

Village of North Branch

Lapeer County



Zoning Ordinance No. 100

As Amended
Through: October 30, 2018

Ordinance No. 100

VILLAGE OF NORTH BRANCH ZONING ORDINANCE

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ZONING ORDINANCE
VILLAGE OF NORTH BRANCH
LAPEER COUNTY, MICHIGAN
ORDINANCE NO. 100

AN ORDINANCE to regulate the use of land and buildings by dividing the Village of North Branch into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of population; limiting congestion on the public streets by providing for the off-street parking and loading of vehicles; establishing a Board of Zoning Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of Act 110 of the Public Acts of 2006, as amended.

THE VILLAGE OF NORTH BRANCH ORDINANCE:

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ARTICLE I -- SHORT TITLE

Section 1.01 This ordinance shall be known and cited as the North Branch Village Zoning Ordinance.

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ARTICLE II -- DEFINITIONS

Section 2.01 DEFINITIONS.

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

ACCESSORY BUILDING. A building related to the main use of the premises or to an accessory use. **ACCESSORY USE.** A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK OR VIDEO ESTABLISHMENT. An adult book or video establishment is a business having as a substantial or significant portion of its stock in trade, video tapes, films, books, magazines, and other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas".

ADULT MOTION PICTURE THEATER. An adult motion picture theater is a building or open-air site used for presenting motion pictures distinguished or characterized by an emphasis on matters depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" for observation by patrons therein.

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

ANATOMICAL AREAS. Less than completely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.

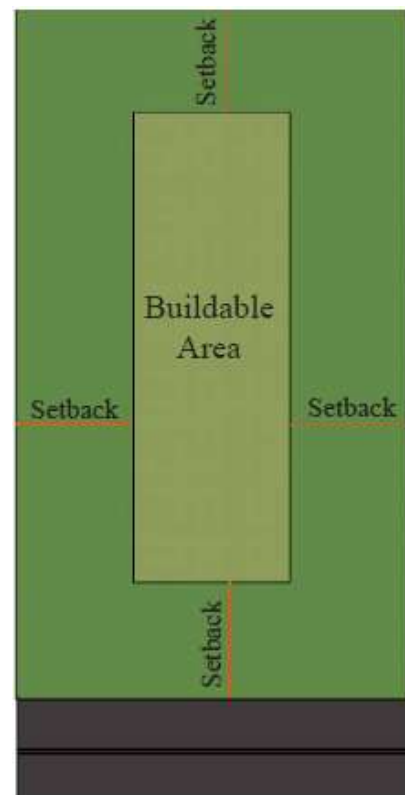
BED AND BREAKFAST ESTABLISHMENT: An owner-occupied dwelling unit that contains no more than six (6) guest rooms where overnight lodging, with or without meals, is provided for compensation.

BOARD OF ZONING APPEALS. The duly appointed Board of Zoning Appeals for the Village of North Branch.

BOARDING HOUSE: As defined in Ordinance 27.1.

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum set back requirements of this Ordinance along with any other regulatory regulations have been compiled with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. This shall include tents, awnings, vehicles, trailers, or mobile homes situated on private property and used for purposes of a building. The term structure and building shall be used interchangeably.



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BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck lines of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; or to a point equivalent to the foregoing on any other roof.

DWELLING, MULTIPLE. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE FAMILY. An entire building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY. An entire building designed for or occupied by two (2) families.

DWELLING UNIT. Any house, building, mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel, or dirt from its natural location.

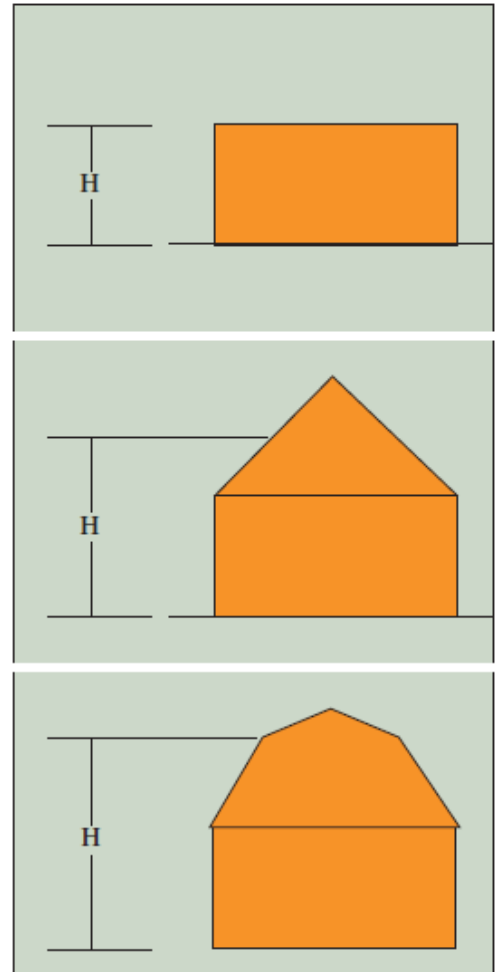
FACILITY. A business, industry, office, governmental operation, church, school, lodge, club or other non-residential entity.

FAMILY: One or more persons occupying a dwelling unit and living as a single, housekeeping unit; provided that a group of more than six (6) persons who are not related by blood, marriage (or other recognizable domestic bond), adoption, or similar relationship shall not be deemed to constitute a family. Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include more than six (6) persons not related by blood, marriage (or other recognizable domestic bond), adoption, or similar relationship occupying a dwelling unit and living as a single, housekeeping unit, if said occupants are a part of an approved care facility.

FILLING. The depositing or dumping of any matter onto or into the ground.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.

FLOOR AREA, USABLE (for the purposes of computing parking): Usable floor area shall be considered the gross floor area as defined herein, minus the area used or intended to be used principally for elevator or stair bulkheads, or for areas dedicated to heating and cooling mechanisms, server rooms, or other areas which are necessary for the physical operation of the building itself.



GREENBELT. A strip of land of specified width and location reserved for the planting of vegetation or installation of landscaping to serve as an obscuring screen or buffer strip.

Green Infrastructure. Vegetated storm water management measures. Swales, bioretention areas, rain gardens, amended soil areas, pocket or modular wetlands, storm water trees, and similar practices specifically designed to provide water quantity and water quality treatment of storm water runoff, and to promote evapotranspiration and infiltration of storm water.

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

JUNK YARD. Any outdoor area used for the storage or abandonment of junk, or for the dismantling or abandonment of automobiles or other vehicles or machinery or parts thereof.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT OF RECORD. Any parcel of land which is separately described in a document filed with the Lapeer County Register of Deeds.

LOT LINES: The lines bounding a lot as defined herein:

- A. Front Lot Line: In the case of an interior lot, is that line separating said lot from the street. In the case of a double-frontage lot, is the line separating said lot from both streets.
- B. Rear Lot Line: That lot line opposite the front lot line.
- C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

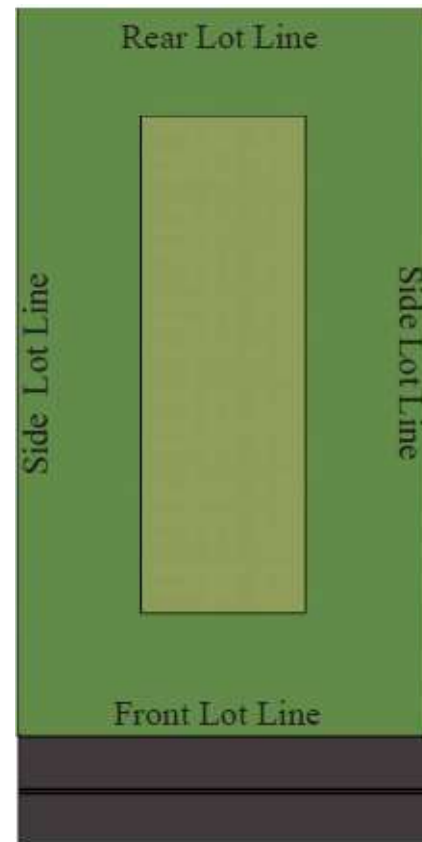
MANUFACTURED HOUSING (MOBILE HOME). (includes house trailer, trailer coach, manufactured housing and conventional mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels as one or more units. This includes all units which could be licensed as mobile homes under the provisions of state statute.

MANUFACTURED HOUSING COMMUNITY (MOBILE HOME PARK). Any parcel of land which has been designed, improved, or used for the placement of three or more manufactured housing units or mobile homes for dwelling purposes.

MASSAGE PARLOR. Any place or establishment where a massage is made available. A massage is any method of treating the superficial parts of a patron for medical, hygienic, exercise, sexual, or relaxation purposes by rubbing, stroking, kneading, tapping, pounding, vibrating, or stimulating with the hands or any instrument or substance of any kind whatever.

MASTER PLAN. The North Branch Village Master Plan as adopted by the North Branch Village Planning Commission.

MODULAR HOMES. A pre-manufactured single-family dwelling of wooden 2x4 or similar construction, with a shingled roof, meeting the requirements of the Village Building Code and placed on a permanent foundation. A mobile home or double-wide mobile home shall not be deemed a modular home.



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MURAL: is a work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as commercial advertising. Embellishments to or decoration of architectural elements are not considered a mural. Notwithstanding the above definition, a mural may contain bona fide historic recreations of vintage advertising.

NONUSE VARIANCE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular district.

PARKING LOT, OFF STREET: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

PARKING SPACE. An area of not less than nine and one-half (9-1/2) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of the Village of North Branch. PRINCIPAL BUILDING: A building which contains the primary use of the lot.

PRINCIPAL USE: The main use of land or structures, as distinguished from a secondary or accessory use.

SETBACK. The minimum distance between a building and the street right-of-way line or property line. SIGN. Any device designed to inform, advertise or attract attention.

SIGN AREA. The total of the surface of one side of a sign (if both sides of the sign are not visible from a single vantage point), computed in square feet. The total shall be determined by multiplying the total of the height of the sign surface by the total width of the sign.

