



City of Roosevelt Park



Zoning Ordinance

Adopted January 7, 2002
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CHAPTER 1
PURPOSE, TITLE, AND SCOPE

SECTION 1.1 INTENT AND PURPOSE

Pursuant to the authority granted to the City of Roosevelt Park by the City and Village Zoning Act, Act 207 of 1921, this Ordinance is established for the following purposes:

- A. To promote and protect the public health, safety, and general welfare;
- B. To protect the character and the stability of the open space, residential, and nonresidential areas within the City of Roosevelt Park and promote the orderly and beneficial development of such areas;
- C. To provide adequate light, air, privacy and convenience of access to property;
- D. To regulate the intensity of land uses and lot areas and to determine the area of open spaces surrounding buildings and structures necessary to provide adequate light and air;
- E. To lessen and avoid congestion on the public highways and streets;
- F. To promote healthful surroundings for family life in residential areas;
- G. To protect the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, and other health and safety hazards;
- H. To enhance the social and economic stability of the City;
- I. To enhance the aesthetic desirability of the environment throughout the City; and
- J. To conserve the expenditure of funds for public improvements and services.

SECTION 1.2 HISTORICAL CONTEXT AND LEGISLATIVE INTENT

A. Historical Context

In the early 1900's Leon J. Lambert and land developer M.J. Riordan pursued a dream that resulted in a community, unlike most Michigan Cities and Villages, now called the City of Roosevelt Park. These two men joined to develop property owned by Mr. Campbell, Mr. Wyant, and the Cannon Foundry Company. To achieve their dream, they received help from Irvin C. Root, an architect and director of the Parks and Public Lands Division of the

U.S. Department of the Interior to draw up plans for a carefully planned living community. Through their efforts they were responsible for establishing one of only a handful of planned cities in Michigan.

The City of Roosevelt Park, in theory, is its own Master Plan. A Master Plan is a guide for a community to ensure that the City's present desires regarding future development are established, protected, and encouraged. In the 1920s, during the design process for Roosevelt Park, the community designers determined where residential, commercial and industrial properties should be located. In addition, they determined the location of parks and schools.

Since the City's inception, the residential areas of the City have undergone few changes. The residential uses require protection from blight and encroachment from other land uses. On the other hand, the commercial and industrial areas of the community have drastically changed. These land uses extend in long, narrow, disjointed patterns across the eastern and northern boundaries of the City. Large scale commercial developments now reside on the northeast and southeast corners of the community. The downtown commercial strip at Broadway lacks luster and the developments do little to lead people further into the community. Industrial development on the north end of the City is in a state of disrepair. Through careful planning and public/private partnerships, commercial and industrial land uses can be enhanced, contained and encouraged to promote a better business environment and stronger community pride.

B. Legislative Intent

This ordinance is an instrumental document that will help the City of Roosevelt Park continue to be Proud of the Past, but Focused on the Future. This ordinance's intent is two-fold:

1. The ordinance provides a comprehensive zoning document to define and regulate land uses. While the regulations limit the use of properties, the Ordinance is intended to provide landowners with a range of choices, flexibility, and options for development.
2. The ordinance contains certain Master Plan concepts that act as a reminder of the City's heritage and act as a guide to future development and redevelopment.

SECTION 1.3 TITLE

This Ordinance shall be known and cited as the "City of Roosevelt Park Zoning Ordinance."

SECTION 1.4 APPLICATION OF REGULATIONS**A. Vested Rights**

1. The right to continue a land use or activity or construct a building or structure which is either permitted by this Ordinance or continued as a legal nonconformity shall be vested with the property rather than the owner. No rights shall be terminated for reasons of transfer of ownership. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to Section 3.21, Nonconforming Uses, Structures, and Lots, of this Ordinance.
2. Except as otherwise noted in this Ordinance, nothing in this Ordinance shall 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 all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 1.5 SCOPE OF PROVISIONS

- A.** Interpretation and Application: In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.
- B.** Except as otherwise provided for in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to, an existing use, building and structure occurring after the effective date of this Ordinance, shall be subject to this Ordinance.

C. Uses Permitted by Right

All land development specifically listed under the heading "Uses Permitted by Right" shall be allowed when determined to be in accordance with all provisions of this Ordinance and all other applicable laws, regulations or ordinances having jurisdiction over the proposed use of land. Where not specifically permitted, uses are prohibited, unless construed to be similar to a use as expressly determined by the

Board of Zoning Appeals.

D. Uses Permitted by Special Land Use

All land development specifically listed under the heading of “Uses Permitted by Special Land Use” in the district description contained in this Ordinance shall be conducted in accordance with the requirements of Chapter 10 of this Ordinance.

E. Uses Not Specifically Mentioned

1. Any use of land or development activity not specifically mentioned in this Ordinance shall be classified by the Board of Zoning Appeals.
2. If the Board of Zoning Appeals finds that the use is not similar in character to uses listed in the Ordinance they shall so find. The applicant may then make application to the Planning Commission for consideration of an amendment to the Zoning Ordinance to include the proposed use in one (1) or more of the zoning districts of this Ordinance, either as a Use Permitted by Right or a Use Permitted by Special Land Use.

F. Uses Existing Before Ordinance

Any use of the land or development activity existing on the effective date of this Ordinance may continue subject to the provisions contained in Section 3.21, Nonconforming Uses, Structures, and Lots, of this Ordinance.

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS

SECTION 2.1 INTENT AND PURPOSE

The purpose of this Chapter is to establish rules for the interpretation of the text of this Ordinance, to define certain words and terms, and to provide for the interpretation of this Ordinance by adoption of a technical dictionary. Certain words and terms which may not appear in this Chapter, but which have special application may be defined in other Chapters to which they apply.

SECTION 2.2 USE OF WORDS AND TERMS

- A.** If the meaning of this Ordinance is unclear in a particular circumstance, then the Board of Zoning Appeals shall construe the provision to carry out the intent of the Ordinance if such can be discerned from other provisions of the Ordinance or law.
- B.** All words and phrases shall be construed and understood according to the common preferred usage of the language; but technical words and phrases and such as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- C.** Words used in the present tense shall include the future tense, words used in the singular shall include the plural, and words in the plural number shall include the singular, unless the context clearly indicates and stipulates the contrary.
- D.** The words "person," "proprietor," "property owner," and "operator" shall include any recognized form of legal entity.
- E.** The words "property," "lot," "parcel," "real estate," "premises," "plot" and "land" shall be interpreted to mean real property as delineated and described by legal documents and instruments.
- F.** The word "road" shall also mean "highway," "street," "alley," "drive," "cul-de-sac," "land" or other public thoroughfare.
- G.** The word "building" shall include the word "structure."
- H.** The words "used" or "occupied" when applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I.** The words "shall" and "required" are always interpreted as mandatory and never as permissive or discretionary.
- J.** The word "may" shall be interpreted as permissive or discretionary.

- K.** Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 2. "Or," indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 3. "Either..or" indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- L.** In computing the number of days, the first day is excluded and the last day is included. If the last day of any period during which an application, filing, or request is required to be made to the City or other governmental agency is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.3 DEFINITIONS "A"

Accessory Structure: A building or structure located on the same lot as the principal building or structure, the use of which is incidental or secondary to the principal building or use.

Accessory Use: A use of land or of a building or portion thereof which is customarily and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or building and located on the same lot with the principal use.

Addition: A structure added to the existing structure after the completion of the existing structure which extends or increases the floor area, or height of a building or structure.

Adult Uses: The term shall include adult bookstore, adult motion picture theater, adult motel, adult nightclub, and massage parlor. These terms and terms related to these definition, as noted, shall have the following indicated meanings:

- A. Adult Bookstore.** An establishment having as a significant portion of its stock in trade books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
- B. Adult Motion Picture Theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."
- C. Adult Motel.** A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing "Sexual Conduct" or "Specified Anatomical Areas."

D. Adult Nightclub. A theater or other establishment, which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "Sexual Conduct" or "Specified Anatomical Areas."

E. Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of, or in connection with, "Sexual Conduct," or where any person providing such treatment, manipulation or service related thereto exposes "Specified Anatomical Areas."

F. Sexual Conduct

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

G. Specified Anatomical Areas

1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

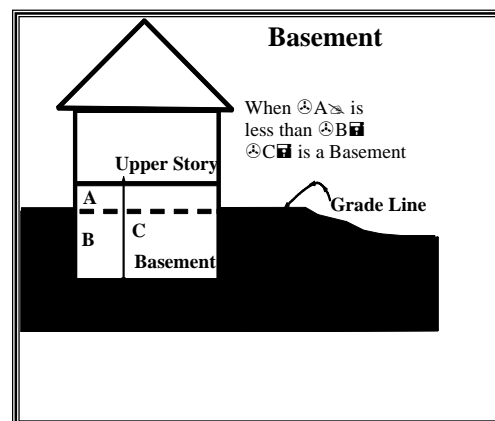
Alteration: Any modification, remodeling, change or rearrangement in the structural or supporting members such as bearing walls, columns, or girders, as well as any change in the doors or windows which affect the means of egress which is undertaken without adding to the floor area height or physical size of the building or structure.

SECTION 2.4 DEFINITIONS "B"

Base Flood Level: The highest elevation of a flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement or Cellar: That portion of a building which is partly below and partly above grade, and having at least one-half (½) its height below grade.

Bed and Breakfast: A use within a detached single family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.



Board of Zoning Appeals, or Zoning Board of Appeals, or Board, or Board of Appeals: The Zoning Board of Appeals of the City of Roosevelt Park.

Building : A combination of material, whether portable or fixed forming a structure having a roof supported by columns or by walls affording a facility or shelter for use or occupancy by person, animals, or property.

Building Height: see Height, Building.

Buildable Area: The space remaining within a lot after the minimum setback and open space requirements of this Ordinance have been met.

Building Official: The officer or other designated authority charged with the administration and enforcement of the City Building Code, or his or her duly authorized representative.

SECTION 2.5 DEFINITIONS "C"

Caliper: The diameter of a tree trunk.

Central Business District: The CBD of this Ordinance, Central Business Commercial District.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance.

City: Means the City of Roosevelt Park, Michigan.

City Building Code: The duly adopted Building Code of the City of Roosevelt Park.

City Council: Legislative body of the City of Roosevelt Park, Michigan.

Cluster Development: A development where structures are arranged in closely related groups, units are typically of the same type or design character, and built at higher densities in certain areas of a site while preserving the natural features in others on the same site.

Commercial Use: An activity carried out as a use of property for financial gain including but not limited to retail sales, repair service or salvage operators, business offices, food service, entertainment, and brokerages, related to purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of service offices or recreation or amusement enterprise or garage/basement sales operating more than seven (7) days during any one (1) twelve (12) month period.

Commercial Wireless Telecommunication Services: Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Condominium: The ownership of a dwelling unit and the space enclosed by the description thereof as contained in the master deed for the complex or project, established in conformance with the provisions of the Condominium Act 59 of 1978, as amended, MCLA 559.101 et seq.

Construction: The erection, alteration, repair, renovation, demolition or removal of any building or structure; and the excavation, filling, and grading of a lot.

Construction Contractors Establishment: A parcel of land, building or structure, or a portion thereof used to store trucks, excavation equipment, supplies, tools or materials utilized by construction contractor, subcontractors, and builders.

SECTION 2.6 DEFINITIONS "D"

Day Care, Commercial: A facility, other than a private residence, receiving minor children for care for periods of less than 24 hours in a day, for more than two (2) weeks in any calendar year. Child care and supervision provided as an accessory use, while parents are engaged or involved in the principal use of the property, such as a nursery operated during church services or public meetings, or by a fitness center or similar operation, shall not be considered Commercial Day Care.

Day Care, Family: A single family residence, occupied as such, in which care is provided for more than one (1) but less than (7) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage or adoption to a member of the family occupying the dwelling is excluded from this definition.

Day Care, Group: A single family residence, occupied as such, in which care is provided for at least seven (7) but not more than twelve (12) minor children or adults for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian. Care for persons related by blood, marriage, or adoption to a member of the family occupying the dwelling is excluded from this definition.

Demolition: The purposeful razing or destruction, or disassembly of a building or structure.

Density: The number of dwelling units per unit of lot area (see Lot Area).

Density, Gross: "Gross Density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot.

Density, Net: "Net Density" means a figure which equals the total number of dwelling units on a lot divided by the total number of acres included in the lot, excluding any lot area owned by a governmental entity, used as a private street or occupied by a non-residential use.

Development: The construction, reconstruction, conversion, structural alteration,

relocation, or enlargement of any structure; and mining, excavation , land filling or land disturbance, and any extension of an existing use of land.

Development Permit: A permit issued to a person proposing a development which is regulated by this Ordinance, which indicates compliance with the Ordinance and thereby granting permission to proceed.

Disturbed Land: A parcel of land which is graded, filled, excavated or mined or stripped of its natural vegetative cover or grass for a purpose other than agriculture land use.

Driveway: A private path of travel over which a vehicle may be driven which provides access from one (1) or two (2) parcels of land to a public or private road.

District, Zoning: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations, and other appropriate regulations.

Dwelling: A detached building or portion thereof designed or used exclusively as the home, residence or sleeping place of one (1) or more persons, not including accessory buildings or structures, either attached or detached. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.

Dwelling, Duplex - Two Family: A detached building, designed for or occupied by two (2) families living independently of each other.

Dwelling, Multiple Family: A single building with abutting walls containing more than two (2) residential dwelling units.

Dwelling, Single-Family: A detached building, designed for or occupied exclusively by one (1) family.

Dwelling Unit: A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION 2.7 DEFINITIONS "E"

Educational Institution: A public or private accredited kindergarten through twelfth grade school, college, trade, or business school, nursery school, pre-school, or day care center, and/or related administrative offices, excluding maintenance garage.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems. These may include, but are not necessarily limited to, mains,

drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare. Essential services shall not include storage yards or buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Cellular telephone or communications towers as defined by this Chapter shall not be considered essential services.

Excavation: Removal or recovery by any means whatsoever of soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay or other mineral or organic substances, other than vegetation, from water or land, whether exposed or submerged.

Existing Use: The use of a parcel of land or a structure at the time of the enactment of this Ordinance.

SECTION 2.8 DEFINITIONS "F"

Family:

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, half-way house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood Hazard Area: Land which on the basis of available flood-plain information is subject to a one (1) percent or greater chance of flooding in any given area.

