifies a specific company by building design features, shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Village of Northport.

e. In addition, all drive-ins shall comply with the standards listed in 17.03(9).

f. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

11 ~~12~~. Funeral Homes and Mortuaries

a. The conduct of all aspects of activities related to funeral homes or mortuaries shall take place within the principal building and not in an accessory building.

b. A caretaker's residence may be provided within the principal building.

c. Minimum lot area shall be 15,000 square feet with a minimum width of one hundred (100) feet.

d. The proposed site shall front upon a major or minor street. All ingress and egress to the site shall be directly from said street.

e. Front, side and rear yards shall be at least forty (40) feet, except on those sides adjacent to non-residential districts wherein it shall be twenty (20) feet.

f. All yards shall be appropriately landscaped in trees, shrubs and grass.

g. No structures or parking areas shall be permitted in the front yard area except for required entrance drives and those walls and/or fences used to obscure the use from abutting a residential zoning district.

12 ~~13~~. Golf Courses and Country Clubs, including accessory uses to a golf course such as eating or drinking establishments, driving ranges and retail sales directly connected with the conduct of the principal use.

a. Miniature golf courses are not included in this provision, see Commercial Recreation Facility.

b. The site shall be immediately accessible from a major or minor street and all ingress and egress shall be directly onto or from the streets.

c. The site should be located such that it enhances the surrounding uses and such that it does not interfere with any surrounding activities by creating a nuisance or hazards.

d. Minimum site area shall be at least sixty (60) acres for nine holes and one hundred ten (110) acres for 18 holes.

e. Lighting shall be shielded to reduce glare and shall direct light away from all residential lands, which adjoin the site.

f. No building***, structure, facility*** shall be closer than fifty (50) feet to any property or street line.

g. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

13~~14~~. Institutional Uses

a. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

b. Where mechanical equipment is located outside, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. ***Mechanical equipment shall be located within the permitted building area wherever possible and shall not permitted within the required front yard setback.*** All buildings storing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

~~15. Junk Yards~~

~~***Subsection to be renumbered, eliminating c, e, and f***~~

~~a. The site shall be a minimum of ten (10) acres in size.~~

~~b. ***An intensive buffer yard meeting the requirements found in Section 4.02.9.C shall be provide around the entire periphery of the site with the buffer yard along the front lot line located at the property's building setback line. A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen the site from surrounding property and right-of-way.***~~

~~c. ***Fences or walls shall be of sound construction, painted and otherwise finished neatly and inconspicuously (see Section 3.34).***~~

~~d. All activities shall be confined within the ***fenced-in area buffered area only.*** There shall be no stocking of material above the height of the ***buffering or ten feet, whichever is less fence or wall***, except that movable equipment used on~~

~~the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the ***fenced in buffered*** area.~~

~~e. ***All fenced in areas shall be setback at least one hundred (100) feet from any front street or property line.***~~

~~f. ***The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation (see Section 3.04).***~~

~~g. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.~~

~~h. Whenever the installation abuts upon property within a residential district, a buffer yard at least ***one two*** hundred (***100 200***) feet in width shall be provided between the ***buffered fenced in*** area and the property. Such buffer yard shall contain plant materials ***and berms, grass and structural screens of a type*** approved by the Planning Commission to effectively minimize the impact the installation has on the residential district (see Section ***4.02 3.34***).~~

~~***16. Reserved***~~

14~~7~~. Marinas and Launching Ramps for a Commercial Operation.

a. The lot for the marina shall abut and have direct access to a major or minor street.

15~~8~~. Mobile Home Parks

a. The mobile home park complies with all of the applicable requirements of the Mobile Home Commission Rules, as amended, the Mobile Home Parks and Seasonal Mobile Home Parks Health Standards, as amended, and Act 419 of the Public Acts of 1976, as amended.

b. All mobile homes shall be skirted within thirty (30) days of placement within the mobile home park and must meet the standards of Act 419 of the Public Acts of 1976, as amended.

c. All mobile homes shall be anchored when installed in a mobile home park with only those systems, which are approved by Act 419 of the Public Acts of 1976, as amended.

d. Perimeter landscaping. A buffer yard meeting the requirements listed in Section 3.34 (B) shall be planted within twenty (20) feet of all of the property lines.

***16*~~9~~**. Planned Unit Developments. Planned Unit Developments may be permitted as a Special Use provided that the requirements and standards of Article 19 are met.

***17*~~20~~**. Restaurants, Taverns or Other Eating and Drinking Establishments

a. All off-street parking, accessory buildings and dumpsters shall be screened from view of neighboring properties.

b. Trademark architecture, which identifies a specific company by building design features, shall be prohibited, unless the applicant can demonstrate that the design is compatible with the historic architecture of the Village of Northport.

18*~~21~~**. Senior Citizen ***Housing ~~***Accommodation Living***~~

a. Minimum lot size shall be one (1) acre.

b. Population density shall not create any of the following conditions::

1) Inconvenience or unsafe access to the Senior Housing

2) Traffic congestion in streets, which adjoin the Senior Housing Project.

3) An excessive burden on public services or utilities.

c. ~~***No building shall be closer than fifty (50) feet to any property or street line.***~~

d. ~~***A maximum of 25% of the lot may be covered by all buildings.***~~

e. All ingress and egress to the site shall be directly onto a major or local street or a marginal access service thereof.

f. ~~Perimeter l~~***L*****andscaping**. A buffer yard meeting the requirements listed in Section ~~***4.02.E***3~~ ***4.02.8.B Medium Buffer***~~.34 (B)~~ shall be planted within twenty (20) feet of all of the property lines.

g. Any Senior Housing Development shall be capable of being planned as one integral unit and shall be under the control of one owner or group of owners.

h. Sewage facilities and public water service, approved by the appropriate regulating agency shall be available as part of the site development.

i. Street standards and specifications adopted by the Village of Northport and the Leelanau County Road Commission shall be complied with for all streets within the Senior Housing Development project.

k. Maximum building height shall not exceed ***forty-five (45)*** ~~***thirty-five (35)***~~ feet.

19~~22~~. Sexually Oriented Business

a. Location. Sexually-oriented businesses shall be located a minimum horizontal distance of five hundred (500) feet from another such business, a residential district; and the property line of a religious institution, school, or child day care center. A sexually-oriented business shall only be permitted in the D-1 zoning district, if approved by a Special Use Permit.

b. Minors on Premises. Persons operating a sexually oriented business shall not permit any person under the age of eighteen (18) to be on the premises either as an employee or a customer.

c. Hours of Operation. The sexually oriented business shall operate only between the hours of and 8:00 a.m. and 6 p.m., Monday through Saturday.

d. Displays. Sexually oriented businesses shall display no services or products or pictures or illustrations or gifts so as to be visible from any street or neighboring property

e Signs. Signage shall not include photographs, silhouettes, drawings, or pictorial representations of specified anatomical areas or specified sexual activities, or include animated or flashing illumination.

f. Outdoor Storage. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or the adjacent streets.