SIGN, PERMANENT. Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

SIGN, READER BOARD: Any sign which is freestanding, not permanently affixed to the ground or a structure, and which display a brief message which requires the words, letters and numbers to be changed manually. Electronic display boards do not classify as a reader board sign under this Ordinance.

SIGN, TEMPORARY. Any sign designed or intended to be placed on a parcel of land for less than six months. Also, any sign which is not permanently attached to real estate in accordance with the construction requirements of the building code.

SPECIAL EVENT: shall include sales, promotions and grand openings (which generate the need for outdoor advertising or sales space), festivals, picnics, parades, parties, fund raising events, concerts, shows, dances, carnivals, movie/film shoots, running or bicycle races, contests, games and other similar gatherings on properties not otherwise approved for these types of activities or within public spaces.

SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of the definition. The term structure and building shall be used interchangeably.

SWIMMING POOL. The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

VILLAGE COUNCIL. The duly elected or appointed Village Council of the Village of North Branch.

USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.

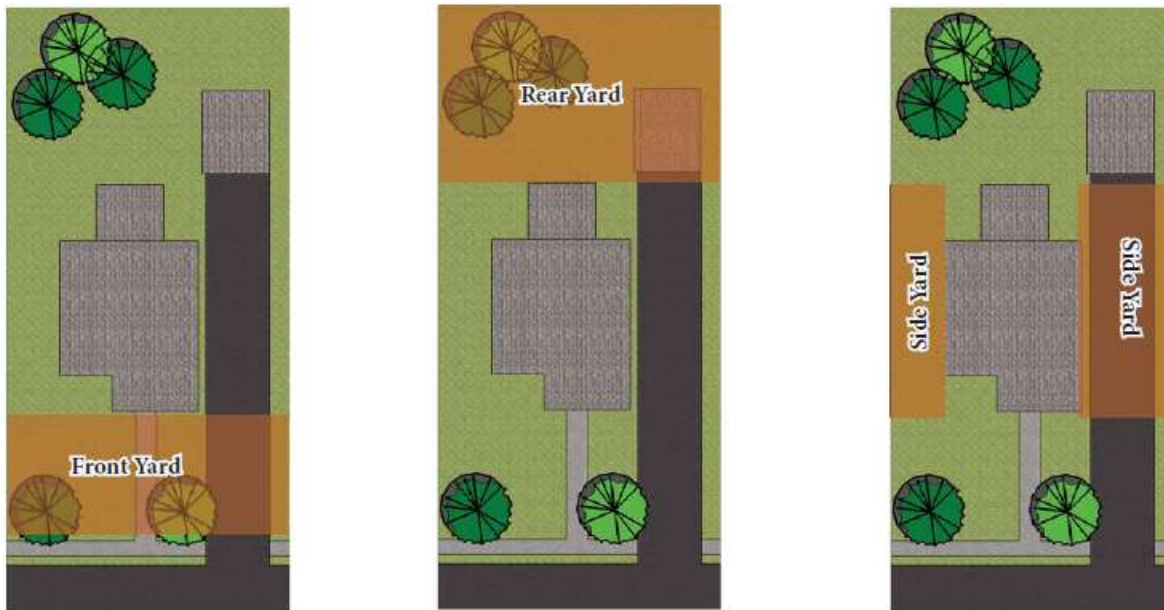
USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

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

YARD, FRONT: A yard on the same lot with a building between the front line of the building and the front lot line and extending to the other side lot line.

YARD, REAR: A yard on the same lot with a building between the rear line of the building and the rear lot line and extending to the other side lot line.

YARD, SIDE: A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.



ZONING BOARD OF APPEALS: Shall mean the Zoning Board of Appeals of the Village of North Branch

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ARTICLE III -- SCOPE

Section 3.01 SCOPE.

No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this ordinance.

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ARTICLE IV -- ADMINISTRATION

Section 4.01 ZONING ADMINISTRATION.

The provisions of this ordinance shall be administered by a Zoning Administrator appointed by the Village Council. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Village Council may determine.

Section 4.02 ZONING COMPLIANCE PERMITS.

A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken or any structure is moved within the Village and before any change in the use of any land, structure, or building is undertaken.

- A. APPLICATION. A zoning compliance permit shall be applied for in writing on an application form provided by the Village.
- B. ISSUANCE. A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this ordinance and after required approvals have been granted by the Planning Commission or Zoning Board of Appeals.
- C. PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.
- D. REVOCATION. Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.
- E. FEES. The amount of any fees charged for zoning compliance permits or inspections shall be established by motion of the Village Council.

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ARTICLE V -- ZONING DISTRICTS

Section 5.01 DISTRICTS.

The Village is hereby divided into the following zoning districts:

R-1	Single Family Residential
RM	Multiple Family Residential
RMH	Mobile Home Residential
C	Commercial
C-1	Commercial/Office District
CBD	Central Business District
I-1	Light Industrial
I-2	General Industrial

Section 5.02 MAP.

The boundaries of the zoning districts are drawn upon the map attached to this ordinance and made a part hereof. The map shall be designated as the North Branch Village Zoning Map.

Section 5.03 PRINCIPAL USES PERMITTED.

All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "principal uses permitted" are prohibited in that district, unless they are listed as "uses permitted after special approval in the district".

Section 5.04 USES PERMITTED AFTER SPECIAL APPROVAL.

All uses of land or structures listed as "uses permitted after special approval" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article XIX.

Section 5.05 SITE PLAN REVIEW.

Whenever a building permit is required for the erection or structural alteration of any building (other than single-family dwellings, two-family dwellings, or buildings accessory thereto) a site plan shall be prepared and submitted to the Planning Commission for review pursuant to the requirements of Article XVIII.

Section 5.06 AREA, SETBACK AND HEIGHT.

All uses of land or structures shall comply with the area, setback, and height requirements of Article XVII, for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

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ARTICLE VI -- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Section 6.01 PRINCIPAL USES PERMITTED.

- A. Single family dwellings.
- B. Publicly owned parks and recreational facilities.
- C. Churches and Cemeteries.
- D. Public or parochial schools and related educational facilities.
- E. Golf courses.
- F. Crop production.
- G. Public buildings and libraries.
- H. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 6.02 USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Two Family Dwellings.
 - 1. The lot on which the two-family dwelling is located must contain one and one- half times the area and road frontage required for single family dwellings.
 - 2. Two family dwellings constructed after the effective date of this ordinance must have garage space available for at least one vehicle per dwelling unit.
- B. Home Occupations.
 - 1. Must be conducted entirely within an existing dwelling.
 - 2. The home of the occupant shall involve no employees who reside off the premises.
 - 3. No external alterations or construction shall be undertaken.
 - 4. There shall be no outdoor storage of items involved in the home occupation.
 - 5. The home occupation shall be clearly incidental and secondary to the use of the premises as a dwelling place.
 - 6. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.

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C. Bed and Breakfast Establishments

1. The rooms utilized for lodging purposes shall be a part of the primary residence and shall not have been specifically constructed for rental purposes.
2. There shall be no separate cooking facilities used for the Bed and Breakfast rooms. All food and beverage services shall only be for registered guests of the facility.
3. The residence shall be occupied at all times by the principle owner of the residence.
4. Sufficient off-street parking shall be provided as required in Section 16.02. Bed and Breakfast facilities shall provide one (1) parking space for each rentable room.
5. Adequate lavatory, bathing facilities and kitchen facilities for the lodging rooms shall be provided, as per the requirements of the Lapeer County Health Department or other appropriate regulatory authority.
6. The maximum length of stay for any one person or family shall be fourteen (14) days of any one month.

ARTICLE VII -- RM RESIDENTIAL MULTIPLE FAMILY DISTRICT

Section 7.01 PRINCIPAL USES PERMITTED.

- A. Multiple family dwellings.
- B. Single family and two-family dwellings.
- C. Hospitals, convalescent homes, and state-licensed residential facilities.
- D. Schools, nursery schools and day care centers.
 - 1. Shall meet all requirements of State and County regulations.
 - 2. Outdoor play areas shall be fenced/screened to adequately contain the outdoor play area.
- E. Private clubs, lodges, or golf courses.
- F. Rooming houses, boarding houses, and tourist homes.
- G. Publicly owned buildings, parks, and recreational facilities.
- H. Churches.
- I. Bed and Breakfast Establishments (per the requirements of Section 6.02(C))
- J. Buildings, structures and uses which are necessary to any of the above permitted uses.

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ARTICLE VIII -- RMH RESIDENTIAL MOBILE HOME DISTRICT

Section 8.01 PRINCIPAL USES PERMITTED.

- A. Mobile home parks.
- B. Multiple family, two-family, and single-family dwellings (subject to the requirements of the most restrictive adjacent single-family residential zoning district).
- C. Schools, nursery schools and day care centers.
 - 1. Shall meet all requirements of State and County regulations.
 - 2. Outdoor play areas shall be fenced/screened to adequately contain the outdoor play area.
- D. Publicly-owned buildings, parks and recreational facilities.
- E. Buildings, structures and uses which are accessory to any of the above permitted uses.

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ARTICLE IX -- C COMMERCIAL DISTRICT

Section 9.01 PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry-cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Funeral homes and mortuaries.
- G. Indoor recreation establishments.
- H. Hotels, motels, lodge halls, private clubs, and auditoriums.
- I. Schools, churches, and publicly-owned buildings or facilities.
- J. Buildings, structures and Uses which are accessory to any of the above permitted uses.

Section 9.02 USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Open-air businesses such as drive-in theaters, racetracks, motor vehicle sales, farm machinery sales, fruit markets, or any retail business activities which are conducted outside of an enclosed building.
- B. Repair or service facilities for automobiles, trucks, farm machinery, and similar equipment.
- C. Adult book or video establishments, adult motion picture theaters, or massage parlors. Not more than two (2) of these uses shall be permitted within one thousand (1,000) feet of each other in order to prevent the concentration of these uses in anyone area. None of these uses shall be permitted within five hundred (500) feet of any residentially zoned district unless the person applying for the use shall file with the Village Planning Commission a petition which indicates approval of the proposed use by at least fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use.
- D. Dwelling units for care takers or managers which are located on the same premises as the office or business enterprise.
- E. Tattoo parlors (including henna tattoos), piercing establishments, hookah lounges, and the like.

