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 area 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

1. 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.

1. 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.

2. THE WORD "SHALL" IS ALWAYS MANDATORY AND NOT DISCRETIONARY. THE WORD "MAY" IS PERMISSIVE.

3. 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.

1. A "BUILDING" OR "STRUCTURE" INCLUDES ANY PART THEREOF.

4. 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.

5. 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."

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

2.02 DEFINITIONS

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) 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, BATHING AND COOKING. ALSO KNOWN AS A MOTHER-IN-LAW APARTMENT OR ACCESSORY APARTMENT. ALL ACCESSORY DWELLING UNITS SHALL DERIVE THEIR UTILITIES FROM THE PRIMARY (MAIN) STRUCTURE.

ACCESSORY SALES. ARE PERMITTED IN ALL ZONING DISTRICTS EXCEPT VILLAGE CENTER (C-1). THE SALE OF ~~MERCHANDISE PRODUCED, PROCESSED,~~ GOODS AND PRODUCTS 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 INCLUDING FREE STANDING SOLAR ARRAYS.

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, 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 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 PORTION OF THE BUILDING THAT IS 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, FOR LESS THAN 30 DAYS, ARE PROVIDED A SLEEPING ROOM AND BREAKFAST IN RETURN FOR PAYMENT.

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

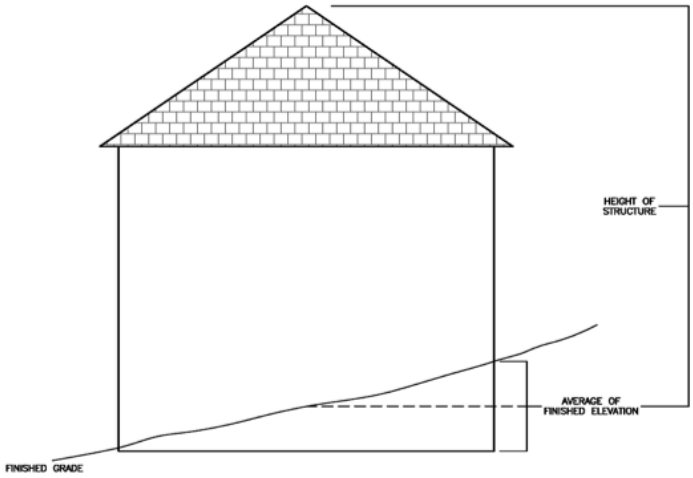
THE BERM. BERM SLOPES SHALL BE A MINIMUM OF ONE (1) FOOT VERTICAL PER THREE (3) FEET HORIZONTAL.

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.

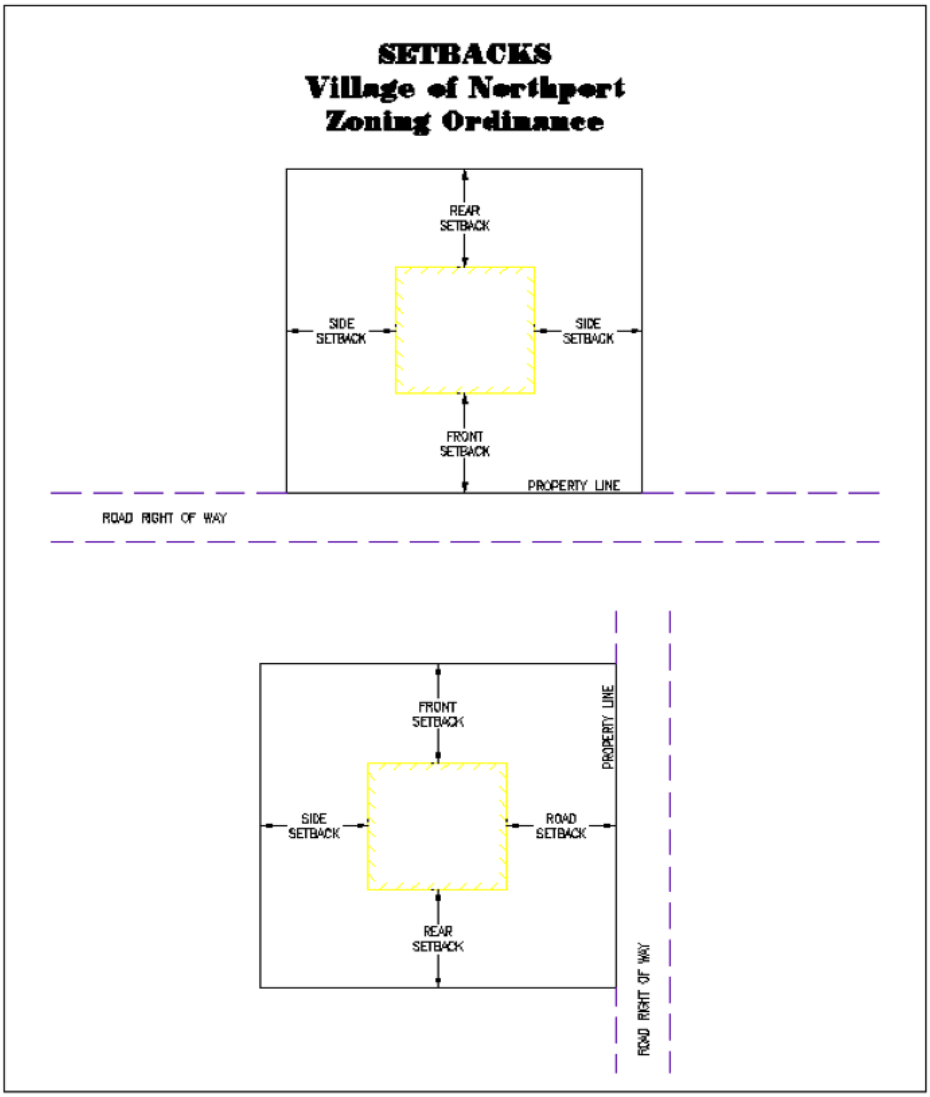
BUILDING. ANYTHING WHICH IS CONSTRUCTED OR ERECTED, INCLUDING A MOBILE HOME, HAVING A ROOF SUPPORTED BY COLUMNS, WALLS, OR OTHER SUPPORTS, WHICH IS USED FOR THE PURPOSE OF HOUSING OR STORING OF PERSONS, OR PERSONAL PROPERTY OR CARRYING ON BUSINESS ACTIVITIES OR OTHER SIMILAR USES.