1) Posting of Entrances. Entrances to a sexually oriented business shall be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business. Lettering shall be no less than two inches in height that: 1) "Persons under the age of 18 are not permitted to enter the premises" and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

2) Lighting of Parking Areas. Off-street parking shall be illuminated during all hours of operation of the sexually oriented business until one (1) hour after the business closes.

~~***23. Reserved***~~

20~~2~~4. Short-Term Rentals

a. Short- term rentals include single-family dwelling units that are rented to individuals for a fee. The length of a short-term rental is between one (1) day and twenty-one (21) days.

b. The exterior of the dwelling shall appear as a standard single-family rental, with one (1) primary entrance.

c. Sufficient parking for the rental use shall be provided on the property.

d. The short-term rental shall have designated location for boats, bikes, jet ski, and personal watercraft.

e. A contact person, who resides year-round in Leelanau County, shall be available 24-hours a day, seven (7) days per week for the purpose of responding promptly to the complaints regarding the conduct of occupants of the short-term rental unit.

215. Towers-Communication ~~***and Wind Energy Conversion Systems***~~

a. ***When collocating on existing structures, the minimum requirements of Section 514. (1) and (2) of the Michigan Zoning Enabling Act shall apply. If colocation is not feasible, the Village shall require a special use permit for the construction of any new tower, which complies with the requirements as detailed in Section 514. (3) through (6).*** ~~***Antennas may be attached to existing structures including light standards, power poles, water towers or buildings in any district. Where located on an existing structure, they shall extend no higher than ten (10) feet above the structure to which they are attached.***~~

b. An antenna may be located on a self supporting monopole or lattice tower but not a guyed tower. Where located on a tower, the following conditions shall apply:

1) Any nonconforming situations on the site shall be brought into conformance prior to the erection of the wireless communication facility.

2) Towers and accessory buildings shall be required to meet the development regulations of the district within which located.

3) A landscape buffer with a minimum height of six (6) feet shall be required to screen the structure base, accessory buildings and enclosure from adjacent uses and public rights-of-way. A maintenance plan detailing maintenance for landscaping shall be submitted with the application.

4) The base of the tower shall be enclosed with a six (6) foot high security fence.

5) Towers shall be set back a distance equal to the height of the tower from all property lines but in no case shall a tower be taller than 180 feet.

6) Towers shall not be located within parking lots or other areas where they will interfere with the operation of a business on the property.

7) There shall not be displayed on the tower advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

8) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and/or leased by the applicant.

9) No tower shall be constructed as a speculative tower. Prior to construction, each tower shall have at least one contracted carrier and evidence shall be provided of such contract at the time of application.

10) Colocation (the locating more than one antenna on one tower) is required. Each tower shall be designed and built to accommodate multiple antennas.

11) Before any tower is considered, the applicant shall demonstrate in writing that there are no other colocation options available in the area and provide a map that illustrates existing and known proposed wireless communication facilities within the Village of Northport and adjacent communities, which are relevant in terms of potential ***colocation*** or to demonstrate the need for the proposed facility.

12) A maintenance plan, and any applicable maintenance agreement, for the tower and tower compound shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

13) The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes shall be provided at the time of application and shall be continuously updated during all times the facility is on the premises.

14) If a tower ceases to operate for a period of six months, the tower shall be deemed abandoned and shall be removed ***within six months of abandonment*** upon written notice by the Zoning Administrator ~~within one year of abandonment.~~

15) All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and

regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

16) Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

17) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Any aviation hazard lighting shall be detailed on the plans.

~~18)~~ ***~~Antenna and metal towers shall be grounded for protection against a direct strike by lightening and shall comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.~~***

1***8~~9~~***) Accessory structures shall not exceed six hundred (600) square feet of gross building area. Accessory buildings shall be a maximum of fourteen (14) feet high and shall be set back in accordance with the requirements for principal buildings in that zoning district.

22~~6~~. Transient Lodging

a. The following uses may be authorized in any Commercial/Resort/ Residential District provided the applicable conditions are met:

1) Cabins
2) \Motels
3) Inn/Lodges/Hotels
4) RV Parks and Camp Grounds

b. A minimum floor area of 125 square feet per guest unit shall be provided.

c. All buildings must be setback no less than thirty (30) feet from any street or property line ~~***except that the side yard for a corner lot which is adjacent to the street shall be not less than forty (40 feet)***~~.

d. RV Parks and Camp Grounds shall be designed to meet standard RV Park design standards including lot sizing, number of parking spaces, bathroom number and distance from each site, provision of canopy shades trees per site, buffering from adjacent uses, and other design requirements deemed appropriate by the Planning Commission during Special Use approval.

ARTICLE 18

SITE PLAN REVIEW

18.01 PURPOSE. The purpose of this article is to ensure that developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, insure safe and functional traffic access and parking, minimize impacts on sensitive environmental resources, and promote development that is compatible the Village's small town character.

(Would you like to have the ability to have Administrative Site Plan Review for certain activities – like reoccupancy or change in conforming use?)

18.02 USES REQUIRING SITE PLAN APPROVAL. The following buildings, structures and uses require site plan approval by the Planning Commission.

1. All Special Uses

2). All commercial or industrial uses ~~***greater than 500 square feet***~~

3. ***All parking areas for commercial, industrial, and multi-family uses*** ~~***Contiguous parking areas containing twenty (20) or more spaces***~~

4. Reclassification of non-conforming use

5. Change of non-conforming use.

6. Residential Developments containing ***three (3)*** ~~***five (5)***~~ or more lots.

7. Site Condominium Subdivisions.

18.0***32*** ~~***[A]***~~ EXPANSION OF STRUCTURES AND USES. Site plan approval shall be required for the expansion of existing buildings or uses that would initially require site plan approval, unless the expansion is less than 200 square feet in area, in which case one expansion may be permitted without site plan approva1. However, the Zoning Administrator may require expansions of less than 200 square feet to obtain site plan approval where, in the opinion of the Zoning Administrator, unique circumstances exist or where the proposed expansion could be detrimental to adjacent properties. All expansions, regardless of size, shall meet all of the requirements of the zoning district in which they are located.

18.0***43*** ~~***3***~~ SITE PLAN REQUIREMENTS. Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission or Zoning Administrator, in whole or in part;

1. The date, north arrow and scale. The scale shall be not less than I" = 20' for property under three acres and at least 1" = 100' for those three acres or more.

2. ***Legal description and property identification number of the parcel(s).***

3~~2~~. ***Date of plan submission and dates of all subsequent revisions.***

4. All lot and/or property lines are to be shown and dimensioned, including ***~~building~~ appropriate*** setback lines ***~~on corner lots~~***.

~~3~~. The location and height of all existing and proposed structures on and within 100 feet of the subject property's boundary.

~~4~~. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of typical parking space), unloading areas, recreation areas, common use areas and areas to be conveyed for public use and purpose.

~~A.~~ The location and pavement width and right-of way width of all abutting roads, streets, alleys or easements.

~~B.~~ Description of all natural features include streams and shoreline, woodlots, wetlands, marshes, streams, lakes, floodplains, and dunes, and any other appropriate natural features.

