

**VILLAGE OF ROSCOMMON**

**ORDINANCE 22**

**ZONING ORDINANCE**

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**Section 1**

**INTERPRETATION  
AND  
PURPOSES**

## SECTION 1

### PREAMBLE

#### ZONING ORDINANCE VILLAGE OF ROSCOMMON MICHIGAN

An ordinance to regulate the location of trades and industries, and the location of buildings designed for specific uses; to regulate and limit the height and bulk of buildings hereafter erected or altered; to regulate and determine the area of yards, courts and other open spaces surrounding buildings; to regulate and limit the density of population; and for said purposes to divide the Village into districts and prescribe penalties for the violation of it's provisions.

#### INTERPRETATION AND PURPOSES

The provisions of this ordinance shall be the minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Where this ordinance imposes greater restrictions upon the use of buildings or other structures, or requires larger yards or other open spaces than provisions of law or ordinance, the provisions of this ordinance shall prevail.

**Section 2**

**DISTRICTS**

**DISTRICTS BOUNDARIES**

## SECTION 2

### DISTRICTS AND DISTRICT BOUNDARIES

#### ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance the Village of Roscommon is hereby divided into eight classes of districts as follows:

- Residence "1" District
- Residence "2" District
- Residence "3" District
- Mobile Home District
- Downtown Commercial – Commercial 1 District
- Highway Commercial – Commercial 2 District
- Mixed Development District
- Industrial District

#### District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled "Village of Roscommon Zoning Map," which accompanies and is hereby made a part of this ordinance. Except where specifically designated on said map, the district boundary lines are intended to follow lot lines, the centerlines of creeks, streams, or rivers, the centerlines of streets or alleys projected, railroad right-of-way lines, section lines, one-quarter section lines, one-eighth section lines or the corporate limit line, all as they existed at the time of the enactment of this ordinance; but, where a district boundary line does not coincide with rear lot lines, said boundary lines shall be dimensioned on the Zoning Map.

RESIDENTIAL 1 DISTRICT  
R-1

PURPOSE: It is the intent and purpose of this district to provide for single family residential use while allowing for a variety of housing style, design and cost to meet the needs of existing and potential residents.

MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT YARD</u> 25'	<u>SIDE YARD</u> 10'	<u>REAR YARD</u> 30'
<u>LOT WIDTH</u> 66'	<u>LOT DEPTH</u> 100'	<u>LOT AREA</u> 6,600 SQ. FT.

MAXIMUM BUILDING HEIGHT – 30'

MINIMUM SQUARE FOOTAGE OF MAIN FLOOR – 1000 square foot

**USES PERMITTED BY RIGHT**

One single family dwelling per lot  
Adult Foster Care Family Home

**USES PERMITTED BY SPECIAL USE PERMIT**

Churches, schools, public libraries, museums and art galleries  
Fire stations  
Public Parks, tennis courts and similar non-commercial recreational uses  
Funeral Homes and Mortuaries  
Municipal, County, State and Federal Administration buildings and community centers  
Family Day Care Home  
Public Utility Buildings, Telephone, Exchange Buildings, Electric Transformer Station  
and Gas Regulator Station.  
Bed and Breakfast with not more than four guestrooms  
Duplex

**ACCESSORY BUILDINGS**

Accessory buildings may not extend past the front of the main building and may not encroach upon setbacks.

**ACCESSORY USES AND BUILDINGS ALLOWED**

Private Garages  
Home occupations, as defined in ordinance  
Satellite dishes, not to exceed 24 inches (24”) in diameter

RESIDENTIAL 2 DISTRICT  
R-2

PURPOSE: It is the intent and purpose of this district to provide a variety of housing style, design and cost to meet the needs of existing and potential residents while promoting the development and preservation of neighborhoods of somewhat higher density than the Residential 1 district, but with equivalent quality.

MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT YARD</u> 25'	<u>SIDE YARD</u> 15'	<u>REAR YARD</u> 35'
<u>LOT WIDTH</u> 80'	<u>LOT DEPTH</u> 100'	<u>LOT AREA</u> 8,000 SQ. FT.

MAXIMUM BUILDING HEIGHT – 30'

MINIMUM SQUARE FOOTAGE OF MAIN FLOOR – 1200 square foot

**USES PERMITTED BY RIGHT**

One single family dwelling per lot  
Adult Foster Care Family Home

**USES PERMITTED BY SPECIAL USE PERMIT**

Churches, schools, public libraries, museums and art galleries  
Fire stations  
Public Parks, tennis courts and similar non-commercial recreational uses  
Municipal, County, State and Federal Administration buildings and community centers  
Family Day Care Home  
Public Utility Buildings, Telephone, Exchange Buildings, Electric Transformer Station  
and Gas Regulator Station.  
Bed and Breakfast with not more than four guestrooms  
Duplex

**ACCESSORY BUILDINGS**

Accessory buildings may not extend past the front of the main building and may not encroach upon setbacks.

**ACCESSORY USES AND BUILDINGS ALLOWED**

Private Garages  
Home occupations, as defined in ordinance  
Satellite dishes, not to exceed 24 inches (24”) in diameter

RESIDENTIAL 3 DISTRICT  
R-3

PURPOSE: It is the intent and purpose of this district to provide for multi family housing.

MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT YARD</u> 35'	<u>SIDE YARD</u> 20'	<u>REAR YARD</u> 20'
<u>LOT WIDTH</u> 100'	<u>LOT DEPTH</u> 200'	<u>LOT AREA</u> 20,000 SQ. FT.

MAXIMUM BUILDING HEIGHT – 30'

SPACING BETWEEN BUILDINGS – at least the height of the highest of the abutting buildings.

FLOOR AREA REQUIREMENTS – minimum standards for total floor area for each type apartment living unit shall be as follows:

Efficiency .....	450 square feet		
One Bedroom .....	600	“	“
Two Bedroom .....	750	“	“

Each additional bedroom added will require an additional 150 square feet in floor space.

ADDITIONAL REQUIREMENTS

All multi family dwellings shall be connected to the available public water supply system and wastewater sanitary sewer system on a permanent basis.

USES PERMITTED BY RIGHT

- Duplex
- Townhouses
- Condominiums
- Multi Family dwellings
- Adult Foster Care Family Home

ACCESSORY USES AND BUILDINGS ALLOWED

- Garage structures
- Home occupations, as defined in ordinance
- Satellite dishes, not to exceed 24 inches (24”) in diameter

## **USES PERMITTED BY SPECIAL USE PERMIT**

Churches, schools, public libraries, museums and art galleries

Fire stations

Public Parks, tennis courts and similar non-commercial recreational uses

Municipal, County, State and Federal Administration buildings and community centers

Adult Foster Care Large Group Home

Family Day Care Home

Group Day Care Home

Public Utility Buildings, Telephone, Exchange Buildings, Electric Transformer Station  
and Gas Regulator Station.

Bed and Breakfast with not more than four guestrooms

Convalescent or Nursing Homes

Assisted Living Complexes

## **ACCESSORY USES AND BUILDINGS ALLOWED WITH SPECIAL PERMIT**

Private swimming pools as part of the multiple family housing development for use in common by all residents who will finance the operation and maintenance of such facilities.

Common open space and recreation areas and facilities as part of the multiple family housing development for use in common by all residents who will finance the operation and maintenance of such facilities.

Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as a part of the multiple family housing project for the common use and enjoyment of all residents who will finance the operation and maintenance of such facilities.

MOBILE HOME DISTRICT  
M-1

PURPOSE: It is the intent and purpose of this district is to provide for mobile home residential districts to those individuals and families who desire to live in this type of housing unit on a permanent occupancy basis.

MINIMUM DIMENSIONAL REQUIREMENTS

MOBILE HOME PARK/SUBDIVISION TOTAL AREA: 10-acre minimum

<u>SITE FRONT YARD</u> 25'	<u>SITE SIDE YARD</u> 10'	<u>SITE REAR YARD</u> 25'
<u>SITE WIDTH</u> 60'	<u>LOT DEPTH</u> 125	<u>SITE AREA</u> 7,500 SQ. FT.

ADDITIONAL REQUIREMENTS

Detached accessory buildings and structures, which shall not be located closer than five (5) feet from interior side or rear lot lines and not to exceed seventeen (17) feet in height.

Mobile homes shall be single family only, meet minimum BOCA Code Standards and be labeled as such. Mobile homes must have been manufactured within 5 years of the date of placement within the Village.

All roads within park shall be hard surface.

Each mobile home site shall be provided with a solid portland cement concrete pad not less than four (4) inches thick but consistent with current Village building codes, and not less than the length and width of the mobile home that will occupy the site.

Each mobile home site shall have connections to all utility services, including electricity, telephone, a sanitary waste system and water supply. All utility lines shall be located underground. Each mobile home shall be skirted with materials approved by the Village building inspector.

Each Mobile Home Park shall be in compliance with Public Act 419 of 1976, as amended and administered by the Mobile Home Park Commission, Department of Commerce, State of Michigan.

Each Mobile Home Subdivision shall be in compliance with the "Subdivision . Control Act, PA 288 of 1967, as amended.

## **USES PERMITTED BY RIGHT**

Mobile home residential parks licensed by the State of Michigan..  
Mobile home residential subdivisions.

## **ACCESSORY USES AND BUILDINGS ALLOWED**

Garage structures  
Home occupations, as defined in ordinance  
Satellite dishes, not to exceed 24 inches (24”) in diameter

## **USES PERMITTED BY SPECIAL USE PERMIT**

Public Parks, tennis courts and similar non-commercial recreational uses  
Family Day Care Home  
Public Utility Buildings, Telephone, Exchange Buildings, Electric Transformer Station  
and Gas Regulator Station.

## **ACCESSORY USES AND BUILDINGS ALLOWED WITH SPECIAL PERMIT**

One non-illuminated sign not to exceed ten (10) square feet per side or a total of twenty (20) square feet for both sides for the purpose of stating the name of the Mobile Home Park.

Private swimming pools as part of the development for use in common by all residents who will finance the operation and maintenance of such facilities.

Common open space and recreation areas and facilities as part of the housing for use in common by all residents who will finance the operation and maintenance of such facilities.

Recreation, meeting and other group activity facilities located in buildings or as a part of a structure developed as a part of the development for the common use and enjoyment of all residents who will finance the operation and maintenance of such facilities.

DOWNTOWN COMMERCIAL

COMMERCIAL "1" DISTRICT

C-1

PURPOSE: It is the intent and purpose of this district to provide neighborhood shopping areas to meet the day-to-day convenience shopping, service and professional needs of village residents.

MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT SET BACK</u> NONE	<u>SIDE SET BACK</u> NONE	<u>REAR SET BACK</u> 10'
<u>LOT WIDTH</u> NONE	<u>LOT DEPTH</u> NONE	<u>LOT AREA</u> NONE

MAXIMUM BUILDING HEIGHT – 35'

**USES PERMITTED BY RIGHT**

Professional and Administrative Offices and Services  
Banks and other financial institutions  
Personal Service Businesses  
Commercial Retail Facilities  
Restaurants (for outdoor seating requirements see Section 4 - 21 – General Provisions)

When determining what facilities fall into the above listed categories, the decision of the Planning Commission shall prevail.

**USES PERMITTED BY SPECIAL USE PERMIT**

Municipal, County, State and Federal Administrative buildings.  
Schools and School Administrative buildings  
Radio and Television Stations  
Railroad Rights of Way including switching

**ACCESSORY USES**

Living units allowed on second story of building.

HIGHWAY COMMERCIAL

COMMERCIAL "2" DISTRICT

C-2

PURPOSE: It is the intent and purpose of this district to provide essential service needs to the highway traveler and to accommodate businesses serving a regional market.

MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT GREEN BELT</u> 20'	<u>SIDE YARD</u> 20'	<u>REAR YARD</u> 20'
<u>LOT WIDTH</u> 100'	<u>LOT DEPTH</u> 300'	<u>LOT AREA</u> 30,000'

MAXIMUM BUILDING HEIGHT – 35'

**USES PERMITTED BY RIGHT**

Vehicle sales and service of new and used automobiles, mobile homes, boats, campers, recreational vehicles, trailers, and motorcycles.

Motels and Hotels

Restaurants or Taverns including drive-in facilities

Automobile parts, tires and accessory dealers, no maintenance involved

Shopping centers or shopping plazas containing Bakeries, Book Stores, Department Stores, Florists, Grocery Stores, Meat Markets, Pet Shops, and similar commercial retail facilities. When determining "similar commercial retail facilities", the decision of the Planning Commission shall prevail.

**USES PERMITTED BY SPECIAL USE PERMIT**

Service Stations

Towers and antenna

Commercial Garages

**SIGNS**

Signs are permitted subject to provisions of the Village of Roscommon sign ordinance.

### **OFF STREET PARKING**

Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width.

Required off-street parking shall be provided within 300 feet of the building that such parking is required to serve. Use of the required off-street parking for storage of merchandise, motor vehicles for sale, or commercial repair of vehicles is prohibited.

Adequate employee parking must be provided; at a minimum of 1 parking space per 4 employees on the maximum working shift. The parking spaces for employees are a separate requirement from the required off street parking listed below.

### **ACCESSORY BUILDINGS**

Accessory buildings may not extend past the front of the main building and may not encroach upon setbacks.

## MIXED DEVELOPMENT DISTRICT

### MDH

**PURPOSE:** This district is intended for areas of the Village characterized by a current mixture of a wide range of uses, including residential and commercial. The purpose of this district is to permit redevelopment of the area without making the existing mix of use nonconforming.

#### MINIMUM DIMENSIONAL REQUIREMENTS

<u>HEIGHT</u> 35'	<u>FRONT YARD</u> a	<u>SIDE YARD</u> 10', b	<u>REAR YARD</u> 20' b
<u>LOT WIDTH</u> NONE	<u>LOT DEPTH</u> NONE	<u>LOT AREA</u> NONE	

#### USES PERMITTED BY RIGHT

Uses permitted by right in the Residential 1, Residential 2, Residential 3, Downtown Commercial and Highway Commercial Districts.

#### USES PERMITTED BY SPECIAL USE PERMIT

Uses permitted by Special Use Permit in the Residential 1, Residential 2, Downtown Commercial and Highway Commercial Districts.

#### ACCESSORY BUILDINGS

Accessory buildings and uses permitted in the Residential 1, Residential 2, Downtown Commercial and Highway Commercial Districts.

\*\*a – The front yard setback shall conform to a line equal to the setback of the majority of the principal structures along the block face of the lot.

\*\*b – The side and rear yards shall be buffered as required in Section 5, Buffer Yards.

## INDUSTRIAL DISTRICT

I

PURPOSE: This district is intended for Industrial uses.

### MINIMUM DIMENSIONAL REQUIREMENTS

<u>FRONT SET BACK</u> 30'	<u>SIDE SET BACK</u> 15'	<u>REAR SET BACK</u> 25'
<u>LOT WIDTH</u> 97'	<u>LOT DEPTH</u> 265'	<u>LOT AREA</u> 25,700 Sq. Ft.

MAXIMUM BUILDING HEIGHT – 35'

### USES PERMITTED BY RIGHT

Offices  
Manufacturing  
Warehousing  
Distribution  
Municipal Composting/recycling sites

When determining what facilities fall into the above listed categories, the decision of the Zoning Administrator shall prevail.

### USES PERMITTED BY SPECIAL USE PERMIT

Business enterprises that the Village Council determines are similar to the permitted uses in this district.

### ADDITIONAL REQUIREMENTS

Total floor area of all buildings will not exceed fifty percent (50%) of the total site area.

No parking shall be permitted within the front building setback, except for visitor parking. At least three visitor-parking spaces, with one being handicap, van accessible must be provided.

Any lighting shall be directed away from adjoining premises.

All areas not used for building, roads, parking, loading or storage must be landscaped if the natural vegetation has been removed.

No privately owned signs are permitted on the industrial park right-of-ways.

No part of any roadway shall be used for the unloading or loading of freight.

Outdoor storage of equipment, raw material, freight, semi-finished or finished products is permitted only when such outdoor storage is necessary and incidental to the operations being carried on within the building located upon the site. All outdoor storage shall be screened. No storage shall be permitted within the front yard setback.

Paved ingress/egress must be at least 15 feet deep from the Village paved road and of sufficient depth to support vehicle loads.

## **SECTION 3**

### **DEFINITIONS**

## SECTION 3

### DEFINITIONS

#### 1. ACCESSORY STRUCTURE.

a. In a residential district, a subordinate building not used for commercial purposes such as a private garage and farm building located on the same lot with the main building.

b. In other districts, a subordinate building, the use of which is incidentally to and used only in conjunction with the main building.

#### 2. ACCESSORY USE

Any use customarily incidental to the main use of the premises

#### 3. ADULT FOSTER CARE FAMILY HOME.

A private residence with the approved capacity of 6 or fewer adults to be provided with foster care for 5 or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

#### 4. ADULT FOSTER CARE LARGE GROUP HOME.

An adult foster care facility with the approved capacity of over 6 but not more than 20 adults.

#### 5. ALLEY.

A public way which affords only secondary access to abutting property,

#### 6. ALTERATION.

Any material change, addition or modifications to a structure or its use,

#### 7. APARTMENT

One of a group of two or more living units in a single structure with shared access to the outside in the form of an entry hall or common stairway

## 8. ATTORNEY

An individual trained and licensed to practice law in the State of Michigan.

## 9. AUTOMOBILE OR TRAILER SALES AREA.

Any space used for display, sale or rental of motor vehicles or trailers, in new or used operable condition.

## 10. AUTOMOBILE STORAGE, DAMAGED.

Any storage of inoperable vehicles not incidental to a public garage.

## 11. AUTO REPAIR SHOP.

An establishment providing auto repair services including auto body repair, major engine repair, undercoating, glass replacement and upholstery work.

## 12. BASEMENT OR CELLAR.

A level of a building having more than one-half of its height below grade. (See illustration)

## 13. BED AND BREAKFAST.

An owner occupied single family residence where short term lodging rooms and meals are provided.

## 14. BERM.

A lineal earthen mound of variable height and width, used as visual relief or transitional area between different land uses.

## 15. BREEZEWAY.

A covered passageway, one story in height connecting a main structure and an accessory building, the sides of which may be enclosed by lattice, screens or other material allowing the passage of air.

## 16. BUILDING.

Any structure or part thereof usable for the shelter of persons, animals, business activities and/or personal property.

17. CHILD CARE CENTER.

A facility other than a private home where one or more children are received for care and supervision.

18. CONDOMINIUM ACT.

Act No. 59 of the Public Acts of Michigan of 1978, as amended.

19. CONDOMINIUM UNIT.

That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time share unit or any other type of use.

20. CONVALESCENT OR NURSING HOME.

A convalescent home or nursing home is a home for the care of children or the aged or infirm, or place of rest for those suffering bodily disorders, wherein four (4) or more persons are cared for. Said home shall conform and qualify for license under State law.

21. DRIVE-IN.

A business establishment so developed that its retail or service character is dependent on providing parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building regardless of whether self-service is involved or not

22. DRIVE-THROUGH.

A business establishment that provides customers with the opportunity to pay for and receive goods or services without leaving their car. A drive-through establishment is distinguished from a drive-in establishment by the fact that drive-through operations involve a driveway approach that the customer uses to enter the service area, receive service and departs, while a drive-in involves parking spaces the customer parks in to receive service

23. DWELLING

Any building or portions thereof usable exclusively for residence purposes. Dwelling unit must be secured to a permanent watertight foundation. Siding material must extend down to the foundation. All axles and towing mechanisms shall be removed. Minimum width shall be twenty (20) feet at the narrowest point.

24. DWELLING, ONE-FAMILY.

Any building usable for residence purposes by one (1) family.

25. DWELLING, MULTIPLE-FAMILY.

Any building with two or more living units.

26. ESSENTIAL SERVICES.

The phrase “essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments of commission of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public facilities or municipal departments or commissions or for the public health or safety or general welfare.

27. FAMILY DAY CARE HOME.

A private home in which up to six children are received for care and supervision, including those children less than 7 years old in the resident family. This number shall not include more than 2 children less than 12 months old.

28. FAMILY, NON-TRADITIONAL

It is determined that most of the dwelling units within the village were designed and laid out with the expectation that they would be occupied by traditional families as defined in this ordinance, and that conversion of any substantial number of such dwelling units to occupancy by more people than would usually live therein if they were occupied entirely by traditional families will result in overcrowding of land, congestion of transportation systems, overloading of water and sewage facilities, conversion of needed landscaped areas to vehicle parking and excessive noise.

29. FAMILY, TRADITIONAL.

An individual or group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than 3 additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

### 30. FARM.

Any area of two (2) acres, or more, used for agricultural purposes permitted under this ordinance, and uses incidental thereto; provided that the incidental uses shall be subordinate to normal agriculture uses and shall not include commercial feeding of offal or garbage to animals.

### 31. FARM BUILDINGS.

Any detached accessory building or portion of a main building used for the storage or housing of farm implements, produce or farm animals

### 32. FENCE

A structure, other than a building, which is a barrier and used as a boundary or means of protection or confinement.

### 33. GAS STATION

An establishment offering retail sales of motor fuels, oil and lubricants as well as minor vehicle repair and service including but not limited to replacement of tires, batteries, mufflers, brakes, starters, oil changes and engine tune-ups.

### 34. GARAGE, PRIVATE.

A detached accessory building or portion of a main building used for the storage of passenger vehicles not more than one truck of a rated capacity of two (2) tons or more.

### 35. GARAGE, PUBLIC.

Any building used for the hire, sale, storage or servicing of motor vehicles or trailers.

### 36. GROUP DAY CARE HOME.

A private home where from seven to twelve children are received for care and supervision. This number shall not include more than two children younger than two years old.

### 37. HAZARDOUS SUBSTANCE.

A chemical or other material which is or may be injurious to the public health, safety, or welfare or the environment.

#### 38. HEIGHT OF BUILDING.

The vertical distance measured from the average grade to the highest point of the roof in the case of a flat roof to the deck line of a mansard roof; and to mean height level between eaves and ridge of a gable, hip or gambrel roof. (See illustration)

#### 39. HOTEL/MOTEL

A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room.

#### 40. HOME OCCUPATION.

Any occupation customarily conducted entirely within a dwelling or accessory structure by the inhabitants thereof, not involving employees other than members of the immediate family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession or hobby. Also provided that (A) no stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation, (B) no display of goods visible from the street, (C) it meets the front, side and rear setbacks for principle structures, (D) only one attached sign may be displayed not to exceed a three (3) square foot area.

#### 41. JUNKYARD.

Any place trading in or handling waste, discard, used or salvaged materials or articles.

#### 42. KENNEL.

Any lot or premises used for the sale, boarding, treatment or breeding of dogs, cats or other household pets.

#### 43. LIVING UNIT

A portion of a building providing bathroom and kitchen facilities for one family

#### 44. LOT.

Land occupied or capable of being occupied by a building and its accessory building and including such open spaces as are required under this Ordinance, and having its principle frontage upon a public street or officially approved drive.

