

Chapter 370

ZONING

GENERAL REFERENCES

Planning Commission — See Ch. 45.

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Wastewater system — See Ch. 350.

Water — See Ch. 354.

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ARTICLE I

Authority; Purpose; Preamble; Title**§ 370-1. Legislative authority; purpose.**

This chapter enacted under Act 110, of the Public Acts of 2006, as amended, governing the incorporated portions of the City of Roseville, Macomb County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; and to regulate and limit the height and bulk of buildings, and other structures; to regulate and to determine the size of yards, courts and open spaces; to regulate and limit the density of population; and for said purposes to divide the Municipality of Roseville into districts and establishing the boundaries thereof; providing for changes in the regulations, restrictions and boundaries of such districts; defining certain terms used herein; providing for enforcement; establishing a Board of Zoning Appeals; and imposing penalties for the violation of the standards of this chapter.

§ 370-2. Preamble.

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and the general welfare of the inhabitants of the City of Roseville by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding of the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements, and by other means, now therefore, the City of Roseville ordains the following.

§ 370-3. Title.

This chapter shall be known and may be cited as the "City of Roseville Zoning Code."

ARTICLE II
Word Usage; Definitions

§ 370-4. Construction of language.

The following rules of construction apply to the text of this chapter.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. The words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes the whole or any part thereof.
- F. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either. . .or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions or events shall apply singly or in any combination.
 - (3) "Either. . .or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- I. Terms not herein defined shall have the meanings assigned to them in the Webster's Standard Dictionary.

§ 370-5. Terms defined.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

ACCESSORY USE or ACCESSORY — A use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking or loading spaces) located on the same zoning lot with the principal use to which it is related. When "accessory" is used in this text, it shall have the same meaning as "accessory use." An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers and private vehicle garages;
- B. Swimming pools for the use of the occupants of a residence and their guests;
- C. Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure;
- D. Home occupations;
- E. A newsstand primarily for the use of the occupants of a building, when the newsstand is located on the same premises with the building;
- F. Storage of merchandise normally carried in stock and which is directly used in connection with a business or industrial use on the premises, unless such accessory storage is specifically prohibited as set forth in the regulations of the zoning lot on which the principal use is located;
- G. Storage of goods and materials used in the manufacture of a product made on the same premises, unless such storage is specifically prohibited as set forth in the regulations of the zoning lot on which the principal use is located;
- H. Accessory off-street parking spaces, open or enclosed, on the same premises as the use they are intended to serve, except as otherwise permitted in the P-1 Vehicle Parking District as set forth in this chapter;
- I. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located;
- J. Accessory signs located on the same premises as the principal use.

ADOLESCENT — A male or female human being less than 18 years of age and shall have the same meaning as a "minor child" as defined in MCLA § 722.111, Sec. 1(1)(o), of the Child Care Organizations Act, Act 116 of the Michigan Public Acts of 1973, as amended.

ADULT — For the purposes of this chapter, shall mean a male or female human being 18 years of age or older, as defined in MCLA § 400.703, Sec. 3(1)(a) of the Adult Foster Care Licensing Act 218 of the Michigan Public Acts of 1979, as amended.

ADULT FOSTER CARE — A facility for the care of adults, over 18 years of age, as licensed and regulated under the Adult Foster Care Facility Licensing Act,¹ as amended, and the associated rules promulgated by the State of Michigan. Such organization shall be defined as follows:

- A. **ADULT FOSTER CARE FAMILY HOME** — A private residence with capacity to receive not more than six adults who shall be provided foster care for five or more days a week and for two or more consecutive weeks.
- B. **ADULT FOSTER CARE SMALL GROUP HOME** — An adult foster care facility with capacity for not more than 12 adults who are provided foster care.
- C. **ADULT FOSTER CARE LARGE GROUP HOME** — An adult foster care facility

1. Editor's Note: See MCLA § 400.701 et seq.

with capacity for at least 13 but not more than 20 adults who are provided foster care.

ADULT HOUSING, DEPENDENT — A multiple-family housing form with individual sleeping rooms or dwelling quarters served by a central dining facility which provides a basic daily service to each occupant, either in the central dining facility or in their individual dwelling units, as well as nursing care and limited medical care. Each dwelling unit may or may not contain a central dining facility. **[Added 1-8-2008 by Ord. No. 1210]**

ADULT-ORIENTED USE — Includes the following uses as herein defined:

- A. **ADULT ARCADE** — Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still- or motion-picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- B. **ADULT BOOKSTORE or ADULT VIDEO STORE** —
- (1) A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion-picture, video cassettes or video reproductions, slides, or other audio-visual representations which depict or describe specified sexual activities or specified anatomical areas, and
 - (b) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store.
 - (2) Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.
- C. **ADULT CABARET** — A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
- (1) Persons who appear in a state of nudity;
 - (2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; and
 - (3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of

specified sexual activities or specified anatomical areas.

- D. ADULT MOTEL — A hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
 - (2) Offers a sleeping room for rent for a period of time that is less than 10 hours; and
 - (3) Allows a tenant or occupant of a sleeping room to sublet the room for period of time that is less than 10 hours.
- E. ADULT MOTION-PICTURE THEATER — A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. ADULT THEATER — A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- G. ESCORT — A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. ESCORT AGENCY — A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- I. ESTABLISHMENT — Includes any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business.
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business.
 - (3) The additions of any sexually oriented business to any other existing sexually oriented business.
 - (4) The relocation of any sexually oriented business.
- J. NUDE MODEL STUDIO — Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

- K. NUDITY or A STATE OF NUDITY — The appearance of a human bare buttocks, anus, male genitals, female genitals, or full female breast.
- L. PAWNBROKER USE — Pawnbroker business as defined in the Roseville Code of Ordinances, State Public Acts or substantially similar business.
- M. PERMITTEE and/or LICENSEE — A person in whose name a permit and/or license to operate a sexually oriented business has been issued as well as the individual listed as the applicant on the application for a permit and/or license.
- N. PERSON — An individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. SEMINUDE — A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- P. SEXUAL ENCOUNTER CENTER — A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
 - (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.
- Q. SEXUALLY ORIENTED BUSINESS — An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion-picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. Sexually oriented businesses are classified as follows:
- (1) Adult arcades;
 - (2) Adult bookstores or adult video stores;
 - (3) Adult cabarets;
 - (4) Adult motels;
 - (5) Adult motion-picture theaters;
 - (6) Adult theaters;
 - (7) Escort agencies;
 - (8) Nude model studios;
 - (9) Sexual encounter centers.
- R. SPECIFIED ANATOMICAL AREAS — The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.
- S. SPECIFIED SEXUAL ACTIVITIES — Includes any of the following.
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.

- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
- (3) Masturbation, actual or simulated.
- (4) Excretory functions as part of or in connection with any of the activities set forth in Subsection S(1) through (3) above.

T. TATTOO PARLOR — An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted, whether or not in exchange for compensation.

U. TATTOO, TATTOOED, TATTOOING — Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

AGENCY GROUP HOME — A small child-caring institution owned, leased, or rented by a licensed agency providing care for more than three but less than 13 minor children.

ALLEY — Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATIONS — A change, addition, or modification in construction or type of occupancy, any change in the structure of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

ANTIQUÉ SHOP — An establishment engaged in the selling of used merchandise that is at least 100 years old, excluding motor vehicle parts, tires, recreational vehicles (RVs) and mobile homes. The objects sold have a special value because of their age, especially a domestic item or piece of furniture or handicraft esteemed for its artistry, beauty, or period or origin. It can be any piece of furniture or decorative object or the like produced in a former period and valuable because of its beauty or rarity. **[Added 3-26-2013 by Ord. No. 1259]**

APARTMENT — A room or suite of rooms in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT HOTEL — A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

APARTMENT HOUSE — See "dwelling, multiple-family."

ARCADE, ADULT — See "adult-oriented use."

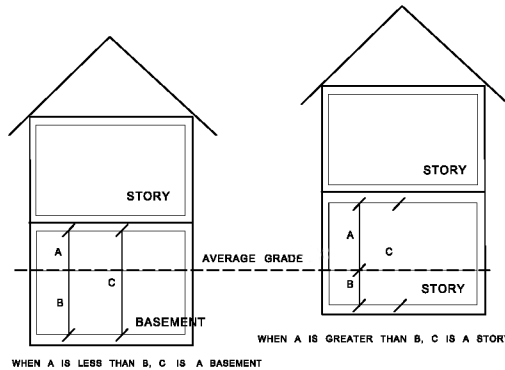
AUTOMOBILE REPAIR — See "motor vehicle repair."

AUTOMOBILE SERVICE CENTER — A building or premises used primarily for the sale and installation of major automobile accessories, such as tires, batteries, radios, air conditioners and mufflers, plus such services as brake adjustment and wheel alignment

and balancing; but excluding any major mechanical repairs, collision work, undercoating or painting. Sale of gasoline (stored in underground tanks) shall be incidental to the above-enumerated activities.

BASEMENT — That portion of a building that is partly or completely below grade.

BASEMENT AND STORY



BED-AND-BREAKFAST — A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment.

BLOCK — The property abutting one side of a street and lying between the two nearest such streets (crossing or terminating) or railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the City.

BOARDING OR ROOMING HOUSE — A building other than a hotel where, for compensation, meals or lodging and meals are provided for not more than 10 persons in addition to the members of the family occupying the premises.

BOARD OF ZONING APPEALS — The Board of Zoning Appeals of the City of Roseville.

BRICK — See "face brick."

BUILDING —

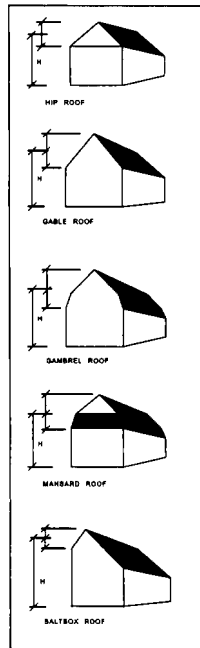
- A. Any structure which:
 - (1) Is permanently affixed to the land;
 - (2) Has one or more floors and a roof;
 - (3) Is bounded by either open area or the lot line or a platted lot.
- B. A building shall not include such structures as fences, or structures such as gasholders, tanks, grain elevators, coalbunkers, or similar structures.

BUILDING, ACCESSORY — See "accessory."

BUILDING AREA — The space remaining on a property for building purposes after compliance with minimum building setback requirements and any applicable lot area coverage limitations.

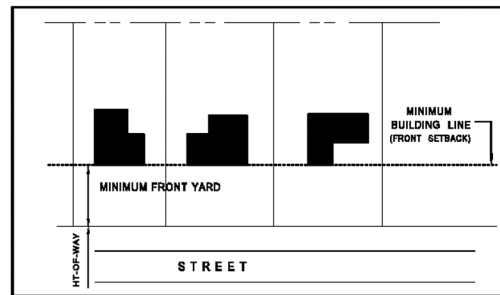
BUILDING HEIGHT — For a principal use, the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the decline of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. For an accessory building, the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs and to the ridgeline for mansard, gable, hip and gambrel roofs.

BUILDING HEIGHT



BUILDING LINE — A line formed by the exterior surface of the building opposite the front lot line; and for the purposes of this chapter, a minimum building line is the same as a front setback line.

BUILDING LINE



BUILDING, MAIN OR PRINCIPAL — A building in which is conducted the principal purpose of the land on which it is situated.

BUILDING, MULTIPLE-FAMILY — See "apartment building."

BUILDING, ONE-FAMILY — See "dwelling (one-family)."

BUILDING, TWO-FAMILY — See "dwelling (two-family)."

CELLAR — See "basement."

CEMETERY — Land used or intended to be used solely for burial of the human dead and dedicated for such purpose.

CEMETERY, PET — Land used or intended to be used solely for burial of nonhuman dead and dedicated to such purpose.

CENTER COMMERCIAL — A large, commercial-oriented land use that draws City-wide or regionally and which is characterized by large buildings or complexes of buildings with substantial building setbacks, large parking lots, a uniform architecture, etc.

CHILD — See "adolescent."

CHILD-CARE INSTITUTION — A child-care facility that is organized for the propose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four-hour basis, in buildings maintained by the child-caring institution for that purpose, and operates throughout the year. **[Amended 7-22-2008 by Ord. No. 1213]**

CHILD-CARE ORGANIZATION — A governmental or nongovernmental organization having as its principal function receiving minor children for care, maintenance, training, and supervision. Such organization shall be defined as follows: **[Amended 7-22-2008 by Ord. No. 1213]**

A. CHILD-CARE CENTER or DAY-CARE CENTER — A facility, other than a private residence, receiving one or more preschool- or school-age children for care for periods of less than 24 hours a day and where the parents, guardians, family member, or court-appointed fiduciary or caregiver is not immediately available to the child or adult. Child-care center or day-care center includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child-care center, day-care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child-care center or day-care center does not include any of the following:

- (1) Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three hours per day for an indefinite period or for not more than eight hours per day for a period not to exceed four weeks during a twelve-month period.
- (2) A facility operated by a religious organization where children are in the religious organization's care for not more than three hours while persons responsible for the children are attending religious service.
- (3) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age-child-focused training.
- (4) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and

school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.

- B. PRIVATE HOME — A private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child-placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group child-care home, or a family child-care home, as follows:
- (1) FOSTER FAMILY HOME — A private home in which one but not more than four minor children who are not related to an adult member of the household by blood, marriage, or adoption are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
 - (2) FOSTER FAMILY GROUP HOME — A private home in which more than four but less than seven minor children who are not related to an adult member of the household by blood, marriage, or adoption are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
 - (3) FAMILY CHILD-CARE HOME — A private home in which one but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child-care home includes a home that gives care to all unrelated minor children for more than four weeks during a calendar year.
 - (4) GROUP CHILD-CARE HOME — A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption, but including a home that gives care to an unrelated minor child for more than four weeks during a calendar year.

CITY — The City of Roseville, Macomb County, Michigan.

CLINIC — An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or similar professions.

CLUB — An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, public service, patriotism, or the like.

COLLECTIBLE STORE — An establishment engaged in the selling of used merchandise that is at least 25 years old or older, excluding motor vehicle parts, tires, recreational vehicles (RVs) and mobile homes. They are things considered to be worth collecting but not necessarily valuable or antique. **[Added 3-26-2013 by Ord. No. 1259]**

COMMERCIAL VEHICLE — See "motor vehicle, commercial."

COMPLETE STREETS — Roadways planned, designed, and constructed to provide

appropriate access in a manner that promotes safe and efficient movement of people and goods, whether by car, truck, transit, assistive device, foot, or bicycle for all ages and abilities.[Added 1-14-2014 by Ord. No. 1265]

CONDITIONAL LAND USE — A use of land which requires compliance with certain development or location conditions as set forth for the use in the various zoning districts of this chapter.

COMMISSION — See "Planning Commission."

CONDOMINIUM — A form of ownership, which, for the purposes of this chapter, is applied to the following terms as defined herein:

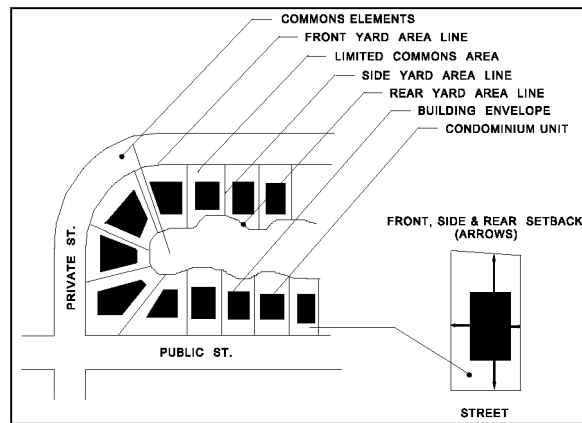
- A. CONDOMINIUM ACT — Act 59 of the Michigan Public Acts of 1978, as amended.²
- B. COMMON ELEMENTS — The portions of the condominium project other than the condominium.
- C. CONDOMINIUM BYLAWS — The required set of bylaws for the condominium project attached to the master deed.
- D. CONDOMINIUM SITE PLAN — A scale drawing of a site, including a survey, utility layouts, floor plans and elevation sections, as appropriate, showing existing and proposed structures, improvements, parking, etc., as it is to be erected on the site.
- E. CONDOMINIUM UNIT — That portion of the project designed and intended for separate ownership and use, as described in the master deed.
- F. CONSOLIDATING MASTER DEED — The final amended master deed for a contractible condominium project and expandable condominium project, or a condominium project containing convertible land, or convertible space which final amended master deed fully describes the condominium project as completed.
- G. CONTRACTIBLE CONDOMINIUM — A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this chapter and the Condominium Act.
- H. CONVERSION CONDOMINIUM — A condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.
- I. CONVERTIBLE AREA — A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units, or general or limited common elements, may be created pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.
- J. CO-OWNER — A person, firm, corporation, partnership, association, trust, or other legal entity, or combination thereof, who owns a condominium unit within

2. Editor's Note: See MCLA § 559.101 et seq.

the condominium project. Co-owner may include a land contract lender if the condominium documents or the land contract so provides.

- K. EXPANDABLE CONDOMINIUM — A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this chapter and the Condominium Act.
- L. LIMITED COMMON ELEMENTS — A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- M. MASTER DEED — The condominium document recording the condominium project as approved by the City, to which is attached as exhibits, and incorporated by reference, the approved bylaws for the project and the approved condominium subdivision plan for the project.

CONDOMINIUM



CONVALESCENT OR NURSING HOME — See "elderly housing, dependent" and "elderly housing, independent."

COURT — An open, unoccupied space, other than a yard, and bounded on at least two sides by a building. A court extending to a front yard or a front lot line, or to the rear lot line, or to an exterior street side yard or exterior street side lot line is an outer court. Any other court is an inner court.

DENSITY — The number of families residing on, or dwelling units developed on, an acre of land. As used in this chapter, all densities are stated in families per net acre, that is, per acre of land devoted to residential use, exclusive of land in streets, alleys, parks, playgrounds, schoolyards, or other public lands and open spaces.

DERRICK — Any portable framework, tower mast, and/or structure which is required or used in connection with drilling or reworking a well for the production of oil or gas. **[Added 5-10-2016 by Ord. No. 1289]**

DEVELOPMENT — The construction of a new building or other structure on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

DISTRICT — The various portions of the City of Roseville within which certain regulations and requirements, or various combinations thereof, apply under the

provisions of this chapter.

DRILLING PAD — The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad. **[Added 5-10-2016 by Ord. No. 1289]**

DRIVE-IN — See "restaurant, drive-in."

DRIVE-THROUGH — A business establishment designed and intended to provide a driveway approach and temporary motor vehicle standing space or stacking space where customers receive service while in their motor vehicles.

DRIVEWAY — A private roadway, passage, or way upon and along which vehicles may be driven and which is intended to provide access to a parking space, garage, dwelling building or other structure. For the purpose of this Zoning Code, a driveway may also be a vehicle maneuvering lane.

DWELLING — A place or unit of residence, an abode, a place of continued living. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, EFFICIENCY — See "apartments."

DWELLING, MANUFACTURED — A dwelling unit which is substantially or completely built, constructed, assembled, and finished in strict compliance with the applicable laws of the State of Michigan, off the premises upon which it is intended to be located.

DWELLING, MULTIPLE-FAMILY — See "apartment."

DWELLING, ONE-FAMILY — A building designed exclusively for and occupied exclusively by one family.

DWELLING, SITE-BUILT — A dwelling unit which is substantially built, constructed, assembled, and finished on the premises and which is intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of pre-cut materials, and panel walls, roof and floor sections when such sections require substantial assembly and finishing on the premises which are intended to serve as its final location.

DWELLING, TWO-FAMILY — A building designed exclusively for occupancy by two families living independently of each other.

EARTH BERM — See "landscaping."

EARTH BERM, OBSCURING — See "landscaping."

EASEMENT or CORRIDOR — A quantity of land set aside, over which a liberty, privilege or advantage is granted by the owner to the public, a corporation or a particular person or persons or part of the public for specific use and purpose. An easement may be designated as a public or a private easement depending on the nature of the user.

ELDERLY HOUSING, DEPENDENT — A multiple-family housing form with individual sleeping rooms or dwelling quarters served by a central dining facility which provides a basic daily service to each occupant, either in the central dining facility or in their individual dwelling units, as well as nursing care and limited medical care. Each dwelling unit may or may not contain a central dining facility.

ELDERLY HOUSING, INDEPENDENT — A multiple-family housing form with full

facilities for self-sufficiency in each individual dwelling unit. The facility may or may not contain a central dining facility.

ENTRANCE RAMP — A roadway designed to permit traffic from an unlimited access surface street to gain access to a limited access highway or expressway.

ERECTED — Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES — The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment in connection therewith, but not including buildings which are necessary for the furnishing of adequate service such utilities or municipal departments for the general health, safety or welfare. Essential services shall be permitted as authorized and regulated by law and the applicable standards of this chapter and other ordinances of the City of Roseville.

EXCAVATION — Any breaking of ground, except common household gardening and ground care.

EXCEPTION — A use permitted only after review of an application by the Board of Zoning Appeals or legislative body or a modification in the standards of this chapter specifically permitted after review by the Board of Zoning Appeals, Planning Commission or legislative body, such review being necessary because the provisions of this chapter covering conditions precedent or subsequent are not precise enough to cover all applications without interpretation and such review and exception is provided for by this chapter. An exception is not a variance.

EXIT RAMP — A roadway designed to permit traffic from a limited access highway or expressway to gain access to an unlimited access surface street.

FACE BRICK, NONRESIDENTIAL — Wherever face brick is called for as an exterior building wall material for a nonresidential building, the material shall consist of kiln-baked clay or shale masonry units, the exterior dimensions of which shall not be less than four inches deep by four inches high by 12 inches long, the individual shape of which shall be rectangular in appearance.

FACE BRICK, RESIDENTIAL — Whenever face brick is called for as an exterior building wall material for a residential dwelling building, the material shall consist of kiln-baked clay or shale masonry units, the exterior dimensions of which shall not exceed accepted industry standards for residential brick units, except no such unit shall be less than 3 5/8 inches deep, measured from the front face of the unit to the rear face of the unit.

FAMILY — A single individual or a number of individuals domiciled together whose relationship is of a continuing, nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose relationship is of a transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.

FAST-FOOD RESTAURANT — See "restaurant (fast-food)."

FEEDER ROAD or PUBLIC ACCESS SERVICE DRIVE — A public street or road intersecting with a limited access highway and having traffic interchange facilities with the limited access highway and with intersecting local streets and major thoroughfares.

FENCE — A vertical hedge, structure, or partition erected for the purpose of enclosing a piece of land or to separate two contiguous pieces of land as stipulated in Chapter 134, Fences, in the Roseville Code of Ordinances, as amended. For the purpose of this Zoning Code, a fence is not a wall.

FENCE, OBSCURING — An opaque structure of definite height and location designed to serve as a screen or obscuring device.

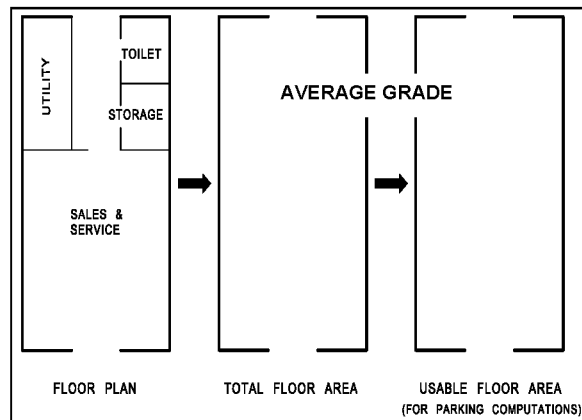
FILLING — The depositing or dumping of any matter on, or into, the ground, except deposits resulting from common household gardening and general farm care.

FLOOR AREA, GROSS — The area of a building measured to the exterior face of all exterior walls.

FLOOR AREA, RESIDENTIAL — The minimum allowable floor area in a residential dwelling unit shall be the sum of the horizontal areas of each story of the building, measured from the exterior faces of the exterior walls or from the center line of walls separating two dwelling units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed or unenclosed porches.

FLOOR AREA, NONRESIDENTIAL (for the purpose of computing parking) — For commercial business and office uses, that 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 that is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities shall be excluded from this computation of usable floor area. For all industrial and research uses, usable floor area shall include the floor area that is used for, or intended to be used for, the storage or processing of merchandise. Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

USABLE FLOOR AREA



FLOOR, GROUND — That portion of a building which is partly below grade, but so located that the vertical distance from the average grade to the ceiling is greater than the vertical distance from the average grade to the floor. A ground floor shall be counted as a story.

GARAGE, REPAIR — See "motor vehicle repair."

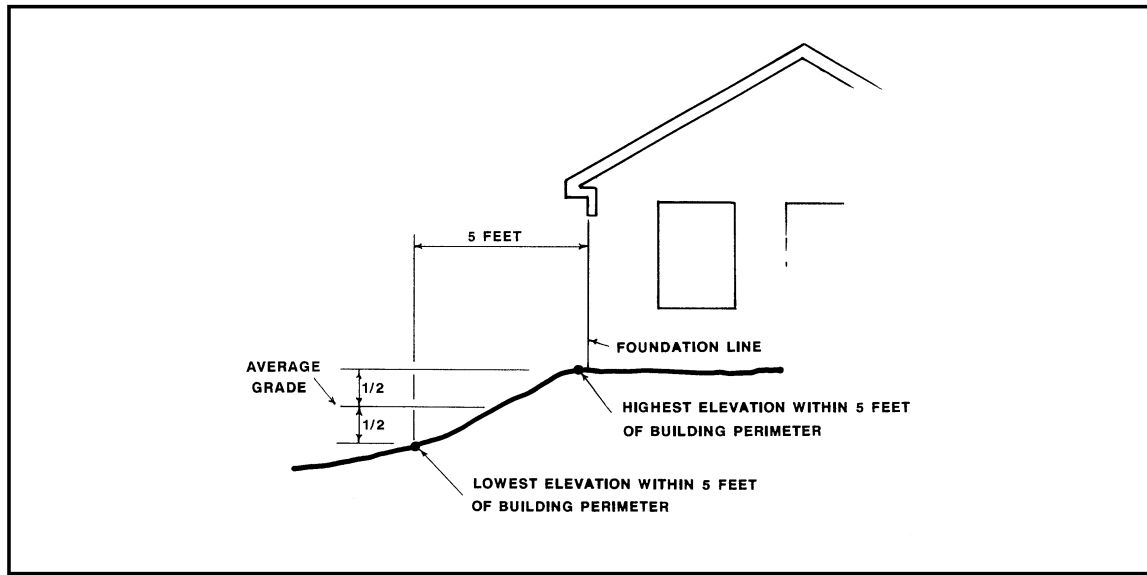
GARAGE, COMMERCIAL PARKING — A building or structure which is used by the public for the parking of motor vehicles and for the purposes of this chapter may be the principal use of the property or may be accessory to a principal use.

GARAGE, PRIVATE — An accessory building or integral portion of a main building designed or used solely for the storage of motor-driven vehicles, boats, and similar vehicles owned and used by the occupants of the building.

GARAGE, SERVICE — Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GASOLINE SERVICE STATION — See "motor vehicle service station."

GRADE — The ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by computing the average elevation of the ground for each face of the building, and averaging the totals.



GREENBELT, AESTHETIC — See "landscaping."

GREENBELT, OBSCURING — See "landscaping."

HOME OCCUPATION — A gainful occupation, activity, hobby, or profession that is traditionally or customarily carried on entirely within the walls of a residential dwelling and which is carried on by the inhabitants thereof, which use is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. Registered primary caregiver activities are excluded from home occupations, unless the registered primary caregiver is also the qualifying patient and is only a caregiver for himself/herself. **[Amended 4-13-2021 by Ord. No. 1321]**

HORIZONTAL DRILLING — The drilling of an oil or natural gas well at an angle so that the well runs parallel to the formation containing the oil or gas. **[Added 5-10-2016 by Ord. No. 1289]**

HOSPITAL — A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily inpatient services, and including such related facilities as laboratories, outpatient departments, central service facilities, and staff offices.

HOTEL — A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy and within which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service and bell boy service. A hotel may include a restaurant or cocktail lounge, banquet halls, ballrooms or meeting rooms.

HYDRAULIC FRACTURING OR FRACKING — The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery. **[Added 5-10-2016 by Ord. No. 1289]**

IMPERVIOUS SURFACE — A surface that is impenetrable and prevents filtration of water or sediments down into the ground. **[Added 4-12-2011 by Ord. No. 1241]**

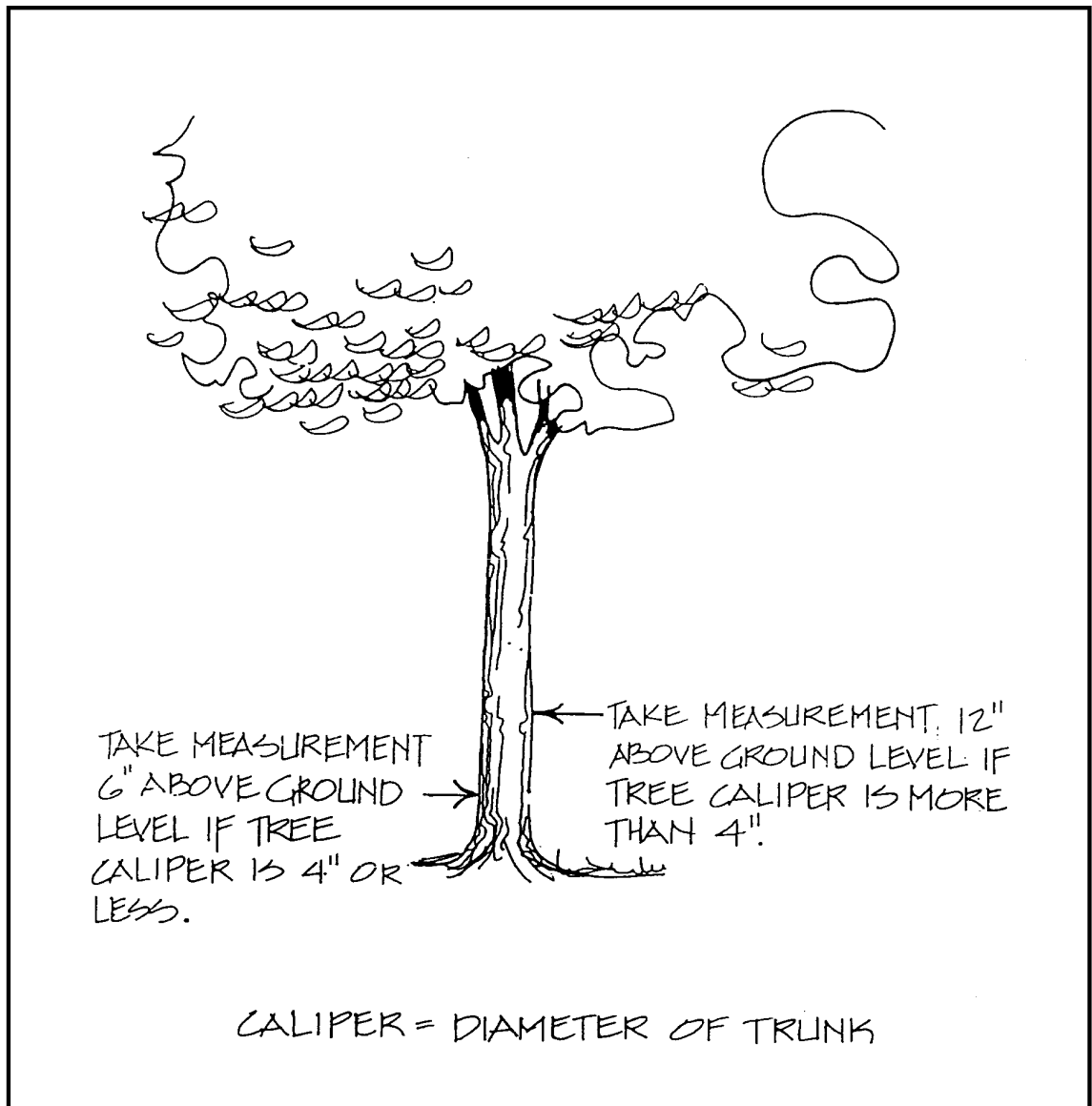
JUNK — Any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNKYARD — Includes automobile wrecking yards, any area where junk vehicles are stored, keeping or abandonment of junk, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof except for the normal household refuse which is stored only between regular pickup and disposal of household refuse, provided the same is not left for a period of over 30 days in which case it shall be considered as junk. This definition does not pertain to uses conducted entirely within an enclosed building.

KENNEL, COMMERCIAL — Any lot or premises on which three or more dogs, and/or cats, or other domestic household pets, over six months of age are either permanently or temporarily boarded. A kennel shall also include any lot or premises where household pets are bred or sold.

LANDSCAPING — The art or science of placing live planting materials in specific or in specified areas with the intent of improving the appearance of an area, or for the purpose of creating a screen to obscure vision beyond the screen. For the purpose of this Zoning Ordinance, landscaping shall also include the following terms.

- A. **BUFFERS FOR CONFLICTING LAND USE** — A device or an area that is used for the purpose of shielding the view of one use of land from another, and for the protection of an adjoining property. A buffering device could include a wall, fence earth berm or landscape planting screen, or an area containing sufficient natural tree cover to serve as a buffer, or an area of sufficient distance to effectuate a buffer, or land containing sufficiently abrupt changes in topography to serve as a buffer.
- B. **CALIPER** — The diameter of a tree measured six inches above the root ball up to trees four inches and larger in caliper, and measured 12 inches above the root ball for larger-caliper trees.



- C. EARTH BERM, ARTISTIC — An aesthetically designed landscaping feature, which may also serve to create a landscaped swale for the purpose of temporarily detaining stormwater runoff.
- D. EARTH BERM, OBSCURING — An earthen mound of definite height, length, location and appearance, which is designed and intended to serve as an obscuring device.
- E. GREENBELT, AESTHETIC — A landscaped area or lawn panel in which live landscape planting materials are placed for aesthetic purposes and not for the purpose of screening.
- F. GREENBELT, OBSCURING — A landscaped area of definite width, height and location containing live planting materials of definite spacing or grouping which is

designed to serve as an obscuring device.

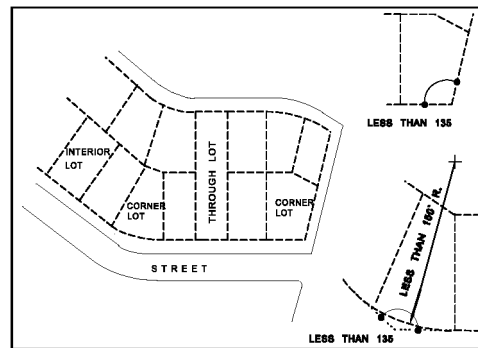
- G. INTERIOR LANDSCAPED AREAS — Includes all landscaped areas between the walls of a building and any off-street parking spaces, service drives or vehicle maneuvering lanes, or loading and unloading areas that comply with the minimum applicable size (planting area) requirements of this section and which are contained within an imaginary line that squares off the outer limits of an off-street parking lot.
- H. OBSCURE — To make not readily visible, to hide or screen from view. For the purpose of this chapter, "obscure" shall mean to obscure the view of one use of land from another. (See definition of "buffers for conflicting land use.")
- I. PARKING LOT TREE — A large deciduous tree placed within an off-street parking area.
- J. PERIPHERAL LANDSCAPED AREAS — Includes all landscaping that lies between any off-street parking spaces, service drives and vehicle maneuvering lanes, or loading and unloading area, and any peripheral property line, or where no parking, service drives and vehicle maneuvering lanes, or loading and unloading areas exist, any landscaped areas lying between any minimum required building setback line and a peripheral property line.
- K. SHRUBS, LARGE — Shrubs which will be four feet six inches in height or greater at maturity.
- L. SHRUBS, SMALL — Shrubs that will be less than four feet six inches in height at maturity.
- M. TREE, LARGE DECIDUOUS — Shall be a minimum of 2.5 inches in caliper measured six inches up to the tree from the ground.
- N. TREE, SMALL DECIDUOUS — Shall be a minimum of 1.5 inches in caliper measured six inches up the tree from the ground.
- O. VEHICLE USE AREA — Includes all off-street parking lots, drive aisles, loading and unloading areas, service drives and landscaped islands.

LOADING SPACE — See "off-street loading space."

LOCAL STREET — A street of limited continuity, which is to be used to gain immediate access to abutting residential properties.

LOT — A parcel of land occupied or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this chapter. A lot may or may not be specifically designated as such on public records.

INTERIOR, THROUGH AND CORNER LOTS



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

LOT, CORNER — A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135° . A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this chapter if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than 135° .

LOT COVERAGE — The part or percent of the lot occupied by buildings, including accessory buildings in excess of 144 square feet of floor area.

LOT, DEPTH — The horizontal distance between the front and rear lot lines measured along the median between the side lot lines.

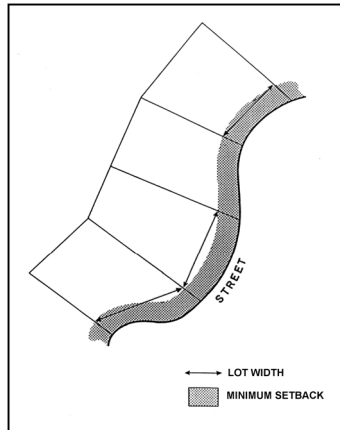
LOT, INTERIOR — Any lot other than a corner lot.

LOT, THROUGH (DOUBLE FRONTAGE) — Is an interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

LOT LINES — The property lines bounding the lot.

- A. **FRONT LOT LINE** — In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner lot, the front lot line shall be the narrower of the two frontage lines, except in the case where both street frontages are at equal dimension, the front shall be the one assigned a street address. In the case of a double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street by the owner, with City approval, or the City's Board of Zoning Appeals shall designate the front lot line.
- B. **REAR LOT LINE** — Ordinarily, that lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular, triangular, or cone-shaped lot, a line 10 feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. In cases where none of these definitions are applicable, the property owner, with City approval, may designate the rear lot line, or the City Board of Zoning Appeals shall designate the rear lot line.

- C. **SIDE LOT LINE** — Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is an exterior side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



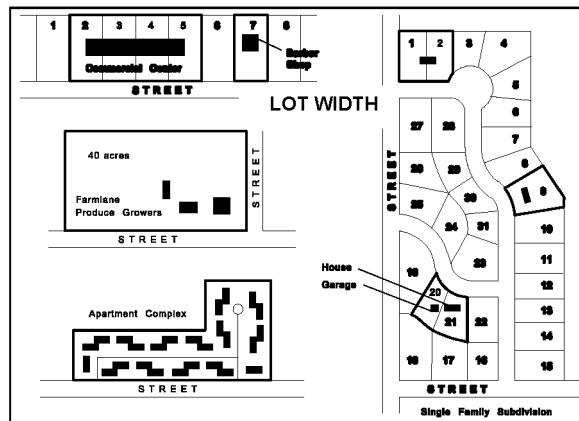
LOT OF RECORD — A parcel of land, the dimensions of which are shown on a document or map on file with the City or county and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

LOT WIDTH — The horizontal straight-line distance between the side lot lines.

LOT WIDTH, REQUIRED — The minimum required horizontal straight-line distance between the side lot lines, measured between the two points where the minimum required front setback line intersects the side lot lines.

LOT, ZONING — A single tract of land, which at the time of filing for a building permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. A zoning lot shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the zoning district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed in the Macomb County Register of Deeds but may include one or more lots of record. A zoning district line of the zoning lot shall serve as though it is a lot line for the purposes of establishing building setbacks and percent of lot coverage.

ZONING LOT



MAIN BUILDING — A building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE — The principal use to which the premises are devoted and the principal purpose for which the premises exist.

MAJOR THOROUGHFARE — An arterial street which is intended to serve as a large-volume trafficway for both the immediate area and the region beyond, and may be designated as a "major thoroughfare," "parkway freeway," "expressway," or equivalent terms to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 120 feet or greater shall be considered a major thoroughfare.

MASSAGE PARLOR — See Chapter 193, Massage Businesses, in the Roseville Code of Ordinances.

MANEUVERING LANES OR AISLES — For the purpose of this chapter, a maneuvering lane or aisle shall mean an open, unobstructed area located off street directly behind an off-street parking space or loading, unloading area. A maneuvering lane or aisle may serve a single row of off-street parking spaces or may be used jointly when located between two opposing rows of parking spaces.

MANUFACTURED HOME — See "dwelling, manufactured."

MARGINAL ACCESS ROAD — A service roadway parallel to a feeder road or to a street, and which provides access to abutting properties and protection from through traffic.

MARQUEE — A roof-like structure of a permanent nature projecting out horizontally from the wall of a building.

MASTER PLAN — A comprehensive plan, including graphic and written proposals indicating the general location for streets, parks, schools, public building and all physical development of the City, and includes any unit or part of such plan and any amendment to such plan or parts thereof.

MECHANICAL AMUSEMENT DEVICE — Any machine or device, whether video, electronic, mechanical or a combination thereof, which, upon the insertion of a coin, trade, token, ticket, slug, plate, disc or key, or payment of a price, operates or may

be operated as a game, entertainment or contest of skill or amusement of any kind or description which contains no automatic payoff device for the return of money, price or goods to the player and further includes any machine, apparatus, or contrivance which is used or may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. This definition does not apply to or include:

- A. A vending machine which does not incorporate gaming or amusement features;
- B. Musical devices or coin-operated radios; or
- C. Television sets in private quarters.

MEDICAL MARIHUANA CULTIVATION OPERATION — An establishment to undertake the following medical uses of medical marihuana on the property: planting, growing, harvesting, processing, packaging, or storing of medical marihuana to treat or alleviate a registered qualifying patient's debilitating medical conditions or symptoms associated with the debilitating medical condition under the Medical Marihuana Act.³**[Added 4-13-2021 by Ord. No. 1321]**

MEZZANINE — An intermediate or fractional story between the floor and ceiling of a full story and occupying not more than 1/3 of the floor area of the full story.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

MOBILE HOME PARK — Any plot of ground upon which three or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOTEL — A series of attached, semidetached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

MOTOR HOME — A manufactured motorized home, motorbus, or motorized camper vehicle, designed to be used as a temporary dwelling for travel, recreation and vacation use.

MOTOR VEHICLE, COMMERCIAL — As defined in the 1995 Michigan Uniform Traffic Code for Cities, Villages and Townships, every vehicle which is used for the transportation of passengers for hire or which is constructed or used for the transportation of goods, wares or merchandise. The term also means a motor vehicle which is designated and used for drawing other vehicles and which is not constructed to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn.

MOTOR VEHICLE REPAIR (GENERAL) — The general mechanical repair, including overhaul and reconditioning of motor vehicle engines, transmissions and other mechanical repairs, but not including collision services such as body, frame or fender straightening and repair, painting or undercoating.

3. Editor's Note: See MCLA § 333.26421 et seq.

MOTOR VEHICLE REPAIR (MAJOR) — The general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision services such as body, frame or fender straightening and repair, painting or undercoating.

MOTOR VEHICLE SERVICE CENTER — A use which is accessory to a designated retail commercial outlet located within a shopping center or which is within a building composed of the same construction material and of the same design as the shopping center, wherein automobile products such as motor oils, lubricants and various automobile mechanical parts that are retailed directly to the public by said retail commercial outlet are installed.

MOTOR VEHICLE SERVICE STATION (GASOLINE STATION) — A place where gasoline or other motor fuel and lubricants for operating motor vehicles are offered for sale at retail to the public, including sale of accessories, lubricating and light motor service on the premises, but not including collision services such as body, frame or fender straightening or repair, painting or undercoating, but which may include a retail food adjunct.

MUNICIPALITY — See "City."

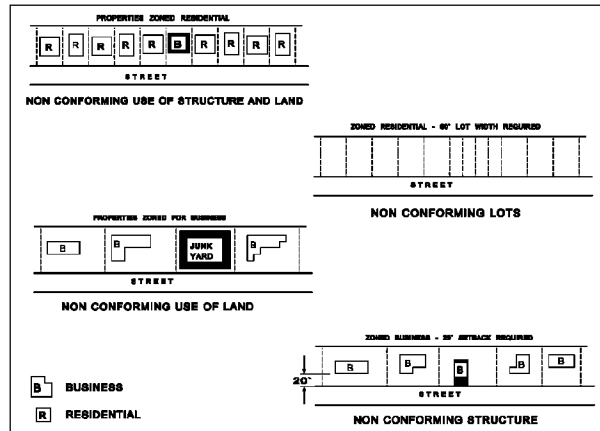
NATURAL GAS COMPRESSOR STATION — A facility designed and constructed to compress natural gas originating from a gas well, or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment. **[Added 5-10-2016 by Ord.No. 1289]**

NATURAL GAS PROCESSING PLANT — A facility designed and constructed to remove materials such as ethane, propane, butane, methane and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas. **[Added 5-10-2016 by Ord. No. 1289]**

NONCENTER COMMERCIAL — See "commercial, non-center."

NONCONFORMING BUILDING — A building or structure, or portion thereof, lawfully existing at the effective date of this chapter, or amendments thereto, and that does not conform to the provisions of this chapter in the district in which it is located.

NONCONFORMING USE — A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.



NONCONFORMING USE AND BUILDING — A use and a building lawfully existing at the time of adoption of this chapter, or subsequent amendment thereto, which does not conform to the use and height, bulk, placement and/or provisions for the zoning district in which it is located.

NUISANCE FACTORS — An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people, particularly at night, passenger traffic, invasion of nonabutting street frontage by traffic.

NURSERY — An area for the growing of plant materials not offered for sale on the premises.

NURSERY, COMMERCIAL — A space, building or structure, or combination thereof, for the growing and storage of live trees, shrubs, or plants offered for sale on the premises, including products used for gardening or landscaping.

NURSERY SCHOOL — See "child-care center or day-care center."

NURSING HOME — See "convalescent or nursing home."

OCCUPANCY LOAD — The number of individuals normally occupying a building, or part thereof, or for which the existing facilities have been designed.

OCCUPIED — Used in any way at the time in question.

OFF-STREET LOADING SPACE — A facility or space specifically intended to permit the standing, loading or unloading of trucks and other vehicles outside of a public right-of-way.