~~C.~~ Location of all trees over twelve inches in diameter measured at five foot diameter breast height.

(Is there an interest in a tree protection ordinance?)

~~6~~. The name, telephone number***, email address,*** and firm address of the individual responsible for the preparation of the site plan***, and each page of the site plan package sealed by the appropriate design professional***.

~~7~~. The name, telephone number ***email address,*** and address of the property owner or petitioner.

~~8~~. A location sketch drawn to scale.

~~9.~~ Properties and their zoning designations on all properties abutting the subject property.

~~10~~. ***A landscaping plan drawn to scale ~~prepared by a registered landscape architect~~ that includes t~~The~~*** location of all landscaping; ***~~and the~~*** location, height and types of fences and walls***; water features; recreation areas; parking and vehicle storage areas, lighting; and location and screening for all storage areas and utilities.***

11. Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.

12. Summary schedules and views shall be included for all structures that require a Site Plan Review and shall include the following information:

    a. The number of dwelling units proposed (by type), including typical floor plans for each type of dwelling unit.

    b. The number and location (by code if necessary) of one bedroom units, two bedroom units, etc.

    c. The residential area of the site in acres and in square feet, including breakdowns of both measures for any subareas or staging areas (excluding all existing right-of-ways) and also indicates total square footage of right-of-ways for each sub-area or staging area.

    d Typical elevation views of the front and side of each type of building.

13. The location and size of all surface water drainage facilities.

14. Topography in two (2) foot contours.

15. ***Lot area coverage percentage of all existing and proposed structures ~~buildings and storage structures~~.***

16. ***Location, design, size, and height of all existing and proposed signs.***

17. ***Photometric Plan illustrating the footcandle intensities evenly spaced across the entire site and extending two feet beyond all adjoining lot lines, if requested by the Zoning Administrator or the Planning Commission.***

18. ***Status of any outside approvals required for the proposed project.***

18.0***5~~4~~*** REVIEW PROCEDURE. The Zoning Administrator shall keep one copy of the proposed site plan and deliver eleven (11) copies of the proposed site plan to the Secretary of the Planning Commission. The Planning Commission shall study the site plan and shall within sixty (60) days of its submittal to the Zoning Administrator either approve***, approve with conditions,*** or disapprove the proposed site plan.

If the site plan is disapproved, the reasons for the disapproval shall be stated. Upon approval of a site plan, at least two copies of the site plan as finally approved shall be signed and dated by the Secretary of the Planning Commission.

In cases where the Secretary of the Planning Commission is not available, the Chairman of the Planning Commission may sign and date the site plan. One copy of the signed site plan shall be kept filed in the office of the Zoning Administrator and the other returned to the applicant.

18.***0~~6~~5*** STANDARDS FOR SITE PLAN REVIEW.

1. In reviewing a site plan, the Planning Commission shall determine whether the applicant has proven that the site plan is consistent with this Ordinance and in accordance with the adopted master plan and more specifically:

    a. That the movement of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient.

    b. The development will be designed, constructed, operated, and maintained to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area or neighborhood in which it is proposed to be located.

    c. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, portable water supply, storm drainage, lighting, roads and parking.

    d. That the site plan is adequate to provide for the health, safety and general welfare of the persons and property on the site and in the neighboring community.

    e. Permits may be required by the County and/or State for construction of the use, such as but not limited to, permits for on Site Wastewater Disposal and those required by the Soil Erosion and Sedimentation Act, Sand Dune Protection and Management Act, Shoreland's Protection Act, Wetlands Protection Act, Inland lakes and Streams Act and Others. It shall be the full responsibility of the applicant to obtain all relevant permits.

18.0*7* ~~*6*~~ REGULATIONS.

1. No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires a site plan approval until an approved site plan has been signed by the Secretary or Chairman of the Planning Commission.

2. The Zoning Administrator shall not issue a land use permit for any use requiring site plan approval until an approved site plan has been signed by the Secretary or Chairman of the Planning Commission.

ARTICLE 19

PLANNED UNIT DEVELOPMENT

19.01 PURPOSE. This article allows for more imaginative and creative housing developments within residential zoning districts by allowing developers to vary from the dimensional requirements. All planned unit developments (PUD) shall be processed as a special use permit and follow the procedures listed in Article 17 as well as the ones listed in Article 19 and follow the procedures listed in Article 17.

19.02 OBJECTIVES. The following objectives shall be considered in reviewing any application for a Special Use Permit for a PUD. ***As a part of the Site Plan Review application materials for PUD review, the applicant shall include a written description of the project that identifies how the following objectives are met by the proposal.***

1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, water bodies, flood plains, hills and similar natural assets.

2. To encourage open space preservation and the development of recreational facilities in a generally central location and within reasonable distance of all living units.

3. To provide for more efficient and aesthetic use of open areas by allowing the developer to cluster housing units thereby reducing the amount of land that is developed upon.

4. To encourage variety in the physical development pattern of the community by providing a mix of housing types.

19.03 QUALIFYING CONDITIONS. Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as a PUD:

1. The PUD site shall be a minimum of ***five (5) acres*** ~~***one (1) acre***~~ and shall be under the control of one owner or group of owners.

2. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be offered for dedication to the Village or shall be set aside for the common use of the home or lot owners within the PUD under legal procedures which shall also give the Village a covenant or interest herein, so that there are assurances that the required open space shall remain ***undeveloped*** ~~***open***~~ (see Section 19.06).

19.04 USES THAT MAY BE PERMITTED. The following uses of land and structures may be permitted within a PUD, subject to the limitations of the applicable Zoning District.

1. Single-family dwelling.

2. Two-family dwelling.

3. Townhouses, row houses, condominiums or other similar housing types which can be defined as a single family dwelling with no side yards between adjacent dwelling units, provided that there shall be no more than five dwelling units in any contiguous group.

4. Recreation and open space, provided that only the following land uses may be set aside as common land for open space or recreation use under the provisions of this Section.

    a. Private recreational facilities, such as golf courses, swimming pools or other recreational facilities, which are limited to the use of the owners or occupants of the lots, located within the PUD.

    b. Historic building sites or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

5. Customary accessory uses as permitted in the appropriate Zoning District.

19.05 LOT VARIATION AND DEVELOPMENT REQUIREMENTS. The lot area for a PUD may be averaged or reduced from the Zoning District requirements upon compliance with the following procedures:

1. The gross acreage proposed for a PUD shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable Zoning District.

2. After the total gross area available for development has been determined, the maximum number of lots and/or dwelling units that may be approved within a PUD shall be computed by subtracting 20% from the tota1 gross area available for street right-of-way purposes and dividing the remaining net area available by the minimum lot area requirements of the appropriate Zoning District.

3. Under this procedure, individual lots may be reduced in area below the minimum lot size required, provided that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable Zoning District.

4. The developer may also request a maximum of up to a 20% increase in permitted density provided the increased density does not result in the creation of any of the following conditions:

    a. Inconvenient or unsafe access to the PUD.

b. Traffic congestion in streets that adjoin the PUD.

c. An excessive burden on public including schools that serves the PUD.