Flood Insurance Rate Map (F.I.R.M.): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special hazards and the risk premium zones applicable to the community.

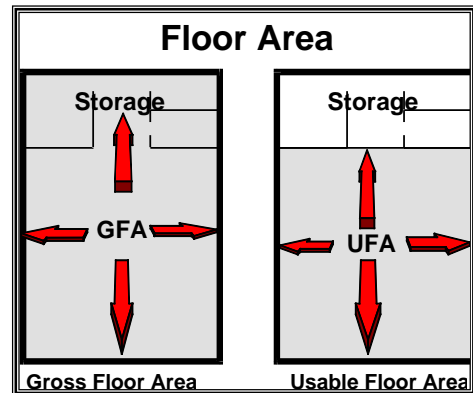
Flood Insurance Study: Flood Insurance Study is the official report provided by the Federal Insurance Administration, containing flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.

Floodway: The channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.

Floor Area: The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

Floor Area, Gross (GFA): The area within the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets/ storage rooms, thickness of walls, columns, or other features.

Floor Area, Usable (UFA): "Usable floor area" means 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.



- A. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of "usable floor area."
- B. Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the internal faces of the exterior walls.

Frontage: The total length of the front lot line being the horizontal distance between the side lot lines, as measured at the front setback line.

SECTION 2.9 DEFINITIONS "G"

GFA: See Floor Area, Gross

Government and Community Service Facility: A facility under the operational control of a governmental unit, specifically a township, city, village, county, state, the United States Government, or some combination of governmental units, including, but not limited to, offices, libraries, museums, city hall, post offices, courts, and civic centers; excluding vehicle and equipment maintenance, garages and correctional institutions.

Grade: The average elevation of the finished surface of ground after the development, filling, or excavation of a parcel of land.

Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. (See Nursery.)

Ground Cover: Grasses or other plants grown to keep soil from being blown or washed away.

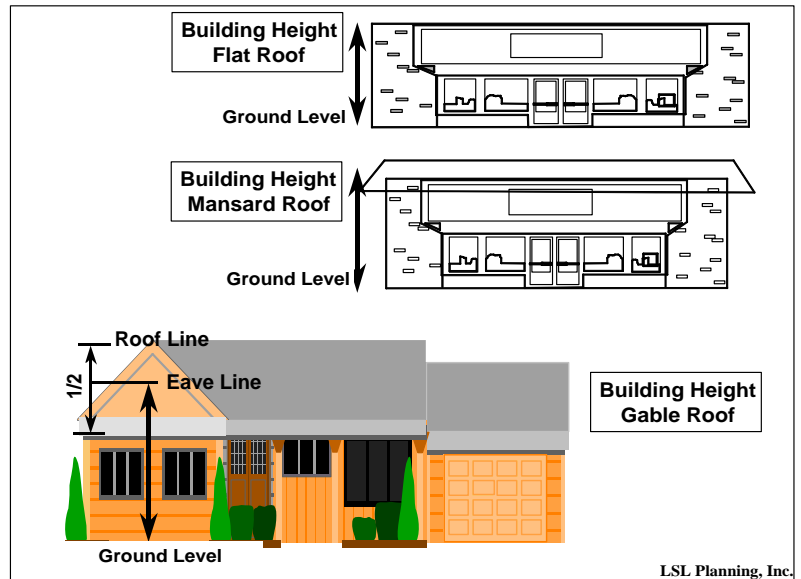
Group Day Care Center: See Day Care, Group

SECTION 2.10 DEFINITIONS "H"

Heavy Equipment: Commercial vehicles with a Gross Vehicle Weight in excess of ten thousand (10,000) pounds, and excavating, grading, road building, earth moving, demolition, loading and similar equipment.

Height: The vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure, or as otherwise provided in this Ordinance.

Height, Building: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the wall line.



Home Occupation: An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation. A home occupation may also be known commonly as cottage industry, home based business, home marketing network, or home interactive distribution or marketing, but shall not be construed to include day care or state licensed residential care facilities.

Human Occupancy: A building or portion thereof primarily used or intended to be used for individuals to congregate for any purpose and which is equipped with means of egress, light, and ventilation facilities in accordance with the Michigan Construction Code, excluding a building or portion thereof incidental to the use for agricultural purposes of the land on which the building is located, or a building used exclusively for the purpose of storage in which there are no employees or occupants.

SECTION 2.11 DEFINITIONS "I"

Indoor Kennel: Any lot or premises on which six (6) or more animals, four (4) months of

age or older are kept temporarily or permanently for the purpose of breeding, boarding or sale.

Industrial Use: A structure, building, or parcel of land, or portion thereof utilized or inherently designed to be utilized for the purpose of production, manufacturing, processing, cleaning, testing, rebuilding, assembly, distribution, finishing, constructing, or printing of goods or products, and related research and development facilities.

SECTION 2.12 DEFINITIONS "J"

(Reserved for future use.)

SECTION 2.13 DEFINITIONS "K"

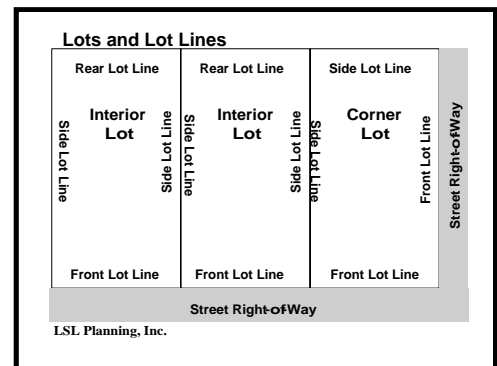
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SECTION 2.14 DEFINITIONS "L"

Land Use: A description of how land is occupied or utilized.

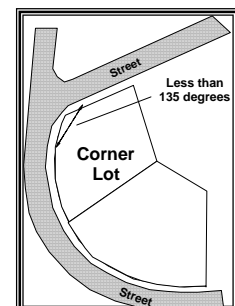
Loading Space: Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land, or contiguous parcels of land under one (1) ownership described within fixed boundaries, of sufficient size and configuration to meet the site development requirements of this Ordinance and having access to a public road. The word "lot" shall include plot or parcel. A lot need not be a "lot of record." A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.



Lot Area: The total area within the described lot lines of a parcel of land, excluding road right-of-way.

Lot, Corner- A parcel of land abutting upon two (2) or more streets at their intersection, or upon parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees.



Lot, Coverage: That portion of the area of lot that contains buildings and structures measured as a percent of the entire lot area.

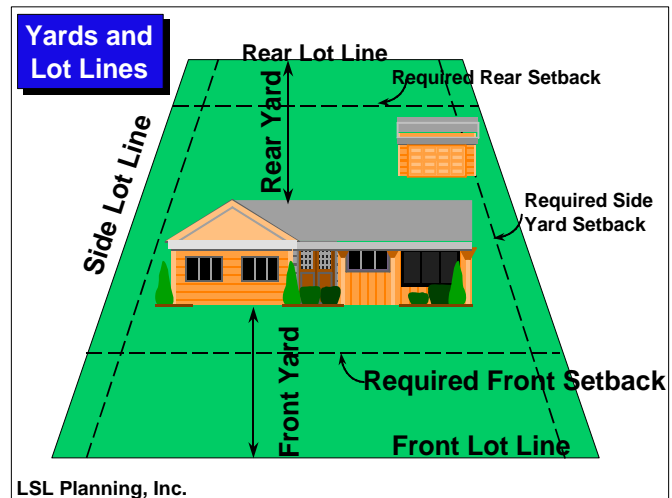
Lot Depth: the distance from the front lot line to the rear lot line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line: The boundaries of a lot which divide one (1) lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

Lot Line, Front: A lot line of a length equal to or greater than the minimum lot width as required in this Ordinance which is also the road right-of-way line on interior lots which front a public or private road and one (1) of the right-of-way lines on corner lots and is the lot line most parallel to the closest public or private road on all other lots.

Lot Line, Rear: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line twenty (20) feet entirely within the lot parallel to and at a maximum distance from the front lot line.



Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Width: The horizontal distance between the side lot lines, as measured at the front yard setback line.

SECTION 2.15 DEFINITIONS "M"

Manufactured Home: A manufactured home is a structure transportable in one (1) or more sections, eight (8) linear feet or more in width and thirty-two (32) linear feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to required utilities, including plumbing, heating and electrical stems contained therein.

Manufactured Home Development or Manufactured Home Park: A parcel of land owned by a person upon which are located two (2) or more manufactured homes whether attached or detached from each other or adjacent buildings which are occupied for residential purposes or are connected to a water supply or wastewater disposal system either on a temporary or permanent basis, regardless of whether or not the development offers rental lots or manufactured homes to the public.

Moving: The purposeful removal of a building or structure from a particular location in order to re-establish the building or structure in another location.

Multiple Family Development: Two (2) or more buildings containing multiple family dwellings on a single lot.

Municipal Water Supply: A water supply system owned by a governmental unit.

SECTION 2.16 DEFINITIONS "N"

Non-conforming Building: A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

Non-conforming Lots of Record: A platted lot that conformed with all City zoning requirements at the time of recording of said plat, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; or a lot outside a recorded plat that conformed with all City zoning requirements at one time, and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance, which no longer conforms with the zoning requirements for lot area, lot width, or both.

Non-conforming Use: A use which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereof, and that does not conform to the use regulations of the Zoning District in which it is located.

Nursery: A parcel of land utilized for the purpose of growing ornamental trees, shrubbery, house plants, flowers, or perennial ground covers from seed or seedlings for the purpose of retail or wholesale trade.

SECTION 2.17 DEFINITIONS "O"

Occupancy Certificate: A written document received from the Building Inspector stating that the City Building Code, as amended, and this Ordinance have been complied with as they apply to the construction of a building or structure and the use of a lot and that the building may now be occupied for its previously declared purpose.

Occupy: The residing of an individual or individuals overnight in a dwelling unit, or the installation, storage, or use of equipment, merchandise or machinery in any institutional, commercial, agricultural, or industrial building.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Owner: The owner of the freehold of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property or his or her duly authorized agent.

SECTION 2.18 DEFINITIONS "P"

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Permit: An official document or certificate issued by an authorized official, empowering the holder thereof to perform a specified activity which is not prohibited by law, but not allowed without such authorization.

Planned Unit Development: The use of a parcel of land which is planned and developed as a single entity containing the various uses, structures, open spaces, and other elements and which is designated and developed under one (1) owner or organized group.

Principal Use: The primary or predominant purpose to which a parcel of land is devoted as distinguished from an Accessory Use.

Private Sanitary Sewage Disposal System: An individual on-site sewage disposal system as defined in the Mid-Michigan District Health Department Sanitary Code.

Private Water Supply: A well or other water supply system approved by the Mid-Michigan District Health Department pursuant to Part 127 of Act 368 of the Public Acts of 1978, as amended, M.C.L. 333.12701 et seq.

Public Sanitary Sewer: A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of treatment or discharge.

Public Storm Sewer: A system of pipe owned and maintained by a governmental unit, used to carry storm water collected from multiple sources including streets, downspouts, and parking lots to a discharge point. Discharge points include, but are not limited to, a lake, river or tributary, and retention or detention ponds.

Public Water Supply: A water works system which provides water for drinking or household purposes to persons other than the supplier of water, except those water works systems which supply water to only one (1) living unit, or as further defined in Public Act 399 of 1976, as amended, MCLA 325.1001 et seq.

SECTION 2.19 DEFINITIONS "Q"

(Reserved for future use.)

SECTION 2.20 DEFINITIONS "R"

Recreational Vehicle: A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. Such vehicles shall include boats, airplanes, special purpose automobiles, floats, rafts, trailers, snowmobiles, camping or travel trailers, motorized

homes, detachable travel equipment of the type adaptable to light trucks, and other equipment or vehicles of a similar nature.

Rehabilitation: The upgrading of an existing building or part thereof which is in a dilapidated or substandard condition.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residential Family Care Center: See State Licensed Residential Facility.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Right-of-Way: A public or private strip of land acquired or utilized by reservation, dedication, easement, prescription, purchase or condemnation and permanently established for the passage of persons, vehicles, railroads, water, utility lines, and similar uses.

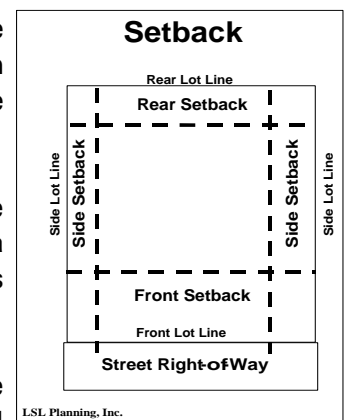
SECTION 2.21 DEFINITIONS "S"

Satellite Dish Antenna, or Dish Antenna: An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

Second Hand Store: A building or portion thereof in which the public sale of previously owned goods, having no generally recognized cultural or historic value as antiques, is carried-out for a period of time greater than seven (7) consecutive days during a six (6) month period of time.

Setback: The minimum required horizontal distance measured from the front, side, or rear lot line, as the case may be, which describes an area termed the setback on a lot or parcel required by this Ordinance for the District in which it is located.

- A. **Setback, Front:** The minimum required horizontal distance measured from the front lot line which describes an area termed the front setback on a lot or parcel required by this Ordinance for the District in which it is located.
- B. **Setback, Rear:** The minimum required horizontal distance measured from the rear lot line which describes an area termed the rear setback on a lot or parcel required by this Ordinance for the District in which it is located.
- C. **Setback, Side:** The minimum required horizontal distance measured from the side lot lines which describes an area termed the side setback on a lot or parcel required by this Ordinance for the District in which it is located.



State Licensed Residential Facility: A residential care family or group facility licensed by the

State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions.

- A. A *Family Facility* includes a state licensed residential facility providing resident services to six (6) or fewer persons.
- B. A *Group Facility* includes a state licensed residential facility providing resident services to more than six (6) persons.

Stop Work Order: An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.

Street Private: A privately owned and maintained thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare. A private street shall include any drive or roadway which is not a dedicated public right-of-way, and which provides or has the potential for providing access to two (2) or more existing parcels and/or main buildings.

Street, Public: A public thoroughfare including any rights-of-way and traveled surfaces which afford traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and other thoroughfare; except an alley.

Structural Alterations: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or in the dimensions or configurations, or of the roof and exterior walls or means of egress.

Structure: A combination of materials whether fixed or portable, anything constructed, erected, or artificially built-up which requires a location on or below the surface of land or water, including a part or parts thereof and all equipment within the structure.