OFF-STREET PARKING LOT — A facility, providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit, for the parking of more than three vehicles.

OIL AND GAS — Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other products or similar substances that are produced by drilling an

oil or gas well.[**Added 5-10-2016 by Ord. No. 1289**]

OIL AND GAS DEVELOPMENT — The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures, whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production of and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.[**Added 5-10-2016 by Ord. No. 1289**]

OIL OR GAS WELL — A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal or being drilled for an exploration for such purposes.[**Added 5-10-2016 by Ord. No. 1289**]

OIL OR GAS WELL SITE — The location of facilities, structures, materials and equipment, whether temporary or permanent, that are used for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well, or exploration for a potential oil or gas well.[**Added 5-10-2016 by Ord. No. 1289**]

OPEN-AIR BUSINESS USES — Open-air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses.

- A. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools, and similar uses.
- C. Retail sale of fruit, vegetables, and perishable foods.
- D. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- E. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN-FRONT STORE — A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open-front store" shall not include automobile repair stations or automobile service stations.

OPEN SPACE — An area of land that remains primarily undeveloped and in its natural state. For the purpose of this chapter, open space may include parklands and park facilities so long as they are provided as a part of an open space area.

OPEN STORAGE (MOTOR VEHICLE) — The outdoor standing or placement of motor vehicles, including truck trailers, for more than 18 hours, including new or used motor vehicles on display for lease or sale.

OPEN STORAGE (NONRESIDENTIAL) — The outdoor standing or placement of any material which is man-made, assembled, fabricated or treated in any manner and

which may or may not be used directly in the processing or fabrication of a product manufactured on the premises.

OPEN STORAGE (RESIDENTIAL) — The outdoor placement or keeping of material which is owned and possessed by the resident occupying the dwelling unit on the premises or by the owner of the premises where open storage is to take place.

OUTDOOR CAFE — A temporary area with removable seats and tables; an extension of the restaurant where food and beverages are served. (Rooftops are not considered outdoor cafes.)**[Added 1-14-2014 by Ord. No. 1265]**

OUT LOT — A lot in a subdivision which is restricted from use for building purposes, whether or not deeded to the City, but which is not dedicated as a street or public reservation or public park.

PARKING — The parking of a motor vehicle for short duration and possessing the element of a vehicle in use, being temporarily parked until it is shortly to be again put into service. The terms "temporarily" or "shortly," for the purpose of this definition, shall mean and be measured by hours, or at most, up to a maximum of 18 hours.

PARKING LOT — See "off-street parking lot."

PARKING SPACE — An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of vehicles.

PERVIOUS SURFACE — A surface that is penetrable and allows for the inflow of rainwater into the underlying construction or soil.**[Added 4-12-2011 by Ord. No. 1241]**

PLANNED COMMERCIAL CENTER — See "commercial, center commercial."

PLANNING COMMISSION — The Roseville Planning Commission.

PRIMARY CAREGIVER or CAREGIVER — A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has not been convicted of any felony within the last 10 years and has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in Section 9a of Chapter X of the Code of Criminal Procedure, 1927 PA 175, MCL 770.9a.**[Added 4-13-2021 by Ord. No. 1321]**

PRINCIPAL USE — See "main use."

PROPERTY LINE — The boundary lines that define and identify the extent of a lot, parcel or property by ownership.

PUBLIC UTILITY — A person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

QUALIFYING PATIENT or PATIENT — A person who has been diagnosed by a physician as having a debilitating medical condition according to the MMA.**[Added 4-13-2021 by Ord. No. 1321]**

RECREATION LAND — Any public- or private-owned property that is utilized for recreation activities, including such active recreation as camping, swimming, picnicking, hiking, walking, nature study and various organized or unorganized sports, and inactive

recreation such as reading, sitting and table games.

RECREATION VEHICLES OR EQUIPMENT — Includes the following.

- A. TRAVEL TRAILER — A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- B. PICKUP CAMPER — A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.
- C. MOTORIZED HOME — A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. FOLDING TENT TRAILER — A folding structure, mounted on wheels and designed for travel and vacation use.
- E. BOATS AND BOAT TRAILERS — Includes boats, floats, ski jets and rafts, plus the normal equipment to transport the same on the highway.
- F. SNOWMOBILE AND ALL-TERRAIN VEHICLE — Plus the normal equipment to transport the same on the highway.
- G. UTILITY TRAILER — Any wheeled vehicle designed and intended to be towed behind another vehicle.

RECYCLING — The process by which waste products are reduced to raw materials and transformed into new and often different products.

RECYCLING CENTER — A facility where previously used products or materials are transformed into new and often different products. For the purposes of this chapter, a "recycling center" shall be other than a junkyard as defined herein.

RESTAURANT — Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast-food, or standard restaurant or bar/lounge/tavern, or a combination thereof, as defined below: **[Amended 2-26-2019 by Ord. No. 1308]**

- A. BAR/LOUNGE/TAVERN — A type of restaurant which is operated primarily for the dispensing of alcoholic beverages but in which the sale of prepared food or snacks may also be permitted. If a bar, lounge or tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.
- B. BREWERY/DISTILLERY (ON SITE) — A restaurant/lounge/bar where a process used to create beer (brewery), or the process that produces spirits, such as but not limited to whiskey, gin and vodka (distillation) is undertaken.
- C. CARRY-OUT — A business establishment whose method of operation involves the sale of food, beverages and/or frozen desserts in disposable or edible containers or wrappers, in a ready-to-consume state and for consumption primarily off the premises, but in which seating for up to 30 persons may be provided.
- D. DRIVE-IN — A business establishment whose method of operation involves

delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building. A drive-in restaurant may also have interior seating.

- E. DRIVE-THROUGH — A business establishment whose method of operation involves the delivery of prepared food to a customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- F. FAST FOOD SIT-DOWN (QSRs) — A business establishment where food is ordered not from the table, but from a front counter (or in some cases, using an electronic terminal). Diners typically then carry their own food from the counter to a table of their choosing, and afterward dispose of any waste from their trays. Drive-through and take-out service may also be available.
- G. OUTDOOR CAFE — An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof.
- H. STANDARD) RESTAURANT — A business establishment whose method of operation involves either the delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building or the acquisition of prepared food by customers at a cafeteria line which food is subsequently consumed by the customers at tables within a completely enclosed building.

RIGHT-OF-WAY — The right-of-way line shall be the line established by the Macomb County Road Commission and the City of Roseville in their right-of-way requirements established for Roseville in the City's adopted Master Plan.

ROADSIDE STANDS — A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a commercial district land which would otherwise be an agricultural or residential district, nor shall its use be deemed an approved commercial activity.

ROOM — For the purpose of determining lot area requirements and dwelling density in a multiple-family district, a room shall be a living room containing at least 150 square feet of floor area, a dining room or a bedroom, with each containing at least 80 square feet of floor area. A room shall not include the area in kitchens, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing one-, two- or three-bedroom units and including a den, library or other extra room shall count such extra room as a bedroom for the purpose of computing dwelling density.

ROOMING HOUSE — See "boarding or rooming house."

ROOMING UNIT — A room or group of rooms forming a single habitable unit used for living and sleeping but not containing kitchen or eating facilities.

SALVAGE YARDS — See "junkyard."

SCREEN — See "landscaping."

SECONDARY THOROUGHFARE — A street of limited continuity designed and

intended to collect and distribute traffic to and from local streets and to and from major thoroughfares.

SETBACK — The minimum horizontal distance between any side of the main building and any adjoining property boundaries, such as the front of the building, excluding only the steps, and the front lot line or street right-of-way line.

SIGN — A name, identification, description, display or illustration as set forth and regulated in the City of Roseville Sign Control Code of Ordinances.⁴

SINGLE-FAMILY SITE CONDOMINIUM — See "condominium."

SITE PLAN — A plan showing all salient features of a proposed development so that it may be evaluated in order to determine compliance with the applicable requirements of the Roseville Code of Ordinances, including this chapter.

SPECIAL LAND USE — See "conditional land use."

STORAGE — See "open storage."

STORAGE WELL — A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from an underground storage reservoir for monitoring or observation of reservoir pressure. **[Added 5-10-2016 by Ord. No. 1289]**

STORMWATER DETENTION FACILITY — A facility designed for detaining stormwater runoff for a short period of time, thereafter to be released at a controlled rate into a storm sewer or county drain.

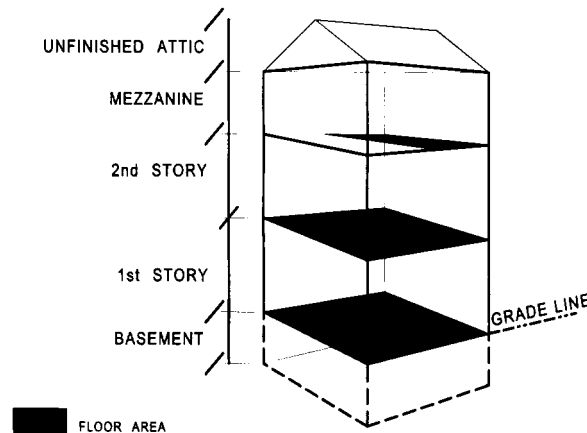
STORMWATER RETENTION FACILITY — A facility which does not possess the ability of de-watering, whereby water is held for a considerable length of time for aesthetic value, agricultural consumption, holding of stormwater runoff or other uses. The water may never be discharged to a natural watercourse, but may be dissipated by plants, evaporation or percolation into the ground.

STORY — That part of a building, except a mezzanine as defined herein, having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:

- A. More than six feet (1,829 millimeters) above the grade plane;
- B. More than six feet (1,829 millimeters) above the finished ground level for more than 50% of the total building perimeter; or
- C. More than 12 feet (3,658 millimeters) above the finished ground level at any point.

4. Editor's Note: See Ch. 264, Signs.

BASIC STRUCTURAL TERMS



STORY, HALF — An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this chapter, the usable floor area is only that area having at least four feet of clear height between floor and ceiling.

STREET, PRIVATE — A street that provides the principal means of access to an abutting land use, portions of which may be owned and controlled by the abutting property owners and which may or may not be open to public use.

STREET, PUBLIC — A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION — Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE — Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

SWIMMING POOL — Any structure located above or below grade, designed to hold water to a depth greater than 24 inches, to be used for swimming.

TELECOMMUNICATIONS — See "wireless communications facilities."

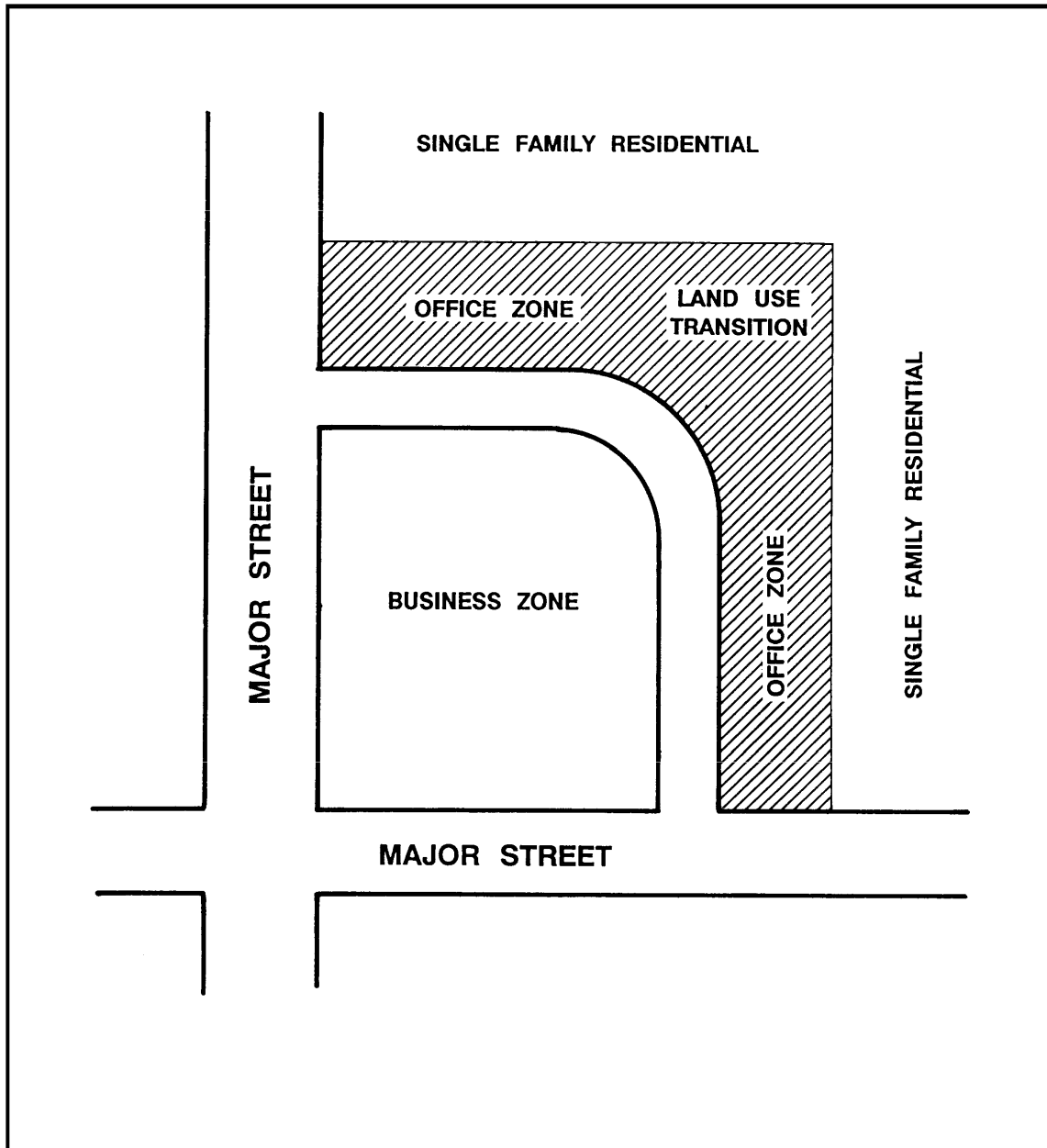
TEMPORARY USE (BUILDING or STRUCTURE) — A building, structure or use permitted by the Building Official or designee, to exist only during a specific period of time.

TRAILER COACH — See "mobile home."

TRAILER COURT OR PARK — See "mobile home park."

TRANSITION — The word or term "transition," or "transitional," shall mean a zoning district, a landscaped area, arrangement of lots, wall or other means which may serve as a district or area of transition, i.e., a buffer zone between various land use districts and/or land use and thoroughfares.

TRANSITION (THROUGH ZONING)



TRAVEL TRAILER PARK (OVERNIGHT CAMPING FACILITY) — A place utilized for the temporary storage of travel trailers, for camping purposes, where there is no permanent storage of mobile homes for year-round occupancy, and where commercial activity is limited to service the needs of the temporary occupants of the travel trailer park.

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

USED GOODS/SECONDHAND STORE — A store that sells secondhand goods (previously used by another; not new) at reduced prices. It is engaged in dealing in

previously used merchandise or secondhand goods, excluding motor vehicles, such as automobiles, recreational vehicles (RVs), motorcycles, and boats; motor vehicle parts; tires; and mobile homes. **[Added 3-26-2013 by Ord. No. 1259]**

VARIANCE — See "zoning variance."

VEHICLE DEALER — A person, firm, corporation, etc., licensed by the state to sell cars, trucks, motorcycles, recreational vehicles, boats and related parts, supplies and services.

VETERINARY CLINIC — A place for the care, diagnosis and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages. A veterinary clinic may also be known as a "veterinary hospital."

VIDEO STORE — A commercial establishment whose principal function is the renting or sale of video materials such as tapes, electronic video disks and any other format capable of transmitting a picture, except those materials that would categorize the use as an adult video store as defined in this Zoning Ordinance.

WALL, OBSCURING — A structure of definite height and location to serve as an opaque screen in carrying out the requirements of this chapter. For the purposes of this chapter, a wall is not a fence.

WIRELESS TELECOMMUNICATIONS ANTENNA CO-LOCATION — The location by two or more antennas or antenna arrays by wireless communications providers on a common support structure, tower, or building with the intent to reduce the overall number of support structures or towers that may be otherwise required to support wireless communications antennas or antenna arrays in the City.

WIRELESS TELECOMMUNICATIONS FACILITIES — Includes all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short-wave facilities, ham amateur radio facilities, satellite dishes and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

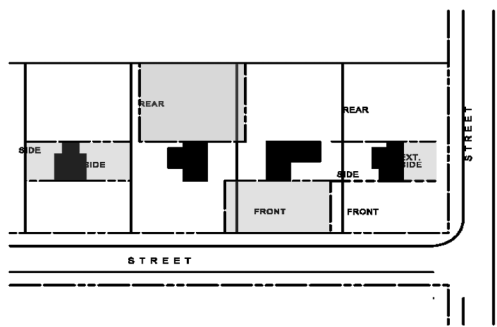
WIRELESS TELECOMMUNICATIONS FACILITIES (ATTACHED) — Wireless communications facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles and the like. A wireless communications support structure (tower) proposed to be newly established is not included in this definition.

WIRELESS TELECOMMUNICATIONS SUPPORT STRUCTURE — Structures erected or modified to support wireless communications antennas or arrays of antennas. Support structures within this definition include, but are not limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.

YARDS — The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this chapter, and as defined herein:

- A. FRONT YARD — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.
- B. REAR YARD — An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite the assigned street frontage.
- C. SIDE YARD, EXTERIOR — An open space between a main building and the street right-of-way line extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the main building.
- D. SIDE YARD, INTERIOR — An open space between a main building and the interior side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the interior side lot line to the nearest point of the main building.

YARDS



ZONING — (See Article III, Zoning Districts and Map.)

ZONING CODE — This chapter.

ZONING DISTRICT — See "district."

ZONING LOT — See "lot, zoning."

ZONING MAP — The Official Map of the City of Roseville that visually depicts by area and identifies by name various zoning districts throughout the City.

ZONING VARIANCE — A modification of the literal provisions of this chapter granted when strict enforcement of this chapter would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case. The exception differs from the variance in several respects. An exception does not require undue hardship in order to be allowable. The exceptions that are found in this chapter appears as special approval or review by the Planning Commission, legislative body, or Board of Appeals. These land uses could not be conveniently allocated to one zone or another, or the effects of such uses could not be definitely foreseen as of a given time. The general characteristics of these uses include one or more of the following:

- A. They require large areas.
- B. They are infrequent.
- C. They sometimes create an unusual amount of traffic.
- D. They are sometimes obnoxious or hazardous.
- E. They are required for public safety and convenience.

ARTICLE III
Zoning Districts and Map

§ 370-6. Districts established.

For the purpose of this chapter, the City of Roseville is hereby divided into the following districts:

R-1	One-Family Residential District
R-1A	One-Family Residential District
R-2	Two-Family Residential District
RM-1	Multiple-Family Residential District (Low Rise)
RM-2	Multiple-Family Residential District (High Rise)
OS	Office Service District
B-1	Local Business District
B-2	Community Business District
B-3	General Business District
I-1	Light Industrial District
I-2	General Industrial District
P-1	Vehicular Parking District

§ 370-7. District boundaries.

- A. The boundaries of these districts are hereby established as shown on the City of Roseville Zoning Map, which accompanies this chapter, and which map, with all notations, references, and other information shown thereon, shall be as much a part of this chapter as if fully described herein.
- B. The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: This is to certify that this is the Official Zoning Map referred to in § 370-7 of the Zoning Ordinance of the City of Roseville, adopted on July 11, 2006, and amended to the most recent date shown on the Zoning Map. If, in accordance with the provisions of this chapter, changes are made in district boundaries or other matters portrayed on the Official Zoning Map within two weeks after the amendment has been approved by the City Council, together with an entry on the Official Zoning Map as follows: On (date), by official action of the City Council, the following change(s) were made: (brief description with reference number to Council proceedings). Three copies of the Official Map are to be maintained and kept up-to-date: one in the Building Department offices, one in the Planning Commission files, and one in the City Clerk's office, accessible to the public and shall be final authority as to the current zoning status of lands, buildings and other structures in the City.

§ 370-8. District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following City limits shall be construed as following City limits;
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks;
- E. Boundaries indicated as parallel to the extensions of features indicated in Subsections A through D above shall be so construed. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
- F. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through E above, the Board of Appeals shall interpret the district boundaries.

§ 370-9. Zoning upon annexation.

Wherever any area is annexed to the City of Roseville:

- A. Land that is so annexed shall be classified as being in whichever district of this chapter most closely conforms with the zoning that existed most prior to annexation, such classification to be recommended by the Planning Commission to the City Council, and the Council shall approve it by resolution.

§ 370-10. Zoning of vacated areas.

Whenever any street, alley or other public way within the City of Roseville shall have been vacated by action of the City Council and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action of the City Council, thenceforth acquire and be subject to the same zoning regulation as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this chapter for such adjoining lands.

§ 370-11. District requirements.

All buildings and uses, in addition to meeting all conditions that may be assigned to them in their respective zoning district, shall also be subject to the applicable standards of Article XVIII, Schedule of Regulations; District Options, Article XXIII, General Provisions, and Article XXV, General Exceptions, in this chapter.

ARTICLE IV
R-1A and R-1 One-Family Residential Districts

§ 370-12. Intent.

The R1-A and the R-1 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low- to medium-density single-unit dwellings along with other residentially related facilities which serve the residents in the district.

§ 370-13. Principal permitted uses.

In the R1-A and R-1 Districts, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this chapter.

- A. One-family detached dwellings.
- B. Family child-care home, provided that any and all licensing requirements by the State of Michigan shall be met, for one but not more than six minor children. **[Amended 7-22-2008 by Ord. No. 1213]**
- C. Foster family home, provided that any and all licensing requirements by the State of Michigan shall be met for one but not more than four minor children. **[Amended 7-22-2008 by Ord. No. 1213]**
- D. Foster family group home, provided that any and all licensing requirements by the State of Michigan shall be met for more than four but fewer than seven minor children. **[Amended 7-22-2008 by Ord. No. 1213]**
- E. Publicly owned and operated libraries, parks, parkways and recreational facilities.
- F. Accessory buildings, provided they are located as set forth in § 370-100 of this chapter.

§ 370-14. Permitted uses subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject to the approval of the Building Director, except for cemeteries and mausoleums which must be approved by the City Council and except for those uses requiring review and approval by the Planning Commission.

- A. One-family attached dwellings, subject to the requirements of § 370-62 of this chapter.
- B. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - (1) Buildings of greater than the maximum height allowed in Article XVIII, Schedule of Regulations; District Options, may be allowed, provided front, side and rear yards are increased above the minimum required yards by at least one foot for each foot of building height that exceeds the maximum height allowed, except church spires, flag poles, public monuments, etc., may be

excused from this limitation as set forth in Article XXV, General Exceptions, § 370-126, in this chapter.

- (2) Wherever an off-street parking area is adjacent to land zoned for residential purposes, a continuous and obscuring wall, four feet six inches in height, or an obscuring landscaped greenbelt planting screen shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall and/or greenbelt shall be further subject to the provisions of Article XXII, in this chapter.
 - (3) The site shall be so located as to have at least one property line abutting a major thoroughfare or collector street as designated on the Major Thoroughfare Plan. All ingress and egress to the site shall be directly onto said major thoroughfare or collector street or a marginal access service drive.
- C. Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, or operated for profit, are subject to review and approval by the Planning Commission.
- D. Utility and public service buildings and uses (without storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity, subject to review and approval by the Planning Commission.
- E. Adult foster care family homes, provided that any and all licensing requirements by the State of Michigan shall be met for one but not more than six adults. **[Amended 7-22-2008 by Ord. No. 1213]**
- F. Elderly day care homes, provided that any and all licensing requirements by the State of Michigan shall be met for the daytime care of up to six adults, provided the following conditions are met. **[Amended 7-22-2008 by Ord. No. 1213]**
- (1) A use permit shall be required, said permit to be issued by the Roseville Building Department.
 - (2) Off-street parking shall be provided as set forth in Article XX of this chapter.
 - (3) The use permit issued for an elderly day-care home shall terminate upon change of ownership or noncompliance with applicable local or state regulatory standards.
- G. Group child-care homes, provided that any and all licensing requirements by the State of Michigan shall be met, for the daytime care of up to 12 children, provided the following conditions are met. **[Amended 7-22-2008 by Ord. No. 1213]**
- (1) The outdoor play area shall be fenced with at least a five-foot-high fence.
 - (2) The facility shall not provide care services for more than 16 hours in any twenty-four-hour period.
 - (3) The facility shall be located on a major thoroughfare.
 - (4) Operations of the facility conducted between the hours of 10:00 p.m. and 7:00 a.m. shall be limited to indoor activities only.

- (5) The applicable requirements of the Roseville Sign Ordinance⁵ for signs in residential districts shall apply.
 - (6) Off-street parking and off-street pickup and dropoff areas shall be provided as set forth in Article XX of this chapter.
 - (7) The property shall be maintained in a neat and orderly manner.
 - (8) It shall be the obligation of an applicant to provide all necessary information relative to the above requirements.
- H. Child-care center or day-care center, for children or adults, provided that any and all licensing requirements by the State of Michigan shall be met, and provided the following conditions are met: **[Amended 7-22-2008 by Ord. No. 1213]**
- (1) The facility shall not provide care services for more than 16 hours in any twenty-four-hour period.
 - (2) An outdoor play area for children, if so cared for in the facility, shall be provided and shall be fenced with at least a five-foot-high fence.
 - (3) The facility shall be located on a major thoroughfare and shall provide not less than 5,000 square feet of outdoor on-site play area when more than 12 children are to be cared for. All such play areas shall be screened from view from any adjoining single-family dwelling in a residential district.
 - (4) The applicable requirements of the Roseville Sign Ordinance⁶ for signs in residential districts shall apply.
 - (5) Off-street parking and off-street pickup and dropoff areas shall be provided as set forth in Article XX in this chapter.
 - (6) The property shall be maintained in a neat and orderly manner.
 - (7) It shall be the obligation of an applicant to provide all necessary information relative to the above requirements.
- I. Child-caring institution, provided that any and all licensing requirements by the State of Michigan shall be met, subject to the following conditions. **[Amended 7-22-2008 by Ord. No. 1213]**
- (1) The facility may care for more than four but less than 13 minor children at one time.
 - (2) The facility shall be located on a major thoroughfare as designated on the City's adopted master plan map.
 - (3) Off-street parking and off-street pickup and dropoff areas shall be provided as set forth in Article XX in this chapter.
 - (4) Outdoor play areas shall be provided in accordance with applicable state

5. Editor's Note: See Ch. 264, Signs.

6. Editor's Note: See Ch. 264, Signs.

requirements.

- (5) When located on the same premises with the use, the play area will be fenced along property lines in residential districts.
- J. Swimming pool clubs when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision, or other specified limitation of members, for the exclusive use of members and their guests, all subject to the following conditions:
- (1) The proposed site shall have one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan, and the site shall be so planned as to provide ingress and egress directly onto or from said major thoroughfare.
 - (2) Front, side and rear yards shall be at least 80 feet wide, except on those sides adjacent to nonresidential districts; the Planning Commission shall determine a reasonable setback. All yards shall be landscaped in trees, shrubs, grass and terraced areas; all such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - (3) All lighting shall be shielded to reduce glare and shall be so arranged and maintained so as to direct the light away from all residential lands which adjoin the site.
 - (4) Whenever the parking plan is so laid out as to beam automobile headlights toward any residential land, an architectural masonry screening wall, or an obscuring landscape planting screen, shall be provided along that entire side of the parking area, and said wall or planting screen shall be subject to the requirements of Articles XX and XXII in this chapter.
 - (5) Whenever a swimming pool is constructed under this chapter, said pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
 - (6) Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. Prior to the issuance of a building permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. Off-street parking areas shall be subject to the provisions of Article XX in this chapter.
 - (7) All plans for storm sewers, sanitary sewers and other utilities shall be reviewed and approved by the City Engineer.
- K. Private noncommercial recreational areas; institutional or community recreation centers subject to the following conditions:
- (1) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan, and the site shall

be so planned as to provide all ingress and egress directly onto or from said major thoroughfare.

- (2) Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - (3) Off-street parking shall be provided so as to accommodate not less than 1/2 of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the uses will originate from the immediately adjacent areas, and will therefore be pedestrian.
 - (4) Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirements shall be determined by the Planning Commission on the basis of usage.
- L. Golf courses, which may or may not be operated for profit, subject to the following conditions and subject further to review and approval by the Planning Commission.
- (1) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare as designated on the Major Thoroughfare Plan.
 - (2) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
 - (3) Development features, including the principal and accessory buildings and structures, shall be so located and related so as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - (4) The minimum number of off-street parking spaces to be provided shall be as required in Article XX in this chapter for a golf course and for each accessory use, such as but not limited to, a restaurant or a bar.
 - (5) Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six feet in height, and entry shall be by means of a controlled gate.
- M. Cemeteries or mausoleums, subject to the following conditions and subject further to approval by the Planning Commission.
- (1) Any mausoleum, crypt or other building containing bodies or remains, or a chapel, not including individual graves or columbaria, shall not be located

within 100 feet of any lot line: any such building(s) shall not occupy more than 10% of the total land area of the zoning lot and shall not exceed 25 feet in height; any burial sites outside of a building shall not be located closer than 10 feet to a side or rear property line nor closer than 25 feet to a public thoroughfare.

- (2) A service building incidental to the cemetery operation, and not having contact with the public, may be located in a side or rear yard area. Any such building shall be located at least seven feet from a side or rear lot line, provided the building does not exceed 600 square feet in floor area nor more than 15 feet to the highest point of the roof. Service buildings in excess of these limitations shall be subject to those required in Subsection M(1) above. Outside storage shall be limited to normal refuse, compost or other bulk landscape material and shall be totally obscured from any adjacent uses and public thoroughfares.
 - (3) The zoning lot shall have at least one lot line abutting a major thoroughfare or collector street, and a vehicular access shall be directly from such thoroughfare or street across such abutting lot line.
 - (4) On those sides of the zoning lot abutting any residential district, a two-foot-high earth berm shall be provided. Such berm shall be landscaped with plant material as provided in Article XXII of this chapter, except that the density of plant material need not be obscuring. A decorative masonry wall or ornamental fence, at least two feet in height, may be used in combination with such landscaping in lieu of the berm, the intent of the provision being to soften the overall appearance.
 - (5) On those sides abutting a public thoroughfare, a landscaped setback of at least 25 feet shall be provided. A berm of two feet shall be provided within this landscape setback; a decorative masonry wall or ornamental fence (at least two feet in height and set back 25 feet from the thoroughfare) may be substituted for the berm. In either instance, plantings in accordance with Subsection M(4) above will be required. The required plantings within the required setback shall be so located and arranged to avoid clear vision obstructions between vehicles entering or leaving the cemetery and adjacent sidewalks and streets.
 - (6) Berms shall be a landscaped earth mound, the same height as required for a wall, and shall comply with the requirements of Article XXII of this chapter pertaining to earth berms.
 - (7) A site plan shall be submitted for review by the Planning Commission.
- N. Home occupations may be permitted, provided they shall:
- (1) Be conducted wholly and entirely within the principal dwelling.
 - (2) Be located either in the basement or on the ground floor of the principal dwelling and shall occupy not more than 25% of the ground floor area of the principal dwelling.
 - (3) Be conducted only by the inhabitants thereof as defined in Article II of this chapter, there being no other employees or assistants employed in connection

with a home occupation.

- (4) Not involve the keeping of a stock-in-trade, and no article shall be sold or offered for sale except such as may be produced or provided by the inhabitants thereof. All products produced on the premises shall be sold off premises.
 - (5) Have no equipment or machinery used in connection with a home occupation which is industrial in nature.
 - (6) Not change the character of the residential appearance and orientation of the dwelling as a residential use.
 - (7) Not require internal or external alterations or construction other than that which may be required to meet local or state safety or construction code standards, as authorized by the City.
 - (8) Not be carried on to an extent that will require parking in excess of that required for a residential building by this chapter.
 - (9) Have no signs, advertising devices or other manifestations located on the exterior of the dwelling structure or within any yard area which suggests or implies the existence of a home occupation.
 - (10) Not include clinics, hospitals, barber or beauty shops, tea rooms, tourist homes, kennels, dog grooming, millinery shops or any other use similar to the above use or which does not meet the above requirements.
 - (11) Be approved by the Building Department when it is determined that the above conditions are met. The Building Department may then issue a special use permit. Once established, no home occupation shall deviate from the above required condition. Upon filing of a complaint by a neighbor or by the City, no home occupation shall be continued when the same shall be found objectionable or in violation of the above conditions by the Zoning Board of Appeals due to noise, electrical interference, dust, smoke odor, vibration, traffic congestion, reduction of on-street parking, area reduction in the living environment of the dwelling, or the neighborhood, or other causes for which a reasonable complaint is brought.
- O. Exceptional uses, subject to qualifying standards, use restrictions and conditions set forth in Article XIX of this chapter.

§ 370-15. Required conditions.

The following conditions, when applicable, shall apply to all uses permitted in the district.

A. Single-family detached dwelling units.

- (1) All single-family detached dwelling units shall comply with the following standards:
 - (a) All dwelling units shall conform to all applicable City and state codes and ordinances.

- (b) All dwelling units shall be permanently attached to an approved foundation.
 - (c) All dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties and in the surrounding residential neighborhood in the R1-A and R-1 Districts.
 - (d) All dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties and in the surrounding residential neighborhood in the R1-A and R-1 Districts.
 - (e) All dwelling units shall be provided with an exterior building wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed three to one or is in reasonable conformity with the configuration of the dwelling units on adjacent properties and in the surrounding residential neighborhood in the R1-A and R-1 Districts, but in no instance shall such width be less than 24 feet.
- (2) The Building Department, in reviewing any such proposed dwelling unit with respect to Subsection A(1)(c), (d) and (e) above, shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Department shall require the applicant to furnish such plans, elevations and similar documentation as it deems necessary to permit a complete review and evaluation of the proposed dwelling unit.
- B. Open storage in residential districts shall be limited to the following conditions, there being no other open storage (outdoor storage) of any kind permitted.
- (1) One automobile may be stored in the rear yard, subject to applicable City codes and ordinances.
 - (2) Firewood, cut to proper length for storage, subject to applicable City codes and ordinances.
 - (3) Recreation vehicles, subject to the applicable standards of § 370-101 of this chapter.
- C. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- D. See Article XIX, Use Permits.
- E. See Article XX, Off-Street Parking Standards.
- (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking layout standards.

- (4) Section 370-78, Off-street loading and unloading.
- F. See Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvements guarantee.
- G. See Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81, Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
 - (1) Section 370-100, Accessory uses.
 - (2) Section 370-101, Open storage in residential districts.
 - (3) Section 370-102, Exterior site lighting.
 - (4) Section 370-103, Residential entranceway structures.
 - (5) Section 370-104, Corner clearance.
 - (6) Section 370-104, Frontage on public streets.
 - (7) Section 370-105, Access to major thoroughfares.

- (8) Section 370-107, Exterior building wall materials guidelines.
 - (9) Section 370-108, Signs.
 - (10) Section 370-109, Fences.
 - (11) Section 370-110, Use restrictions.
 - (12) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-127, Lot area.
 - (3) Section 370-128, Lots adjoining alleys.
 - (4) Section 370-129, Yard regulations.
 - (5) Section 370-130, Multiple dwelling side yard.
 - (6) Section 370-131, Porches.
 - (7) Section 370-132, Projections into yards.
 - (8) Section 370-133, Access through yards.

ARTICLE V
R-2 Two-Family Residential District

§ 370-16. Intent.

This district is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares or other uses which would affect the residential character of the district. This district also recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.

§ 370-17. Principal permitted uses.

In the R-2 District, no buildings or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes:

- A. All principal uses permitted and as regulated in the R1-A and R-1 One-Family Residential Districts, except as hereinafter modified.
- B. Two-family dwellings.
- C. Accessory buildings, provided that they shall be located as required in § 370-100, Accessory uses, of this chapter.

§ 370-18. Permitted uses subject to special conditions.

All uses permitted as conditional uses and exceptional uses in the R1-A and R-1 Districts, provided:

- A. The use shall comply with all standards and conditions assigned to them in § 370-14 of this chapter.

§ 370-19. Required conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district.

- A. All dwelling units shall be subject to the standards of § 370-15A of this chapter.
- B. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- C. See Article XIX, Use Permits.
- D. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.

- (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78 Off-street loading and unloading standards.
- E. See Article XXI, Site Plan Review.
- (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- F. See Article XXII, Screening Devices and Landscaping.
- (1) Section 370-81, Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- G. See Article XXIII, General Provisions.
- (1) Section 370-100, Accessory uses.
 - (2) Section 370-101, Open storage in residential districts.
 - (3) Section 370-102, Exterior site lighting.
 - (4) Section 370-103, Residential entranceway structures.
 - (5) Section 370-104, Corner clearance.

- (6) Section 370-105, Frontage on public streets.
 - (7) Section 370-106, Access to major thoroughfares.
 - (8) Section 370-107, Exterior building wall materials guidelines.
 - (9) Section 370-108, Signs.
 - (10) Section 370-109, Fences.
 - (11) Section 370-110, Use restrictions.
 - (12) Section 370-111, Performance standards.
- H. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-127, Lot area.
 - (3) Section 370-128, Lots adjoining alleys.
 - (4) Section 370-129, Yard regulations.
 - (5) Section 370-130, Multiple-dwelling side yard.
 - (6) Section 370-131, Porches.
 - (7) Section 370-132, Projections into yards.
 - (8) Section 370-133, Access through yards.

ARTICLE VI
RM-1 Multiple-Family Residential District (Low Rise)

§ 370-20. Intent.

The RM-1 Multiple-Family Residential Low Rise District is designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts or major thoroughfares and lower density single-family districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise medium-density, single-family community.

§ 370-21. Principal permitted uses.

In the RM-1 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted, subject to the review and approval of the site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between the following development features as they relate to traffic safety, and further, to minimize the possibility of any adverse effects upon adjacent properties: service roads, driveways, parking areas; accessory buildings and uses and open space.

- A. All uses permitted in the R1-A and R-1 and R-2 Residential Districts, subject to the applicable requirements of those districts.
- B. Multiple-family dwellings (two stories or less).
- C. Accessory buildings and uses customarily incident to any of the permitted uses set forth in this section.

§ 370-22. Permitted uses subject to special conditions.

- A. Nonprofit clubs, providing that no residential facilities of any kind shall be, or become, a part of the premises.
- B. Adult foster care small group home as defined in this chapter and adult foster care large group home as defined in this chapter, provided that any and all licensing requirements by the State of Michigan shall be met, for up to 12 and up to 20 adults, respectively, subject to the following conditions. **[Amended 7-22-2008 by Ord. No. 1213]**
 - (1) Any such facility will require issuance of a use permit by the City.
 - (2) One off-street parking space shall be provided for each caregiver, plus two spaces for customer dropoff and pickup.
 - (3) All refuse containers will be kept in the rear yard and shall be screened from view.
 - (4) Any use permit issued for a small or large foster care group home shall terminate upon any change of ownership or noncompliance with any applicable local or state regulatory standards.

- C. Child-care or day-care centers, subject to the following:
- (1) Day-care centers that care for children, provided that any and all licensing requirements by the State of Michigan shall be met and shall: **[Amended 7-22-2008 by Ord. No. 1213]**
 - (a) Require issuance of a use permit by the City.
 - (b) Provide at least 5,000 square feet of on-site play area when more than 12 children are to be cared for.
 - (c) Screen from view all required play areas from any adjoining single-family dwellings in a residential district.
 - (d) Off-street parking as required in Article XX of this chapter.
 - (2) Day-care centers that care for adults, regardless of the number, shall be permitted upon issuance of a use permit by the City, and shall be subject to all applicable local and state codes, including the off-street parking requirements of Article XX of this chapter.
 - (3) A use permit issued for any day-care center shall terminate upon change of ownership or noncompliance with applicable local or-state regulatory standards.
- D. General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have contagious diseases, with no maximum height restrictions, when the following conditions are met:
- (1) All such hospitals shall be developed only on sites consisting of at least 10 acres in area.
 - (2) The proposed site shall have at least one property line abutting a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or proposed). All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other uses to the facilities, shall be directly from a major thoroughfare.
 - (3) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for all two-story structures. For every story above two, the minimum yard distance shall be increased by at least 20 feet.
 - (4) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall.
- E. Independent elderly housing as defined in this chapter, not to exceed a height of two stories, when the following conditions are met:
- (1) All housing for the elderly shall be provided as a planned development consisting of the following:
 - (a) Cottage-type dwellings and/or apartment-type dwelling units, subject to the floor area requirements of § 370-60 of this chapter.

- (b) Common services containing, but not limited to, central dining rooms, recreational rooms which may include exercise rooms, an auditorium, meeting rooms, central lounges and workshops.
 - (c) Self-contained services such as a barber or beauty shop, gift shop and pharmaceutical dispensary for use of the residents only, and with no outside signs or advertising.
 - (2) The maximum number of dwelling units per acre shall be predicated on the applicable standards of § 370-60 of this chapter.
- F. Dependent elderly housing as defined in this chapter, not to exceed a height of two stories, when the following conditions are met:
 - (1) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one bed in the convalescent home there shall be provided not less than 150 square feet of land area per bed which shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and space required for accessory uses. The one-hundred-fifty-square-foot requirement is over and above the building coverage area.
 - (2) No building shall be closer than 40 feet from any property line.
 - (3) Such uses shall be located on a major or secondary thoroughfare as identified in the City's Master Plan.
- G. Lodging and boarding houses, subject to the density, off-street parking and off-street parking layout standards of this chapter.
- H. Bed-and-breakfast facilities, subject to the following conditions:
 - (1) Application to establish or reestablish a discontinued operation shall be made to the Building Department for its review and approval. The application shall include:
 - (a) A floor plan of the dwelling, drawn to a scale of not less than one inch equals 50 feet and showing the layout of the building, the location of the guest room(s), bathroom(s) and such other information as may be required to facilitate an adequate review of the application.
 - (b) A plan view of the lot, drawn to a scale of not less than one inch equals 50 feet and showing the existing principal residential building, all accessory buildings and the location of driveways and off-street parking spaces.
 - (2) The Building Department, in making its review of the application, shall find that the following conditions are met:
 - (a) Not more than 25% of the total existing floor area or not more than 50% of the total number of bedrooms of the dwelling structure at the time of application, whichever is the more restrictive, shall be devoted to bed-and-breakfast operations. The method for determining floor area shall be

based on the definition of "floor area residential," as defined in 370-5, Terms defined, in this chapter.

- (b) The dwelling building shall contain at least two doorway exits to the outside.
- (c) Room(s) utilized for guest sleeping shall have a minimum of 80 square feet of floor area for two occupants, with an additional 30 square feet of floor area provided for each additional occupant up to a maximum of four occupants per room.
- (d) No separate cooking facilities shall be provided for bed-and-breakfast guests, nor shall existing cooking facilities be made available for use by bed-and-breakfast guests.
- (e) Adequate lavatories and bathing facilities shall be provided to all guests in a bed-and-breakfast facility.
- (f) No transient occupant shall reside on the premises for more than 14 consecutive days, nor more than 30 days in any one year.
- (g) No outside employee(s) shall be used in the operation of a bed-and-breakfast facility.
- (h) Each sleeping room shall meet all applicable local and state fire codes.
- (i) Any signage shall be subject to the sign control standards as set forth in Chapter 264 of the Roseville Code.
- (j) The off-street parking and off-street parking layout standards of §§ 370-76 and 370-77 of this chapter shall be met.

I. Accessory buildings and uses customarily incident to any of the above uses.

§ 370-23. Required conditions.

The following conditions, where applicable, shall apply to all uses permitted in this district.

- A. All one- and two-family uses permitted in the RM-1 District shall be subject to the applicable requirements of the R-1, R-1A and R-2 Districts.
- B. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot by a permitted land use, the maximum dwelling unit density permitted, and building setbacks.
- C. See Article XIX, Use Permits.
- D. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.

- (4) Section 370-78, Off-street loading and unloading.
- E. See Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- F. See Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- G. See Article XXIII, General Provisions.
 - (1) Section 370-100, Accessory uses.
 - (2) Section 370-101, Open storage in residential districts.
 - (3) Section 370-102, Exterior site lighting.
 - (4) Section 370-103, Residential entranceway structures.
 - (5) Section 370-104, Corner clearance.
 - (6) Section 370-105, Frontage on public streets.
 - (7) Section 370-106, Access to major thoroughfares.

- (8) Section 370-107, Exterior building wall materials guidelines.
 - (9) Section 370-108, Signs.
 - (10) Section 370-109, Fences.
 - (11) Section 370-110, Use restrictions.
 - (12) Section 370-111, Performance standards.
- H. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Yard regulations.
 - (3) Section 370-129, Lots adjoining alleys.
 - (4) Section 370-131, Porches.
 - (5) Section 370-132, Projections into yards.
 - (6) Section 370-133, Access through yards.

ARTICLE VII

RM-2 Multiple-Family Residential District (High Rise)**§ 370-24. Intent.**

The RM-2 Multiple-Family Residential High Rise District is designed to provide sites for high-density multiple-dwelling structures adjacent to high traffic generators commonly found in the proximity of large acreage nonresidential development and areas abutting major thoroughfares and expressways. This district is further provided to serve the residential needs of persons desiring the apartment type of accommodation with central services as opposed to the residential patterns found in the One-Family, Two-Family and RM-1 Multiple-Family Residential Districts. This district is further designed so as to provide a zone of transition between high traffic generators and other residential districts through the requirements of lower building coverage which, in turn will result in more open space.

§ 370-25. Principal permitted uses.

In the RM-2 District, no building or land, except as otherwise provided in this chapter, shall be erected or used except for one or more of the following specified purposes and shall be permitted, subject to the review and approval of a site plan by the Planning Commission. Such review of the site plan is required to find proper relationships between the following development features as they relate to traffic safety and further to minimize the possibility of any adverse effects upon adjacent properties, service roads, driveways, parking areas; accessory buildings and uses and open space.