5. Maximum building height shall be two and one-half stories but not exceeding (thirty-five) 35 feet.

6. Minimum floor area per dwelling unit shall be at least ***408*** ~~***850***~~ square feet per dwelling unit.

7. Off-street parking in accordance with the Schedule outlined in Article 5.

8. Signs in accordance with Article 6.

9. There shall be a (thirty) 30 foot setback requirement around the entire perimeter of the parcel.

19.06 OPEN SPACE REQUIREMENTS. An equal amount of land gained through the averaging or reduction of lot sizes under the provisions of this article shall be provided as open space. All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development or shall be offered for dedication to the Village as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall require one of the following procedures as part of its approval of a Special Use Permit for a PUD:

1. That open space land shall be conveyed by proper legal procedures from the tract owner or owners to a home owners association or other similar non-profit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that suitable arrangements have been made for the maintenance of the land and any buildings thereon and provided further that open space land shall remain open.

2. That open space land shall be dedicated to the general public for park and recreational purposes by the tract owner or owners, provided that the location and extent of the land conforms to the development plan of the Village and provided further that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.

19.07 REVIEW REQUIREMENTS. The PUD application and compliance with the requirements found within this Section will be reviewed and approved by the Planning Commission following the review procedures found within Special Land Uses Article 17 and Site Plan Review Article 18.

1. A public hearing shall be held regarding the PUD application, and the hearing shall be noticed per the requirements found in Section 22.07 Notices.

2. Within 45 days of the Public Hearing, the Planning Commission shall approve, approve with conditions, or deny the request. The findings of the Commission shall be incorporated into a report stating its conclusions, its decision, basis for its decision, and any conditions imposed as a part of the affirmative decision.

(Should the Village Council make the final decision on PUD's? It is in effect, a rezoning.)

19.0***8*** ~~7~~ STREET DEVELOPMENT REQUIREMENTS. Street standards and specifications adopted by the Village and the Leelanau County Road Commission shall be complied with for all street improvements.

ARTICLE *204*

NONCONFORMING USES, STRUCTURES AND LOTS

20.01 INTENT AND PURPOSE. It is the intent of this Article to provide for the classification of various nonconforming uses, structures, and lots according to their impact on neighboring properties and the community in general. All nonconforming uses, structures, and lots shall comply with the established regulations listed in this Ordinance to minimize their effect on adjacent properties.

20.02 DEFINITION AND CLASSIFICATION.

1. A nonconforming structure or portion thereof, is defined as lawfully existing at the effective date of this Ordinance, as amended, and currently does not conform to the setback, height or bulk requirements of the district in which it is located or to other provisions of this Ordinance.

2. A nonconforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance, as amended, and currently does not conform to the use regulations of the district in which it is located or to other provisions of this Ordinance.

3. A nonconforming lot is a lot that was lawfully created, however does not currently meet the minimum size, frontage, or dimensional requirements of the district which it is located or other provisions of this Ordinance.

4. All nonconforming uses and/or structures will be classified within two categories:

   Class A --Nonconforming Uses/Structures/Lots
   Class B -- Nonconforming Uses/Structures

5. Original size is defined as the size of the legal nonconforming use or structure at the effective date of this Ordinance, as amended.

20.03 CLASS A NONCONFORMING USES/STRUCTURES/LOTS. Class A nonconforming uses, structures, and lots are land uses, structures, and lots that were lawful prior to the effective date of this Ordinance, as amended. All nonconforming uses, structures and lots shall be considered Class A non-conformities unless a Class B status has been obtained pursuant to Section ***204***.05. Structures and/or uses that are defined as Class A may be expanded one hundred (100) square feet or less from the original size, provided that all of the other zoning requirements are met. This expansion must be for utility or habitability maintenance reasons.

Class A nonconforming uses may be continued, but no such use and/or structure may be enlarged or extended unless application for Class B status has been approved by the Village Council.

20.04 CLASS B NONCONFORMING USES/STRUCTURES. Class B nonconforming uses and structures are land uses and structures that have been designated by the Village Council after application by the owner and the procedures in Section 4.05 have been met. Class B status allows for expansion or extension of lawful nonconforming use and structure within the established requirements of this Ordinance.

A nonconforming structure whose use is in conformance with the Ordinance shall be classified as a Class B nonconforming structure and shall not be required to meet procedures outlined in Section ***204***.05. An example of this scenario would be a residential structure used for commercial operations in a commercially zoned district.

20.05 PROCEDURE FOR APPLYING FOR CLASS B DESIGNATION.
A written application shall be filed with the Zoning Administrator requesting a Class B designation. The application shall include a site plan of the proposed extension or enlargement in relation to lot lines, neighboring buildings and uses, and all other information deemed necessary by the Planning Commission. A non-refundable fee shall accompany the application.

The Planning Commission shall first hold a public hearing to consider a change from Class A to Class B nonconforming use and/or structure. The Planning Commission shall make a recommendation to the Village Council within 30 days of the public hearing. The Village Council shall make the final determination regarding the proposed status change.

Notice of public hearing shall comply with the notice requirements found in Section 22.07. (insert hyperlink) ~~One public hearing notice shall be published in a newspaper of general circulation in the Village and shall be sent by mail to the owners of property for which the approval is being considered and to all persons whom real property is assessed within 300 feet of the property in question. Notice shall be given not less than 5 days and not more than 15 days before the application will be considered.~~

Decisions of the Planning Commission and Village Council shall be in writing and shall outline the findings and reasons upon which the decision was based.

Application for Class B designation must take place in conjunction with a specific request/need for reclassification (i.e. expansion plans for a structure). Such expansion or other activity shall be substantially completed within 18 months of Class B approval. If the activity is not substantially completed within this 18 month time period (as determined by the Zoning Administrator), the nonconforming use shall revert back to Class A status.

The Zoning Administrator shall issue a nonconforming use and/or structure permit for Class B designation.

20.06 REVOCATION OF CLASS B DESIGNATION. Any Class B designation shall be revoked, following the procedures in Section 4.05 (2) (3) and (4) upon a finding that as a result of any change of conditions or circumstances the use and/or structure no longer qualifies for Class B designation.

20.07 GENERAL CRITERIA FOR CLASS B APPROVAL. All of the following general criteria shall be met before a Class B designation can be given (the burden of proof shall be placed upon the applicant):

1. The proposed expansion or extension would not be contrary to the public safety, health and welfare.

2. The proposed expansion or extension would not adversely depress the values of nearby properties.

3. The proposed expansion or extension would not be detrimental, or in conflict with other established uses permitted by right or by special use in the zoning district in which it is proposed.

4. The proposed expansion or extension would not be incompatible with the character of the area.

5. In the case of a nonconforming use, the property cannot reasonably be rezoned to allow a permitted use.

20.08 SPECIFIC REQUIREMENTS FOR CLASS B APPROVAL. The following specific requirements shall be met in addition to the general standards before a Class B designation can be given:

1. A nonconforming structure whose use is in conformance with the requirements of this Ordinance may be expanded or extended in conformance with the setback requirements of the zoning district in which it is located and all other requirements of this Ordinance.