Section 9.03 DISTRICT DESIGN STANDARDS.

- A. All developments requiring site plan approval shall provide sidewalks consistent with village engineering standards along all property lines adjacent to a public right-of-way, where sidewalks do not exist.

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ARTICLE X -- C-1 COMMERCIAL/OFFICE DISTRICT

Section 10.01 PRINCIPAL USES PERMITTED.

- A. Medical, dental, engineering, legal and other professional offices, as well as commercial offices for insurance, real estate and similar activities.
- B. Any retail business which sells or rents merchandise within a completely enclosed building. No business selling alcoholic beverages shall be permitted.
- C. Personal service establishments such as restaurants, laundromats, barber shops and beauty shops. No establishments serving alcoholic beverages shall be permitted.
- D. Repair shops for consumer items such as watches, shoes, furniture and appliances.
- E. Retail rental of storage space.
- F. Financial institutions.
- G. Buildings, structures and uses which are accessory to any of the above permitted uses.

Section 10.02 USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Dwelling units for caretakers or managers which are located on the same premises as the office or business enterprise.

Section 10.03 DISTRICT DESIGN STANDARDS.

- A. All developments requiring site plan approval shall provide sidewalks consistent with village engineering standards along all property lines adjacent to a public right-of-way, where sidewalks do not exist.

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ARTICLE XI -- CBD CENTRAL BUSINESS DISTRICT

Section 11.01 INTENT

The Central Business District is designed to provide for a variety of office, business service, entertainment and retail uses which occupy the prime retail frontage, by serving the comparison, convenience, and service needs of the market area which includes the Village and the surrounding community. The regulations of the Central Business District are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging a continuous retail frontage and by discouraging automotive-related services and nonretail uses which tend to break up such continuity.

Section 11.02 PERMITTED USES

- A. General Retail Businesses (excluding drive-in, drive-up or drive-through facilities). Such as but not limited to grocery stores, butcher shops, fruits and produce markets, dairy products, clothing stores, electronic stores, boutiques, and the like
- B. Artists' Studios and Galleries
- C. Coffee Shops
- D. Service Orientated Businesses (i.e. Barber Shops, Beauty Salons, Shoe Repair, Day Spas, etc.)
- E. Eating and Drinking Establishments where the patrons are served while seated within the building occupied by such establishment
- F. Outdoor patios and merchandising areas
- G. Approval must be obtained from the Village
- H. Adequate pedestrian circulation is maintained on the public sidewalk (a minimum of five (5) feet clear area as measured from the patio to the back of curb).
- I. Retail sales in which both a workshop and retail outlet or showroom are required, such as or similar to a plumbing shop, interior decorating, upholstering, printing, specialty food stores, and home appliance. Retail outlet or showroom activities area shall be provided in that portion of the building where the customer entrance is located.
- J. Business schools or private schools including dance, vocal, music and art schools
- K. Libraries, Museums and the like
- L. Offices
- M. Health Clubs
- N. Public and municipal uses
- O. Public parking lots – Private standalone lots are not permitted.

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- P. Residential (only on the second floor and above)
- Q. Any use similar to those noted above as determined by the Village.

Section 11.03 USES PERMITTED AFTER SPECIAL APPROVAL

- A. Buildings which are not constructed to the front property line as described above.
- B. Fueling stations, service stations, and auto repair centers
- C. Child or Group day care centers
- D. Businesses which require a drive thru window or lane
- E. Auditoriums, Theaters and the like.
- F. Other uses not specifically stated or implied elsewhere which, in the determination of the Planning Commission, are similar to the principal permitted uses provided herein, and are in harmony with the character of the downtown.

Section 11.04 PARKING

- A. Within the CBD District, parking shall not be required.
- B. Parking (if provided onsite) and its associated maneuvering lanes shall not be permitted within the front yard or street side yard.
- C. Any parking which is visible from a public sidewalk or thoroughfare shall be screened from view with a brick knee wall or landscape hedge or at least three (3) feet in height.

Section 11.05 BUILDING SETBACKS

- A. Front – The front of the building shall be built to the front property line or street right of way line for a minimum of seventy-five (75) percent of the lot width. This shall also be required for those properties which have frontage on a side street. The Planning Commission may alter this provision if outdoor seating areas, or open space or public plaza / gathering spaces are being provided.
- B. Side - No side yards are required along the interior side lot lines, except as otherwise specified in the building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10) feet on the side or residential street property line. If walls of structures facing interior lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be provided.
- C. Rear – No rear yard is required, except as otherwise specified in the building code.

Section 11.06 BUILDING HEIGHT

- A. Minimum height of buildings along the front facade shall be two (2) stories (or the appearance of two (2) stories) or twenty-five (25) feet.

- B. Maximum height of buildings shall be three (3) stories or thirty-five (35) feet.

Section 11.07 SIDEWALK/ARCHITECTURE.

- A. First floor architecture shall be compatible with sidewalk areas and shall provide an attractive interface between buildings and pedestrians. This shall be accomplished with generous window areas, recesses, and architectural detail.
- B. The following types of entryways are encouraged within the CBD district:
 - 1. Recessed entrances. A recessed entryway places the doorway into the building. There is a clear distinction between the entrance and the windows that flank the door.
 - 2. Projected entrances. Projected entryways, opposite of recessed entryways, shall bring the entrance closer to the sidewalk and will also differentiate the ground floor windows. This design should be compatible and appropriately sized in consideration of the sidewalk width that it fronts upon.
- C. Where possible, there shall be a minimal grade differential between the elevation of the sidewalk and the first-floor elevation of the adjoining building.
- D. At least 60 percent of the ground floor of a building facing a public street, courtyard or public square shall consist of clear glazed windows or glazed doors.

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ARTICLE XII -- I-1 INDUSTRIAL DISTRICT

Section 12.01 PRINCIPAL USES PERMITTED.

- A. Warehousing and storage within an enclosed building.
- B. Wholesale establishments.
- C. Laboratories.
- D. Manufacturing, compounding, processing, packaging, assembling, or treatment of products not involving stamping, foundry work, or similar heavy manufacturing processes.
- E. Tool and Die Shops.
- F. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 12.02 USES PERMITTED AFTER SPECIAL APPROVAL

- A. Internet / Broadband Internet Provider Towers (see Section 14.16)

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ARTICLE XIII -- I-2 HEAVY INDUSTRIAL DISTRICT

Section 13.01 PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, or machining, including any manufacturing process involving stamping or foundry work.
- B. Truck terminals, railroad yards, or airports.
- C. Warehousing, storage, or wholesale facilities.
- D. Automobile or machinery repair facilities.
- E. Buildings, structures, and uses which are accessory to any of the above permitted uses.

Section 13.02 USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Junk yards completely enclosed by an obscuring wall or fence.
- B. Sewage treatment and garbage incineration plants completely enclosed by an obscuring wall or fence.
- C. Removal, quarrying, or processing of sand, gravel, or similar materials.
- D. Internet / Broadband Internet Provider Towers (see Section 14.16)

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ARTICLE XIV -- GENERAL PROVISIONS

Section 14.01 CONFLICTING REGULATIONS.

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

Section 14.02 STREET FRONTAGE.

Every dwelling shall be located on a lot or parcel which shall front upon a public street.

Section 14.03 MOVING OF BUILDINGS OR STRUCTURES.

Any building or structure shall not be moved upon any premises in the Village until a building permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance and the Village Building Code in the same manner as a new building or structure. No building or structure shall be moved to any site within the Village until the owner has posted a cash deposit in an amount specified by the permit and Village ordinances.

Section 14.04 PUBLIC SERVICES.

Facilities provided by any utility company or by the Village government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewers, mains, pumping stations, sub-stations, towers, poles, and related equipment. Any buildings erected shall be subject to the site plan review requirements of this Ordinance.

Section 14.05 OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED DWELLINGS.

Basements, garages, and accessory buildings shall not be occupied either temporarily or permanently as dwellings.

Section 14.06 FENCES.

The erection, construction or alteration of any fence, wall or other type of protective barrier shall comply with the requirements of this section.

- A. Barbed wire, spikes, nails, or any other sharp instrument of any kind shall not be placed on any fence. Electric fences shall be permitted only on existing farms. Barbed wire cradles may be placed on top of fences enclosing public utility, municipal, commercial, or industrial buildings as deemed necessary in the interests of public safety.
- B. No fence, wall, or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection.
- C. For those fences constructed in the front yard, the height of such fence shall not exceed four (4) feet in height as measured from the mean grade of the property. In addition, such fence shall be decorative in nature, including picket, wrought iron, split rail and the like. Privacy, stockade, chain link and similar fence types as determined by the Building Official shall not be permitted within the front yard.

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- D. For those fences constructed in the side or rear yards, the height of such fence shall not exceed six (6) feet in height as measured from the mean grade of the property. However, the Planning Commission may modify the fence height to permit fences up to eight (8) feet high for industrial and heavy commercial uses. Fences constructed within the side and rear yards may be either decorative or privacy type fences, including stockade and chain link.
- E. In those instances when a double-faced fence is not constructed, such fence shall be constructed so that the non-post side of the fence faces the public right of way or the adjacent properties.

Section 14.07 PERFORMANCE STANDARDS.

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy, and operation, which standards are hereby established as the minimum requirements to be maintained:

- A. Smoke and/or Air Pollution Control. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare.
- B. Open Storage. The open storage of junk, scrap materials, or other products shall be screened from view from public streets and from adjoining residential properties by an enclosure consisting of an obscuring fence not less than eight (8) feet in height. The type of fence shall be reviewed and approved by the Planning Commission prior to construction.

Section 14.08 SIGNS.