- A. Multiple-family dwelling units as permitted and regulated in the RM-1 District.
- B. High-rise structures (three stories or greater), subject to the conditions herein imposed:
 - (1) The proposed site for any such use shall have one property line abutting a major thoroughfare as set forth in § 370-106 in this chapter.
 - (2) The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.
- C. General hospitals which meet all of the conditions set forth in § 370-22D in the RM-1 District.
- D. Accessory buildings and uses customarily incident to any of the above permitted uses.
- E. Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such businesses or service use shall be visible from any exterior view. Such businesses or services shall not exceed 25% of the floor area at grade level, or 50% of a subgrade level, and shall be prohibited on all floors above the first or grade-level floor.

§ 370-26. Required conditions.

- A. The following conditions, where applicable, shall apply to all uses permitted in this district:
- B. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- C. See Article XIX, Use Permits.
- D. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- E. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- F. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.

(16) Section 370-96, Trash receptacle screens.

G. See Article XXIII, General Provisions.

(1) Section 370-100, Accessory uses.

(2) Section 370-101, Open storage in residential districts.

(3) Section 370-102, Exterior site lighting.

(4) Section 370-103, Residential entranceway structures.

(5) Section 370-104, Corner clearance.

(6) Section 370-105, Frontage on public streets.

(7) Section 370-106, Access to major thoroughfares.

(8) Section 370-107, Exterior building wall materials guidelines.

(9) Section 370-108, Signs.

(10) Section 370-109, Fences.

(11) Section 370-110, Use restrictions.

(12) Section 370-111, Performance standards.

H. See Article XXV, General Exceptions.

(1) Section 370-126, Height limit.

(2) Section 370-127, Lot area.

(3) Section 370-128, Lots adjoining alleys.

(4) Section 370-129, Yard regulations.

(5) Section 370-130, Multiple dwelling side yard.

(6) Section 370-131, Porches.

(7) Section 370-132, Projections into yards.

(8) Section 370-133, Access through yards.

ARTICLE VIII
(Reserved)

ARTICLE IX
OS Office Service District

§ 370-27. Intent.

The OS Office Service District is designed to accommodate office uses, office sales, and certain basic personal service uses. The district may also serve as a district of land use transition between high traffic corridors and residential districts, and between nonresidential and residential districts.

§ 370-28. Principal permitted uses.

The following regulations shall apply to all OS Districts, and no building, structure or premises except as otherwise provided in this chapter shall be erected, altered, or used except for one or more of the following uses:

- A. Office buildings for any of the following occupations: executive; administrative; professional; accounting; writing; clerical; stenographic; drafting; and sales, subject to the limitations contained herein and § 370-30, Required conditions, in this chapter.
- B. Medical offices, including clinics.
- C. Banks, credit unions, savings and loan associations, and similar uses that may include drive-through facilities when an accessory function to the principal building.
- D. Artleshops, photographic studios, and interior decorating studios.
- E. Publicly owned buildings, exchanges, and public utility offices, but not including storage yards, transformer stations, substations or gas regulator stations.
- F. Personal service establishments, including barber shops, beauty shops and health salons.
- G. An accessory use customarily related to a principal use authorized by this section, such as, but not limited to, a pharmacy or apothecary shop; stores limited to corrective garments or bandages, or optical service, may be permitted.

§ 370-29. Uses permitted subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to review and approval by the Building Department or the Planning Commission.

- A. Facilities for human care such as hospitals and sanitariums, subject to the following conditions.
 - (1) All such uses shall be developed only on sites consisting of at least 10 acres in area.
 - (2) The proposed site shall have at least one property line abutting a major thoroughfare (a thoroughfare of at least 120 feet of right-of-way, existing or

proposed). All ingress and egress to the off-street parking area for guests, employees, staff, as well as any other uses to the facilities, shall be directly from a major thoroughfare.

- (3) The minimum distance to any principal use, or accessory building of two stories or more, from a residential district shall be at least 100 feet. For every story above two stories, the minimum setback from any parcel line shall be increased by at least 20 feet, except no setback shall be less than 100 feet from a residential district.
- B. Dependent care facilities, as defined in this chapter, subject to the requirements of § 370-22F of this chapter.
 - C. Churches, subject to the requirements of § 370-14B of this chapter.
 - D. Child day care, or day-care center, as defined in this chapter and licensed by the State of Michigan for children or adults, subject to the conditions set forth in § 370-14H of this chapter.

§ 370-30. Required conditions.

- A. No interior display of any kind for any use permitted in the district shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the usable floor area of either the first or second story, or in the basement.
- B. The outdoor storage of goods or materials of any kind shall be expressly prohibited.
- C. Warehousing or indoor storage of goods or material, beyond that normally incident to the above-permitted uses, shall be prohibited.
- D. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- E. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- F. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- G. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.

- (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
- (1) Section 370-100, Accessory uses.
 - (2) Section 370-102, Exterior site lighting.
 - (3) Section 370-104, Corner clearance.
 - (4) Section 370-105, Frontage on public streets.
 - (5) Section 370-106, Access to major thoroughfares.
 - (6) Section 370-107, Exterior building wall materials guidelines.
 - (7) Section 370-108, Signs.
 - (8) Section 370-110, Use restrictions.
 - (9) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Lots adjoining alleys.
 - (3) Section 370-129, Yard regulations.

- (4) Section 370-132, Projections into yards.
- (5) Section 370-133, Access through yards.

ARTICLE X
B-1 Local Business District

§ 370-31. Intent.

The B-1 Local Business District, as herein established, is designed to meet the day-to-day convenience shopping and service needs of persons residing in the adjacent residential area.

§ 370-32. Principal permitted uses.

The following regulations shall apply to all B-1 Districts, and no building, structure or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

- A. Any principal permitted use permitted in the OS Office Service District, except child day-care centers when they would be the principal use of the land.
- B. Generally recognized retail business that supplies commodities on the premises, such as but not limited to groceries, meats, dairy products, baked goods, or other foods, drugs, dry goods, clothing and notions, or hardware.
- C. Personal service establishments which perform services on the premises, such as but not limited to repair shops (watches, radios, televisions, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios, and self-service laundries.
- D. Dry cleaning establishments, or pickup stations, dealing directly with the consumer. Central dry-cleaning plants servicing more than one retail outlet shall be prohibited.
- E. Business establishments that perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices, and real estate offices.
- F. Other uses similar to the above uses.
- G. Accessory structures and uses customarily incident to the above-permitted uses.

§ 370-33. Permitted uses subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Building Department, or the Planning Commission.

- A. Any conditional use permitted in the OS District, subject to the requirements specifically set forth for the use.
- B. Dining, drinking, and reception facilities: **[Amended 2-26-2019 by Ord. No. 1308]**
 - (1) Bars, taverns, lounges, breweries, and distilleries.
 - (2) Restaurants and other eating and drinking establishments (indoor and without a drive-through or drive-in).
- C. Electric transformer stations and substations; gas regulator stations with service

yards, but without storage yards; water and sewage pumping stations, subject to all applicable screening requirements of this chapter.

- D. Post office and similar governmental office buildings, serving persons living in the adjacent residential area, subject to the off-street parking and parking layout standards of this chapter, and subject further to all applicable exterior lighting, landscaping and screening requirements of this chapter.
- E. Outdoor cafes are allowed in accordance with the following regulations: **[Added 2-26-2019 by Ord. No. 1308]**
- (1) An outdoor cafe may be set up and used from March 15 through October 31. The permitted hours of operation are from 10:00 a.m. to 12:00 midnight in B-3 Business Districts unless longer hours are specifically approved by the Planning Commission and the City Council. Noise radiating from an outdoor café which exceeds 50 DBA between 8:00 p.m. and 12:00 midnight, or other approved hours, or 55 DBA between 7:00 a.m. and 8:00 p.m. shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. The City Council may, by resolution, extend the dates of operation or the hours of operation for a stipulated number of days, not to exceed a total of 30 days per calendar year.
 - (2) A site drawing showing the detailed plan of the outdoor cafe must be submitted to and approved by the Planning Commission. The detailed plan is to include the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor cafe. The occupancy load shall be posted in a conspicuous location.
 - (3) Outdoor cafes, including any canopy or cover associated with such a cafe, shall be permitted within the required setback.
 - (4) Outdoor cafes within the required setback shall not be enclosed, except as specified elsewhere in this chapter.
 - (5) Outdoor cafes shall be exempt from any parking requirement if they have less than 30 seats. Outdoor cafe seating areas that have more than 30 seats shall provide one space for each three outdoor seats provided above 30 seats.
 - (6) If alcohol is being served, it will include a fence, subject to approval of the Planning Commission.
 - (7) No food and beverage preparation would occur in the outdoor cafe. All food and beverage preparation will incur inside the building housing the principal

use and brought to the customer or carried by the customer to the outdoor cafe.

- (8) All fixtures associated with an outdoor cafe must be portable and related, as well as limited to food service (e.g., tables, chairs, serving trays). Furnishings of an outdoor cafe shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, if specifically approved by the Planning Commission and the City Council, may be secured by means of flush-mounted anchors or other methods approved by the Building Director. No objects which are part of an outdoor cafe, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building or structure on which the outdoor cafe abuts.
- (9) The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the Department of Health and any other local, county or state requirements, including the Michigan Liquor Control Commission (if applicable).
- (10) Outdoor cafes are typically located immediately adjacent to the building housing the principal use.
- (11) Outdoor cafes do not have to be removed daily or on any regular schedule.
- (12) Outdoor cafes can have heating as long as they are not enclosed and the heating can be removed.
- (13) No signs or any other forms of advertising are permitted in the outdoor dining area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella.
- (14) Plans for setting up the outdoor cafe must be approved by the Building Department to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire safety issues. If alcohol is served, entrance to the outdoor cafe is required to be from inside the building. An outdoor cafe which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six feet high.
- (15) Lighting requirements are subject to the applicable requirements of Article XXIII, § 370-102.

§ 370-34. Required conditions.

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing, or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.
- C. The outdoor storage of goods or materials of any kind shall be expressly prohibited.

- D. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- E. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- F. Article XXI, Site Plan Review.
 - (1) Section 2100 Site Plan Process.
 - (2) Section 2101 Improvements Guarantee.
- G. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
 - (1) Section 370-100, Accessory uses.

- (2) Section 370-102, Exterior site lighting.
 - (3) Section 370-104, Corner clearance.
 - (4) Section 370-105, Frontage on public streets.
 - (5) Section 370-106, Access to major thoroughfares.
 - (6) Section 370-107, Exterior building wall materials guidelines.
 - (7) Section 370-108, Signs.
 - (8) Section 370-110, Use restrictions.
 - (9) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Lots adjoining alleys.
 - (3) Section 370-129, Yard regulations.
 - (4) Section 370-132, Projections into yards.
 - (5) Section 370-133, Access through yards.

ARTICLE XI
B-2 Community Business District

§ 370-35. Intent.

The B-2 Community Business District is designed to cater to the needs of a larger consumer population than is served by the Local Business District, and is generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic.

§ 370-36. Principal permitted uses .

The following regulations shall apply to all B-2 Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following specified uses:

- A. Any principal permitted retail business or service use in B-1 Districts.
- B. All retail business or service establishments or processing uses as follows:
 - (1) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - (2) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer, upholsterer; or any establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - (3) Fraternities, clubs, lodges, social or recreational buildings and facilities.
 - (4) Dining, drinking, and reception facilities: **[Amended 2-26-2019 by Ord. No. 1308]**
 - (a) Restaurants, including those with carry-out, and fast food sit-down without drive-through. (Accessory lounges are permitted.)
 - (5) Restaurant (carry-out), as defined in this chapter, except that seating for customers may be provided as regulated in § 370-33B of this chapter.
 - (6) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
 - (7) Business schools and colleges or private schools operated for profit.
 - (8) Other uses similar to the above uses.
 - (9) Accessory structures and uses customarily incident to the above-permitted uses.

§ 370-37. Permitted uses subject to special conditions.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Building Department.

- A. Conditional uses permitted in the B-1 Districts, subject to the conditions set forth in the B-1 Districts for each use.
- B. Open-air business uses when developed in conjunction with a planned commercial center within the B-2 District as follows:
 - (1) Retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies, provided further that such uses shall be located at the exterior end of the building mass, but not in any minimum setback requirement of the district.
 - (2) Recreational space providing children's amusement park and other similar recreation when part of a planned development, provided further that such use be located at the exterior end of the building mass located in a B-2 District, but not at the intersection of two major thoroughfares. Such recreation space shall be fenced on all sides with a minimum four-foot chain-link-type fence.
- C. Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, or similar forms of indoor commercial recreation except arcades when located at least 100 feet from the nearest wall of the building to any front, rear, or side yard of any residential lot in an adjacent residential district.
- D. Arcades, provided they are located within a planned commercial center as defined in this chapter and subject further to the applicable requirements of Chapter 73, Amusements, of the Roseville Code of Ordinances.
- E. Automobile service centers, when developed as part of a planned commercial center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center; and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-2 District.
- F. Freestanding accessory uses such as offices, banks and savings and loan outlets and their accessory drive-through facilities, medical offices, or clinics, sit-down, drive-through fast food carry-out and fast food sit-down restaurants as defined in this chapter, as well as retail commercial uses, except gasoline service stations as provided.
 - (1) They must be accessory to a principal permitted use on the land and shall be erected only in conjunction with or subsequent to erection of the principal use on the land.
 - (2) Only an accessory office bank savings and loan or medical clinic shall be permitted on any accessory use site next to a residential district.
 - (3) If an interior access road is provided for the principal use, all access to any accessory use permitted herein shall be only from the interior access road. If an interior access road is not provided, one of the following alternatives shall apply.
 - (a) If the site for the accessory use lies next to a driveway entrance to the principal use, access for the accessory use shall be via that entrance.

- (b) If the land along the principal site's frontage is available for two or more contiguous accessory uses, provisions shall be made for the location of an access drive to serve the accessory uses. The access drive may be located at the front or at the rear of the site of the accessory use, but its location shall be uniformly the same for all accessory uses.
 - (c) If access cannot be gained in either manner outlined above, access to an accessory use may be gained directly from a road fronting the site, provided such access is at least 60 feet from any other entrance to the principal use.
- (4) The use shall meet the applicable numerical off-street parking requirements and the off-street parking layout standards, as well as loading and unloading requirements of this chapter, and all such requirements will be met within the lot, parcel or area of a site specifically designated for the use. For uses having drive-up or drive-through window services, see §§ 370-76 and Section 370-77 of the Ordinance Code.
 - (5) Existing off-street parking spaces for the principal use of the site may not be used to meet the off-street parking requirement of a secondary use unless they are in excess of the minimum number of parking spaces required for the principal use.
 - (6) Whenever existing excess parking may be used for a secondary use on the site, that parking shall be physically separated from parking used for the principal use by means of raised (curbed) landscape islands, except nothing herein is intended to discourage direct limited access to a secondary use from the off-street parking area of the principal use.
 - (7) Whenever an accessory use as permitted herein shall be attached in any way or manner to the principal building or use of the property, the minimum building setback requirements of the district shall apply. Whenever a secondary use shall be housed in a building detached and physically independent of the principal building or use, the following minimum building setback requirements may be applied to the secondary use,
 - (a) Front yard setback: 40 feet. Within this setback, a minimum of 10 feet of landscaped lawn panel shall be provided between the front property line and any intersecting service drive or off-street parking space if a site access service drive is required as set forth in Subsection F(3)(b) above the drive shall be 22 feet wide and shall be set back 10 feet from the nearest accessory site line and shall extend in a continuous manner and at a continuous elevation from one accessory site to the next.
 - (b) Side yard setback (each side): 20 feet, except in the case of an exterior side yard, the minimum setback shall be the same as the front yard and all conditions applicable to the front yard setback shall apply.
 - (c) Rear yard setback: 20 feet, except in the case of a double frontage lot, the minimum setback shall be the same as a front yard and all conditions applicable to the front yard setback shall apply.

- (8) Except as otherwise permitted herein, all loading, unloading, as well as the location of a trash receptacle shall be restricted to the rear yard area. The trash receptacle shall be screened in accordance with the screening requirements of this chapter. Loading, unloading and the trash receptacle with corresponding screening structure may be located in the interior side yard when the Building Department or the Planning Commission shall determine that:
 - (a) The site of the accessory use is a double frontage site.
 - (b) The size or configuration of the site, or the required location of the accessory use on the site, results in a less desirable rear yard location for these operations.
 - (c) In determining if the interior side yard alternative is preferred to the required rear yard location, the Building Department or the Planning Commission shall be satisfied that an interior side yard location will result in a more efficient use of both functions. The Building Department or the Planning Commission shall also be satisfied that the alternative location shall not have an adverse visual or functional impact on any adjacent use and that all such interior side yard functions will be effectively screened from view.
 - (9) The minimum building height limitations of the district notwithstanding, the maximum building height of all secondary uses shall be 25 feet.
- G. Dining, drinking, and reception facilities: **[Added 2-26-2019 by Ord. No. 1308⁷]**
- (1) Bars, taverns, lounges, breweries, and distilleries.
 - (2) Restaurants with a liquor license, drive-in or drive-through, meeting the following standards:
 - (a) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
 - (b) All lighting shall be shielded from adjacent residential districts.
 - (c) A completely obscuring architectural masonry screen wall as required in Article XXII of this chapter shall be provided when abutting or adjacent to R, OS, B-1, B-2 or B-3 Districts. For OS, B-1, B-2, B-3 Districts, the applicant can submit evidence to demonstrate that a waiver of the screen wall does not result in any unnecessary hardship on surrounding properties and businesses. The Plan Commission may approve such waiver upon finding that such waiver does not result in any unnecessary hardship of surrounding properties and businesses.
 - (3) Outdoor cafes are allowed in accordance with the following regulations:
 - (a) An outdoor cafe may be set up and used from March 15 through October 31. The permitted hours of operation are from 10:00 a.m. to 12:00 midnight in B-3 Business Districts unless longer hours are specifically

7. Editor's Note: This ordinance also redesignated former Subsection G as Subsection H.

approved by the Planning Commission and the City Council. Noise radiating from an outdoor café which exceeds 50 DBA between 8:00 p.m. and 12:00 midnight, or other approved hours, or 55 DBA between 7:00 a.m. and 8:00 p.m. shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. The City Council may, by resolution, extend the dates of operation or the hours of operation for a stipulated number of days, not to exceed a total of 30 days per calendar year.

- (b) A site drawing showing the detailed plan of the outdoor cafe must be submitted to and approved by the Planning Commission. The detailed plan is to include the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor cafe. The occupancy load shall be posted in a conspicuous location.
- (c) Outdoor cafes, including any canopy or cover associated with such a cafe, shall be permitted within the required setback.
- (d) Outdoor cafes within the required setback shall not be enclosed, except as specified elsewhere in this chapter.
- (e) Outdoor cafes shall be exempt from any parking requirement if they have less than 30 seats. Outdoor cafe seating areas that have more than 30 seats shall provide one space for each three outdoor seats provided above 30 seats.
- (f) If alcohol is being served, it will include a fence, subject to approval of the Planning Commission.
- (g) No food and beverage preparation would occur in the outdoor cafe. All food and beverage preparation will incur inside the building housing the principal use and brought to the customer or carried by the customer to the outdoor cafe.
- (h) All fixtures associated with an outdoor cafe must be portable and related, as well as limited to food service (e.g., tables, chairs, serving trays). Furnishings of an outdoor cafe shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, if specifically approved by the Planning Commission and the City Council, may be secured by means of flush-mounted anchors or other methods approved by the Building Director. No

objects which are part of an outdoor cafe, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building or structure on which the outdoor cafe abuts.

- (i) The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the Department of Health and any other local, county or state requirements, including the Michigan Liquor Control Commission (if applicable).
 - (j) Outdoor cafes are typically located immediately adjacent to the building housing the principal use.
 - (k) Outdoor cafes do not have to be removed daily or on any regular schedule.
 - (l) Outdoor cafes can have heating as long as they are not enclosed and the heating can be removed.
 - (m) No signs or any other forms of advertising are permitted in the outdoor dining area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella.
 - (n) Plans for setting up the outdoor cafe must be approved by the Building Department to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire safety issues. If alcohol is served, entrance to the outdoor cafe is required to be from inside the building. An outdoor cafe which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six feet high.
 - (o) Lighting requirements are subject to the applicable requirements of Article XXIII, § 370-102.
- H. Permitted and special uses allowed in the B3 and OS Districts shall be allowed on property containing an enclosed mall on at least 40 acres of land, subject to the conditions set forth in the appropriately noted District. The Building Director or his or her designee may request a public hearing at the Planning Commission level. **[Added 8-11-2015 by Ord. No. 1285]**

§ 370-38. Required conditions.

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing or processing, except for off-street parking; loading and those open-air uses indicated as being subject to special conditions in § 370-37 above, shall be conducted within completely enclosed buildings.
- C. Except as permitted in § 370-37 above, the outdoor storage of goods or materials of any kind shall be expressly prohibited.

- D. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- E. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- F. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- G. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
 - (1) Section 370-100, Accessory uses.

- (2) Section 370-102, Exterior site lighting.
 - (3) Section 370-104, Corner clearance.
 - (4) Section 370-105, Frontage on public streets.
 - (5) Section 370-106, Access to major thoroughfares.
 - (6) Section 370-107, Exterior building wall materials guidelines.
 - (7) Section 370-108, Signs.
 - (8) Section 370-110, Use restrictions.
 - (9) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Lots adjoining alleys.
 - (3) Section 370-129, Yard regulations.
 - (4) Section 370-132, Projections into yards.
 - (5) Section 370-133, Access through yards.

ARTICLE XII
B-3 General Business District

§ 370-39. Intent.

The B-3 General Business District is designed to provide sites for more diversified business types and is often located so as to serve passerby traffic. The General Business District is thus typically mapped along major traffic arteries and/or adjacent to the Community Business Districts.

§ 370-40. Principal permitted uses.

The following regulations shall apply to all B-3 Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following specified uses:

- A. Any principal permitted retail business or service establishment in the B-2 Districts.
- B. Mortuary establishments, when adequate assembly area is provided as set forth in § 370-76A of this chapter, off-street parking for vehicles to be used in a funeral procession, and provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's or proprietor's residence may be provided within the main building of mortuary establishments.
- C. Motor vehicle car wash, when completely enclosed in a building.
- D. Bus passenger stations.
- E. New and used car salesroom, showroom or office.
- F. Governmental office or other governmental use; public utility offices, exchanges, transformer stations, pump stations and service yards, but not including outdoor storage.
- G. Dining, drinking, and reception facilities: **[Added 2-26-2019 by Ord. No. 1308⁸]**
 - (1) Restaurants, including those with carry-out, and fast food sit-down without drive-through. (Accessory lounges are permitted.)
 - (2) Banquet halls.
- H. Other structures and uses customarily incidental to the above permitted uses.

§ 370-41. Uses permitted subject to special conditions.

The following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Building Department or Planning Commission.

- A. Any conditional use permitted in the B-2 District, subject to the conditions specifically set forth for the use.

8. Editor's Note: This ordinance also redesignated former Subsection G as Subsection H.

- B. Outdoor sales space for the exclusive sale, lease or rental of new or used automobiles, house trailers, boats, or trailers, subject to the following: **[Amended 7-23-2013 by Ord. No. 1263]**
- (1) The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
 - (2) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - (3) No major vehicle repair, as defined in this chapter, shall be done on the lot.
 - (4) All exterior site lighting shall be subject to the applicable requirements of § 370-102 of this chapter.
 - (5) Elevated display stands of vehicles are prohibited.
 - (6) The minimum lot frontage requirement of a parcel for outdoor sales space for the exclusive sale, lease, or rental of new or used automobiles, house trailers, boats, or trailers shall be 100 feet.
 - (7) A minimum eight-foot-wide landscape area shall be provided between the sidewalk or property line, whichever is greater, and the parking or display area of the vehicles.
 - (8) All parking and display spaces shall have a raised curb or parking block located to prevent cars from parking on the lawn panel, grass, etc. Parking blocks shall be 72 inches long, eight feet wide and five inches tall.
 - (9) No vehicles shall be parked or displayed in the setback.
 - (10) No more than two such uses shall be permitted within 400 feet of each other.
 - (11) The applicable requirements of Chapter 332, Used Car Lots, of the Roseville Code of Ordinances, as amended, are met.
- C. Motel, subject to the following conditions:
- (1) Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - (2) Each unit shall contain not less than 200 square feet of floor area.
 - (3) No guest shall establish permanent residence at a motel for more than 30 days within any calendar year.
- D. Dining, drinking, and reception facilities: **[Amended 2-26-2019 by Ord. No. 1308]**
- (1) Bars, taverns, lounges, breweries, and distilleries.
 - (2) Restaurants with a liquor license, drive-in or drive-through, meeting the following standards:
 - (a) A setback of at least 60 feet from the right-of-way line of any existing or

- proposed street must be maintained;
- (b) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets;
 - (c) All lighting shall be shielded from adjacent residential districts;
 - (d) A completely obscuring architectural masonry screen wall as required in Article XXII of this chapter shall be provided when abutting or adjacent to R, OS, B-1, B-2 or B-3 Districts. For OS, B-1, B-2, B-3 Districts, the applicant can submit evidence to demonstrate that a waiver of the screen wall does not result in any unnecessary hardship on surrounding properties and businesses. The Plan Commission may approve such waiver upon finding that such waiver does not result in any unnecessary hardship of surrounding properties and businesses.
- E. Veterinary hospitals or clinics, provided all activities, including the boarding of pets, is conducted within a totally enclosed main building, and provided further that all abutting or adjacent property is within OS, B-1, B-2, B-3, I-1 or I-2 Districts.
- F. Motor vehicle service station, as defined in this chapter, subject to the following conditions:
- (1) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - (2) Minimum lot area.
 - (a) The minimum lot area shall be 15,000 square feet, and so arranged that ample space is available for motor vehicles that are required to wait.
 - (b) Automobile service stations which are intended solely for the sale of gasoline, oil and minor accessories, and having no facilities for repair or servicing of automobiles (including lubricating facilities) or any accessory retail adjunct, may be permitted on lots of 10,000 square feet, subject to all other provisions herein required.
 - (3) All lighting shall be shielded from adjacent residential districts.
- G. Residential occupancy of commercial buildings of two stories or greater may be permitted, provided the following conditions are met.
- (1) No dwelling shall occupy any part of a commercial building at grade level,
 - (2) A business use may occupy any number of total floors, but no business shall be located on the same floor as a residential dwelling unit and no floor may be used for a business purpose which is located above a floor occupied by a residential dwelling.
 - (3) No such dwelling unit shall exceed a maximum of two bedrooms and shall meet all other applicable City codes, including building and fire codes.

- (4) Each dwelling unit shall meet the minimum applicable floor area requirements of the RM-2 District as set forth in Article XVIII of this chapter.
 - (5) Off-street parking shall be provided as set forth and required in Article XX of this chapter.
- H. Motor vehicle repair shops (general), as defined in this chapter, subject to the following conditions:
- (1) Vehicles awaiting same-day repair may be parked in any required yard.
 - (2) All outdoor storage, including vehicles requiring more than same-day repair, shall be stored in an interior side yard or rear yard area behind an architectural masonry screen wall as set forth and regulated in Article XXII of this chapter.
 - (3) All repair work shall be performed inside an enclosed building.
 - (4) The outdoor storage of used automobile parts or partially disassembled automobiles, for the purposes of salvaging usable parts and/or sale to automotive wrecking yards, shall be expressly prohibited.
- I. Self-storage facilities, subject to the following conditions.
- (1) All access to the facility will be from a major thoroughfare as designated on the City's Master Plan For Future Land Use Map, as amended.
 - (2) Except as otherwise permitted in this subsection, access to all storage spaces shall be from the interior of a building only, there being no direct outside access to any such storage space permitted.
 - (3) When placed in conjunction with any loading and unloading area at the rear of the building, direct outside access to storage spaces may be permitted along the rear wall of the building and along not more than the rear 75% of one interior side wall of the building, provided the sidewall abuts a commercial or industrial district.
 - (4) An office area and a manager's or security person's living quarters may be provided in the storage building or in a separate building on the property. Any such living quarters shall meet the minimum applicable floor area requirements of this chapter for a multiple-family dwelling. An attached or detached private garage may be provided in conjunction with the living quarters for the sole use of its occupant(s). If so provided, the garage shall not be made available for customer storage.
 - (5) Except for trash receptacles, no outdoor storage of any kind shall be permitted either as the principal use or as an use accessory to the principal use.
- J. Massage parlors. Massage parlors, as defined in Chapter 193 of the Roseville Code, and amendments thereto, shall only be permitted in the B-3 District, subject further to the following requirements and conditions:
- (1) An application to establish the use permitted in this section shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable

requirements of Article XXI of this chapter. In conducting its review, the Planning Commission shall apply the following requirements.

- (a) The site shall not be contiguous to a One-Family Residential District.
 - (b) The site shall be so located as to abut a major thoroughfare right-of-way, and all ingress-egress to the site shall be directly from said major thoroughfare.
 - (c) Off-street parking shall be provided at a ratio of one space per 15 square feet of usable floor area in the waiting room, lobby or similar use area, plus one space per massage table or bench, plus one space per employee.
 - (d) Any such establishment shall further comply with Chapter 193 of the Roseville Code, as amended, and any other applicable codes or ordinances of the City of Roseville.
- (2) The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140 of this chapter.

K. Sexually oriented businesses:

- (1) It has been demonstrated that the establishment of adult businesses in business districts which are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both business and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid the clustering of certain businesses, which, when located in close proximity to each other, tend to create a skid row atmosphere. However, such prohibition fails to avoid the deleterious effects of blight and devaluation of both business and residential property values resulting from the establishment of adult bookstores, adult motion-picture theaters and adult mini motion-picture theaters in a business district which is immediately adjacent to and which serves residential neighborhoods. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood. The Roseville Planning Commission should be guided by the expressed will of those businesses and residents which are immediately adjacent to the proposed location of, and therefore most affected by the existence of, any adult bookstore, adult motion-picture theater and adult mini motion-picture theater.
- (2) An adult bookstore is an establishment having, as a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this chapter), or an establishment with a segment or section devoted to the sale or display of such material. An adult motion-picture theater is an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified

anatomical areas (as defined in this chapter) for observation by patrons therein. An adult mini motion-picture theater is an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas (as defined in this chapter), for observation by patrons therein.

- (3) Adult bookstores, adult motion-picture theaters, and adult mini motion-picture theaters, as defined in this chapter, shall only be permitted in the B-3 District, subject to the following requirements and conditions:
 - (a) An application to establish any use permitted in this section shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article 21 of this chapter. In conducting its review the Planning Commission shall apply the following conditions.
 - [1] Not more than two such uses shall be permitted within 1,000 feet of each other.
 - [2] It shall be unlawful to establish any such uses in a B-3 District if the proposed location is within 500 feet of a residentially zoned district unless the prohibition is waived upon the presentment of the Roseville Planning Commission of a validated petition requesting such waiver, signed by 51% of those persons owning, residing or doing business within 500 feet of the proposed location.
 - [3] The site shall abut a major thoroughfare right-of-way, and all ingress-egress to and from the site shall be directly via that major thoroughfare.
- L. Dependent adult housing, as defined in this chapter, not to exceed a height of two stories, when the following conditions are met: **[Added 1-8-2008 by Ord. No. 1210]**
 - (1) The site shall be so developed as to create a land-to-building ratio on the lot or parcel whereby for each one bed in the facility there shall be provided not less than 150 square feet of land area per bed which shall provide for a landscaped setting, off-street parking, service drives, loading space, yard requirements, employee facilities, and space required for accessory uses. The one-hundred-fifty-square-foot requirement is over and above the building coverage area.
 - (2) No building shall be closer than 40 feet from any property line.
 - (3) Such uses shall be located on a major or secondary thoroughfare as identified in the City's Master Plan.
- M. Outdoor cafes are allowed in accordance with the following regulations: **[Added 1-14-2014 by Ord. No. 1265]**
 - (1) An outdoor cafe may be set up and used from March 15 through October 31. The permitted hours of operation are from 10:00 a.m. to 12:00 midnight in B-3 Business Districts unless longer hours are specifically approved by the

Planning Commission and the City Council. Noise radiating from an outdoor café which exceeds 50 DBA between 8:00 p.m. and 12:00 midnight, or other approved hours, or 55 DBA between 7:00 a.m. and 8:00 p.m. shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. The City Council may, by resolution, extend the dates of operation or the hours of operation for a stipulated number of days, not to exceed a total of 30 days per calendar year.

- (2) A site drawing showing the detailed plan of the outdoor cafe must be submitted to and approved by the Planning Commission. The detailed plan is to include the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor cafe. The occupancy load shall be posted in a conspicuous location.
- (3) Outdoor cafes, including any canopy or cover associated with such a cafe, shall be permitted within the required setback.
- (4) Outdoor cafes within the required setback shall not be enclosed, except as specified elsewhere in the ordinance.
- (5) Outdoor cafes shall be exempt from any parking requirement if they have less than thirty seats. Outdoor cafe seating areas that have more than thirty seats shall provide one space for each three outdoor seats provided above thirty seats.
- (6) If alcohol is being served, it will include a fence, subject to approval of the Planning Commission.
- (7) No food and beverage preparation would occur in the outdoor cafe. All food and beverage preparation will incur inside the building housing the principal use and brought to the customer or carried by the customer to the outdoor cafe.
- (8) All fixtures associated with an outdoor cafe must be portable and related, as well as limited to food service (e.g. tables, chairs, serving trays). Furnishings of an outdoor cafe shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, if specifically approved by the Planning Commission and the City Council, may be secured by means of flush-mounted anchors or other methods approved by the Building Director. No objects which are part of an outdoor cafe, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building or structure on

which the outdoor cafe abuts.

- (9) The outdoor cafe must be part of a licensed restaurant and meet all the requirements of the Department of Health and any other local, county or state requirements, including the Michigan Liquor Control Commission (if applicable).
 - (10) Outdoor cafes are typically located immediately adjacent to the building housing the principal use.
 - (11) Outdoor cafes do not have to be removed daily or on any regular schedule.
 - (12) Outdoor cafes can have heating as long as they are not enclosed and the heating can be removed.
 - (13) No signs or any other forms of advertising are permitted in the outdoor dining area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella.
 - (14) Plans for setting up the outdoor cafe must be approved by the Building Department to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for firesafety issues. If alcohol is served, entrance to the outdoor cafe is required to be from inside the building. An outdoor cafe which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six feet high.
 - (15) Lighting requirements subject to the applicable requirements of Article XXIII, § 370-102.
- N. Internet cafes. **[Added 1-14-2014 by Ord. No. 1265]**
- O. Dog day care, dog grooming or other dog service establishments, with no boarding or overnight stay, subject to the following conditions: **[Added 1-14-2014 by Ord. No. 1265]**
- (1) Overnight stay of animals shall be prohibited.
 - (2) The minimum size of the dog grooming area shall be 15 square feet with:
 - (a) Minimum width dimension: three feet.
 - (b) Minimum depth dimension: three feet.
 - (3) Each grooming facility shall be equipped with at least a bath tub, a grooming table, hot and cold running water, a drier, clippers, combs, brushes, and shears. All equipment must be sterilized after each use and kept in sanitary condition.
 - (4) Dogs shall be securely confined. Dogs shall not be allowed to wander at large.
 - (5) Facilities that keep dogs for grooming for longer than four hours must have an indoor or outdoor dog exercise area. The exercise area must measure at least three feet by eight feet, with a covered top.
 - (6) Interior building surfaces, including walls, ceilings, and floors shall be

constructed so as to be water resistant and capable of being readily cleaned and maintained.

- (7) Readily accessible washrooms or sinks shall be provided, convenient to all work areas, to ensure maintenance of personal hygiene by dog caretakers. A sink in good repair shall be provided for washing and sanitizing equipment and utensils. Single-service soap and towel dispensers must be available at all hand-washing sinks.
- (8) All facilities shall be adequately ventilated with fresh or filtered air to minimize drafts, odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be provided by either natural or mechanical means. The necessary equipment or comparable means shall be provided to exhaust the air from the dog area to outside of the building.
- (9) The groomer must keep the grooming area, and exercise area, if necessary, disinfected, clean, and sanitary at all times.
- (10) Dog waste areas, either indoor or outdoor, shall be constructed of a hard surface that is easily cleaned. Such areas shall be connected to a sanitary system.
- (11) All dog grooming facilities shall have drying cages, which shall be:
 - (a) Kept clean and sanitary; and
 - (b) Large enough to comfortably contain the dog. The dog shall be able to stand, lie down, and turn around. The recommended dimensions are: 22 inches to 24 inches wide, by 24 to 28 inches high, by 30 to 34 inches deep.
- (12) Outdoor areas where animals will be allowed shall:
 - (a) Not be within 300 feet of a residential district;
 - (b) Be permitted only in the rear and side yards;
 - (c) Be set back a minimum of 20 feet from the property line and landscaped with one canopy tree, one evergreen tree and four shrubs per each 30 linear feet along the property line, rounded upward; and
 - (d) Fully enclosed by a six-foot screening fence or wall providing full containment for the animals in accordance with Article XXII, Screening Devices and Landscaping.
- (13) Hours of operation shall start no earlier than 6:00 a.m. and shall be closed no later than 10:00 p.m. All animals shall be kept indoors from 6:00 a.m. until 8:00 a.m. and from 8:00 p.m. to 10:00 p.m.
- (14) A written statement of operating procedures must be submitted, such as those recommended by the Pet Care Services Association or the American Kennel Club. The procedures, which are to be followed for the life of the business, must address, at a minimum, the following items:

- (a) Identification and correction of dog behavior that impacts surrounding uses, including excessive noise (barking);
 - (b) The time interval anticipated for waste removal and method of cleanup;
 - (c) Identification of the hours of operation and timing of shift changes, if applicable;
 - (d) Indication of staffing levels during all shifts and the qualifications of each staff member; and
 - (e) Membership in the Voluntary Facilities Accreditation program via the Pet Care Services Association is strongly encouraged.
- P. To encourage and provide for land use diversity and to promote economic vitality, residential occupancy shall be permitted in buildings of two stories in height or greater located along Gratiot Avenue south of Maryland Street, on Utica from Gratiot to 12 Mile Road (including parcels fronting both sides of 12 Mile Road), and on 10 Mile Road. In buildings used for the mixing of business and residential occupancy, the following shall be subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission at a duly advertised public hearing in accordance with § 370-87: **[Added 1-14-2014 by Ord. No. 1265]**
- (1) No dwelling unit shall occupy any portion of the floor area of the building at grade level.
 - (2) Business uses may occupy any number of total floors in the building, but no business shall be located on the same floor as a residential use.
 - (3) No floor in the building may be used for business purposes that is located above a floor used for residential purposes.
 - (4) No dwelling unit shall have more than two bedrooms.
 - (5) Each dwelling unit shall comply with the minimum applicable floor area requirements set forth in § 370-60, Schedule of Regulations, in this chapter.
 - (6) Off-street parking shall be provided for each dwelling unit in accordance with the applicable requirements of Article XX in this chapter unless otherwise excused.

§ 370-42. Required conditions.

- A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- B. All business, servicing or processing, except for off-street parking; loading and those open-air uses indicated as being subject to special conditions in § 370-41 above, shall be conducted within completely enclosed buildings.
- C. Except as permitted in § 370-41 above, the outdoor storage of goods or materials of any kind shall be expressly prohibited.

- D. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- E. In the area noted on the Future Land Use Map as Town Center Overlay District, all businesses identified as commercial or quasi public shall have entrances that face the street/sidewalk. **[Added 1-14-2014 by Ord. No. 1265⁹]**
- F. See Article XIX, Use Permits.
- G. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- H. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- I. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-85, Building wall serving as screen.
 - (5) Section 370-86, Approvals and waivers.
 - (6) Section 370-87, Landscape planting standards.
 - (7) Section 370-88, Required conditions for landscape planting screens.
 - (8) Section 370-89, Planting plan.
 - (9) Section 370-90, Planting plan review.
 - (10) Section 370-91, Layout standards; plant materials.
 - (11) Section 370-92, Landscaping for aesthetic purposes.
 - (12) Section 370-93, Aesthetic landscape areas.
 - (13) Section 370-94, Cost estimates and surety.

9. Editor's Note: This ordinance also redesignated former Subsections E through J as Subsections F through K, respectively.

(14) Section 370-95, Exterior utility equipment screens.

(15) Section 370-96, Trash receptacle screens.

J. See Article XXIII, General Provisions.

(1) Section 370-100, Accessory uses.

(2) Section 370-102, Exterior site lighting.

(3) Section 370-104, Corner clearance.

(4) Section 370-105, Frontage on public streets.

(5) Section 370-106, Access to major thoroughfares.

(6) Section 370-107, Exterior building wall materials guidelines.

(7) Section 370-108, Signs.

(8) Section 370-110, Use restrictions.

(9) Section 370-111, Performance standards.

K. See Article XXV, General Exceptions.

(1) Section 370-126, Height limit.

(2) Section 370-128, Lots adjoining alleys.

(3) Section 370-129, Yard regulations.

(4) Section 370-132, Projections into yards.

(5) Section 370-133, Access through yards.

ZONING

§ 370-42

ARTICLE XIII
(Reserved)

ARTICLE XIV
I-1 Light Industrial District

§ 370-43. Intent.

The I-1 Light Industrial District is designed so as to primarily accommodate wholesale and warehouse activities, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The I-1 District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material, it being the intent of this district that the processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, not be permitted.

§ 370-44. Principal permitted uses.

The following regulations shall apply to all I-1 Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used except for one or more of the following uses:

- A. Any use charged with the principal function of basic research design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirement of enclosure.
- B. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building.
 - (1) The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products.
 - (2) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, shell, textiles, tobacco, wax, wire, wood (excluding saw and planing mills), and yarns.
 - (3) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - (4) Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other small, molded rubber products.
 - (5) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs.
 - (6) Laboratories - experimental, film, or testing.
 - (7) Manufacture and repair of electronic or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.

- (8) Central dry-cleaning plants or laundries, provided that such plants shall not deal directly with consumers at retail.
 - (9) All public utilities, including buildings, necessary structures, storage yards and other related uses.
 - (10) Offices and office uses.
- C. Warehouse, storage and transfer and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, and gas regulator stations. Water supply and sewage disposal plants. Water and gas tank holders. Railroad transfer and storage tracks. Railroad rights-of-way. Railroad and truck terminal freight facilities.
 - D. Storage facilities for building materials, and gravel, stone and lumber. Storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring masonry wall and intense landscape planting screen on those sides abutting a more restrictive district or a public thoroughfare. In any I-1 District, the height of the wall may be determined by the Building Department or the Planning Commission in accordance with the standards set forth in Article XXII in this chapter.
 - E. Trade or industrial schools.
 - F. Accessory structures and uses customarily incident to the above permitted uses.
 - G. Nonaccessory, freestanding signs, subject to the requirements of Chapter 264, Signs, in the Roseville Code of Ordinances.
 - H. Commercial kennels, when located at least 250 feet from any R Residential District.

§ 370-45. Uses permitted subject to special conditions.

The following uses shall be permitted, subject to conditions hereinafter imposed for each use and subject further to the review and approval of the Building Department or Planning Commission.

- A. Motor vehicle repair (major), as defined in this chapter, automobile or other machinery assembly plants, painting and varnishing shops, undercoating shops, lumber and planing mills.
- B. Uses which serve the convenience needs of the industrial district such as select convenience commercial uses, eating and drinking establishments, bank, savings and loan association, credit union, automobile service station, motel, bowling alley, trade or industrial school, or industrial clinic.
- C. Other uses of a similar and no more objectionable character, and which will not be injurious or have an adverse effect on adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as the Planning Commission may deem necessary in the interest of public health, safety and welfare.
- D. Cemeteries and mausoleums existing at the time of adoption of this chapter subject

to the applicable standards of § 370-14M of this chapter.

- E. Self-storage facilities, provided any outdoor storage shall be effectively screened from view from any abutting public road right-of-way, from any commercial district, any office district and any residential district. Such facilities may include the dwelling of a caretaker or security person, subject to the applicable requirement of this chapter.
- F. Accessory structures and uses customarily incidental to the above permitted uses.
- G. Medical marihuana cultivation operation. **[Added 4-13-2021 by Ord. No. 1321]**

§ 370-46. Required conditions.

The following conditions, where applicable, shall apply to all uses permitted in the I-1 District.

- A. The outdoor storage of products and materials shall be permitted, provided:
 - (1) All outdoor storage shall be located in the rear yard or within a nonrequired interior side yard only. No outdoor storage of any kind shall be permitted in any designated parking or loading, unloading area.
 - (2) All outdoor storage shall be screened from view in accordance with the requirements set forth in Article XXII in this chapter.
- B. All uses permitted in the I-1 District shall comply fully with the applicable standards of § 370-111 in this chapter.
- C. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- D. See Article XIX, Use Permits.
- E. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- F. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- G. Article XXII, Screening Devices and Landscaping.
 - (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.

- (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
- (1) Section 370-100, Accessory uses.
 - (2) Section 370-102, Exterior site lighting.
 - (3) Section 370-104, Corner clearance.
 - (4) Section 370-105, Frontage on public streets.
 - (5) Section 370-106, Access to major thoroughfares.
 - (6) Section 370-107, Exterior building wall materials guidelines.
 - (7) Section 370-108, Signs.
 - (8) Section 370-110, Use restrictions.
 - (9) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Lots adjoining alleys.
 - (3) Section 370-129, Yard regulations.
 - (4) Section 370-132, Projections into yards.

- (5) Section 370-133, Access through yards.

ARTICLE XV
I-2 General Industrial District.

§ 370-47. Intent.

The I-2 General Industrial District is designed primarily for manufacturing, assembling, and fabrication activities, including large-scale or specialized industrial operations, whose external effects may be felt to some degree by surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing, and compounding of semifinished or finished products from raw material as well as from previously prepared material.

§ 370-48. Principal permitted uses.