2. A nonconforming structure whose use is not in conformance with the requirements of this Ordinance shall not be expanded or extended to a size greater than 25% of its original size.

3. A nonconforming use shall not be expanded to a size greater than 25% of its original size.

4. To determine the size of the allowed expansion or extension of a nonconforming structure containing a nonconforming use, when the use and structure are considered by the Planning Commission to be separate, the Zoning Administrator shall:

    a. determine the area of existing use and area of existing structure; and

    b. multiply smaller of the two (2) areas by 25% to determine the allowed expansion or extension size.

5. Any extension or enlargement must meet the setback requirements of the district in which it is located and all other requirements of this district.

6. Any expansion or extension of the proposed use and or structure is limited to one expansion and or extension, except a nonconforming structure whose use is in conformance with the requirements of this Ordinance.

7. Off-street parking shall be provided in accordance with Article V.

20.09 CONDITIONS AND SAFEGUARDS. The Planning Commission may recommend and the Village Council may stipulate such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

20.10 CONDITIONS FOR ALL NONCONFORMING USES. All nonconforming uses, structures or lots, regardless of classification, shall meet the following conditions:

1. Any building, structure, or land that has been used for nonconforming purposes and the owner does not intend for the nonconforming use to continue, shall comply with the provisions of this Zoning Ordinance.

   The owner's intent to no longer continue use of the nonconforming uses shall be established by a preponderance of the following points of evidence:

   a. Utilities have been disconnected.

   b. If there were signs, the signs have been removed or have fallen into disrepair.

   c. Fixtures within and outside the building have been removed.

   d. The property has fallen into disrepair or is considered "blighted."

   e. U.S. Mail delivery has been terminated or mail is forwarded to another address.

   f. The classification of the property for tax purposes has been changed to reflect another use.

   g. Other similar changes to the nonconforming building or use.

   Action to determine if a nonconforming use was intended to be discontinued by the owner may be delayed if any of the following is ongoing:

   a. property held in Probate;

   b. insurance settlement in dispute; or

   c. criminal investigation.

2. Any nonconforming use and or structure damaged by fire, explosion, act of God or by other causes can be restored or rebuilt in the same location provided that the nonconformity is not expanded. This does not preclude the right of the applicant to apply for Class B designation as provided in this Article.

   Any such repair or reconstruction shall conform to all requirements of this Ordinance and shall obtain a Land Use Permit from the Zoning Administrator.

3. For the purposes of maintaining health and safety, all nonconforming structures and buildings may be repaired and maintained.

4. A nonconforming use shall not be extended to displace a conforming use.

5. A nonconforming use may be expanded throughout the structure in which it is located if approved by the Village Council.

20.11 CHANGE OF NONCONFORMING USE. The Village Council may authorize a change from one nonconforming use to another, provided the proposed use would more closely conform to the allowed uses in the zoning district. The procedure for such authorization shall be as follows:

1. A written application shall be filed with the Zoning Administrator requesting a change from one nonconforming use to another. The application shall include a site plan of the proposed use in relation to lot lines, neighboring buildings and uses and all other information deemed necessary by the Planning Commission. A non-refundable fee shall accompany the application.

2. The Planning Commission shall first hold a public hearing to consider the requested change. The Planning Commission shall make a recommendation to the Village Council within thirty (30) days of the public hearing. The Village Council shall make the final determination regarding the proposed use change.

3. ***Notice of public hearing shall comply with the notice requirements found in Section 22.07.*** ***(insert hyperlink)*** ~~***Upon receipt of the application, one public hearing notice shall be published in a newspaper of general circulation in the Village and shall be sent by mail to the owners of property for which the approval is being considered and to all persons whom real property is assessed within three hundred (300) feet of the property in question and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village. Notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making the notification. The notice shall do all of the following:***~~

~~***a. Describe the nature of the request.***~~

~~***3. Indicated the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exists with the property. If there are no street addresses, other means of identification may be used.***~~

~~***4. State when and where the request will be considered.***~~

~~***5. Indicate when and where written comments will be received concerning the request.***~~

4. Decisions of the Planning Commission and Village Council shall be in writing and shall outline the findings and reasons upon which the decision was based.

20.12 BUILDINGS AND USES UNDER CONSTRUCTION. Any structure or use lawfully in the process of completion at the time of the adoption of this Ordinance or any amendment thereto may be completed. Such structure may be used for the use specified in the building permit notwithstanding the fact that such use or the structure itself does not comply with the Ordinance as adopted or amended. The term "Process of completion" includes the completed construction of footings and the pouring of concrete therefore. The preparation of architectural plans and drawings, purchase of land, leases, materials or the moving of earth are excluded from such term. The ***Planning Commission*** ~~***Board of Appeals***~~ shall determine which buildings and structures are in the process of completion.

20.13 ILLEGAL NONCONFORMING USES. Those illega1 nonconforming uses which cannot be proven by the property owner to be existing prior to the effective date of this Ordinance shall be declared illegal nonconforming use and shall be discontinued.

ARTICLE *21*~~*20*~~

ZONING BOARD OF APPEALS ~~*BOARD OF APPEALS*~~

21.01 MEMBERSHIP.

1. The legislative body may act as a ***Zoning Board of Appeals*** ~~***Board of Appeals***~~ upon all questions arising under this Zoning Ordinance and in such event the legislative body may fix rules and regulations to govern its procedure sitting as a ***Zoning Board of Appeals*** ~~***Board of appeals***~~.

2. In the event that the legislative body so desires, it may appoint a ***Zoning Board of Appeals*** ~~***Board of Appeals***~~ consisting of not less than three members, each to be appointed for a term of three years. Appointments for the first year shall be for a period of one, two and three years, respectively, so as to provide for the appointment of an equal number each year, depending on the number of members. Each member thereafter shall hold office for the full three-year term.

21.02 POWERS OF THE BOARD. The Board shall act upon all questions as they may arise in the administration of the Ordinance, including the interpretation of the Zoning Map. The Board may, by the concurring vote of the majority of its members, reverse or affirm, wholly or partly, or may modify any order, requirements, decision or determination as its opinion ought to be made and to that end shall have all powers of the officer from whom the appeal was taken. It may issue or direct the issuance of a permit. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

21.03 MEETINGS AND ATTENDANCE. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may specify. The Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall maintain a public record of the proceedings of the Board, which shall be filed in the Office of the Village Clerk.

21.04 APPEALS AND PROCEDURE. Appeals may be taken to the Board by any party aggrieved by a decision or order of the Zoning Administrator where it is alleged there is error or misinterpretation in any order, requirement or decision made by the Zoning Administrator or other Administrative Agency in the carrying out of the provisions of this Ordinance.

1. A notice of appeal specifying the grounds thereof shall be filed with the Zoning Administrator within ten (10) days after the date of the action appealed from. Such officer shall promptly transmit all records to the Board.

2. An appeal shall stay all proceedings, decisions or orders unless said officer certifies to the Board that a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon a restraining order by the Board or Circuit Court.