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 HEIGHT
Village of Northport
Zoning Ordinance



BUILDING SETBACK. THE MEASUREMENT FROM THE PROPERTY LINE TO THE NEAREST POINT OF ANY PORTION OF A BUILDING OR STRUCTURE, EXCLUDING EAVES OR OVERHANGS. ~~SEE PICTURE ON THE NEXT PAGE~~.


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

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.

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.

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, playgroup, 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."

DORMATORY. A type of housing for employees living in the Village.

DRIVE-THROUGH BUSINESS. A business which by design, physical facilities or service permits customers to receive goods or services while remaining in their vehicles.

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 alley will be required to have a Village Driveway Permit. Said access shall be a paved apron form the road right of way to the paved portion of the Village street, road or alley. Minimum driveway width for residential properties shall be twelve (12) feet. Commercial driveway widths shall be determined 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, telephone, internet, 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. Note: chain link fences are not allowed on property lines.

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~~ residence as a use incidental to the use of the home as a dwelling place, which conforms to the provisions of the district stated in this Ordinance.

Alternate – 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 dwell for residential purposes, and which does not alter the exterior of the property or affect the residential character or the neighborhood.

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; fire stations or similar uses providing services necessary to the community.

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.

LOT: CORNER, INTERIOR AND THROUGH:

1. Corner Lot is a lot that has at least two contiguous sides abutting upon a street.
1. Interior Lot is a lot other than a Corner Lot.
1. 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.
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.

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.

MARIHUANA FACILITY means a medical marihuana grower, medical marihuana provisioning center, medical marihuana processor, medical marihuana secure transporter or medical marihuana safety compliance facility licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) and any successor department or agency within the department, including the Marihuana Regulatory Agency (MRA) under the Michigan Medical Marihuana Facilities Licensing Act (MMFLA), 2016 PA281, as amended, MCL §333.27102 *et seq.*

MARIHUANA ESTABLISHMENT means a marihuana retailer, marihuana processor, marihuana secure transporter or marihuana safety compliance establishment licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) and any successor department or agency within the department, including the Michigan Regulation and Taxation of Marihuana Act (MRTA) Initiated Law 1 of 2018, MCL §333.27951 *et seq.*

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.

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.

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.

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 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 foundation, ~~including~~ eaves or 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.

OD

1.

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.

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 MILLS/TURBINES. (NEED DEFINITION)

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 high water mark established by the State of Michigan Water Resources Commission 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

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 AND GARAGES.

1. Setbacks. Accessory buildings and garages are permitted in all districts subject to all provisions of the zoning ordinances ~~and the following.~~ All accessory 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 buildings and for garages ~~(either attached or detached)~~ shall be at least eight (8) feet from adjacent property lines.

2. In Any R or C District. Detached accessory 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 ACCESSORY SALES. Accessory Sales are permitted in all districts except (C-1) Village Center.

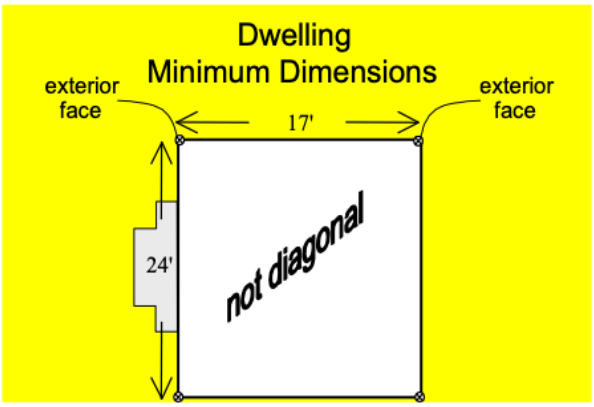
3.05 BASEMENT DWELLINGS. The use of any basement as a residence or dwelling unit is prohibited in all districts. This section shall not exclude underground homes or other similar dwelling units from locating in the Village.

3.06 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.

3.07 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.

3.08 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.

3.09 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 o 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 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 shall be connected to the public sewer system and water supply system ~~and/or~~ a well ~~or~~ and 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 and compatible with Village architecture styles. The

COMPATIBILITY OF DESIGN AND APPEARANCE SHALL BE DETERMINED BY THE ZONING ADMINISTRATOR UPON 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 Leelanau County.

3.10 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 BOARD OF APPEALS.

THE BOARD OF APPEALS 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 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.

3.11 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 ZONING BOARD OF APPEALS APPROVES SUCH APPURTENANCES.

2.

3.12 RESERVED

3.13 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.

3.14 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.

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

3.16 MILL POND AND ~~SUCKER~~ NORTHPORT CREEK SETBACK. Any new construction within fifty (50) feet of the Mill Pond or ~~Sucker~~ Northport Creek or any of its associated wetlands 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 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.

3.17 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.

3.18 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.

3.19 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.

3.20 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 flyash, 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 flyash 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 onehalf (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

3.21 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.

3.22 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.

3.23 RESERVED

3.24 RESERVED

3.25 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.