The following regulations shall apply to all I-2 Districts, and no building, structure, or premises, except as otherwise provided in this chapter, shall be erected, altered, or used, except for one or more of the following uses:

- A. Any principal use first permitted in an I-1 District.
- B. Heating and electric power-generating plants, and all necessary uses.
- C. Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods or products which shall not be injurious to the occupants of adjacent premises or districts by reason of the emission or creation of noise, vibration, smoke, dust or particulate matter, toxic and noxious materials, odors, fire or explosive hazards, or glare or heat.
- D. Junkyards, provided such are entirely enclosed within a building or behind a completely obscuring wall, and provided further that one property line abuts a railroad right-of-way. There shall be no outdoor burning on the site, and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building. There shall be no stocking of any material above the height of the wall, except that movable equipment used on the site may exceed the wall height.
- E. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant, provided further that no outdoor or open storage of such materials shall be permitted and provided further that such uses shall receive approval of the Zoning Board of Appeals.
- F. Tool and die shop.
- G. Metal plating, buffing and polishing.
- H. Stamping plant.
- I. Machine shop.
- J. Accessory structures and uses customarily incidental to the above permitted uses.

§ 370-49. Permitted uses subject to special conditions. [Added 3-23-2010 by Ord. No. 1235¹⁰]

The following uses shall be permitted, subject to conditions hereinafter imposed for each use and subject further to the review and approval of the Building Department or Planning Commission.

- A. Uses, which serve the convenience needs of the industrial district such as eating and drinking establishments.
- B. Medical marihuana cultivation operation. [Added 4-13-2021 by Ord. No. 1321]

§ 370-50. Required conditions.

The following conditions, where applicable, shall apply to all uses permitted in the I-2 District.

- A. The outdoor storage of products and materials shall be permitted, provided:
 - (1) All outdoor storage shall be located in the rear yard or within a nonrequired interior side yard. No outdoor storage of any kind shall be permitted in any designated off-street parking or loading, unloading area.
 - (2) All outdoor storage shall be screened from view in accordance with the requirements set forth in Article XXII of this chapter.
- B. All uses permitted in the I-2 District shall comply fully with applicable standards of § 370-111, Performance standards, of this chapter.
- C. See Article XVIII, Schedule of Regulations; District Options, limiting the height and bulk of buildings, the minimum size of a lot permitted by land use, the maximum density permitted and providing minimum yard setback requirements.
- D. See Article XIX, Use Permits.
- E. See Article XX, Off-Street Parking Standards.
 - (1) Section 370-75, General parking requirements.
 - (2) Section 370-76, Off-street parking and vehicle stacking space requirements.
 - (3) Section 370-77, Off-street parking space layout standards.
 - (4) Section 370-78, Off-street loading and unloading.
- F. Article XXI, Site Plan Review.
 - (1) Section 370-79, Site plan process.
 - (2) Section 370-80, Improvement guarantee.
- G. Article XXII, Screening Devices and Landscaping.

10. Editor's Note: This chapter also redesignated former § 370-49 as § 370-50.

- (1) Section 370-81 Screening devices required.
 - (2) Section 370-82, Screen wall structures.
 - (3) Section 370-83, Landscaped earth berms.
 - (4) Section 370-84, Landscape planting screen.
 - (5) Section 370-85, Building wall serving as screen.
 - (6) Section 370-86, Approvals and waivers.
 - (7) Section 370-87, Landscape planting standards.
 - (8) Section 370-88, Required conditions for landscape planting screens.
 - (9) Section 370-89, Planting plan.
 - (10) Section 370-90, Planting plan review.
 - (11) Section 370-91, Layout standards; plant materials.
 - (12) Section 370-92, Landscaping for aesthetic purposes.
 - (13) Section 370-93, Aesthetic landscape areas.
 - (14) Section 370-94, Cost estimates and surety.
 - (15) Section 370-95, Exterior utility equipment screens.
 - (16) Section 370-96, Trash receptacle screens.
- H. See Article XXIII, General Provisions.
- (1) Section 370-100, Accessory uses.
 - (2) Section 370-102, Exterior site lighting.
 - (3) Section 370-104, Corner clearance.
 - (4) Section 370-105, Frontage on public streets.
 - (5) Section 370-106, Access to major thoroughfares.
 - (6) Section 370-107, Exterior building wall materials guidelines.
 - (7) Section 370-108, Signs.
 - (8) Section 370-110, Use restrictions.
 - (9) Section 370-111, Performance standards.
- I. See Article XXV, General Exceptions.
- (1) Section 370-126, Height limit.
 - (2) Section 370-128, Lots adjoining alleys.

- (3) Section 370-129, Yard regulations.
- (4) Section 370-132, Projections into yards.
- (5) Section 370-133, Access through yards.

ARTICLE XVI
P-1 Vehicular Parking District

§ 370-51. Intent; applicability.

- A. The P-1 Vehicular Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private passenger vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a land use that has developed without adequate off-street parking facilities. The district can also serve, where applicable, as a district of land use transition between a nonresidential district and a residential district.
- B. The following regulations shall apply to all P-1 Districts.

§ 370-52. Permitted uses.

Land in a P-1 District shall be used only for the off-street parking of motor vehicles and shall be developed and maintained as hereinafter set forth.

§ 370-53. Permitted uses subject to special conditions.

The following uses shall be permitted in the P-1 District, subject to the conditions hereinafter imposed and subject further to review and approval by the Planning Commission.

- A. Trash receptacles and their accompanying screening device, when it can be clearly shown that the location and functional use of a trash receptacle cannot be achieved on the same parcel with the principal use of land for which the trash receptacle is intended to serve. After review of the site, the Planning Commission may permit a trash receptacle and its accompanying screening device to be placed in a developed or developing off-street parking lot in the district, provided the following conditions are met.
- (1) The trash receptacle will be used only by the principal use or uses for which the off-street parking lot is provided.
 - (2) The trash receptacle is located next to the improved public alley right-of-way or improved private access drive.
 - (3) Proper service access to the trash receptacle can be gained from an improved public alley which abuts the P-1 District and the parking lot, or from an improved private access drive which provides access to the P-1 District and the parking lot from the abutting property containing the principal use.
 - (4) The trash receptacle will be effectively screened and maintained in strict compliance with the applicable screening requirements of § 370-96 of this chapter.

§ 370-54. Required conditions.

- A. The parking area shall be accessory to, and for use in connection with, one or more businesses, or industrial establishments, located in adjoining business or industrial

districts, or in connection with one or more existing professional or institutional office buildings or institutions.

- B. Parking areas shall be contiguous to a RM-1, RM-2, OS, B-1, B-2, B-3, I-1 or I-2 District. Parking areas may be approved when adjacent to said districts or on the end of a block where such areas front on a street that is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and the above-listed districts.
- C. Parking areas shall be used solely for parking of private passenger vehicles and shall not be used for off-street loading, unloading or the placement of trash receptacles.
- D. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- E. No signs of any kind, other than signs designating entrances, exits and conditions of use, shall be maintained on such parking area.
- F. No building, other than those for shelter of attendants, shall be erected upon premises, and they shall not exceed 15 feet in height.
- G. Applications for P-1 District rezoning shall be made to the Building Department by submitting the dimensional layout of the area requested, showing the intended parking plan. The plan shall be laid out in accordance with the requirements of this article and in accordance with the requirements of Article XXI of this chapter.

§ 370-55. Minimum distances and setbacks.

- A. Side and rear yards. Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, required screening, as set forth in Article XXII in this chapter, shall be located along said lot line.
- B. Front yards. Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have yet been erected, there shall be a setback equal to 1/2 the required residential setback for said residential district. The required wall shall be located on this minimum setback line.

§ 370-56. Parking space layout, standard, construction and maintenance.

- A. P-1 Vehicular Parking Districts shall be laid out, developed and maintained in accordance with the applicable requirements of Article XX of this chapter.
- B. All required screening and landscaping shall adhere to the applicable requirements of Article XXII of this chapter.

ARTICLE XVII
Special Districts

§ 370-57. Sign Overlay Zone. [Added 4-12-2011 by Ord. No. 1243]

- A. Within the area of the City that borders Interstates I-696 and I-94, specific overlay zones have been established in which the placement of off-premises signs (as defined in § 370-5) may be erected in accordance with the guidelines and applicable standards set forth in this section and in this article.
- B. The Sign Overlay Zone, as depicted on the Overlay Zoning Map in § 370-59, and on the Roseville Zoning Map, is designed to permit the construction of off-premises signs along an interstate.
- C. Required conditions. The following conditions shall be applicable to the Sign Overlay District outlined in this article:
- (1) All requirements consistent with § 264-6 shall apply to commercial and office districts as defined in this chapter.
 - (2) The Sign Overlay Zone shall extend 100 feet from the MDOT right-of-way line, excluding entrance and exit ramps, or to the end of the first parcel from the right-of-way line, whichever is closer.
 - (3) A minimum setback of 500 feet from any property used and/or zoned as residential is required. The five-hundred-foot setback may be reduced for property zoned residential but not used as residential and nonconforming residential property in commercial and office districts with special use approval from the Planning Commission. A request for special use approval under this subsection shall require notice to be made to property occupants within 500 feet of the property in which the sign shall be located. The required setback shall be measured from the residential property line to the closest portion of the sign structure.
 - (4) Exterior site lighting shall comply with the applicable requirements of § 370-102 of this chapter and Chapter 264.
 - (5) Signs must be within 15° of perpendicular to the MDOT right-of-way line along the interstate.
 - (6) Only one sign is allowed per lot or parcel.

§ 370-58. Planned Unit Development District. [Amended 3-26-2013 by Ord. No. 1261]

The PUD Planned Development District is intended to permit the private or public development or redevelopment of commercial and industrial zoned areas throughout the City which shall be substantially in accord with the goals and objectives of the City of Roseville Master Plan in providing for a balanced land use pattern for homes, business, industry, community facilities and services. Homes shall be single-family or condominium projects with the obligation of being developed for owner-occupants. The land use patterns of the areas involved shall provide a desirable environment and

shall be harmonious with the general surrounding uses, permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of this district to provide for development which will be carried out in such manner as to preserve natural features and their accessibility to the public and to promote energy efficient development. Such Planned Development Districts may embrace a mixture of one or more uses or zoning categories all in accord with the City of Roseville Master Plan For Future Land Use.

A. Procedure for application. Application shall be made to the City Council under this district. The person applying shall be required to make a submittal of the following material for review and recommendation by the Planning Commission.

- (1) A proof of ownership of land where land is being requested for rezoning. A property area survey of the exact area being requested (scale: one inch equals 100 feet).
- (2) A topography map of the entire area at a contour interval showing one-foot changes in elevation. This map shall indicate all natural and man-made features (scale: one inch equals 100 feet).
- (3) A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed, where applicable, the system of collector streets, and off-street parking system.
- (4) Building elevation drawing and proposed building materials.
- (5) A written statement explaining, in detail, the full intent of the sponsor indicating the specifics of the development plan as it relates to the type of dwelling units contemplated and resultant population; the extent of nonresidential development and the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to market studies, supporting land use request, and the intended scheduling of development.

B. Stage I preliminary site plan.

- (1) The preliminary site plan shall be referred to the City Building Official or his/her designee, to other City agencies or consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project.
- (2) In reviewing and approving the preliminary site plan, the following procedures and conditions shall be followed:
 - (a) The proposed development in a PUD District shall be of such area as to represent a sound carrying out of the Master Plan of land use, it not being the intention of this district that an unrelated parcel-by-parcel development be effectuated.
 - (b) The preliminary site plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the City Council relative to the plans meeting the intent and the requirements of

the Master Plan For Future Land Use and the requirements of this chapter.

- (c) Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with the requirements of Act 110 of 2006,¹¹ as amended.
- (d) Approval of the preliminary plan by the City Council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan.
- (e) Acceptance of the preliminary site plan by the City Council shall be effective for a period of two years.
- (f) In an area zoned PUD District, no development shall take place therein nor use made of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.

C. Stage II final site plan.

- (1) The final site plan shall be submitted to the City Council and referred to the City Building Official or his/her designee, and to other City agencies or consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project.
- (2) In reviewing the final site plan, the following conditions shall be followed:
 - (a) A final overall site plan for the entire area being requested under this PUD District shall be submitted. This plan shall be worked out, in detail, showing specific uses, building location, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building material and schedule of construction shall be submitted.
 - (b) The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, density, height, bulk, setbacks from public streets and off-street parking shall be equal to at least the minimum standards set forth for like uses in the Schedule of Regulations and off-street parking requirements of this chapter; provided, however, that the Planning Commission and City Council may modify these standards where the objectives of the district can be proved to be better served by such modifications. Density standards for multiple-family dwellings shall generally follow the requirements of the RM-1 Districts for one-, two- and three-story buildings and the RM-2 District requirements for buildings above three stories, subject to modification where it can be shown that such modification will provide a more desirable planned development. In those instances where mixed uses utilize a PUD District, the Planning Commission may vary setback and

11. Editor's Note: See MCLA § 125.3101 et seq.

height requirements to accomplish a desirable planned development.

- (c) A presentation of the final site plan shall be made to the City Council. Prior to action by the City Council, the final site plan shall be forwarded to the Planning Commission for review and recommendation.
- D. Stage II final site plan approval. In approving the final plan, the following conditions shall be set forth:
- (1) Approval of the final site plan (Stage II) may be granted by the City Council after review and recommendation is made by the Planning Commission. A public hearing shall not be required on the Stage II site plan; however, a resolution of the City Council is required, determining that such Stage II site plan is in compliance with the planned development representations made at the time of approval of the Stage I site plan, and also meets the requirements set forth in Subsection E, which follows. Final approvals may be granted in stages, provided such stages are in keeping with previously approved preliminary site plans.
 - (2) All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
 - (3) Upon issuance of a certificate of site plan approval, the site plan, building elevations and other development proposals, including the proposed uses, shall become an integral part of the PUD District and for purposes of recordation, shall be referred to as "Planned Development No. _____," which number shall be recorded on the appropriate properties of the City Zoning Map. All approved plans shall be filed with the City Clerk.
 - (4) Approval of the final site plan shall be effective for a period of three years, providing that development is commenced within one year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one year or not completed within three years, the Planning Commission shall review progress to date and make a recommendation to the City Council as to action relative to permitting continuation under original approval.
- E. Required conditions. The following are the required conditions of the PUD District.
- (1) Provisions satisfactory to the City Council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the City Council. Such assurance may include bonding or other suitable guarantee of performance.
 - (2) The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the City Council.
 - (3) The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being

the intent of this section that no other administrative or Board of Appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by City Council of any requested changes or amendments shall not void the originally approved plan.

- (4) A change of occupancy, a change in type of use, or the alteration of a building or the site in a previously approved PUD District shall require the review of the Building Official. The Building Official may request a review by the Planning Commission where a question arises relative to whether such change falls within the intent of the previously approved PUD District.
- (5) Fees for review of plans and for services required to supplement City staff as may be required to provide background for decisions of the Planning Commission and the City Council shall be established by resolution of the City Council.

§ 370-58.2. Groesbeck Overlay District. [Added 10-14-2014 by Ord. No. 1273]

- A. Purpose: The Groesbeck Overlay District is intended to provide and promote opportunities for development and redevelopment within the area as set forth in the Roseville Master Plan. These regulations are intended to provide opportunities, with the goal of maintaining and/or improving the character of Roseville, for an appropriate mix of residential and nonresidential uses within the Groesbeck Overlay District.
- B. The following regulations shall govern the use of property within the boundaries of the Groesbeck Overlay District, and shall permit a building or unified group of buildings to be erected or used, and a lot to be occupied for any of the following purposes:
 - (1) Additional retail uses include the following:
 - (a) Department store, variety store, clothing shop, bakery, ice cream shop, specialty shop, or similar use providing sales and services to customers.
 - (b) Restaurant or catering establishment, including outdoor dining.
 - (c) Bank or similar financial institution.
 - (d) Indoor amusement arcade when accessory to a permitted retail use.
 - (e) Medical offices.
 - (f) Workshops and studios.
 - (g) Greenhouses and nurseries.
 - (h) Farmers markets
 - (i) Outdoor commercial recreation facilities.
 - (j) Indoor commercial recreation facilities.
 - (2) Multiple-family dwellings (two stories or less).

- (3) High-rise structures (three stories or greater), subject to the conditions herein imposed:
 - (a) The proposed site for any such use shall have one property line abutting a major thoroughfare as set forth in § 370-106 in this chapter.
 - (b) The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses, or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include parking structures, swimming pools, recreation areas, pavilions, cabanas, and other similar uses.
- (4) General hospitals which meet all of the conditions set forth in § 370-22D in the RM-1 Districts.
- (5) Church or similar place of worship, including not more than one dwelling unit.
- (6) Public school or municipal facility.
- (7) Motor vehicle parking structure.
- (8) Accessory uses on the same lot incidental to the foregoing permitted uses.

§ 370-58.2. Extractive District. [Added 5-12-2015 by Ord. No. 1282]

- A. The E-1 Extractive District is established as a district in which the principal use of land is for the excavation and removal of sand and gravel deposits. Specially, this district is designed and intended to allow for the removal of valuable mineral deposits, to protect land surrounding excavation projects from the inherent nuisance effects of mineral mining operations, such as dirt, dust, noise, vibration and traffic, and to assure that once the excavation operation is complete or otherwise abandoned, the land will be rehabilitated and restored in such a manner that it will not result in dangerous or unsightly conditions which could be detrimental to the general health, safety and welfare of residents and property owners in the City. Since the E-1 Extractive District is tailored exclusively to mineral mining operation and those functions directly related to extractive operations, this district is considered a finite district which will someday be replaced by a more permanent zoning classification of the land.
- B. Principal permitted uses. No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformance with the provisions of this chapter.
 - (1) The excavation, mining, stockpiling or removal of sand or gravel deposits.
 - (2) Processing plants used in connection with the washing, grading, or other similar procession of material excavated on the premises.
 - (3) Stockpiles of sand or gravel as the product of an excavation operation being presently conducted on the premises.

- (4) Plants for the manufacture of concrete, commonly known as "ready-mix-plants."
 - (5) Accessory buildings and uses, including those customarily incidental to the uses permitted in this district.
- C. Applicable conditions. The following conditions shall apply to all uses permitted in this district:
- (1) All mining, excavation, stockpiling or removal of sand or gravel deposits shall take place on not less than 50 contiguous acres of land.
 - (2) All processing equipment shall be located no closer than 250 feet to the nearest abutting zoning district other than an E-1 District. This setback provision does not apply to stockpiling or conveyors, which may be placed no closer than 100 feet to the nearest abutting zoning district other than an E-1 District.
 - (3) Limiting the height and bulk of buildings, the minimum size of lot by permitted land use, the maximum dwelling unit density permitted and building setback and development options are the same as the I-2 General Industrial District.

§ 370-59. Special Districts Map.¹²

§ 370-59.1. Educational Enterprise Zone (EEZ). [Added 4-26-2016 by Ord. No. 1288]

The Educational Enterprise Zone is intended to provide and promote opportunities for educational and economic development and redevelopment within the area as set forth in the Roseville Master Plan by introducing incentives for reinvestment while maintaining the essential physical integrity of the area consistent with Groesbeck Corridor Improvement Plan.

§ 370-59.2. Medical Marihuana Facilities Overlay District. [Added 10-13-2020 by Ord. No. 1319]

- A. Legislative intent.
- (1) In 2016, the Michigan Legislature enacted the Medical Marihuana Facilities Licensing Act, MCL § 333.27101 et seq., and the Marihuana Tracking Act, MCL § 333.27901 et seq. The provisions in this section of the Zoning Ordinance, as well as those in other sections of the Zoning Ordinance relating to the subject of medical marihuana, are adopted for the purposes and with the intent set forth in City of Roseville Medical Marihuana Facilities Regulation and Permit Ordinance (being Chapter 192, Article II) and sections of said ordinance incorporated within.
 - (2) The intent of this section is to regulate medical marihuana provisioning centers, medical marihuana grower facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical

12. Editor's Note: The Special Districts Map is on file in the City offices.

marihuana processor facilities to the extent permissible under State of Michigan and federal laws and regulations, and to protect the public health, safety, and welfare of the residents of the City of Roseville.

- (3) It is further the intent of this section to permit medical marihuana facilities within a specific area that is located entirely within the Medical Marihuana Facilities Overlay District as shown on the City of Roseville Zoning Map.
- (4) Except as may be required by law or regulation, it is not the intent of this section to diminish, abrogate, or restrict the protections for medical uses of marihuana found in the Michigan Medical Marihuana Act,¹³ the Medical Marihuana Facilities Licensing Act, and the Marihuana Tracking Act.

B. Permitted uses.

- (1) Medical marihuana facilities subject to the requirements of Chapter 192, Article II, and § 370-59.2, Medical Marihuana Facilities Overlay District.
 - (a) Medical marihuana grower facility: five permits maximum for all of the permitted facilities in total combined:
 - [1] Class A: 500 plants.
 - [2] Class B: 1,000 plants.
 - [3] Class C: 1,500 plants.
 - (b) Medical marihuana processing center: five permits.
 - (c) Medical marihuana provisioning center: zero permits.
 - (d) Medical marihuana safety compliance facility: five permits.
 - (e) Secure transporter facility: five permits.
- (2) All uses otherwise permitted in § 370-48 (General Industrial District) shall be permitted in the Medical Marihuana Facilities Overlay District, unless otherwise restricted or prohibited by Chapter 192, Article II, of the Roseville Code of Ordinances.

C. Required conditions. Required conditions shall be the same as § 370-50, unless otherwise modified by Chapter 192 of the Roseville Code of Ordinances.

D. All other provisions that apply to any development in the Light Industrial District (I-1) and General Industrial District (I-2) shall also apply to the Marihuana Facilities Overlay District unless otherwise modified, supplemented or excluded by Chapter 192 of the City Code of Roseville.

13. Editor's Note: See MCL § 333.26421 et seq.

ARTICLE XVIII
Schedule of Regulations; District Options

§ 370-60. Schedule limiting height, bulk, density and area by zoning districts.¹⁴

§ 370-61. Density bonus option for RM-2 Multiple-Family Residential District (High Rise).

- A. The intent of this section is to encourage the development of high-rise multiple-dwelling projects, which are so designed as to provide a greater proportion of at-grade, on-site open space for landscaping and recreational use than is otherwise required under § 370-60 in this article.
- B. When this option is selected, the following conditions shall be met:
 - (1) Where part or all of the off-street parking spaces for a multiple dwelling, as required in Article XX of this chapter, are provided within the principal building, the total number of rooms permitted in § 370-80 in this article applicable to the RM-2 District may be increased by a maximum of 20% in accordance with the following formula:

$$\frac{A}{B} \times 20\% = \text{Percent increase in total number of rooms permitted.}$$

Where:

- A = The number of off-street parking spaces to be provided within the principal building.
 - B = The total number of off-street parking spaces required for the multiple-family dwelling.
- (2) The additional number of off-street parking spaces required to service the added dwelling units, as permitted in Subsection B(1) above, shall be provided within the principal building.
 - (3) In no instance shall be dwelling unit density exceed 174 rooms per acre (as defined herein).
 - (4) In no instance shall this option be exercised for multiple-family dwellings of less than three stories in height.

§ 370-62. One-family cluster option.

The intent of this section is to permit the development of alternative one-family residential housing patterns that will not be out of character with surrounding one-family areas and, through design innovation, will introduce flexibility so as to provide for the sound physical administration of site plans in situations where the normal subdivision approach would otherwise be unconventional or impractical. To accomplish this, the following modifications to the One-Family Residential District shall be permitted,

14. Editor's Note: The Schedule of Regulations is included as an attachment to this chapter.

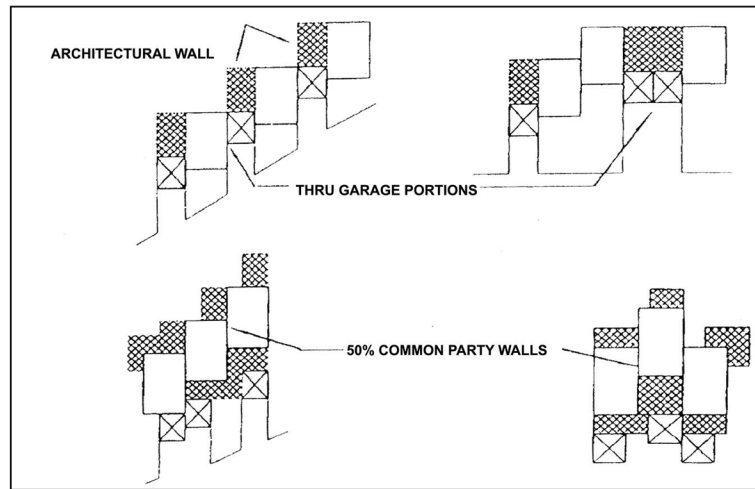
subject to the conditions herein set forth:

- A. In the residential districts, one-family cluster housing shall be permitted on property containing at least one net usable acre of land that has direct frontage access to a major or secondary thoroughfare as designated on the City's Master Plan Map, and provided further that the Planning Commission, upon review of an application, shall find that at least one of the following additional conditions exists on the site.
- (1) The irregular or dimensionally restricted shape of the parcel makes it impractical or unconventional to develop the land under the normal subdivision approach because it would:
 - (a) Result in the platting of undersized lots, requiring variances to the minimum lot area and lot width requirements of the district.
 - (b) Result in the establishment of public rights-of-way that would be detrimental to adjacent existing development and to the functional movement of traffic within the site.
 - (2) Development of the site under the normal subdivision approach would create unconventional lot shapes, making them difficult to develop, or would be so shaped that portions of the lot would be left unused, creating potential maintenance problems.
 - (3) Development under the normal subdivision approach would destroy or substantially diminish a natural asset of environmental significance, which could be more fully preserved under the cluster housing option.
 - (4) The Planning Commission, upon review of alternative development layouts, finds that development under the cluster housing option will result in a more orderly and appropriate use of the land, by showing a better relationship between dwelling units on site and adjacent land use off site, will provide for a more efficient and functional traffic circulation system and will provide for more pleasing and more extensive greenbelt areas than could be achieved under the normal subdivision approach.
 - (5) The Planning Commission may, at its discretion, vary the thoroughfare frontage requirement and permit access to a local residential street when the cluster housing development is on property that abuts a multiple-family or a nonresidential zoning district and that abutting property has frontage on a major or secondary thoroughfare or on a nonresidential-oriented street.
- B. The following methods of development shall be permitted.
- (1) The attaching of one-family homes shall be permitted when said homes are attached through a common party wall which does not have over 50% of its wall in common with an abutting dwelling wall; by means of an architectural wall detail which does not form interior room space or through a common party wall in only the garage portion of adjacent structures, there being no common party wall relationship permitted through any other portion of the residential unit.
 - (2) The detaching of one-family homes within clusters shall be permitted,

provided said homes shall be spaced not less than six feet apart when opposing dwelling unit walls contain no openings, and not less than 10 feet apart when opposing dwelling unit walls contain openings. The distance between opposing garage walls within a cluster shall meet local fire codes, except that in no case shall said walls be less than six feet apart.

- (3) The maximum number of attached or detached homes in a cluster, as set forth above, shall be subject to review by the Planning Commission but in no case shall a cluster contain more than three homes.

CLUSTER EXAMPLES



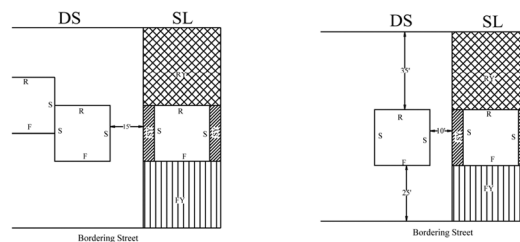
- C. Density. Except as may be otherwise restricted in this section, i.e., dwelling density shall not exceed the net dwelling unit density of the district, or six dwelling units per acre, whichever is less.
- D. Yard requirements. Yards shall be provided in the following manner.
- (1) Front yard. A minimum 25 feet of front yard setback shall be provided between the front wall and sidewall of a building and the front property line of the development site.
 - (2) Exterior side yard (street side, side yard). A minimum setback equal to the minimum front yard setback requirement of this subsection shall be provided between the front or sidewall of a building on the development site and any bordering street.
 - (3) Interior side yard. A minimum 10 feet of side yard setback shall be provided between the sidewall of a dwelling building on the development site and the site yard area of an abutting single-family lot. When the dwelling building on the development site is attached to another dwelling building, the side yard setback shall be increased to a minimum of 15 feet.
 - (4) Rear yard. A minimum 35 feet of rear yard setback shall be provided between the rear wall of a dwelling building and the rear yard area of an abutting single-family lot. A minimum 20 feet of setback may be provided when the sidewall

of a dwelling building on the development site is opposite the rear yard area of an abutting single-family lot.

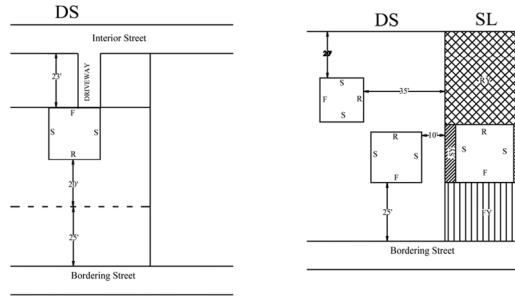
E. Building orientation.

- (1) Except as otherwise set forth in this subsection, a dwelling building shall maintain a side or rear wall orientation to the front lot line of the development site. When the rear wall of a dwelling building on the development site shall face a street bordering the development site, 20 feet of rear yard area shall be provided in addition to the minimum front yard setback requirement set forth in Subsection D of this section, except when there are homes on abutting lots on both sides of the development site, or on lots directly across the street from the development site and they face into the same street that fronts the development site, the dwelling building or buildings nearest the front lot line of the development site shall maintain a front wall orientation to the front property line.
- (2) When the front or a side wall of a dwelling building shall be opposite an interior street or service drive within the development site, the dwelling building shall maintain a minimum setback of 20 feet, except when the wall contains a garage opening, a minimum setback of 23 feet shall be provided.

F. Parking requirements. Parking shall be provided for each dwelling unit in accordance with the numerical parking requirements of this chapter for a single-family dwelling. Parking spaces may be provided in any peripheral yard of the development site except the minimum required front yard, unless the dwelling building or buildings are required to face the front lot line of the development site, as set forth and regulated in Subsection E of this section. In that case, parking shall be allowed on the driveway between the dwelling unit and the site's front property line.



- FL - Front Yard
- SL - Separate Lot
- DS - Development Site
- RY - Rear Yard
- SY - Side Yard
- R - Rear Wall
- S - Side Wall
- F - Front Wall



G. Site screening.

- (1) Except as otherwise permitted in this subsection, when the rear wall of a dwelling unit shall face the front property line of the development site, as permitted in Subsection E of this section, an architectural masonry screen wall structure with an inverted masonry vee cap shall be provided along the minimum required front yard setback line of the development site. The exterior face of the screen wall structure shall consist of face brick, as defined in this chapter, or real or cultured stone materials, except in place of a masonry wall, the Planning Commission may allow a six-foot-high decorative wood fence.
- (2) The screening device shall be opaque and shall be six feet high and, except where otherwise prohibited in this chapter, shall extend across the entire width of the development site's frontage. The front yard between the screening device and the front property line shall consist of a landscaped lawn panel with informal groupings of accepted landscape planting materials.

H. Minimum floor area. For each dwelling building, the minimum floor area of the dwelling shall be not less than the minimum applicable requirement of § 370-65 in this chapter for lots 50 feet or greater in width.

I. Building height. The height of any individual dwelling unit in a cluster shall conform to the building height limitations of the one-family districts set forth in § 370-64 in this chapter.

J. Lot coverage. The total permitted land coverage by all buildings, including accessory buildings, shall not exceed 30% of the net usable land area of the development site.

K. Additional requirements. Upon approval of a site for development under the standards of this section, the Planning Commission shall require the following:

- (1) Landscaping plan. A landscape plan prepared by a registered landscape architect shall be submitted. The seal or registration of the landscape architect shall appear on the plan. The landscape plan shall also show the landscaping treatment of all open space areas, any landscape screening areas, and any detail planting areas next to driveways, streets or service drives, or along the perimeter walls of any dwelling buildings. The landscape plan shall include a list of all planting materials shown on the landscape plan, including their botanical as well as their common names, their size or spread at the time of

planting, and their location on the site. A statement detailing the manner in which all landscaping will be maintained shall appear on the landscape plan. The applicable site landscaping standards set forth in Article XXII in this chapter shall be followed.

- (2) Floor plans and exterior building wall elevation drawings.
 - (a) Floor plans of each different dwelling building proposed for the development and its related exterior building wall elevation drawings shall be submitted with the site plan. Floor plans shall be prepared at an architectural scale of 1/4 inch equals one foot. The exterior building wall elevation drawings shall be drawn to the same scale, or to an architect's scale of 1/8 inch equals one foot, and shall identify all exterior building wall materials proposed for the walls.
 - (b) Floor plans shall include all pertinent dimensions and the overall floor area of the dwelling unit. The exterior building wall elevation drawings shall include the overall height of the building, measured halfway up the highest pitched roof.
 - (3) Existing conditions. An existing conditions drawing of the development site, including a legal description of the property or properties, and showing all property lines with dimensions, topographic contour-lines drawn at one-foot intervals, any on-site utility easements, tree cover, and the footprint (building envelope) of any existing buildings or structures on the property, and the center line of any bordering streets.
- L. Public hearing. The Planning Commission shall conduct a public hearing duly advertised in the manner outlined in § 370-140 in this chapter. The hearing shall be held at the time the applicant appears before the Planning Commission for approval to develop property under the one-family cluster housing option.
- M. Approval limitations. Approval of a site plan under this section shall be effective for a period of two consecutive years, commencing on the date the site plan was approved by the Planning Commission. At the end of the second approval year, if substantial development beyond any initial site clearance is not underway on the property, site plan approval shall expire and no site improvements or development shall take place on the property thereafter until site plan approval has once again been given by the Planning Commission. Thirty days before site plan approval shall expire, the applicant may request an extension. The Planning Commission, at its discretion, may grant one, one year extension to a previously approved site plan.

§ 370-63. One-family site condominium option.

The intent of this section is to permit the development of single-family detached dwellings by site planning the layout of individual dwellings or condominium units as defined in this chapter, along with all streets, utilities, open spaces, etc., as permitted in MPA 59 of 1978, as amended, being the State Condominium Act.¹⁵ To accomplish development under this option, the following conditions shall apply.

15. Editor's Note: See MCLA § 559.101 et seq.

- A. In the One-Family Residential District, the site planning of individual single-family detached dwellings, or condominium units, may be permitted after review by the Planning Commission of a site plan. The site plan shall be prepared in strict accordance with the applicable requirements of Article XXI of this chapter. The Planning Commission shall conduct its review at a public hearing. The hearing shall be advertised in the manner set forth in § 370-140 of this chapter.
- B. In making its review, the Planning Commission shall find that the following minimum requirements are fully met.
- (1) The maximum number of individual single-family detached dwellings per acre shall not exceed the dwelling unit density level of the One-Family Residential Zoning District in which the site is located.
 - (2) An area at least equal to the minimum lot area requirement of the zoning district in which the site is located shall be provided for each dwelling or condominium unit. This area may be called the "limited common element," as defined in this chapter.
 - (3) Setbacks equal to the minimum building setback requirements of the zoning district in which the site is located shall be provided for each dwelling or condominium unit. Each setback shall extend from the applicable wall of the dwelling or condominium unit to the corresponding limited common element line.
 - (4) All streets shall be public streets in public rights-of-way; all such streets and rights-of-way shall be designed and constructed to the City's applicable public street and road rights-of-way standards.
 - (5) All utilities shall be provided and constructed to applicable standards and shall be located in appropriate utility easements.
 - (6) The maximum number of stories and the maximum building height limitations of the zoning district in which the site is located shall be met.
 - (7) At least the minimum applicable square feet of floor area shall be provided, as required in this chapter, for each single-family detached dwelling or condominium unit.
 - (8) Any detached accessory building or structure shall comply with the applicable standards of this chapter. All such setbacks shall be measured from the applicable lot or limited common element line.
- C. When the Planning Commission finds that all of the requirements outlined in Subsection B of this section are met, it shall grant the applicant preliminary site plan approval. The Planning Commission may, at its discretion, grant preliminary site plan approval with conditions, provided the conditions are minimal and few.
- D. The granting of preliminary site plan approval by the Planning Commission shall give leave to the applicant to prepare a final site plan. The final site plan shall include any conditions placed by the Planning Commission on the preliminary site plan. The Planning Commission may grant final site plan approval only after it is satisfied that all conditions have been met, and that the master deed and the

Association of Home Owners Bylaws are deemed by the City to be in order.

ARTICLE XIX
Use Permits

§ 370-64. Intent.

- A. Because the uses hereinafter referred to in this section possess unique characteristics making it impractical to include them in a specific use district, they may be permitted upon approval by the reviewing authority specified herein. The specified reviewing authority shall conduct its review and shall act on the request for a special use permit at a duly advertised public hearing in the manner set forth and regulated in § 370-140, Public hearings, in this chapter.
- B. In every case, the uses herein set forth shall be expressly prohibited from any residential district, unless otherwise specifically permitted in this article.
- C. The uses permitted herein require special consideration since they service an area beyond the City and/or require sizable land areas and/or create potential control problems with respect to adjacent land use and use districts, traffic, noise, appearance, and general safety.
- D. Those uses falling specifically within the intent of this article are set forth and regulated in the following sections:

§ 370-65. Outdoor movie theaters.

Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in the I-2 District only and shall not be adjacent to existing or proposed residential areas. Outdoor theaters shall further be subject to the following conditions:

- A. An application for an outdoor movie theater shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall consider the following:
 - (1) The internal design has been reviewed and approved by the City Engineer regarding adequacy of drainage and other site engineering aspects of the development.
 - (2) Outdoor theaters shall abut a major thoroughfare, and points of ingress and egress shall be available only from such major thoroughfare.
 - (3) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - (4) The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or from adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed only onto, the premises of the outdoor theater site.

- B. The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-66. Commercial and public utility towers.

Radio and television towers, public utility microwave towers, public utility television transmitting towers and their attendant facilities shall be permitted in I-1 and I-2 Districts, subject to review and approval by the Planning Commission, provided that:

- A. Application to establish a use permitted in this section shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall consider the following:
- (1) Any such communication tower or towers shall be located centrally on a continuous parcel of not less than one times the height of the tower, measured from the base of the tower to all points on each property line.
 - (2) All accessory buildings erected in conjunction with the tower or towers shall observe the minimum building setback requirements of the district.
- B. The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-67. Nonessential wireless telecommunications facilities. [Amended 4-23-2013 by Ord. No. 1260]

Nonessential wireless telecommunications antenna arrays, and, where permitted, related support structures, shall be permitted, subject to the following requirements.

As used in this section, the following words shall have the meanings indicated:

CO-LOCATE — To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.

EQUIPMENT COMPOUND — An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

WIRELESS COMMUNICATIONS EQUIPMENT — The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

- A. Approval.
- (1) The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the

application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

- (2) After an application for a special land use approval is filed with the Building Department, the Department shall determine whether the application is administratively complete. Unless the Building Department proceeds as provided under Subsection A(3), the application shall be considered to be administratively complete when the Building Department makes that determination or 14 business days after the Building Department receives the application, whichever is first.
 - (3) If, before the expiration of the fourteen-day period under Subsection A(2), the Building Department notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the fourteen-day period under Subsection A(2) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the actual, reasonable costs to review and process the application or \$1,000, whichever is less.
- B. Authorization. The City of Roseville shall authorize the establishment of a nonessential wireless telecommunications antenna array, and, where permitted in this section, a support structure and its ancillary equipment, only when such facility is fully in compliance with the applicable requirements and guidelines of this section and only in a manner that will preserve the integrity, character, property values and aesthetic quality of the site, the area around it and the City at large.
- C. Recognition. Recognizing the increasing number of providers authorized to establish and operate wireless telecommunications services within a defined area, it is the intent and purpose of this section to:
- (1) Facilitate adequate and sufficient provision of sites for nonessential wireless telecommunications facilities;
 - (2) Establish predetermined locations for the placement of wireless telecommunications antenna arrays, and, when permitted, the erection of support structures, in accordance with the applicable requirements of this section;
 - (3) Ensure that wireless telecommunications facilities are appropriately located so as to minimize any adverse impact they may have on other land uses on the site or on surrounding properties;
 - (4) Promote the public health, safety and general welfare of the community;
 - (5) Provide adequate information about plans for the location of wireless telecommunications facilities in the City so that the City may determine the proper location and development of wireless telecommunications facilities in accordance with the location guidelines and applicable site requirements of

this section;

- (6) Minimize the adverse impact of technological obsolescence of such facilities in a timely manner, including requirements to remove and restore sites where such facilities are no longer in use, or which have become unnecessary; and
 - (7) Minimize the negative visual impact of wireless telecommunications facilities on residential areas, office, commercial and industrial sites, public and quasi-public sites, community landmarks, including historic sites, natural beauty areas and in public rights-of-way.
- D. Existing facilities. Achieving this end contemplates the establishment of as few tower types or support structures as reasonably feasible, instead relying on the use of existing support structures, buildings and other existing structures in the City or in adjoining communities that can meet the applicant's service area needs.
- E. Adverse impact. The Roseville City Council believes that the presence of numerous wireless telecommunications support structures located throughout the City, and particularly in residential neighborhoods, would diminish the attractiveness of the community, thereby destroying its character. This, in turn, could have an adverse impact on property values. Therefore, the City Council believes it is necessary to minimize the adverse impact on the community that the presence of numerous relatively tall wireless telecommunications support structures with their characteristically low architectural and aesthetic appeal could have on the City, while at the same time recognizing that the absence of any regulation would likely result in a material impediment to the maintenance and promotion of property values, and further recognizing that this growing service is promoting economic gain and aiding in maintaining the health, safety and general welfare of the City.
- F. Location by order of priority. A nonessential wireless telecommunications antenna array shall be permitted in one of the following locations by order of priority. The first location set forth in this subsection shall be considered as the first or top priority location with each location thereafter descending in the order of priority.
- (1) On an existing nonessential wireless telecommunications support structure located on land in any zoning district in the City, subject to review and approval by the City's Building Department.
 - (2) An internal nonvisible location within an existing building or structure in any zoning district, subject to review and approval by the City's Building Department. All equipment customarily accessory to an antenna array shall also be placed so as to not be visible beyond the exterior walls of the building,
 - (3) An external location on an existing building or structure in an I-Industrial or B-Business zoning district, subject to review and approval by the Planning Commission.
 - (4) An external location on an existing building or structure in an R-Residential zoning district, subject to review by the Planning Commission at a duly advertised public hearing, and approval by the Planning Commission.
 - (5) On a proposed new nonessential wireless telecommunications support

structure to be located in an I-Industrial District, subject to review by the Planning Commission at a duly advertised public hearing, and approval by the Planning Commission.

- (6) On a proposed new nonessential wireless telecommunications support structure to be located on public property in an R-Residential District, subject to review by the Planning Commission at a duly advertised public hearing and approval by the Planning Commission.
 - (7) On a proposed new nonessential wireless telecommunications support structure to be located on private property in an R-Residential District, subject to review by the Planning Commission at a duly advertised public hearing and approval by the Planning Commission.
- G. Required conditions. The following standards shall apply, where applicable, to all applications to locate a nonessential wireless telecommunications antenna array or support structure in the City.
- (1) Before an applicant may locate on a site of lower priority than the site priority listed in Subsection F(1), the applicant shall prepare and submit sufficient information to clearly show why the applicant must locate at a lower priority site. For each location of lower priority than any higher priority location(s), sufficient explanation shall be provided as to why none of the higher priority locations can be used by the applicant. This information shall take into consideration any existing structure located beyond Roseville's corporate limits that could serve the applicant's needs.
 - (2) For the priority sites listed in Subsection F(1) and (2), plans, drawings and specifications requested by the Building Department shall be submitted by the applicant for review and approval by the Building Department.
 - (3) For the priority site listed in Subsection F(3), plans, drawings and specifications drawn to scale and containing sufficient information for review, including exterior structural or building wall elevation drawings illustrating how the antenna array will appear on the structure or building and all other applicable information set forth in Article XXI, Site Plan Review, in this chapter, shall be submitted for review and approval by the Planning Commission. This shall include the statements mandated in Subsection F(1). During its review, the Planning Commission may request that additional information be submitted that it deems reasonably necessary in conducting its review.
 - (4) For the priority sites listed in Subsection F(4), (5), (6) and (7), all of the information outlined in Subsection G(3) shall be submitted for review by the Planning Commission at a duly advertised public hearing. Planning Commission approval of the application is required.
 - (5) Any nonessential wireless telecommunications support structure, as permitted in the priority sites listed in Subsection F(5), (6) and (7), shall:
 - (a) Be a monopole structure only;

- (b) Consist only of nonwood materials;
 - (c) Not exceed 199 feet in overall height measured from the ground at the base of the structure to the highest point of the structure or any antenna attached to the structure;
 - (d) Provide co-location capacity for not less, nor more than, three antenna arrays;
 - (e) Not require the use of any supporting guide wires; and
 - (f) Not be lighted in any way unless lighting is required to meet applicable Federal Aviation Association (FAA) guidelines, and if painted shall be light blue or light gray in color.
- (6) A sufficient means of access shall be provided to any antenna array, support structure and to any ancillary structures used in conjunction with an antenna array. When the array is located in the interior of a property and access cannot be gained via a parking lot, alley or other driveway approach, a gravel lane shall be provided. When such a lane is necessary, care will be taken to make certain that its point of access to an alley, parking lot, street or other public way shall meet all applicable state and local requirements. Sufficient area shall be provided for the parking of a service vehicle, the location and extent of which will be subject to review and approval by the specified reviewing authority.
- (7) Unless the antenna array and its ancillary equipment will be housed inside a building, or completely enclosed within an addition to the building, any outdoor or detached structures housing the equipment shall be placed within a fully enclosed compound. Enclosure may be provided by a wall or a fence. The wall or fence shall be not less than eight feet high measured from the ground at the base of the structure to the top of the structure. A wall shall consist of architecturally attractive masonry material approved by the Planning Commission. If a fence, it shall be a tightly woven wire (chain link) type of fence to discourage climbing. A fenced compound shall also be screened by evergreen planting materials in the manner set forth and regulated in Article XXII, Screening Devices and Landscaping, in this chapter. The ground area of the compound will be of adequate size to house all of the necessary ancillary equipment for three antenna arrays.
- (8) When a nonessential wireless telecommunications support structure shall be permitted as outlined in Subsection F(5), (6) or (7), the compound in which the support structure is located shall observe the minimum building setback requirements of the district it is located in measured from the outside perimeter of the compound to all property lines, except when the support structure is located on property occupied by a residential dwelling or is located on a site on property next to property containing a residential dwelling, the support structure, but only the support structure, shall be separated from the residential dwelling by a distance equal to 1/2 the full height of the support structure. This distance shall be measured from the outer face of the support structure nearest the residential dwelling to the nearest wall of the residential dwelling. When the support structure will be located on property occupied by a nonresidential

use in a nonresidential-oriented building, the support structure shall be set back not less than 10 feet from the nonresidential building, unless a greater setback is required by other applicable local, state or federal codes.