45. LOT AREA.

The total horizontal area within the lot lines. In a Site Condominium, a lot is defined as the condominium unit plus the associated limited common area.

46. LOT, CORNER.

A lot situated at the intersection of two (2) or more streets having an angle of not more than one hundred thirty-five (135) degrees.

47. LOT LINE.

Any line bounding a lot.

48. LOT LINE, FRONT

The line separating the lot from the street; in the case of a corner lot, the line separating the narrowest side of the lot from the street.

49. LOT LINE, REAR.

The line opposite to and most distant from the front line; In order to assure adequate width of backyards in irregularly shaped lots, it shall be the straight line entirely within the lot ten feet long, parallel to and most distant from the front lot line. (See illustrations at the end of this section)

50. LOT LINE, SIDE.

A line other than front or rear lot line.

51. LOT LINE, STREET OR ALLEY.

Any line separating a lot from a street or alley.

52. MASTER DEED.

The condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and approved condominium subdivision plan for the project

53. MOBILE HOME.

A structure, transportable in 1 or more sections, which is built on chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes plumbing, waste water disposal, heating, air-conditioning, and electrical systems contained in the structure and regulated by PA 96 of 1987.

#### 54. MOBILE HOME PARK

A parcel of land under the control of a person upon which 2 or more mobile homes are located on a continual non recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

#### 55. NONCONFORMING BUILDING.

Any building or portion thereof lawfully existing at the time of this Ordinance became effective and which now does not comply with its regulations.

#### 56. NONCONFORMING USE.

Any use of property which was lawful at the time of this Ordinance became effective and which now does not comply with its regulations.

#### 57. PARKING SPACE, OFF-STREET.

Any accessible area not less than one hundred eighty (180) square feet exclusive of access drives and aisles and which is not located on a public street or alley right-of-way and has a shape satisfactory for such use.

#### 58. PETROLEUM BULK PLANT.

An establishment for the storage of petroleum, in bulk and in packages, for distribution by tank car, tank vehicle or motor truck.

#### 59. PROFESSIONAL BUILDING

Office building for occupancy by financial, insurance, bookkeeping and real estate firms; civic, religious and charitable organizations, and similar businesses or agencies.

#### 60. PUBLIC UTILITY.

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under federal, state or municipal regulations. to the public, electricity, gas, steam, water, sanitary sewer, communications, telegraph, or transportation.

#### 61. PUD

Planned Unit Development

**62. QUANTITY THRESHOLD FOR REGULATION OF HAZARDOUS SUBSTANCES.**

Any commercial or industrial facility that uses, stores or generates hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).

**63. SITE CONDOMINIUM.**

A division of land on the basis of condominium ownership which is not subject to the provisions of the "Subdivision Control Act, Public Act 288 of 1967, as amended.

**64. STABLE, PRIVATE.**

Any building for shelter of horses not kept for remuneration, hire or sale.

**65. STREET.**

Any thoroughfare, other than an alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.

**66. STRUCTURE.**

Anything, including a building constructed or erected, the use of which required permanent location on the ground, or attached to something having permanent location on the ground.

**67. TOWNHOUSE**

One of a group of three or more dwelling units, each of which has primary ground access to the outside and are attached to each other by party walls.

**68. TRAILER OR TRAILER COACH.**

Any vehicle designed to be drawn by an automotive vehicle, including self-propelled house coaches.

**69. USABLE FLOOR AREA.**

Usable floor area, for the purpose of computing parking requirements, is net floor area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage of merchandise, or for utilities shall be excluded from this computation of "Usable Floor Area."

#### 70. USED CAR LOT.

A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven off of the lot. A used car lot shall not be used for the storage of wrecked automobiles, the dismantling of automobiles for the storage of automobile parts.

#### 71. WETLANDS.

Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

1. Contiguous to an inland lake or pond, or a river or stream.
2. Not contiguous to an inland lake or pond, or a river or stream; and more than 5 acres in size; except this subdivision shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the Department of Natural Resources certifies to the commission of natural resources it has substantially completed its inventory of wetlands in that county.
3. Not contiguous to an inland lake or pond, or a river or stream and 5 acres or less in size if the Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the Department of Natural Resources has so notified the owner; except this subdivision may be utilized regardless of wetland size in a county in which subdivision (2) is of no effect; except for the purpose of inventorying, at the time.

#### 72. YARD; LEAST DEPTH OR WIDTH.

The shortest horizontal distance from each of the lot lines to the building thereon.

#### 73. YARD, FRONT.

The open space extending the whole width of the lot between building and front lot line.

#### 74. YARD, REAR.

The open space extending the full width of the lot between a building and rear lot line..

#### 75. YARD, REQUIRED.

A required open space on a lot, containing only landscaping or other uses or structures as provided by this zoning ordinance.

76. YARD, SIDE.

The open space extending from the front yard to the rear yard between building and the side lot line.

77. ZONING ADMINISTRATOR.

A person appointed by the Village to administer the zoning ordinance.

**SECTION 4**

**GENERAL PROVISIONS**

## SECTION 4

### GENERAL PROVISIONS

#### 1. ZONING; APPLICATION THEREOF.

Except as hereinafter provided, no building, structure or land shall be used and no building or part thereof or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered except in conformity with these regulations.

#### 2. CONTINUING EXISTING USES.

Any building, structure or use lawfully existing upon the effective date of this ordinance may be continued.

#### 3. RESTORING UNSAFE BUILDINGS.

When any building or part thereof is declared unsafe by the Building Inspector nothing in this ordinance shall prevent compliance with lawful requirements, or the strengthening or restoring to a safe condition.

#### 4. PROHIBITED DWELLINGS

No building, other than the principle building, shall be used for residential purposes when in area zoned for single family residential. In areas that allow multi-dwelling unit housing, only buildings originally constructed for residential purposes shall be used as dwellings.

#### 5. ACCESSIBILITY OF RESIDENTIAL LOT

Any lot used for residential purposes shall have a width equal to the minimum lot width requirement of the district they are located in facing on a street, or in the event that a lot does not face a street, there shall be a private easement of access at least 60 feet wide. with the setback of the residence off the easement equal to the front yard setback in that district. The width of the lot along the easement shall be equal to the required yard width requirements of the district.

#### 6. ACCESSORY BUILDINGS.

- a. IN ANY DISTRICT. Any part of a detached accessory building shall be no closer to the front lot line than the front line of the principal building. Accessory buildings may be erected as a part of or connected to the principal building, but in either case shall be considered a part of the principal building, provided all yard requirements for a principal building are complied with.

b. IN RESIDENTIAL DISTRICTS. Accessory buildings shall be within the required rear yard; shall not be more than sixteen feet (16') in height, with a maximum door height of twelve feet (12'); not less than six feet (6') from any other building on the same lot and not less than five feet (5') from any property line, except a side street lot line in which case the minimum distance shall be that of the principle building.

c. IN RESIDENTIAL DISTRICTS. A maximum total square feet area of 1,000 feet.

#### 7. REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.

No lot shall be divided or reduced so as to make the required area or dimensions less than the minimum required by this ordinance. Nor shall any yard required for a principal building be included as a part of a yard required under this ordinance for any other building.

#### 8. YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE.

A lot having a side yard line along any zoning boundary line of a less restricted district shall have a side yard not less than the minimum width required for the adjoining side yard for the more restricted district.

#### 9. FENCES OR WALLS

Fences or walls with a height not to exceed six (6) feet may be constructed in all yards except a required front yard or side yard on the street side of a corner lot street yard. In residential districts, fences or walls may not be constructed beyond the front of the principal building or side yard on the street side of a corner lot street yard, except ornamental fences not exceeding 30 inches in height and constructed in such a manner not to form a solid barrier. Park fences and baseball backstops are exempt from the six-foot height limitation when part of an approved site plan. Fencing shall be constructed of new materials designed for that purpose. The use of barbed or razor wire or similar material is prohibited. All posts and hardware shall be facing inward and not toward neighboring properties.

#### 10. VISION CLEARANCE ON CORNER LOTS.

On any corner lot in any residential district, no fence, sign, other structure or plantings higher than three and one-half (3 1/2) feet above established curb grade, except trees with a minimum clearance of eight (8) feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on the lot lines twenty (20) feet distant from the corner.

11. EXCEPTION TO AREA LIMITS.

A single-family dwelling may be constructed on any officially platted and recorded lot which has less than the minimum area required by this ordinance unless said platted lot changes ownership after adoption of this ordinance.

12. EXCEPTION TO SIDE YARDS.

Side yards on lots with less than sixty six foot (66') frontage in case of Residence "1" district and eighty (80') foot frontage in case of Residence "2" districts, may be provided as follows:

- a. The sum of both side yards shall be at least equal to thirty (30) percent of the total frontage of the lot.
- b. The width of either side yard shall be at least equal to ten (10) percent of the total frontage of the lot
- c. The width of the side yard adjacent to a side street shall be at least equal to twenty-five (25) percent of the total frontage of the lot.

13. EXCEPTION TO FRONT YARDS.

In any residence district the front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within one hundred (100) feet of said lot and within the same block front; provided the front yard depth shall not be less than ten (10) feet and need not exceed by more than ten (10) feet the minimum front yard depth required by other provisions of this ordinance.

14. EXCEPTION TO HEIGHT LIMITS.

Church spires, belfries, cupolas, domes, chimneys, smokestacks, flagpoles, radio towers, masts and aerials, television antennae, water towers, fire and hose- towers, elevator bulkheads, ornamental towers, monuments, transmission towers, cooling towers, parapet walls not exceeding three (3) feet in height, and necessary mechanical appurtenances are exempt from the height requirements of this ordinance. Backstops and park fences are exempt from the height limitations when part of an approved site plan.

15. YARDS, STRUCTURES OR PROJECTIONS PERMITTED IN REQUIRED YARDS.

- a. Terraces, steps, uncovered porches, decks and other similar features shall not be located closer than five (5) feet from any lot line.

- b. Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters and other similar features may project into a required yard but no more than three (3) feet.
- c. Bays, including their cornices and eaves, balconies and fireplaces, may project into a required rear yard, but no more than three (3) feet.
- d. A fire escape, fire tower or outside stairway may project into a required yard, but not more than three (3) feet.

#### 16. ESSENTIAL SERVICES.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village of Roscommon, it being the intention hereof to exempt such essential services from the application of this ordinance.

#### 17. ONE-FAMILY DWELLING REGULATIONS.

A one-family dwelling and any additions or alterations thereto, erected or placed in the Village shall conform to the following regulations in addition to all other regulations of this ordinance:

- a. It shall comply with all pertinent building, construction and fire codes for single-family dwellings. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- b. The plan outline of the dwelling, including only the heated living area, shall be large enough to contain within it a square of 20 feet on each side, and must contain at least 1200 square feet. This size requirement shall not make any houses existing at the date of amendment non-conforming so that they cannot be enlarged or improved.
- c. It shall be firmly attached to a permanent foundation constructed on the site in accordance with the currently adopted Building Code, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- d. In the event that a dwelling is a mobile home, as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- e. It shall be connected to a public sewer and water supply, if available, or if not available to private facilities approved by the Roscommon County Health Department.

f. It shall comply with all pertinent zoning, subdivision and other ordinances regulating use, floor area, minimum width lot size, setback, yards, etc., in the zoning district in which it is located.