All outdoor signs shall be regulated as follows:

- A. A building permit and site plan review by the Zoning Administrator shall be required for the erection, construction or alteration of any sign, except as hereinafter provided. The Zoning Administrator, in his discretion, may refer sign site plans to the Planning Commission for site plan review.
- B. There shall be no flashing, oscillating or intermittent type of illumination on any sign. No moving parts shall be allowed on any sign. Windblown, streamer or banner type signs shall only be permitted for special events and shall only be located at the site for the duration of the event which shall not exceed thirty (30) days in a single calendar year.
- C. No sign or awning shall overhang or encroach upon any public right-of-way, except that signs and awnings in the downtown area may overhang public sidewalks providing the following conditions are complied with:
 - 1. Any overhanging signs or awnings shall be attached directly to the building which houses the business or service using the sign or awning.
 - 2. No overhanging sign or awning shall extend more than six (6) feet into the public right-of-way.
 - 3. No part of any overhanging sign shall be less than eleven (11) feet six (6) inches above the sidewalk. No awning shall be less than eight (8) feet above the sidewalk.
- D. Temporary signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than six (6) square feet in area. No building permit or site plan review shall be required for such signs.

- E. Temporary signs are permitted in all districts which advertise for sale either garden produce grown on the premises or personal property owned by a resident of said premises; provided such personal property was not purchased for the purpose of resale. Such signs shall not exceed four (4) square feet in area and shall not require building permits or site plan review.
- F. Signs advertising home occupations shall be permitted providing said signs are not illuminated and do not exceed four (4) square feet. Such signs shall not require building permits.
- G. Signs advertising commercial, industrial, or other facilities located on the same parcel of land as the facility advertised shall be permitted subject to the following conditions:
 - 1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
 - 2. No more than one permanent sign shall be permitted for each facility.
 - 3. Permanent signs shall not exceed forty-eight (48) square feet in sign area and shall not exceed six (6) feet in height. Signs which are proposed to exceed the area and/or height requirements shall be reviewed as a special land use request. As a part of the Planning Commission's review of a taller sign, proper assurance shall be made that appropriate clearance and clear vision is maintained.
 - 4. No more than two (2) temporary signs shall be permitted at any one time for any facility.
 - 5. Temporary signs shall not exceed sixteen (16) square feet in area.
 - 6. Signs which are attached to and flush with a building front or side shall not require site plan approval.
- H. Signs located on parcels of land separate from the facilities advertised on the signs shall be permitted only under the following conditions.
 - 1. Signs containing commercial advertising shall be allowed only in the Commercial and Industrial Districts.
 - 2. Temporary signs advertising non-commercial public events shall be permitted in all zoning districts not to exceed sixty (60) days.
 - 3. Any signs permitted by this Section shall not exceed one hundred (100) square feet in sign area.
 - 4. Signs erected by the Village Council for public purposes shall be permitted in all zoning districts and shall be subject to no time or size limitations.
- I. Temporary signs promoting political candidates or elections issues shall be permitted in all districts, providing that such signs shall not exceed (16) square feet in area. No building permit or site plan review shall be required. All such signs shall be removed within ten (10) days after the election.
- J. Reader Board Signs for all businesses.
 - 1. The sign must be on advertiser's property or the advertiser must have the property owner's written consent.
 - 2. Flashing lights of any type are prohibited.

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3. This type of sign shall be no less than 100 feet from another similar sign. Any variation from this requirement must be presented to the North Branch Village Planning Commission for consideration.
 4. Signs may not be placed within the road right of way without the written permission of the appropriate road agency.
 5. The message on the sign must be changed no less than once per month.
- K. Electronic Reader Board Signs (Electronic Message Centers) Electronic reader boards shall be permitted as part of a sign subject to the requirements within the applicable zoning district. The sign information must be accessory to the use on site and shall not include any off-site advertising. Electronic signs shall be permitted as part of a permitted sign in any of the Village's zoning districts subject to the following requirements:
1. No more than fifty (50) percent of a permanent freestanding sign or wall sign shall be utilized for electronic reader board signage.
 2. All digital signs shall maintain auto dimming technology to adjust to ambient lighting.
 3. Messages shall not change at a rate faster than once every eight (8) seconds and shall have instant transitions.
 4. The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
 5. Such signage shall not have a brightness greater than 5,000 nits during normal daylight hours or 500 nits during night hours.

Section 14.09 SWIMMING POOLS.

All swimming pools constructed in the Village shall comply with the following requirements:

- A. Building Permit. An application for a building permit to construct a swimming pool shall include the name of the owner; the location of the pool; a plot plan showing the location of adjacent buildings, fencing, gates, and public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.
- B. Fence. All swimming pools shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above- ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.

Section 14.10 GREENBELTS, LANDSCAPING, AND BUFFERS.

- A. Front Yards. In all zoning districts, no area within the required front yard setbacks shall be used for off-street parking or for any permanent or temporary structures other than signs permitted by Village ordinances. Said front yard setback areas shall be planted with grass, shrubs, and other landscaping materials. Vehicle access drives may cross the front yard setback areas but shall not utilize more than 50% of said areas.

- B. Residential Borders. Whenever any property is developed for any Use other than Agricultural or Single or two family residential, and the property borders any property zoned for residential Use, a greenbelt at least 10 feet in width along said borders shall be planted and maintained with evergreen trees no less than five (5) feet in height and no less than fifteen (15) feet apart on center. The Planning Commission may authorize the substitution of an obscuring fence or wall for all or part of a Residential border greenbelt whenever the Planning Commission finds that the purpose of this Section would be more appropriately accomplished by such substitution or may grant approval for reduced trees based on existing trees as provided in Section H below.
- C. Non-Residential Borders. There shall be maintained along the side and rear lot lines of all properties (other than those used for Agricultural, Single-Family, or Two-Family Residential purposes) a greenbelt no less than five (5) feet in width. The greenbelt shall consist of trees, shrubbery, bushes, grass, berms, and landscaping materials as determined to be appropriate by the Planning Commission for the particular site. The Planning Commission may authorize the substitution of an obscuring fence or wall for a side or rear greenbelt when the Planning Commission finds that the intent of this Section would be more appropriately accomplished by such substitution.
- D. Detailed Landscaping Plans. Detailed Landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of said site plan. The detail shall include the species of all proposed planting, the height of any shrubs or trees at the time of planting, the spacing of the plantings, and the size and description of any other materials to be utilized as part of the greenbelt.
- E. Planning Commission Approval. The Planning Commission shall review and approve any landscaping, walls, or fences required to provide a satisfactory greenbelt or buffer in any specific situation.
- F. Landscaping Completion. No site plan shall be considered as having been complied with until the landscaping features have been completed. Site plans must be fully completed within one (1) year of the date of issuance of the building permit.
- G. Maintenance. All required greenbelts or buffers shall be continuously maintained. Any part of a greenbelt or buffer which dies or is destroyed shall be replaced within six (6) months.
- H. Preservation of Existing Plant Material.
1. When tree preservation credits are deserved, site plans shall show all existing trees which are in the portions of the site that will be built upon or otherwise altered and are five (5) inches or greater in caliper, measured twelve (12) inches above grade. A single tree credit, if deserved, shall equal one (1) of the trees required by the provisions of this Article.
 2. Trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures shall be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment or supplies shall be parked or stored within the drip line of any tree to be saved.
 3. Trees to be preserved may provide credits toward the required trees for greenbelts, buffers, and parking lot landscaping. To obtain credit, the preserved trees shall be of a high quality and at least five (5) inches in caliper measured 12 inches above grade. Trees to be preserved shall be counted for credit only if they are located on the developed portion of the site.

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4. The credit for preserved trees shall be as follows:

Caliper of Preserved Tree Measured 12 Inches Above Grade	Tree Landscaping Credits 1 credit = 1 required tree
Over 12 inches	3 credits
8 inches – 12 inches	2 credits
5 inches – 7.9 inches	1 credit

5. In the event that healthy trees which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, the removed trees shall be replaced with the same species as the damaged or removed tree, in accordance with the schedule in the table below, unless otherwise approved by the Zoning Administrator based on consideration of the site and building configuration, available planting space, and similar considerations:

Caliper Measured 12 Inches Above Grade		Replacement Ratio
Damaged Tree	Replacement Tree	
Less than 6 inches	2 ½ to 3 inches	1 for 1
More than 6 inches	2 ½ to 3 inches	1 replacement tree for each 6 inches in caliper or fraction thereof of damaged tree

Section 14.11 ZONING OF ANNEXED AREAS.

Whenever any land is annexed to the Village, said land shall be considered to be zoned R-1 as of the date of the annexation. If any other zoning classification is desired by the landowner, he shall petition for rezoning in the manner provided by the ordinance and state statute.

Section 14.12 YARD SALES.

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

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than two (2) yard sales may be held during any calendar year.
- C. No yard sale shall be operated before 9:00 A.M. or after 9:00 P.M. on any day.
- D. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- E. For purposes of this Ordinance, the term "yard sale" shall mean any offering for sale of personal property in an area zoned for residential use. The term "yard sale" shall include sales commonly known as "garage sales", "porch sales" "basement sales", and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a "yard sale". Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be "yard sales" covered by this ordinance.

Section 14.13 SINGLE FAMILY DWELLINGS.

All single-family dwellings shall comply with the following minimum standards:

- A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in section 15.01 and shall be at least twenty-four (24) feet in width in all directions prior to any additions or alterations.
- B. Foundation. Each dwelling shall be provided with adequate foundation supports. At a minimum, this shall include a foundation at least eight inches in width which extends at least 42 inches below grade and which extends around the complete outside perimeter of the dwelling. Either a basement or else a crawl space of not less than 24 inches shall be provided. Adequate additional support in the form of columns or beams shall be provided as required by the building inspector. Each dwelling shall be securely anchored to the foundation.
- C. Storage Facilities. Each dwelling shall have either basement, garage or storage building containing at least 100 square feet of storage area constructed at the same time as the dwelling.
- D. Roof. Each dwelling shall have a roof with no less than a 3-12 pitch.
- E. Construction Code. Each dwelling which is moved within the Village and each dwelling and dwelling addition which is constructed in the Village shall comply with current construction code requirements.