3.26 RESERVED

3.27 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.

   c. Buildings shall maintain similar architectural design as set out in the Northport Architectural Handbook.

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 ~~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.

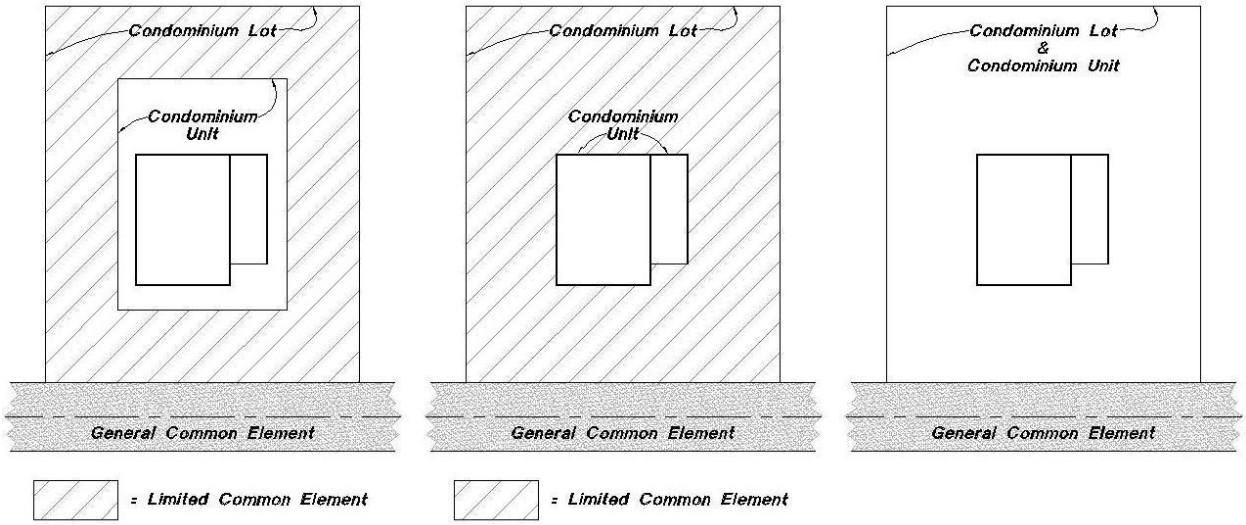
5. Compliance of Lot. For the purposes of these regulations, each lot in a regular subdivision and each lot in a condominium subdivision shall be considered as a single lot and shall comply with all of the regulations of the Zoning District in which it is located. In a regular subdivision and a condominium 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. 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.

a. 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.

1. 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.

2. 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.

3. 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.

a. 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.

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

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

3.27 SOLAR ~~PANELS~~ AND WIND ~~GENERATORS~~. 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. 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. 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-1~~ 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 WALLS, FENCES AND BUFFER YARDS.

A. All walls and fences constructed in the Village of Northport shall comply with the following requirements:

1. 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.

2. 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.

3. 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.

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

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

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

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

   a. 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
      1) Solid Stockade Fence
      2) Panel
      3) Solid Picket
      4) Split Rail
      5) Lattice work

   b. Lumber may be be spruce, cedar, redwood or wolmanized or of equal construction quality or grade.

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

d. An anchor post set in concrete 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.

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

9. 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.

3.

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B. All buffer yards in the Village of Northport shall comply with the following requirements:

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

2. Existing plant materials, fences or walls may be counted as contributing to the total 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.

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

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

5. Evergreen trees shall be not less than four (4) feet in height.

6. Deciduous trees shall be not less than six (6) feet in height.

7. Deciduous shrubs shall be not less than one (1) foot in height.

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

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

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

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

9. The following trees are not permitted for use in the required buffer yards: Box Elder, Elms, Poplars, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa, ~~Female~~ Ginkgo.

10. 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.

11. 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.

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

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

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

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

12. 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)

13. 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	*

14. The following illustrations graphically illustrate the requirements of each buffer yard category.

Buffer yard requirements 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.

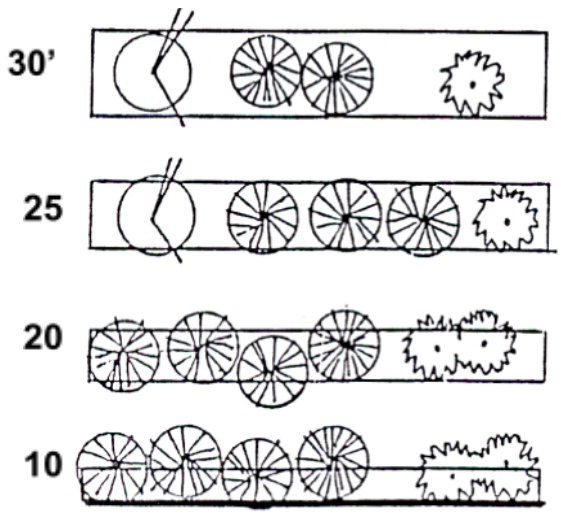
REQUIRED PLANT UNITS PER 100 FEET

A

C

[redacted]

B



LEGEND

DECIDUOUS TREES

DECIDUOUS SHRUBS

EVERGREEN TREES

ARTICLE 4
NONCONFORMING USES, STRUCTURES AND LOTS

4.01 INTENT AND PURPOSE. It is the intent of Article to provide for the classification of various nonconforming uses, structures, and lots according 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.

4.02 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.

4.03 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 4.05. 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.

4.04 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 4.05. An example of this scenario would be a residential structure used for commercial operations in a commercially zoned district.

4.05 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.

One public hearing notice shall be published in a newspaper of general circulation in the ~~Village~~ County 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.

4.06 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.

4.07 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.