## 18. SITE CONDOMINIUMS.

a. Pursuant to authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59 of 1978, as amended, the Village of Roscommon Planning Commission must approve all site condominium developments.

b. Fees. Fees for the review of site condominiums shall be established by resolution by the Roscommon Village Council.

c. Zoning Compliance. All site condominium subdivisions and structures herein shall comply with all the use, size, sign, height, area and setback regulations of the zoning district in which the subdivision is located.

d. Site Condominium review and approval procedures. Application for review and approval of site condominium procedures shall be made pursuant to the approval procedures outlined in Section 11 "Site Plan Review".

e. Site Condominium Subdivision review application - Required information. A person, firm or corporation shall provide the following information with respect to the project:

1. Information as required under the Site Plan Review Provisions of this ordinance.

2. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs and utilities.

3. Street and utility specifications and sectional diagrams.

i. If a site condominium is proposed to have private streets the Planning Commission shall require that the private streets be developed to the minimum design, construction inspection, approval and maintenance requirements of the Village.

ii. All private streets in a site condominium, subdivision shall have a paved driving and parking surface of asphalt or concrete.

iii. A storm drainage and storm water management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.

iv. Utility plan shall show all sanitary sewer, water, and storm sewer lines and easements granted to the Village for installation, repair and maintenance of all utilities, and meeting all of the Village standards for construction of utilities in the Village

4. All areas within the 100 year floodplain, wetland areas or bodies of water.

5. Existing and projected topographical contours at a minimum of two (2) foot intervals.

6. A copy of the proposed Master Deed and restrictions.

7. A completed Environmental Assessment Worksheet.

f. Expansion or Conversion of Site Condominium projects. Prior to expansion or conversion of a Condominium project to additional land, the new phase of the project shall undergo site plan review and approval.

## 20. OFF-PREMISE SIGNS.

Off premises signs are prohibited within the Village of Roscommon unless placement is on property under direct control of a public entity and written permission has been secured from the Village. (amended effective 8/18/02)

## 21. OUTDOOR SEATING.

No person or entity shall operate a restaurant in the Downtown Commercial District (C-1) which provides outdoor seating for the purpose of serving food or beverages to customers without a valid outdoor seating permit. No person or entity shall operate a business in the Downtown Commercial District (C-1) which provides outdoor seating as a part of that business without a valid outdoor seating permit. Said permit shall be in addition to any other license required by the Village of Roscommon or any other governmental unit. An outdoor seating permit shall only be granted if the establishment is in compliance with all federal, state and local laws, rules and ordinances.

### a. Standards

Outdoor seating that meets the requirements of this section shall be treated as a permitted accessory use of the restaurant or business.

All outdoor seating shall meet the following standards.

1. Seating shall not be located on a public right-of-way or a side yard abutting a residential district.
2. Any music in the outdoor area must comply with the Village Noise Ordinance.

3. Operation of the outdoor seating area shall be limited to such times as the main place of business is open and in no event before 6:00 a.m. or after 11:00 p.m.
4. Self-closing trash containers shall be required in the outdoor seating area.
5. The outdoor seating area must at all times meet all applicable federal, state and village laws, ordinances and regulations concerning accessibility.
6. The outdoor seating area shall not obstruct any fire exit, fire escape or other required ingress or egress.
7. Operation of the outdoor seating area shall be limited to April 1 to November 1.
8. The outdoor seating area must be located on property owned by the proprietor or leased exclusively for the purpose of a restaurant.
9. No food or beverages shall be kept or stored in the outdoor seating area.
10. Outdoor lighting must be directed downward so as to not illuminate a residential district.
11. Used dishes, utensils or food scraps may not be kept in the outdoor seating area.

b. Procedure

1. The applicant must complete the Application form and return it to the Village Office with the required inspection fee.
2. The Village council shall from time to time review the amount of the inspection fee and determine the amount of the fee.
3. The Village department public works and fire department will review the accompanying plan for safety concerns.
4. The Village Zoning Administrator will review the application. When the zoning administrator determines that the application is complete, it will be submitted to the Planning Commission.
5. The Planning Commission will review the application and any comments of the village officials. If the application is complete and meets the standards in this ordinance, they will approve the application, deny the application with and explanation, or approve the application with conditions.
6. The Zoning Administrator shall inspect the final construction of the area to insure that it complies with the approved plan.
7. If an additional inspection is necessary, an additional fee will be charged.
8. When a permit is approved, it shall be valid until November 1 of the same calendar year.
9. Outdoor seating permits may be suspended or revoked by the Village Council for non-compliance with any federal, state, or local law, ordinance, or regulation.

c. Application

The application for an outdoor seating permit shall include all of the following:

1. Name and mailing address of the applicant.
2. A copy of a valid food license for the establishment.
3. The annual license fee.
4. A scale drawing of the site indicating all of the following:
  - A. The existing façade of the building.
  - B. Points of ingress and egress.
  - C. Property lines surrounding the outdoor seating area.
  - D. The uses of adjacent property.
  - E. The proposed location of tables, chairs, serving equipment, planters, fences, umbrellas and other facilities.
  - F. The material that will be used for furniture, fencing and other facilities.

## **SECTION 5**

### **BUFFER YARD CRITERIA**

## SECTION 5

### BUFFER YARD CRITERIA

1. PURPOSE - The purpose of these regulations are to provide a flexible method of protecting the various uses permitted in the Village of Roscommon zoning ordinance from adverse impacts associated with adjacent uses.

2. LAND USE CLASSIFICATIONS - The buffering requirements of this ordinance are based upon the type of use being developed and the type of uses adjacent to it. Uses are divided into three classes

- a. Class I – Residential 1 and 2 districts
- b. Class II – Residential 3 district
- c. Class III - All other districts with the exclusion of Mix Development District
- d. Class IV - All uses permitted by Special Use Permit in the Mixed Development zoning district

### 3. BUFFER YARDS

The buffer yard is a designated unit of yard or open area together with any plant materials, barriers or fences required thereon. Both the amount of land and the type and amount of landscaping specified are for the purpose of eliminating or minimizing potential nuisances such as noise, glare, activity, dirt, unsightly parking areas and so forth.

It is a further intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements - distance, plant material type, plant material density and structural or landforms.

### 4. LOCATION OF BUFFER YARDS

Buffer yards shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street right-of-way.

### 5. DETERMINATION OF BUFFER YARD REQUIREMENTS

To determine the type of buffer yard required between two adjacent parcels, the following procedure shall be followed:

- a. Identify the Land Use Class of the proposed use by referring to section 2.

- b. Identify the Land Use Class of each adjoining use by referring to section 2.
- c. Determine the buffer yard requirements for those side and rear lot lines or portion thereof, on the subject parcel, by referring to Table 1 below. The buffer yards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining buffer yards.
- d. When a development use is proposed adjacent to vacant land within the Mixed Development zoning district, the vacant land shall be treated as a Class 1 use, unless a building permit or site plan approval has been issued for another class of use. If the development is proposed adjacent to vacant land in another zoning district, then the vacant land shall be treated as if it were developed using the least intensive use permitted in that district.
- e. Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class I to Class III), the Planning Commission shall, during the site plan review process, determine if additional buffer yard is needed and if so to what extent and type.

**TABLE 1**

LAND USE CLASS	ADAJACENT EXISTING LAND USE CLASS			
	I	II	III	IV
I	*	A	B	B
II	A	*	B	B
III	B	B	*	A
IV	B	B	A	*

\*No buffer yard required

**6.BUFFER YARD WIDTH AND PLANTING**

Table 2 indicates the specifications of each buffer yard. Buffer yard requirements are stated in terms of the width of the buffer yard and the number of plant units required per one hundred (100) linear feet of buffer yard. The requirements of a buffer yard may be satisfied by any of the options indicated. Existing plant material or fences that comply with the approved materials listed may be counted as contributing to the total buffer yard requirement.

**TABLE 2**

<b>BUFFER YARD TYPE</b>	<b>WIDTH OF BUFFER YARD</b>	<b>PLANT UNITS PER 100' OF BUFFER YARD LENGTH</b>
A	10'	1-S
	7.5'	1-E 1-S
	5'	1-E 2-S
B	30'	1-T 1-E 1-S
	25'	1-T 2-E 1-S
	20'	3-E 2-S
	10'	3-E 2-S FENCE

T= Deciduous Tree  
 E = Evergreen  
 S = Deciduous Shrub

- a. Plant Materials - All plant materials required within a specified buffer yard shall be planted to completion within six (6) months from date of approval of the site plan and thereafter be properly maintained.

The following landscape/plant materials are approved for the required buffer yards:

Deciduous Trees: Flowering Crabapples, Hawthorn, Amelanchier, Serviceberry, Flowering Plums, Juneberry, Mountain Ash

Evergreen: Arborvitae, Northern White Cedar, Juniper species, Mugho Pine

Deciduous Shrubs: Forsythia, Burning Bush, Spirea, Honeysuckle (not Tartarian) Cotoneaster

- b. Fencing must be six-foot (6') in height, solid in construction, and constructed of wood, concrete, vinyl, masonry or brick.

**SECTION 6**

**OFF-STREET PARKING**

## SECTION 6

### OFF-STREET PARKING

#### OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

##### 1. LOCATION

Off-street parking required in conjunction with all land and building uses shall be provided as herein prescribed:

- a. Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9) feet in width.
  - i. Driving aisles between parking rows shall be at least twenty-five (25) feet in width.
- b. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified it shall be to the nearest point of the building that such facility is required to serve along public right-of- ways.
  - i. For all residential buildings, required parking shall be provided on the same lot or contiguous lot with the building.
  - ii. For commercial buildings and uses, required parking shall be provided within 300 feet.
  - iii. For industrial uses, required parking shall be provided within 1000 feet
- c. Two or more buildings or uses may collectively provide their required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In case of dual functioning of off-street parking where operating hours do not overlap, the Zoning Board of Appeals may grant a special exception based upon the peak hour demand.
- d. Off-street parking existing at the effective date of this ordinance shall not be reduced to an amount less than would hereafter be required under the terms of this ordinance.
- e. The use of required off-street parking areas for storage of merchandise, motor vehicles for sale, or commercial repair of vehicles is prohibited.

f. Employee parking for districts other than Residential 1, Residential 2 and Commercial 1 must be provided at a minimum of 1 parking space per 4 employees on the maximum working shift. The parking spaces for employees are a separate requirement from the required off street parking listed below.

## 2. SCHEDULE OF OFF-STREET PARKING SPACES

In all districts, except Residential 1, Residential 2 and Commercial 1 Districts, in connection with every industrial, commercial, business, trade, institutional, recreational or dwelling uses and similar uses, parking or storage of motor vehicles shall be provided in accordance with the following schedule:

a. Automobile Sales and Service Garages - 1 space per 250 square feet of floor area.

b. Banks, Business and professional Offices - 1 space per 200 square feet of floor area and six stacking spaces for each drive in window.

c. Bowling Alleys - 5 parking spaces for each alley.

d. Churches and places of Public Assembly - 1 parking space for each 5 seats.

e. Dance Halls, Roller Rinks, Assembly Halls, without fixed seats - 1 space per 100 square feet of floor area used for dancing or assembly.

f. Multi family dwellings – 1 parking space for each bedroom, maximum of 2 spaces per living unit.

g. Funeral Homes and Mortuaries 1 parking space per 25 square feet of floor area of assembly room

h. Hospitals - 1 parking space for each 2 beds.

i. Convalescent/Nursing Homes - 1 parking space for each 2 bedrooms.

j. Libraries, Museums, Art Galleries, Community Center Buildings, Municipal, County, State and Federal Administration Buildings, Schools and Colleges - 1 space per 120 square feet of floor area

k. Manufacturing Plants and Public Utilities - 1 space per 600 square feet of floor area, or 1 parking space for each four employees on the maximum working shift, whichever is greater.

l. Hotels, Clubs, Lodging Houses, Motels, and Bed and Breakfast - 1 parking space per sleeping or dwelling unit.

m. Restaurants, Taverns, Bars and Cocktail Lounges - 1 space per 60 square feet of floor area.

n. Retail Stores and Wholesale Sales (except self-serve food market or Supermarket) - 1 space per 100 square feet of usable floor area.

o. Self-Serve Food Market or Supermarket - 1 space per 60 square feet of usable floor area.

p. Theaters - 1 parking space for each 4 seats.

q. Warehouses - 1 space per 2000 square feet of floor area.

r. Mobile Home Parks/subdivisions – an on site parking space 9' x 20' for at least two (2) vehicles.

s. In the case of a building, structure or premises, the use of which is not specifically mentioned herein, the provision for a use which said use is similar, as determined by the Planning Commission, shall apply.