Section 14.14 SITE CONDOMINIUMS.

Single-family detached condominiums may be allowed as a permitted use in the Single-family Residential (R-1) or the Multiple Family Residential (RM) districts, subject to the requirements of this section. The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development.

- A. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, all condominium subdivision plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:
 - 1. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and utility configurations and the consistency of the plans with all applicable provisions of Village Ordinances. Plans submitted for preliminary review shall include information specified items 1, 2, and 3 of the submission requirements in subsection B below.
 - 2. Final Plan Review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by items 1-7 of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.
- B. Submission Requirements. All condominium subdivisions plans shall be submitted for review as required by Section 18.03 of this Ordinance (site plan review) and section 66 of the Condominium Act, and shall also include the following
 - 1. A survey of the condominium subdivision site.
 - 2. A plan delineating all-natural features on the site including, but not limited to ponds, streams, lakes, drains, floodplains, wetland and woodland areas.

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3. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
 4. A copy of the master deed and a copy of all restrictions covenants to be applied to the project.
 5. A utility plan showing all sanitary sewer, water, and storm drainage- improvements, plus any easements granted for installation, repair and maintenance of utilities.
 6. A street construction, paving, and maintenance plan for all streets within the proposed condominium subdivision plan.
 7. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.
- C. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.
- D. Streets. All streets in the condominium subdivision shall conform to village standards for subdivision streets.
- E. Utility Easements. The condominium subdivision plan shall include all necessary easements for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
- F. Engineering Reviews. Copies of an "as build" survey shall be provided to the village demonstrating compliance with applicable ordinances.

Section 14.15 WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. Building Mounted WECS. One (1) Wind Energy Conversion System (WECS) shall be a permitted use on a lot in any zoning district and shall only require a permit from the Building Department, subject to the following requirements:
1. The WECS is mounted to the roof of a structure, and;
 2. The WECS shall be a vertical axis wind turbine. Horizontal axis WECS with a propeller blade shall be specifically prohibited on top of a structure, and;
 3. The vertical axis wind turbine shall not exceed a height of more than ten (10) feet above the maximum permitted height in the zoning district in which it is located.
 4. A building mounted WECS shall be located no closer than fifteen (15) feet to an adjacent property line.
 5. It can be shown that the building can structurally accommodate the WECS.
- B. Ground Mounted WECS. One (1) WECS that is mounted on a tower attached to the ground shall be considered a permitted use on a lot in any zoning district and shall only require a permit from the Building Department, subject to the following:

1. The maximum height of the tower shall not exceed fifty (50) feet.
 2. The tower shall maintain a setback of 1.5 times the overall height of the tower.
- C. In addition to the WECS permitted as a matter of right in subsection A. and B. above, an applicant may erect a WECS in any district after special land use approval from the Planning Commission for the following circumstances:
1. The installation of more than one (1) WECS on a property.
 2. Any ground-mounted WECS that exceeds an overall height of fifty (50) feet, subject to the setback requirements of subsection B.2.
- D. General Requirements.
1. Noise. No WECS shall produce a noise level that exceeds 55 decibels (dBA) or five (5) decibels (dBA) above ambient noise levels at the property line.
 2. Any proposed guy wires shall be setback of minimum distance of five (5) feet from a property line and clearly marked.
 3. The minimum vertical blade clearance from grade shall be fifteen (15) feet for a wind energy system employing a horizontal access rotor.
 4. Shadow Flicker. The Planning Commission may request a shadow flicker analysis for any WECS requiring special land use review and approval. The analysis shall identify problem areas where shadow flicker may affect the occupants of nearby structures and describe measures that shall be taken to eliminate or mitigate the effects.
 5. Decommissioning. An operator shall remove any and all parts associated with a WECS within six (6) months once the device has become inoperable.
 6. An application to erect a tower-mounted WECS shall be accompanied by a structural engineer's report indicating that the proposed tower's design characteristics are sufficient to withstand winds, ice and other naturally occurring hazards.
 7. An application for a structure mounted WECS shall be accompanied by manufacturer specifications and building documentation sufficient to the Building Official to demonstrate structural stability. The owner shall also sign an affidavit taking responsibility for the WECS and the ability of the roof to support the device.

Section 14.16 INTERNET / BROADBAND PROVIDER TOWERS

- A. One internet or broadband tower may be permitted on a site which is located within the Industrial district.
- B. The setbacks for any such tower shall be one- and one-half times the height of the tower. The setback may be reduced to one half the height of the tower if it can be shown through appropriate documentation that the tower will collapse upon itself and the resulting fall zone will not exceed the limits of the property on which it is proposed.
- C. All applicable FAA regulations shall be adhered to and copies of all necessary reviews and permits shall be provide to the Village for their review.

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- D. Any ground mounted appliances or accessory structures shall be adequately screened from public view by either landscaping, fencing, or appropriate architecture, as approved by the Planning Commission.
- E. The lighting of such tower shall be prohibited unless required by the FAA.
- F. The tower shall not be used for any form of advertising.

Section 14.17 STORAGE IN A RESIDENTIAL DISTRICT

The storage of recreational vehicles such as campers, RV's, boats, ATV's, their associated trailers and the like shall only be permitted within a non-required side yard or a non-required rear yard. The storage of such vehicles within the front yard or required side or required rear yard shall not be permitted unless on an approved driveway.

Section 14.18 SIDE STREET LOT LINE - SETBACK

A side street lot line (on a corner lot) shall require a setback consistent with the average of all of the front yard setbacks of the remaining structures on that block which the side street lot line abuts (same side only).

ARTICLE XV -- NONCONFORMING LOTS, USES, AND STRUCTURES

Section 15.01 CONTINUED USE PERMITTED.

Within the districts established by this Ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Non-conformities shall not be enlarged upon, expanded or extended, not be used as grounds for adding other structures or uses prohibited in the district.

Section 15.02 NON-CONFORMING LOTS OF RECORD.

In any district in which single family dwellings are permitted, a single-family dwelling and customary accessory buildings may be constructed on any single lot or parcel of record at the effective date of adoption or amendment of this Ordinance. The setback requirements for any buildings constructed on such non-conforming lots shall be at least twenty-five (25%) percent of the setback requirements contained in Section 17.01 of this Ordinance. In no instance, shall any yard be less than three (3) feet. The purpose of this provision is to permit the utilization of recorded lots which lack adequate size, as long as reasonable living standards can be provided.

Section 15.03 NON-CONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption of this ordinance that could not be built under the terms of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should a non-conforming structure be destroyed by any means to an extent of more than 75 percent of its state equalized value, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should a structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. These restrictions do not apply to buildings with the CBD district if the changes are consistent within the Downtown Development Authorities' Building Façade Study and only deal with façade changes.

Section 15.04 NON-CONFORMING USES OF LAND OR STRUCTURES.

Where at the time of passage of this Ordinance lawful use of land or structures exists, which would not be permitted by the regulation imposed by this Ordinance, the use may be continued provided:

- A. No non-conforming use shall be enlarged or extended to occupy a greater area of land or additional structures than used at the effective date of this Ordinance.
- B. No non-conforming use shall be moved in whole or in part to any portion of the parcel other than that occupied by such use at the effective date of this Ordinance.

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- C. If the non-conforming use ceases for any reason for a period of more than twelve (12) months any subsequent use shall conform to the regulations of this Ordinance.

- D. The Board of Zoning Appeals may permit a nonconforming use to be extended into parts of a building which were designed for such use at the time of adoption of this Ordinance.

ARTICLE XVI -- OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 16.01 PARKING REQUIREMENTS.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- B. The parking facilities for residential structures should be located on the same lot as the residence they are intended to serve.
- C. Parking facilities required for all other uses shall be located within five hundred (500) feet of the use being served.
- D. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for requirements parking space.
- E. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
- F. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
- G. Collective Provisions. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.
- H. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to provide storage or parking on such open land of wrecked, junked, or inoperable vehicles. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within the required off street parking.
- I. If a property owner can demonstrate that the required amount of parking is excessive for the land proposed by the owner, the Planning Commission may approve a smaller parking area. An area of sufficient size to meet the parking space requirements of this Ordinance must be retained as open space and the owner must agree in writing to construct the additional parking if requested by the Planning Commission, based on observed usage. Said parking area must be constructed within one (1) year of being informed of such request in writing by the Zoning Administrator. Storm water calculations shall be provided to verify adequate capacity if an expansion is necessary. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking area layout.

- J. The property owner may reduce the required number of parking spaces by replacing them with bicycle parking at a rate of one parking space per 10 bicycle parking spaces. The reduction is limited to 5 percent of the required number of parking spaces or 1 space, whichever is more. To qualify for the reduction, the bicycle parking spaces must comply with the following:
1. Spaces must provide for secure storage of the bicycles using facilities such as lockable racks or enclosed locker structures securely anchored to the ground
 2. Bicycle parking facilities may be in the parking lot or other clearly designated, well-lighted, safe and convenient location. If the facility is in the parking lot, precautions including barriers and setbacks from automobile parking spaces and drives shall be taken to protect bicyclists and their bicycles.

Section 16.02 TABLE OF OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocable reserved for such use.