- (9) An applicant shall submit written assurances that the owner or operator of any nonessential wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all applicable Federal Communications Commission (FCC) permits and conditions, including preventing any objectionable levels of interference.
- (10) An applicant shall submit written assurances that the owner or the operator of any wireless telecommunications facility permitted in this section shall at all times conduct all operations of the system in full compliance with all current state or federal regulations pertaining to nonionizing electromagnetic radiation, and furthermore, the owner and/or operator agrees, in writing, that if more restrictive state or federal regulatory standards are adopted during the operating life of the facility, the applicant or owner shall commence efforts to bring the facility into compliance with the new standards within 60 days of adoption of any such standards, and the owner or the operator agrees that he or she will bear the costs of testing and verification of compliance with such standards.
- (11) The applicant shall be responsible for maintaining the site in a structurally safe and attractive manner and shall maintain all landscaping and lawn areas in a living, growing condition, neat and orderly in appearance.

H. Co-location sharing.

- (1) The policy of the City of Roseville towards nonessential wireless telecommunications facilities is for co-location. Therefore, the entity that owns a wireless telecommunications support structure shall not fail or refuse to alter its structure so as to accommodate other antenna arrays on the support structure, particularly when such alteration would permit the support structure to remain within the structural guidelines of this section.
- (2) Failure or refusal of the owner of a wireless telecommunications facility to alter its structure to accommodate co-location to the maximum extent permitted in this section shall be deemed to be in direct violation and contradiction of the City's co-location first policy. Consequently, the owner shall be regarded by the City as having taken full responsibility for the violation and contradiction and shall be prohibited by the City from securing any additional approvals for the location of any more of its antenna arrays or related support structures in the City for a period of not less than seven years, commencing on the date of failure or refusal to permit co-location on its support structure or structures in the City of Roseville. The entity may seek a variance and obtain relief from the Roseville Board of Zoning Appeals (BZA), provided the owner can clearly demonstrate entitlement to a variance. To that extent, the owner must demonstrate to the BZA that enforcement of the seven-year prohibition would unreasonably discriminate among providers of functionally equivalent nonessential wireless telecommunications services, or that such enforcement would have the effect of prohibiting the provision of

any personal wireless telecommunication services to the City.

- I. Use regulations. The following use of property standards shall apply to all applicants to locate a nonessential wireless telecommunications antenna array or support structure in the City.
 - (1) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this chapter if all of the following requirements are met:
 - (a) The wireless communications equipment will be co-located on an existing wireless communications support structure or in an existing equipment compound.
 - (b) The existing wireless communications support structure or existing equipment compound is in compliance with this chapter or was approved by the Planning Commission or Building Official.
 - (c) The proposed co-location will not do any of the following:
 - [1] Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - [2] Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - [3] Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - (d) The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Planning Commission or Building Official.
 - (2) Wireless communications equipment that meets the requirements of Subsection I(1)(a) and (b) but does not meet the requirements of Subsection I(1)(c) or (d) is a permitted use of property if it receives special land use approval under Subsection I(3) and (4).
 - (3) An application for special land use approval of wireless communications equipment described in Subsection I(2) shall include all of the following:
 - (a) A site plan as required under Section 501 of Public Act 110 of 2006, including a map of the property and existing and proposed buildings and other facilities.
 - (b) Any additional relevant information that is specifically required by a zoning ordinance provision described in Section 502(1) or Section 504 of Public Act 110 of 2006.
 - (4) Special land use approval of wireless communications equipment described in Subsection I(2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of all local ordinances

and of federal and state laws before the wireless communications equipment begins operations.

- J. Surety. Sufficient surety acceptable to the City shall be provided by the applicant to adequately cover the cost of removing the facility, along with any accessory equipment, including compound walls or fencing, and restoring the site when its usefulness as a wireless telecommunications facility is concluded. Estimates to remove the entire facility and carrying out restoration of the site shall be prepared and submitted to the City for review and acceptance by the City.
- K. Permits. A use permit shall be issued by the City for an approved nonessential wireless telecommunications antenna array, and, where permitted, for a support structure and related equipment cabinets, but only after review and approval of an application, in the manner set forth in this section, has been approved by the City or by the Planning Commission.

§ 370-68. Outdoor athletic and entertainment facilities.

Outdoor athletic and entertainment facilities, including stadiums, amphitheaters, coliseums, arenas, golf driving ranges, golf courses, tennis courts, racquetball courts, football, baseball, softball, soccer, polo and similar athletic track and field events, including equestrian contests, but excluding any form or type of competitive motor vehicle contests, theme parks, or amusement parks, provided:

- A. An application to establish any use permitted in this section shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall consider the following:
 - (1) All such permitted uses shall be located in an I-1 or I-2 District only.
 - (2) All such permitted uses shall have direct access to a major thoroughfare.
 - (3) All exterior lighting shall be directed inward towards the use and away from adjacent uses.
 - (4) Except for the green areas of golf courses and golf driving ranges, i.e., fairways and open driving range areas, a minimum setback of 150 feet shall be provided for the principal use, together with all accessory uses, except off-street parking which may be located no less than 50 feet from any residential district. Within these two setbacks, there shall be provided and maintained earth berms and extensive landscape plantings of sufficient height and intensity so as to effectuate a substantial landscape planting screen between uses and the adjacent residential district.
- B. The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-69. Accommodations for helicopters.

- A. Facilities for the accommodation of helicopters are considered separately under this section. For purposes of accommodating helicopters, the facilities are herein defined as the following:

HELIPAD — An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up and discharging passengers or cargo, but not including fuel service, maintenance or overhaul or tie-down space.

HELIPORT — An area used by helicopters or by other steep-gradient aircraft, which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings and open spaces.

HELISTOP — An area on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, including fuel service and tie-down space.

- B. An application to establish any use permitted in this section shall be subject to review and approval by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall apply the following conditions.

- (1) Heliports shall be permitted in the I Industrial Districts only. Helistops and helipads shall be permitted in all districts except the residential districts.
- (2) When reviewing an application for a heliport, helistop or helipad, the Planning Commission shall require contemporary standards recommended by the Federal Aviation Agency and Michigan Aviation Commission for the proper operation of such facilities.
- (3) Adequate provision is made to control access to the facility.
- (4) The surface of the facility is such that dust, dirt or other matter will not be blown onto adjacent property by helicopter operations.
- (5) All applicable provisions of building, fire and health codes are met, including special provisions applicable in the case of rooftop heliports.
- (6) Appropriate provision is made for off-street parking.

- C. The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-70. Arcades, billiard parlors and similar uses.

Arcades, billiard parlors and similar uses providing facilities and space where there are four or more pinball machines, video games or similar gaming devices for use by their patrons or where there are four or more pool or billiard tables or similar activities for use by their patrons shall be permitted in the B-3 District, and subject further to the following requirements.

- A. An application to establish any use permitted in this section shall be subject to

review and approval of a site plan by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall apply the following conditions.

- (1) The site, or any vehicular parking district attached thereto, shall not be located within 200 feet of any residential zoning district.
 - (2) The site shall abut a major thoroughfare right-of-way, and all ingress and egress to the site shall be directly from said major thoroughfare.
- B. The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-71. Tattoo parlors, pawn shops and used goods.

- A. It has been demonstrated that the establishment of tattoo, pawnbroker and used good uses in business districts which are immediately adjacent to and serve residential neighborhoods have a deleterious effect on both business and residential segments of the neighborhood, causing blight. Prohibition against the establishment of more than two regulated uses within 1,000 feet of each other serves to avoid the clustering of certain business which, when located in close proximity of each other, tends to create a skid-row atmosphere. Such prohibition fails to avoid the deleterious effects of blight and devaluation to both business and residential property values resulting from the establishment of these businesses in a business district that is immediately adjacent to and serves residential neighborhoods. The orderly planning, development and preservation of neighborhoods should be encouraged and fostered by properties and persons that comprise the business and residential segments of each neighborhood.
- B. Pawnbroker, tattoo and used goods uses, as defined in this Zoning Code, shall only be permitted in the B-3 Zoning District, subject to the following requirements and conditions.
- (1) An application to establish any use permitted in this section shall be subject to review and approval of a site plan by the Planning Commission. A site plan shall be submitted for review and shall be prepared in accordance with the applicable requirements of Article XXI, Site Plan Review, in this chapter. In conducting its review, the Planning Commission shall apply the following conditions.
 - (a) Not more than two such uses shall be permitted within 1,000 feet of each other.
 - (b) It shall be unlawful to establish any such use in a B-3 District if any portion of the property upon which such business is situated is within 300 feet of a residential zoning district, church or school, unless the prohibition is waived upon presentment to the Planning Commission of a validated petition requesting such waiver signed by 51% of those persons owning, residing, or doing business or by any church or school within 300 feet of the proposed location.

- (c) The site shall abut a major thoroughfare right-of-way, and all ingress and egress to and from the site shall be via that major thoroughfare.
- (2) The Planning Commission shall conduct its review of a site plan at a public hearing duly advertised in the manner set forth in § 370-140, Public hearings, in this chapter.

§ 370-72. Reuse of vacant former public school facilities.

- A. Typically, various types of land use and land use activities are provided for in one or more zoning districts. The criteria for such allocations are based upon similarities in the nature of the uses and their relationship to other such uses and, in turn, their relationship to adjacent land use and to thoroughfares. Zoning districts are not only established to achieve a progression of order in land use distribution, but they are also established to coordinate land use development in a logical and valid manner in accordance with a master land use plan.
- B. There are, however, a limited number of uses and certain characteristics of land use that may warrant special consideration for placement within a particular zoning district that would otherwise prohibit them. The particular characteristics of these uses are such that their influence on adjacent land use is a positive one, or one that will not adversely impact adjacent land use.
- C. The intent of this section is to permit a limited number of specialized land use types to develop through a special use process that does not require rezoning, provided that certain conditions and procedures as herein set forth are met.
 - (1) Conditions. The following conditions shall be found to exist on the land before any application for a use permit may be approved.
 - (a) The land shall be zoned in a residential district that does not permit the proposed use as a matter of right in the district.
 - (b) The proposed use is designed and intended to occupy a vacant existing former school building on the site.
 - (c) Sites containing 10 acres of land or less shall have direct frontage on, and direct access to, a public street. Sites containing over 10 acres of land shall have direct frontage on, and direct access to, a major thoroughfare as designated on the City's Master Plan Map. Access to any other street shall be prohibited, unless otherwise permitted by the Planning Commission.
 - (2) Permitted uses. No vacant existing former school building, nor any new buildings to be erected in conjunction with the reuse of a vacant existing former school building, shall be used except for one of the following specified uses and shall be subject to the conditions hereinafter assigned to each use.
 - (a) Housing for the elderly (senior citizen housing), subject to the requirements of § 370-22E, except as otherwise specified herein.

- [1] The total number of dwelling units shall not exceed the number of motor vehicles that would be generated on the land if it were

developed with single-family dwellings. The following ratios shall apply in determining the total number of dwelling units permitted.

Number of single-family dwellings per acre: 6.0

Number of single-family trip ends per day (average): 10.0

Number of senior citizen trip ends per day (average): 3.3

$(6.0 \times 10.0) \times (\text{number of site acres}) / (3.3) = A$

A - Total number of dwelling units

- [2] The erection of new buildings on the same parcel with a vacant existing former school building, when erected in conjunction with the rehabilitation and reoccupation of the vacant existing former school building, may be permitted, provided:
 - [a] The new buildings shall contain the same use and function restricted to the existing building on site.
 - [b] The overall dwelling unit density for the site, as above set forth and regulated, shall not be exceeded.
 - [c] The new buildings shall meet the applicable requirements of the RM-1 District with respect to building setbacks, distances between buildings and percent of lot coverage of all buildings.
 - [d] New buildings shall not exceed the number of stories or the height of a majority of the single-family homes bordering the site.
 - [3] The Planning Commission, in reviewing an application to erect additional buildings, shall determine if:
 - [a] The site contains sufficient vacant land area to properly accommodate new development, including required setbacks, off-street parking and building coverage restrictions.
 - [b] Dwelling unit density will remain within the standards herein set forth.
 - [c] The vacant land is not intended, nor proposed, for any other use, such as, but not limited to, parkland, open space area, future potential school use, single-family residential use.
 - [4] The numerical off-street parking and off-street parking layout standards of this chapter are met.
 - [5] All applicable landscaping and screening requirements of this chapter are met.
- (b) Convalescent care facility, subject to the requirements of § 370-22F of this chapter, and subject further to the applicable off-street parking, screening and landscaping requirements of this chapter.

- (3) Submittal procedure. Applications for a use permit under this section shall be processed in the following manner.
 - (a) Applications may be obtained from the Building Department, and upon fully completing the application form, it shall be submitted to the Building Department.
 - (b) Each application shall be accompanied by a processing fee as established by resolution of the City Council.
 - (c) The application shall be accompanied by a report or document stating:
 - [1] The type of use proposed for the site.
 - [2] The anticipated impact of the proposed use on the surrounding neighborhood with respect to traffic generated, public service demands, including trash and garbage pickup demand and how such items will be dealt with to minimize their impact on the surrounding neighborhood.
 - (d) Each application shall include a complete site plan prepared and submitted in accordance with § 370-79 of this chapter and the guideline checklist provided in the Site Plan Review Procedures Manual available at the Building Department.
- (4) Review procedure. Upon receipt of a complete application for a use permit, the Planning Commission shall set a date for a public hearing in accordance with the applicable requirements of § 370-140 in this chapter.
 - (a) The Planning Commission, in conducting its review, shall find sufficient evidence that the proposed use:
 - [1] Will be in harmony with and in accordance with the general objectives of the City's adopted Master Plan;
 - [2] Will be designed, constructed, operated and maintained in harmony with the existing and intended character of the general vicinity, so that such use will not change the essential character of that area;
 - [3] Will not be hazardous or disturbing to existing or future neighboring uses;
 - [4] Will represent an improvement to property in the immediate vicinity and to the community as a whole;
 - [5] Can be served adequately by essential public services and facilities such as highways, streets, drainage structures, police and fire protection and refuse disposal, or that persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
 - [6] Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

- [7] Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive or noxious smoke, fumes, glare, noise, vibration or odors;
- [8] Will be consistent with the intent and purposes of this chapter.

§ 370-73. (Reserved)¹⁶

§ 370-74. Uses permitted subject to special conditions. [Amended 5-12-2015 by Ord. No. 1281]

Composting facilities and composting transfer stations shall be permitted in the I-2 District subject to review and approval by the Planning Commission, provided that they meet the conditions and standards set forth in this section.

A. Definitions.

COMPOSTING — Processing waste in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

COMPOSTING FACILITY — A facility where organic matter that is derived primarily from off site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

COMPOSTING TRANSFER STATION — A place for the acceptance by donation, redemption, or purchase of plant debris for transfer to an off-site facility for composting.

B. Conditions and standards.

- (1) The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
- (2) All access to the facility will be from a major thoroughfare as designated on the City's Master Plan For Future Land Use Map, as amended.
- (3) Except for trash receptacles, no outdoor storage of any kind shall be permitted as an use accessory to the principal use.
- (4) Height of composting shall not exceed 25% of the maximum height of buildings in the district.
- (5) Composting shall be placed within a completely obscuring architectural masonry screen wall as required in Article XXII of this chapter.
- (6) Composting shall be set back a minimum 75 feet from any property lines.

16. Editor's Note: Former § 370-73, Medical marihuana dispensaries, added 10-13-2009 by Ord. No. 1229, was repealed 10-25-2016 by Ord. No. 1293.

- (7) Total amount of lot coverage used for composting shall not exceed 35%.
- (8) No composting facility and/or composting transfer station shall be permitted within 1,000 feet of another composting facility and/or composting transfer.
- (9) A completely obscuring architectural masonry screen wall as required in Article XXII of this chapter shall be provided along the property line abutting all other districts.
- (10) All exterior site lighting shall be subject to the applicable requirements of § 370-102 of this chapter.

§ 370-74.1. Oil and gas wells. [Added 5-10-2016 by Ord. No. 1289]

The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:

- A. It may be allowed only in the I-2 General Industrial District.
- B. It shall be situated on a minimum lot size of three acres.
- C. Spacing and well setbacks. In addition to the spacing and setback requirements of the State of Michigan and regulations of its Supervisor of Wells, the drilling operation or operation of oil or gas wells or well sites shall not be located within 300 feet from any road right-of-way, 500 feet of a residentially zoned or used property, or any property used for a religious facility, public or private school, hospital, hospital clinic or health-care facility and 100 feet from any other property line. No installation, drilling and operation of any well shall be located within 15 feet from another drilling operation or operation of an oil or gas well or well site. The proponent seeking to engage in activity shall also demonstrate to the City a legal entitlement to drill on adjacent properties through mineral right acquisition or other means. Measurement of setback shall be made from the edge of the well site (in a straight line, without regard to intervening structures or objects) to the closest exterior point of the adjacent parcel.
- D. Height. The completed wellhead structure shall not exceed 22 feet in height. Any temporary drilling derrick or other facility shall not exceed 110 feet in height. Temporary drilling derricks and rigs shall not be in place for longer than 60 days. A permit for an additional 30 days may be secured upon presentation to the City Manager of sufficient documentation demonstrating that reasonable progress has occurred throughout the initial sixty-day period and that operations can be completed within an additional 30 days.
- E. Fencing, landscaping and lighting. An oil or gas well site shall be completely enclosed with a six-foot-high fence with materials compliant with ordinances. Staggered six-foot-tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of 25 feet in depth. This landscaping buffer shall be in place within 30 days of the removal of the temporary drilling deck/rig. Exterior lighting shall comply with the provisions of the City's ordinances and shall be shielded so as not to be disruptive to adjoining parcels.

- F. Nuisance mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil and gas exploration purposes shall comply with the additional site requirements of this chapter and any other applicable ordinance provisions. Such standards address potential nuisances such as noise, smoke, dust, and the like. To the extent this section is more restrictive the provisions of this section shall control.
- G. Dust, noise, vibration, and odors. All operations shall be conducted in a manner so as to minimize, as far as practicable, dust, noise, vibration or noxious odors and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality for the production of oil, gas, or other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibration, dust, odor or other harmful or annoying substances or effects will be minimized by the operations carried on at any time, or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity. Additionally, the site or structures on the property shall not be permitted to become dilapidated, unsightly, or unsafe. The City may impose additional reasonable restrictions upon such operations as to reduce adverse impacts upon adjacent properties.
- H. Oil and gas processing facilities. Associated processing facilities that separate oil, gas and brine and hold said products for transport off site for further refinement and processing are not permitted.
- I. Compliance with laws and permit issuance. The drilling, completion, or operation of oil and gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all state and federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City prior to the City issuing special use approval under this section. This requirement applies to, but is not limited to, the plugging of wells, the exploring for, producing, marketing and transportation of petroleum products and the disposition and removal of any byproducts utilized and associated with said activities.
- J. Associated permits and approvals. Special use approval for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and not in lieu of any permit or plan which may be required by any other provision of the City of Roseville Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.
- K. Operations.
- (1) Permitted construction activity hours. Site preparation and construction of well sites are limited to the hours of 8:00 a.m. to 8:00 p.m. Construction activities associated with establishing of well sites may be eligible for an exception by the Building Department if such activities are in compliance with applicable laws and permits and it is demonstrated that noise and disturbance from such activities will not be annoying or disturbing to surrounding uses.
 - (2) The movement of drilling rigs, tanker trucks or heavy equipment used in

connection with drilling or operation of oil or gas wells over City roads and streets shall require the approval of the City Manager in conjunction with a review by the City Engineer. A proposed traffic route and the axle weight, vehicle weight and description shall be submitted in advance to the City by the Applicant.

- (3) All brine, mud, slush, saltwater, chemicals, wastewater, chemical fluids or waste produced or used in the drilling or production of oil or gas shall be safely, lawfully and properly disposed of to prevent infiltration of or damage to any freshwater well, groundwater, watercourse, pond, lake or wetland. Such materials shall be promptly removed from the site and shall not be continuously stored upon the site.
 - (4) The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with vegetation cut. Machinery which is not expected to be used on the site within a two-week period shall not be kept or stored at the well site.
 - (5) An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, runoff or discharge of any hazardous materials, including but not limited to chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property, or to the sanitary sewer system, storm water system or any natural or artificial watercourse, pond, lake, or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.
- L. Inspection. The Building Official and any other designee of the City Manager shall have the right and privilege at any time during the construction phase and any drilling operation to enter upon the premises subject to special land use approval for the purpose of making inspections to determine if the requirements of this section and other applicable ordinances are complied with.
- M. Injection wells. Injection wells used for brine disposal or other chemicals from production of wells or from other sources are prohibited within the City.
- N. Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids under or through the streets, alleys or other properties owned by the City without an easement or right-of-way issued by the City.
- O. Submittal requirements. In addition to the requirements for a site plan and other submittal requirements under the general provisions of special land use, the following information shall be submitted as part of the application:
- (1) Environmental impact study. The applicant shall submit an environmental impact statement filed with the Michigan Department of Environmental Quality in connection with a well permit under the applicable provisions of the Natural Resources and Environmental Protection Act, MCLA § 324.101 et seq., or as otherwise amended and administrative rules promulgated thereunder.

- (2) Hydrogeological analysis.
- (3) Emergency response plan. Pursuant to state and federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. The emergency response plan shall include emergency contact information.
- (4) Reclamation plan: a written statement describing how the land will be returned to a stable and productive condition post drilling operations shall be furnished. Time for completion of reclamation shall be provided. The City shall require a bond calculated at the estimated cost of reclamation procedures which shall be returned following reclamation or may be drawn upon in the event reclamation is not completed if provided in a timely fashion.
- (5) The operations plan shall include identification of site ingress and egress, a haul route map, hours of operation, s soil erosion, mud and dust control plan, a noise control plan, identification of operational noise impacts, including documentation of establishing noise levels and mitigating noise levels, shall provide topography, shall provide an odor and fume control plan, pollution prevention plan, impact mitigation plan, and monitoring and control plan.

§ 370-74.2. Medical marihuana cultivation operations. [Added 4-13-2021 by Ord. No. 1321]

Medical marihuana cultivation operations shall be permitted in the I-1 and I-2 Districts subject to review and approval by the Planning Commission, provided that they meet the conditions and standards set forth in this section.

- A. The cultivation of medical marihuana can only be performed by a registered primary caregiver in accordance with the Michigan Medical Marihuana Act ("MMMA"),¹⁷ or as otherwise regulated under the Medical Marihuana Facilities Licensing Act¹⁸ as provided in Chapter 192 and Chapter 370, § 370.114.3, of the City of Roseville Code of Ordinances. All activities conducted on-site must be in compliance with the MMMA.
- B. The subject property must be in an enclosed facility located 1,000 feet from churches, schools, parks, or substance abuse centers, and 500 feet from residential uses.
- C. Applicants for this use must submit a survey from a state-licensed surveyor documenting that the buffering requirements have been met.
- D. A medical marihuana cultivation operation cannot exceed 700 square feet.
- E. A medical marihuana cultivation operation shall not be located within the same building or unit occupied by any other type of business, unless co-located compliant with the Medical Marihuana Facilities Licensing Act¹⁹ and other medical marihuana

17. Editor's Note: See MCLA § 333.26421 et seq.

18. Editor's Note: See MCLA § 333.27101 et seq.

facility use.

- F. Lighting utilized for cultivating medical marihuana shall not be visible from the exterior of the building.
- G. No person under the age of 18 shall be permitted into a medical marihuana cultivation operation at any time.
- H. Applicants for a primary caregiver must obtain a certificate of occupancy from the Roseville Building Department.
- I. No equipment or process shall be used that creates noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses beyond the parcel boundary.
- J. If the MMMA is amended to eliminate or place additional restrictions on caregivers, the use must be brought into compliance or terminated within 30 days.

ARTICLE XX
Off-Street Parking Standards

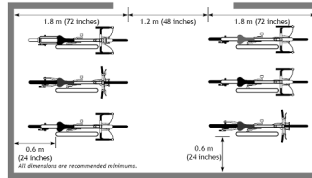
§ 370-75. General parking requirements. [Amended 7-22-2008 by Ord. No. 1213]

There shall be provided in all districts, at the time of erection or enlargement of any main building or structure, or enlargement of existing parking lots, automobile off-street parking spaces with adequate access to all spaces. The number of off-street parking spaces in conjunction with all land or building uses shall be provided prior to the issuance of a certificate of occupancy, as prescribed in this article.

- A. Except as specifically permitted in the P-1 Vehicular Parking District, off-street parking or off-street parking lots shall not be permitted as the sole or principal permitted use in any zoning district.
- B. Off-street parking spaces and accompanying vehicle maneuvering lanes may be located within a rear yard or within a side yard except as otherwise permitted or restricted in this chapter.
- C. Off-street parking for other than a residential use shall be either on the same lot as the principal use, or within 300 feet of the building it is intended to serve. The distance shall be measured from the nearest point of the building to the nearest point of the off-street parking lot, except no off-street parking for a use in a nonresidential district shall be permitted in a residential district, and no off-street parking lot in a nonresidential district shall be accessed through a residential district. Ownership shall be shown for all lots or parcels intended for use as parking by the applicant.
- D. Required off-street parking.
 - (1) Required off-street parking for single- and two-family dwellings may be provided in a stacking configuration in a driveway or garage, or combination thereof.
 - (2) Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space, driveway or garage, or combination thereof. All residential parking shall be located on the premises it is intended to serve. Parking garages or structures, when accessory to a principal use, shall be subject to the applicable provisions of § 370-100, Accessory uses, in this chapter.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere.
- F. Off-street parking, existing on the effective date of this chapter, used in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use. Any permitted expansion, alteration or change of use which increases the required number of parking spaces shall require a corresponding increase in the number of spaces provided, subject to appropriate review and approval requirements.
- G. Two or more buildings or uses may collectively provide the 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.

- H. In the instance of dual function of off-street parking spaces, where operating hours of buildings do not overlap, the Planning Commission may grant an exception to the requirements of § 370-76 of this article.
- I. The sale, renting, leasing or storage of any construction trailers, merchandise or motor vehicles, or trailers for sale or rent, or the repair of vehicles, is prohibited on off-street parking lots, except where law permits the sale of vehicles in an off-street parking lot owned by the owner of the vehicle that is for sale.
- J. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use that the Building Official considers to be similar in type.
- K. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including 1/2 shall be disregarded and fractions over 1/2 shall require one parking space.
- L. For the purpose of computing the number of parking spaces required, the applicable definition of usable floor area (floor area, usable), as defined in Article II, Word Usage; Definitions, in this chapter shall apply.
- M. Wherever the City Council shall establish off-street parking facilities by means of a special assessment district or by any other means, the City Council may determine, upon completion and acceptance of such off-street parking facilities by the City Council, that all existing buildings and uses and all buildings erected or uses established thereafter within the special assessment district or districts may be exempt from the requirements of this article for privately supplied off-street parking facilities.
- N. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the numerical off-street parking and vehicle stacking space requirements of § 370-76 of this article.
- O. **Bicycling parking reduction.** A reduction in the number of off-street parking spaces required by § 370-76 (excluding parking spaces for persons with disabilities) shall be permitted for the provision of bicycle parking in the B-1, B-2, B-3, and OS Districts, provided that:
 - (1) No fee is required for using the bicycle parking made available.
 - (2) When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest number.
 - (3) The reduction in the number of automobile parking spaces shall be reduced by no more than one space for each bicycle parking space, but by no more than 15% of the total required spaces.
 - (4) Bicycle racks shall be located at least as close to the building entrance as to the nearest parking space (excluding accessible parking spaces).
 - (5) Bicycle spaces shall meet the minimum federal highway standard noted below:



- P. General parking reduction. To request a waiver of reduction of up to 20% of the full parking requirements of § 370-76, an applicant must submit evidence to demonstrate that the waiver or reduction does not result in any unnecessary hardship on surrounding properties, businesses, and residences, and meets all of the criteria listed in § 370-77. A public hearing shall be held in accordance with Section § 370-140 of this chapter.
- (1) The Planning Commission may approve such waiver or reduction upon finding that such waiver or reduction does not result in any unnecessary hardship on surrounding properties, businesses, and residences, and meets all of the criteria listed in Article XX.
 - (2) An applicant may request a reduction in parking requirements pursuant to § 370-76, provided that certain findings are met. If the applicant is unable to meet these findings, a variance is required.
 - (3) Although not necessary, an applicant may elect to apply for a reduction in parking requirements for projects located in Business and Office Districts. This application is not applicable for projects located in zoning districts other than B-1, B-2, B-3, and OS.
 - (4) In approving a reduction in off-street parking requirements authorized by this Code, the Planning Commission shall consider and apply the following criteria:
 - (a) The reduction in the parking requirement is justified by the reasonably anticipated automobile usage by residents of and visitors to the project;
 - (b) The reduction in the parking requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity;
 - (c) The minimization of conflict of vehicular and pedestrian movements;
 - (d) The availability of transportation modes other than the automobile;
 - (e) The pattern of land use and character of development in the vicinity; and
 - (f) Such other criteria as the Planning Commission deems appropriate in the circumstances of the particular case.
 - (5) Pertaining to parking tradeoffs, a growing trend has been to facilitate and encourage the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates. For all nonresidential areas:

- (a) "Electric vehicle" means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes:
 - [1] A battery electric vehicle; and
 - [2] A plug-in hybrid electric vehicle.
- (b) In order to proactively plan for and accommodate the anticipated future growth in market demand for electric vehicles, it is strongly encouraged, but not required, that all new and expanded nonresidential development parking areas provide the electrical capacity necessary to accommodate the future hardwire installation of Level-2 electric vehicle charging stations. It is recommended that a typical parking lot (e.g., 1,000 or fewer parking spaces) have a minimum ratio of 2% of the total parking spaces be prepared for such stations. (The following definitions would have to be included if adopted: "Level-1" is considered slow charging: voltage including the range from zero through 120. "Level-2" is considered medium charging: voltage is greater than 120 and includes 240. "Level-3" is considered fast or rapid charging: voltage is greater than 240.)
- (c) It is noted and understood that large-sized parking may require fewer electric vehicle charging stations than recommended above to accommodate the anticipated market demand.
- (6) Pertaining to parking in side or rear lots only, we suggest the following language for all nonresidential areas identified on the Future Land Use Map as Town Center Overlay District:
 - (a) Parking lots shall be placed in rear and/or interior side yards.
 - (b) Parking spaces shall not be located within five feet of a right-of-way.
 - (c) Rear yard setbacks are not required, provided that dimensional requirements for screen walls are accommodated.
 - (d) New drives shall not be sited directly adjacent to an existing driveway.
 - (e) Any area not required for parking shall be landscaped.

§ 370-76. Off-street parking and vehicle stacking space requirements. [Amended 7-22-2008 by Ord. No. 1213]

A. Minimum off-street parking requirements are as follows:

Use	Minimum Number of Parking Spaces Per Unit of Measure
Residential	
One- and two-family	Two for each dwelling unit.

Multiple-family	Two for each dwelling unit, plus 0.5 space for each additional bedroom over two, plus one visitor parking space for every 10 parking spaces.
Housing for the elderly	Two for every three units, plus one for each employee in the largest working shift. Should units revert to general occupancy, the requirements for multiple-family housing shall apply.
Adult foster care family home for up to six adults	Two for each dwelling unit, plus one off-street parking space for each caregiver.
Child-care center or day-care center for children	One off-street parking space for each caregiver, plus one space for each 10 children in the facility.
Child-care institution	One off-street parking space for each caregiver, plus one space for each 10 children in the facility.
Dependent day-care center for adults	One off-street parking space for each caregiver, plus one space for each 10 adults in the facility.
Elderly Day Care	One off-street parking space for each caregiver plus one space for each six adults in the facility.
Foster family home or foster family group home for up to six children	Two for each dwelling unit, plus one off-street parking space for each caregiver.
Family child-care home or group child-care home for children	Two for each dwelling unit, plus one off-street parking space for each caregiver.
Institutional	
Place of worship	One for every three seats or persons permitted to capacity as regulated by local or state fire codes, or one for every six feet of pews in the main unit of worship, whichever is the greater number.
Fraternity or sorority	One for every five active members or one for every two beds, whichever is the greater number.
Group home	One for each employee in the largest working shift, plus one for every five resident occupants.
Foster care facilities	One for each two residents plus one for each employee.
Golf courses open to the general public, except miniature or "par-3" courses	Six for each golf hole and one for each employee plus spaces required for each accessory use, such as a restaurant or bar.
Homes for the aged, infirm and convalescent homes	One for every four beds, plus one for each employee in the largest working shift.

Hospitals	Two for each bed, plus, when outpatient services are provided, either within the hospital or as a detached adjunct to the hospital, the requirements for the professional offices of doctors or dentists and other similar professions shall apply.
Library, museum	One for every 150 square feet of usable floor area.
Nursery school or day-care center	One for each staff person in the largest working shift, plus one space for every 10 cared-for occupant, plus off-street driveway stacking space for not less than four vehicles.
Post office	One for every 150 square feet of usable floor area, plus one for each employee in the largest working shift.
Private clubs or lodge halls	One for every three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
Private golf clubs, swimming pool clubs, tennis clubs or other	One for every two member families or individuals, plus spaces required for each accessory use, such as a restaurant, bar or similar use.
Schools, elementary and junior high (middle)	One for each employee (teacher, administrator, or other employee), or the requirements of the auditorium, whichever is the greater number.
School, senior high	One for each employee (teacher, administrator, or other employee), plus one for every 10 students, or the requirements of the auditorium, whichever is the greater number.
Stadium, sports arena, or other similar place of outdoor assembly	One for every four seats, or seven feet of bench length, whichever is the greater number.
Theaters and auditoriums	One for every four seats, or 55 square feet of floor area in an assembly room without fixed seats, whichever is the greater number, plus one for every two employees in the largest working shift.
Offices	
Banks	One space for every 150 square feet of usable floor area, plus any required vehicle stacking space as set forth in this section.
Business offices or professional offices except as indicated in the following item	One for each 200 square feet of usable floor space.

Professional offices of doctors or dentists or similar profession	Three for each examining room, treatment room, dental chair, plus one for each employee in the largest working shift
Federal, state or local offices providing services such as, but not limited to, social security and employment security offices, Secretary of State offices for licensing, etc.	One for every 75 square feet of usable floor area.
Business and commercial	
Appliance center (major)	One for every 200 square feet of usable floor area.
Arcade	One for each game device or machine.
Automobile wash (automatic)	One for each employee, plus vehicle stacking space as required herein.
Automobile wash (self-service or coin-operated)	One space, plus vehicle stacking spaces as required herein.
Beauty parlor, barber shop, nail or tanning salon	Two spaces for each work station chair, plus one for each employee in the largest working shift.
Billiard hall	Three for each table, plus one for each employee in the largest working shift, plus accessory uses.
Bowling alley	Five for each bowling lane plus spaces required for each accessory use such as a restaurant, bar or billiard parlor.
Dance hall or roller skating rink	One for every 200 square feet of floor area used for dancing or skating, plus one for each employee in the largest working shift, plus accessory uses
Dry cleaning pickup	Four spaces.
Exhibition or assembly hall	One for every 45 square feet of exhibition or assembly hall floor area, plus one for each employee in the largest working shift, plus accessory uses.
Furniture and neighborhood appliance store, household equipment, repair shops, show room of a plumber, decorator, electrician, shoe repair, and other similar uses	One for every 800 square feet of floor area. (For floor area used in processing, one additional space shall be provided for each person employed therein).
Gasoline service or filling station	Two for each stall, rack, or pit, plus one parking space for each employee in the largest work shift, plus one space for each 150 square feet of usable floor space in any retail store area, plus vehicle stacking space as required in this section.

Laundromats and coin-operated dry-cleaning machines	One for each two washing and/or dry-cleaning.
Miniature or "par-3" golf courses	One for each hole, plus one for each employee.
Mortuary establishments	One for every 50 square feet of usable floor area.
Motel, hotel, or other commercial lodging establishments	One for each occupancy unit, plus one for each one employee in the largest working shift, plus 1/2 the requirement for accessory uses.
Motor vehicle sales and service establishments	One for each 200 square feet of usable floor space in the sales room, plus two for each auto mechanical service stall, and one for each employee in the largest working shift.
New planned commercial or shopping center, wherein the occupants of the center are unknown at the time of site plan approval	One for every 150 square feet of usable floor area for the first 20,000 square feet, plus one for every 200 square feet of usable floor area over 20,000 to 400,000 square feet of usable floor area, plus one for every 250 square feet of usable floor area over 400,000 square feet.
Restaurant (sit-down)	One for every two seats in a restaurant, bar, lounge or tavern, plus one for every employee in the largest working shift.
Restaurant (fast-food sit-down)	One space for every two seats, plus one space for every employee in the largest working shift, plus vehicle stacking spaces as set forth herein.
Restaurant, fast-food (carry-out only)	One space for every 35 square feet of usable floor area, plus vehicle stacking space as set forth herein.
Retail stores except as otherwise specified herein	One for every 150 square feet of usable floor area.
Video store	One for every 125 square feet of usable floor area.

Industrial

Industrial or research establishments and related accessory offices

Five plus one for every 1 1/2 employees in the largest working shift, or five plus one every 350 square feet of usable floor area, whichever is the greater; provided, however, that where the latter shall exceed the former, only the former need to be installed at the time of initial occupancy. The remainder shall be held in reserve and improved as needed, or as determined by the Building Department. All such reserved parking area shall be so designated on the officially approved building plans. Graveled space on site shall also be provided for all construction workers during periods of construction.

Medical marihuana cultivation operation [Added 4-13-2021 by Ord. No. 1321]

Six parking spaces per caregiver operation.

Warehouses and wholesale establishments and related accessory offices

Five plus one for every one employee in the largest working shift, or five plus one for every 1,700 square feet of usable floor space, whichever is the greater. Gravel space on site shall be provided for all construction workers during periods of construction.

B. Vehicle stacking spaces. In addition to the numerical off-street parking requirements of this section, wherever an accessory drive-up or drive-through window service is provided, vehicle stacking shall be provided. Each vehicle stacking space shall be eight feet wide by 18 feet long and shall be located independently of any parking space, vehicle maneuvering lane or loading, unloading area. The following standards shall apply:

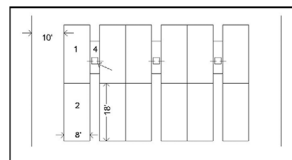
Use	Minimum Number of Vehicle Stacking Spaces Per Unit of Measure
Automatic car wash	Five times the maximum capacity of the auto wash. "Maximum capacity of the auto wash" shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
Automobile wash (self-service)	Three for each wash stall.
Automobile wash (coin-operated)	Three for each wash stall.
Banks, savings and loan, credit unions, ATM station and the like	Five for each window or teller machine.

Fast food and fast food carry-out 10 spaces.

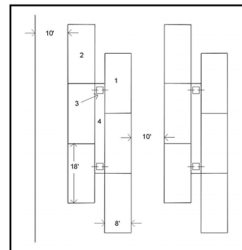
Gasoline station* see diagrams below When more than one pump is placed on a common pump island, 1/2 vehicle stacking space per fueling terminal. When a single pump is placed on one pump island, one vehicle stacking space per fueling terminal. Each fueling space and each stacking space shall be 18 feet long by eight feet wide. When more than one pump is placed on a common pump island as in the first instance below, a ten-foot-wide vehicle pass-through lane shall be provided between vehicle fueling spaces. When only one pump shall be placed on a pump island as in the second instance below, a vehicle pass-through lane is not required. Vehicle stacking space for each fueling terminal shall be placed as close to the fueling terminal as possible without diminishing traffic circulation within the site, or blocking access to any other vehicle fueling terminal, off-street parking space, other stacking space or loading, unloading area, and no vehicle parking space, fueling space, stacking space, or maneuvering lane shall block or otherwise encumber in any way clear access to any vehicle entry or exit driveways, or other vehicle circulation lanes or service areas.

Other drive-up or drive-through facilities Four spaces.

- * 1. Fueling Space
- 2. Stacking Space
- 3. Fuel Pump and fueling terminals
- 4. Pump Island



First Instance



Second Instance

§ 370-77. Off-street parking space layout standards.

Whenever the off-street parking requirements set forth in §§ 370-75 and 370-76 of this Zoning Code shall require the establishment of an off-street parking lot, or where P-1 Vehicular Parking Districts are provided, such off-street parking lots shall be laid out, constructed and maintained in strict accordance with the following standards and regulations.

A. No parking lot shall be constructed, or an existing parking lot improved, unless and

until a permit has been issued by the Engineering Department. Applications for a permit shall be submitted to the Building Department in such form as may be determined by the Building Department and shall be accompanied by five sets of site plans for the development and construction of the parking lot showing that the provisions of this section have been fully complied with.

- B. Plans for the layout of off-street parking facilities shall be in accordance with the minimum dimensional requirements depicted in this section.

Parking Pattern	Maneuvering Lane Width (feet)	Parking Space Width	Parking Space Length (feet)	Total Width of One-Tier Spaces Plus Maneuvering Lane	Total Width of Two-Tier Spaces Plus Maneuvering Lane (feet)
0°	12	8 feet	23	20 feet	28
30° to 53°	12	8 feet 6 inches	19	31 feet	50
54° to 74°	15	8 feet 6 inches	19	35 feet 6 inches	56
75° to 90°	22	9 feet	19	41 feet	60

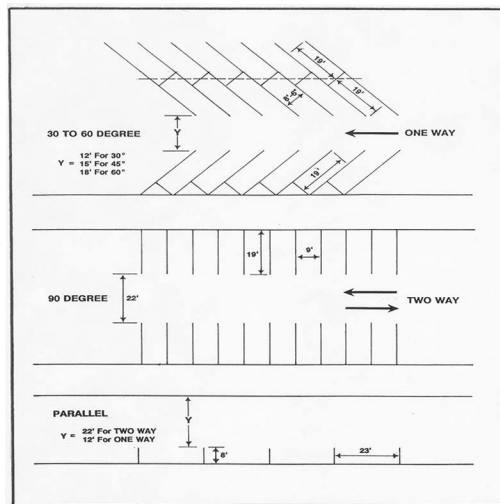
- C. Except for single-family and two-family residential uses, adequate lighting shall be provided throughout nighttime hours when the parking area is in operation. All lighting shall conform to the requirements of § 370-102, Exterior site lighting, in this Zoning Code.
- D. Except for single- and two-family residential uses, all spaces shall be provided adequate access by means of maneuvering lanes. Backing directly into a street from an off-street parking space shall be prohibited. Backing directly from an off-street parking space into an alley right-of-way is permitted, provided the alley is hard surfaced, is in good repair and the width of the alley right-of-way is sufficient to meet the applicable vehicle maneuvering lane width requirements.
- E. Adequate ingress and egress to a parking lot, parking deck, or to a private garage shall be by means of a clearly defined drive or drives, and shall be designed to applicable local, county or state guidelines.
- F. Each entrance and exit to and from any off-street parking lot in a nonresidential zoning district shall be located at least 25 feet from any residential zoning district, and no required vehicle turning radius extending from the edge of the driveway nearest the property line into the right-of-way shall intersect the street pavement edge beyond the property's side lot line.
- G. All interior and abutting streets shall have rights-of-way of a sufficient width to accommodate the vehicular traffic generated by the uses permitted in the district or adequate provision shall be made at the time of the approval of the parking plan for such sufficient width of rights-of-way. The right-of-way provided to satisfy this condition shall conform to the right-of-way standards set forth in the City's Master

Plan.

- H. Except for single-family residential uses, all hard-surfaced parking areas shall be constructed with concrete curbs and gutters.
- I. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage onto adjacent property or toward buildings.
- J. All required parking spaces, drives, driveways and aisles shall be pervious or impervious hard-surfaced concrete or hot mix asphalt and constructed to specifications approved by the City Engineer. One- and two-family parking spaces shall meet the applicable requirements of the Michigan Residential Code. The parking area shall be hard surfaced before a certificate of occupancy will be issued. **[Amended 4-12-2011 by Ord. No. 1241]**
- K. Except for parallel parking, when the front of a parking space abuts a raised curb of a private or other curbed on-site pavement that is not less than seven feet in width, or a landscaped area that is protected in an acceptable manner as outlined in Subsection L of this section, the minimum required length of the parking space may be reduced by up to two feet.
- L. Wherever the front of an off-street parking space shall abut a screen wall structure, or planting screen, or landscaped lawn panel, the screening device and the lawn panel shall be protected from vehicles by a two-foot-wide concrete ribbon extending along the front of the parking space, measured from the back edge of the raised curb, or by wheel stops placed in the parking stall, or by other means satisfactory to the City.
- M. Maneuvering lanes serving angle parking shall permit one-way traffic movements only. Lanes serving right-angle parking shall permit two-way movement. The mixing of one- and two-way movements within a parking lot shall be permitted only under exceptional circumstances and only after review and approval of the layout by the City.
- N. The City may require the joining of parking lots of separate uses on separate properties in the interest of reducing the number of curb cuts into a public street and to facilitate movement between sites.
- O. All parking spaces shall be clearly striped with lines at least four inches in width.
- P. Except for single-family and two-family uses, all parking spaces shall have access from clearly limited and defined driveways not less than 12 feet wide for a one-way drive and 22 feet wide for a two-way drive.
- Q. Access to a parking lot lying in an area zoned for multiple-family residential use shall not be across property zoned for single-family residential use. Likewise, access to a parking lot in a nonresidential zoning district shall not be across land in a residential zoning district.
- R. Access to a parking lot from a local residential street, as so designated on the City's Master Plan, shall be prohibited, except as may otherwise be permitted in § 370-106, Access to major thoroughfares, in this chapter.