4.08 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.

4.09 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.

4.10 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~~.

4.11 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. 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. 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.

    a. State when and where the request will be considered.

    b. 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.

4.12 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 Land Use and 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 Board of Appeals shall determine which buildings and structures are in the process of completion.

4.13 ILLEGAL NONCONFORMING USES. Those illegal 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 5

OFF-STREET PARKING AND LOADING

5.01 SCOPE. Off-street parking facilities shall be provided for occupants, employees, and patrons of buildings within the Village of Northport.

5.02 MEASUREMENT UNITS. For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definitions and standards are established as follows:

1. 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.

2. Usable Floor Area (UFA). Used in determining parking 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, 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.

3. 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.

4. 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.

5. 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 greater.

6. 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.

5.03 APPLICATION AND DETERMINATION.

1. 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 Article.

2. Determination of Required Parking Facilities. The Zoning Administrator shall determine the minimum number of spaces required for ~~accessory~~ off-street parking by applying the Parking Area Design Standards, the Schedule of Parking 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 additional space required.

   The Planning Commission may vary the parking requirements of 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 requirements will result in an excess amount of parking related to the particular use. The Board of Appeals shall have the authority to determine the off-street parking requirements of any use not specifically mentioned in Section 5.04.

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

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 minimum, plus
	1	per each three employees with a minimum total of 20 parking spaces
9. Furniture, appliances, and household equipment, repair shops, hardware stores and other similar uses	1	Per each 800 sq. ft. of UFA, plus
	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~~ AND
	1	Per each 1,700 sq. ft. GFA (whichever is greater)

5.05 DESIGN STANDARDS. The off-street parking required by this article shall be provided in accordance with the following requirements:

1. Each parking space shall be at least ten (10) feet in width and twenty (20) feet in length.

2. 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.
3. 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.

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

5.06 PARKING IN COMMERCIAL AND INDUSTRIAL DISTRICTS. Every parking area in a Commercial or Industrial District shall meet the following requirements:

1. Parking areas shall be effectively screened on any side that adjoins a residential district by an 8-foot buffer yard pursuant to Section 3.34. No parking area shall be closer than eight (8) feet to any residential property or district or right-of-way.

2. 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~~. No lighting shall shine toward dwellings or streets. All drainage plans shall be reviewed by the Zoning Administrator. When they meet the requirements, they ~~shall~~ be approved.

3. A site development plan of any parking area with twenty (20) spaces or more shall be approved by the Planning Commission as provided in Article 18.

5.07 LOCATION OF PARKING.

1. 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 this Article.

2. Multiple-family. The 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 Article.

~~3.~~ Other Land Uses. The off-street parking area for all commercial or industrial uses shall be located within three hundred (300) feet of the building ~~it is required~~ to served.

5.08 JOINT USE OF PARKING FACILITIES

1. The joint use of parking facilities by two (2) or more uses 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.

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

   a. the location, number and spacing of driveways;

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

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

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

3. 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.

5.09 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.

5.10 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.

1. 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 – 2,000	None
2,001 – 10,000	One Space
10,001 – 20,000	Two Spaces
20,001 – 50,000	Three Spaces
50,001 – 100,000	Four Spaces
Each additional 100,000	Five, plus one space for each 100,000 square feet.

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

ARTICLE 6
SIGNS AND BILLBOARDS

(Article 6 Will become a reserved section)6.01 SIGN REGULATIONS. The following conditions shall apply to all signs erected or located in any use district.

1. 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 Article. An approved sign permit is not transferable between alternate sites or locations within a Zoning District or between zoning districts.

2. 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.

3. 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.

4. 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.

5. 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.

6.02 TEMPORARY SIGNS. The following signs shall be permitted anywhere within the Village and shall conform with all setback requirements. All ground mounted temporary signs shall not exceed a height of six feet above ground level. Temporary signs shall conform to the following requirements:

1. Construction 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, during the construction period, to a maximum area of 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.

2. 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.

3. Political campaign signs announcing the candidates seeking public political office.

4 Street banners 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.

6.03 SPECIFIC USE DISTRICT REQUIREMENTS.

1. CN-l Conservation District.

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

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

   c. 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.

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

   a. 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.

   b. 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.

   c 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.

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

   a. 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.

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

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

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

E. All projecting 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 15 feet above alleys or driveways.

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

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

   B. does not obstruct pedestrian traffic,

   C. clear vision of vehicle operators or maintenance of any sidewalk, street or other right-of-way.

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

H. Signs shall not project above the roofline.

4. D-l Development District.

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

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

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

D. Free standing or ground 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.

ARTICLE 7
DISTRICTS

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-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~~	~~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 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.

ARTICLE 8

CN-1 CONSERVATION DISTRICT

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, TRAILS GOLF COURSES, DRIVING RANGES, 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.

8.04 DIMENSIONAL REQUIREMENTS.

None.

ARTICLE 9

R-1 RURAL RESIDENTIAL DISTRICT

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.

6. Short Term Rentals (STR's)

9.04 DIMENSIONAL REQUIREMENTS.

1. Lot Area. There shall be a lot area of at least 20,000 square feet with a minimum lot width at the front lot line of 100 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 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 thirty (30 %) of the lot shall be covered by buildings.

ARTICLE 10

R-2 VILLAGE RESIDENTIAL DISTRICT

10.01 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.
7. Short Term Rentals (STR's)10.04 DIMENSIONAL REQUIREMENTS.

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 ~~15,000~~ square feet with a minimum lot width at the front lot line of ~~one hundred~~ (~~100~~ feet~~)~~.

   b. Two family dwellings shall have a lot area of at least 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 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. 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 (30%) of the lot shall be covered by buildings.