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
Auditoriums, Assembly Halls, Theaters, and Churches	1	Two (2) seats based upon the maximum seating capacity of the assembly place(s), plus one (1) space for each two (2) employees in the largest shift.
Automobile Service Station	2	Each gasoline pump and lubrication stall.
Banks (other than drive thru), Business or Professional Offices of Doctors, Lawyers, Architects, Engineers, or Similar Professions	1	Two hundred (200) square feet of usable floor area.
Barber Shops, Beauty Parlors, Hair Salons and the like	2	Each operator / chair
Bed and Breakfast Establishments	1	Per rentable room in addition to that required for a single-family residence.
Bowling Alleys	4	Each bowling lane
Drive in Restaurants	1	Twenty-five (25) square feet of usable floor space, with a maximum of forty (40) parking spaces.
Golf Course	1	Each two (2) employees plus one space for every five hundred square feet of usable floor area in the club house, plus a minimum of ten (10) parking spaces per hole on the golf course.
Industrial Establishments	1	Each employee during the largest shift.
Private Clubs and Lodges	1	Each three (3) persons at minimum occupancy
Residential-single, two family, multiple dwelling, or manufactured home	1	Each dwelling unit
Restaurant or Similar for the sale and consumption on the premises of food and beverages.	1	Fifty (50) square feet of usable floor area, plus one space for each four (4) employees
Retail Stores and Service Establishments not otherwise specified herein	1	One hundred (100) square feet of usable floor area, plus one (1) space for each employee
Sanitariums and Convalescent Homes, Hospitals, Hotels and Similar Establishments	1	Two (2) beds
Schools	3	Two (2) teachers, employees or administrators, in addition to the requirements of the auditorium or assembly hall.
Service Garages, Auto Sales rooms, Auto Repair, Collision or Bumping Shops, Car Wash Establishments	1	Two hundred (200) square feet of usable floor area, plus one (1) space for each employee during the largest shift, plus two (2) spaces for each automobile being serviced
Senior Citizen Complexes	1.5	Per each dwelling unit

Section 16.03 OFF-STREET LOADING REQUIREMENTS.

n the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hospital, mortuary, 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, and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

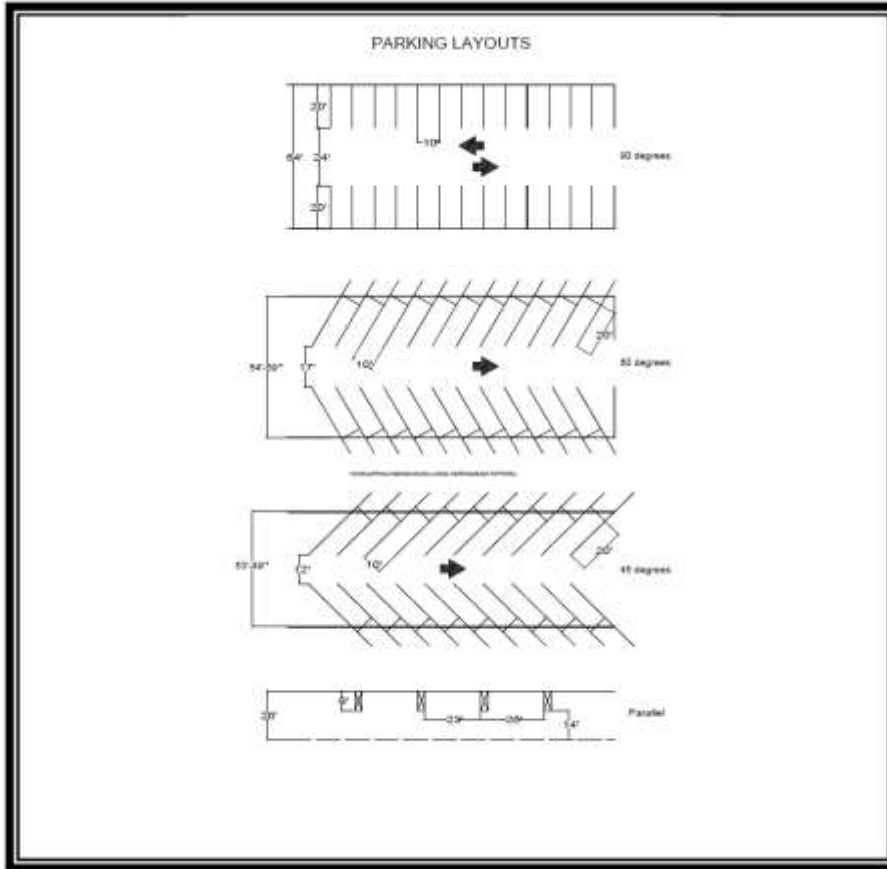
Such loading and unloading space, unless adequately provided for within a building, shall be an area ten feet by fifty feet, with fourteen-foot height clearance, and shall be provided according to the following schedule. Whenever possible, a rear entrance shall be used for loading and unloading.

Gross Floor Area (Square Feet)	Loading and Unloading Spaces Required in Terms of Square Feet
0-2,000	None
2,001-20,000	One (1) Space
20,001-100,000	One (1) Space Plus One (1) Space for Each 20,000 Square Feet in Excess of 20,000 Square Feet.
100,101-500,000	Fifteen (15) Spaces Plus One (1) for Each 40,000 Square Feet in Excess of 100,000 Square Feet.
Over 500,000	Fifteen (15) Spaces Plus One (1) for Each 80,000 Square Feet in Excess of 500,000 Square Feet.

Section 16.04 PARKING LOT AND LOADING AREA REQUIREMENTS.

- A. All parking lots shall be hard-surfaced with a pavement having an asphalt or concrete binder consistent with the requirements of the village engineering standards. The use of permeable pavements is permitted.
- B. All illumination for parking lots shall be deflected away from adjacent residential lots or residentially zoned property and shall not exceed 0.5 candle feet at the property line.
- C. Parking spaces and maneuvering aisles shall comply with the following minimum requirements:

Minimum Parking Space and Aisle Dimensions			
Angle of parking space	Minimum Space Width	Minimum Space Length	Minimum Aisle Width
90 degrees	10'	20'	24'
60 degrees	10'	20'	18'
45 degrees	10'	20'	12'
Parallel	8'	26'	14'



- D. In any area where front-end parking abuts a curbed landscaped area at least 5 feet in width or a raised sidewalk having a minimum width of at least 7 feet, the minimum parking stall depth of 20 feet (as otherwise specified herein) may be decreased by up to 2 feet in depth to allow for a vehicle to overhang such landscaped area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.
- E. All parking lot stalls shall be striped and maintained.
- F. Handicapped spaces shall be furnished as required by State law.
- G. All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit backing directly into a street.

H. Off-street parking areas shall be drained to dispose of all surface water accumulated in the parking area in such a way as to prevent an increase in the amount or rate of drainage of water onto adjacent property or toward buildings, and drainage plans shall meet the specifications of the village engineering standards. The use of green infrastructure including swales, rain gardens, and permeable pavement is encouraged.

I. Adequate ingress and egress to the parking lot by means of clearly limited and defined paved drives shall be provided for all vehicles. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall in no event be less than 30 feet in width. The number of driveways permitted for each site shall be determined by the Planning Commission as part of site plan review.

In making this determination, consideration shall be given to the following factors: the location of driveways on adjacent sites and across the street, turning movements and traffic volumes. The location of each such entrance and exit shall be submitted for approval of the Michigan Department of Transportation on parcels fronting M-90. Tapers and bypass lanes shall be required as necessary.

J. All parking serving other than one- or two-family dwellings shall be side-by-side. Tandem parking shall be prohibited.

K. Curbs shall be required when spaces are adjacent to lawns or landscaping. Modifications to curbing are permitted to allow drainage to rain gardens and other green infrastructure. The use of bumper blocks is prohibited, except in unique circumstances as determined by the Planning Commission.

- L. Setback and buffering of parking lots shall comply with Section 14.10 of this Ordinance. Green infrastructure improvements such as swales and rain gardens are permitted within setbacks.
- M. Handicapped spaces shall be furnished as required by State law.

Section 16.05 PARKING LOT LANDSCAPING REQUIREMENTS.

- A. All interior parking lots with more than five (5) parking spaces shall incorporate and provide curbed tree planting spaces providing not less than 75 square feet of land area per each tree planted.
- B. Trees shall be placed somewhat evenly, either symmetrically or asymmetrically, throughout the parking area.
- C. The number of trees required shall be based on a ratio of one (1) tree for each six (6) parking spaces, or fraction thereof.
- D. Small parking lots with a capacity of less than 20 spaces may place the required trees next to the parking lot rather than within the parking lot.
- E. The minimum size of all parking lot trees shall be 1 1/2 inches caliper at the time of planting. The following types of trees or similar types are suitable for parking lots and other intense urban conditions:
 - 1. Norway Maple
 - 2. Tulip Tree (Magnolia)
 - 3. Austrian and Red Pine Moraine
 - 4. Skyline, Majestic and Sunburst Locusts

ARTICLE XVII -- AREA, SETBACK, AND HEIGHT REQUIREMENTS

Section 17.01 AREA, SETBACK, AND HEIGHT REQUIREMENTS

Zoning District	Minimum Lot Area Per Dwelling Unit or Commercial/Bldg.	Minimum Lot Width (in feet) (1)	Minimum Front Yard Setback (in feet) (2)(5)	Minimum Side Yard Setback (in feet)	Minimum Rear Yard Setback (in feet)	Minimum Floor Area Per Dwelling (in sq. ft.)	Building Height (in feet)
R-1	12,000	100	35	10	25	960	25
RM	3,630	(3) 100	35	10	25	600 (4)	35
RMH	20,000	100	35	20	35	800	35
C (4)	20,000	100	35	20	35	-	50
C-1	20,000	100	35	20	35	-	50
CBD	NA	NA	0	0	0	NA	35 (7)
I-I-2	43,560	150	50	20	35	-	50

- (1) Measure at minimum front yard setback line.
- (2) Measured from road right of way line.
- (3) In no case shall the total lot area be less than 12,000 square feet.
- (4) The minimum square feet shall be increased by 100 for any additional bedroom beyond the first bedroom.
- (5) The front of the building shall be built to the front property line or street right of way line for a minimum of seventy-five (75) percent of the lot width. This shall also be required for those properties which have frontage on a side street. The Planning Commission may alter this provision if outdoor seating areas, or open space or public plaza / gathering spaces are being provided.
- (6) On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten (10) feet on the side or residential street property line. If walls of structures facing interior lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be provided.
- (7) Minimum height of buildings shall be two (2) stories or twenty-five (25) feet.

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ARTICLE XVIII -- SITE PLAN REVIEW

Section 18.01 SCOPE.

A site plan shall be prepared and submitted for every construction project requiring a building permit; except that no site plan shall be required for single family residences, buildings which are accessory to single family residences, or construction which only involves repairing an existing building.

Section 18.02 PROCEDURE.