Subdivision: Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Act 288 of 1967 of the Public Acts of Michigan, as amended. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of this act or the requirements of the City of Roosevelt Park Land Division Ordinance.

Subdivision Plat: A map or chart depicting the subdivision of land as regulated by the Subdivision Control Act of 1967, Act 288 of the Public Acts of 1967, as amended.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.

A. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building

commences, whether or not that alteration affects the external dimensions of the structure.

B. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any compatible alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swimming or Bathing Pool: A nonporous container containing water having a depth of greater than twenty-four (24) inches or having a surface area of greater than two hundred fifty (250) square feet, or a pool permanently equipped with a water recirculating system or constructed of structural materials, excepting retention or detention ponds.

SECTION 2.22 DEFINITIONS "T"

Terrace: A part of the street right of way, not otherwise used for driving purposes.

Tower, Communication: Towers erected for the purpose of providing Commercial Wireless Telecommunication Services or other radio wave communications.

Travel Trailer: A vehicular portable structure built on a chassis which is less than thirty-two (32) feet in length and is of such a width and weight as not to require special highway movement permits when drawn by a vehicle.

SECTION 2.23 DEFINITIONS "U"

Use: The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained.

Use Group: The classification of a building or structure based upon its Purpose as contained in the State Construction Code.

Useable Floor Area: See Floor Area, Useable.

SECTION 2.24 DEFINITIONS "V"

Variance: Permission given by the Board of Zoning Appeals to a property owner to depart from the literal requirements of this Ordinance which may occur when compliance with this Ordinance would create a practical difficulty or unnecessary hardship on the property owner.

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

Vehicle Repair: Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender

straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Vehicle Service Station: A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

Vehicle Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

Veterinary Hospital, Clinic, and Indoor Kennel: Any activity involving the permanent or temporary keeping or treatment of animals operated as a business.

SECTION 2.25 DEFINITIONS "W"

Wall: The vertical exterior surface of a building and the vertical interior surfaces which divide a building's space into rooms.

Watercourse: An open trench either naturally or artificially created which periodically or continuously contains moving water draining an area of at least two (2) acres which has definite banks, a bed and visible evidence of a continued flow or occurrence of water.

SECTION 2.26 DEFINITIONS "X"

(Reserved for future use.)

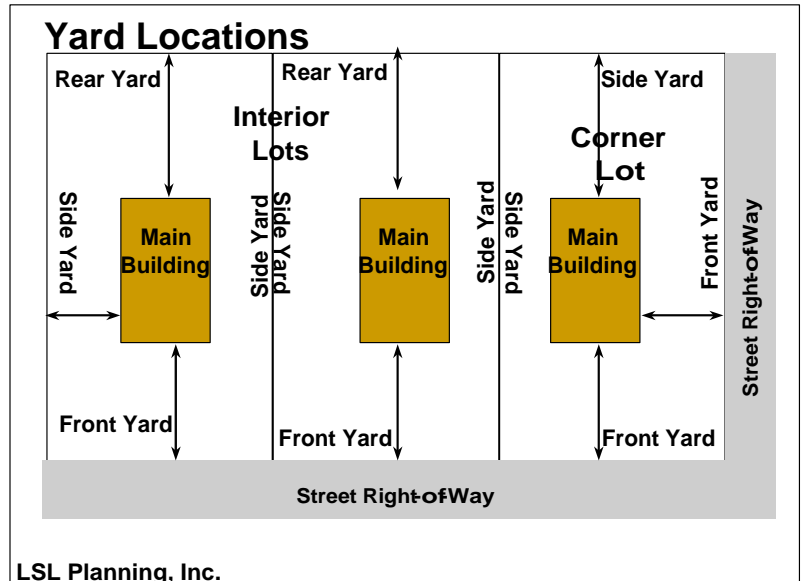
SECTION 2.27 DEFINITIONS "Y"

Yard: A yard is an open space on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. A **Front Yard** is an open space extending the full width of the lot, the uniform depth of which is measured at right angles to the front lot line.

B. A **Rear Yard** is an open area extending across the full width of the lot, the uniform depth of which is measured at right angles to the rear lot line.

C. A **Side Yard** is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the side yard shall be measured horizontally from and at right angles to the nearest point of the side lot line.



SECTION 2.28 DEFINITIONS "Z"

Zoning: The dividing of the city into districts of a number and shape considered best suited to carry out the purposes of the Zoning Act and the creation of uniform regulations throughout each individual district. Such districts are referred to as Zoning Districts in this Ordinance.

Zoning Act: The City and Village Zoning Act, Public Act 207 of 1921, as amended.

Zoning Board of Appeals: See Board of Zoning Appeals

Zoning Ordinance: The City of Roosevelt Park Zoning Ordinance.

CHAPTER 3

GENERAL PROVISIONS

SECTION 3.1 INTENT AND PURPOSE

- A.** It is the purpose of this Chapter to establish regulations and conditions which are applicable to all districts of this Ordinance unless otherwise indicated. The purpose of this Chapter is to provide uniform regulations applicable within the City of Roosevelt Park which supplement the specific requirements for each district, and each permitted use.

SECTION 3.2 ACCESSORY BUILDINGS AND STRUCTURES

A. General Requirements

1. Accessory buildings and structures that are customarily incidental and subordinate to an existing principal building, structure or use permitted by right within the applicable district, located on the same lot and not otherwise regulated by this Ordinance, shall be permitted subject to the regulations of this Section.
2. Attached accessory buildings and structures shall be made structurally a part of the principal building and shall conform to the site development standards of the district in which the building or structure is located.
3. Detached accessory buildings and structures shall be no closer than ten (10) feet from the principal building or structure.
4. Detached accessory buildings and structures shall be no closer than six (6) feet from a side or rear utility easement.

B. Detached Accessory Buildings and Structures - Residential Districts or Uses

1. Detached accessory buildings and structures shall be located only in the rear yard, except that in no case shall a detached accessory building be closer than six (6) feet from any lot line, as measured from the closest point of the building. Detached accessory buildings and structures on corner lots may be located in the side yard, but must be located behind the front building line and must be located six (6) feet from any side lot line. In addition, no detached accessory building or structure shall be located upon a rear yard utility easement. *(rev. 9/19/03)*
2. One (1) detached accessory building shall be permitted for a Residential District or use not exceeding the following area and height:
 - a. For lots of ten-thousand (10,000) square feet in area or less: seven hundred and twenty (720) square feet and not exceeding sixteen (16) feet in height to its highest point.

- b. For lots greater than ten-thousand (10,000) square feet in area, up to one (1) acre: nine hundred and sixty (960) square feet and not exceeding eighteen (18) feet in height to its highest point.
 - c. For lots greater than one (1) acre: one thousand five hundred (1,500) square feet and not exceeding twenty (20) feet in height to its highest point.
3. One (1) additional detached storage shed shall be permitted for a Residential District or use not to exceed one hundred and twenty (120) square feet in area. A swimming pool and cover structure shall also be permitted on a lot, subject to the requirements of Section 3.31 and any other applicable Ordinance.

C. Detached Accessory Buildings - Nonresidential Districts or Uses

1. No more than two (2) detached accessory buildings shall be permitted on any lot.
2. The total area of all accessory buildings shall not exceed twenty five percent (25%) of the floor area of the main building(s).
3. Detached accessory buildings shall meet all setback requirements for main buildings for the district in which it is located, as measured from the closest point of the building, except that in no case shall be closer than ten (10) feet from any lot line.
4. No detached accessory building shall be located nearer than ten (10) feet to any main building.
5. No detached accessory building shall exceed the permitted height for main buildings in the district in which it is located.

SECTION 3.3 ACCESS TO STREETS

All lots created after the effective date of this Ordinance shall have the required minimum lot width, as measured at the front setback line, and direct access from said lot, to a public street or a private drive created in accordance with the requirements of this Ordinance.

SECTION 3.4 ALTERATION OR CHANGE OF USE

Except as may otherwise be permitted in this Ordinance, any change in the use of lot or structure, or any alteration of an existing lot or structure shall require the issuance of a development permit and the compliance with all provisions of this Ordinance.

SECTION 3.5 ANIMALS, KEEPING OF

The keeping, housing, raising, use or care of animals is permitted and subject to the following limitations and conditions:

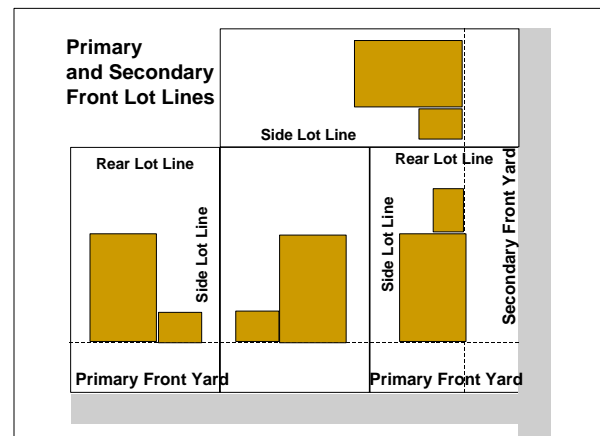
- A.** Customary household pets may be kept on a non-commercial basis provided that the number of such animals does not exceed four (4). Customary household pets include such animals as dogs, cats, rabbits, birds, and similar animals; but do not include pigeons, chickens, ducks, geese, goats, sheep, pigs, and other farm livestock, including game birds as defined by the DNR.

SECTION 3.6 BUILDING HEIGHT EXCEPTIONS

No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that the following buildings and structures shall be exempt from height regulations in all districts: penthouses or roof structures for the housing of elevators, stairways, tanks and necessary mechanical appurtenances, and fire or parapet walls not exceeding four (4) feet in height, fire towers, gas tanks, grain elevators, silos, barns, stacks, cooling towers, fire or stage towers, monuments, cupolas, domes, spires, skylights, scenery lofts, screens, flagpoles, chimneys, smokestacks, electrical transmission towers, water tanks, or similar structures.

SECTION 3.7 CORNER LOTS

- A.** A corner lot shall have two front lot lines: a principal front lot line and a secondary front lot line. The principal front lot line shall be the shorter of the two lot lines. Where the lot lines are of equal length, and/or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.

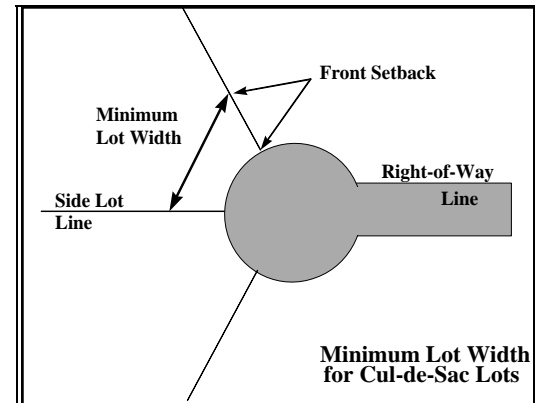


B. General Provisions

1. The required front setback shall be met on both the principal and secondary streets; provided that where the lot contains an existing main building, the front setback from the secondary street may be reduced by ten (10) feet.
2. The remaining setbacks shall be side setbacks.
3. The width of a corner lot shall be determined by the entire length of that front lot line which is determined to be the principal lot line.
4. Corner lots may have a secondary driveway on the secondary street.

SECTION 3.8 CUL-DE-SAC LOTS

- A.** The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- B.** The minimum lot width for a lot on a cul-de-sac shall be measured at a line drawn between the two (2) points located at the intersection of a line extending along the side lot lines equal to the distance of the required front setback.
- C.** A lot on a cul-de-sac shall have not less than forty (40) feet of lot frontage as measured along the front lot line.

**SECTION 3.9 DETERMINATION OF LOT MEASUREMENTS**

- A.** A corner lot shall have two (2) front lot lines, two (2) side lot lines, and no rear lot line.
- B.** Required front yard setbacks shall be measured from both front lot lines.
- C.** For a corner lot with three (3) front lot lines, the remaining lot line shall be a rear lot line.
- D.** The minimum lot width of a corner lot shall be determined at the shorter of the two (2) front lot lines.
- E.** The front building line on any lot with an outside simple curve will be the straight-line chord that intersects the side lot lines at the point of intersection with the required front set-back line.
- F.** The front building line on any lot with an inside simple curve will be the straight-line tangent perpendicular to the arc radius at the midpoint of the curve.
- G.** Front building lines on lots with compound, broken-back or reverse curves will be determined using the tangent or chord which provides the greatest set-back toward the interior of the lot from the required set-back line and front lot line.
- H.** Average setbacks
1. Where the front setbacks for existing main buildings entirely or partially within two hundred (200) feet of the side lot lines, on the same side of the street and in the same zoning district of the subject lot are less than the

required front setbacks for the zoning district of the subject lot, the required front setback for the subject lot shall be the average of the front setbacks of existing main buildings within the two hundred (200) foot distance.

2. The permitted front setback reduction shall only be permitted if there are two (2) or more lots occupied by main buildings within the two hundred (200) foot distance.
3. In no case shall the required front setback resulting from the application of this subsection be less than twelve (15) feet.

SECTION 3.10 EARTH REMOVAL, GRADING AND FILLING

- A. In order to protect adjacent properties, public roads and public watercourses, and to provide for adequate drainage of surface water, the following requirements shall apply to all construction activities requiring a development permit pursuant to this Ordinance.
- B. Filling of property to an elevation above the established grade of adjacent developed property shall not be permitted without the expressed written approval of the City Engineer.
- C. The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed to avoid increased flow onto adjacent properties or public roads.
- D. Any land development which disturbs the existing grade of more than one (1) acre of land or lies within five hundred (500) feet of an open drain, shall require a Soil Erosion and Sedimentation Control Permit pursuant to Public Act 347 of 1972, as amended, prior to issuance of a development permit.
- E. Any land development, dredging, filling, or other activity requiring a permit pursuant to the Inland Lakes and Streams Act 1972 PA 346, shall be required to obtain said permit prior to the issuance of a development permit.

SECTION 3.11 ESSENTIAL PUBLIC SERVICES

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

SECTION 3.12 FEES AND CHARGES

The City Council shall by resolution establish such fees and charges as it may require for

applications, permits, reviews, and for other procedures and services related to the provisions of this Ordinance.