ARTICLE 11-A

R-3 SINGLE-FAMILY RESIDENTIAL ~~DEVELOPMENT~~ DISTRICT

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. 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. 5, 5. Accessory dwellings ~~units.~~

7. Short Term Rentals (STR's).

11-A.04 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.

ARTICLE 11-B

R-4 MULTI-FAMILY RESIDENTIAL DISTRICT

11B.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
1. Public parks, public playgrounds
2. Home occupations as defined in Article 2
3. Two-family dwelling
4. Multiple-family Dwellings
5. 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
7. Short Term Rentals (STR's)

11.04B 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.

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

   b. Multiple-family dwelling units shall not exceed a density of four dwelling units per acre.

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

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

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

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

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

11.05B PERFORMANCE STANDARDS. All uses permitted in the R-4 District shall also meet the buffer yard requirements specified in Section 16.07.

ARTICLE 12

CR-1 COMMERCIAL/RESIDENTIAL DISTRICT

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. 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 not 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.~~

6. Short Term Rentals (STR's).

12.04 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.

12.05 OUTDOOR STORAGE. NO OUTDOOR STORAGE OF SUPPLIES, MATERIALS, EQUIPMENT, OR MERCHANDISE, OTHER THAN FOR TEMPORARY SIDEWALK SALES SHALL BE PERMITTED.

12.06 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 13

C-L ~~CORE COMMERCIAL~~ DISTRICT

13.01 INTENT AND PURPOSE. It is the purpose of this district to accommodate commercial activities offering goods and services needed by Village residents. 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.

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

3. Institutional uses

.Funeral homes and mortuaries

5. Commercial recreation facilities

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

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 ParkingRequirements.

7. Marihuana Establishments.

8. Short Term Rentals (STR's)

13.04 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.

8. 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.

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

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

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.

5. 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.

6. 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.

ARTICLE 14

C-2 COMMERCIAL/RESORT/RESIDENTIAL DISTRICT

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 recreational 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 commercial use shall meet the requirements listed in Section 5.04, Schedule of Parking Requirements.

6. Short Term Rentals (STR's).

14.04 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.

14.05 PERFORMANCE STANDARDS. All uses permitted in the C-2 District shall also meet the buffer yard requirements specified in Section 16.07.

14.06 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 15

MARIHUANA ESTABLISHMENTS

15.01 INTENT AND PURPOSE. It is the intent of this Article to provide guidance on the appropriate location and separation of marihuana establishmets as permitted by the Village of Northport Ordinances 124 and 125, as current. It is the intent of these provisions to promote quality of like, preserve neighborhood character, enhance retail variety, and viability and ,maintain the stability of development areas.

15.02 DEFINITIONS.

1. MARIHUANA ESTABLISHMENT means a medical marihuana grower, medical marihuana provisioning center, medical marihuana processor, medical marihuana secure transporter, medical marihuana safety compliance facility, marihuana retailer, marihuana processor, marihuana secure transporter or marihuana safety compliance establishment licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) and any successor department or agency within the department, including the Marihuana Regulatory Agency (MRA) under the Michigan Medical Marihuana Facilities Licensin Act (MMFLA), 2016 PA281, as amended, MCL §333.27102 *et seq.* or the Michigan Regulation and Taxation of Marihuana Act (MRTMA) Initiated Law 1 of 2018, MCL § 333.27951 *et seq.*

2. MARIHUANA EXTABLISHMENT means a marihuana retailer, marihuana processor, marihuana secure transporter or marihuana safety compliance establishment licensed by the Michigan Department of Licensing and Regulatory Affairs (LARA) and any successor department or agency with in the department, including the Michigan Regulation and Taxation or Marihuana Act (MRTMA) Initiated Law 1 of 2018, MCL §333.27951 *et seq.*

3. Detailed definitions of all categories of permitted facilities and establishments is found In Article 2, DEFINITIONS.

15.03 AUTHORIZED ESTABLISHMENTS

1. No person shall operate a marihuana establishment in the Village until a Special Land Use Permit has been issued by the Planning Commission pursuant to procedures set forth in Article 17 PERMITTED SPECIAL USES. Hour of operation, signage,

LIGHTING, OFF STREET PARKING AND DESIGN STANDARDS MAY BE CONSIDERED WHEN GRANTING SPECIAL LAND USE PERMITS PER THE VILLAGE OF NORTHPORT ZONING ORDINANCE.

2. MARIHUANA ESTABLISHMENTS ARE PERMITTED BY SPECIAL USE AND ONLY IN THE DEVELOPMENT/MULTI-USE DISTRICT.

3. SEPARATION DISTANCES. THE DISTANCES DESCRIBED IN THIS SUBSECTION SHALL BE COMPUTED BY MEASURING A STRAIGHT LINE FROM THE NEAREST PROPERTY LINE OF THE PARCEL USED FOR THE PURPOSE STATED TO THE NEAREST PROPERTY LINE OF THE PARCEL USED AS A MARIHUANA ESTABLISHMENT.