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

Section 18.03 SUBMISSION REQUIREMENTS.

- A. A site plan shall be submitted for review by the Planning Commission whenever one or more of the following conditions apply:
1. Whenever a building permit is required for the erection or structural alteration of a building (other than single-family homes, farm buildings, or accessory structures to these uses).
 2. For the construction, use, or establishment of a new or expanded parking or storage area.
 3. For all special land uses and amendments to such use as determined necessary by the Village Zoning Administrator.
 4. For any change in use or class of use as determined significant by the Village Zoning Administrator.
 5. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations and similar facilities.

The Planning Commission may delegate authority to the Zoning Administrator to waive the site plan submission requirement when the proposed building or site change is minimal. The Planning Commission shall delegate authority to the Zoning Administrator for site plan review of changes to buildings within the CBD district if the changes are consistent with the Downtown Development Authorities' Building Façade Study.

Section 18.04 CONTENT.

Each site plan shall include the following:

- A. Area of the site in acres and complete legal description and property ID.
- B. Date, north point, and scale.

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- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines.
- E. Location and dimensions of all existing and proposed roads, driveways, sidewalks, and parking areas and surface materials.
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed plantings and greenbelt and landscaped areas.
- H. Exterior elevation drawings of proposed new buildings or major additions to existing buildings and generalized interior floor plans.
- I. Location, dimensions, and drawings of existing and proposed signs.
- J. Name, address, and telephone number of the person who prepared the site plan.
- K. All exterior appliances, such as HVAC units, air conditioners, and the like, and method of screening.
- L. Recorded easements and rights of way with liber and page numbers.
- M. Identification of fire lanes
- N. Location and details of dumpster location and method of screening.
- O. Site lighting details (location, height, type, intensity, method of shielding, and a ground level illumination plan (if required)).
- P. Fences, screen walls, or other similar structures (location and details).
- Q. Location of storage use and disposal areas, if any, for hazardous substances, and evidence of approval by the applicable Federal, State or local review agency.
- R. The site plan shall be prepared by and carry the seal and signature of the registered architect, landscape architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one or more sheets necessary to adequately provide the required data. This requirement may be waived by the Commission for those applications which deal solely with a use change where a sealed drawing is not necessary or where the building or site modification is minor and does not necessitate the need for such plans.

Section 18.05 STANDARDS.

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

- A. Adequacy of traffic ingress, circulation, and parking. Driveways, aiseways, parking spaces, and other aspects of parking lots should comply with the requirements of the Zoning Ordinance. These include location and width requirements of the driveways, parking aisle width and alignment, and parking lot landscaping. Sidewalks should be provided as required at a minimum. If a development provides nonmotorized facilities such as sidewalks or walking

trails consistent with the North Branch Safe Routes to School plan that exceed the requirements of this Ordinance, the site qualifies for a 10 percent reduction in minimum lot size and width otherwise required by Section 17.01. Pedestrian pathways shall, at a minimum, include sidewalks 7-foot-wide adjacent to those portions of the building with parking spaces or provide access to the building and striped crosswalks between parking lots and building entrances.

- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Drainage plans shall demonstrate that storm water infrastructure shall ensure that rate of run-off will not exceed predevelopment rates. The use of green infrastructure including swales, rain gardens, and permeable pavement is encouraged.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse effects on the community environment.

Section 18.06 BOND.

A cash or surety bond shall be posted with the Village as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall equal six (6%) percent of the total project cost, as determined by the building code official.

Section 18.07 SITE PLAN COMPLETION.

A site plan shall be fully completed, including landscaping, within one (1) year of the date that the building permit is issued.

Section 18.08 SITE PLAN TERMINATION.

Any site plan which is not fully completed within one (1) year of the date of the Planning Commission approval shall terminate unless an extension has been granted by a recorded vote of the Planning Commission. The Planning Commission shall have the authority to modify any site plan which is presented for an extension of time.

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ARTICLE XIX -- USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION

Section 19.01 APPLICATION.

For all uses permitted after special approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street address or location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road right of ways.

Section 19.02 PUBLIC HEARING

Request Requests for Uses Permitted After Special Approval may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all person to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than fifteen (15) days prior to the hearing.

Section 19.03 STANDARDS.

Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The locations, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall no result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 19.04 RECORD OF DECISION

The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. A Use Permitted After Special Approval shall be approved if the request follows the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a written statement containing the findings of fact and conclusions on which the decision is referring, and any conditions imposed. Any such conditions shall meet all of the following requirements:

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

Section 19.05 EXPIRATION.

Planning Commission permission for a Use Permitted After Special Approval shall expire one year from the date of the meeting at which permission is granted unless the premises has actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

ARTICLE XX -- ZONING BOARD OF APPEALS

Section 20.01 ESTABLISHMENT AND MEMBERSHIP OF THE ZONING BOARD OF APPEALS.

There is hereby established a Zoning Board of Appeals. The North Branch Village Council designates itself to act as the Zoning Board of Appeals.

Section 20.02 APPLICATIONS AND NOTICES OF HEARINGS

All applications for variances or appeals shall be applied for in writing on forms provided by the Village. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to decide. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within three hundred (300) feet of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the Village. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least fifteen (15) days prior to the hearing.

Section 20.03 POWERS.

- A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Uses Permitted After Special Approval and Planned Unit Developments.
- B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provision whenever there are practical difficulties imposed on a property owner if the strict letter of the Ordinance is carried out.
- C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:
 - 1. The situation cannot be self-created.
 - 2. The circumstances must be unique to the property.
 - 3. The character of the neighborhood cannot be altered by the granting of the variance.
 - 4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

Section 20.04 DECISIONS.

- A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

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- B. A non-use variance may only be granted, or a decision overruled if at least a majority of the members vote in favor thereof. A use variance may only be granted if at least two-thirds (2/3) of the members vote in favor thereof. No decision can be made unless a majority of the members are present. The Zoning Board of Appeals shall state the grounds of each decision.

- C. In deciding, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

 - 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 Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.

ARTICLE XXI -- SUBDIVISION DEVELOPMENT REQUIREMENTS

Any proposed development of property which is subject to the requirements of the Michigan Land Division Act (Act 288 of 1967) shall comply with the provisions of this Article.

Section 21.01 PRELIMINARY SUBDIVISION PLAT.

A. Filing:

1. The proprietor shall submit at least four (4) copies of the preliminary plat of the proposed subdivision to the Village Clerk at least ten (10) days before a meeting of the Planning Commission.
2. The preliminary plat shall be prepared in accordance with the Land Division Act and in accordance with the requirements of this Ordinance.

B. Information to be Provided with the Preliminary Plat:

1. Proposed name of subdivision.
2. Legal description of property.
3. Names and addresses of the proprietor and the person who designed the subdivision layout.
4. Date, north point and scale of plat (1"=100' is minimum acceptable scale).
5. An over-all map at a scale of not less than 1" =2,000' showing the relationship of the subdivision to its surroundings such as section lines and streets.
6. Boundary lines of proposed subdivision and over-all property dimensions.
7. Property lines of adjacent tracts of land are to be shown in relation to the tract being proposed for subdivision including those located across abutting roads.
8. Location, widths, and names of existing or prior platted streets and private streets, public areas and public easements within or adjacent to the tract being proposed for subdivision, including those located across abutting roads.
9. The direction or flow of streams and surface drainage.
10. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
11. Topography drawn at contours with an interval of two (2) feet in elevation.
12. Soil types and characteristics.
13. Trees (in excess of 4 inches in diameter) on the site shall be inventoried and sketched as to type and location.

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14. Layout of proposed streets indicating street names, right-of-way widths, and connections with adjoining platted streets and also the widths and location of alleys, easements and public walkways.
 15. Layout, numbers and dimensions of lots, including building setback lines.
 16. Parcels of land intended to be dedicated to set aside for public use or for the use of property owners in the subdivision.
 17. Location of the required underground utilities and utility installations.
 18. In the case where the proprietor wishes to subdivide a given area but wishes to begin with only a portion of the total area, the preliminary plat shall include the proposed general layout of the entire area. The part which is proposed to be subdivided first shall be clearly superimposed upon the over-all plan in order to illustrate clearly the method of development which the proprietor intends to follow.
 19. Copies of any proposed deed restrictions or protective consents.
- C. Review by Planning Commission:
1. The Planning Commission shall act on the preliminary plat within sixty (60) days after the date that all necessary information is provided to the Planning Commission, unless the proprietor agrees to an extension.
 2. Review fees, as established by motion of the Village Council shall be paid to the village clerk prior to Planning Commission review of the proposed plat.
 3. The Village Clerk shall send a notice to adjacent property owners as to the time and place of the meeting of the Planning Commission to consider the preliminary plat. The notice shall be sent not less than five (5) days before the meeting date.
 4. The Planning Commission may direct that copies of the preliminary plat be transmitted to the Village Engineer for technical review and recommendation.
 5. The Commission shall review the preliminary plat as to the following:
 - a. Zoning ordinance compliance.
 - b. Availability and adequacy of utilities.
 - c. Impact on schools and public facilities.
 - d. Land use plan compliance.
 - e. Adequacy of streets.
 - f. Effect on surrounding land uses.
 - g. Objectives and policies of the Village.
 - h. Compliance with the subdivision design standards of
 6. The Commission shall recommend conditional approval, disapproval, or approval of the preliminary plat.
- D. Review of Village Council:
1. Following the receipt of Planning Commission recommendations, the Village Council shall consider the preliminary plat and shall act within ninety (90) days of the date that all necessary information was provided

to the Planning Commission, unless the proprietor has requested an extension. The Village Councils decision shall be based on the standards contained in Section 21.01.B.5.