21.05 HEARINGS.

1. When an application for hearing or appeal has been filed in proper form and the required fee paid, a Public Hearing date shall be set and the required notices shall be served pursuant to ***the notice requirements found in Section 22.07.*** ***(insert hyperlink)*** ~~***the Zoning Enabling Legislation.***~~

~~***2. Upon receipt of the application, one public hearing notice shall be published in a newspaper of general circulation in the Village and shall be sent by mail to the owners of property for which the approval is being considered and to all persons whom real property is assessed within three hundred (300) feet of the property in question and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Village. Notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making the notification. The notice shall do all of the following:***~~

~~***a. Describe the nature of the request.***~~

~~***b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exists with the property. If there are no street addresses, other means of identification may be used.***~~

~~***c. State when and where the request will be considered.***~~

~~***d. Indicate when and where written comments will be received concerning the request.***~~

2~~3~~. Copies of such notice shall be served upon the applicant and the Secretary of the Board or other Administrative Officers from which such appeal is taken. Notice shall be given personally or by mail at least fifteen (15) days prior to the date of the Hearing.

3~~4~~. Any interested party may appear and be heard at such hearing in person or by agent or attorney.

4~~5~~. Upon the date for hearing of any application or appeal, the Board may adjourn the hearing to a specified time and date in order to permit the obtaining of additional information or to cause further notices to be served. In the case of an adjourned Hearing, persons previously notified and persons already heard need not be notified of the resumption of said hearing unless the Board decides otherwise.

21.06 DECISIONS.

1. The Secretary shall record the grounds for each decision. The Board shall render its decision upon any matter within ***45*** ~~***120***~~ days after the matter is heard.

2. The Secretary shall keep minutes of the Board's proceedings. The ***findings of fact pertaining to each case*** ~~***grounds for the decisions of the Board***~~ shall be duly recorded.

3. A copy of each decision shall be sent to the Zoning Administrator, Planning Commission, and the applicant. No land use permit shall be issued by the Zoning Administrator until such decision is received.

21.07 REVIEW. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other Official in administering or enforcing any provisions of this Ordinance.

21.08 INTERPRETATION. The Board shall have power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

2. Determine the precise location of the boundary lines between Zoning Districts.

3. ~~Classify a use that is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each District.~~

4. Determine the off-street parking and loading space requirements of any use not specifically mentioned in Section 5.04.

21.09 VARIANCES. The Board shall have the power to authorize, upon an appeal, specific ***dimensional*** variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations and off-street parking and loading space requirements.~~,~~ ***The Board does not have the authority to grant any use variances under this Ordinance. For dimensional variances, the Board must find that*** ~~***provided***~~ ALL of the Basic Conditions listed herein and any ONE of the Specific Conditions listed thereafter can be satisfied. That any variance granted from this Ordinance:

1. Basic Conditions.

   a. Will not be contrary to the public interest or to the intent and purpose of this Ordinance.

b. Shall not permit the establishment within a District of any use which is not permitted by right within that Zoning District or any use or dimensional variance for which a conditional use permit is required.

c. Will not cause a substantia1 adverse effect upon property values in the immediate vicinity or in the District in which the property of the applicant is located.

d. Is not one where the Specific Conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical..

e. Will relate only to property that is under control of the applicant.

2. Special Conditions. When all of the foregoing Basic Conditions can be satisfied, a variance may be granted when any ONE of the following Special Conditions can be clearly demonstrated.

a. Where there are practical difficulties ***(insert hyperlink to definition)*** that prevent carrying out the strict letter of this Ordinance. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.

b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property invo1ved or to the intended use of the property, that do not generally apply to other property or uses in the same Zoning District. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.

c. Where such variation is necessary for the preservation of a substantia1 property right possessed by other properties in the same Zoning District.

3. Rules. The following rules shall be applied in the granting of variances.

a. The Board may specify, in writing, such conditions regarding the character, location and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such conditions shall automatically invalidate the permit granted.

b. The Board shall determine that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.
(This language comes directly from the Michigan Zoning Enabling Act – spirit refers to the spirit of the zoning ordinance to protect the public health and welfare)

c~~b~~. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

4. Time Limit. Each variance granted under the provisions of this Ordinance shall become null and void unless:

   a. The construction authorized by such variance or permit has commenced within six months after the granting of the variance or an extended time period as approved by the Zoning Administrator.

   b. The occupancy of land, premises or building authorized by the variance has taken place within one year after the granting of the variance or extended time period as approved by the ***Zoning Board of Appeals*** ~~***Board of Appeals***~~.

5. Limitations. The granting of a variance shall in no way constitute a change in the uses permitted in the District in which the property is located.

21.10 TEMPORARY PERMITS. Temporary permits must be obtained prior to using temporary structures, such as a garage, travel trailer, partial structure, cellar or basement for dwelling purposes or for temporary use which is not permitted in the District in which it is located subject to the following procedures and limitations.

1. An application for a temporary use permit or a temporary permit for the use, erection or movement of a temporary structure shall be filed with the Zoning Administrator.

2. ***Notice shall be given complying with the requirements found in Section 22.07. (insert hyperlink)*** ~~Due notice shall be given to the applicant and to all property owners within 300 feet of the property affected at least five days before the Hearing will be held on such application.~~

3. A temporary permit shall not be granted unless the ***Zoning Board of Appeals*** ~~***Board of Appeals***~~ finds adequate evidence that the proposed location of the use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the Leelanau-Benzie County Health Department.

4. The ***Zoning Board of Appeals*** ~~***Board of Appeals***~~ may impose any reasonable conditions in addition to the District requirements in which the use is proposed, including setbacks, land coverage, off street parking, landscaping and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such conditions shall automatically invalidate the permit.

5. Unique and temporary conditions shall exist which justify the need for a mobile home on a given lot or parce1, such as a dwelling for seasonal farm labor, aged family

members, domestic employees or similar needs of a temporary nature that relate to the use of the principal dwelling on the property in question.

6. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary use or structure is to be terminated or removed upon expiration of a specific time limit not to exceed 12 months. No permit shall be transferable to any other owner or occupancy. The permit may be renewed in the case of mobile homes if the conditions of (1) and (5) above can be met.

21.11 BOND FOR COMPLIANCE. In authorizing any variance or in granting any temporary use or permits, the Zoning Board of Appeals or the Zoning Administrator may require that a bond of ample sum be furnished to ensure compliance with requirements, specifications and conditions imposed with the granting of a temporary use permit or variance.

21.12 LIMITATION OF POWERS. The ***Zoning Board of Appeals*** ~~***Board of Appeals***~~ shall not have the power to alter or change the Zoning District classification of any property nor to make any change in the terms or intent of this Ordinance nor to grant a change in the uses permitted in any District in the Village.

21.13 SCHEDULE OF FEES. The Village Council may establish by resolution a schedule of fees to be charged for Hearings by the ***Zoning Board of Appeals*** ~~***Board of Appeals***~~. The fee shall be paid to the Village Clerk before any action shall be taken on the petition for the Hearing. The fee shall be retained regardless of the decision of the Board.