Marihuana Facility or Establishment	Current Sensitive Property Use	Separation Distance
Any permitted	K -12 School	1,000 feet *
Any permitted	Licensed day care center	1,000 feet *
Provisioning center and/or Retailer	Publicly owned park or Playground	1,000 feet *
Provisioning center and/or Retailer	Licensed substance use Disorder program	500 feet
Provisioning center and/or Retailer	Religious institution	500 feet
		*may NOT be waived

4. Waiver. The required separation distances between a proposed marihuana establishment location and sensitive uses cannot be waived except as allowed in this section.

a. Sensitive uses that may be considered eligible for a separation distance waiver are only as follows: publicly owned park or playground, religious institution, or a licensed Substance Use Disorder Program.
b. The application shall provide evidence that all eligible sensitive uses within 1,000 feet of the proposed marihuana establishment location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements. Failure to satisfy this requirement may be grounds to deny a proposed separation distance waiver.
c. If an eligible sensitive land use files a written objection with the Zoning Administrator, the Planning Commission may waive the required separation

distance, but shall consider the objection at a public hearing, in addition to the standards provided in subsection e (below).

d. If objection is not filed by an eligible sensitive land use, the Planning Commission may waive the required separation distance in accordance with standards provided in subsection e (below).

e. The Planning Commission shall consider whether the proposed distance waiver if granted, will impair quality of life, damage neighborhood character, discourage commercial retail viability, harm the stability of the development area, or have any particularly detrimental effects on the sensitive land use at issue, and whether one or more of the following conditions exist which will reduce potential detrimental impacts if the waiver is granted.

i. Exceptional topographic or environmental conditions such as steep slope(s) or a significant amount of mature vegetation, or a fixed and unmovable natural or unnatureal barrier, such as a river or similar environmental body roadway, or extensive berm or wall that cannot be crossed; or

ii. The orientation of the sensitive use and/or location of its primary entrance(s) that increases the practical distance of the sensitive use from the proposed establishment.

5. Co-location. There may be only one state operating license per parcel, except co-Location as permitted in Northport Village Ordinances 124 and 125, as current.

15.04 OPERATIONS

1. Marihuana establishments must be operated in compliance with all applicable state laws, LARA rules, all conditions of the facility's state operating licenses, and all applicable Village ordinances. In addition, suoch establishments shall comply with the following regulations:

a. Facility Exterior. The exterior appearance of an establishment must be compatible with surrounding business ad any descriptions of desired future character, as described in the **Master Plan and Village Architectural Standards.**

b. Sign Plan. Sign plans shall be submitted for the exterior of the building along with any interior signs that will be visible to the general public from the public right-of-way with the application for the Special Land Use Permit for Planning Commission review.

c. Site and Buidling Lighting Plan. Site lighting shall be sufficient for safety and security, but not cause excessive glare or be designed so as to be construced as advertising with the intent to attract attention. Exterior lights shall comply with **Dark Sky Lighting Guidelines**. (See Outdoor Lighting Tips document included with Special Land Use Permit.) Interior lighting shall not be so bright as to create a nuisance to neighboring property owners or passersby.

2. Marihuana facilities and establishments may operate seven (7) days per week

Between the hours of 8:00 a.m. and 9:00 p.m.

3. Drive-through establishments and mobile establishments are prohibited.

15.05 RIGHTS The operation of a licensed marihuana establishment is a revocable privilege and not a right in conformance with applicable state law. Nothing in this Article may be held or construe to grant a vested right, license, permit or privilege to continued operations within the Village of Northport.

15.06 STATE LAW Nothing in this Article shall be construed in such a manner as to conflict with the MMMA, MMFLA, MRTMA or other applicable state marihuana law or rules.

ARTICLE 16

~~D~~-1 ~~DEVELOPMENT~~ DISTRICT

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.~~

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

11. Marihuana manufacture, production, sales

16.04 DIMENSIONAL REQUIREMENTS.

1. Lot Area. The minimum lot area shall be 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.

16.05 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 17

SPECIAL USES

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.

~~1. Accessory Dwelling Unit~~

1.~~2.~~ Arts and Crafts Demonstration Establishments

2.~~3.~~ Automobile Car Wash

3.~~4.~~ Automobile Service Station

4~~5~~. Auto Body Repair Shops

5~~6~~. Bed and Breakfast

6~~7~~. Buildings greater than 5,000 square feet

7~~8~~. Commercial Recreational Facilities

8~~9~~. Drive-In Restaurants

9~~10~~. Family or Group Day Care Centers

10~~11~~.Formula Businesses and Restaurants

11~~12~~.Funeral Homes or Mortuaries

12~~13~~.Golf Courses and Country Clubs

13~~14~~.Institutional Uses

14~~15~~.Junk Yards

15~~16~~.Marihuana Facilities and Establishments ~~Reserved~~

16~~17~~.Marinas and Launching Ramps

17~~18~~.Mobile Home Parks

18~~19~~. Planned Unit Development (PUD)
19~~20~~.Recreation

20.~~21~~Restaurants, Taverns or Other Eating and Drinking Establishments

21~~22~~.Senior Citizen Housing

22~~23~~.Sexually Oriented Businesses

23~~24~~.Reserved

24~~25~~.Short-Term Rentals

25~~26~~. State Licensed Residential Facilities

A. State licensed residential facilities shall only include those facilities defined and properly licensed by Act 218 of P.A. of 1979 and Act 116 of the P.A. of 1973 as amended providing resident servies for seven or more persons 24 hour supervision.

26~~27~~. Storage Selling and Repair of Recreational Vehicles

A. The minimum lot area shall be 15,000 Square feet with a minimum width of width of 150 feet.
B. The proposed sitet shall have at least one property line on a major or minor street.
C. Buildings and outdoor storage shall not be located closer tha 20 feet to any property line in a Residential District unless separated therefrom by a street or alley.
D. No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than 15 feet to the line of any street/alley right of way.
E. No more than two driveway approaches shall be permitted directly from any major street nor more than one driveway approach from any minor street.
F. If the permitted building site fronts ontwo or more streets, the driveways shall be located as far from the street intersection as practicable but not less than 20 feet.
G. No driveway or curb cut for a driveway shall be located within ten feet of an adjoining property line.
H. A solid fence or wall six feet in height shall be erected along all property lines abutting any lot within a Residential District (see Section 3.34).
I. Vehicles may be stored outside any structures **PROVIDED** the vehicles are are stored in a neat and orderly manner and that said storage areas shall be adequately screened from adjoining uses by a solid fence six feet in height or dense plant materials or any combination thereof approved by the Village Planning Commissiion (see Section 3.34).