SECTION 3.13 FENCES

- A.** The erection, construction or substantial rebuilding of any fence or screen shall be performed within all municipal codes and shall require a building permit. Substantial rebuilding is reconstruction of more than fifty (50%) percent of the structure, a change in the height of the structure, or a change from existing material within a twelve (12) month period. Painting, cleaning, replacement of like materials, or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding."
- B.** General Requirements by District
1. General Requirements - All Districts
All fences shall comply with the following general requirements regardless of the zoning district:
 - a. No wall or fence shall have barbed wire, razor wire, electrical current, concertina wire, nor any other similar material. Similar material shall be determined by the City Manager or his/her designee.
 - b. Fence or screen wall owners shall maintain their fences or walls in accordance with the provisions of all maintenance codes adopted by the City of Roosevelt Park and with the provisions of any site maintenance agreement they may have entered into with the City.
 - c. Fences and screen walls shall be maintained plumb and true with adequate support and in a safe and slightly manner. The owner of a fence or screen wall shall remove or repair a fence or screen wall that is dangerous, dilapidated, or otherwise in violation of this code.
 - d. No hedges or shrubs located within ten (10) feet of the front of side property line shall be greater than 30 inches in height.
 2. Residential Districts
 - a. Fences may be constructed of steel, iron, wood, masonry, or other durable material.
 - b.. A fence shall not be erected between the front building line and the front lot line.
 - c. Landscape treatment may be located between the front building line and the front lot line.
 - d. Landscape treatments (structural) which fall within the front yard and which are parallel to, or are placed along, a lot line is limited as follows:
 1. At front line.
 - a. An aggregate length not to exceed sixteen (16) feet.
 - b. Setback not less than three (3) feet from front lot line.

2. At side lot lines.
 - a. An aggregate length not to exceed eight (8) feet.
 - b. Setback not less than two (2) feet when adjacent to
 - a. driveway.
 - e. No portion of a fence or landscape treatment shall project beyond the fence owner's property line.
 - f. A fence or privacy fence shall not be erected in excess of six (6) feet in height, as measured from the lowest existing adjacent grade. Where a residential property line is adjacent to a nonresidential district, the maximum height shall not exceed eight (8) feet for fences on said property line. Subject to the requirements of this section.
 - g. There shall be a maximum of one fence per property line. Ownership of a fence shall be determined by the fence permit applicant as follows:
 1. By a search of building permits issued to his/her and adjacent properties; or
 2. By mutual agreement of the adjacent property owners.
 - h. Privacy screen structures shall not exceed six feet above the surface of the deck, patio, pool, or other area to be screened.
 - i. Privacy screen structures adjacent to pools shall also meet the requirements for pool fencing.
 - j. Any fence having an unfinished side (e.g. stockade fence) shall be installed so that the finished side of the fence shall be facing adjacent properties or the street.
3. Nonresidential Districts.
 - a. A fence shall not be erected in excess of eight (8) feet high as measured from the lowest existing adjacent grade.
 - b. Screen walls are required on or adjacent to all property lines separating nonresidential property from residential property.
 1. Screen wall shall not be less than six (6) feet height.
 2. Screen wall shall be of masonry construction. A maintenance agreement shall be required for any masonry screen wall receiving paint or other impermeable coating.
 - c. The Planning Commission may alter or revise the minimum screen wall height requirements if the Commission finds that strict application of said requirements will endanger pedestrians or vehicular traffic.
 - d. Landscaping areas between screen walls and property lines shall be maintained by the property owner.
 - e. Where a screen wall is erected within 12 feet of a driveway/sidewalk intersection, whether within the property or not, the wall height shall not be greater than three (3) feet.

(rev. 9/19/03)

SECTION 3.14 HOME OCCUPATIONS

- A.** Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section and the specific measures by which compliance will be maintained.
- B.** A home occupation shall be conducted only within the premises of a single-family detached dwelling unit. Home occupations are not permitted within two (2) family, or multiple-family dwellings.
- C.** There shall be no outdoor, on-site storage of materials, equipment, or accessory items and/or display of materials, goods or supplies used in the conduct of the home occupation. The on-site storage of commercial vehicles used incidentally for or used in the home occupation business shall not be permitted.
- D.** Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation.
- E.** Home occupations are permitted only in the principal structure or building. All activities related to the home occupation shall be carried on entirely within the dwelling unit. In no case shall more than twenty-five percent (25%) or four hundred eighty (480) square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.
- F.** A home occupation shall not generate a traffic burden through excessive traffic or create an adverse effect for the general area in which it is located. The following factors shall be considered by the Zoning Administrator to determine whether the traffic effects on a neighborhood may be excessive:
1. Whether the subject parcel is located at the entrance or the interior of a subdivision where increased traffic volumes may be otherwise anticipated.
 2. Whether the nature of the proposed home occupation requires scheduled appointments or whether traffic volumes may be higher at certain times of the day.
 3. Whether traffic volumes may vary on a seasonal basis.
 4. Whether the home occupation could be conducted in such a manner as to reduce traffic generated in the area.
- G.** Any parking for vehicles associated with the home occupation shall be provided off the street.
- H.** No retail or other sales of merchandise or products shall be conducted upon the premises except for incidental products directly related to and necessary for the home occupation.

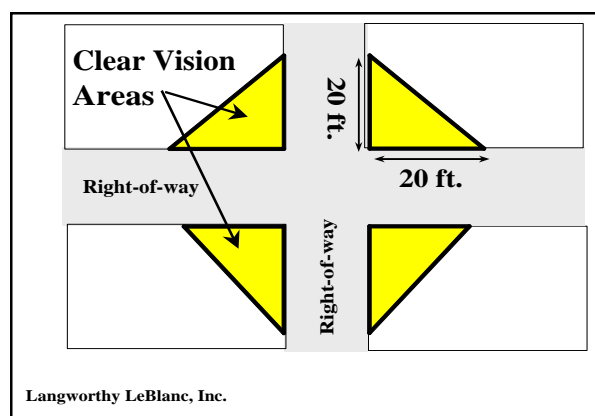
- I. The establishment of a home occupation shall not necessitate exterior modification to any building on the property, except as may be required by the Zoning Administrator to comply with adopted Building Codes and requirements.
- J. The applicant shall certify that the home occupation will not be detectable to the normal senses off the lot or produce fumes, odors, dust, vibration, noise, smoke, electrical interference, fire hazard or other conditions which might pose a nuisance to adjacent properties. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- K. The Zoning Administrator may identify allowable hours of operation to avoid possible disquieting effects from the home occupation to adjacent properties.
- L. Signs shall be as allowed as permitted in Chapter 13 of this Ordinance. The permitted sign shall be non-illuminated and mounted flat against the wall of the dwelling.

SECTION 3.15 ILLEGAL DWELLINGS

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the City building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area requirement for the district in which it is located.

SECTION 3.16 INTERSECTION VISIBILITY

No fence, wall, sign, hedge, screen or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. The three (3) foot and eight (8) foot height limit



shall be measured from the lowest elevation of the segment of the intersecting roads centerline, which lays between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines. See the City Fence Ordinance for further provisions.

SECTION 3.17 LIGHTING REQUIREMENTS

- A. Parking lot lighting shall be as required in Section 12.10, G.
- B. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any Residential District or use.
- C. Light fixtures shall be no higher than twenty (30) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
- D. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

SECTION 3.18 LOT WIDTH/DEPTH RATIO

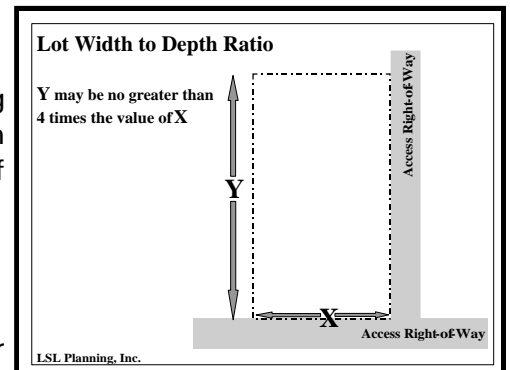
Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width that is equal to, or greater than, one third (1/3) the depth of the lot.

SECTION 3.19 MAIN BUILDING OR PRINCIPAL USE

Each parcel shall contain only one (1) main building or principal use, except for groups of related commercial, industrial, and office buildings, and multiple family dwellings, contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance.

SECTION 3.20 MECHANICAL APPURTENANCES

- A. Except in the General Commercial District, mechanical appurtenances, such as blowers, ventilating fans and air conditioning units, shall be placed not closer than twelve (12) feet to any lot line and shall be effectively and aesthetically screened.



- B.** Any mechanical appurtenances, including elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment, and other similar apparatus, located on the roof of any building shall comply with the following standards:
1. Such apparatus shall be enclosed in a screening structure having walls constructed of material compatible in appearance with the main building to which it is attached.
 2. The apparatus and enclosure shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall not occupy greater than fifteen (15) percent of the total area of the roof of the building on which it is placed.

SECTION 3.21 NONCONFORMING USES, STRUCTURES, AND LOTS

A. General Provisions

1. Any lot, use of land, or structure which has been established in violation of the provisions of a previous Zoning Ordinance having jurisdiction at the time the use of land or structure was established, and any lot, use of land, or structure which has been lawfully established under a previous Zoning Ordinance and subsequently violates the terms of the permit under which it was established, shall be in violation of this Ordinance, except when the lot, use of land, or structure is in full compliance with the provisions of this Ordinance.
2. An existing lot, use of land, or structure which does not fully comply with the provisions of this Ordinance, as amended, and either was lawfully established under a previous zoning ordinance, created, or commenced during a period of time when no valid zoning ordinance was in effect, or was lawfully established under the jurisdiction of this Ordinance (before amendment), and remains in compliance with the terms of a permit issued at that time, shall be permitted to continue provided there is compliance with this Section.
3. A lawful use of land or structure which is under construction in furtherance of the establishment of a building or structure before the enactment of this Ordinance shall be permitted to continue as a nonconformity.

B. Nonconforming Uses

1. No part of any nonconforming use shall be moved unless such movement eliminates the nonconformity.
2. If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance.
3. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists, and shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:

- a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the nonconforming use have been removed;
 - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A nonconforming use shall not be changed in use to another nonconformity. A nonconformity which is succeeded by a use in compliance with this Ordinance shall lose its nonconformity and shall thereafter be continued in compliance with the provisions of this Ordinance.
 5. No nonconforming use shall be permitted to expand or enlarge the size of any building or structure, or extend the land area occupied by the nonconforming use.

C. Nonconforming Structures

1. The expansion of a nonconforming structure shall be permitted provided that the actual addition, or accessory building is in compliance with this Ordinance.
2. No nonconforming building shall undertake a structural change requiring a Construction Permit, pursuant to the City Building Code, as amended, provided, however, that mechanical, electrical, plumbing, sewage disposal, and well permits shall be issued when no structural alteration or modification is involved; and provided the strengthening or restoring to safe condition of any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public health or safety may be structurally altered to the extent necessary to comply with the order of that public official.
3. A nonconforming structure which is damaged by fire, collapse, explosion, high winds, vandalism, or other means beyond the owner's control may be repaired or replaced to its former condition, wherein the expense of such reconstruction does not exceed fifty (50) percent of the fair valuation of the entire building or structure at the time such damage occurred. The valuation of the proposed construction shall be subject to the approval of the Zoning Administrator whose decision may be appealed to the ZBA, and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from the time of such damage, and provided further, that said use be identical with the nonconforming use permitted.

4. A nonconforming structure shall not be moved in whole or in part except when such moving results in full compliance with the provisions of this Ordinance.
5. Where a nonconforming setback of a structure is equal to or less than one-half (1/2) of the distance required by this Ordinance a nonconforming setback may be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.

D. Nonconforming Lots of Record

1. A legal nonconforming lot may be used for the purposes for which it is zoned and shall be issued a development permit, provided that:
 - a. If already less than the minimum requirements of this Ordinance, a required lot area or lot width shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance.
 - b. Any main building on such lot shall be located such that at least two thirds (2/3) of the setback requirements of the district in which the lot is located are met.
2. Contiguous Nonconforming Lots in Common Ownership
 - a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment to it, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:
 1. are in common ownership;
 2. are adjacent to each other or have continuous frontage, and;
 3. individually do not meet the lot width or lot area requirements of this Ordinance.
 - b. Such parcels shall be combined into such lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

SECTION 3.22 PERMITTED FRONT SETBACK REDUCTIONS

- A.** Where the established front yards for existing main buildings within two hundred (200) feet of the side lot line of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the street and entirely or partially within two

hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.

- B.** The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- C.** In no case shall the front yard setback resulting from the application of these provisions, be less than fifteen (15) feet.

SECTION 3.23 PROJECTIONS INTO YARDS

- A.** Architectural elements attached to and necessary to the integrity of the building, or the health or safety of the occupants, such as ramps for the disabled, cornices, eaves, gutters, chimneys, pilasters, unenclosed steps, fire escapes, and similar features shall be permitted to encroach upon the minimum setback requirements of this Ordinance, provided such projection into a required front or rear yard area is no closer than ten (10) feet from a street right-of-way line or rear lot line. Encroachments shall only be permitted into the side setback of the lot for basement egress windows. No other encroachments into the side setback shall be allowed.
(rev. 9/19/03)
- B.** Terraces (different from that found in the definition section describing the area of the r.o.w.), patios, porches, and decks shall be permitted to encroach upon the minimum yard area and setback requirements of this Ordinance provided they are:
 - 1. attached to the main building;
 - 2. not covered with a roof;
 - 3. elevated no more than thirty (30) inches above the average surrounding final grade;
 - 4. not fully enclosed by a wall or fence over five and one-half (5½) feet in height;
 - 5. not increasing the nonconformity of the structure and do not extend beyond any existing intrusions of the structure into the required setbacks.
 - 6. do not encroach into the side setback of the lot.*(rev. 9/19/03)*
- C.** Terraces, patios, porches, and decks that are enclosed (covered with a roof), not including steps leading to such structures, shall be attached to and considered part of the main building and comply with all regulations applicable to main buildings.
- D.** Those structures covered in A and B above shall not be considered nonconforming, and therefore, shall be permitted to be rebuilt even if destroyed by an act of God or by the owner/occupant of the structure.