ARTICLE ***22*** ~~21~~

ADMINISTRATION AND ENFORCEMENT

22.01 GENERAL ADMINISTRATION.

1. The provisions of this Ordinance shall be administered by the Village Council of the Village of Northport in conformance with the State of Michigan Act 110 of the Public Acts of 2006 as amended.

2. The Village Council shall appoint a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The term of appointment, compensation and other conditions of employment shall be established by the Village Council. For the purpose of this Ordinance, the Zoning Administrator shall have the power of a police officer.

3. The Village Council may also appoint a Temporary Zoning Administrator when the regularly appointed Zoning Administrator is unable to carry out his/her duties. The term of the Temporary Zoning Administrator shall be set by the Village Council and shall end as soon as the regularly appointed Zoning Administrator resumes his/her duties.

4. The Village Council may also appoint a Deputy Zoning Administrator. The term of appointment, compensation and other conditions of employment shall be established by the Village Council.

22.02 DUTIES OF ZONING ADMINISTRATOR.

1. All applicants for Sign Permits or Land Use Permits shall be submitted to the Zoning Administrator who may issue a Land Use Permit when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make initial determinations and interpretations of this Ordinance and to make inspections of buildings or premises to carry out his/her duties in the enforcement of this Ordinance.

2. The Zoning Administrator shall record all non-conforming uses existing of the effective date of this Ordinance for the purpose of carrying out the provisions of Article 4.

3. Under no circumstances is the Zoning Administrator permitted to make text changes in this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties.

22.03 DUTIES OF THE PLANNING COMMISSION

1. Per the Michigan Planning Enabling Act, PA 33 of 2008, as amended, the Planning Commission shall draft and approve a master plan as a guide for

land use decisions within the Village of Northport and serves as a foundation for this Ordinance.

2. ***The Planning Commission shall review site plan applications submitted under Article 18 of this Ordinance and deemed to meet the submission requirements found in Sections 18.04 (and Village Site Plan Review application – if applicable). After consideration, it shall deny, approve, or conditionally approve the site plan as presented or modified during the Commission review.***

3. ***The Planning Commission shall review all special land use zoning permit applications submitted under Section of this Ordinance and deemed to meet the submission requirements found in Section 17.02. Prior to deliberation upon the application, the Planning Commission shall hold a public hearing that complies with requirements found in Section 17.02.3. The action to deny, approve, or conditionally approve the special land use shall meet the approval standards found in Section 17.03, include statements of findings regarding the request, and that the proposed land use shall comply with the specific requirements delineated in Section 17.04.***

4. ***The Planning Commission shall review applications for Class B Nonconforming Uses/Structures as found in Section 20.05. The Planning Commission shall utilize the review requirements as detailed Sections 20.07 and 20.08. The Planning Commission shall also advise the Village Council regarding Changes of Nonconforming Uses as described in Section 20.11.***

5. ***The Planning Commission shall review an applicant's site plan for Planned Unit Development Sections 19.06 and 19.07 and include recommendations within their site plan review approval.***

6. ***Zoning Map and Zoning Text Amendments: Per Section 23.01, the Planning Commission may initiate map or text amendments to this Ordinance by its own motion or respond to a petition of one or more property owners. The Planning Commission shall follow the procedures described in Section 20.05 and 20.06.***

7. ***The Planning Commission may classify a use that is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each District.***

22.043 LAND USE PERMIT.

1. A Land Use Permit shall be obtained from the Zoning Administrator prior to the occupancy, construction, use or change of use of any of the following:
   a. Occupancy or use of vacant land (including parking lot construction) or of building hereafter erected or structurally altered. A permit will not be required if the proposed structure does not exceed a total of 200 square feet although all structures, regardless of size, must meet all of the requirements of the District in which it is located.

b. Change in the use of land or buildings, except to another use that represents a continuation of a use under a previous Land Use Permit.

c. Any change in use or enlargement of a non-conforming use or building.

d. The construction, erection or structural alternation of all signs greater than 3 square feet in area.

2. In all cases where a building permit is required, written application for a Land Us Permit shall be made prior to the application for such building permit and in all cases shall be made not less than ten days prior to the time when a new, changed or enlarged use of a building, structure or premises is intended to begin.

3. Application for a Land Use Permit shall be accompanied by a plat showing all information required for site plan approval (see Section 18.03).

4. In all cases where a site plan is required pursuant to Section 18.02, a Land Use Permit shall not be given unless and until the site plan is approved by the Planning Commission and signed by the Secretary or Chairman of the Planning Commission.

5 Where a sewage disposal system is to be a part of the construction or a change in an existing sewer system is required, the Zoning Administrator shall not issue a Land Use Permit until a permit for construction of a new system or change of the existing system has been issued by the Benzie-Leelanau County Health Department. In cases where it is not apparent that a sewage disposa1 system is not required, the applicant shall obtain confirmation to that effect from the Benzie-Leelanau County Health Department prior to obtaining a Land Use Permit.

6. Accessory buildings or structures, when erected at the same time as the principal building or structures on a lot shown on the application, therefore, shall not require a separate Land Use Permit.

8. A record of all applications for Land Use Permit shall be kept on file by the Zoning Administrator. ***Any changes to the plan/application after initial approval shall be submitted as a revision to the Village Zoning Administrator for updated approval.***

9. Fees for the issuance of a Land Use Permit shall be fixed from time to time by resolution of the Village Council.

10. A Land Use Permit issued by the Village is valid for three hundred, sixty-five (365) days from the date of issue. Exterior of structure, all landscaping, and underground utilities must be completed within that period of time. An additional one hundred and eighty (180) days for completion of the exterior maybe authorized by the Zoning Administrator if a justifiable cause can be demonstrated by the owner(s).

22.0***54*** VIOLATIONS AND PENALTIES.

1. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land activities considered possible violations of the provisions of this Ordinance observed by or communicated to a Village Official or employee shall be reported to the Zoning Administrator.

2. The Zoning Administrator shall notify the property owner, in writing, of any violation of this Ordinance. After thirty (30) days have elapsed and the violation has not been corrected, the Zoning Administrator shall order, in writing, correction of the violation. Such order shall be mailed or personally delivered to the owner as shown on the tax rolls.

3. All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Village Council who is hereby authorized to and shall initiate procedures to eliminate such violation. These procedures may include referral to the Village attorney for the required legal action.

4. Every person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this Ordinance shall be guilty of maintaining a nuisance per se.

5. Any person who fails to correct a violation of any provisions of this Ordinance within the specified date of the notice ordering the correction shall be guilty of a municipal infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Complied Laws, and shall be subject to a fine of not more than Five Hundred ($500) Dollars. Each day this Ordinance is violated shall be considered a separate violation.

6. In addition to enforcing this Ordinance through the use of a municipal infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other Violation of this Ordinance.

22.0***65*** CONFLICTING REGULATIONS. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed or required by the provisions of this Ordinance are more stringent than 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 is imposed or required by this Ordinance, then the provisions of such other law or ordinance shall govern.