### 3. PLANS; APPROVAL.

Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits and any other features of the parking lot. All plans shall be approved through the site plan review process as described in this ordinance.

### 4. ARRANGEMENT; MARKING.

Off-street parking areas shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking or storage of self- propelled vehicles.

### 5. SURFACE.

Off-street parking areas in Commercial districts shall be surfaced with asphalt, bituminous, concrete or pavement.

Off-street parking areas in Residential and Industrial districts shall be surfaced with asphalt, bituminous, concrete, pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.

## 6. COMMERCIAL 1 DISTRICT.

Off-street parking requirements are not applied in the Commercial 1 district, which is designed to accommodate a traditional downtown area with on street parking and centrally located off-street parking.

**SECTION 7**

**DISTRICT CHANGES AND ORDINANCE AMENDMENTS**

## SECTION 7

### DISTRICT CHANGES AND ORDINANCE AMENDMENTS

#### 1. SUBMITTAL TO PLANNING COMMISSION.

In accordance with the provisions of Act 207 of the Public Acts of 1921, as amended, the Village Council may from time to time amend, or change by ordinance, the number, shape or area of districts established on the Zoning Map or the regulations set forth in the ordinance; but no such amendment or change shall become effective unless the ordinance proposing such amendment or change shall first be submitted to the Village Planning Commission for approval, disapproval or suggestions and said Planning Commission shall have been allowed a reasonable time, not less than sixty (60) days, for consideration and report.

#### 2. APPLICATION TO VILLAGE COUNCIL.

Any person or persons desiring a change in the zoning ordinance text or map shall make application to the Zoning Administrator. In case of a zoning ordinance text amendment, a letter shall be submitted which shall contain the requested change and the reason for such change; in case of a desired Zoning Map change, a petition shall be submitted which shall describe the property involved, the zone change desired and the reason for such change. With either type of request there shall be a fee established by the Village Council.

#### 3. PUBLIC HEARING.

The Zoning Administrator shall refer all applications for a change in the zoning ordinance text or map to the Village Planning Commission. The Planning Commission shall conduct a public hearing on the proposed amendment or change after posting notice of hearing at least fifteen (15) days prior to the date of hearing, by publication in an official paper or a paper of general circulation in the Village of Roscommon and by certified United States mail to each public utility company and railroad company within the Village that requires notification, and in case of a proposed Zoning Map change, to all property owners within three hundred (300) feet of the boundaries of the property proposed to be changed. All public notices (including publication in the newspaper and letter) shall state the time and place of hearing, the proposed amendment in case of an ordinance text change, and the description and proposed zone change of the property in question in case of proposed zoning district change. The omission of the name of any owner or occupant of property who may, in the opinion of the Village Planning Commission, be affected by such amendment or change, shall not invalidate any ordinance passed hereunder, it being the intention of this section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Village Council proposing to make a change in the Zoning Map or the regulations set forth in this ordinance.

The Planning Commission shall make a recommendation on the disposition of the request, including the reasons for their recommendation. This recommendation and a summary of the comments submitted at the public hearing shall be included in a report that shall be transmitted to the Village Council before the council makes a decision on the request.

#### 4. PROTEST.

After receiving recommendation and report from the Village Planning Commission, the Village Council shall review the request. They may conduct additional public hearings on the matter, in which case they shall follow the notice requirements established for the Planning Commission's public hearing. Following their review, the council may deny the request or enact an amendment to the Zoning Ordinance. If a protest petition opposing a proposed zoning amendment is presented to the Village Council before final action on that request and is signed by the owners of twenty (20) percent or more of the land included in such change, or by the owners of twenty (20) percent or more of the land included within an area extending outward three hundred (300) feet from any point on the boundary of the land included in the change, such amendment shall not be passed except by the favorable vote of two thirds (2/3) of the members of the Village Council.

**SECTION 8**

**ADMINISTRATION**

## SECTION 8

### ADMINISTRATION

#### 1. RESPONSIBILITIES IN ZONING ADMINISTRATION

The administration of this zoning ordinance is the joint responsibility of the zoning administrator, building inspector, planning commission, zoning board of appeals and village council.

##### a. Zoning Administrator

The Village Council shall appoint a zoning administrator to carry out the day to day administration and enforcement of this ordinance.

The zoning administrator's duties shall include the following items and other tasks as assigned by the Village Council.

- i. Issue zoning compliance permits - The zoning administrator shall be responsible for review and approval of zoning compliance permits. The administrator shall keep a copy of all applications received and a record of action taken on them and shall provide any applicant denied a permit the reasons for the denial in writing.
- ii. Inspections - The zoning administrator shall be empowered to make inspections of building or premises as required to enforce this ordinance.
- iii. Application - The zoning administrator shall be responsible for taking applications for zoning ordinance text amendments, special use permits, variances, appeals or ordinance interpretation. The administrator will also undertake whatever investigation of the requests required by the Planning Commission or Zoning Board of Appeals prior to the presentation of the request.
- iv. Records - The zoning administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this ordinance as well as records of all special use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning compliance permits issued.
- v. Complaints - The zoning administrator shall respond in writing to all complaints regarding violations of the zoning ordinance within sixty (60) days. A record of the complaint, and the findings of the investigation shall be maintained. The zoning administrator shall report on the status of current complaints at the Planning Commission meetings.

b. Building Inspector

The Building Inspector or designee shall be responsible for the following items in administration of the zoning ordinance.

- i. Building Permit - The building inspector shall be responsible to authorize issuance of building permits as required in this ordinance.
- ii. Certificate of Occupancy - The building inspector shall ensure that all construction meets the requirements of the zoning compliance permit issued for the job and that the construction sites has been cleared of all construction related debris before issuing a certificate of occupancy.
- iii. Permit to Raze Building - No building shall be razed until a permit has been obtained from the Building Inspector. Demolition and site cleanup must be completed within twenty-one (21) days of permit issuance

c. Planning Commission

The Planning Commission shall be responsible for the following items in administration of the zoning ordinance.

- i. Amendment to Zoning Ordinance Text or Map - The Planning Commission shall conduct a public hearing on requests to amend the zoning map, i.e.: rezoning, or the zoning ordinance text. The public hearing will be held as required in Section 7.3. Following the public hearing the Planning Commission will submit their recommendations on the request, including their reasons, to the village council, in the form of a written report.

The Planning Commission may initiate an amendment to the zoning ordinance map or text.

- ii. Special Use Permits - The Planning Commission shall conduct a public hearing on requests for special use permits, following the requirements in Section 10.2e.
- iii. Site Plans - The Planning Commission shall review site plans submitted to it following the requirements in Section 11.1 and shall approve, approved with conditions or deny the site plan, stating their reasons for doing so.

d. Village Council

The Village Council shall be responsible for the following items in administration of the zoning ordinance.

- i. Zoning Ordinance Text and Map Amendments - The Village Council shall be responsible for approving or rejecting all requests for amendments to the zoning ordinance text or map under the provisions of Section 7.
- ii. Fees - The Village Council shall be responsible for setting all fees required under this ordinance.
- iii. Special Use Permits - Following a public hearing and recommendation by the planning commission, the Village Council shall approve, approve with conditions or deny the application, stating their reasons for doing so.

## 2. PERMITS AND CERTIFICATES

### a. Zoning compliance permit

A zoning compliance permit is required when a new building is built or moved onto a piece of property, an existing building is expanded, property changes use, or any work is performed on a nonconforming use or structure. The permit shall include the following information:

- i. Location, shape and dimensions of the parcel, with location of easements and centerline of road.
- ii. The location, dimensions, and height of existing and proposed buildings.
- iii. The existing and intended uses.
- iv. The proposed number of bedrooms, dwelling units, employees and anticipated number of customers if applicable.
- v. Existing and proposed front, side and rear yard setbacks and parking areas.

The purpose of the permit is to ensure that all construction is performed in compliance with this ordinance.

### b. Building Permit

After receipt of a zoning compliance permit, a person may apply for a building permit. No person shall hereafter begin the construction, alteration, or repair of any building or other structure, change the use within any building or structure or move into any structure within the Village before first having obtained a building permit therefore from the Building Inspector as hereinafter provided. Fees for building permits shall be established by the Village Council.

Application for any such permit shall state the name and address of the owner and contractor, the address or description of the premises, statement of intended use, and a statement of the value of the improvements. It shall be accompanied by a site plan and such plans and specifications as Building Inspector shall consider being necessary to determine that the requirements of this ordinance and of any other applicable laws or ordinances for which he is responsible for enforcement will be complied with.

Issuance of a permit shall in no case be construed as waiving any provision of this ordinance, and the Building Inspector is without authority to alter or vary the terms of this ordinance in carrying out his duties, and any permit so issued is void and of no effect.

A building permit shall become void unless construction commences within ninety (90) days of the issuance thereof, and unless construction is completed within eighteen (18) months from the date of issuance thereof except as otherwise provided in this ordinance. A building permit may be extended for an additional period by the Building Inspector, provided the applicant demonstrates that, his failure to complete construction within said eighteen (18) month period was due to special circumstances beyond his control and that an extension is necessary to complete such construction.

c. Certificate of Occupancy

No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been signed by the Building Inspector, any other applicable inspector, Director of Public Works and Zoning Administrator stating that the building and use comply with all of the provisions of this ordinance applicable to the building or premises or the use in the district in which it is to be located.

No change shall be made in the use of land or in the use of any building or part thereof, now or hereafter erected, reconstructed, or structurally altered, without a Certificate of Occupancy having been issued by the Building Inspector, and no such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.

### 3. REMEDIES AND ENFORCEMENT

The Zoning Administrator or any other officer of the Village designated by the Village Council to enforce the provisions of this ordinance, or any person or persons aggrieved by any violation thereof may institute a suit in a court of competent jurisdiction to restrain a person or governmental unit from violating the provisions of this ordinance or to take any other legal action permissible for the enforcement thereof.

a. Civil Penalties: Any building erected, moved, altered, razed, or converted, or land or premises used in violation of any provision of this ordinance or the requirements thereof, is hereby declared to be a nuisance. Any person, firm, or corporation which violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall be fined not less than fifty dollars (\$50.00) not more than five hundred dollars (\$500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Village may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation against the person found to have violated this ordinance or the orders, rules, regulations and permits issued hereunder.

b. Falsifying information: Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a penalty of not to exceed ninety (90) days in the county jail or a fine of not to exceed five hundred dollars (\$500.00), or both, at the discretion of the court, plus the costs and expenses of prosecution

The imposition of any such sentence shall not except the offender from compliance with the requirements of this ordinance.

## **SECTION 9**

### **NONCONFORMING LAND, BUILDING AND STRUCTURAL USES**

## SECTION 9

### NONCONFORMING LAND, BUILDING AND STRUCTURAL USES

#### 1. PURPOSE

It is the intent of this ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this ordinance, although such use of land or structure may not conform to the provisions of this ordinance. Further, it is the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within the Village of Roscommon shall be subject to the conditions and requirements set forth in this section.