**SECTION 3.24 REGULATIONS APPLICABLE TO SINGLE-FAMILY DWELLINGS
OUTSIDE MANUFACTURED HOME PARKS**

Any single-family dwelling, whether constructed and erected on a lot, or a manufactured home, shall be permitted outside a manufactured home park only if it complies with all of the following requirements:

- A.** The dwelling shall meet the minimum square footage requirements for the district in which it is located.
- B.** Design Features
 - 1. The minimum width across any front, side, or rear architectural elevation shall be at least twenty four (24) continuous feet of exterior wall.
 - 2. All dwellings shall have either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling;
 - 3. The dwelling shall contain permanently attached steps connected to exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
 - 4. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - 5. The dwelling shall contain an interior storage area in a habitable basement or cellar located under the dwelling, or in a defined storage room space separate from closet areas, garage, utility or furnace rooms. The minimum storage area shall be equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
 - 6. Laundry facilities shall be required.
- C.** The dwelling shall conform to the City Building Code and all other pertinent construction and fire codes. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations allow standards of construction, which are less stringent than those imposed by the Building Code in effect in the City, then in that event, the less stringent Federal or State standard or regulation shall apply. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D.** In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban

Development, being 24 CFR 3280, and as from time to time such standards may be amended.

- E.** The dwelling shall be placed upon and secured to a permanent foundation in accordance with the City Building Code. The area between the grade elevation of the lot and the structure shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable code for single-family dwellings. In the event that the dwelling shall be installed pursuant to the manufacturer's set-up instructions, the dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission.
- F.** If the dwelling has wheels, towing mechanisms or undercarriages, they shall be removed.
- G.** The dwelling shall be connected to a public sanitary sewer.
- H.** The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity.

 - 1. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans (which may include elevational sketches or photographs) submitted for a particular dwelling, subject to appeal by an aggrieved party to the Board of Zoning Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision.
 - 2. Any determination of compatibility shall be based upon the standards set forth in this subsection regarding dwellings as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within nine hundred (900) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of the lots situated within said area; or where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of manufactured home parks throughout the City.
- I.** The requirements of this Section shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- J.** The foregoing standards shall not apply to manufactured homes located in a state licensed manufactured home park except as required by state or federal law or otherwise specifically required in any City Ordinance pertaining to such parks.

SECTION 3.25 REQUIRED AREA OR SPACE

No lot, yard, court, parking area or other space shall be so reduced in area or dimension as to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further reduced.

SECTION 3.26 REQUIRED WATER SUPPLY AND SANITARY SEWAGE FACILITIES

No structure for human occupancy shall be erected, altered, or moved upon any premises and used in whole or in part for residential, assembly, business, industrial, institutional, mercantile or storage purposes unless the water supply and waste water disposal system conforms with the requirements of the Michigan Department of Public Health, and any City of Muskegon, or City of Roosevelt Park ordinance applicable to public sanitary sewer and public water supply.

SECTION 3.27 SEASONAL USES/TENT SALES/OPEN AIR BUSINESS EVENTS

- A.** The Zoning Administrator, upon receiving an application, may issue a permit for the temporary sale of merchandise in any Nonresidential District, related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities, but shall not include roadside stands.
- B.** In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
1. that the use does not have an unreasonable detrimental effect upon adjacent properties;
 2. that the use does not impact the nature of the surrounding neighborhood;
 3. that access to the area will not constitute a traffic hazard due to ingress or egress; and
 4. that adequate off-street parking is available to accommodate the use.
- C.** Each permit shall be valid for a period of not more than ninety (90) days and may be renewed by the Zoning Administrator for up to one (1) additional thirty (30) day period, provided the season or event to which the use relates is continued.
- D.** The City Council, upon receiving an application, may issue a permit for the temporary sale or display of merchandise and/or products in any commercial, industrial or planned unit development zoning district that occurs outside of the primary enclosed building in the form of tent sales, open air sales or other similar events. In considering a request for a temporary permit, City Council must determine that the proposed use is temporary in nature and will not be established as a permanent or continuing use. City Council shall also determine:

- That the proposed use does not have an unreasonable detrimental effect upon adjacent properties;
- That the use does not negatively impact the nature of the surrounding neighborhood;
- That access to the area will not constitute a traffic hazard because of ingress or egress; and
- That adequate parking is available to accommodate the use.

A request may only be granted one time in any twelve-month period and any permit issued under this subsection shall be valid for a period of not more than 10 days.

(rev12/9/2005)

SECTION 3.28 SITE CONDOMINIUMS

- A.** A site condominium unit shall be a unit created by the division of land on the basis of condominium ownership which is not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.
- B.** A site condominium unit shall be treated as a separate lot or parcel and may have such buildings constructed thereon and such uses conducted thereon as allowed in its zoning district provided the unit meets the District Regulations for the zoning district in which it is located.
- C.** A site plan, including all the condominium documents required for the establishment of a condominium, shall be reviewed and approved by the City Council in accordance with Chapter 9.
- D.** Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corner and deflection points. Lot irons shall be set at all condominium site corners and deflection points of condominium site lines.
1. The Zoning Administrator and the City Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year from the date of approval by the City Council, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the City of Roosevelt Park, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council.
 2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
 3. If the developer defaults, the City Council shall promptly engage a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plan, at the developer's expense.
- E.** All rights of-way and utility easements shall be described separately from individual

condominium sites and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan.

1. The rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities.
2. The developer shall dedicate to the City of Roosevelt Park all easements for utilities. Water, sewer and electrical easements may be placed within streets, subject to the approval of the City Engineer and the standards of the City of Roosevelt Park.
3. All streets and roads proposed for any site condominium shall be developed within the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, the Subdivision Control Ordinance (Ordinance No. 87), and the comparable requirements of the Muskegon County Road Commission, if applicable.

SECTION 3.29 STORAGE OF RECREATIONAL VEHICLE

Recreational vehicles may be parked outside of an enclosed building on any lot within a Residential District provided that the following requirements are met:

- A.** Any recreational vehicle shall be parked or stored, unless otherwise permitted hereafter,
 1. In an enclosed building, such as a garage, or
 2. In a driveway, except the recreational vehicle shall be parked or stored no closer than five feet from any public sidewalk, or
 3. In the rear yard, the side yard, or in case of a corner lot the front yard which is not parallel to the residential address of the property; subject to the following limitations:
 - a. The recreational vehicle shall be parked or stored no closer than three feet from any window or door of any residential building, and
 - b. The recreational vehicle shall be parked or stored no closer than ten feet from any public sidewalk.
- B.** Parking or storage of recreational vehicles shall be limited to a lot or a parcel upon which a residence is located. Parking or storage shall be limited to recreational vehicles owned by any of the occupants of the residence.
- C.** All recreational vehicles parked or stored outside of a building shall be kept in a state of proper repair and shall be secured to prevent unauthorized entry. In addition, no recreational vehicle shall be allowed to become unsightly or unkempt.

- D. No recreational vehicle parked or stored in a residential area shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for the purposes of recharging batteries.
- E. No recreational vehicle shall at any time be used for living or housekeeping purposes. Use for overnight sleeping only is permitted.
- F. Other than in an enclosed building, no person shall park or store more than one recreational vehicle upon any residential lot or parcel in a residential area. For purposes of this limitation, recreational vehicles used in conjunction with one another such as a boat mounted upon a boat trailer shall be considered as one unit.
- G. Notwithstanding the provisions of this Section, recreational vehicles may be parked within any yard, for cleaning, loading, or unloading purposes for not more than seventy-two (72) hours within any seven (7) day period.

(rev. 9/19/03) (rev2/21/2006)

SECTION 3.30 STORAGE & REPAIR OF VEHICLES

- A. The carrying out of repair, restoration and maintenance procedures or projects on vehicles in any residential zoning district shall be conducted entirely within the interior of a building.
- B. Inoperable or unlicensed vehicles and vehicle parts shall be stored inside a building.
- C. It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for construction being conducted on such lot.
- D. It shall be unlawful for the owner, tenant or lessee of any lot in any commercial and/or planned unit development zoning district to permit the open storage or parking outside of a building of semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless engaged in loading or unloading related to the use of the lot or parked thereon while in use for construction being conducted on such lot.

(rev. 6/6/2005)

SECTION 3.31 SWIMMING POOLS

Pools shall be constructed in conformance with the Building Code and shall conform to the setback requirements for accessory uses pursuant to Section 3.2 of this Ordinance. Pools shall be located in accordance with the requirements of the MI Dept. of Public Health.

SECTION 3.32 TEMPORARY BUILDINGS

Mobile offices, tool sheds, storage trailers, shall be permitted during the time of actual construction provided they are located pursuant to Section 3.2 of this Ordinance. These structures shall be removed within twelve (12) working days after the completion or abandonment of construction work on the property.

SECTION 3.33 TEMPORARY OCCUPANCY IN VEHICULAR DWELLING

- A. No building or structure erected or moved upon a lot which does not meet the requirements of this ordinance shall be used or occupied as a dwelling.
- B. The owner or renter of any premises upon which a dwelling is situated may permit the parking of an occupied recreational vehicle (RV), motor home, mobile home, or travel trailer, of a guest or visitor on the premises for a period not exceeding a total of fifteen (15) days in any period of three hundred and sixty five (365) consecutive days, provided that a permit is applied for by the owner of said property and issued by the Zoning Administrator. Application for such permit shall include the serial number and license number of the unit, the name and permanent address of the owner thereof, and a statement warranting that the occupants of the unit shall have unrestricted use of the sewer and water supply facilities of the dwelling.

SECTION 3.34 WIRELESS COMMUNICATION

- A. Commercial wireless communication towers may be considered either a principal or Accessory use, as a Special Land Use only on public property. This includes mounting onto a publicly or privately owned tower or publicly elevated storage tank or tower. All commercial wireless communication towers enacted after this Ordinance must provide collocation.
- B. Commercial wireless communication towers require a municipal franchise agreement. Tower lease areas shall be maintained in a neat and orderly manner and shall be completely fenced. Effective landscaping and screening shall be used around fenced areas. Wireless communication equipment shall be stored inside secured shelters and shall use natural materials and neutral colors for the exterior. Leased areas shall be appropriately lit.
- C. A privately owned, non-commercial tower may be erected as an accessory use in any district, provided such tower does not exceed seventy (70) feet in height, and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas. These towers shall not have support wires extending out horizontally from the tower more than ten (10) feet in any direction and shall be safely maintained. Support wires and towers may not be erected or placed closer than ten (10) feet to any side or rear lot line. Support wires and towers are prohibited from being located in the front yard. Towers must be erected, mounted and maintained in a safe manner.

CHAPTER 4
ZONING DISTRICTS AND MAP

SECTION 4.1 ESTABLISHMENT OF DISTRICTS

- A. Zoning districts in this Ordinance each have a deemed purpose and are based on a community plan drawn in 1926 by Irvin C. Root, an architect and director of the Parks and Public Lands Division of the U.S. Department of the Interior. The districts are sized to be adequate to handle long-term needs, and yet must be monitored relative to any necessary changes or updating as time passes.
- B. For the purposes of this Ordinance, the City of Roosevelt Park is divided into the following zoning districts:

ZONING DISTRICT	USE	Ordinance Chapter
MASTER PLANNED RESIDENTIAL		
R-1	Single Family Residential	5
R-2	Single, Two and Multiple Family Residential	5
MASTER PLANNED COMMERCIAL		
CBD	Central Business District	6
C-NE	Sherman Henry Commercial (Northeast)	6
C-E	Henry Commercial (East)	6
C-SE	Henry Norton Commercial (Southeast)	6
C-NW	Sherman Wickam Commercial (Northwest)	6
MASTER PLANNED INDUSTRIAL		
I - W	Industrial West	7
I - E	Industrial East	7
OTHER		
PUD	Planned Unit Development	8

SECTION 4.2 OFFICIAL ZONING DISTRICTS MAP

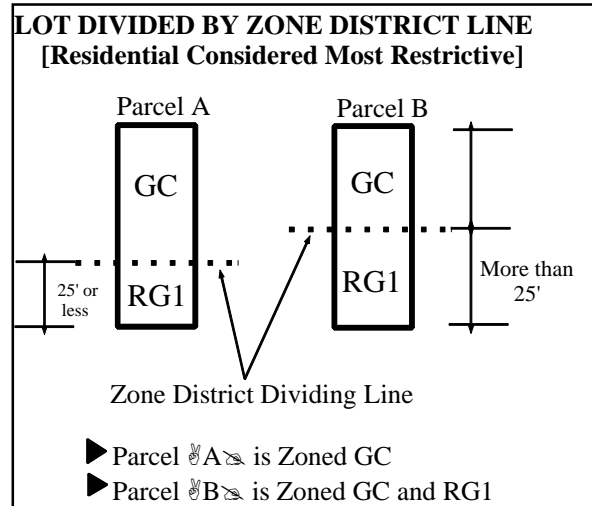
- A. **Boundaries** - The boundaries of the districts identified in Section 4.1 are hereby established as shown on a map entitled "The Zoning Map of the City of Roosevelt Park, Michigan" which accompanies this Ordinance and is hereby made a part of this Ordinance. Except where referenced on said map to a street line, water body, or other designated line by dimensions shown

on said map, the district boundary lines follow lot lines or the centerlines of streets or alleys or railroad rights-of-way as they existed at the time of adoption of this Ordinance.

- B. Boundary Interpretation** - Matters of interpretation concerning the exact location of district boundary lines shall be determined by the Zoning Board of Appeals.

SECTION 4.3 LOT DIVIDED BY ZONE DISTRICT BOUNDARY LINE

Where a district boundary line, as established in this Ordinance or as shown on the Zoning Map, divides a lot or lots in common ownership and of record at the time of enactment of this Ordinance the least restrictive use shall be considered as extending to the entire lot, if the more restrictive portion of such lot is entirely within twenty-five (25) feet of said dividing district boundary line. The use so extended shall be deemed to be conforming. If the more restrictive portion of the lot is not entirely within twenty-five (25) feet of said dividing district boundary line, the various portions of the lot shall be zoned according to the underlying zone district classifications.



SECTION 4.4 ZONE DISTRICTS AND DISTRICT STANDARDS

Zone districts and district standards are enumerated and described in Chapter 5 through Chapter 8.

SECTION 4.5 ZONING OF VACATED AREAS

If a street, alley or other public right-of-way within the City is vacated by official governmental action and if the lands within the boundaries thereof attach to and become part of lands adjoining the street, alley or public right-of-way, such lands shall automatically acquire and be subject to the same zoning regulations applicable to adjoining lands, and shall be governed by this Ordinance.