27~~28~~.Towers-Communication & Wind Energy Conversion Systems

2829.Transient Lodging

17.01 [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.

17.02 SPECIAL USE 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 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.

   e. 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 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. If construction has not commenced and proceeded meaningfully toward completion by the end of this 1-year 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 when ~~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 SPECIAL USE 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, or dust.

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 needs 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. Protect 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 ~~recod~~ Village Planning Commission Minutes 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.~~

1~~2~~. Art and Craft Demonstration Establishments

~~a. The total floor area devoted to demonstrations shall not exceed the area devoted to retail sales.~~

a~~b~~. There shall be no perceptible industrial character to the building.

b~~c~~. All production operations and storage shall be within a completely enclosed building.

2~~3~~. Automobile 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 3.34 (B) shall be planted within 20 feet of all of the property lines.

4. Automobile Service Stations (see Section 3.19 for Performance Standards)

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. (see Section 3.19 for Performance Standards)

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.

C~~D~~. ~~Rental of snowmobiles, all terrain vehicles, or similar vehicles, boats or other marine equipment in conjunction with the establishment shall be prohibited.~~

~~D~~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.

E~~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.

F~~G~~. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants.

G~~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 architecture of the Village of Northport.

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.

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.

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 meet**s** 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 M~~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.

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.

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 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.

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 not be located in the required yard setback(s). Further, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. 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

A. The site shall be a minimum of ten (10) acres in size.

B. 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 nd

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. There shall be no stocking of material above the height of the 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 area.

E. All fence and 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 two hundred (200) feet in width shall be provided between the fence and fenced-in area and the adjacent property. Such buffer yard shall contain plant materials, 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 3.34).

16. ~~Reserved~~ Marihuana Facilities and Establishments.

17. 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.

18. Mobile Home Parks

A. The mobile home park shall comply~~ies~~ 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 have wheels and axles removed and 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.

19. Planned Unit Developments. Planned Unit Developments may be permitted as a Special Use provided that the requirements and standards of Article 19 are met.

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.

21. Senior Citizen Accommodation Living

A. Minimum lot size shall be one (1) acre.

B. Population density shall ~~not create any of the following conditions~~ allow for:

1) ~~In~~Convenien~~ce~~t ~~or~~ and ~~un~~safe access to the Senior Housing

~~2~~) ~~Traffic congestion in streets, which adjoin the Senior Housing Project.~~

2~~3~~) An ~~excessive burden on~~ Additional public services or utilities if required.

C. ~~No~~ Building(s) shall be ~~closer than~~ set back minimum of fifty (50) feet ~~to~~ from 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 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.

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 thirty-five (35) feet.

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~~M-1 zoning district, ~~if~~ and approved by a Special Use Permit.

B. Minors on Premises. Persons operating a sexually oriented business shall ~~not permit any person under the age~~ be a minimum of eighteen (18) of years of age to be on the premises either as an employee or a customer. No service shall be provided to any individual who has not attained the are of 18 years.

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.~~

E~~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. (See Village Dark Sky Lighting Guidelines.) 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

24. 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 water craft.

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.

25. Towers-Communication and Wind Energy Conversion Systems (See Section 3.27 for additional information regarding Wind Energy Systems.)

A. 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 (6) months 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 that are compatible with the "small" town character of the Village.

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.

19) 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.

26. 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

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. Transient Lodging shall be considered a commercial use.

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.

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. 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 five (5) or more lots.
7. Site Condominium Subdivisions.

18.02 [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.

18.03 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 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more.
2. All lot and/or property lines are to be shown and dimensioned, including building 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.

5. The location and pavement width and right-of way width of all abutting roads, streets, alleys or easements.

6. The name, telephone number, EMAIL ADDRESS and firm address of the individual responsible for the preparation of the site plan.

7. The name, telephone number, EMAIL ADDRESS and address of the property owner or petitioner.

8. A location sketch drawn to ~~scale~~ PROVIDE ADEQUATE INFORMATION OF LOCATION.

9. ~~Properties and their~~ Zoning designations on all properties abutting the subject property.

10. The location of all landscaping and the location, height and types of fences and walls.

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 with relevant dimensions.

13. The location and size of all surface water drainage ~~facilities~~ retention provisions.

14. Topography in two (2) foot contours.

18.04 REVIEW PROCEDURE. The Zoning Administrator shall keep one copy of the proposed site plan and deliver ~~eleven~~ ten ~~(11)~~ (10) 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 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.

18.05 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~~ shall 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.

18.06 REGULATIONS.

1. NO GRADING, REMOVAL OF TREES OR OTHER VEGETATION, LAND FILLING, OR CONSTRUCTION OF IMPROVEMENTS ~~SHALL~~ MAY 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~~ CAN 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.

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 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 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~~ a maximum of 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~~ 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~~ Northport Village Sign Ordinance ____-.

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 STREET DEVELOPMENT REQUIREMENTS. All new streets and roads shall be hard surfaced. Street standards and specifications adopted by the Village and the Leelanau County Road Commission shall be complied with **for all Northport Village street improvements.** Note: Any street improvement shall include a hard surface.

ARTICLE 20

BOARD OF APPEALS

20.01 MEMBERSHIP.

1. The ~~legislative body~~ Village Council may act as a Board of Appeals (ZBA) upon all questions arising under this Zoning Ordinance and in such event the ~~legislative body~~ Village Council may fix rules and regulations to govern its procedure sitting as a Zoning Board of appeals.

2. In the event that the ~~legislative body~~ Village Council so desires, it may appoint a Board of Appeals (ZBA) 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.