#### 2. CONTINUANCE OF NONCONFORMING USES

a. Structural Changes: The building that is nonconforming shall not be structurally changed, or enlarged unless the resultant changed, altered, or enlarged building conforms to the provisions of this ordinance for the district in which it is located.

b. Repairs: Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciation, and wear, provided that such repair does not exceed an aggregate cost of 51 percent of the state equalized value of the building unless the subject building is changed by such repair to a conforming building or structure.

c. Alterations and Improvements: Nothing in this ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, provided that such alteration does not increase the height, area, bulk, or use of the building and provided that such improvements do not exceed an aggregate cost of 51 percent of the state equalized value of the building unless the subject building is changed by such improvement to a conforming structure.

d. Prior Construction Approval: Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a zoning compliance permit and a building permit has been issued prior to the effective date of this ordinance, provided that construction is commenced within 90 days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of 30 days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

#### 3. RESTORATION OF DAMAGE:

Any nonconforming use damaged by fire, explosion, or an act of God, or by other causes beyond the control of the owner may be restored, rebuilt, or repaired to previous existing structural dimensions.

#### 4. DISCONTINUANCE OR ABANDONMENT

Whenever a nonconforming use has been discontinued for one (1) year, such discontinuance shall be considered conclusive evidence of an intention to abandon the nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be reestablished.

#### 5. REVERSION TO A NONCONFORMING USE

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert back to a nonconforming use.

#### 6. DISPLACEMENT OF A CONFORMING USE

No nonconforming use shall be extended to displace a conforming use.

#### 7. ILLEGAL NONCONFORMING USES

Those alleged nonconforming uses that cannot be proved conclusively to have been existing prior to the effective date of this ordinance shall be declared illegal nonconforming uses and shall be immediately discontinued.

#### 8. CHANGES IN ZONING DISTRICT

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

#### 9. NONCONFORMING LOTS AND PARCELS

Notwithstanding limitations imposed by other provisions of this ordinance, any permitted use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the district in which such lot is located.

If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of said lots or parcels shall be used or occupied which does not meet lot width and area requirements established by this ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated In this ordinance.

**SECTION 10**

**SPECIAL USE PERMITS**

## SECTION 10

### USES AUTHORIZED BY SPECIAL USE PERMIT

#### 1. INTENT AND PURPOSE

Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this zoning ordinance, and insure that the land use of activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. In order to provide controllable and reasonable flexibility, this section permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone procedure, the Village Council has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

#### 2. GENERAL STANDARDS AND REQUIREMENTS.

The following section, together with previous references in other sections of this ordinance, designates specific uses that require a special use permit and, in addition, specify the procedures and standards which must be met before such a permit can be issued.

#### 3. PERMIT PROCEDURES

An application for a special use permit for any land or structure use permitted under this ordinance shall be submitted and processed under the following procedures:

- a. Submission of Application - Any application shall be submitted through the Zoning Administrator. Each application shall be accompanied by the payment of a fee as established by the Village Council. No part of any fee shall be refundable.
- b. Data Required - Every application shall be accompanied by the following information and data:
  - i. An application form supplied by the Village, filled out in full by the applicant, including a statement of supporting evidence concerning required findings.
  - ii. Site plan, as required in Section 11

c. Changes in the Site Plan - The site plan, as approved, shall become part of the record of approval. Subsequent actions related to the activity authorized, shall be consistent with the approved site plan unless a change conforming to this ordinance receives the mutual agreement of the landowner and the Village Council.

d. Approval of the Site Plan by Compliance - A site plan shall be approved if it contains the information required by this ordinance and is in compliance with the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes.

e. Public Hearing - The application, along with all required data shall be transmitted to the Village Council for review. After adequate review and study of the application, one (1) notice of a public hearing on the special use permit shall be published in a newspaper of general circulation in the Village of Roscommon and shall be sent by first class mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the boundary of the property in question, and to occupants of all structures within 300 feet, except that the notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) partnership, business or organization, one (1) occupant of each unit or spatial area owned or leased by different individuals shall be notified. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the entrance to the structure. The notice shall:

- i. Describe the nature of the special land use request.
- ii. Indicate the property that is the subject of the special land use request.
- iii. State when and where the public hearing on the special land use request will be held.
- iv. Indicate when and where written comments will be received concerning the request.

f. Village Council - At the meeting following the public hearing, the Village Council shall consider the special use permit applications. If additional study is deemed necessary, it shall establish the date of an additional public hearing. The decision rendered by the Village Council on the special use permit application shall be accompanied with a clear explanation of the reason for the action taken. Any permit issued shall contain all the specified conditions under which the use is allowed. Only upon approval of the Village Council shall the Zoning Administrator issue a special use permit.

g. Permit Expiration - A special use permit issued under this section shall be valid for a period of one (1) year from the date of the issuance of said permit. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of said permit. The Village Council shall review every special use permit and the associated land use prior discontinuance of said permit based on whether the activities, structure and other site characteristics satisfactorily comply with the conditions stipulated in the special use permit. After the first year review, the Council may extend the permit for periods of longer than one (1) year.

If an activity permitted by a Special Use Permit is discontinued for a period of one (1) year, such permit is expired.

h. Permit Revocation - The Village Council shall have the authority to revoke any special use permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. Prior to permit revocation, the Village Council shall hold a public hearing on the revocation, meeting the same notice requirements as required for issuance of a Special Use Permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.

i. Violation and Penalties - Failure to terminate the use for which the permit was granted within sixty (60) days is declared to be a Nuisance per Se and a violation of this ordinance.

j. Reapplication - No application for a special use permit which has been denied wholly or in part by the Village Council shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the ground of newly-discovered evidence or proof of changed conditions.

#### 4. BASIS FOR DETERMINATIONS

Before making a recommendation on a special use permit application, the Village Council shall establish that the following general standards, as well as the specific standard outlined in each applicable section of this ordinance shall be satisfied.

a. General Standards - The Village Council shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use on its proposed location will:

i. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Village of Roscommon.

ii. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

iii. Not be hazardous or disturbing to existing uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

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

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

vi. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to insure compliance with these standards.

vii. Be related to the valid exercise of police power and purposes that are affected by the proposed use or activity.

b. Conditions and Safeguards - The Village Council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of this ordinance will be observed. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Village Council and the landowner. The Zoning Administrator shall maintain a record of changes granted in conditions. The breach of any condition, safeguard, or requirement shall, as determined by the Village Council following a public hearing, invalidate the permit granted.

## 5. SPECIFIC STANDARDS AND REQUIREMENTS

The following are specific standards for some of the uses permitted by Special Use Permit and should be applied in addition to the general requirements above.

### a. GRAVEL PITS

- i. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained safe to all trespassers and any other persons having reason to be within the area of gravel mining activity.
- ii. No business or industrial buildings or structures of permanent nature shall be erected, except that when such building is permitted use within the district in which the gravel pit is located.
- iii. No truck parking or storage shall be located within two hundred (200) feet of any adjacent residence, or within fifty (50) feet of any other adjacent property.
- iv. All of the operation shall be screened with a uniformly painted wood fence six (6) feet in height and with evergreen screen planting on any side adjacent to residentially zoned property.
- v. No part of the operation or removal shall take place closer than two hundred (200) feet from the nearest adjacent residence or closer than one hundred (100) feet from any street line.
- vi. After the natural resources have been removed the property shall be restored by the replacement of topsoil and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.
- vii. All truck operations shall be directed away from residential streets.
- viii. The Village Council may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operation at any time specified conditions are not maintained.

### b. WELLS

- i. This category covers drilling operations for any underground natural resource.

ii. No business or industrial buildings or structures of a permanent nature shall be erected, except that when such building is a permitted use within the district in which the drilling is located.

iii. No truck parking or storage shall be located within two hundred (200) feet of any adjacent residence, or within fifty (50) feet of any other adjacent property.

iv. All of the operation shall be screened with a uniformly painted wood fence six (6) feet in height and with evergreen screen planting on any side adjacent to residentially zoned property.

v. No part of the operation or removal shall take closer than two hundred (200) feet from the nearest adjacent residence, or closer than one hundred (100) feet from any street line.

vi. After the natural resources have been removed the property shall be restored by the replacement of topsoil and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour be caused to blend as nearly as possible with the natural surroundings.

vii. All truck operations shall be directed away from residential streets.

vii. The Village Council may require such bond as deemed necessary to insure that requirements are fulfilled, and may revoke permission to operate at any time specified conditions are not maintained.

#### c. RADIO AND TELEVISION STATIONS

i. All buildings shall be at least one hundred (100) feet from all property lines.

ii. All masts, towers, aerials and transmitters shall be at least a distance, equal to the height of such structures, from all property lines.

iii. The buildings shall conform with the character of the neighborhood in which they are located.

**Section 11**

**SITE PLAN REVIEW**

## SECTION 11

### SITE PLAN REVIEW

#### 1. PURPOSE

Various provisions of this ordinance require review of site plans before certain types of administrative approval may be granted. The Zoning Administrator and/or Planning Commission reviews site plans or plot plans before issuing a zoning compliance permit. The Zoning Board of Appeals conducts such reviews before granting various types of requests. However, for certain activities, a formal Site Plan Review process is required. This section defines the procedures and standards to be used for such a review.

#### 2. SITUATIONS REQUIRING A FORMAL SITE PLAN REVIEW.

The Planning Commission must review and approve site plans before granting approval to Special Land Use Permits. In addition, a Site Plan Review before the Planning Commission is hereby required for any zoning compliance permit request that meets one of the following conditions.

- a. The proposed project will have more than four dwelling units
- b. The proposed project is commercial or industrial.
- c. The proposed project will require 50 or more parking spaces as determined by the off street parking requirements in Section 6.
- d. The project site is larger than five acres and involves a use other than a single-family residence.
- e. The proposed project has indicated the need for a site plan review based on answers to the Wellhead Protection Site Plan Review Questionnaire. (see Appendix)

At no time shall a site plan be required as part of the decision on a rezoning request. This is because the determination to rezone property should be based on the merits of the proposed zoning district, the uses it would allow, and their effect on the subject property, surrounding land use and their relation to the Master Plan.

### 3. SITE PLAN REVIEW PROCEDURES AND PROCESS.

The following is an outline of the formal Site Plan Review process.