SECTION 4.6 ZONING OF ANNEXED AREAS

If property is annexed into the City, the Planning Commission shall consider the appropriate district classification and shall propose an amendment to this Ordinance concerning the annexed land to the City Council within one (1) year of the effective date of the annexation. In the interim period, the existing city zoning regulations shall remain in effect pursuant to 279 PA 1909, as amended, MCLA 117.41 et seq.

CHAPTER 5
MASTER PLANNED RESIDENTIAL DISTRICTS - R1, R2
(See Historical Context - Section 1.2)

SECTION 5.1 INTENT

A. Purpose

The purpose of the Master Planned Residential Districts is to maintain and enhance the City of Roosevelt Park's single family, two family and multiple family residential living environments and to foster stable, high quality residential neighborhoods. The majority of the housing stock in Roosevelt Park is categorized into the R-1, Single Family Residential District. There are virtually no remaining buildable lots in this District. The R-2, Single, Two and Multiple Family Residential zoned properties are also fully developed. There are several areas of the R-1 and R-2 zoned properties that could see minimal new residential development and/or redevelopment. It is important for the City to protect the existing residential neighborhoods from various negative effects.

In each of these districts, certain non-residential uses are allowed to further the stability of residential neighborhoods. The Master Plan elements provided in this Chapter act as a guide to help the Planning Commission facilitate reasonable zoning decisions.

B. Master Plan Elements for Residential Zoning Districts

The Master Plan helps direct land uses to appropriate locations within the City of Roosevelt Park and assists in protecting those features that contribute to the community's character. Reenforcing the Community Vision for residential properties through specific goals and policies is an important element of the Master Plan.

1. Community Goal for Residential Districts:

Residential properties will be preserved, protected and enhanced reflecting the City's Master Plan as established in the 1920s.

2. Community Policies for Residential Districts:

There are few areas within the City where new residential development can occur. Residentially zoned property west of Tiffany Woods apartments is available for development. This property should be developed in a visually pleasing manner as it serves as a major entrance to the community. If the property is permitted for a larger land use, such as a church, the buildings should be placed close to Roosevelt Road with strong pedestrian elements and landscaping. Parking areas should be screened and well buffered.

Existing R-1 zoned properties should be protected from encroaching and more intensive surrounding land uses. Residential properties east of Maple Grove Road have been negatively affected by commercial development. These residential properties may face pressure for rezonings to commercial or higher density residential, which should not be permitted. A commitment from the City to protect these areas from other land uses should help to build neighborhood pride through maintenance and redevelopment. Residential properties north of Broadway need to be enhanced to strengthen the neighborhood. Several of the existing homes have historical significance to the City, while others could be redeveloped to allow one or more of the residential permitted or special land uses. Any new buildings added to this area should be placed close to Broadway and efforts should be made to screen the industrial uses to the north, including the railroad.

The R-2 zoned property is located at the south end of the City. Tiffany Woods apartments comprises the largest land use within this district. The R-2 two family and multiple family uses provide valuable alternative living opportunities, however they should not replace current single family residential uses. Several of the R-2 properties near Maple Grove Road could strengthen their relationship with the community by facade improvements and enhanced landscaping. The R-2 zoned property at Woodside Road and Maple Grove Road could be redeveloped and/or incorporated into a PUD on the Norton Henry commercial property.

SECTION 5.2 R-1 / R-2 PERMITTED AND SPECIAL LAND USE TABLE

Utilizing the established Goal and Policies for the City of Roosevelt Park, the following Uses in the R-1 and R-2 District are **Permitted** for the following purposes by right or may be Permitted by obtaining **Special Land Use** approval as indicated in the Table of Uses:

A. The following abbreviations apply to the Table of Uses:

- P:** Uses permitted by right, subject to all applicable requirements of this Ordinance.
- NP:** Uses not permitted.
- SLU:** Uses permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 11 (Special Land Uses) and all other applicable requirements of this Ordinance are met.

B. Table of Uses:

USES	Districts	
	R-1	R-2
Single-family detached dwellings	P	P
Two family dwellings, including conversions of single family dwellings to two family dwellings	NP	P
Multiple family dwellings and apartments possessing up to four (4) units	NP	P
Day care homes, Family	P	P
Home occupations, in accordance with the provisions of Chapter 3	P	P
State licensed residential family care facilities	P	P
Accessory buildings, structures, and uses customarily incidental to a principal permitted or special land use	P	P
Bed and breakfast inns	SLU	SLU
Nursing, or convalescent homes	SLU	SLU
Churches, lodges, and private clubs	SLU	SLU
Day care homes, group	SLU	SLU
Museums, art galleries and libraries	SLU	SLU
Public or private non-profit schools	SLU	SLU
Public parks, playgrounds, and other public uses of an open space recreational character	SLU	SLU
Utility and public service buildings, without storage yards, but not including essential public services such as utility poles, wires, and underground utility systems	SLU	SLU
Municipal buildings not requiring outdoor storage of materials	SLU	SLU
Municipal buildings requiring outdoor storage of materials	NP	SLU
Private, non-commercial, institutional and community recreation centers	SLU	SLU
Hospitals, including associated internal offices and related uses, such as pharmacies, clinics, and other similar uses integral to such use	NP	SLU
Cemetery	SLU	SLU
State licensed residential group care facilities	SLU	SLU
Multiple family dwellings and apartments possessing in excess of four (4) units	NP	SLU
Manufactured home development or manufactured home park	NP	P

SECTION 5.3 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required in accordance with Chapter 9, including applicable provisions of Chapter 3, General Provisions.
- B. Landscaping and screening are required in accordance with Chapter 11.
- C. Parking is required in accordance with Chapter 12.
- D. Signs are permitted in accordance with the requirements of Chapter 13.
- E. Unless not required by any other Ordinance, sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with City standards. The Planning Commission may waive the requirement for a sidewalk when, in the opinion of the Commission, no purpose would be served by the sidewalk.
- F. Accessory Buildings - See General Provisions for regulations.
- G. Setbacks, height, area, and lot dimensions are required as noted below.

Residential Buildings - Single and Two Family Dwellings	District Regulations
Minimum lot area	6,000 square feet per dwelling unit
Minimum lot width	65 feet
Maximum height	35 feet (2 ½ stories)
Front yard setback	35 feet
Side yard setback	At least 6 feet (one side); 16 feet total for a one to one and a half story building; 20 feet total for a two or two and one half story building
Rear yard setback	20 feet
Minimum floor area - single story	850 square feet (per dwelling unit)
Minimum floor area on ground floor if more than a single story	780 square feet

Maximum lot coverage (Building)	35%, single family; 40% two family
Minimum front lawn area	60% of front yard excluding public sidewalks

Residential Buildings - Multiple Family Dwellings	District Regulations
Minimum lot width	80 feet
Maximum height	35 feet (2 ½ stories)
Front yard setback	35 feet or equal to half the height of the main building, whichever is greater
Side yard setback	At least 6 feet (one side); 16 feet total for a one to one and a half story building; 20 feet for a building two stories or higher or equal to half the height of the main building, whichever is greater
Rear yard setback	20 feet or equal to half the height of the main building, whichever is greater
Minimum floor area - 1 bedroom	600 square feet
Minimum floor area - 2 bedroom	800 square feet
Minimum floor area - 3 bedroom	960 square feet; plus an additional eighty (80) square feet for each bedroom in excess of three bedrooms
Maximum lot coverage (Building)	40%
Density - maximum number of dwelling units per acre of land	12/acre

Non-Residential Buildings	District Regulations
Minimum lot area	10,000 square feet
Minimum lot width and height	Same as shown above for multiple family
All yard setbacks	50 feet, except front yard which is the same as the residential setback or the main building height, whichever is greatest.
Maximum lot coverage and lawn area	Same as for residential buildings

CHAPTER 6
MASTER PLANNED COMMERCIAL DISTRICTS
CBD, C-NW, C-NE, C-E, C-SE
(See Historical Context - Section 1.2)

SECTION 6.1 INTENT

A. Purpose

The purpose of the Master Planned Commercial Districts is to establish specific geographical areas within the community where selected commercial activities can and should occur. Some of the districts incorporate commercial uses in a commercial neighborhood manner with goods and services primarily intended for local residents, while other districts cater to a wider range of commercial goods and services offered to the entire community as well as the surrounding areas. The districts were established by the City using several factors, including the availability of vacant land, the proximity of commercial uses to residential neighborhoods, the functionality of existing commercial areas, the proximity of commercial uses to major street intersections and the future goal of the City. Regardless of the commercial district and use, the City of Roosevelt Park desires to provide for enhanced and coordinated commercial development.

The City used a modified Master Plan process to develop the commercial districts and special land uses of this Chapter. The Master Plan Elements provided in this Chapter act as a guide to help the Planning Commission facilitate reasonable zoning decisions.

B. Master Plan Elements for Commercial Zoning Districts

The Master Plan helps direct land uses to appropriate locations within the City of Roosevelt Park and assists in protecting the features that contribute to community character. Reinforcing the Community Goal for Commercial properties through specific policies is an important element of the Master Plan.

1. Community Goal for Commercial Districts:

Commercial properties will be provided through coordinated and planned development on the north and east sides of the community. The residential character of the city will be respected and protected by limiting the location and intensity of commercial development to specific geographic commercial zones.

-
2. Commercial Policies to promote Community Goals:
 - a. Central Business District (CBD)
 1. Foster a pedestrian friendly atmosphere and promote building development with minimal front and side setbacks.
 2. Promote shared parking areas, including the exclusion of parking in the front yard (Front Yard as defined in Chapter 2 for Yard, Front Yard versus Setback, Front) and effectively screening existing parking areas with low natural vegetative buffers.
 3. Enhance the residential character of the area with complementary and decorative architectural development and abundant landscaping.
 - b. Sherman / Wickham (C-NW)
 1. Promote shared driveway access between existing businesses.
 2. Promote uniform sign setbacks, size and collocations.
 3. Improve the connection of this commercial area to the City by encouraging pedestrian linkages, street banners and architectural styles that extend southerly onto Glenside.
 4. Promote abundant landscape provisions for commercial development.
 - c. Sherman / Henry (C-NE)
 1. Limit "big box" large, single building commercial development to this district and the Henry / Norton commercial district.
 2. Promote safe traffic connections and flows within and through commercial properties.
 3. Improve the pedestrian linkage on Henry southerly across the railroad into the CBD.
 4. Improve the streetscape on Henry Street and utilize some of the street treatments proposed by the City for the CBD along Broadway, including light fixtures, street trees, etc.
 - d. Henry (C-E)
 1. Encourage commercial development that will complement nearby residential uses.
 2. Promote pedestrian friendly development along Henry Street.
 3. Reduce unnecessary signs and promote aesthetically pleasing facades.

4. Enhance the Summit and Henry intersection area as a “gateway” into the community. Considerations include eliminating parking in the front yard, limiting the number of curb cuts and promoting more aesthetically pleasing building architecture and landscaping elements.
- e. Henry / Norton (C-SE)
1. Redevelop the J.C. Penney property in a sensitive, well-planned manner, enhancing the “gateway” nature of the site.
 2. Promote small scale development along the portion fronting along Henry Street to encourage similar setbacks to the development in the Henry (C-E) district, restricting parking in the front yard.
 3. Promote the collocation of signs for multiple businesses on a single pole mounted sign.
- f. Actions applying to all Districts
1. Limit the number of curb cuts and promote shared, cross and well-aligned points of vehicular access.
 2. Promote a uniform signing system for each zone that provides for similar heights, size and setbacks.
 3. Provide abundant landscaping, including street trees, landscape parking lot islands, building landscaping and attractive buffering.
 4. Encourage the redevelopment of vacant buildings.
 5. Balance building setbacks to neighboring properties setbacks and that are complementary to the surrounding area.

SECTION 6.2 COMMERCIAL LAND USE TABLE: Utilizing the established Goal and Policies for Commercial Districts, the following Uses may be permitted by right or by obtaining **Special Land Use** approval as indicated in the Table of Uses. If a proposed development shares two (2) or more commercial districts and the applicant believes that the overall development would be negatively affected by certain standards in one of the districts, then the applicant has certain remedies that may be pursued (i.e. - a PUD, etc.).

A. The following abbreviations apply to the Table of Uses: *(rev. 9/19/03)*

P: Permitted Use by right, subject to all applicable requirements of this Ordinance.

NP: Uses not permitted.

SLU: Uses permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 10 (Special Land Uses) and all other applicable requirements of this Ordinance are met.