20.02 POWERS OF THE BOARD. The ~~Board~~ ZBA shall act upon all questions as they may arise in the administration of the Ordinance, including the interpretation of the Zoning Map. The ~~Board~~ ZBA 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.

20.03 MEETINGS AND ATTENDANCE. Meetings of the ~~Board~~ ZBA shall be held at the call of the Chairman and at such other times as the ~~Board~~ ZBA may specify. The ZBA Chair~~man~~ may administer oaths and compel the attendance of witnesses. All meetings of the ~~Board~~ ZBA shall be open to the public. The ~~Secretary~~ Village Clerk shall maintain a public record of the proceedings of the ~~Board~~ ZBA, which shall be filed in the Office of the Village Clerk.

20.04 APPEALS AND PROCEDURE. Appeals may be taken to the ~~Board~~ ZBA 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~~ The Zoning Administrator ~~officer~~ shall promptly transmit all records to the ~~Board~~ ZBA.

2. An appeal shall stay all proceedings, decisions or orders unless ~~said officer~~ the Zoning Administrator certifies to the ~~Board~~ ZBA 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~~ ZBA OR LEELANAU COUNTY CIRCUIT COURT.

20.05 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 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 BY PARCEL IDENTIFICATION NUMBER 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~~ DATE, TIME AND LOCATION WHERE THE REQUEST WILL BE CONSIDERED.

   d. INDICATE ~~WHEN~~ DATE AND ADDRESS WHERE WRITTEN COMMENTS WILL BE RECEIVED CONCERNING THE REQUEST.

3. COPIES OF SUCH NOTICE SHALL BE SERVED UPON THE APPLICANT AND THE ~~SECRETARY~~ VILLAGE CLERK OF THE ZONING BOARD APPEALS OR ~~OTHER ADMINISTRATIVE OFFICERS~~ ZONING ADMINISTRATOR 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.

4. ANY INTERESTED PARTY MAY APPEAR AND BE HEARD AT SUCH HEARING IN PERSON OR BY AGENT OR ATTORNEY.

5. UPON THE DATE FOR HEARING OF ANY APPLICATION OR APPEAL, THE ~~BOARD~~ ZBA 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~~ ZBA DECIDES OTHERWISE.

20.06 DECISIONS.

1. THE ~~SECRETARY~~ VILLAGE CLERK SHALL RECORD THE GROUNDS FOR EACH DECISION. THE ~~BOARD~~ ZBA SHALL RENDER ITS DECISION UPON ANY MATTER WITHIN 120 DAYS AFTER THE MATTER IS HEARD.

2. THE ~~SECRETARY~~ VILLAGE CLERK SHALL KEEP MINUTES OF THE ~~BOARD~~ ZBA'S PROCEEDINGS. THE GROUNDS FOR THE DECISIONS OF THE ~~BOARD~~ ZBA 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.

4. PLANNING COMMISSION REPRESENTATIVE TO THE ZONING BOARD OF APPEALS (COUNCIL) SHALL ABSTAIN FROM VOTING ON APPEALS ISSUES.

20.07 REVIEW. THE ~~BOARD~~ ZBA 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.

20.08 INTERPRETATION. THE ~~BOARD~~ ZBA 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.

20.09 VARIANCES. THE ~~BOARD~~ ZBA SHALL HAVE THE POWER TO AUTHORIZE, UPON AN APPEAL, SPECIFIC
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,
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 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~~ ZBA 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. No application for a variance which has been denied wholly or in part by the ~~Board~~ ZBA 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~~ ZBA 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 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.

20.10 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. 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 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 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.

20.11 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.

20.12 LIMITATION OF POWERS. The 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.

20.13 SCHEDULE OF FEES. The Village Council may establish by resolution a schedule of fees to be charged for Hearings by the 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 21

ADMINISTRATION AND ENFORCEMENT

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~~ ATHORITY TO ENFORCE ORDINANCES.

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.

21.02 DUTIES OF ZONING ADMINISTRATOR.

1. All ~~applicants~~ APPLICATIONS 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 MAINTAIN RECORDS FOR all non-conforming uses existing AS 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.

21.03 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~~ a 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. The Village does require notification of any structure, regardless of size, to keep the Village Parcel File current and up to date.

   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~~ ALTERATION 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 Use 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~~ SEPTIC system is required, the Zoning Administrator ~~shall not~~ MAY issue a Land Use Permit ~~until~~ CONDITIONAL ON a permit for construction of a new system or change of the existing system ~~has been~~ BEING 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.

7. A record of all applications for Land Use Permit shall be kept on file by the Zoning c

8. Fees for the issuance of a Land Use Permit shall be fixed from time to time by resolution of the Village Council.

9. 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).

21.04 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.

21.05 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.

ARTICLE 22
AMENDMENT AND ADOPTION

22.01 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.

22.02 FEES. The Village Council shall establish, by resolution, fees for zoning 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.

22.03 INFORMATION REQUIRED. In the case of a 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.

22.04 NOTICES.

1. The Planning Commission shall authorize notice of the proposed amendment or rezoning request upon payment of the required fees.

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 exist with the property. If there are no street addresses, other means of identification may be used.

a. State when and where the request will be considered.

b. Indicate when and where written comments will be received concerning the request.

22.05 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.

22.06 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 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 conditions the request, stating the reasons for its actions.

22.07 ADOPTION.

1. 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 simple majority vote of the members present ~~of the~~ at a Village Council meeting 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.

ARTICLE 23

MISCELLANEOUS PROVISIONS

23.01 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.

23.02 EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption by the Village Council.

23.03 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 Village Clerk: Joni Scott

Authenticated:

_____
Village President: Steve Wetherbee

Date Adopted: _____

Date Published: _____