- a. Application Deadlines - If a zoning application requires site plan review by the Planning Commission pursuant to Section 11.2, a complete application package must be received at least fifteen days before the date of the Planning Commission meeting it is to be reviewed at. If a Site Plan Review is being conducted for a Special Use Permit, the application deadline specified for that process would apply.
- b. Application Material - Applications requiring Site Plan Review, in addition to meeting the requirements of Section 11.3 must be accompanied by a fee as established by the Village Council and by at least four copies of a site plan which meets the requirements below. The application will not be reviewed until the complete application package and appropriate fee has been submitted.
- c. Site Plan Requirements - Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submitted will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the zoning compliance permit issued pursuant to site plan approval, and is subject to the enforcement provisions of section 8.3 of this ordinance.
  - i. Scale - The site plan must be drawn to a consistent scale of not less than one inch equals fifty feet for sites of three acres or less, or one inch equals two hundred feet for larger sites.
  - ii. Identification - The applicant's name, address, mailing address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
  - iii. Property Information - The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it including all existing and proposed easements or rights of way. The present zoning classification of the site, and of adjacent properties must be identified. A legal description of the property must accompany the site plan.
  - iv. Site Features - The site plan should depict existing environmental conditions, including the location of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, any existing structures including those proposed for removal, and other significant conditions. The approximate location and use of structures and location of the nearest driveways on adjacent or opposing parcels should be shown.

v. Transportation Features - The site plan must show the location and surface type of all existing and proposed public roads, access drives internal vehicle circulation areas, parking lots (including number and location of handicapped spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup areas.

vi. Utilities. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities such as natural gas, electricity, telephone and cable television.

vii. Structures - The site plan must show the location, and dimensions, including height, of all proposed buildings, accessory structures and related features. For multi-family housing developments, the number of units in each building must be identified. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.

viii. Supplementary Material - The site plan shall be complemented by any additional information, which in the Planning Commissions opinion, is important to the site plan review process. This could include, but not be limited to, an assessment of the proposed projects impact on Wellhead Protection; environmental, historic, social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors or fire hazards.

d. Staff Review of Site Plan - The following outlines the staff review of the site plan.

i. Persons Involved - Before the site plan is reviewed by the Planning Commission, the Zoning Administrator, Public Works Director, Wellhead Protection Coordinator and Higgins Township Fire Chief or their designees, shall be given the opportunity to review and comment on it. In addition, the Zoning Administrator shall submit the plan to any other department of Village or County government that he or she believes would have an interest in some aspect of the proposed project. The Zoning Administrator shall submit the comments received along with recommendation on the action to be taken to the Planning Commission.

- ii. Standards To Be Used - Reviewers shall address the considerations identified by the Review Standards in Section 11.4 . If a Site Plan Review is being conducted for a proposed Special Use Permit, that addition Special Use Permit standards shall also be considered.

e. Planning Commission Review of Site Plan - The Planning Commission shall address the site plan review at a public meeting. A public hearing will be held only if any party submits a written request to the Zoning Administrator prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts on the site plan. However a Site Plan Review does not require a public hearing or special notification of anyone. The findings of the staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

- i. Approval - An affirmative vote of a majority of the Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any Zoning compliance permit issued for the proposed project. Deviations from the site plan will only be permitted as outlined in Section 11.3(f).

- ii. Conditional Approval - The Planning Commission may elect to attach conditions to its approval of the site plan. Conditions must be justified by one or more of the requirements of this ordinance or by provisions of other local, state or federal laws.

These conditions, along with the authority and reasoning which justifies them must be included in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become part of the site plan, and any violation of the conditions will only be permitted as outlined in Section 11.3(f).

Approval of any proposed site plan that must also receive approval from other public agencies shall be conditioned on the granting by those agencies approvals. This shall include any variance that must be issued by the Zoning Board of Appeals. Approval of a variance for conditions which differ from the those depicted on the site plan or specified in the conditional approval does not require additional approval by the Planning Commission.

iii. Denial with Explanation - Failure to comply with one of the review standards listed in section 11.4 is the only justification for denial of a site plan. The vote of a majority of the Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must include a statement as to which review standard was not met by the site plan, and how the plan failed to meet the standard. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny included.

f. Deviations From Approved Site Plan - It is recognized that unforeseen circumstances can necessitate changes in the project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all Site Plan Review Standards have been complied with. These deviations shall be documented as described further in this section.

However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, the administrator shall immediately notify the permit holder and the Planning Commission that the site plan approval has been suspended. The permit holder's notice shall be delivered by first class mail to the address listed on the permit. If construction has begun, a stop work order shall be issued by the building inspector, affecting that portion of the project that is not in compliance with Site Plan Review Standards.

Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project to conform to the Review Standards or of restarting the Site Plan Review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder and the Planning Commission that the project's site plan has again been approved.

If any deviations from an approved site plan are made, an "as built", version of the site plan shall be provided to the Zoning Administrator before any performance guarantee attached to the Zoning compliance permit may be fully refunded or a Certificate of Occupancy is issued.

g. Record To Be Maintained - The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the zoning compliance permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator.

#### 4. SITE PLAN REVIEW STANDARDS.

All site plan reviews shall use the following set of standards to judge whether the plan should be approved or denied.

No off site improvements can be required as a condition for site approval, unless the applicant has volunteered to construct such improvements as documented by their site plan drawing. However, if the lack of such off site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

- a. Zoning District Regulations - The project must comply with the applicable zoning district regulations regarding use, dimensions, off street parking and any other aspects of development.
- b. Special Use Standards - If the site plan review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the use must also be satisfied.
- c. Transportation - Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road rights of way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is questioned, the input of the Roscommon County Road Commission shall be sought.
- d. Utilities - Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on site. Private utility services, including electricity, telephone, and natural gas, must be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.
- e. Fire Protection - The proposed project must comply with applicable fire safety regulations. Also, current fire department personnel and equipment must be sufficient to serve the project. Finally, location number and capacity of fire hydrants must be adequate to serve fire suppression needs.

f. Environment - Natural features of the landscape should be retained whenever practicable to serve as a buffer between the project and adjoining properties or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site will be developed with the goal of controlling any negative impact the project might have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Roscommon County Health Department or other agencies.

g. Consistency with Ordinance Intent - The site plan should be consistent with the purpose and objectives of this ordinance and with the purpose of the Zoning District in which the subject parcel is located.

**SECTION 12**

**PLANNED UNIT DEVELOPMENT**

## SECTION 12

### PLANNED UNIT DEVELOPMENT

#### 1. PURPOSE

The provisions of this section provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments. It is the intent of this section to authorize the use of planned unit development regulations for the purpose of encouraging the use of land in accordance with its character and adaptability; conserving natural resources and energy; encouraging innovation in land planning; providing enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Village; and bringing about a greater compatibility of design and use.

#### 2. PUD

- a. Planned unit development treatment may be applied in any zoning
- b. Any land use authorized in this ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or adjacent to the development.
- c. The applicant for a planned unit development must demonstrate all of the following as a condition to being entitled to planned unit development treatment:
  - i. Grant of the planned unit development will result in one of the
    - a. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
    - b. Long-term protection and/or preservation of natural resources and natural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; or
    - c. A nonconforming use shall, to a material extent, be rendered more conforming, or offensive, to the zoning district in which it is situated.

- ii. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, and utilities in relation to the use otherwise permitted by this , and shall not place an unreasonable burden upon the subject and surrounding land and/or property owners and occupants and/or the natural environment.
- iii. The proposed development shall be consistent with the public health, safety and welfare of the Village.
- iv. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
- v. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this chapter.

### 3. PROJECT DESIGN

- a. Residential uses shall be permitted with the following maximum density, based upon the zoning district in which the property is situated immediately prior to classification under this article:
  - i. Eight (8) dwelling units per gross acre in R-1
  - ii. Ten (10) dwelling units per gross acre in R-2
  - iii. Twelve (12) dwelling units per gross acre in R-3
- b. Nonresidential uses shall be permitted as part of a common development with residential units to the extent the applicant demonstrates by expert analysis, and the planning commission finds, in its discretion, that the nonresidential uses shall principally serve the persons residing in the residential units in the project, provided, the nonresidential uses, including without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.
- c. For nonresidential uses, minimum lot area requirements of the district in which a use is a permitted physical use shall apply, subject to the provisions of the immediately following paragraph. The planning commission shall resolve all ambiguities.

d. All regulations applicable to lot size, lot width, setback, parking and loading, general provisions and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon regulations of the zoning district in which the property is situated immediately prior to classification under this ordinance. For all special uses, regulations applicable to the respective uses shall apply. The planning commission, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this paragraph, deviations with respect to such regulations may be granted as part of the overall approval of the planned unit development, provided there are features or elements deemed adequate by the planning commission designed into the project plan for the purpose of achieving the objectives of this ordinance.

e. Additional density of up to twenty-five (25) percent greater than specified in subsection (a) for residential uses may be allowed in the discretion of the planning commission based upon a demonstration by the applicant of design excellence in the planned unit development resulting in a material benefit to all or a significant portion of ultimate residential uses of the project, including, without limitation, development of innovative design producing significant energy efficiency, pedestrian or vehicular safety, or long term aesthetic beauty.

f. To the maximum extent feasible, the development shall be designed so as to preserve natural resources and natural features. In the interpretation of this provision, natural resources and natural features may be impaired or destroyed only if it is clearly in the public interest to do so. In determining whether action is in the public interest, the benefit which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features. To accomplish this balancing, the following criteria shall be applied: The availability of feasible and prudent alternative methods of accomplishing the development; the extent and permanence of the beneficial or detrimental effects of the proposed activity; the size, quality and rarity of the natural resources or natural features which would be impaired or destroyed.

g. There shall be a perimeter setback and berming, as found to be necessary by the planning commission, for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes nonresidential uses adjacent to a district authorizing residential uses, and/or if the project is larger than one (1) acre in area, such perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet at the discretion of the planning commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

h. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.

i. There shall be underground installation of utilities, including but not limited to electricity, telephone and cable television.

j. In all cases where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system, and its related walkways and safety paths, shall be separated from vehicular thoroughfares and ways.

k. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project. shall be designed and completed with the objectives of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

l. In all cases where nonresidential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The planning commission, in its discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent the achievement of the screening objectives.

#### 4. PROCEDURE FOR REVIEW AND APPROVAL

a. The grant of a planned unit development application shall require a rezoning.

b. Prior to the submission of an application for planned unit development approval, the applicant may submit to the planning commission a preliminary site plan of the proposed planned unit development, as well as the following information: Total number of acres in the project; a statement of the number of residential units, if any, the number and type of nonresidential units, and the number of acres to be occupied by each type of use; the known deviations from ordinance regulations to be sought; the number of acres to be preserved as open or recreational space; and all known natural resources and natural features to be preserved.

c. The planning commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the planning commission shall provide the applicant with written comments, which shall be part of the official minutes of the planning commission.

d. Within six (6) months following receipt of the planning commission comments on the preliminary site plan the applicant shall submit to the Zoning Administrator, four (4) copies of a final site plan conforming with section 12.5. This plan shall constitute an application to amend this ordinance and shall be noticed for public hearing before the planning commission, and otherwise acted upon by the planning commission, and the Village Board, as and to the extent provided by law. With and in addition to the regular report submitted by the planning commission in connection with a rezoning application, the planning commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the Village Board must exercise discretion.

## 5. FINAL PLANS

Final plans shall include the following:

- a. All requirements of the Land Division Ordinance, Village of Roscommon (Ordinance Number 71).
- b. A plan showing the type, location and density of all residential and nonresidential structures which would include streets, alleys and walkways.
- c. All open spaces including preserves, recreational areas, and the like, and each purpose proposed for such areas.
- d. A separately delineated specification of all deviations from this ordinance that would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article. This specification should include ordinance provisions from which deviations are sought, and the reason and mechanisms to be utilized for the protection of the public health, safety, and welfare in lieu of the regulations from which deviations are sought.
- e. A detailed landscaping.
- f. A specific schedule of the intended development and construction details, including phasing or timing, and the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities and visual screening features.
- g. A specification of the exterior building materials with respect to the structures proposed in the project.
- h. Signatures of all parties having an interest in the development.

## 6. CONDITIONS

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner. Conditions imposed shall be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole, shall be reasonably related to the purposes affected by the planned unit development, and shall be necessary to meet the intent and purpose of this ordinance, and be related to the objective of ensuring compliance with the standards of this ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

## 7. PHASING AND COMMENCEMENT OF THE PLANNED UNIT

a. Phasing. Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and nonresidential uses, phasing shall contemplate that at least thirty-five (35) percent of all proposed residential units are completed concurrent with the first phase of any nonresidential construction; completion of at least seventy-five (75) percent of all proposed residential construction prior to the second phase of nonresidential construction and completion of one hundred (100) percent of all residential construction prior to the third phase of nonresidential construction. For purposes of carrying out this provision, the percentages shall be approximations as determined in the discretion of the planning commission after recommendation from the Zoning Administrator.

b. Commencement and completion of construction. Construction shall be commenced within one (1) year following final approval of a planned unit development, or within one (1) year of any other necessary governmental approval for commencement of the project whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the schedule established for it in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void provided, an extension for a specified period may be granted by the planning commission upon good cause shown if such request is made to the board prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the Village shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required and shall be reviewed in light of then existing and applicable law and ordinance provisions.