B. Table of Uses: *(rev. 9/19/03)*

<u>USE</u>	Zone Districts				
	CBD	C-E	C-NW	C-NE	C-SE
Service & Retail Establishments					
Animal hospitals and kennels	SLU	SLU	SLU	SLU	SLU
Bait Shops	SLU	SLU	SLU	SLU	SLU
Banks, credit unions, savings and loan institutions, including drive through facilities	P	P	P	P	P
Bars, lounge, and pub, but not including adult uses	SLU	SLU	SLU	SLU	SLU
Bed and Breakfast	SLU	SLU	NP	NP	NP
Books, magazine, and video sales and rental, not including adult uses	P	P	P	P	P
Building supply and equipment establishments	NP	NP	NP	P	SLU
Commercial enterprises producing merchandise on the premises	NP	SLU	SLU	SLU	SLU
Florist, without greenhouse	P	P	P	P	P

USE	Zone Districts				
	CBD	C-E	C-NW	C-NE	C-SE
Florist, with greenhouse	NP	NP	SLU	SLU	NP
Hotels, motels, rooming or boarding houses	NP	SLU	SLU	SLU	SLU
Laundromats and dry-cleaning (non-industrial) outlets	SLU	SLU	P	P	P
Lawn and garden sales and services	NP	SLU	P	P	P
Lumber and building supply, with or without outdoor display	NP	NP	SLU	P	SLU
Massage clinics, massage services, not adult uses	SLU	SLU	SLU	SLU	SLU
Mortuaries and funeral homes	NP	SLU	SLU	SLU	SLU
Open Air Businesses	NP	NP	SLU	SLU	NP
Pawnshops	NP	NP	SLU	SLU	SLU
Personal service establishments that perform personal services on the premises, including barber or beauty shops, interior decorating shops, photographic studios, travel agencies, locksmith shops, or similar uses	P	P	P	P	P
Repair and service establishments including but not limited to lawn, boat, snow mobile or air conditioner repair shops that are operated in conjunction with a retail business	NP	SLU	SLU	P	P
Restaurants, freestanding, including drive through facilities or similar arrangements	NP	SLU	SLU	SLU	SLU
Restaurants, freestanding, not including drive through facilities or similar arrangements	P	P	P	P	P
Restaurants within a shopping center containing multiple stores	SLU	P	P	P	P
Retail businesses whose principal activity is the sale of merchandise within an enclosed building	P	P	P	P	P
Shopping center containing multiple stores, either detached or attached	SLU	SLU	SLU	P	P
Storage rental services	NP	NP	SLU	SLU	SLU
Tattoo parlors and body piercing	NP	NP	NP	SLU	NP

Grocery					
Bakery and donut shop	P	P	P	P	P
Convenience Store	SLU	SLU	SLU	SLU	SLU
Grocery Store	NP	NP	SLU	P	P
Liquor Sales	SLU	SLU	SLU	SLU	SLU
Automotive and Marine Sales and Service					
Gasoline sales, with or without convenience goods	SLU	SLU	SLU	SLU	SLU
Marine supplies, not including water craft sales and service	SLU	SLU	SLU	P	P
Marine supplies, including water craft sales and service	NP	NP	SLU	SLU	SLU
Vehicle service stations, vehicle oil change establishments, vehicle repair establishments (not including body shops) and vehicle washes	NP	SLU	SLU	P	SLU
Vehicle sales, including service	NP	NP	NP	SLU	SLU
Vehicle body shop	NP	NP	NP	SLU	NP
Vehicle rental establishments	NP	NP	SLU	SLU	SLU
Offices					
Professional offices for Doctors, Lawyers, Architects, Dentists, Engineers, Chiropractors, Real Estate, Accounting, Governmental, Insurance and other similar professions, including medical or dental clinics	P	P	P	P	P
Institutional and Utilities					
Churches, lodges and private clubs	SLU	SLU	SLU	SLU	SLU
Commercial schools, including art, business, music, dance, professional, and trade	SLU	SLU	SLU	SLU	SLU
Day Care Centers	SLU	SLU	SLU	P	P
Government buildings and offices	SLU	NP	SLU	SLU	SLU

Hospitals, Emergency Medical Centers, Convalescent Homes, Nursing Homes, Assisted Living Facilities	NP	NP	SLU	SLU	SLU
Housing, Senior	NP	SLU	SLU	SLU	SLU
Public and private elementary, middle, high schools	NP	NP	SLU	SLU	SLU
Public and private nonprofit colleges and universities	NP	SLU	SLU	SLU	SLU
Public radio and television stations	SLU	SLU	SLU	SLU	SLU
Public utility offices, exchanges, and, service installations, but not including storage yards, electrical substations, electrical switching stations, and electrical transmission lines	SLU	SLU	SLU	SLU	SLU
Radio, Television, or Microwave Tower (over 70 feet in height)	NP	NP	SLU	SLU	SLU
Recreational					
Commercial recreation facilities such as theaters, bowling alleys, skating rinks or similar uses	NP	NP	P	SLU	SLU
Indoor or outdoor recreational facilities available for use by the public including but not limited to parks, tennis courts, basketball courts, or similar recreational facilities	SLU	SLU	SLU	SLU	SLU
Miscellaneous					
Accessory Buildings and or Uses customarily incidental to the permitted special and/or approved land uses are permitted uses and do not require site plan review.					

SECTION 6.3 SITE DEVELOPMENT REVIEW REQUIREMENTS

- A. Site Plan Review is required in accordance with Chapter 9.
- B. Landscaping and screening are required in accordance with Chapter 11. See separate City Ordinance relating to fences.
- C. Parking is required in accordance with Chapter 12.
- D. Signs are permitted in accordance with Chapter 13 requirements.

- E. Unless not required by any other Ordinance, sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with City standards.

- F. Setbacks, height, area and lot dimensions are required for main buildings as noted below unless greater setbacks are required by Section 11.02.

ZONING REQUIREMENT	CBD	C-E	C-NW	C-NE	C-SE	OTHER REQUIREMENTS
Minimum lot width	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	Lot width is measured at front setback line.
Maximum height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	
Front yard setback	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.	The required front yard shall be landscaped, except for necessary drives or walks. No storage, parking, off-street loading areas or accessory structures shall be permitted.
Side yard setback	0 ft.	6 ft.	10 ft.	10 ft.	10ft.	In the CBD District, side yards shall not be required, except on that side of the lot abutting upon a residential district in which case there shall be a side yard of not less than twenty (20) feet.
Rear yard setback	20 ft.	25 ft.	25 ft.	25 ft.	30 ft.	
Maximum lot coverage	90%	35%	40%	40%	40%	Includes area of lot covered by main and accessory buildings and structures.

CHAPTER 7
MASTER PLANNED INDUSTRIAL DISTRICTS - I-W, I-E
(See Historical Context - Section 1.2)

SECTION 7.1 INTENT

A. Purpose

The purpose of the Master Planned Industrial Districts is to establish specific geographic areas within the community where selected Industrial activities can and should occur. The City realizes the community benefits of industrial retention and expansion, however, the benefits of industrial uses should not cloud the City's responsibility of protecting and enhancing the overall community welfare. It is the City's desire to enhance and better coordinate industrial development and redevelopment through the use of master planned industrial districts. It is important for the City to protect the existing residential neighborhoods from negative effects created by industrial uses.

Through the use of a public Master Plan process, west and east industrial districts along with permitted and special land uses were established. The Master Plan Elements provided in this Chapter act a guide to help the Planning Commission facilitate reasonable zoning decisions.

B. Master Plan Elements for Industrial Zoning Districts

The Master Plan helps direct land uses to appropriate locations within Roosevelt Park and assists in protecting those features that contribute to community character. Reenforcing the Community Goal for Industrial properties through specific policies is an important element of the Master Plan. Two industrial districts were established based on existing, desired and intended land uses. The districts are geographically established as the I-W (west) district and the I-E (east) district.

1. Community Goal for Industrial Districts:

Industrial development will respect the residential character of the community by establishing and maintaining transitional areas that reduce the effects of odors, industrial activities, sounds and processes. In addition, industrial development will be limited to specific geographical areas of the north end of the City.

2. Community Policies for Industrial Districts:

Industrial uses need to be restricted to the northern side of the community where truck support services can be easily handled on Sherman Street without disrupting residential land uses. Industrial uses need to obscure parking areas from public roadways through berms and landscaping. Traffic for Industrial Uses should be directed to Sherman or Wickam Streets instead of Glenside. Any egress/ingress points onto Glenside should be reserved and developed for non-truck purposes.

The industrial property along Glenside should be developed with a sensitivity to the residential nature of the area, including open space areas that could include public recreation, walkways and or landscape areas. Industrial buildings need to be built further away from Glenside and should be built with attractive architectural details. All trash receptacles and utility structures (transformers, etc.) should be shielded behind landscaping or buildings so that they are not visible from the road.

Industrial development south of Sherman Street should be from limited access points. Industrial uses should utilize attractive architectural details that include a mixture of brick and glass facing the public streets. Industrial service bays and loading areas, along with truck and trailer parking needs to be oriented so that these elements are not visible from Sherman Street.

Caution needs to be taken by industries within the districts so that their processes and services do not negatively impact the surrounding community or environment to a degree greater than allowed by a governmental permitting agency. There are several industrial properties west of Glenside that are limited to their future use and activities due to negative impacts created by past industrial uses.

SECTION 7.2 INDUSTRIAL LAND USE TABLE

Utilizing the established Goal and Policies for the City of Roosevelt Park, the following Uses in the I-W and I-E Industrial Districts are **Permitted** for the following purposes by right or may be permitted by obtaining **Special Land Use** approval as indicated in the Table of Uses:

A. The following abbreviations apply to the Table of Uses:

P: Permitted Use by right, subject to all applicable requirements of this Ordinance.

NP: Uses not permitted.

SLU: Uses permitted by obtaining Special Land Use approval when all applicable standards as cited in Chapter 10 (Special Land Uses) and all other applicable requirements of this Ordinance are met.

B. Table of Uses

USES	District	
	I - W	I - E
Light manufacturing and processing industries enclosed entirely within a building, not including the baking or processing of food or food products, processing of organic wastes, recycling, or similar activities employing plant or animal products or other goods, materials, or products or procedures likely to result in the off site transmission of odor, dust, light, glare, noise, vibration, or other external impacts of a similar nature. Examples of permitted light industrial uses include the assembly of pre-manufactured electronic, computer, vehicular, communication, furniture, or other such components; fabrication of signs and sheet metal products; production of clothing from pre-manufactured materials; silk screening; commercial and industrial packaging and mailing services; and, delivery services (e.g. United Parcel Service)	P	P
Moving and storage operations, with no outside storage	P	P
Moving and storage operations involving outside storage	NP	SLU
Indoor boat storage facilities	P	P
Outdoor boat storage facilities	NP	SLU
Printing and copy services of a high volume commercial nature (as opposed to services oriented to day to day, walk-in, pedestrian traffic)	P	P
Public utility facilities	P	P
Gasoline service stations, including those with convenience stores	P	NP
Service and repair shops enclosed entirely within a building, except those otherwise classified as Special Land Uses	P	P
Warehousing of new materials and products when enclosed entirely within a building	SLU	P
Warehousing of new materials and products involving outside storage	NP	SLU
Freight and trucking terminals	NP	SLU
Heavy equipment rental	NP	SLU

Machinery and transportation equipment sales and service	NP	SLU
Adult entertainment uses	NP	SLU
Automobile, truck tractor and trailer sales, rental, and service	NP	SLU
Light industrial uses having a potential to result in the limited transmission of off-site odor, dust, light, glare, noise, vibration, or other external impacts or those possessing large quantities of explosives, fuels, or other such materials potentially detrimental to surrounding uses and the overall environment unless properly stored and handled. For purposes of this section, large quantities shall mean quantities in excess of one thousand (1,000) gallons for liquid or semi-liquid products and five hundred (500) pounds for dry products	NP	SLU
Accessory buildings or uses customarily incidental to a principal permitted use or special land use	P	P

SECTION 7.3 SITE DEVELOPMENT REQUIREMENTS

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A.** Site Plan Review is required in accordance with Chapter 9, including applicable provisions of Chapter 3, General Provisions.
- B.** Landscaping and screening are required in accordance with Chapter 11.
- C.** Parking is required in accordance with Chapter 12.
- D.** Signs are permitted in accordance with the requirements of Chapter 13.
- E.** Unless not required by any other Ordinance, sidewalks shall be constructed on all sides of the property abutting a public street, in accordance with City standards. The Planning Commission may waive the requirement for a sidewalk when, in the opinion of the Commission, no purpose would be served by the sidewalk.
- F.** Accessory Buildings - as provided for in General Provisions, Chapter 3.

G. Setbacks, height, area, and lot dimensions are required as noted below. *(rev. 9/19/03)*

ZONING REQUIREMENT	I-W	I-E	OTHER REQUIREMENTS
Minimum lot area	15,000 sq. feet	15,000 sq. feet	
Minimum lot width	100 feet	100 feet	Lot width is measured at the front lot setback line.
Maximum height	35 feet	50 feet	
Front yard setback	40 feet	40 feet	
Side yard setback	15 feet	15 feet	Where a side or rear yard abut a residential district, a side yard of twenty-five (25) feet and a rear yard of forty-five (45) feet shall be required. In the I-W district, If the rear or side yard abuts a public street, then a side yard of thirty-five (35) feet and a rear yard of forty-five (45) feet shall be required.
Rear yard setback	25 feet	25 feet	See Other Requirements for side yard setback.
Maximum lot coverage	50%	50%	Includes area of lot covered by main and accessory buildings and structures.

CHAPTER 8
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

SECTION 8.1 INTENT

Planned Unit Developments in the City of Roosevelt Park may be established as distinct zoning districts when approved by the City Council in accordance with the procedures specified herein. The districts may be a combination of residential, commercial and industrial use. It is the intent of this District to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish these objectives, this Chapter permits the relaxation of the conventional requirements found in other Zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit Development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this Chapter.

SECTION 8.2 QUALIFYING CONDITIONS

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. The PUD site shall be not less than three (3) acres of fully contiguous property not separated by a public road, railroad, or other such feature or barrier. The Planning Commission may consider a PUD on lesser acreage or separated by a road, etc., if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter.
- B. All PUD's shall be served by public water and sanitary sewer facilities.
- C. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
- D. The proposed uses of the PUD must be substantially consistent with any Master Plan concepts for the subject property.
- E. The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.
- F. The PUD should provide for coordinated and innovative architectural styles, building forms and building relationships.

G. Open Space Requirements:

1. The PUD development shall contain usable open space in an amount equal to at least twenty (20) percent of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially provides for the intent of a PUD as stated in this Chapter. It is noted that open space is a very important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons (i.e.- an applicant requesting for a PUD in the downtown desires a reduction of the 20% open space provision due to the fact that it would detract from building continuity, historic preservation efforts, etc.)
2. Such open space to be considered usable shall not include required yards (i.e.-front, side, etc.) or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures.
3. Such open space shall be permanently set aside for the benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the City; or, if agreed to by the City Council, the open space may be conveyed to the City for the use of the general public.

SECTION 8.3 PERMITTED USES

- A.** Any permitted uses by right or special land use allowed on the property prior to the rezoning may be approved within a PUD. Additional uses permitted by right or special land use in other districts may be allowed if the applicant can prove that it would be compatible with the surrounding area and the proposed development, consistent with any master plan comments, and that the subject property is capable of being developed under the proposed use.

SECTION 8.4 PRE-APPLICATION CONFERENCE

- A.** A pre-application conference may be held with the City of Roosevelt Park staff or with the Planning Commission for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
- B.** A request for a pre-application conference shall be made to the Zoning Administrator. As part of the pre-application conference, the applicant shall submit an appropriate number of conceptual plans, at least ten (10) days in

advance of the pre-application conference, which shows the property

location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.

- C. The City and/or the Planning Commission shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD in the City of Roosevelt Park, whether it qualifies under the minimum requirements of Section. 8.02 (Qualifying Conditions), and whether the general concept is substantially consistent with any City Master Plan concepts. No formal action will be taken at a pre-application conference nor will statements made at the pre-application conference be considered legally binding commitments.