- S. The off-street parking area of any nonresidential use permitted in a residential district shall be screened by a continuous and obscuring wall or landscaped earth berm, the height of which shall not be less than four feet six inches measured from the surface of the parking area. The wall or berm shall be provided on all sides where the next zoning district is a residential district and shall contain materials and be constructed to the standards of Article XXII, Screening Devices and Landscaping, in this chapter.
- T. When a landscape setback is required between an off-street parking space and any property line or street right-of-way line, the area shall be kept free of refuse and debris and shall be landscaped in accordance with the applicable guidelines set forth in Article XXII, Screening Devices and Landscaping, in this chapter.

PARKING LAYOUT STANDARDS



- U. The required number, size, spacing and layout of handicapped parking spaces shall be determined by state rules and regulations.
- V. Parallel parking spaces shall be striped so as to show a space 20 feet in length with a six-foot maneuvering space for every two parking spaces.
- W. Dead-end off-street parking aisles are discouraged, especially in connection with business uses. Such aisles shall be no more than eight spaces deep on any side and may be used only when there is no reasonable alternative. If more than eight spaces deep on any side, the layout shall provide a means for vehicles to turn around.
- X. Where required, off-street parking areas shall be screened in accordance with Article XXII, Screening Devices and Landscaping, in this Zoning Code.
- Y. Parking lot landscaping shall be provided in accordance with Article XXII, Screening Devices and Landscaping, in this Zoning Code.

§ 370-78. Off-street loading and unloading.

On the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles, materials or merchandise, or in an improved public alley that

directly abuts the property, there shall be provided and maintained adequate space for standing, loading, and unloading in order to avoid undue interference with the public use of dedicated streets. Such space shall be provided as follows:

- A. Where required, unless otherwise indicated, all spaces shall be laid out in the dimensions of at least 10 feet by 80 feet, with a clearance of at least 14 feet in height for uses in the OS-1, B-1, B-2, B-3 and I-1 Districts.
- B. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dustless surface. Loading space may be enclosed.
- C. Access to a loading space shall be provided directly from a public street or alley, or service drive, and shall be arranged so as to provide sufficient off-street maneuvering space as well as adequate ingress to and from a street or service drive.
- D. Unless otherwise indicated, loading space is permitted in a rear yard only. In exceptional instances, when it can be shown that such location is necessitated by site conditions, loading space may be permitted in an interior side yard, with approval of the Building Department. Location of loading and unloading space in an interior side yard shall be subject to these conditions.
 - (1) The location shall not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site.
 - (2) The location shall be aesthetically and effectively screened from view from adjoining properties and from any street in a manner acceptable to the City.
 - (3) To aid in its review, the City may require submittal of exterior building wall elevation drawings with respect to the location of loading and unloading area, trash receptacles, the corresponding elevations of adjoining property and streets and the means by which these facilities will be effectively screened from view.
- E. The area required for loading and unloading shall be physically separated from the off-street parking requirements of this chapter and shall be laid out so that when in use, the loading and unloading area will not disrupt or diminish access to any off-street parking spaces or their corresponding vehicle maneuvering lanes or service drives.
- F. Loading, unloading spaces shall be effectively screened from view from any public street and from any office or residential zoning district in accordance with the applicable requirements of Article XXI of this Zoning Code.
- G. In the OS-1 Districts, off-street loading and unloading shall be provided according to the following provisions.
 - (1) For office buildings of 5,000 square feet or less, no loading or unloading area shall be required.
 - (2) For office buildings over 5,000 square feet to 20,000 square feet in gross floor area, at least one loading and unloading space shall be provided with minimum dimensions of nine feet by 20 feet, and which shall be made separate from off-

street parking and parking maneuvering lanes. The space may be located in any yard.

- (3) For office buildings greater than 20,000 square feet, loading and unloading shall be provided at the ratio of one space for each 40,000 square feet above 20,000 square feet and shall be located in the rear yard or in an interior side yard. If a location in an interior side yard is required, the requirements of Subsection H of this section shall apply.

H. Loading and unloading space in the B-Commercial Districts.

- (1) In the B-Commercial Districts, loading and unloading space shall be provided in the rear yard at a ratio of 10 square feet for each front foot of building, except in the case of a double frontage lot, loading and unloading may be located in an interior side yard beyond the minimum side yard setback requirement of the district. The location of such facilities in a permitted side yard shall be subject to review and approval by the City. The City, in making its review, shall find that any such use shall:
 - (a) Not have a disruptive effect on the safe and efficient flow of pedestrian and vehicular traffic within the site.
 - (b) Be aesthetically and effectively screened from view from adjoining properties and from a street, in a manner acceptable to the City.
- (2) To aid in its review, the City may require submittal of exterior building wall elevation drawings and cross section drawings showing grade elevations with respect to the location of loading and unloading areas, along with the corresponding topographic elevations of adjoining property and streets and the means by which these facilities will be effectively screened from view.

I. Within the I-Industrial Districts, all loading and unloading operations shall be conducted in the rear yard, except in those instances where an interior side yard is located adjacent to an I-Industrial District, loading and unloading may be conducted in that interior side yard when located near the rear of the building. When loading and unloading is to be conducted within an interior side yard, the City may require aesthetic screening of the facility in accordance with the guidelines set forth in Article XXII, Screening Devices and Landscaping, in this chapter.

J. All loading and unloading spaces in the I-Industrial Districts shall be provided in the following ratio of spaces to floor area.

Gross Floor Area

(in square feet)	Loading, Unloading Space Required
0 to 1,400	None
1,401 to 20,000	One space
20,001 to 100,000	One space, plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

- K. Unless as otherwise provided in this section, loading space shall be provided for the following specified uses.
- (1) Funeral homes and mortuaries shall provide one loading space for each 5,000 square feet of gross floor area, plus one space for each additional 10,000 square feet.
 - (2) For hospitals and similar uses of less than 10,000 square feet in gross floor area, at least one loading space with minimum dimensions of nine feet by 20 feet, separate from off-street parking, shall be provided and may be located in any yard.
 - (3) For hospitals and similar uses with a gross floor area of 10,000 square feet or greater, one loading space shall be provided, plus one space for each 50,000 square feet in excess of 10,000 square feet.

ARTICLE XXI
Site Plan Review (All Districts)

§ 370-79. Site plan process.

The site plan review requirements and the procedure for reviewing site plans as set forth and regulated herein are intended to provide an essential vehicle for the design and review of land development that will promote compatibility between land uses in terms of internal and external considerations and for compliance with the requirements of this chapter. For these purposes, as well as for the purpose of promoting and protecting the public health, safety, and general welfare of the inhabitants of this City and for the preservation of its land resources, provision is made herein for the submittal and review of site plans. In order to provide sufficient information to properly review site development proposals in the City, certain basic drawings, plans and pertinent site development data shall be required as herein set forth.

A. Site plans required. A site plan shall be required for review before the City shall issue a building permit for:

- (1) Any residential building and building additions.
- (2) Any nonresidential building or nonresidential building addition permitted in a residential district.
- (3) Any new office, commercial or industrial building or buildings.
- (4) Any addition to an existing nonresidential building for which:
 - (a) Additional off-street parking is required.
 - (b) Required off-street parking would be lost as a result of the addition.
 - (c) Alterations will be made to the general layout of the parking area.
- (5) Any use or uses permitted as a conditional use or a use permitted subject to special conditions in this chapter.
- (6) Any multiple-family residential building or development.
- (7) Any public building or public utility building.
- (8) Any revision to a previously approved site plan.
- (9) Any building or buildings or land use for which a site plan is required as set forth in this chapter.
- (10) Off-street parking layouts in a P-1 District.

B. Site plan submittal procedure.

- (1) Before submittal of a site plan as required herein, the applicant shall first:
 - (a) Obtain a copy of the Roseville Zoning Ordinance and Zoning Map to determine if the use proposed for the site is permitted in the district in which the site is zoned and to familiarize himself/herself with the general

requirements of this chapter with regard to building height, bulk setback, density and area by zoning district, as well as the numerical off-street parking requirements, parking layout standards, and the loading and unloading requirements of this chapter.

- (b) Obtain a copy of the Site Plan Review Procedures Manual and Checklist so as to familiarize himself/herself with the information that is to be provided on a site plan.
 - (2) Copies of the Zoning Ordinance, Zoning Map and the Site Plan Review Checklist may be obtained from the City of Roseville for a fee established by the City Council. Fees for these materials shall be payable to the City of Roseville before issuance of any of the materials by the Building Department.
 - (3) Upon submittal of a site plan for review, the Building Department shall first examine the site plan package for completeness. No site plans submitted shall be accepted for review until or unless they are complete in their content, a sufficient number of site plans are provided, the site plan review checklist has been properly filled out, and all applicable fees for the review of a site plan as established by City Council have been paid.
- C. Site plan review process. Site plans submitted for site plan review as set forth in this article shall be submitted to the Building Department for its review or for distribution to the Planning Commission for its review. The Building Department and the Planning Commission shall review site plans for compliance with all of the applicable requirements of the Roseville Zoning Ordinance, the procedures set forth in the City's Site Plan Review Procedures Manual and as provided on the Site Plan Review Checklist.
- D. Site plan review (Building Department). The Building Department shall review all site plans not specifically set forth in Subsection E of this section for review by the Planning Commission. The Building Department shall forward copies of site plans it will review and site plans that will be reviewed by the Planning Commission to all applicable review agencies for their review and comments within the specified time limits established by the Building Department. The Building Department shall have the authority to forward any site plan not specifically set forth in Subsection E of this section, at its discretion, to the Planning Commission for review.
- E. Site plan review (Planning Commission). Site plans submitted to the Building Department for review by the Planning Commission shall include:
- (1) Single-family detached site condominium subdivision developments.
 - (2) Single-family attached or detached cluster housing developments.
 - (3) Multiple-family residential development.
 - (4) Any development proposed on any land that has been rezoned from a residential district to a nonresidential district within 24 months after the date the property was officially rezoned.
 - (5) A new car sales and service dealership.

- (6) A used car sales lot in which such sales are the principal use of the property.
 - (7) A motor vehicle rental facility, either as the principal or ancillary use of the property, when the site will abut a residential district.
 - (8) A motor vehicle mechanical repair business as defined in this chapter.
 - (9) A motor vehicle body repair business as defined in the Zoning Ordinance.
 - (10) An industrial building proposed on land next to a residential district.
 - (11) Additions to an existing industrial building on land next to a residential district.
 - (12) A gasoline service station or a gasoline station with commercial adjunct.
 - (13) A fast-food restaurant, as defined in the Zoning Ordinance, or any additions to such a use, when such uses are located next to a residential district.
 - (14) A sit-down restaurant as defined in the Zoning Ordinance, or any additions to such a use, when such uses are located next to a residential district.
 - (15) Uses for which review by the Planning Commission is specifically set forth in the Zoning Ordinance.
 - (16) Site plans referred by the Building Department to the Planning Commission for review.
 - (17) Landscape planting plans for all developments other than a single- or a two-family dwelling.
- F. Site plan review guidelines. In the process of reviewing site plans, the Building Department, the Planning Commission and the various site plan review agencies shall find that:
- (1) The use proposed for the site is a use permitted in the district in which the land is zoned.
 - (2) All applicable requirements of the Zoning Ordinance are met with respect to the site plan.
 - (3) The location and design of driveways providing vehicular ingress and egress from the site is acceptable as it relates to all streets giving access to the site and relative to pedestrian traffic.
 - (4) Traffic circulation within the site relative to the location and functional layout of off-street parking areas and loading, unloading areas is acceptable. Traffic should flow freely within the designated parking areas. There should be no doubling of vehicle maneuvering lanes for loading, unloading areas, trash pickup areas, etc. When a row of off-street parking spaces exceed eight spaces in a row, adequate area shall be provided for vehicles to turn around, including trucks. Such vehicle turnaround may consist of a cul-de-sac turnaround, the diameter of which shall not be less than 64 feet, or by means of a hammerhead or T-type turnaround consisting of two angular appendages extending out at

the end of the vehicle maneuvering lane. Each appendage shall be equal in length to 1/2 the required length of a parking space, plus the full required width of the maneuvering lane, or by means of some other turnaround of sufficient size and area to accommodate large, tandem-wheeled service vehicles in a manner acceptable to the Building Department and public safety officials.

- (5) Satisfactory and harmonious relationships between development proposed on a site and the existing development on contiguous lands will be achieved through:
 - (a) The location of loading, unloading areas and trash receptacles so as to minimize their impact.
 - (b) The use of screening devices of sufficient extent to carry out the intent and purpose of the screening requirements of this chapter.
 - (c) Design compatibility between the proposed development and existing development so that it will be compatible with adjacent development in terms of its architecture and the types and color of the exterior building wall materials to be used.
 - (d) The provision of adequately sized and located recreation facilities and/or open space areas where applicable.
 - (e) The preservation of areas of natural significance where applicable.
 - (6) Landscaping within the site is located so as to provide an attractive appearance throughout the site and is of sufficient extent to achieve this end.
 - (7) Freestanding light fixtures and exterior building wall light fixtures are such that they will present a soft visual image and not a bright radiant or sharp light, particularly with respect to adjacent land use, especially residential land use.
 - (8) All developments must provide a sidewalk on all right-of-way (ROW) frontages. **[Added 1-14-2014 by Ord. No. 1265]**
 - (9) All developments must provide clear, accessible pedestrian walks from the ROW sidewalk to the entrance of the business. **[Added 1-14-2014 by Ord. No. 1265]**
- G. Site plan action (Building Department). Site plans submitted to the Building Department for review and approval, as set forth in Subsection D of this section, shall be reviewed by the Building Department in the manner prescribed herein and in the Site Plan Review Procedures Manual.
- (1) Review by the Building Department and involved review agencies shall be undertaken in a workmanlike and timely manner. Upon completion of the review of a site plan, the Building Department shall take one of the following actions:
 - (a) Approve the site plan and so notify the applicant, in writing, of the approval;
 - (b) Approve the site plan, subject to minor revisions; or

- (c) Disapprove the site plan and notify the applicant, in writing, of the reason or reasons for disapproval.
 - (2) An applicant, upon notification of disapproval of a site plan, may:
 - (a) Revise the site plan accordingly and resubmit the plans to the Building Department for further review or,
 - (b) Seek relief before the Zoning Board of Appeals within 28 days from the date of notification in the manner set forth by this chapter.
- H. Site plan action (Planning Commission). Site plans submitted to the Building Department for review by the Planning Commission shall be forwarded to the Planning Commission for its review and action in accordance with the review guidelines set forth in the Site Plan Review Procedures Manual, and in accordance with the following procedure.
 - (1) The Planning Commission shall review the site plan in a workmanlike and timely manner and upon conclusion of its review, shall take one of the following actions:
 - (a) Approve the site plan.
 - (b) Table the site plan to allow for revisions and resubmittal by the applicant.
 - (c) Approve the site plan, subject to only a minimum of minor revisions.
 - (d) Disapprove the site plan.
 - (2) Any of the above actions taken by the Planning Commission shall be followed by written notification to the applicant of the action taken.
 - (3) Disapproval of a site plan by the Planning Commission shall give the applicant access to the Zoning Board of Appeals in a manner prescribed by this chapter.
- I. Site plan approval.
 - (1) Except where otherwise specifically set forth in this chapter, site plans approved by the Building Department or by the Planning Commission shall be in effect for one year from the date of approval. A one-year extension may be given to a site plan. The extension may only be given by the entity that granted the initial approval.
 - (2) Sites not clearly under development within one year from the initial date of site plan approval, and for which no extension has been granted, shall thereafter be considered null and void and shall require resubmittal for review and approval.

§ 370-80. Improvement guarantee.

Guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, etc., may be required by the City to be provided in a form acceptable to the City by the project developer. The amount of such guarantee can be made by the City to cover all improvements not normally covered in the building permit, such as but

not necessarily limited to landscaping, including earth berms, walls, lighting, surfacing of drives, parking, vehicle maneuvering lanes, including acceleration and deceleration lanes, and other traffic control and traffic circulation improvements, sidewalks, on-site drainage structures, storm sewers, etc. The guarantee shall include a schedule of costs assigned to the several improvements. Monies may be released to the applicant in proportion to work completed and accepted on the various improvements. Any partial release of funds shall leave a balance of not less than 10% of the guarantee, which shall be retained by the City until all work has been completed and subsequently inspected and approved by the City.

ARTICLE XXII
Screening Devices and Landscaping

§ 370-81. Screening devices required.

There shall be provided and maintained between any nonresidential district and between any multiple-family and single-family residential districts and between certain uses listed in this section an obscuring screening device of the type set forth and regulated in this section.

A. Screening devices permitted.

- (1) Architectural masonry screen wall with cap.
- (2) Landscaped earth berm.
- (3) Planting screen.

B. Where required. An obscuring screening device shall be provided and maintained between:

- (1) Any one-family residential district and any mobile home park district;
- (2) Any one-family residential district and any multiple-family residential district;
- (3) Any residential district and any office district;
- (4) Any residential district and any commercial district;
- (5) Any residential district and any industrial district;
- (6) Any residential district and a parking district and between any off-street parking areas of nonresidential uses permitted in a residential district next to or across a street from any residential uses;
- (7) Any hospital emergency entrance and any residential district;
- (8) Any utility building, utility stations or substations and any residential or office district.

C. Height requirements. The height of an obscuring screening device shall be in accordance with the following specifications:

- (1) In those instances outlined in § 370-81B(1), (2), (3) and (4) of this article, a minimum of six feet in height, including the cap.
- (2) In the instance outlined in § 370-81B(6) of this article, a minimum of four foot six inches in height, including the cap.
- (3) In the instance outlined in § 370-81B(7), four feet six inches, except in the case of a hospital or medical clinic emergency entrance, or ambulance delivery area, and in the case of public utility buildings with outdoor substations, eight feet.
- (4) In the instance outlined in § 370-81B(8), a minimum height of six feet, or to a

sufficiently greater height to effectively screen outdoor storage areas from view, except in no case shall a screening device designed and intended to screen outdoor storage exceed a height of 12 feet, unless the screen consists of natural features, such as sharp changes in topography or heavy natural foliage, all of which shall exist on the property of the use it is intended to screen.

- D. Location on property line. Required screen walls and landscaped earth berms shall be located on the property line, except where underground utilities interfere and except in those instances where this chapter requires conformance with front yard setback lines in abutting residential districts. When the property line of a nonresidential district abuts the rear or side lot line of a residential district, the six-foot height of the screening device shall terminate at the minimum applicable building setback line of the abutting residential property. Thereafter, the screening device shall extend towards the intersecting property line at a height of three feet, except no screening device shall extend closer than six feet to the intersecting property line. Any request or necessity for locating a screen wall or landscaped earth berm other than along a property line shall require review and approval of an alternate location by the Building Department or by the Planning Commission. The Building Department or the Planning Commission, in making its review of alternate screen wall or earth berm locations, shall consider the following:
- (1) Ability of the screen wall to maintain continuity beyond the property line;
 - (2) Effectiveness of the screen wall or earth berm to screen effectively in an alternate location; and
 - (3) Impact an alternate location may have on site drainage, overall site appearance and the functional well-being of the development proposed for the property.
- E. Replacing existing fences or screening devices. Whenever the location of a screening device shall require the removal or detaching of an existing wall, fence, planting screen or landscaped earth berm, that wall, fence, planting screen or landscaped earth berm shall be replaced, restored, attached or reattached to the new screening device by those responsible for erecting the new screening device.
- F. Openings for pedestrian and vehicular traffic. A screening device may be constructed with openings that do not in any square section (height and width) exceed 20% of the surface. Where a screening device is so pierced, the openings shall be spaced so as to maintain the obscuring character of the screen and shall not reduce the minimum required height of the screening device. The arrangement of the openings shall be subject to review and approval by the Building Department or by the Planning Commission.

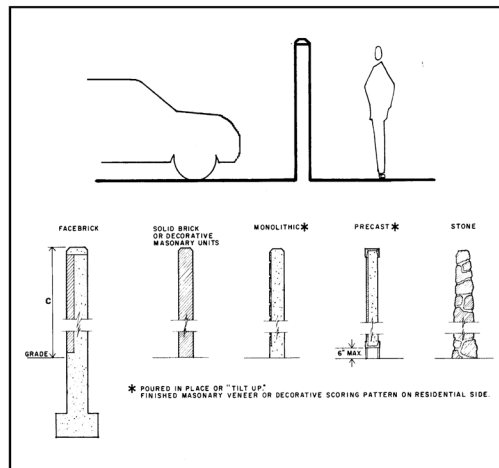
§ 370-82. Screen wall structures.

Whenever a screen wall structure is to be used as a screening device, it shall be an architectural masonry structure consisting of the following materials.

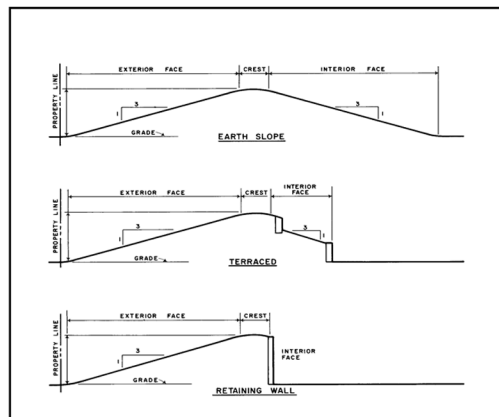
- A. Reinforced concrete or concrete block with face brick on both sides of the wall. If the exterior walls of the principal use on the property shall contain any face brick material, the face brick on the screen wall structure shall consist of the same brick.

- B. Reinforced concrete with a brick-etched appearance on both sides of the wall.
- C. Natural stone materials or reinforced concrete or concrete block with cultured stone on both sides of the wall.
- D. Reinforced concrete panel walls, so long as the vertical posts are concrete as well and are the same color as the panels they will support.
- E. All masonry screen wall structures permitted in this section, including concrete panel walls and brick-etched concrete walls, shall include a cap. The cap shall be a vee type of cap that shall consistently extend along the entire top of the wall. The angle of the vee shall not be less than 45° so that it will quickly shed water and discourage walking on top of the cap. The vee cap shall extend out beyond the vertical sides of the wall.
- F. Screen wall structures with exposed reinforced concrete surfaces may be stained or may be made colorfast by mixing the color into the concrete. They may not be painted. When stained or made colorfast, the color shall be of an earth tone.
- G. Reinforced concrete panel walls shall be composed of heavy-duty panels, the size and weight of which shall require installation by machine.
- H. No screen wall structure shall consist of exposed cinder or cement block, also known as concrete masonry units (CMU). Wood or wood products are specifically prohibited as a screen wall material.
- I. All screen walls shall be found by the Building Department to consist of durable, weather resistant, rust proof and easily maintained materials.
- J. When a screen wall structure is placed next to an off-street parking space or parking spaces, it shall be protected by bumper blocks, a guardrail constructed next to but physically independent from the screen wall structure, or by other means acceptable to the Building Department.
- K. All screen wall structures shall be maintained at all times in a structurally sound condition, neat, orderly and attractive in appearance. All screen wall structures shall be kept free of graffiti.

SCREEN WALL ILLUSTRATIONS



TRANSITION DETAILS BERM ILLUSTRATIONS



§ 370-83. Landscaped earth berms.

The Building Department or the Planning Commission may permit, in place of an architectural masonry screen wall, a landscaped earth berm, provided the earth berm shall have a minimum height of not less than that required for a screen wall. An earth berm shall also:

- A. Have a side slope no steeper than three on one (three feet of horizontal plane for each foot of vertical rise);
- B. Consist of undulating top and side slopes;
- C. Have a crest at the top of the earth berm of not less than two feet across;
- D. Include an adequately designed drainage swale on the property line side of the berm to accommodate stormwater runoff. The drainage swale shall be subject to review and approval by the City Engineer and, where warranted, by the Macomb County Drain Commission;

- E. Be seeded or covered with sod so as to prevent erosion of the sides of the earth berm and be attractively landscaped with plant materials acceptable to the City. The Building Department or the Planning Commission in making its review of the landscape planting plan for the earth berm may require installation of an automated irrigation system to properly maintain the landscaping materials on the earth berm. All landscape materials approved by the Building Department or the Planning Commission for the earth berm shall be maintained in a living, growing condition, neat and orderly in appearance.
- F. In order to properly screen an area effectively, the ends of a landscaped earth berm may be required by the Building Department or the Planning Commission to include an architectural masonry screen wall extension at the ends of the berm structure. The structure would be made an integral part of the berm and would extend out from the top of the earth berm to a peripheral property line or driveway entrance, and shall be subject to the applicable requirements of this article pertaining to screen wall structures, and the restricted clear corner vision requirements as set forth in § 370-104, Corner clearance, in this chapter.
- G. Wherever an earth berm abuts any part of an off-street parking space or parking spaces, or a service drive, it shall be placed behind a raised concrete curb.

§ 370-84. Landscape planting screen.

The Building Department or the Planning Commission may permit, in place of an architectural masonry screen wall structure or a landscaped earth berm, the placement of a planting screen, when the following conditions are deemed to exist on the property.

- A. This screening alternative may be permitted only when it can be shown that a screen wall structure or a landscaped earth berm cannot be used due to unusual circumstances. Unusual circumstances may include;
 - (1) Severe soil or topographic conditions in the area of the property where a screening device is required which precludes erecting an architectural masonry screen wall structure or a landscaped earth berm; or
 - (2) Dense foliage, which ought to be preserved, and which can augment an effective planting screen that exists on the property where a screening device is required, and which would be diminished or destroyed by the erection of a masonry screen wall structure or landscaped earth berm; or
 - (3) For aesthetic purposes, a planting screen will create a more pleasing buffer between a one-family residential district and a multiple-family residential district than an architectural masonry screen wall structure or a landscaped earth berm.
- B. The planting screen, where permitted, shall consist of densely placed evergreen planting materials, the minimum height of which, at the time of planting, shall be not less than the minimum height required for a screen wall structure, and shall be planted and maintained in accordance with the landscape screening requirements of § 370-84, Landscaped planting screen, in this article.

§ 370-85. Building wall serving as screen.

The building wall of an existing or proposed building may serve as a screening device or partial element of a screen wall when the wall shall generally parallel the parcel line or district line along which a screen is required by this article, provided:

- A. The building wall shall be at least six feet in height along its entire length;
- B. The building wall shall consist of architectural masonry materials, shall have no openings, and shall have no other accessory buildings, uses or functions, including loading and unloading facilities or any outdoor materials storage, located between the building wall and the property or zoning district line;
- C. The yard area between the building wall and the property line shall consist of a landscaped lawn area that may include trees and shrubs placed for aesthetic purposes;
- D. All landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.

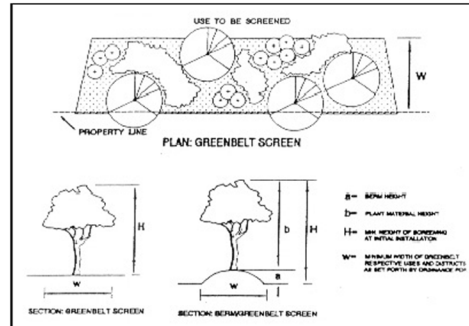
§ 370-86. Approvals and waivers.

After review, the Building Department or the Planning Commission may approve one of the screening alternatives set forth in this article or a combination thereof. The Building Department or the Planning Commission may also recommend to the Roseville Zoning Board of Appeals (ZBA) that the screening requirements of this article be varied or waived, provided it is determined that at least one of the following conditions exists on the property:

- A. The abutting residential district for which a screening device is required is determined to be an area in land use transition and which is likely to become a nonresidential district in the future. The Building Department or the Planning Commission shall rely on the land use recommendations of the Roseville Master Plan Map when evaluating the future use of the land abutting the subject property.
- B. Changes in topographic conditions between the nonresidential and residential lands that are to be screened is such that a screen wall structure or landscaped earth berm, as set forth and regulated in this article, will not screen effectively and therefore will serve no useful purpose. The planting screen alternative may be applicable in such instances.
- C. Sufficient natural vegetation exists along the common property line between the nonresidential district and the affected residential district to serve as an equally effective or better screen than the required screen wall or any of the other permitted screening devices would provide. The Building Department or the Planning Commission, in determining this alternative, shall:
 - (1) Find the existing foliage to be extensive enough to create an effective year-round screen; and
 - (2) Require documentation, in writing, from the landowner that the natural screen will be preserved and maintained as a natural screen for as long as a screening device shall be required by the City for the property. The Building Department

or the Planning Commission, in reviewing the effectiveness of a natural screen, may require the placement of additional planting materials to augment the screening capability of the natural foliage.

GREENBELT PLANTING SCREEN ILLUSTRATIONS



§ 370-87. Landscape planting standards.

The purpose of this article is to establish minimum standards for the development, installation and maintenance of pervious landscaped areas within all cluster housing, multiple-family and all nonresidential districts and for all nonresidential uses permitted in a residential district. This article further recognizes that the proper management and use of trees, plants and other types of vegetation will improve the appearance, value, character and quality of the living environment in Roseville and promote resourceful site planning and creative design. To this end, the regulatory standards set forth in this article are established.

§ 370-88. Required conditions for landscape planting screens.

Wherever in this article a landscape planting screen is permitted or landscape planting materials are required, such landscape planting materials shall be subject to the following conditions:

- A. All planting screens and landscape planting materials shall be planted in accordance with an approved planting plan and planted to completion prior to issuance of a certificate of occupancy by the Building Department. If a use is ready for occupancy between April 1 and September 30, a certificate of occupancy may be issued. If a use is ready for occupancy between October 1 and March 31, a temporary certificate of occupancy may be issued; however, all required planting materials should be placed to completion within 60 days after March 31. Failure to have such required planting material placed to completion within 60 days after March 31 shall be grounds for termination or revocation of a temporary certificate of occupancy. No additional certificate of occupancy, either temporary or final, shall be issued thereafter until all required landscape planting materials are placed to completion. A period of establishment shall start at the completion of all planting and shall continue through the succeeding summer growing season of June, July and August as set forth in this section.
- B. Whenever any aesthetic planting areas or permitted planting screens approach a street or driveway intersection, the restricted clear corner vision requirements of

§ 370-104, Corner clearance, in this chapter shall be observed; however, in all cases, care shall be taken relative to plant material, height and location so as not to impede the view of pedestrians or motor vehicle traffic.

- C. Trees of a species whose roots are known to cause damage to public roadways or other public utilities shall not be planted closer than 12 feet to such roadway or public utility unless the tree root system is completely contained within a barrier, for which the minimum interior containing dimensions shall be five feet square and five feet deep, and for which the construction requirements shall be four-inch-thick concrete reinforced with No. 6 road mesh (six inches by six inches by six inches, or equivalent).
- D. Ground cover used in lieu of grass shall be planted in such a manner that it will not exceed spacing from eight inches to 10 inches on center, depending on the material used and its growth rate, so as to provide reasonably complete coverage.
- E. Grass areas shall be planted and grown as permanent lawns. Lawns may be seeded and mulched or covered with sod and shall be protected from erosion until the coverage is permanently established.
- F. To prevent vehicular encroachment, including vehicle overhang onto or into landscaped areas, including lawns, planting materials in areas involving motor vehicles shall be protected by the use of wheel stops, raised concrete curbs, or other satisfactory and acceptable methods of barrier.
- G. All open ground areas on any site, including pervious surfaces used in the calculation of lot coverage requirements, yard areas, open ground areas disturbed by construction, and other similar areas where such landscaping is appropriate and feasible, shall be provided with coverage of grass, ground cover, shrubs, or other approved landscaping material. Materials that prevent or inhibit to an unreasonable extent the percolation of water into the soil shall be considered unacceptable materials for the treatment of these areas.
- H. Trees and shrubs shall be provided with a minimum thickness of at least two inches of mulch no less than at least 24 inches beyond the trunks or stems of all newly planted trees and shrubs. Such mulch shall be provided at the time of planting and shall be maintained and resupplied as needed thereafter.
- I. All landscaped areas shall be maintained by an automated in-ground irrigation system approved by the Building Department. Individual planters and isolated planting areas shall have appropriate irrigation sources provided within each separate planting area.
- J. All irrigation systems shall be maintained in an operable condition capable of providing adequate irrigation to landscaped areas as required. All inoperable irrigation systems and components thereof shall be promptly repaired or replaced so that adequate coverage of landscaped areas is restored and maintained.
- K. All planting materials shall be properly planted so as to be in a healthy, growing condition at the time of establishment. All planting material shall consist of permanent, living plant materials and, when planted to completion, shall thereafter be maintained in an attractive and presentable condition, free of weeds, refuse and

debris, and shall be continuously maintained in a sound, healthy and vigorous growing condition, free of plant diseases and insect pests.

- L. Top pruning or other severe pruning or maintenance practices of landscaping materials that results in stunted, abnormal, or other unreasonable deviation from the normal healthy growth of trees, shrubs, and other required landscaping components shall be considered as the destruction of these materials, and replacement shall be required as described in this division. Failure of the owner of the property to maintain the premises in good condition, as set forth in Subsection K of this section, shall make the owner liable for the applicable penalties set forth by this chapter.
- M. All plant materials shall meet current American Association of Nurserymen standards.
- N. No approved landscaped area shall be abandoned, paved over, encroached upon by vehicular traffic, or otherwise used without submission of a site plan to and approval by the Building Department or the Planning Commission pursuant to the procedures set forth in this article.

§ 370-89. Planting plan.

Whenever a landscaped earth berm or landscape planting screen is permitted under the provisions of this article, a detailed planting plan of such screen shall be submitted to the Building Department or to the Planning Commission for review and approval prior to issuance of a building permit. The planting plan shall be drawn to the same scale as the site plan and shall accurately depict the location, spacing, starting size and identification by botanical and common name of each type of plant material proposed for use within the required screening area. Detailed plans shall be submitted in accordance with the following:

- A. The minimum scale of the drawing shall be one inch equals 30 feet, or the same scale as the site plan involved, if a requirement for site plan approval.
- B. Existing and proposed contours shall be depicted with contour intervals not to exceed two feet.
- C. The planting plan shall indicate the location, size, spacing and root type (bare root, balled in burlap, or container-grown) of all plant materials.
- D. Where an earth berm is used in conjunction with a planting screen, the planting plan shall provide typical cross-section drawings depicting the slope, height and width of the berm and the type of ground cover intended to be placed on it. If architectural masonry screen walls are used in conjunction with an earth berm, the height of the wall and the type of materials to be used in the construction of the wall, as well as the type of materials to be used in the wall footings, shall be shown in cross-section format.
- E. The planting plan shall depict significant construction details, where applicable, to reflect specific site conditions, e.g., tree wells to preserve existing trees, culverts to maintain natural drainage patterns, etc.
- F. The planting plan shall indicate existing tree cover that is to be used in conjunction

with or in place of the screen planting requirements of this article, including types of trees and overall tree height.

§ 370-90. Planting plan review.

The planting plan shall be reviewed by the Building Department or by the Planning Commission for conformance with the following guidelines:

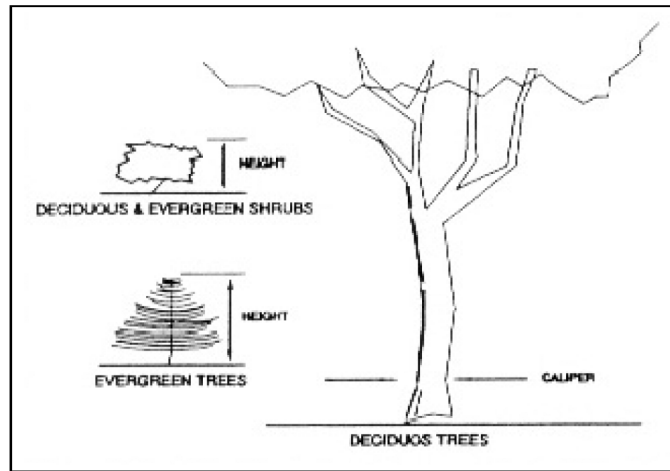
- A. The proper types, spacing, height, placement and location of plant materials relative to the length and width of the screen so as to insure that the required horizontal and vertical obscuring of the land use it is intended to screen will be at least 60% obscured at the time of planting.
- B. The choice and selection of plant materials so as to ensure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners.
- C. The choice and selection of plant materials so as to ensure that the type of planting materials selected will be of a type that will thrive in the area in which they are to be located.
- D. The proper relationship between deciduous and evergreen plant materials exists so as to assure that the desired obscuring effect will be accomplished.
- E. The size of plant material (both starting and ultimate) is sufficient to ensure adequate maturity and optimum screening effect of the proposed plant materials.
- F. Compliance with the applicable landscape design principles set forth in this article.

§ 370-91. Layout standards; plant materials.

- A. Landscape planting screens, when permitted as an alternative to a masonry screening wall structure or landscaped earth berm, or in conjunction with either, shall consist of diversified planting materials and shall be laid out in conformance with the following guidelines:
 - (1) Plant materials, except creeping-vine-type planting materials, shall not be located within four feet of the property line.
 - (2) Where plant materials are placed in two or more rows, they shall be staggered in rows.
 - (3) Evergreen trees shall not be less than six feet in height. When planted in informal groupings, they shall be spaced no less than 10 feet on center. When spaced further apart, additional screen planting materials shall be used to achieve the desired screening effect intended by this article. When planted in rows, they shall be planted not less than 10 feet on center.
 - (4) Narrow evergreen trees shall not be less than six feet in height at the time of planting. When planted in informal groupings, they shall be spaced not more than 10 feet on center. When planted in rows, they shall be planted not more than four feet on center.

- (5) Except as otherwise restricted in § 370-104, Corner clearance, in this chapter, large shrubs shall not be less than 30 inches in height. When planted in informal groupings, they shall be spaced not more than six feet on center. When planted in single rows, they shall not be spaced more than four feet on center.
- (6) Small shrubs shall not have a spread of less than 18 inches, and shall not be planted more than four feet on center.
- (7) Deciduous trees shall not be less than 2 1/2 inches in trunk caliper. For the purpose of this section, the caliper of the trunk shall be taken six inches above ground level, up to and including four-inch caliper size and 12 inches above the ground level for larger trees. When placed in informal groupings, they shall be planted not more than 30 to 35 feet on center.
- (8) Small deciduous trees shall not be less than two inches in trunk caliper, measured in the same manner as set forth in Subsection A(7) of this section. When planted in informal groupings, they shall be spaced not more than 15 feet on center.

TREE CALIPER SIZE



Recommended Distances Between Like and Unlike Plant Materials

Plant Material Types	Narrow		Large	Small		
	Evergreen Trees	Evergreen Trees	Deciduous Trees	Deciduous Trees	Large Shrubs	Small Shrubs
	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
Evergreen Trees	Minimum 10	Minimum 12	Minimum 20	Minimum 12	Minimum 6	Minimum 5
	Maximum 20					
Narrow Evergreen Trees	Minimum 12	Minimum 5	Minimum 15	Minimum 10	Minimum 5	Minimum 4
	Maximum 10					
Large Deciduous Trees	Minimum 20	Minimum 15	Minimum 20	Minimum 5	Minimum 15	Minimum 3
	Maximum 30					
Small Deciduous Trees	Minimum 12	Minimum 10	Minimum 15	Minimum 8	Minimum 6	Minimum 3
	Maximum 15					
Large Shrubs	Minimum 6	Minimum 5	Minimum 5	Minimum 6	Minimum 4	Minimum 5
	Maximum 6					

Recommended Distances Between Like and Unlike Plant Materials

Plant Material Types	Narrow Evergreen Trees	Large Evergreen Trees	Small Deciduous Trees	Large Deciduous Trees	Small Shrubs	Large Shrubs
	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
Small Shrubs	Minimum 5	Minimum 4	Minimum 3	Minimum 3	Minimum 5	Minimum 3

B. Plant materials.

(1) Suggested (not required) plant material:

(a) Trees:

- [1] Evergreen: Abies (fir), Picea (spruce), Pinus (pine), Psuedostuga (Douglas fir), Tsuga (hemlock). Note: Exceptions are dwarf, globe, pendulous specie/cultivars.
- [2] Narrow evergreen: Juniperus (juniper), Thuja (arborvitae). Note: Exceptions are dwarf, globe, spreading specie/cultivars.
- [3] Large deciduous: Acer (maple, except Japanese), Betula (birch), Gleditsia (honey locust, thornless cultivars only), Gingko (ginkgo), Platanus (sycamore, linden), Quercus (oak), Tulip tree (Liriodendron), Linden (Tilia).
- [4] Small deciduous: Amelanchier (juneberry), Cercis (redbud), Cornus (dogwood, tree form), Crataegus (hawthorn), Malus (crabapple, disease-resistant cultivars), Prunus (flowering plum, tree form), Pyrus (flowering pear), Syringa (lilac, tree form).

(b) Large shrubs:

- [1] Deciduous/broadleaf evergreen: Cornus (dogwood, shrub form), Cotoneaster (cotoneaster), Forsythia (forsythia), Lonicera (honeysuckle), Philadelphus (mock orange), Prunus (flowering plum), Rhamnus (buckthorn), Rhus (sumac), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), Weigela (weigela). Note: Defined as plants maturing at five feet and up.
- [2] Evergreen: Juniperus (hetzii, pfitzer, savin juniper), Taxus cuspidata "Capitata" (pyramidal Japanese yew). Note: Defined as plants maturing at five feet and up.

(c) Small shrubs:

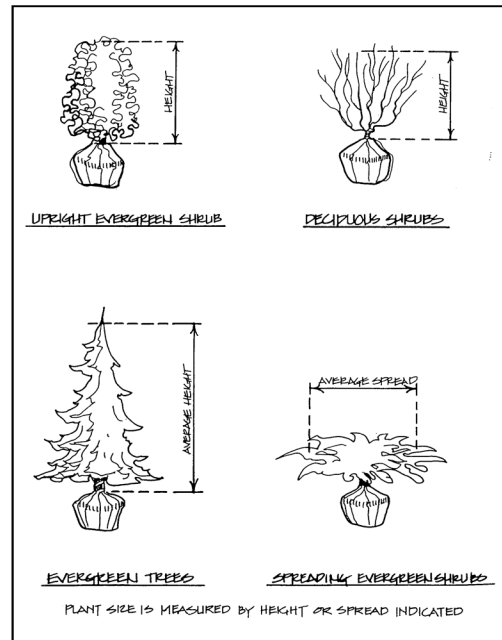
- [1] Deciduous/broadleaf evergreen: Berberis (barberry), Buxus (boxwood), Chaenomeles (quince), Cotoneaster (cotoneaster), Euonymus (euonymus), Forsythia (forsythia), Hydrangea (hydrangea), Ilex (holly), Ligustrum (privet), Lonicera (honeysuckle), Potentilla (potentilla), Ribes (currant), Salix

(willow), Spiraea (spirea), Syringa (lilac), Viburnum (viburnum), Weigela (weigela). Note: Defined as plants maturing under five feet.

[2] Evergreen: Abies (fir), Chamaecyparis (false cypress), Juniperus (low spreading juniper), Picea (spruce), Pinus (pine), Taxus (globe, spreading, upright yew), Thuja (globe/dwarf arborvitae).

(2) Trees not suggested. Ailanthus (tree of heaven), Robinia (black locust), Ulmus americana (American elm), and Acer negundo (Box elder).

PLANT SIZES



§ 370-92. Landscaping for aesthetic purposes.

In addition to any landscaped earth berm or landscape planting screen that may be used on the property in place of an architectural masonry screen wall structure to satisfy any screening requirements of this article, further on-site landscaping shall be required, as follows.

- A. Landscaping for aesthetic purposes shall be placed throughout the property and shall be placed in compliance with the following guidelines.
 - (1) Care shall be taken to make certain that the location and size at maturity of any landscaping materials will comply with the applicable restricted clear corner vision requirements of § 370-104, Corner clearance, in this chapter. Furthermore, care will be taken with regard to the location and the height of all planting materials placed throughout the site so as not to unduly impair the vision of pedestrian or motor vehicle traffic within the site.
 - (2) Planting materials placed for aesthetic purposes shall consist of the suggested planting materials outlined in § 370-91 in this article, or similar, and equally acceptable nursery-grown stock, but shall not include stock that is not

suggested in the same section.

- (3) All landscaping, including lawn areas, placed for aesthetic purposes shall be maintained by an automated in-ground irrigation system approved by the Building Department.

§ 370-93. Aesthetic landscape areas.

Landscape planting materials shall be installed and maintained wherever called for in this article in the following places and to the following extent.

- A. Except where excused in this subsection and except in those districts or development options where greater or additional planting buffers are required, a minimum ten-foot-wide landscaped lawn panel shall be provided between any public road right-of-way, existing or proposed, and any off-street parking space, service drive that parallels a road right-of-way line, or other motor vehicle use areas, except loading and unloading areas at the rear of a building or when next to an alley right-of-way, according to the standards established in this section.
- B. The minimum ten-foot-wide lawn panel required in Subsection A of this section shall be landscaped in grass, ground cover, shrubs, trees or other acceptable living plant materials. Specified natural rock materials, brick paver materials, durable wood structures and other durable accent pieces may be used in conjunction with live plant materials to create visual landscaping accents. Low earth berms may be utilized as a landscape feature within a lawn panel. Whenever an earth berm is used it shall be covered with grass, but may also contain the nonliving durable materials outlined in this subsection as visual accent pieces.
- C. Development which occurs in the OS, B-1, B-2, B-3, P-1, I-1 and I-2 Districts shall provide, in addition to the landscaped lawn panel required in Subsection A of this section, additional on-site landscaped areas. These additional landscaped areas shall be equal in area to at least 5% of the total area of the site, less any land in public, rights-of-way, or equal to a ratio of 10 to one: 10 square feet of landscaping for each off-street parking space provided on site, whichever results in the larger area. These landscaped areas shall be distributed throughout the site and may include:
[Amended 10-14-2014 by Ord. No. 1272]
 - (1) Tree islands within the parking lot, placed at parking row ends, except in the case of large parking lots, such islands may be distributed throughout the lot at a ratio of not less than one planting island per every 10 to 12 spaces. Wherever this landscape feature is used, the islands shall be located so as to offer not only a visually attractive and shading feature, but to help provide for improved traffic circulation. The islands shall also be placed in a uniform manner to better facilitate snow removal. A tree island shall contain at least 150 square feet of landscape area.
 - (2) Pedestrian walkways, plazas, planters and other decorative features may be included in such landscape areas when they are made an integral part of a site's overall landscaping.
- D. ²⁰Stormwater detention or retention basins when required on site, shall be made an integral feature of the site's landscaping. When the side slopes of a stormwater basin

will be steeper than a ratio of three to one (three of horizontal plane for each foot of vertical rise), the basin will be fenced with a six-foot-high black or green close link woven wire (chain link) fence to discourage climbing. Any part of a stormwater basin that must be placed in a front or exterior side yard next to a street, and which must be fenced, shall be fenced along the frontage by a decorative wrought iron fence of equal height. When a stormwater basin shall retain water, the water shall be circulated so as to prevent stagnation and pest infestation. A fenced stormwater basin shall be aesthetically landscaped along its fence line with a diversified mix of deciduous and evergreen trees and shrubs.