#### 8. EFFECT OF AMENDMENT.

If and when approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment.

#### 9. FEE

The amount of any fees associated with the PUD application process shall be established by Village Council.

**Section 13**

**ZONING BOARD OF APPEALS**

## SECTION 13

### ZONING BOARD OF APPEAL

#### 1. CREATION, MEMBERSHIP, TERM OF OFFICE

##### A. Creation and Membership

There is hereby created a Zoning Board of Appeals consisting of three (3) members; one of which is the Village President. No other member of the Village Council shall be a member of the Zoning Board of Appeals. Members shall be appointed by the Village Council to serve for a period of three (3) years except the first appointments made hereby; two members shall be appointed for one year, two members for two years, and one member for three years. Thereafter, all appointments shall be made for three years.

##### B. Alternate Members

The Village Council shall also appoint two alternate members for the same terms as regular members of the Zoning Board of Appeals. The first member so appointed shall serve for a term of two years and the second alternate member shall serve for a term of three years. Thereafter, all appointments shall be made for three years. The alternate members shall be called on a rotating basis to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. Upon notification of the planned absence of a regular Zoning Board of Appeals member, an alternate member shall be designated to attend the meeting in place of the regular member. If another regular member should also be absent, the other alternate shall be designated to sit in that regular member's place. Alternate members shall have the same voting rights as regular members of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such circumstance, the alternate member shall serve in that case until a final decision has been made.

#### 2. POWERS AND DUTIES

The Zoning Board of Appeals shall act upon the following questions as they arise in the administration of this ordinance:

- a. The interpretation of the zoning map and zoning ordinance text.
- b. Appeals from a requirement, decision or determination made by an administrative official charged with the enforcement of this ordinance.

- c. Requests for variance in the dimensional requirements of this ordinance including height, setback building size, lot coverage, lot width and lot size as well as street parking and loading requirements and sign regulations.
- d. Expansion or change in a nonconforming use, structure or lot.
- e. The Zoning Board of Appeals shall not have any authority to review, reverse or in any way modify or revise any decision made by or condition imposed by the Village Council.

### 3. FEE

A fee established by the Village Council shall accompany each appeal or application for variance.

### 4. COMPENSATION

All members, with the exception of the Village President, shall receive a portion of the filing fee as compensation for their services in attending meetings. Sum to be paid shall be determined by Village Council resolution.

### 5. MEETINGS, RECORDS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may specify. The Chairman, or in his/her absence, the acting Chairman, may, to the extent permitted by law, administer oaths and compel the attendance of witnesses. All meetings must comply with the "Open Meetings Act," Act No. 267 of the Public Acts of Michigan of 1976, as amended. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Village Clerk and which shall be a public record.

### 6. PROCEDURE

- a. When an application or appeal has been filed in proper form and appropriate fees paid, the Zoning Administrator shall place that application or appeal on the calendar for a public hearing at the next meeting of the Board and cause notices stating the time, place, and object of the hearing to be served. Such notices shall be served personally or by first class mail at least fifteen (15) days prior to such hearing upon the applicant or appellant, and the owners of property as appears upon the assessment records and occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notices, if by mail, shall be addressed to the respective property owners or tenant at the address given on the last assessment roll. In the event any property immediately adjacent to said premises shall be part of a different governmental subdivision, the owner of any such property shall nevertheless receive notice and shall be entitled to be heard.

- b. Upon the day for the hearing of any application or appeal, the Board may adjourn the hearing in order to obtain additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, if it is set before adjournment.
- c. At the hearing, any party may be heard in person or by agent or attorney.
- d. The Board may reverse or affirm wholly or partly the administrative decision; or may modify the order, requirement, decision or determination at issue, and to that end shall have all the powers of the officer from whom the appeal was taken. The Board may direct the issuance of a permit.

The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant in any matter upon which it is required to pass under this ordinance or to effect any variation in such ordinance, except use variance.

## 7. STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of appeal is filed that by reason of facts stated in the certificate, a stay would cause eminent peril to life or property. In that event, proceedings shall not be stayed other than by a restraining order that may be granted to the Village by the Circuit Court.

## 8. TIME TO AND NOTICE OF APPEAL: TRANSMISSION OF RECORDS

Appeals of administrative actions shall be taken to the Zoning Board of Appeals within 21 days of the date of such actions by the filing of a notice of appeal with the Zoning-Administrator. The Zoning Board of Appeals shall take final action of an appeal within 90 days of the date of filing. The Zoning Administrator shall transmit to the Board all the papers constituting the record of the action being appealed.

## 9. CONDITIONS

The Zoning Board of Appeals may impose conditions with any affirmative decision. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased facility loads, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land 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 that 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 insure compliance with those standards.

## 10. STANDARDS FOR VARIANCES

No variance of the provisions or requirements of this ordinance shall be authorized by the Zoning Board of Appeals unless the Zoning Board of Appeals finds, from reasonable evidence, that all of the following facts and conditions exist:

- a. To issue a variance authorizing the use of a building or land for a use not normally permitted within that zoning district, the applicant must demonstrate unnecessary hardship by showing that
  - i. The property cannot be put to a reasonable use under the requirements of the district that the parcel is located in.
  - ii. The problem is due to unique circumstances peculiar to the property and not to general neighborhood conditions.
  - iii. The proposed use would not alter the essential character of the area. the problem is not self created
  - iv. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done

- b. To issue a variance on that modifies the dimensional requirements of this ordinance, such as setbacks, minimum lot size or maximum building height, the applicant must demonstrate practical difficulty by showing that
- i. The standard for which the variance is being granted would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome
  - ii. The variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others
  - iii. The problem is due to circumstances unique to the parcel
  - iv. The problem is not self created
  - v. Issuance of the variance would still ensure that the spirit of the ordinance is observed, public safety secured and substantial justice done.

#### 11. APPEAL OF ZONING BOARD OF APPEALS DECISION

Any appeal of Zoning Board of Appeals Decisions shall be made to the Circuit Court within twenty-one (21) days of the approval of the minutes of the meeting at which the decision was made.

**SECTION 14**

**SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS,  
PREVIOUS ZONING ORDINANCE REPEALED.**

## SECTION 14

### SEVERABILITY, REPEAL OF CONFLICTING PROVISIONS, PREVIOUS ZONING ORDINANCE REPEALED.

#### 1. SEVERABILITY

The provisions of this ordinance are severable. If any provision or any part of any provision is determined to be unconstitutional or invalid for any reason, by any court, such invalidity shall not affect the remaining provisions or parts of any provision of this ordinance which can be given effect without the invalid portion of application.

#### 2. CONFLICTING PROVISIONS REPEALED

Where a provision of this ordinance conflicts with a provision of another applicable law, rule, regulation or ordinance provision, the stricter requirement shall prevail and apply unless the other applicable law, rule, regulation or ordinance pre-empts the zoning ordinance in which case it shall apply whether it is the stricter requirement or not.

#### 3. PREVIOUS ZONING ORDINANCE REPEALED

Village Ordinance #29 entitled "Zoning Ordinance, Village of Roscommon" adopted by Village Council of the Village of Roscommon and effective August 21, 1963, as amended is repealed.

## **APPENDIX**

Illustrations

Zoning map (kept in permanent book)

WellHead Protection Questionnaire

## **Appendix**

### **WHP Questionnaire for Site Plan Review**

To be completed with all building applications

Designed to facilitate Wellhead Protection

1. Does this project and or related improvements involve storm water retention, detention or drainage?
2. Are there any floor drains that would be connected to the public sewer system or on site holding tank?
3. Will hazardous substances, hazardous waste or other potentially polluting materials be used, stored or generated on site?
4. Will there be any secondary containment facilities provide for the above ground storage of any hazardous substances, hazardous waste or other potentially polluting materials?
5. Will there be any under ground storage tanks providing for the storage of any hazardous substances, hazardous waste or other potentially polluting materials?
6. Will this project and/or related improvements involve abandonment of any existing water well, above ground storage containers or under ground storage containers?
7. Will this project and/or related improvements be located within 100 feet of a watercourse, water bodies or wetlands?
8. What impact will the project and/or related improvements have on wetlands, watercourses, water bodies or other natural landscape?
9. Will this project and/or related improvements involve construction of any wells?

## **Additional Site Plan Submittal Requirements**

### **Based on Answers to WHP Questionnaire**

- \_\_\_ Indicate of site plan the direction of drainage flow.
- \_\_\_ Location and elevations of existing watercourses and water bodies, including municipal drains and surface drainage ways, floodplains and wetlands.
- \_\_\_ Proposed Storm water management plan, including designs of sewers, outlets and retention or detention ponds. Sufficient data regarding site runoff estimates and off site drainage patterns shall be provided to permit review of the feasibility of storm water retention and/or detention as well as the impact on local surface and groundwater.
- \_\_\_ Location and status of any floor drains in structures on site. The point of discharge for all drains and pipes shall be specified on the site plan.
- \_\_\_ Description and location of any existing or proposed outdoor storage facility (above ground and below ground storage)
- \_\_\_ Description and location of any on-site wastewater treatment and disposal system.
- \_\_\_ Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells or wells used for industrial processes.
- \_\_\_ Size, location and description of any proposed interior or exterior areas of structures for storing, using, loading or unloading of hazardous substances, hazardous wastes and/or polluting materials.
- \_\_\_ Inventory of hazardous substances to be stored, used or generated on-site, presented in a format acceptable to the Zoning Administrator and local fire chief.
- \_\_\_ Indication of areas on-site which are known or suspected to be contaminated.

## **WHP Site Plan Review**

### **Additional Review Standards**

In addition to standards indicated elsewhere in this ordinance, the following additional standards for site plan review shall be utilized as deemed necessary when dealing with Wellhead protection.

- The project and/or related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, ground waters, rivers, streams and wet lands.
- Storm water detention, retention and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage and filtering capacity of wetlands, watercourses and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or ground waters, on-site or off-site. Storm water facilities shall conform to the requirements of the county drain commissioner.
- General-purpose floor drains shall be connected to public sewer systems only when authorized by DPW Director and only in accordance with Village requirements. On site holding tanks for floor drains shall be constructed in accordance with state, county and Village requirements, unless a ground water discharge permit has been obtained from MDEQ. General-purpose floor drains which discharge to ground water are prohibited.
- Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used or generated shall be designed to prevent spills and discharges of such materials into the air, surface of the ground, ground water, rivers, streams or wetlands.
- Secondary containment facilities shall be provided for aboveground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with local, state and federal requirements. Above ground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains or other means, directly or indirectly into a sewer system or into the waters of the state, including ground waters.

- Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the MDEQ.
- Out of service or abandoned underground storage tanks shall be closed and removed in accordance with the regulations of the MDEQ.
- Above ground storage tanks shall be certified, installed, operated, maintained, closed and removed in accordance with the regulations of the MDEQ.
- Abandoned water wells (wells that are no longer in use, are in disrepair, or are in violation of Village ordinances), abandoned monitoring wells and cisterns shall be plugged in accordance with the regulations and procedures of the MDEQ, the Roscommon County Health Department, and the Village ordinances.