22.07 NOTICES. All notices of public hearings required in the enforcement of this Ordinance shall comply with the State of Michigan Zoning Enabling Act requirements found in Section 103 of the Act including:

1. ***All Notices shall be published in a newspaper of general circulation not less than 15 days before the date of the hearing.***

2. ***Owners of the property and all properties within 300 feet of the property subject to the request including occupants of all said properties within 300 feet of the subject property, regardless of whether the property or structure is located within a neighboring jurisdiction shall receive a notice. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons; 1 occupant of each unit or spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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.***

3. ***To determine when notice is given, the delivery date shall be when the notice is hand-delivered or when written notice is deposited during normal business hours with the US Postal Service or other public or private delivery service, which must be not less than 15 days before the public hearing. If the specific name is not known, the term "Occupant" may be used instead.***

4. ***The Notice shall:***

    a. ***Describe the nature of the request.***
    b. ***Indicate the property subject to the request. The Notice shall list all of the existing street addresses within the property; however, if there are no such street addresses, one does not need to be created. Other means to clearly identify the property are permissible.***
    c. ***State when and where the hearing will be considered.***
    d. ***Indicate where and when written comments will be accepted pertaining to the request.***

ARTICLE ***23~~22~~***

AMENDMENT AND ADOPTION

23.01 PROCEDURE. The Planning Commission, either on its own initiative, or upon petition by any interested person or public body, may schedule a Public Hearing for amendments of this Ordinance.

23.02 FEES. The Village Council shall establish, by resolution, fees for zoning ***ordinance text and zoning map*** amendments ***~~(including rezoning)~~*** requests. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable to the applicant. Fees shall not be required for amendments proposed or requested by any government agency or body.

23.03 INFORMATION REQUIRED. In the case of a ***non-government initiated zoning map amendment*** ***~~rezoning~~*** request, the application shall contain the signatures of the applicants, property owners, and the title holders and any other person having a legal interest in the land and shall contain the following information:

1. A precise legal description of the boundaries of the property being requested to have its zoning changed.

2. A scaled map of the property, correlated with the legal description and clearly showing the property's location.

3. The zoning change desired.

4. The reasons for the rezoning request.

5. The applicant's interest in the property and if the applicant is not the owner, the name and address of the owner(s).

6. A description of the proposed development and use of the property if the application is granted.

23.04 NOTICES.

1. The Planning Commission shall authorize notice of the proposed ***ordinance text*** amendment or ***zoning map amendment*** ***~~rezoning~~*** request upon payment of the required fees.

2. ***A public hearing shall be held regarding a Zoning Ordinance or Zoning Map amendment, and the hearing shall be noticed per the requirements found in Section 22.07 Notices.*** ***~~Upon receipt of the application, one public hearing notice shall be published in a newspaper of general circulation in the Village and shall be sent by mail to the owners of property for which the approval is being considered and to all persons whom real property is assessed within three hundred (300) feet of the property in question and to the occupants of all structures within 300 feet of the~~***

~~*property regardless of whether the property or occupant is located in the Village. Notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making the notification. The notice shall do all of the following:*~~

~~*a. Describe the nature of the request.*~~

~~*b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such address currently exist with the property. If there are no street addresses, other means of identification may be used.*~~

~~*c. State when and where the request will be considered.*~~

~~*d. Indicate when and where written comments will be received concerning the request.*~~

23.05 FINDINGS OF FACT REQUIRED. In reviewing any request for a zoning amendment or rezoning, the Planning Commission shall identify and evaluate all factors relevant to the application. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

1. Whether or not the requested zoning change is justified by a change in conditions since the zoning ordinance was adopted or by an error in the original zoning ordinance.

2. The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.

3. The capability of the Village or other government agencies to provide any services, facilities and/or programs that might be required if the petition were approved.

4. Effect of approval of the petition on condition and/or value of property in the Village or in adjacent civil divisions.

5. Effect of approval of the petition on adopted Master Plans or development policies of the Village and other governmental units.

6. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

23.06 DECISION.

1. The Planning Commission shall forward its decision, a copy of the minutes of the Public Hearing and the proposed amendment to the Village Council with its

recommendation for approval or denial within ***forty-five (45)*** ~~***thirty (30)***~~ days of the date of the Hearing.

2. The Village Council shall consider the amendment request, the Planning Commission's recommendations and all comments made at the Public Hearing; and shall make a decision to approve, deny or approve with ***amendments*** ~~***conditions***~~ the request, stating the reasons for its actions.

23.07 ADOPTION.

~~1.~~ ***The adoption process shall adhere to the noticing and adoption requirements found in Section 401 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended or any subsequently adopted State enabling legislation.*** ~~***The Village Council may adopt the amendment at any regular meeting or at a special meeting called for such purpose with or without amendments that have been previously considered by the Planning Commission or at a Public Hearing.***~~

~~***2. A majority vote of the members of the Village Council shall be required to adopt any amendment.***~~

~~***3. A zoning ordinance or the zoning ordinance amendment shall take effect upon the expiration of seven (7) days after publication of the notice of adoption for the zoning ordinance or zoning ordinance amendment. The notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption by the Village Council.***~~

~~***4. A notice for a zoning ordinance shall include the following statement, "A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Village of Northport."***~~

~~***5. A notice for a zoning ordinance amendment shall include either a summary of the regulatory effect of the amendment, including the geographic area affected or the text of the amendment.***~~

~~***6. The notice shall also state the effective date or the ordinance or amendment.***~~

~~***7. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.***~~

22.08 REZONING WITH CONDITIONS. Per Section 405 of the Michigan Zoning Enabling Act, the Village must offer the opportunity for Conditional Rezoning.

1. ***An owner of land may voluntarily offer in writing, and the Planning Commission may recommend to the Village Council, to accept certain use and development of land as a condition to a rezoning of the land or an amendment to a zoning map.***

2. In approving the conditions under subsection 22.08, 1, the Village Council may establish a time period during which the conditions apply to the land. Except for an extension under subsection 22.08, 4, if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

3. The Village Council shall not add to or alter the conditions approved under subsection 22.08, 1 during the time period specified under subsection 22.08, 2 of this section.

4. The time period specified under subsection 22.08, 2 may be extended upon the application of the landowner and approval of by the Village Council.

5. The Village Council shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection 22.02, 1 shall not otherwise affect a landowner's rights under this act, the ordinances of the Village of Northport, or any other State of Michigan laws.

ARTICLE *24~~23~~*

MISCELLANEOUS PROVISIONS

24.01 SEVERABILITY. In case any section or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except so far as the provision declared to be invalid shall be inseparable from the remainder of any provision.

24.02 EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the Village Council.

24.03 REPEAL OF PRIOR ORDINANCE. The Village of Northport Zoning Ordinance adopted **January 1988** as amended, is hereby repealed, effective coincident with the effective date of this Ordinance.

The Northport Village Council
Leelanau County
State of Michigan

By: _____
Northport Clerk

Authenticated:

_____
President

Date Adopted: _____

Date Published:_____