- E. The area of a site that lies in a public road right-of-way between the property line and the back edge of the curbline of the pavement, or the edge of the pavement when there is no curb, shall be landscaped with grass and/or other live planting materials. Wherever such landscaping shall be installed, it shall comply with all applicable landscaping, clear vision or line-of-sight restrictions that are set forth and regulated by the superintending authority in control of the right-of-way.

§ 370-94. Cost estimates and surety.

Whenever a landscape planting plan is called for in this article, cost estimates prepared by a licensed landscape architect or certified nurseryman shall be submitted by the applicant as part of the site plan review package. The cost estimate shall cover the cost of all new planting materials proposed on the approved landscape planting plan, the cost of their installation, including the cost of installing the automated in-ground irrigation system required in this article. Verification by the Building Department or its representative of the correctness of the cost estimate or estimates submitted shall cause surety in a form acceptable to the City to be submitted by the applicant in an amount sufficient to insure completion within the time specified in this article and in accordance with the approved planting plan.

§ 370-95. Exterior utility equipment screens.

All exterior climate control equipment and any other exterior mechanical equipment, including utility outlets, transformers, other electrical equipment, gas regulators, etc., serving any single-family cluster housing development, multiple-family residential development, or any nonresidential use are regarded as accessory uses and shall be restricted to locations on the property for accessory uses as set forth in § 370-100, Accessory uses, in this chapter and shall be effectively screened from view from any abutting residential district or from any street in the following manner.

- A. Ground-level equipment shall be screened from view by any screening device permitted in this article. The screening device need be no higher than necessary to effectively screen the equipment from view. When the exterior walls of the principal use of the property for which the equipment is intended to serve contain any brick material and the screening device is to consist of an architectural masonry screen wall structure, its exterior sides shall consist of the same exterior masonry materials that appear on the principal building. When a landscaped earth berm or

20. Editor's Note: Former Subsection D, regarding the I-1 and I-2 Districts, was repealed 10-14-2014 by Ord. No. 1272. (See now Subsection C.) Said ordinance also provided for the redesignation of former Subsections E and F as Subsections D and E, respectively.

planting screen is to be used, except for minimum height limitations, they shall comply with the applicable requirements of this article.

- B. Rooftop equipment that will be visible from the ground on the property or from any abutting residential district or street shall be screened from view by material that shall extend upwards at least 1/8 times higher than the equipment it is intended to screen. Rooftop screening materials may consist of lightweight weather-resistant metal or structurally ridged vinyl or glass fiber materials approved by the Building Department.

§ 370-96. Trash receptacle screens.

Whenever a trash receptacle or receptacles will be used in conjunction with any use in any district, the receptacle shall be screened from view in the following manner.

- A. They shall be placed in architectural masonry screening structures as such structures are permitted and regulated in this article, except the following requirements shall apply.
- (1) The exterior walls of the structure shall consist of the same masonry materials used in the front facade of the principal building, when such materials are structurally applicable as a screen wall material and accepted by the Building Department as such, except concrete masonry units (CMUs) shall be prohibited and except when the receptacle screen wall structure is to be made an integral part of an approved architectural masonry screening wall structure, it may consist of the same materials that are to be used in the screen wall structure.
 - (2) The minimum height of the screen wall structure shall be six feet.
 - (3) The screen wall enclosure shall include a gate consisting of opaque material.
 - (4) Posts of adequate size and strength shall be placed at the outside edge of the gates next to the enclosure structure to protect the structure.
 - (5) The floor of the enclosure shall be constructed of reinforced concrete in a manner acceptable to the Building Department and shall extend outward from the gate a distance of 10 feet and shall be one foot wider than the width of the gate on both sides.
 - (6) Wherever a trash receptacle screen wall structure is erected, the area inside the structure and around the outside of the structure shall be maintained in an orderly and structurally sound condition, clean and free from refuse clutter.

ARTICLE XXIII
General Provisions

§ 370-97. Conflicting regulations. [Amended 2-14-2017 by Ord. No. 1294]

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

§ 370-98. Scope. [Amended 2-14-2017 by Ord. No. 1294]

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformance with the provisions of this chapter.

§ 370-99. Nonconforming lots, uses and structures. [Amended 2-14-2017 by Ord. No. 1294]

A. Intent.

- (1) It is the intent of this chapter to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.
- (2) It is recognized that there exist within the districts established by this chapter, and subsequent amendments, lots, structures and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated or restricted under the terms of this chapter or future amendments.
- (3) Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
- (4) A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by the attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would not be permitted in the district involved.
- (5) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. "Actual construction" is hereby defined to include the placing of construction materials in permanent position and fastening them in a permanent manner, except that where demolition or

removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

- B. Class A nonconforming uses and structures. Nonconforming uses or structures shall be designated Class A provided that the Planning Commission finds all of the following exists with respect to the use or structure:
- (1) The use or structure was lawful at its inception.
 - (2) Continuance of the use or structure is not likely to significantly depress property values of nearby properties.
 - (3) Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of this chapter.
 - (4) No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.
- C. Class A conditions. The decision to grant a Class A designation shall be made in writing setting forth its findings of fact and basis for the designation. For changes or improvements to a Class A use or structure, site plans shall be required and the Planning Commission may condition its approval on the following, and by the following procedure to assure the public health, safety or welfare or the spirit and purpose of this chapter:
- (1) Conditions.
 - (a) Screening and landscaping in keeping with community standards to provide compatibility with adjacent uses.
 - (b) Restrictions on lighting, noise, or visual impact.
 - (c) Prohibition of curbside parking to an extent greater than the immediate property frontage of the nonconforming use, where such use is in close proximity to homes.
 - (d) Signage in compliance with zoning district requirements. Existing nonconforming signs may be required to be eliminated or reduced in size and number.
 - (e) Exterior building materials utilized in any alteration or rebuilding of the building shall be harmonious with materials on abutting properties whenever practical.
 - (f) Enlargement or replacement of a building that does not create a more nonconforming yard setback condition which would impact on conforming properties in the immediate vicinity.
 - (g) Other reasonable safeguards and improvements imposed to protect conforming uses in the surrounding area.

- (2) Procedure.

- (a) A Class A designation shall be deemed temporary until the Planning Commission has received written verification from the Building Director that the party requesting the Class A designation has complied with all of the conditions set forth by the planning commission.
 - (b) Once the Planning Commission has received written verification from the Building Director that the party requesting the Class A designation has complied with said conditions, the Class A designation shall become final, subject to other provisions of this chapter as hereafter prescribed.
 - (c) No Class A nonconforming use or structure shall be resumed if it has been discontinued for six consecutive months, or 18 months total in any three-year period. No Class A nonconforming use or structure shall be used, altered or enlarged in violation of any conditions imposed in its designation.
 - (d) A temporary Class A nonconforming use or structure designation shall be void after six months if any conditions imposed by the designation remain unmet, unless the Planning Commission grants a written request for an extension of six months. No more than two extensions may be granted.
- D. Class B nonconforming uses and structures. All nonconforming uses or structures not designated Class A shall be Class B nonconforming uses or structures. Class B nonconforming uses and structures shall comply with all the provisions of this chapter relative to nonconforming uses and structures.
- E. Nonconforming lots. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an unsubdivided parcel for the purpose of this chapter and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this chapter.
- F. Nonconforming uses of land. Where, at the effective date of adoption or amendment of this chapter, a lawful use of land exists that is made no longer permissible under the terms of this chapter, as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming use shall be enlarged or increased, nor extended

to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
 - (3) If such nonconforming use of land ceases for any reason for a period of 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
- G. Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
 - (2) Should such structure be destroyed to an extent of more than 50 percent of its replacement value, exclusive of the foundation at the time of destruction, it shall be reconstructed only in conformity with the provisions of this chapter, except that reconstruction on the existing foundation or footing shall be permitted provided reconstruction is commenced within 12 months from date of such damage.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- H. Nonconforming uses of structures and land. If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in this district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this chapter in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - (2) Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance code, but no such use shall be extended to occupy any land outside such building.
 - (3) In any B or I District, if no structural alteration is made, any nonconforming

use of a structure, or structure and premises, may be changed to another nonconforming use of the same or more restricted classification, provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission shall require appropriate conditions and safeguards in accord with the purpose and intent of this chapter. Where a nonconforming use of a structure, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.

- (4) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - (5) When a nonconforming use of a structure or structure and premises in combination is discontinued or ceases to exist for 12 consecutive months or for 24 months during any three-year period, the structure or structure and premises in combination shall not thereafter be used, except in conformance with the regulation of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision.
 - (6) When a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- I. Repairs and maintenance. Except as otherwise permitted in this subsection, on any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased; except nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.
 - J. Uses under exception provisions not nonconforming uses. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.
 - K. Change of tenancy of ownership. There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structure and premises provided there is no change in the nature of character of such nonconforming use.

§ 370-100. Accessory uses.

Accessory uses, except as otherwise permitted in this chapter, shall be subject to the following regulations:

A. Accessory buildings.

- (1) Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
- (2) Accessory buildings shall not be erected in any required front yard or in any required exterior side yard, except that in the case of a narrow corner lot, where compliance with the requirement would give an impractical depth to a private garage, the Zoning Board of Appeals may permit the construction of such garages as near to such side street lot line as will give a practical depth, but in no case shall any part of such garage project beyond the building to which it is accessory, or be closer than two feet to the interior side lot line.
- (3) No accessory building(s) shall occupy more than 12% of the total lot area in a residential district, provided that in a residential district, the accessory building(s) shall not exceed the ground floor area of the main residence, except that accessory garages for the parking of private motor vehicles in residential districts shall not exceed 900 square feet in gross floor area, or the gross floor area of the house, whichever is less.
- (4) No accessory building shall be located within an easement, or closer than four feet to any main building, nor shall it be located closer than two feet to any interior side lot line and five feet from a rear lot line.
- (5) In those instances where the rear lot line abuts an alley right-of-way, the accessory building shall be no closer than one foot to such rear lot line. In no instance shall an accessory building be located within an easement or dedicated right-of-way. In those instances where the rear lot line abuts a street right-of-way, the accessory building shall be no closer to this line than the required front yard setback in the district in which the property is located. Whenever a garage is at right angles to an alley, it shall be no closer than 10 feet to the rear lot line.
- (6) When an accessory building is located on a corner lot, the rear lot line of which abuts an interior side lot line of an adjoining parcel in a residential district, no part of any accessory building within 25 feet of the common lot line shall be nearer the street bounding the side lot line than the least depth of any required front yard setback along such lot line.
- (7) No detached accessory building in the R-1, R-1A, R-2, OS, B-1, P-1, RM-1 and RM-2 Districts shall exceed one story, or 15 feet, in height measured to the ridgeline of the roof. Accessory buildings in all other districts may be built to a height equal to the maximum permitted height of the district, provided, if the accessory building exceeds one story, or 12 feet, in height, the building shall be set back one foot for each foot the building exceeds 12 feet in height.
- (8) When an accessory building in any residential, business or office district is intended for a use other than gazebos, doghouses, the parking or storage of private motor vehicles, tools for personal use, or recreation equipment, the accessory use shall be subject to review and approval by the Zoning Board of Appeals.

B. Accessory structures.

- (1) Accessory structures, except where otherwise permitted and regulated in this chapter, shall be located in the rear yard and shall meet the setback requirements of an accessory building.
- (2) Flag poles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than 1/2 the distance between the right-of-way and the principal building.
- (3) Canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point 10 feet from the street right-of-way line. Signs placed on any canopy other than a sign showing the height of the canopy shall comply with the applicable standards of the Roseville Sign Ordinance.²¹
- (4) Ground-mounted private communication antennas shall be located in the rear yard, except when it can be found that such antennas will not be highly visible from a street, they may be located in a nonrequired interior side yard.
- (5) Ground-mounted antennas shall not exceed a dimension of 12 feet by 12 feet or a diameter of 12 feet. In nonresidential districts, no roof-, pole- or tower-mounted antenna shall exceed a dimension of 12 feet by 12 feet or a diameter of 12 feet. Ground-mounted antennas shall not exceed a dimension of 16 feet by 16 feet or a diameter of 16 feet.
- (6) Solar energy panels, when located on the ground, shall observe all applicable electrical codes and all applicable requirements pertaining to an accessory building. When roof mounted, they shall be mounted either flat against the roof surface or shall not project more than four feet outward from the roof measured from the surface of the roof where so affixed to the farthest outward projection of the panel.

§ 370-101. Open storage in residential districts.

No recreational vehicle or mobile home shall be parked or stored, nor materials kept, in any residential district, except as specifically permitted and regulated in this section.

- A. All motor vehicles shall be in operating condition and under current license, unless kept within a fully enclosed building, except the Building Department may grant a resident up to 30 days to procure a license.
- B. Except where otherwise permitted in this chapter, the off-street parking of a mobile home for periods exceeding 24 hours on lands not approved for mobile homes or mobile home parks shall be expressly prohibited, except that the Building Department may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two weeks.
- C. All mobile homes owned by residents of the City of Roseville and stored on their individual lots shall be stored only within the confines of the rear yard or nonrequired interior side yard and shall further respect the requirement of

21. Editor's Note: See Ch. 264, Signs.

§ 370-101 of this chapter, insofar as distances from principal structures, lot lines and easements are concerned.

- D. Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.
- E. Recreational equipment may be parked anywhere on a residential premises, not to exceed 72 hours for loading and unloading.
- F. All recreational equipment shall be stored in the rear yard or nonrequired side yard only, subject to the applicable conditions of this section regarding accessory buildings, with respect to height, yard coverage and setbacks.
- G. Recreational equipment parked or stored on residential premises shall be kept in good repair and carry a current license plate and/or registration.
- H. At no time shall recreational equipment be used for living or housekeeping purposes, nor may it be connected to water or sanitary sewer facilities.
- I. The outdoor storage of recreational equipment, as defined in this chapter, on any residential lot or parcel shall be limited to only that equipment owned by, licensed or registered to the occupant of the residential lot or parcel on which the equipment is stored.
- J. Except as otherwise permitted in this subsection, a person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle as defined in this chapter on any residentially zoned property in the City for any purpose or length of time other than for expeditious loading and delivery or pickup and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked.
- K. A commercial vehicle may be parked on residentially zoned property when all of the following conditions are met.
 - (1) The vehicle is used solely as a commercial vehicle for business purposes.
 - (2) The driver of the vehicle is an occupant of the residential property where the vehicle is parked and is an employee of the business for which the vehicle is used for commercial purposes.
 - (3) The vehicle is that occupant's principal means of transportation to and from the business where he is employed.
 - (4) The vehicle is not a stake truck (with or without stakes in place), a flatbed truck, a semi trailer-tractor, or semitrailer, dump truck, tow truck (wrecker), or car hauler or trailer that is used for commercial purposes.
 - (5) The vehicle does not:
 - (a) Exceed 10,500 pounds as it is parked in the driveway; nor
 - (b) Exceed eight feet in height measured from the surface of the driveway under the vehicle to the highest roofline of the vehicle.

- L. The owner of residentially zoned property shall not permit a commercial vehicle to remain on such property in violation of the provisions of this chapter.
- M. Not more than one commercial vehicle shall be parked on any single-family-zoned property.
- N. A commercial vehicle that is not in daily use, or which does not display a current license, shall be housed in a garage.
- O. In those instances where a commercial vehicle is not required to be housed, the vehicle shall be restricted to a parking space on the driveway of a single-family-zoned premises where its owner or driver resides, and shall not be parked closer to the front property line than 10 feet.
- P. Except as otherwise permitted in § 370-15B in this chapter, the outdoor storage or keeping of any other materials or machinery shall be prohibited.

§ 370-102. Exterior site lighting. [Amended 9-23-2014 by Ord. No. 1271; 5-12-2015 by Ord. No. 1280]

- A. The intent of this section is to encourage site lighting that will be attractive to the eye while at the same time adequately illuminating a site for safety and convenience. It is further the intent of this section to discourage excessively bright and harsh site illumination that creates undesirable halo effects on the property, diminishes the residential environment of abutting and nearby dwellings and presents a potential hazard to vehicle and pedestrian traffic on abutting streets and sidewalks.
- B. All exterior site lighting designed and intended to light private property shall comply with the following applicable requirements.
 - (1) Exterior site lighting in nonresidential zoning districts:
 - (a) Overall exterior site illumination limitations.
 - [1] All outdoor lighting must be so designed and arranged so as not to shine on adjacent properties or occupied dwellings, or adversely impact vehicular or pedestrian traffic on nearby streets, drives, walkways, or general rights-of-way. Outdoor lighting originating on a site must not exceed 0.5 footcandle at the lot line. Proposed light fixtures must be down-directed and shielded where necessary. The source of the illumination (luminaire) must not be visible from adjacent properties and be International Dark Sky Association compliant. Lights may be required to be full cutoff where they may impact residential uses.
 - [2] Outdoor lighting fixtures must not exceed a height of 30 feet in height or the height of the principal building on the site, whichever is less. For development sites abutting properties, lots used or zoned for one- and two-family residential uses, lights must not exceed a height of 16 feet. The Planning Commission may modify the height restrictions in commercial and industrial districts, based on

consideration of the following: the position and height of buildings, the character of the proposed use; and the character of surrounding land use.

- [3] Where outdoor lighting is required by this chapter, the light intensity provided at ground level must be a minimum of 0.3 footcandle anywhere in the area to be illuminated. Light intensity must average a minimum of 0.5 footcandle over the entire area, measured five feet above the surface.
- (b) Pole requirements. Freestanding light poles:
 - [1] Shall be constructed of metal, concrete, wood laminates or composite materials and shall be of an architectural nature. Decorative streetlights and poles are required in the Town Center Overlay District and shall be approved by the Planning Commission prior to site plan approval.
 - (c) Architectural exterior lighting.
 - [1] Architectural exterior lighting that is designed and intended only to enhance the architecture of a building or to highlight a particular architectural feature of a building, and to provide lighting for no other purpose, shall consist of:
 - [a] Low-wattage luminaire designed to cast soft light only on the subject.
 - [b] The luminaire, when directly visible from a fixture, shall not be an irritant to pedestrians or to vehicle traffic within the site or to traffic on adjacent streets, or to residents on any abutting residential properties.
 - (d) Wiring requirements. All electrical service to any exterior light source shall be placed underground and within the interior of any canopy structure and shall meet all applicable electrical wiring codes and ordinances.
- (2) Exterior site lighting in the multiple-family residential districts.
 - (a) Freestanding light fixtures:
 - [1] May consist of a low-voltage incandescent luminaire contained in a decorative light fixture attached to the top of a low-profile yard type of light pole. All wiring to pole fixtures shall be underground and shall comply with all applicable electrical codes and ordinances.
 - (b) Wall- and roof-mounted fixtures.
 - [1] Carports in a multiple-family dwelling development may be lighted so long as all such lighting is contained in fixtures attached to the underside of the carport roof. The fixtures shall be placed no closer to the front of the roof structure than 1/2 the distance from the rear

of the roof structure to the front of the roof structure. Luminaires shall not exceed 100 watts and may be housed in fixtures with clear lenses.

- [2] Wall-mounted fixtures shall consist of low-voltage incandescent luminaires contained in decorative fixtures. Wall-mounted fixtures may be placed next to the main entrance to a dwelling unit or building entrance and next to any rear entry.

(3) General lighting exemption:

- (a) To request a waiver of up to 20% of the full lighting requirements of this section, an applicant must submit evidence to demonstrate that the waiver or exemption does not result in any unnecessary hardship on surrounding properties, business, and residences, and meets all of the criteria listed in this section. A public hearing shall be held in accordance with § 370-140 of this chapter.
- (b) The Planning Commission may approve such waiver or exemption upon finding that such waiver or exemption does not result in any unnecessary hardship on surrounding properties, business, and residences, and meets all of the criteria listed in this section.
- (c) Although not necessary, an applicant may elect to apply for an exemption in lighting requirements for projects located in Business and Office Districts. This application is not applicable for projects located in zoning districts other than the B-1, B-2, B-3, and OS.
- (d) In approving an exemption in lighting requirements authorized by this Code, the Planning Commission shall consider and apply the following criteria:

[1] The exemption in the lighting requirement is justified by the reasonably anticipated usage by businesses of and visitors to the project; and

[2] The exemption in the lighting requirement will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity; and

[3] The pattern of land use and character of development in the vicinity; and

[4] Such other criteria as the Planning Commission deems appropriate in the circumstances of the particular case.

(4) Prohibition. The following is a list of prohibitions:

- (a) Searchlights. The operation of searchlights for advertising purposes is prohibited between the hours of 11:00 p.m. and sunrise.
- (b) Recreational facilities. No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 p.m., except to

conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.

- (c) Outdoor building or landscaping illumination. The unshielded outdoor illumination of any building, landscaping, signing or other purpose is prohibited.
- (d) Mercury vapor fixtures.

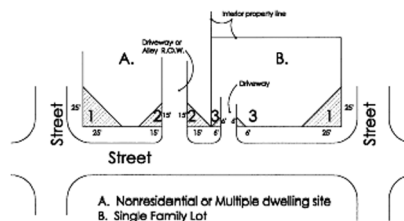
§ 370-103. Residential entranceway structures.

In all residential districts, so-called "entranceway structures," including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multifamily housing projects, may be permitted and may be located in a required yard, except as provided in § 370-104, Corner clearance, provided that such entranceway structures shall comply with all applicable codes of the municipality and shall be approved by the Building Director (or his designee) and a permit issued.

§ 370-104. Corner clearance.

No wall, shrubbery, sign or other obstruction to vision above a height of three feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from their point of intersection: In the case of a private driveway or public alley right-of-way, the distance along each line shall not be less than 15 feet, as depicted in the accompanying drawing, except a freestanding pylon sign, supported by one, but not more than two, poles, the diameter of which shall not exceed eight inches and which have at least eight feet of unobstructed clearance from the ground to the bottom of the sign, may be permitted.

RESTRICTED CLEAR CORNER VISION AREAS



§ 370-105. Frontage on public streets.

No lot or parcel of land shall be used for any purpose permitted by this chapter unless said lot or parcel shall front directly upon a public street, unless otherwise provided for in this chapter.

§ 370-106. Access to major thoroughfares.

For uses making reference to this section, vehicular access shall be provided only to an existing or planned major thoroughfare or freeway service drive; provided, however, that access driveways may be permitted to other than a major thoroughfare or freeway

service drive, where such access is provided to a street where the property directly across the street between the driveway and the major thoroughfare or freeway service drive is zoned for multiple-family use or any nonresidential uses, is developed with permanent uses other than single-family residences or is an area which, in the opinion of the Planning Commission, will be used for other than single-family purposes in the future. This exception shall apply only if the Commission finds that there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a thoroughfare.

§ 370-107. Exterior building wall materials guidelines.

The purpose of this section is to serve as a guideline for the establishment of a harmonious exterior building wall appearance designed so as to create, enhance and promote a uniform and quality appearing visual environment in the City of Roseville.

- A. To ensure that thoughtful and proper attention will be given to the visual appearance of buildings, whenever in this chapter reference is made to this section, all exterior building walls of all new building(s) and any accessory building(s) shall consist of the same uniform finish material(s) as the front facade of the main or principal building(s) when the building(s) is:
- (1) A residential or nonresidential use permitted in a residential district; or
 - (2) A permitted use in the OS, B-1, B-2, B-3, I-1, or I-2 Districts and will have exterior walls exposed to view from any road, street or expressway, or from any residential district.
- B. Whenever the exterior building wall materials guidelines set forth in this section apply, they shall be accompanied by a statement describing how the selected exterior building wall materials and/or combination of materials will be consistent with and will enhance the building's appearance and will be in harmony with the building's on adjacent parcels.
- C. The exterior building walls of all such buildings coming under the requirements of this section, shall be constructed of a combination of one or more of the following materials:
- (1) Masonry materials, including face brick, glazed brick, cut stone, ceramic tile.
 - (2) Precast concrete in form pattern, color treated (not painted) with earth-tone colors.
 - (3) Finished cementitious materials, including finished systems, stucco.
 - (4) Metal materials, including flat sheets, standing seamed, ribbed panels, stainless steel, porcelain clad.
 - (5) Glass products, including, clear, tinted, reflective, glass block.
 - (6) Architectural masonry block materials such as split face and fluted block, when such materials do not make up more than 25% of a building wall.
- D. Materials other than those listed above, except cinder block, cement block, tarred

paper, tin, corrugated iron, any form of pressed board or felt, or like or similar materials, may be permitted in place of, or in combination with, the above permitted materials when approved by the Building Department. The Building Department may approve alternative materials only when it shall determine that such materials shall:

- (1) Be in harmony with the intent and purpose of this section and will promote the uniform and quality appearing visual environment of the City.
 - (2) Meet all applicable requirements of the Building Code.
- E. Any permitted outdoor storage of materials or vehicles used in the manufacture of products on the premises, or in the operation of a business on the premises, shall be effectively screened from view in accordance with the requirements set forth in Article 22, in this chapter.

§ 370-108. Signs.

Signs, as permitted, shall be subject to the standards of the Roseville Sign Ordinance, being Chapter 264 in the Roseville Code of Ordinances, as amended.

§ 370-109. Fences.

Fences, except architectural masonry screen walls, may be erected on any parcel of land, subject to the standards of the Roseville Fence Ordinance, being Chapter 134 in the Roseville Code of Ordinances, as amended.

§ 370-110. Use restrictions.

- A. No portion of a lot or parcel once used in complying with the provisions of this chapter for yards, lot area per family, density (as for multiple-family development), or percentage of lot occupancy, in connection with an existing or proposed building or structure, shall again be used as a part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.
- B. Except where otherwise permitted in this chapter, in the R-Residential Districts, only one single-family detached dwelling unit shall be permitted per lot or parcel of record.

§ 370-111. Performance standards.

No use otherwise allowed shall be permitted within any use district set forth in this chapter which does not conform to applicable performance standards pertaining to the limiting of smoke, dust, dirt, fly ash, chemical propellants, glare, radioactivity, fire, explosive hazards, noise, vibration, odors, and wastes as set forth and regulated by local, county, state or federal laws.

§ 370-112. Wind energy systems. [Added 10-13-2009 by Ord. No. 1228]

The purpose of this section is to provide a safe, effective, and efficient use of wind energy turbines in order to reduce the consumption of fossil fuels in producing electricity; to preserve and protect public health, safety, welfare, and quality of life by

minimizing the potential adverse impacts of a wind energy turbine; and to establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a wind energy turbine shall be governed.

A. Definitions. As used in this section, the following terms shall have the following meanings:

LARGE WIND ENERGY TURBINE — A tower-, structure-, or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

MEDIUM WIND ENERGY TURBINE — A tower- or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed 250 kilowatts.

MONOPOLE — Towers that are constructed of open steel truss work or a single hollow tube of welded steel.

SHADOW FLICKER — Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

SMALL WIND ENERGY TURBINE — A tower- or similar device-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed 30 kilowatts.

B. General regulations:

(1) Small wind energy systems shall be permitted as a special use in residential zoning districts.

(2) Small and medium wind energy systems shall be permitted in Office Service Zoning Districts as a special use.

(3) Small, medium and large wind energy systems shall be permitted in Business and Industrial Zoning Districts as a special use.

(4) A public hearing is required for all wind energy turbines and/or systems.

(5) Small, medium and large wind energy systems shall be permitted as a special use and subject to the following:

(a) Height, type, design.

[1] Only monopole construction shall be permitted.

[2] The total height of a wind energy system tower or similar device, including maximum extension of the top of the blade, shall not exceed the maximum height for structures or devices permitted in

the zoning district.

- [3] Wind energy systems shall be painted a nonreflective, nonobtrusive color, such as grey, white, or off-white.
 - [4] Wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
 - [5] No form of advertising shall be allowed on any part of the wind energy systems, except for reasonable identification of the manufacturer or operator of a large wind energy facility.
- (b) Setbacks. A wind energy system tower or similar device shall be set back a distance equal to its total height from:
- [1] Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road.
 - [2] Any overhead utility lines, unless written permission is granted by the affected utility.
 - [3] All property lines, unless written permission is granted from the affected landowner or neighbor.
 - [4] Support cables, if provided, shall be anchored to the ground no closer than 10 feet to any property line.
- (c) Access.
- [1] All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - [2] The tower or similar device shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
- (d) Speed controls. All systems shall be equipped with manual and automatic over speed controls.
- (e) Electrical wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower or similar device wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.
- (f) Signal interference. No wind energy facility shall be located in any location where its proximity to existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- (g) Noise.
- [1] Audible noise or the sound pressure level from the operation of the wind energy system shall not exceed a rating of 50 dBA, or the

ambient sound pressure level plus 5 dBA, whichever is greater, for more than 10% of any hour, measured at the property line of the subject property.

- [2] Proof from the manufacturer that the system is capable of meeting these noise requirements shall be provided at the time a permit is requested.

(h) Shadow flicker.

- [1] At the time a permit is requested, the applicant shall conduct a written analysis of potential shadow flicker regarding structures or devices within 300 feet of the wind energy system.
- [2] The analysis shall identify the location of shadow flicker that may be caused by the wind energy system and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.
- [3] The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures or devices and describe measures that shall be taken to eliminate or mitigate the problems at the time a permit is requested.

(i) Abandonment.

- [1] A wind energy system that is out of service for a continuous twelve-month period will be deemed to have been abandoned.
- [2] If the wind energy system is determined to be abandoned, the owner shall remove the wind generator and tower at the owner's sole expense within three months of receipt of a notice of abandonment.

(j) Code compliance. Wind energy systems, including towers, shall comply with all of the applicable building codes.

(k) Permit requirements and procedures.

- [1] A building permit shall be required.
- [2] An owner shall submit an application to the Building Official for a building permit for a wind energy system.
- [3] The Building Official shall issue a permit or deny the application within 30 days of submittal of the application.

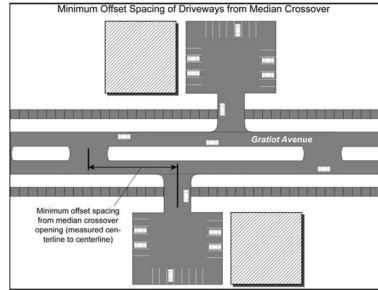
(l) Inspection. Large and medium wind energy systems shall have a biannual inspection of structural stability, at the cost of the owner/operator of the facility, with a report filed with the City Clerk.

(m) Penalties.

- [1] Any wind generation facility, turbine, or appurtenant facility hereinafter significantly erected, moved or structurally altered in

spacing of driveways from signalized intersections and median crossovers.

- B. Applicability. This overlay zone shall apply to all land with frontage along Gratiot Avenue. The following applications must also comply with the standards in this section.
- (1) New or enlarged building or structure: any new principal building or structure, or the enlargement of any principal building or structure by more than 25%.
 - (2) Land division, subdivision or site condominium: any land division or subdivision or site condominium development, including residential developments.
 - (3) Change in use or intensity of use: any intensity of use or any increase in vehicle trips generated.
- C. Access management standards. The following regulations of this section shall be considered by the Planning Commission:
- (1) Compliance with corridor plan. Access shall generally be provided as shown in the Gratiot Avenue Corridor Improvement Plan.
 - (2) Number of access points. The number of resulting access points shall be the fewest necessary to provide reasonable access to the site. Each lot shall be permitted one access point, which may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
 - (3) Additional access points. Additional access points may be permitted by the Planning Commission upon finding that all other standards are met, and/or if a traffic impact study is submitted that justifies a need for additional access due to safety reasons or where a poor level of service will result from fewer access points.
 - (4) Spacing and offset from intersections. Access points shall be either directly aligned or spaced/offset as far from intersections as practical, especially signalized intersections. A minimum spacing or offset of 150 feet is preferred.
 - (5) Consideration of median crossovers. Access points along median sections of Gratiot Avenue shall be located in consideration of median crossovers. The City supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. Access points shall directly align with or be offset a sufficient distance from median crossovers to allow for weaving across travel lanes and storage within the median. A minimum offset of 250 feet is preferred.

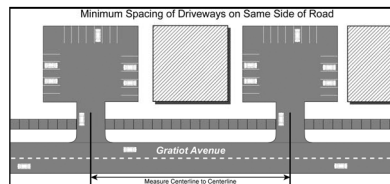


- (6) Spacing of access points on same side of road. Access points shall provide the following spacing from other access points along the same side of the public street (measured from center line to center line as shown on the figure), based on the posted speed limit along the abutting road segment according to the following table, or where full compliance cannot be achieved, access shall be spaced as far apart as practical.

Posted Speed limit (mph)	Along Gratiot Avenue* (feet)	Along Other Roads (feet)
35 or less*	245	150
40	300	185
45	350	230

NOTES:

- * Unless greater spacing is required by MDOT or required to meet other standards herein.



- (7) Consideration of adjacent sites. Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- (8) Shared driveways. Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive. Where implemented, shared access or service driveways should be accompanied by an executed access agreement signed by all affected property owners.
- (9) Access design. Where practical, given right-of-way constraints, access points shall be designed with radii, tapers and other geometrics as determined by MDOT that are required to minimize the impacts of inbound right turns on

traffic flow.

- D. Review procedure. Applications shall be processed according to Article XXI, Site Plan Review, and § 370-139, Certificates of occupancy, as appropriate. The Building Official may require Planning Commission review as part of any zoning compliance certificate requests if it is determined that such request does not adhere to the standards of this section.
- (1) Submittal information. Along with any other required information, developments subject to review shall submit:
 - (a) Detailed information showing existing access points on adjacent sites; proposed access points; changes to existing access; and any information requested by the City that is needed to review site access.
 - (b) The Planning Commission may require submittal of a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional access points or to justify a modification.
 - (c) Where it is determined that certain site plan submittal requirements are not necessary to the review and understanding of the site, the Planning Commission may waive the site plan requirements and allow submittal of a scaled drawing that provides sufficient detail to review site access.
 - (2) Modification of plan standards. The Planning Commission may waive certain requirements of this section upon consideration of the following:
 - (a) The proposed modification is consistent with the general intent of the standards of this overlay zone and the recommendations of the Gratiot Avenue Corridor Improvement Plan and published MDOT guidelines.
 - (b) MDOT staff endorse the proposed access design.
 - (c) Driveway geometrics have been improved to the extent practical to reduce impacts on through traffic flow.
 - (d) The modification is for an access point that has, or is expected to have, very low traffic volumes (less than 50 inbound and outbound trips per day) and is not expected to significantly impact safe traffic operations.
 - (e) Shared access has been provided or the applicant has demonstrated it is not reasonable.
 - (f) Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

§ 370-114. Conditional rezoning. [Added 4-12-2011 by Ord. No. 1242]

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a

request for rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, Act 110 of 2006 (MCLA § 125.3405), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and offer of conditions.

- (1) An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.
- (2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
- (3) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- (4) Any use of development proposed as part of an offer of conditions that would require a special land use permit under the terms of the ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this chapter.
- (5) Any use or development proposed as part of an offer of conditions that require variance under the terms of this chapter may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this chapter. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this chapter may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this chapter.
- (6) The offer of conditions may be amended during the process of rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action, provided that if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice, new recommendation, and fees.

B. Planning Commission review. The Planning Commission, after public hearing and consideration of the factors for rezoning, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

C. City Council review. After receipt of the Planning Commission's recommendations, the City Council shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The deliberations shall include, but not be

limited to, a consideration of the factors for rezoning of this chapter. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such a contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCLA § 125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the City Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

D. Approval.

- (1) If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written statement of conditions acceptable to the owner and conforming in form to the provisions of this section. The statement of conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested zoning.
- (2) The statement of conditions shall:
 - (a) Be in a form recordable with the Register of Deeds of the county or, in the alternative, be accompanied by a recordable affidavit or memorandum prepared and signed by the owner giving notice of the statement of conditions in a manner acceptable to the City Council.
 - (b) Contain a legal description of the land to which it pertains.
 - (c) Contain a statement acknowledging that the statement of conditions runs with the land and is binding upon successor owners of the land.
 - (d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the petitioner that are necessary to illustrate the implementation of the statement of conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - (e) Contain a statement acknowledging that the statement of conditions or an affidavit or memorandum giving notice thereof may be recorded by the City with the Register of Deeds of the county.
 - (f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the statement of conditions.
- (3) Upon rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a statement of conditions. The City Clerk shall maintain a listing of all lands rezoned with a statement of conditions.
- (4) The approved statement of conditions or an affidavit or memorandum giving notice thereof shall be filed by the City with the Register of Deeds of the county. The City Council shall have authority to waive this requirement if it

determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.

- (5) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the statement of conditions.
- E. Compliance with conditions.
- (1) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this chapter and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - (2) No permit or approval shall be granted under this chapter for any use or development that is contrary to an applicable statement of conditions.
- F. Time period for establishing development or use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the City Council if:
- (1) It is demonstrated to the City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion; and
 - (2) The City Council finds that there has not been a change in circumstances that would render the current zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- G. Reversion of zoning. If approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in the Michigan Zoning Enabling Act (MCLA § 125.3405). The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- H. Subsequent rezoning of land. When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning pursuant to Subsection G above or otherwise, the

statement of conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record with the Register of Deeds of the county that the statement of conditions is no longer in effect.

- I. Amendment of conditions. During the time period for commencement of an approved development or use specified pursuant to Subsection F above or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the statement of conditions.
- J. City's right to rezone. Nothing in the statement of conditions nor in the provisions of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a statement of conditions to another zoning classification. Any rezoning shall be conducted in compliance with this chapter and the Michigan Zoning Enabling Act (MCLA § 125.3405).
- K. Failure to offer conditions. The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this chapter.

§ 370-114.1. Complete streets improvements. [Added 1-14-2014 by Ord. No. 1265]

- A. The City of Roseville shall plan, design, construct, operate and maintain street improvements to provide reasonable and appropriate accommodation for all potential users of the public right-of-way, in accordance with the City of Roseville Non-Motorized Transportation Plan and as funding priorities permit. In furtherance of that policy:
 - (1) The City Planning Commission will draft a Non-Motorized Transportation Plan: Complete Streets for Roseville. This amendment to the City's Master Plan will set forth long-range plans for providing complete streets in the City.
 - (2) The Non-Motorized Transportation Plan shall be reviewed at least every five years or at the same time as the Master Plan, whichever is more frequent.
 - (3) The City will draft a Non-Motorized Transportation Improvements Program (NMTIP), and after appropriate public review and consideration, City Council will approve that program and update it on an annual basis.
 - (4) The Non-Motorized Transportation Plan will include, at a minimum, accommodations for accessibility, sidewalks, curb ramps and cuts, trails and pathways, signage, bicycle routes, bike lanes, transit facilities and shall incorporate principles of complete streets and maximize walkable and bikeable streets within the City of Roseville.
 - (5) Infrastructure improvements made under the NMTIP will be designed, constructed, and operated in substantial conformance to the latest guidelines promulgated by the American Association of State Highway and Transportation Officials, Institute of Transportation Engineers, Michigan Department of Transportation, Road Commission for Macomb County, and the Americans with Disabilities Act of 1990, as amended.
 - (6) It will be the goal of the City to reasonably fund the implementation of the

Non-Motorized Transportation Plan, which shall include expending State Act 51 funds received by the City annually in accordance with Public Act 135 of 2010, as amended.

- B. Exceptions. Infrastructure improvements specifically intended for pedestrians, bicyclists, and transit riders need not be planned nor made where the City Administrator recommends and City Council approves exceptions. Such exceptions should generally be considered where:
- (1) Their establishment will be contrary to the public health and safety;
 - (2) The cost would result in an unacceptable diminishing of other City services;
 - (3) Bicycles and/or pedestrians are prohibited by law;
 - (4) There is no identifiable long-term need;
 - (5) Transit operation is not present or likely to occur in the foreseeable future;
 - (6) The cost would be excessively disproportionate to the need or potential use;
 - (7) The project segment length would not result in a meaningful addition to the nonmotorized network;
 - (8) There is no identified long-term need; and/or
 - (9) The public works project in question is due to an emergency that requires near-term action.

§ 370-114.2. Town Center Overlay District. [Added 5-13-2014 by Ord. No. 1266]

A. Purpose.

- (1) The Town Center Overlay District is intended to permit the redevelopment of specifically defined sites within the area historically identified as Utica Junction, which is generally bounded by the commercial frontage on Utica Road from Gratiot Avenue on the south to Birmingham Street to the north.
- (2) This district is intended to allow for the development of a fully integrated, mixed-use, pedestrian-oriented town center area, as designated on the Zoning Map and Master Plan. The intent of the district is to minimize traffic congestion, infrastructure costs and environmental degradation by promoting a compact, mixed-use, pedestrian-friendly community following smart growth principles. Provisions for the town center district support traditional neighborhood design principles, which are historically based on urban development from the early colonial times to the 1940s, including, but not limited to:
 - (a) Residential neighborhoods, which are interconnected to all development by roadways and pedestrianways, with an emphasis on making the entire area a more walkable community.
 - (b) Housing types and uses that are mixed and developed in close proximity to one another.

- (c) Civic buildings and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity.
 - (d) Recreation and open space, with neighborhood greens, landscaped streets, woven into roadway and block patterns for the purpose of providing adequate space for social activity, parks and visual enjoyment.
 - (e) The location of dwellings, shops and workplaces in close proximity to each other, the scale of which accommodates and promotes pedestrian travel within the community.
- B. Schedule of uses. Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in this section. Land and/or buildings in the district indicated at the top of Table 1 may be used for the purposes denoted by the following abbreviations:

P: Permitted Use: Land and buildings in this district may be used for the purposes listed by right.

SLU: Special Land Use: Land and/or buildings in this district may be used for this purpose by obtaining special land use approval when all applicable standards cited in Article XXIII, special land use review requirements and procedures and specific standards are met.

Table 1
Schedule of Uses

Use	Utica TCD
Residential	
Townhouses	P
Multiple-family dwellings	P
Senior apartments and senior independent living	P
Live-work units	P
Dwellings within mixed-use buildings	P
Dwellings and workshop space above garages, provided use of workshop is limited to hobby or permitted home occupation	P
Home occupations	P
Retail businesses	

Table 1

Schedule of Uses

Use	Utica TCD
Retail businesses which supply commodities on the premises, such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware. (Uses up to 25,000 square feet net floor area.)	P
Retail businesses which supply commodities on the premises, such as but not limited to groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware. (Uses 25,000 square feet of net floor area or more.)	SLU
Open-air business, outdoor display and sales accessory to a permitted retail business, such as nurseries and home improvement items	SLU
Restaurants and bars	
Standard sit-down restaurants and taverns without drive-through service	SLU
Restaurants and taverns with outdoor seating	SLU
Restaurants with open front windows	SLU
Carry-out restaurants	SLU
Cocktail lounge/night club (not including adult regulated)	SLU
Banquet halls	SLU
Service uses	
Service establishment of an office, showroom or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer or an establishment doing home appliance/electronic repair, photographic reproduction, and similar service establishments that require a retail adjunct	P

Table 1
Schedule of Uses

Use	Utica TCD
Dry cleaning establishments or pick-up stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.	P
Hotels	P
Bed-and-breakfast inns	P
Personal service establishment, including barber shops, beauty shops and health salons	P
Pet grooming and training with no boarding of animals	SLU
Office, financial, medical and human care uses	
Offices for executive, administrative, professional, accounting, brokerage, insurance, writing, clerical, drafting and sales uses	P
Banks, credit unions, savings and loan associations without drive-through facilities	P
Business services such as mailing, copying, data processing and retail office supplies	P
Day-care centers for children	SLU
Adult day-care homes	SLU
Veterinary clinics, not including animal boarding	SLU
Institutional, governmental and quasi-public	
Civic buildings, libraries, parks and civic squares, which provide places of assembly for social activities, in prominent locations that act as landmarks, symbols and focal points for community identity	P
Governmental offices or other governmental uses, post offices, public utility offices, exchanges and transformer stations	P
Recreational uses	

Table 1

Schedule of Uses

Use	Utica TCD
Amusement arcades which provide space for patrons to engage in playing of mechanical amusement devices or similar activities	SLU
Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor soccer facilities, indoor skating rinks or similar forms of indoor commercial recreation up to 30,000 square feet gross floor area	P
Health clubs and related uses, including gyms, martial arts instruction, gymnasiums up to 30,000 square feet gross floor area	SLU
Public or private noncommercial recreational areas, institutional or community recreation centers and swimming pool clubs	P
Theaters, assembly halls, concert halls or similar places of assembly with seating capacity up to 750 people or parking for not more than 200 vehicles	P
C. Requirements applicable to all uses. All uses permitted by right or by special land use approval shall be required to meet the following requirements:	
(1) Dealing directly with consumers. All permitted retail or service establishments shall deal directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.	
(2) Conducted within enclosed buildings. All business, servicing or processing, except for off-street parking, loading and approved open air uses, shall be conducted within completely enclosed buildings.	
D. Standards applicable to specific uses. Uses allowed in the Town Center Overly District shall be subject to meeting the following specific requirements applicable to that use:	
(1) Dwellings within mixed-use buildings. Dwellings within mixed-use buildings that also contain space for commercial or office shall be subject to the following conditions:	
(a) No dwelling units shall occupy any portion of a commercial or office building at ground level or below ground level. A commercial or office business may occupy any number of the total floors.	