2. Should the Village Council grant approval to the preliminary plat, it shall be deemed to confer upon the proprietor the right to proceed with the submission of the preliminary plat to the county and state agencies required in the Land Division Act.
3. The initial approval of the preliminary plat by the Village council shall be effective for a period of one year. Should the preliminary plat, as reviewed and approved by the required county and state agencies, not be re-submitted to the Village Council within this time limit, the preliminary plat must again be submitted to the Planning Commission for recommendation to the Village Council.
4. Upon re-submission of the preliminary plat as reviewed and approved by the required county and state agencies, the Village Council shall consider and review the plat within twenty (20) days. If final preliminary plat approval is granted by the Village Council, such approval shall be effective for a period of two (2) years. Such approval shall be deemed to confer upon the proprietor the right to proceed with the preparation of the final plat.

Section 21.02 FINAL SUBDIVISION PLAT.

- A. The final plat shall conform substantially to the preliminary plat as approved.
- B. Five (5) mylar copies and three (3) paper prints of the final plat shall be filed by the proprietor with the Village Clerk and shall deposit such sums of money as the Village Council may require herein or by other ordinances.
- C. The final plat at the discretion of the Village Council, may be reviewed by the Village Engineer as to compliance with the approved preliminary plat and plans for utilities and other improvements.
- D. The Village Council shall review the final plat for compliance with the items specified in Section 21.01.c.5. of this ordinance.
- E. The Village Council shall review all recommendations and act on the final plat within thirty (30) days of its date of filing.
- F. Upon approval of the final plat by the Village Council, the subsequent approvals shall follow the procedure set forth in the Land Division Act. The three (3) prints shall be distributed as follows: one (1) to the Village Clerk, one (1) to the Planning Commission, and one (1) to the Building Inspector. The five (5) mylar copies shall be forwarded to the County Plat Board.
- G. In lieu of the proprietor having installed improvements, the Village Council may require of the proprietor as a condition of final plat approval, a deposit in the form of cash, certified check, or irrevocable bank letter of credit running to the village for the full cost, as estimated by the Village Engineer, of the installation of any required monuments, corner markers, sidewalks, public streets, public sewers, water lines, and drainage facilities to insure the completion of said improvements and facilities within a specified length of time.

Section 21.03 SUBDIVISION DESIGN STANDARDS.

- A. Streets:

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1. Street rights-of-way in the proposed subdivision shall conform to the county right-of-way plan.
2. The street layout shall provide for continuation of streets in adjoining subdivisions. Where the adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall be extended to the boundary line of the tract to make provision for the future projection of streets into adjacent areas.
3. The street layout shall discourage the use of minor streets by through traffic.
4. Streets shall be arranged in proper relation to topography so as to result in desirable and usable lots, and safe streets with reasonable grades.
5. Street Intersections: Streets shall be laid out so as to intersect as nearly as possible to ninety (90) degrees.
6. Streets: All streets and appurtenances thereto shall be constructed in accordance with details and specifications approved by the Lapeer County Road Commission.

B. Lots:

1. The lot size, width, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.
2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.
3. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of not more than 4 to 1 shall be desirable.
4. Corner lots in residential subdivisions shall be platted at least ten (10) feet wider than the minimum width permitted by the Zoning Ordinance.
5. Side lot lines shall be at right angles or radial to the street lines whenever possible.
6. Residential lots abutting major streets shall be platted with reverse frontage, or with side lot lines parallel to the major traffic streets or shall be platted with extra depth to permit adequate distances between buildings and such streets.
7. Lots shall have a front-to-front relationship across all streets where possible.
8. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes.

C. Utilities, Sewer, Water, and Drainage:

1. Underground wiring: All local distribution lines for telephone, electric, television, and other similar services distributed by wire or cable shall be placed underground throughout the area subdivided for residential use, except for main supply and perimeter feed distribution lines which serve areas outside the subdivided area, and except for surface facilities related to underground service. Such wires, conduits or cables shall be placed within private easements provided to such service companies by the proprietor or within dedicated public ways.

2. Sewage Disposal: Sanitary sewers shall be installed in such a manner as to adequately serve all lots within the subdivision. In the event of the non-availability of the village sewer system, septic tank systems shall be approved by the County Health Department.
3. Water Supply: Water mains, water lines, fire hydrants and required water system appurtenances shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat, both for domestic use and fire protection. In the event of the non-availability of the village water supply system, private wells shall meet approval of the County Health Department.
4. Storm Drainage System: An adequate storm drainage system including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances shall be required in all subdivisions. Adequate provisions shall be made for proper drainage of storm water run-off from each residential lot.
5. Review: For Village approval of sanitary sewer systems, storm sewers or water mains, the applicant shall furnish to the Village a detailed estimate of the cost and two sets of the plans including the general plan, for the system on which he desires approval. The Village shall collect the review fee and refer the plans to the Village Engineers, who shall check the estimate and review plans for conformity to the standards of the Village and certify that they are consistent with the over-all utility plans of the Village. The applicant, after making any changes requested, shall then submit revised plans to the Village for final approval.
6. One mylar copy of As-Built plans of water, sanitary sewer, roads and storm sewer system and certification from a Registered Professional Engineer that all surface grades, roads and structures are in conformance with the approved plan shall be provided prior to acceptance of the subdivision improvements by the Village.

D. Easements:

1. Utility line easements shall be provided as necessary for utility lines. Easements shall give access to every lot, park, or public grounds. Such easements shall be a total of not less than ten (10) feet wide.
2. Recommendations on the proposed layout of utility company easements should be sought from all utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the preliminary plat to all appropriate public utility agencies.
3. Where a subdivision is traversed by a water course or drainage way, there shall be provided a drainage right-of-way. Such easements shall meet the approval of the County Drain Commissioner and/or the Village Engineer.
4. All necessary easements for water and sewer lines shall be provided to the Village.

E. Natural Features: The natural features and character of lands shall be preserved wherever possible. Due regard shall be shown for all-natural features such as large trees, natural groves, water courses, and similar community assets that will add attractiveness and value to the property, if preserved.

F. Sidewalks: A four (4) foot side concrete sidewalk located one foot from the property line on the side or sides of the roadway abutting the subdivision may be required. In those instances where no good purpose would be served by the provision of sidewalks, the Village Council may waive this requirement.

G. Street Trees: Trees shall be provided along all subdivision streets. They shall be not less than one (1) tree for each one hundred (100) feet of street frontage. The type of tree shall be specified and approved by the Planning Commission.

Section 21.04 DIVISION OF EXISTING LOTS

Any lot, outlet, or other parcel in a recorded subdivision plat may be further partitioned or divided so as to total not more than the number allotted within the Land Division Act and which meet the following minimum requirements:

- A. The minimum size of any parcel of land created pursuant to this section shall be in accordance with the minimum requirements of the Zoning Ordinance, except when the dividing of such land is for the use of such divided land in conjunction with an adjoining parcel of land.
- B. The petitioner shall submit three (3) drawings of the proposed lot split prepared by a Registered Civil Engineer or Registered Land Surveyor. The Survey must show all existing structures on the lot. The petitioner shall also provide proof of ownership of the lot or lots to be split.
- C. If the division of the parcel will result in a lot size less than the requirements of the Zoning Ordinance, the applicant shall submit an affidavit in form legally sufficient for recording with the Register of Deeds and signed by all persons who have any ownership interest in the parcel acknowledging that they understand that the divided parcel shall thereafter be Used only in conjunction with the adjoining parcel.
- D. Any such division shall be permitted only after a motion permitting such has been passed by the Planning Commission.

ARTICLE XXII -- AMENDMENTS

Section 22.01 AMENDMENTS

The Village Council may, after a public hearing by the Village Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedures set forth in Act 110 of the Public Acts of 2006, as amended. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Village Planning Commission, Village Council, or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribed to his petition and shall submit a petition for rezoning to the Village Clerk. Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit a fee as established by the Village Council with the Village at the time that the petition is filed to cover the publication and other miscellaneous costs of said change.

Section 22.02 CONDITIONAL REZONING OF LAND.

As an alternative to a standard rezoning amendment, the Village of North Branch may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Public Act No. 110 of Public Acts of Michigan of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the Village and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Village, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to State Statute.
- B. The following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 1. A conditional rezoning request must be voluntarily offered by an owner of land within the Village. All offers must be made in writing and must provide the specific conditions to be considered by the Village as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Village and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
 2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
 3. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezoning shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article XX of this Ordinance.
 4. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article XIX of this Ordinance.
 5. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

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6. In addition to the information submitted as a part of a standard rezoning application, the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features, including natural features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Village. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
- C. Time Limits and Reversion of Land to Previous District.
1. If the proposed conditions of rezoning are acceptable to the Village, the Village may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided by State Statute for Zoning Map amendments.
 2. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.
 3. Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and Village shall be recorded with the Lapeer County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Village.
 4. The Village may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.

ARTICLE XXIII -- REPEAL OF PRIOR ORDINANCES

All former zoning ordinances and amendments thereto previously adopted by the Village of North Branch are hereby repealed in their entirety. All other ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

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ARTICLE XXIV -- VIOLATIONS

Section 24.01 PENALTY.

Any person, firm, or corporation, or anyone acting in behalf of said person, firm or corporation, who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the regulatory measures or conditions of the Board of Zoning Appeals, or the Planning Commission, adopted pursuant hereto, shall upon conviction thereof be subject to a fine of not more than Five Hundred (\$500.00) Dollars and court costs, or by imprisonment in the County Jail for a period not to exceed ninety (90) days, or by both fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of any penalty shall not exempt the offended from compliance with the requirements of this Ordinance.

Section 24.02 NUISANCE PER SE.

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

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ARTICLE XXV -- SEVERABILITY

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

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ARTICLE XXVI -- ENACTMENT

Section 26.01 ORDINANCE ENACTED.

The provisions of this Ordinance are hereby enacted and declared to be necessary for the preservation of the public health, safety, and welfare of the people of the Village of North Branch.

Section 26.02 EFFECTIVE DATE.

This Ordinance became effective thirty (30) days after publication.

Section 26.03 CERTIFICATIONS.

I, Betty Kennedy, North Branch Village Clerk, do hereby certify that this ordinance is a true copy of that ordinance duly adopted by the North Branch Village Council, at a meeting held on the 5th day of May 2011. I further certify that a notice of adoption of this Ordinance was duly published on the 12th day of May 2011.

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