- (b) In those instances where a residential use is proposed to occupy the same floor as an office or commercial business, the Planning Commission shall review and approve the mixed-use floor based on findings related to the compatibility of the residential use and the office or commercial business. These findings may include, but are not limited to:
 - [1] Compatible hours of operation;
 - [2] Noise or odors of the operation or occupancy that would be detrimental to the office or commercial business operation, or vice versa;
 - [3] Excessive foot traffic.
 - (c) Each dwelling unit shall have a minimum floor area of not less than 600 square feet.
 - (d) Off-street parking shall be provided in accordance with Article XX and shall be located in areas within 1,000 feet of the dwelling unit for which parking is provided.
- (2) Open-air business. Open-air business uses shall be subject to the following:
- (a) The outdoor display and sales shall be accessory to a principal permitted retail use with a building on the site.
 - (b) All outdoor display and sales areas shall be paved with a permanent, durable and dustless surface and shall be graded and drained to dispose of stormwater without negatively impacting adjacent property.
 - (c) Any approved outdoor sales or display within a parking lot shall meet the required parking lot setback; provided the Planning Commission may require additional landscaping, screening or ornamental fencing.
 - (d) Any stockpiles of soils, fertilizer or similar loosely packaged materials shall be sufficiently covered or contained to prevent dust or blowing of materials.
- (3) Restaurants. Restaurants shall be designed to minimize any impact from noise and odors on nearby residential uses. This may include limiting hours of operation, noise insulation, enclosed storage of waste receptacles and ventilation filters. Outdoor restaurants and cafes shall also be subject to the requirements of Subsection D(4) of this section.
- (4) Outdoor restaurants and cafes. Outdoor restaurants and cafes shall be subject to the following requirements, in addition to Subsection D(3) of this section:
- (a) An outdoor restaurant or cafe may be set up and used during the months of April through October.
 - (b) A site drawing showing a detailed plan of the outdoor restaurant or cafe shall be administratively approved by the City. The City will review the site plan in order to ensure the following traffic and pedestrian safety measures:

- [1] Any sidewalk or open space used for the outdoor restaurant or cafe is immediately adjacent to the applicant restaurant, provided that the cafe may be separated from the restaurant by the main pedestrian walkway along the public sidewalk.
 - [2] The use of a sidewalk or open space for the outdoor restaurant or cafe allows a minimum pedestrian walkway of five feet.
 - [3] Any tables, chairs, umbrellas or other equipment shall not extend into or over the five-foot-wide pedestrian walkway, and there shall be no barriers to pedestrian visibility. The number, size and location of tables, chairs and equipment shall be administratively approved by the City.
 - [4] If alcohol is to be served in conjunction with the proposed outdoor restaurant or cafe, barriers designating the service area, as required by the Michigan Liquor Control Commission, will be utilized. If no alcohol is to be served, a barrier approved by the City will be utilized between the service area and the pedestrian right-of-way.
- (c) The outdoor restaurant or cafe must be part of a licensed full-service restaurant and it must meet all of the requirements of, and secure all of the necessary permits from, the Macomb County Health Department and the Michigan Liquor Control Commission.
 - (d) Liability insurance and property damage coverage, naming the City of Roseville as an insured party, in an amount approved by the city, must be provided before an outdoor restaurant or cafe may be set up.
 - (e) Final approval by the appropriate City department is required for any seating placed within the public right-of-way.
- (5) Day-care centers. In addition to the requirements noted in Article XI, § 370-22(C)(1), day-care centers for children shall be subject to the following:
 - (a) The facility shall have received a state license to operate prior to seeking a special use permit under this title. A copy of the license must be filed with the Building Department as a condition of special land use approval.
 - (b) Not less than 400 square feet of outdoor play area per child (as authorized by the license issued to the applicant by the Department of Human Services), shall be provided on the site.
 - (c) The outdoor play area shall not be located in the front yard.
 - (d) Screening and fencing of the outdoor play area shall be provided as required by the Planning Commission.
 - (e) Parking shall be provided to allow for direct dropoff and pickup of children without requiring children to cross streets.
 - (6) Adult foster care family homes. Day-care homes for elderly adults shall be subject to the following conditions:

- (a) No more than six persons, other than full-time occupants of the dwelling, may be cared for in any one dwelling.
 - (b) Certification shall be provided from the Michigan Association of Day-Care Providers to ensure safety and quality of care.
 - (c) Day-care facilities shall not provide nursing or medical care.
- (7) Amusement arcades. Amusement arcades which provide space for patrons to engage in playing of electronic and mechanical amusement devices or similar activities shall be subject to the following:
- (a) Locations for any such establishment shall be confined to county primary streets and shall have the entrance to both the business and parking area for such establishment on the county primary street. Access from a side or residential street shall be prohibited.
- (8) Table 2 delineates the height, bulk, and setback requirements pertaining to the type of building. Notes to the schedule of regulations follow.

Table 2

Schedule of Town Center Overlay District Regulations

	Mixed-Use, Apartment and Nonresidential Buildings
Lot area	There is no required minimum lot area.
Lot width	There is no required minimum lot width.
Residential density	Apartment (residential only) 25 units per acre maximum. Dwellings above the first floor in commercial/mixed-use buildings: 30 units per acre maximum.
Front yard and building frontage requirements	Zero front yard setback; five-foot maximum front yard. The building facade shall be built to within 10 feet of the front lot line for a minimum of 60% of the street frontage length. (a, b, c)
Side yard	A zero side setback may be permitted where a fire wall is provided along the side lot line. Where a fire wall is not provided, buildings shall be spaced a minimum of 10 feet.
Rear yard	20-foot minimum rear yard setback

Table 2

Schedule of Town Center Overlay District Regulations

Building height	<p>Mixed-Use, Apartment and Nonresidential Buildings</p> <p>20-foot minimum building height; 40-foot/4 stories maximum building height The first story shall be a minimum of 14 feet in height.</p>
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Notes:

- (a) Mixed-use, apartment and nonresidential buildings front yard building setback exceptions. All mixed-use, apartment and nonresidential buildings shall have 60% of the length of the ground level street-facing building facade built within five feet of the front lot line. Exceptions are permitted to allow a greater amount of the building to be set back when the front yard area, or forecourt, is used for one or more purposes listed below:
 - [1] Widening the sidewalk along the frontage of the building;
 - [2] Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities;
 - [3] Accommodating an inset entranceway to the building;
 - [4] Providing outdoor seating for the proposed use;
 - [5] The building is used for public or quasi-public/institutional purposes with a plaza or open space area provided in the front yard;
 - [6] Driveway or pedestrian access to parking at the rear of the building;
 - [7] Side yard parking along no more than 40% of the frontage subject to the requirements of Subsection B of this section;
 - [8] Where older residential structures have been converted to a nonresidential or mixed use and are to be retained.
- (b) Parking. Parking lots shall meet the following requirements:
 - [1] Parking is permitted only in side and rear yards. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 40% of the total site's frontage shall be occupied by parking. Parking in the side yard shall be screened by a three-foot-tall brick screen wall between the sidewalk and the parking lot. The planning commission may permit a hedge row or ornamental wrought iron fence instead of a brick wall.

- [2] Where a parking deck is provided or parking is located on the ground level below a building, at least 60% of the site's frontage shall be occupied by usable building space to a depth of at least 20 feet.
 - [3] Parking lot design shall conform to the requirements of § 370-77, Off-street parking space layout standards. Because the regulations of this section are intended to encourage pedestrian-transit-friendly design and compact mixed-use development that requires less reliance on automobiles, the amount of parking required by § 370-76 may be reduced by 30%.
 - [4] Where parking is visible from a street, it shall be screened by a three-foot-tall brick screen wall located between the parking lot and the sidewalk. The planning commission may permit a hedge row or ornamental wrought iron or similar ornamental fence instead of a brick wall. Where a parking lot for a nonresidential use is adjacent to a residential use, a six-foot-tall brick screen wall shall be provided between the parking lot, including drives, and the residential use instead of the greenbelt required by Article XX. Where the commercial parking lot is separated from the residential use by an alley, then the screen wall may be reduced to three feet in height; provided, however, the planning commission may also require a six-foot-tall brick wall on the residential side of the alley. Parking lot landscaping shall be provided as required by § 370-93, except the area of landscape islands and number of parking lot trees may be reduced to one-half the normal requirement for parking that is located in the rear yard.
- (c) Civic uses. Sites developed with civic uses such as schools, churches, libraries, government offices and parks require specific architectural treatment and design that is unique from other uses. The planning commission may permit modifications to the dimensional and building height requirements as part of the site plan review. In considering the modifications, the planning commission shall determine that the design of the building, location of the building and parking, and the relationship of the site design to the streetscape and adjacent buildings are in keeping with the intended character of the Roseville Town Center District.
- E. Commercial architectural requirements. Nonresidential buildings and mixed-use buildings (with residential in upper floors) shall meet the following architectural design requirements:
- (1) Building types permitted. Nonresidential and mixed-use buildings shall be designed with traditional styles of architecture characteristic of a Midwestern small town. Buildings shall front onto the sidewalk with windows, doors, and architectural detailing customary of traditional storefronts, and contain varying

materials and appearances.

- (2) Front facade requirements. Walls that face a public street shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
 - (a) Blank walls shall not face a public street;
 - (b) Entrances.
 - [1] All buildings shall have a main entrance that is located on at least one street front.
 - [2] The entrance to the sidewalk shall be usable, and all retail and service uses shall maintain a customer entrance to the sidewalk.
 - [3] Entrances for upper story offices or residential units shall be to the sidewalk.
 - [4] Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
 - [5] For buildings longer than 100 feet, there shall be a minimum of one usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up.
 - [6] For office service uses, the entrance must be on the first floor of the building.
- (3) Corner buildings. Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as additional height, a building peak, tower, or similar accent with the highest point located at the intersecting corner. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within 25 feet of the corner.
- (4) Building materials. The following exterior finish materials are required on the front facade and any facade facing a street or parking area. These requirements do not include areas devoted to windows and doors.
 - (a) All walls exposed to public view from the street or parking area shall be constructed of not less than sixty-percent brick or stone. Panel brick and tilt-up brick textured paneling shall not be permitted.
 - (b) The remaining facade may include wood or fiber cement siding. Exterior finish insulation systems (EFIS) may be used for architectural detailing above the first floor. Vinyl siding may be used on walls above the height of eight feet.

- (c) Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a cornice, change in material or textures, or an awning or canopy between the first and second stories.
- (5) Windows and doors.
- (a) Storefront/ground floor. Storefronts shall have windows, doorways and signage which are integrally designed and painted. No less than 70% of the storefront/ground floor facade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than three feet above the adjacent exterior grade.
 - (b) Entranceway. The front entranceway shall be inset a minimum of three feet but not less than six inches greater than the entrance door swing from the front building wall.
 - (c) Upper story. Openings above the first story shall be a maximum of 50% of the total facade area. Windows shall be vertical in proportion.
- (6) Roof design.
- (a) Unless otherwise approved by the planning commission, buildings should have a flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
 - (b) The planning commission may permit a pitched roof.
 - (c) Flat roofs shall be enclosed by parapets.
 - (d) All rooftop-mounted equipment shall be screened from view on all sides of the building.
 - (e) Parapets and other screening treatment shall use high-quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.
- (7) Awnings. Storefronts may be supplemented by awnings, which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met:
- (a) Awnings may project over the public sidewalk with a minimum eight-foot clearance provided from the sidewalk, but must be a minimum of five feet from the street curb.
 - (b) Awnings shall be positioned immediately above the ground floor window area of the facade and have a straight shed that projects from the building at a straight angle with open sides.

- (c) Awnings shall be constructed of a durable material such as canvas or other similar material approved by the Building Official that will not fade or tear easily. Plasticized, vinyl, rigid, cubed or curved awnings or mansard-style canopies are prohibited.
 - (d) Awnings shall not be internally illuminated, and any signs may only be illuminated by fixtures located above the awning and directed downward.
 - (e) Awnings must be installed in accordance with building code requirements.
- (8) Converted dwellings. Where buildings that were originally constructed for one-family residential purposes have been converted to nonresidential uses, the building design requirements of this subsection may be modified by the City where consistent with the historic character of the building. Such modifications may include allowing the use of siding in lieu of masonry materials and residential fenestration (windows) in lieu of the requirement for storefront windows on the first floor. The building shall be brought into compliance with the building code.
- F. Residential architectural requirements. Townhouses shall meet the following architectural design requirements:
- (1) Building design. Residential buildings shall utilize high-quality traditional architecture, such as but not limited to: Arts and Crafts, Colonial, Gothic Revival, Italianate, Tudor, Victorian and other traditional styles characteristic of the Midwestern United States.
 - (2) Building elevations. As part of a subdivision, condominium or multiple-family site plan application, typical elevations shall be approved by the planning commission as part of the development's design guidelines or pattern book.
 - (3) Front facade. All residential units shall provide a pedestrian door facing the front lot line.
 - (a) All dwellings shall include a front porch with steps. The porch shall have a minimum depth of six feet and a minimum area of 72 square feet. A stoop or porch (plus steps) shall not extend any nearer than three feet to the sidewalk in front of the lot.
 - (b) The first floor elevation shall be no less than 24 inches above the exterior sidewalk elevation in front of the building. Ramps for accessibility are permitted to encroach into the front yard setback.
 - (c) The front facade of all residential units shall be at least fifteen-percent windows or doors.
 - (4) Building material. All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include brick, stone, wood, and fiber cement siding. Vinyl siding may be permitted only above the first floor.
 - (5) Accessory buildings. Detached garages shall be located in the rear yard and

may be accessed by a rear alley or in one-family dwellings by a driveway that runs from the front yard to the rear along the side of the dwelling. Detached garages and other accessory buildings located in the rear yard shall be set back a minimum of three feet from the rear and side lot lines and 10 feet from the main building. Accessory buildings and structures shall be subject to the regulations of § 370-100; except accessory buildings may be up to two stories and 20 feet in height. If an accessory apartment is proposed within an accessory building, a permit shall be required from the City for the installation of a bathroom or kitchen.

- (6) Attached garages. Attached garages may only be permitted on the rear side of the building where the garage is accessed from a rear alley.
- G. Modifications to architectural requirements. The planning commission may approve deviations to the architectural requirements to allow for creativity and flexibility in development and design. Each deviation shall require a finding that the design standard sought to be deviated from would, if no deviation was permitted, prohibit an enhancement that would be in the public interest. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block and adjacent blocks in both directions showing the relation of the proposed building design to other buildings along the street, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:
- (1) Innovations in architectural design may be permitted, provided the building design shall be in keeping with the desired character of the town center area, as articulated in the City of Roseville Master Plan and the City of Roseville Utica Town Center design guidelines.
 - (2) The building shall be oriented towards the front sidewalk and maintain or enhance the continuity of the pedestrian-oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
 - (3) The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
 - (4) The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the town center area.
 - (5) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape, and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.
- H. Streetscape design requirements.
- (1) Street design standards. All streets shall be constructed to meet the requirements of the City of Roseville, including the City engineering design

standards and the Utica Town Central design guidelines, except as provided for in this section.

- (a) Streets shall meet City requirements for roadway width, except bump-outs may be permitted at intersections, crosswalks and at intermediate points along long blocks to enhance pedestrian safety.
- (2) Traffic calming. The use of traffic-calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures. Whenever a conflict exists between design priority for pedestrian usage and vehicular level of service, the conflict shall be resolved in favor of the pedestrian; provided the design results in the safest possible design for both vehicles and pedestrians.
- (3) Sidewalks.
 - (a) Sidewalks along the frontage of nonresidential buildings shall be a minimum of fourteen-foot-wide concrete or brick pavers and provided consistently on both sides of the street. The planning commission may allow the sidewalk width to be reduced to not less than eight feet for frontages that will not be occupied by uses having sidewalk cafes.
 - (b) Sidewalks along the frontage of residential buildings shall be a minimum of five-foot-wide concrete and provided on both sides of the street.
 - (c) Sidewalks shall be seven feet wide where abutting a parking space or a road curb.
- (4) Street trees. One canopy tree shall be provided for every 40 feet of frontage, planted within planters, tree grates within the sidewalk, or within a five-foot-wide green planting strip located between the curb and sidewalk.
- (5) Street lights. Pedestrian-level street lighting of a decorative nature shall be installed along all sidewalks and parking areas and shall be designed to promote the traditional neighborhood character of the area.
 - (a) Light fixtures shall meet the specification in § 370-102 and in this section. Whenever a conflict exists between § 370-102 and 370-114.2, the conflict shall be resolved in favor of § 370-114.2.
 - (b) Pedestrian-level lighting fixtures shall not exceed 16 feet in height and shall be placed along the sidewalks and parking areas in accordance with the City engineering standards. Eighteen-foot-tall, double-arm light fixtures may be permitted adjacent to intersections.
 - (c) Street lighting for vehicular traffic, in addition to, or in combination with, pedestrian-level lighting may be required. In the event that vehicular traffic street lighting is required, such lighting shall be installed in accordance with the City engineering standards.
 - (d) Building wall and freestanding exterior lighting shall be directed downward in order to reduce the glare onto adjacent properties and streets.

§ 370-114.3. Medical Marihuana Facility Overlay District. [Added 10-13-2020 by Ord. No. 1319]

A. Legislative intent.

- (1) In 2016, the Michigan Legislature enacted the Medical Marihuana Facilities Licensing Act, MCL § 333.27101 et seq., and the Marihuana Tracking Act, MCL § 333.27901 et seq. The provisions in this section of the Zoning Ordinance, as well as those in other sections of the Zoning Ordinance relating to the subject of medical marihuana, are adopted for the purposes and with the intent set forth in City of Roseville Medical Marihuana Facilities Regulation and Permit Ordinance (being Chapter 192, Article II) and sections of said ordinance incorporated within.
- (2) The intent of this section is to regulate medical marihuana provisioning centers, medical marihuana grower facilities, medical marihuana safety compliance facilities, medical marihuana secure transporters, and medical marihuana processor facilities, as defined in Chapter 192, Article II, to the extent permissible under State of Michigan and federal laws and regulations, and to protect the public health, safety, and welfare of the residents of the City of Roseville.
- (3) Except as may be required by law or regulation, it is not the intent of this section to diminish, abrogate, or restrict the protections for medical uses of marihuana found in the Michigan Medical Marihuana Act,²² the Medical Marihuana Facilities Licensing Act, and the Marihuana Tracking Act.

B. Operation without license prohibited. Every medical marihuana facility in the City of Roseville shall be licensed pursuant to the terms and provisions set for in Chapter 192, Article II. No person shall operate a medical marihuana facility in the City without first obtaining a license for the medical marihuana facility from the City Clerk. A medical marihuana facility operating without a license under the provisions of Chapter 192, Article II, or without a state license or approval pursuant to the MMFLA, as amended from time to time, is hereby declared a public nuisance and may be subject to additional civil and criminal actions. License applications are reviewed and approved by the City Council.

C. Approved site plan required.

- (1) Use of any property or existing structure as a marihuana facility requires an approved site plan. All site plans, regardless of new or existing, shall be submitted to the City and meet all the requirements of the Zoning Ordinance and in compliance with the City's Site Plan Review Checklist. This shall include the specific requirements for landscape plans, lighting plans and exterior building materials as set forth in the Zoning Ordinance. Any change in use to a medical marihuana facility which requires an increase in parking spaces beyond the capacity of what is currently provided on the subject property is subject to site plan approval following the requirements and procedures in the Zoning Ordinance.

22. Editor's Note: See MCL § 333.26421 et seq.

- (2) If a new site plan is submitted, it shall be reviewed by the Planning Commission, and the Planning Commission shall make a recommendation to the City Council. The Planning Commission shall hold a least one public hearing as required by statute, review the site plan to determine compliance with the requirements of the Zoning Ordinance, Chapter 192 of the Roseville Code of Ordinances, and all other applicable laws and ordinances. Once the site plan has received a recommendation from the Planning Commission, it shall be forwarded to the City Council for final action. The City Council will consider and take final action on the site plan and the medical marihuana facility license. If a new site plan is not required by this section, the application for license may be made directly to the City Council with the existing site plan or as-built survey drawings, with review following the procedures and standards of Chapter 192, Article II.
- D. License application evaluation. The City Council itself and/or with the assistance of designees shall assess and evaluate all applications for a medical marihuana facility license submitted according to the provisions of Chapter 192, Article II.
 - E. Maximum number of facilities. When reviewing a site plan for a medical marihuana facility, the Planning Commission shall acknowledge the maximum number of licenses that can be issued for facilities as follows: medical marihuana provisioning centers shall be capped at zero; medical marihuana growing facility capped at five; processing centers capped at five; safety compliance facilities capped at five; and marihuana secure transporters capped at five.
 - F. Facilities buffering, dispersion, and other requirements. When reviewing a site plan for a new medical marihuana facility, the following shall apply:
 - (1) The entire parcel upon which the medical marihuana facility is to be situated shall be fully compliant with the Zoning Ordinance.
 - (2) The parcel upon which the medical marihuana facility is to be situated shall be entirely within the boundaries of the Medical Marihuana Facilities Overlay of the Industrial Zoning District as delineated on the Zoning Map.
 - (3) For purposes of calculating the following buffering and dispersion requirements, the distance specified below shall be measured from the nearest property line of the buffered use to the building footprint of the medical marihuana facility. The distance from the buffered use nearest property line to the building footprint of the medical marihuana facility shall be included in the permit application. In the case of a park with a playground, the measurement for the buffered use shall be taken from the nearest play structure. The medical marihuana facility building must be at least 1,000 feet away from the following:
 - (a) A public or private prekindergarten, elementary or secondary school building;
 - (b) A public park with playground equipment as measured from the nearest play structure;
 - (c) A commercial child care organization building (non-home occupation)

that is required to be licensed or registered with the Michigan Department of Health and Human Services or its successory agency;

- (d) A religious institution building that is defined as tax exempt by the City Assessing Department;
 - (e) A building in which substance abuse prevention services, substance abuse treatment, or substance abuse rehabilitation services are provided as those terms are defined in MCL § 333.6101 et seq., as amended.
- (4) A medical marihuana facility building shall be at least 500 feet away from single-family residentially zoned properties and 400 feet from multiple-family residentially zoned properties.
 - (5) A medical marihuana facility shall not be located within the same building or unit occupied by any other type of business, unless co-located compliant with the Medical Marihuana Facilities Licensing Act and other medical marihuana facility use.
 - (6) No medical marihuana facility shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.²³
 - (7) A grower, processor, or provisioning center may co-locate their medical marihuana facility within the same building or parcel if compliant with state law. Each type of medical marihuana facility, subject to licenses, requires separate City applications and permits pursuant to Chapter 192, Article II.
 - (8) All grower, processor, or provisioning centers shall include odor control methods that follow industry best practices for removal of odor outside of a medical marihuana facility. Such methods shall be subject to approval of the Planning Commission, including but not limited to activated carbon filters/scrubbers, internal exhaust fans, odor neutralizers, and air purifiers, to be included as part of their license application and approved site plan as required on a case-by-case basis by the Planning Commission. Ozone generators shall not be permitted as an odor neutralization method.
 - (9) No medical marihuana facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the medical marihuana facility is operated, or any other nuisance that hinders the public health, safety, and welfare of the residents of the City of Roseville.
- G. Minimum conditions. Except as may be preempted by state law or regulation, the following minimum zoning standards apply.
- (1) Medical marihuana provisioning centers.
 - (a) The entire parcel upon which the medical marihuana facility is to be situated must be properly situated and zoned for medical marihuana facilities and the medical marihuana provisioning center must be located in a building as defined under Chapter 192, Article II, § 192-6.

23. Editor's Note: See MCL § 124.21 et seq.

- (b) Unless permitted by the MMFLA, public or common areas of the medical marihuana provisioning center must be separated from restricted or nonpublic areas of the medical marihuana provisioning center by a permanently locked barrier. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored, displayed, or transferred in an area accessible to the general public.
 - (c) All medical marihuana storage areas within the medical marihuana provisioning center must be separated from any customer/patient areas by a permanent barrier. Unless permitted by the MMFLA, no medical marihuana is permitted to be stored in an area accessible by the general public or registered customers/patients. Medical marihuana may be displayed in a sales area only if permitted by the MMFLA.
 - (d) Marihuana shall not be permitted to be stored in trailers or sheds or other accessory structures to the principal building.
 - (e) No medical marihuana provisioning center shall be open between the hours of 9:00 p.m. and 7:00 a.m.
 - (f) Drive-through windows and outdoor services on the premises of a medical marihuana provisioning center shall be prohibited. Outdoor seating is not permitted.
 - (g) All disposal systems for spent water and spent soil shall be approved by the City.
 - (h) Exterior signage shall comply with Chapter 264 of the City of Roseville Code of Ordinances and Chapter 192, Article II. Additional advertising signs, including, but not limited to, vehicle signs, sandwich boards, portable signs, temporary signs, or banners, are prohibited.
- (2) Medical marihuana grower facility.
- (a) The entire parcel upon which the medical marihuana facility is to be situated must be properly situated and zoned for medical marihuana facility zoning.
 - (b) Medical marihuana grower facilities shall produce no products other than useable medical marihuana intended for human consumption.
 - (c) Co-locations of a growing facility with another permitted marihuana use shall be allowed in compliance with state law, provided medical marihuana provisioning center uses and growing uses are maintained separate and activity allowed in either one is not performed in the other.
 - (d) No accessory uses other than uses regulated pursuant to Chapter 192, Article II, shall be permitted within the same building occupied by a use permitted under Chapter 192, Article II.
 - (e) All activity related to the grower facility shall be done indoors.
 - (f) All medical marihuana shall be contained within a locked medical

marihuana facility, including all interior doors, all windows and points of entry and exit, with commercial-grade nonresidential locks and with a monitored alarm system. Marihuana shall not be permitted to be stored in trailers, sheds, or other accessory structures to the principal building.

- (g) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - (h) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor; minimize the potential for the waste development of odor; and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
 - (i) Litter and waste shall be properly removed and the operating systems for waste disposal maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
 - (j) All disposal systems for spent water and spent soil shall be approved by the City and by-product materials, soils, plant materials, and other materials shall be stored indoors until pickup for disposal.
 - (k) Venting of marihuana odors into the areas surrounding the medical marihuana grower facility is prohibited.
 - (l) See Chapter 192, Article II, for limitations on exterior signage.
- (3) Medical marihuana safety compliance facility.
- (a) The entire parcel upon which the medical marihuana facility is to be situated shall be properly situated and zoned for medical marihuana facilities.
 - (b) There shall be no other accessory uses permitted within the same medical marihuana facility other than those associated with testing medical marihuana.
 - (c) Exterior signage shall comply with Chapter 264 of the City of Roseville Code of Ordinances and Chapter 192, Article II. Additional advertising signs, including, but not limited to, vehicle signs, sandwich boards, portable signs, temporary signs, or banners, are prohibited.
 - (d) All medical marihuana shall be contained within the building in an enclosed, locked medical marihuana facility in accordance with the MMFLA and the MTA, and rules and regulations of the Medical Marihuana Licensing Board, as amended from time to time.
 - (e) Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.

- (f) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
- (4) Medical marihuana processor facility and medical marihuana secure transporter.
- (a) The entire parcel upon which the medical marihuana facility is to be situated shall be properly situated and zoned for medical marihuana facilities.
 - (b) Exterior signage shall comply with Chapter 264 of the City of Roseville Code of Ordinances and Chapter 192, Article II. Additional advertising signs, including, but not limited to, vehicle signs, sandwich boards, portable signs, temporary signs, or banners, are prohibited.
 - (c) All activity related to the processor shall be performed indoors in a building.
 - (d) All medical marihuana shall be contained within the building in a locked medical marihuana facility in accordance with the MMFLA, MTA, and the rules and regulations of the Medical Marihuana Licensing Board, as amended from time to time.
 - (e) The dispensing of medical marihuana at the medical marihuana processor or secure transporter facility shall be prohibited except as authorized by state law.
 - (f) Litter and waste shall be properly removed and the operating systems for waste disposal maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marihuana is exposed.
 - (g) Floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - (h) There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor; minimize the potential for the waste development of odor; and minimize the potential for waste becoming an attractant, harborage or breeding places for pests.
 - (i) There shall be no other accessory uses permitted in the same medical marihuana facility other than those associated with the processing. Multitenant commercial buildings may permit accessory uses in suites segregated from the processor facility.

ARTICLE XXIV
Zoning Board of Appeals

§ 370-115. Creation and membership.

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in Article VI of Act 110, being the Uniform Zoning Act of 2006,²⁴ and in such a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The ZBA shall consist of the members of the Roseville City Council. The City Council, sitting as the ZBA, shall annually select its own chair, vice chair, and secretary.

§ 370-116. Meetings.

All meetings of the ZBA shall be held at the call of the chair and at such times as the Board may determine. The business, which the Board may perform, shall be conducted at a public meeting held in compliance with Act 110; public notice of the time, date, and place of the meeting shall be given in the manner required by said Act. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall also keep records of its hearings and other official action. Four members of the Board shall constitute a quorum for the conduct of its business. The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

§ 370-117. Appeal.

An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Building Department or the Planning Commission. A request to be heard by the Board of Appeals shall be filed within 21 days from the date of the event for which the appeal is being taken. The appeal shall be filed with the Building Director and with the ZBA. A notice of appeal shall specify the reason or grounds for the appeal. The Building Director shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record. The ZBA shall select a reasonable time and place for the hearing of the appeal and shall give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by a duly authorized agent or attorney.

§ 370-118. Fees.

The City Council may, from time to time, prescribe and amend, by resolution, a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board

24. Editor's Note: See MCLA § 125.3101 et seq.

of Appeals. At the time the notice of appeal is filed, said fee shall be paid to the secretary of the ZBA, which the secretary shall forthwith pay over to the City Treasurer to the credit of the general revenue fund of the City of Roseville.

§ 370-119. Jurisdiction.

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property or to permit a use not otherwise permitted in the district, nor to make any change in the terms of this chapter, but does have power to act on those matters where this chapter provides for an administrative review, interpretation, exception or special approval permit and to authorize a variance as defined in this section and laws of the State of Michigan. Said power includes:
- (1) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Building Director or any other administrative official in carrying out or enforcing any provisions of this chapter.
 - (2) Variance. To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the ZBA may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.
 - (3) Exceptions and special approvals. To hear and decide, in accordance with the provisions of this chapter, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special approval situations on which this chapter specifically authorizes the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this chapter, including the following:
 - (a) Interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts, accompanying and made part of this chapter, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - (b) Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.

- (c) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - (d) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- B. In consideration of all appeals and all proposed variations to this chapter, the Board shall, before making any variations from this chapter in a specific case, first determine that the proposed variation will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Roseville. The concurring vote of five members of the Board shall be necessary to reverse any order, requirements, decision or determination of a Building Director, or to decide in favor of the applicant any matter upon which it is authorized by this chapter to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this chapter or the Zoning Map, such power and authority being reserved for the City Council of the City of Roseville in the manner provided by law.

§ 370-120. Orders.

In exercising the above powers, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Director from whom the appeal is taken.

§ 370-121. Notice.

The ZBA shall make no recommendation except in a specific case and after a public hearing conducted by the Board. It shall, either by general rule or in specific cases, determine the interested parties who, in the opinion of the Board, may be affected by any matter brought before it, which, in all cases, shall include those persons to whom any real property within 300 feet of the premises in question shall be assessed, according to the latest assessment roll of the City of Roseville, and to the occupants of all single- and two-family dwellings within 300 feet of said premises in question. Such notice may be delivered either personally or by mail, addressed to said respective owners as disclosed by the assessment roll and to the tenants at the address given for the property in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The Board may require any party applying to the Board for relief to give such notice to other interested parties as the Board shall describe.

§ 370-122. Miscellaneous.

- A. No order to the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than 12 months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- B. No order of the Zoning Board of Appeals permitting a use of a building or premises shall be valid for a period longer than 12 months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.
- C. The reason(s) utilized as a basis for making any decision shall be stated in the minutes of the ZBA. If a variance, which is granted, is not utilized within 12 months of its granting, the variance shall be considered null and void and an application must be filed again if it is desired at a future date. A variance, which is legally utilized and maintained, shall run with the property, and any subsequent owners may legally continue the variance under its original or amended terms.
- D. The ZBA may require such conditions and the posting of necessary bonds or other financial guarantees acceptable to the City Council to control compliance with specified conditions.

ARTICLE XXV
General Exceptions

§ 370-123. Applicability.

The regulations in this chapter shall be subject to the following interpretations and exceptions.

§ 370-124. Essential services.

Essential services serving the City of Roseville shall be permitted as authorized and regulated by law and other ordinances of the municipality. Overhead or underground lines and necessary poles and towers to be erected to service primarily those areas beyond the municipality shall receive the review and recommendation of the Roseville Planning Commission to the City Council, and the review and approval, after public hearing, of the City Council. Such a review by the City Council shall consider abutting property and uses as they relate to easements, rights-of-way, overhead lines, poles and towers, and further shall consider injurious effects on property abutting or adjacent thereto and on the orderly appearance of the City.

§ 370-125. Voting place.

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

§ 370-126. Height limit.

The height limitations of this chapter shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments or commercial wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure requires authorization as a conditional use, and provided further the height of any such structure shall not be greater than an equal horizontal distance to any property line.

§ 370-127. Lot area.

Any lot existing and of record on the effective date of this chapter may be used for any principal use permitted in the district in which such lot is located, other than conditional uses for which special lot area requirements are specified in this chapter, whether or not such lot complies with the lot area requirements, or requirements of this chapter. Such use may be made, provided that all requirements other than lot area requirements prescribed in this chapter are complied with, and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this chapter for required lot area for each dwelling unit, and except as provided for in Article XVIII, § 370-62, in this chapter.

§ 370-128. Lots adjoining alleys.

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, 1/2 the width of such alley abutting the lot shall be

considered as part of such lot.

§ 370-129. Yard regulations.

When yard requirements cannot reasonably be complied with, as in the case of planned developments in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangements, such regulations may be modified or determined by the Board of Appeals.

§ 370-130. Multiple dwelling side yard.

For the purpose of side yard regulations, a two-family, a row house, or a multiple dwelling shall be considered as one building occupying one lot. When more than one structure is involved on one zoning lot, the above requirement shall not negate the formula contained in § 370-61, pertaining to the distance spacing for multiple dwellings.

§ 370-131. Porches.

An open, unenclosed and uncovered porch or paved terrace may project into a required front yard for a distance not exceeding 10 feet, but this shall not be interpreted to include or permit fixed canopies, except that for purposes of this chapter, fixed canopies shall not include canopies constructed of canvas, plastic, fiberglass or similar material, together with the necessary upright supports, which are clearly designed and intended as a covering to permit use of such porch or terrace during the summer months.

§ 370-132. Projections into yards.

Architectural features, not including vertical projections, may extend or project into a required side yard not more than 18 inches and may extend or project into a required front yard or rear yard not more than six feet.

§ 370-133. Access through yards.

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function, and not in excess of nine inches above the grade upon which placed, shall, for the purpose of this chapter, not be considered to be a structure and shall be permitted in a required yard.

ARTICLE XXVI
Administration and Enforcement

§ 370-134. Enforcement.

The provisions of this chapter shall be administered and enforced by the Building Department.

§ 370-135. Duties of Building Official.

- A. A Building Official shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for a Building Official to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this chapter.
- B. A Building Official shall record all nonconforming uses existing at the effective date of this chapter for the purpose of carrying out the provisions of § 370-99 in this chapter.
- C. Under no circumstances is a Building Official permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his duties as a Building Official.
- D. A Building Official shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said permit.

§ 370-136. Plot plan.

A Building Official shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan, in triplicate, drawn to scale, showing the following:

- A. The actual shape, location and dimensions of the lot.
- B. The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structure already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- D. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

§ 370-137. Permits.

The following shall apply in the issuance of any permit:

- A. Permits not to be issued: No building permit shall be issued for the erection,

alteration or use of any building or structure, or part thereof, or for the use of any land, which is not in accordance with all provisions of this chapter.

- B. Permits for new use of land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- C. Permits for new use of buildings: No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- D. Permits required: No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless or until a building permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the City of Roseville Building Code, Housing Law, or this chapter, except for minor repairs or changes not involving any of the aforesaid features.

§ 370-138. Temporary use permits.

- A. For existing nonresidential uses licensed to do business in the City of Roseville and for new uses that are not yet licensed, permits authorizing temporary special events may be issued for:
 - (1) New uses, not yet licensed, which shall also be subject to Chapter 187.
 - (2) Tent sales, outdoor sales not otherwise regulated under City codes or provided the following conditions are met.
- B. Zoning districts where permitted. Temporary special land uses for tent sales, outdoor sales shall be permitted in the B-1, B-2, B-3, I-1 or I-2 Districts.
- C. Application fee; submission of plot plan:
 - (1) Every person, firm or corporation desiring to obtain a temporary special use permit as required by this chapter shall file a written application with the Building Department on a form approved by the Department, together with an application fee as is hereafter provided by resolution of the Roseville City Council.
 - (2) The application for a temporary special land use permit shall be accompanied by plans and specifications, including a plot plan, in triplicate, drawn to scale, showing the following:
 - (a) The shape, location and dimensions of the lot, including the shape, size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes.
 - (b) The materials to be utilized in and the shape, size and location of all buildings and structures to be erected or moved onto the lot, including all tents, tables, stands or display racks.

- (c) The anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic upon lot sidewalks.
- D. Time limitations. A temporary special use permit for a tent or outdoor sale shall by its terms be effective for no longer than five days. No more than three temporary special use permits for tent sales or outdoor sales shall be issued for a given location within a single calendar year. Temporary special use permits for tent sales or outdoor sales shall not be issued for any given location for consecutive time periods.
- E. Regulations. A temporary special use permit shall only be granted if the Building Department determines that the proposed use, including the erection of any temporary building or structure, will comply with the following:
 - (1) Provide adequate light and ventilation between buildings and structures.
 - (2) Provide adequate automobile and pedestrian traffic flow.
 - (3) Provide adequate off-street parking.
 - (4) Provide adequate lot access for fire protection purposes.
 - (5) Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety and general welfare.
 - (6) Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of 500 feet.
 - (7) The temporary special use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height setback, open space ratio, maximum percentage of covered lot area, and off-street parking capacity.
 - (8) No temporary special use shall be permitted in an off-street parking lot if it reduces the parking by greater than 15%.
 - (9) All temporary buildings and structures shall be constructed, used, occupied and maintained so as to be in compliance with the provisions of the building code and all other applicable ordinances of the City of Roseville.
 - (10) Permit in any residential district the temporary location of a pre-manufactured building in new subdivisions, irrespective of the requirements of § 370-15A of this chapter for periods not to exceed 90 days, provided:
 - (a) The use shall be only for offices for the specific purpose of selling lots or new homes to be erected in the subdivision.
 - (b) All applicable building height, bulk and area requirements of the district are met.
 - (c) The structure shall be removed from the subdivision upon completion of

the first permanently built model home intended for display, but in no case shall the pre-manufactured dwelling remain beyond the time limitation specified above.

- (11) Permit temporary buildings and uses for periods not to exceed two years in undeveloped sections of the City, and for periods not to exceed six months in developed sections, provided the conditions set forth in § 370-138E in this article are met.
- (12) Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of twelve-month extensions being permissible: uses which do not require the erection of any capital improvement of a structural nature, provided the conditions set forth in § 370-138E in this article are met.
- (13) A Building Official, in granting permits for the above temporary uses, shall do so under the following conditions:
 - (a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted, neither in the district nor on the property wherein the temporary use is permitted.
 - (b) The granting of the temporary use shall be granted, in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
- (14) All setbacks, land coverage, off-street parking, lighting and other requirements of the district shall be met.
- (15) In classifying uses as not requiring capital improvements, a Building Official shall determine that they are either demountable structures related to the permitted use of land; recreation developments, such as, but not limited to golf driving ranges and outdoor archery courts; or structures which do not require foundations, heating systems or sanitary connections.
- (16) Permit a residence in a nonresidential structure, where not otherwise permitted, providing the use is for the proprietor, a watchman or other security purposes. A residence permitted under this provision shall not be made available for general occupancy.
- (17) Special temporary uses not meeting the above applicable requirements may appeal to the Board of Appeals for relief from the strict application of these standards.

§ 370-139. Certificates of occupancy.

No land, building, or part thereof shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- A. Certificate not to be issued. No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in

accordance with all the provisions of this chapter.

- B. Certificates required. No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used, or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- C. Certificates including zoning. Certificates of occupancy as required by the building code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- D. Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings, structures, or uses thereof, or existing uses of land, if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- E. Record of certificates. A record of all certificates issued shall be kept on file in the office of the Building Department, and copies shall be furnished, upon request, to any person having a proprietary or tenancy interest in the property involved.
- F. Certificates for dwelling accessory buildings. Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
- G. Application for certificates.
 - (1) Application for certificates of occupancy shall be made, in writing, to the Roseville Building Department on forms furnished by the Department, and such certificates shall be issued within five business days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land, is in accordance with the provisions of this chapter.
 - (2) If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof within the aforesaid five-business-day period.
- H. Temporary certificates of occupancy. A temporary certificate of occupancy may be issued if the property owner is entitled to a temporary certificate of occupancy under the Roseville Construction Code, provided there is compliance with the additional requirements of this subsection. Any temporary certificate of occupancy issued shall specify a reasonable time for site improvements. Failure to comply with the time limit set forth shall be considered a violation of the time limit placed on the temporary certificate of occupancy for purposes of enforcing this chapter and requiring completion of site improvements. For purposes of this subsection, the term "City Engineer" shall include any private engineering firm that the City of Roseville contracts with to perform the described engineering functions.
- I. Duration of temporary certificate of occupancy. A temporary certificate of occupancy shall not be effective for more than six months. Thereafter, occupancy may only be authorized under a final certificate of occupancy.

- J. Unfinished site improvements. All unfinished site improvements which are included on an approved site plan, or which are otherwise required by this chapter, shall be constructed, installed or placed on the property, and be approved by the City Engineer by letter to the Building Department within six months of obtaining a temporary certificate of occupancy. Failure to finish and obtain approval of said improvements shall constitute a violation of this chapter, giving rise to the penalties provided for herein, and constitute a basis for relief in a court of competent jurisdiction.
- K. Cash, letters of credit and bonds.
- (1) Whenever any applicant seeks occupancy of premises prior to the completion of all construction of every nature in accordance with an approved site plan and the requirements of the City's ordinances, or when the applicant occupies the premises at the time of application for a building permit and continued occupancy is contemplated during the time of construction, the applicant shall deposit cash, a certified check, an irrevocable bank letter of credit, or a corporate surety bond forfeitable to the City of Roseville in an amount equal to 150% of the estimated cost of the remaining improvements pursuant to such site plan and the requirements of this chapter. The estimate of said cost shall be solely in the discretion of the City Engineer. As used in this subsection, "improvements" means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources, or the health, safety and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage.
 - (2) Such cash deposit, certified check, irrevocable bank letter of credit or bond shall run to the City and shall be forfeitable by its terms and conditions, automatically, 15 days after notice to the applicant that the requirements of the site plan or this chapter have not been met according to the terms of the temporary certificate or a time specified in the building permit. Such cash deposit, certified check, irrevocable bank letter of credit, or bond shall be considered posted with the condition that upon passage of said 15 days after such notice, in writing, by first-class mail at the last known address of the applicant, such amount shall automatically be transferred to the City of Roseville, or otherwise enforceable by the City by any means available. Thereafter, the City shall be authorized to go onto the property and complete the construction in accordance with the site plan requirements with the funds available. The City may retain 20% of the cost of such completion as the City construction administrative expense and refund any balance to the applicant. No part of an irrevocable bank letter of credit or surety bond shall be released until all of the work is complete. In the case of a deposit of cash or a certified check, portions of said amount may be rebated as work progresses, at reasonable intervals, provided that at all times the amount on deposit shall equal the cost of the work to be completed.
- L. Final certificate of occupancy – minor exterior improvements not completed. A final certificate of occupancy may be issued if the property owner is entitled to a final certificate of occupancy under the State Construction Code and a City of

Roseville Building Official finds that there are minor exterior site plan requirements that remain to be finished, provided there is compliance with the additional requirements of this section.

§ 370-140. Public hearing.

Whenever any section of this chapter refers to Article XXVI, § 370-140, notice of public hearing shall be given in accordance with the requirements of Public Act 110 of 2006,²⁵ and as outlined in Subsection A below:

- A. Notice that a request for a use permitted subject to special conditions shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whose real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 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 occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four 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 structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
- (1) Describe the nature of the requested use permitted subject to special conditions.
 - (2) Indicate the property that is the subject of the use request.
 - (3) State when and where the use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.
 - (5) Indicate that a property owner may request a public hearing on the use or the occupant of a structure located within 300 feet of the boundary of the property being considered for a use permitted subject to special conditions.
- B. The Planning Commission may deny, approve, or approve with conditions requests for special uses. The decision on such uses shall be incorporated in a statement of conclusions relative to the use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

§ 370-141. Commission established.

The Roseville Planning Commission, as established in Chapter 45 of the Roseville Code of Ordinances, is hereby designated as the commission specified in Article 1114 of Act

25. Editor's Note: See MCLA § 125.3101 et seq.

110 of the Public Acts of 2006, as amended, and shall perform the zoning duties of said commission as provided in the statute in connection with any amendment of this chapter.

§ 370-142. Planning Commission approval.

- A. In cases where the Planning Commission is empowered to approve a certain use of premises under the provisions of this chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter.
- B. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.
- C. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this chapter.
- D. Except where otherwise set forth in this chapter, any approval given by the Planning Commission, under which premises are not used or work is not started within 12 consecutive months or when such use or work has been abandoned for a period of 12 consecutive months, shall lapse and cease to be in effect,
- E. The Planning Commission shall not have the power to change the zoning classification of any property, nor to grant exceptions or variances from any terms or requirements of this chapter.

§ 370-143. Changes and amendments.

The Roseville City Council may from time to time, on recommendation from the Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006,²⁶ as amended.

§ 370-144. Repeal of prior ordinance.

The zoning ordinance adopted by the City of Roseville, known as Ordinance No. 1009, and all amendments thereto, is hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

§ 370-145. Interpretation.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance other than the above described zoning ordinance, or with any rules,

26. Editor's Note: See § 125.3101 et seq.

regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

§ 370-146. Vested rights.

Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

§ 370-147. Violations and penalties.

A. Violations.

- (1) Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not more than \$500, together with the costs of prosecution, or by imprisonment for a period not to exceed 90 days for each offense, or both, as determined by the court.
- (2) Violations of this chapter may also be enforced, enjoined or prohibited through action filed in the Circuit Court of the County of Macomb in law and in equity.

B. Public nuisances. Any building or structure that is erected, altered or converted, or any use of premises of land that is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

C. Fines, imprisonment. The owner of any building, structure or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided.

D. Each day a separate offense. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

E. Rights and remedies are cumulative. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