SECTION 8.5 PUD APPLICATION

- A. Following the pre-application conference, applicants seeking approval of a PUD District shall submit a complete application for review to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. Such application shall include the following:
1. A completed application form, supplied by the Zoning Administrator.
 2. Payment of a fee, as established by the City Council.
 3. A narrative statement describing:
 - a. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 8.1.
 - b. The relationship of the PUD to any City of Roosevelt Park Master Plan concepts.
 - c. Phases of development and approximate time frames for each phase.
 - d. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - e. Anticipated start and completion dates of construction.
 - f. Location, type, and size of areas to be dedicated for common open space.
- B. An appropriate number of preliminary development plans shall be provided to the Zoning Administrator. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the same information required in the Site Plan Review Chapter, under Site Plan Review Procedures, Section 9.3,B,1,b.
- C. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the PUD rezoning requirements of the Zoning Act.

SECTION 8.6 PLANNING COMMISSION RECOMMENDATION

- A. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.
- B. Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the standards of Section 8.10; and shall make a recommendation to the City Council to approve, approve with conditions, or deny the PUD rezoning.
- C. In its recommendation to the Council, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identifying those specific conditions, if any, on the preliminary plan that it considers necessary for the PUD.

SECTION 8.7 CITY COUNCIL ACTION

- A. After receiving the recommendation of the Planning Commission, the City Council shall review the application package, preliminary development plan, the record of the Planning Commission proceedings and the recommendation.
- B. The Council shall then make its findings based on the standards for approval of Section 8.10 as to approval, approval with conditions, or denial.
- C. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the City Council.
- D. Upon receipt by the City Council of the applicant's written acceptance of conditions and a revised preliminary development plan incorporating all required changes and conditions, the rezoning shall become effective.

SECTION 8.8 FINAL DEVELOPMENT PLAN APPLICATION

- A. Within eighteen (18) months of the City Council's approval of the PUD district, including the preliminary development plan, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the project includes phases, then the applicant must submit a request within twelve (12) months of the City Council's approval of the PUD district for final approval of a phase.
- B. If the applicant fails to submit a request within the time periods stated above, then the preliminary site plan (not the PUD rezoning) shall be

determined to be invalid. If a preliminary plan includes phases, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date for the previous phase. If the applicant fails to submit the next phase within this time period then the preliminary site plan incorporating all phases not approved for final site plan shall be determined to be invalid. Upon request to the City Council and in accordance with Section 8.13,A,1 and 2, the time frames may be extended for a reasonable period of time.

- C.** A final development plan application shall consist of the following:
1. A completed application form, supplied by the Zoning Administrator.
 2. Payment of a fee, as established by the City Council.
 3. A written response to the findings, review comments and conditions, if any, from the City Council's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
 4. A site plan containing all of the information required in this PUD Chapter and as stated in Chapter 9, under Final Site Plan Review, Section 9.3,B,2,a. If the plan consists of phases, then the above mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner.

SECTION 8.9 PLANNING COMMISSION REVIEW OF FINAL DEVELOPMENT PLAN

- A.** The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD rezoning. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of Sections 8.5 -8.7 of this Ordinance.
- B.** If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval stated in Section 8.10.
- C.** The Planning Commission shall prepare a record of its findings and shall approve, approve with conditions, or deny the final development plan.
- D.** Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of a PUD plan may be appealed to the Zoning Board of Appeals. This provision shall not hamper an individual lot owner

from seeking a variance following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

- E. A table shall be provided on the final site plan which specifically details all deviations from the previously established zoning district including area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article and rezoning.

SECTION 8.10 STANDARDS FOR APPROVAL (both preliminary and final)

PUD's shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 8.2.
- B. The uses to be conducted within the proposed PUD are substantially consistent with any Master Plan concepts for the City of Roosevelt Park.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed uses within the PUD will not possess conditions or effects that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 8.1 and represents an opportunity for improved or innovative development for the community that could not be achieved through conventional zoning.
- F. The proposed PUD meets all the review standards of Section 9.3,B,2,a.

SECTION 8.11 PUD AGREEMENT

- A. Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the City in recordable form, setting forth the applicant's obligations with respect to the PUD.
- B. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the City Council.

- C. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
- D. The agreement shall also establish the remedies of the City in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant.
- E. All documents shall be executed and recorded in the office of the Muskegon County Register of Deeds.

SECTION 8.12 CHANGES TO AN APPROVED PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the City, Muskegon County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application for the final development plan.

SECTION 8.13 TIME LIMIT FOR APPROVED PUD DISTRICT

Each development shall be under construction within twelve (12) months after the

date of approval of the PUD final development plan, except as noted in this Section.

- A.** The City Council may grant an extension of a reasonable period of time if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:
1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
- B.** Should neither of the provisions of Section 8.13 A. be fulfilled, or an extension has expired without construction underway, the PUD preliminary plan approval(s) shall be null and void. This does not include any phases that may have received final PUD approval.
- C.** Should the PUD district become null and void, then the City Council has the right to rezone the property back to the prior zoning classification(s) or to rezone it to any other zoning classification(s). If the property is not rezoned, then the subject property remains zoned as a PUD, but the preliminary or final PUD plans previously approved become null and void. In order to utilize the property as a PUD, an applicant would have to submit plans for preliminary and final PUD site plan approval as stated in this Chapter, but would not require PUD rezoning action from the Council.

CHAPTER 9

SITE PLAN REVIEW

SECTION 9.1 INTENT AND PURPOSE

It is the purpose of this Chapter to require site plan review approval for certain buildings, structures, and uses that can be expected to have a significant impact on natural resources, environmental quality, traffic patterns and the character of future development in the vicinity. It is typical for applicants to request that a planning commission accept a "napkin" type site plan drawing for site plan approval. Unfortunately, it is difficult to use informal methods as a proper way of providing for the health, safety and welfare of City residents. The City Council and Planning Commission realize that suitable site plans require an applicant to spend some time and money. It is the City's belief that the end result of suitable site plan development will allow plans to be properly reviewed for health, safety and welfare issues. In addition, many problems are often averted that may have cost the applicant and community additional time, energy and money.

The requirements for site plans in this Chapter are intended to reduce hazards to life and property due to fire, flooding, soil erosion, inadequate surface water drainage, inadequate sewage disposal systems, pollution, dust, fumes, noise, vibration, noxious odors, and other hazards; and to facilitate the provision of a system of roads, streets, parking, municipal sewage disposal, storm sewers, municipal water supply, public education, and other public needs. These requirements are further intended to promote orderly development and harmonious design in order to conserve the value of existing development and property.

SECTION 9.2 USES SUBJECT TO SITE PLAN REVIEW

- A.** A Building Permit for any proposed use or building requiring a site plan shall not be issued until a Final Site Plan has been reviewed and approved in accordance with the requirements of this Chapter.
- B.** A Final Site Plan approved by the Planning Commission shall be required under the following conditions:
 - 1. All uses Permitted by Special Land Use.
 - 2. All uses required by this Ordinance to provide more than five (5) new off-street parking spaces or one (1) or more loading spaces.
 - 3. Developments of more than one (1) main building or use on a single lot or parcel, submitted as a site condominium.
 - 4. For any use which, in the opinion of the Zoning Administrator, should be reviewed by the Planning Commission for site plan approval because of the intensity of development proposed and potential effects on properties in the general vicinity.

- C. Uses NOT requiring formal site plan review:** The uses listed below do not require Planning Commission site plan review and approval. The uses listed below require site plan review and approval only by the Zoning Administrator.
5. Single and two family dwellings (unless submitted as a site condominium under the provisions of B, 3, above).
 6. State licensed residential family care facilities.
 7. Day care, Family homes.
 8. Accessory uses or structures.
 9. All other uses not provided for in Section 9.2, B.

SECTION 9.3 PROCEDURE FOR SITE PLAN REVIEW

A. Application Procedures

1. An application for Site Plan Review shall be submitted to the zoning administrator at least thirty (30) days prior to the next planning commission meeting. If the zoning administrator deems that the application is complete per the requirements of Section 9.3, A,2 then the plans will be reviewed and submitted to the Planning Commission for their consideration. The zoning administrator has the ability to reduce or extend the thirty (30) day period if it is deemed appropriate (ex - the submitted site plan is very basic and review can be performed in less than thirty (30) days or the site plan requires additional time due to the high level of detail and size of the project).
2. **Application Requirements:** An application for either a Preliminary or Final Site Plan Review shall consist of the following:
 - a. A completed application form, as provided by the City. The application shall be signed by an owner of, or person having an interest in the property to be developed, or an authorized representative.
 - b. A suitable number of copies of the Preliminary or Final Site Plan at a scale drawing of not less than 1 inch = 40 feet for parcels less than three (3) acres and 1 inch = 100 feet for parcels three (3) acres or more.
 - c. Payment of a fee, in accordance with a fee schedule, as determined periodically by a City Council resolution.
 - d. A legal description, including the permanent parcel number, of the subject property.
 - e. Other materials as may be required in this Chapter, by the Zoning Administrator or by the Planning Commission.
3. **Incomplete Applications:** An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

B. Preliminary Site Plan Review Procedures

1. **Optional Preliminary Plan:** If desired by the applicant, a Preliminary Site Plan may be submitted to the Planning Commission for review prior to Final Site Plan review. The purpose of the Preliminary Site Plan Review is to allow discussion between the applicant and the Commission to inform the applicant of the general acceptability of the proposed plans prior to incurring extensive engineering and other costs which may be necessary for the review of the Final Site Plan.
2. **Applicant Preliminary Site Plan Requirements:** Preliminary Site Plans shall include the following, unless deemed unnecessary by the Zoning Administrator or the Planning Commission.
 - a. Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location.
 - b. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
 - c. All lot lines with dimensions.
 - d. Parking lots (including required parking calculations) and access points.
 - e. Proposed buffer strips or screening.
 - f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, flood plains, hills, and other significant natural features.
 - g. Location of any signs not attached to the building.
 - h. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
 - i. General topographical features including contour intervals no greater than ten (10) feet.
 - j. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - k. Dwelling unit densities by type, if applicable.
 - l. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - m. Proposed method of providing storm drainage.
3. **Recommendations to Applicant by Planning Commission:** The Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Chapter and this Ordinance.
4. **Additional Site Plan Material:** The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial

Photography; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.

C. Final Site Plan Review Procedures

1. **Approval Actions by Planning Commission:** A Final Site Plan, including those provided in conjunction with a Special Land Use request, shall be reviewed by the Planning Commission. The Planning Commission shall approve, approve with conditions, or deny the site plan, stating the reasons (use the Standards provided in Section 9.4) for such action in the Planning Commission minutes.
2. **Applicant Final Site Plan Requirements:** Final Site Plans shall include the following information, unless deemed unnecessary by the Zoning Administrator or the Planning Commission:
 - a. Small scale sketch of an area within one quarter (1/4) mile of the subject property showing the property location.
 - b. Date of preparation/revision.
 - c. Name, address, and professional seal of the preparer.
 - d. The topography of the site at a minimum of five (5) foot intervals and its relationship to adjoining land.
 - e. Existing man-made features.
 - f. Dimensions of setbacks, locations, heights and size of buildings and structures, including the locations of existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
 - g. Street rights-of-ways, indicating proposed access routes, internal circulation, relationship to existing rights-of-ways, and curb cuts within one-hundred (100) feet of the property.
 - h. Proposed grading.
 - i. Location, sizes, and type of drainage, sanitary sewers, water services, storm sewers, and fire hydrants.
 - j. Location, sizes, and type of fences, landscaping, buffer strips, and screening.
 - k. Location, sizes, and type of signs and on-site lighting, including information regarding lighting levels at the edges of the site.
 - l. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform to the provisions of the Chapter on Parking.
 - m. Any public and private easements.
 - n. Dimensions and number of proposed lots.
 - o. Significant natural features, and other natural characteristics, including but not limited to open space, stands of trees, flood plains, lakes, and other significant natural features.
 - p. Building elevations.

3. **Additional Site Plan Material:** The Planning Commission may request from the applicant any additional graphics or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests; and other pertinent information.
4. **Staff, Professionals, Agency Reviews:** Prior to the planning commission taking action on an applicant's final site plan, the zoning administrator and/or planning commission may have City staff, support professionals or governmental agencies provide reviews on the plans. Reviews may also be placed as a condition of approval. The City Council may establish an escrow policy to recover reasonable and necessary costs for reviews related to a proposed site plan.

SECTION 9.4

STANDARDS FOR SITE PLAN APPROVAL

- A. **Planning Commission - Final Site Plan Compliance Requirements:** The Planning Commission in making its determination shall review the Final Site Plan and find the following prior to approval:
 1. Compliance with the requirements of this Ordinance and other applicable City Ordinances.
 2. Compliance with any applicable comments received from reviewing City officials, support professionals or public agencies.
 3. Compliance with other applicable state and federal statutes and standards.
- B. **Planning Commission - Final Site Plan Approval Standards:** In reviewing an application for Final Site Plan Review, the following standards shall be met:
 1. **Surrounding Development:** The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 2. **Vehicular and Pedestrian Movement:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sites. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 3. **Street Access:** Every structure or dwelling unit shall have access to a public street. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within and around the City of Roosevelt Park.
 4. **Surface Water:** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the City or the County's storm drainage system. Provisions shall be made for the

construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create standing water in paved areas. General purpose floor drains shall only be allowed if they are approved by the City's Department of Public Works for a connection to a public sewer system, an on-site closed holding tank (not a septic system) or regulated through a State of Michigan groundwater discharge permit.

5. **Hazardous substances:** Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substances. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without permits and approvals.
6. **Natural Features:** Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

SECTION 9.5

APPROVED PLANS AND AMENDMENTS

- A. **Signed Approved Plans:** Upon approval of the Final Site Plan, the Planning Commission Chair, or the Chair's designee, shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the City's files; one (1) copy of the Final Site Plan shall be forwarded to the Building Official for issuance of a building permit; and one (1) copy shall be returned to the applicant.
- B. **Time Extensions:** Each development shall be under construction within one (1) year after the date of approval of the Final Site Plan, except as noted in this Section.
 1. An applicant may request from the Planning Commission one (1) six (6) month extension of the Final Site Plan approval. Any request for extension must be applied for in writing prior to the date of the expiration of the Final Site Plan. Such request may only be granted provided that:
 - a. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - b. The site plan requirements and standards, including those of the Zoning Ordinance, that are reasonably related to said development have not changed.

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2. Should neither of the provisions of Section 9.5, B, be fulfilled, or a six (6) month extension has expired without construction having been started and proceeding meaningfully, the Final Site Plan approval shall be null and void.
- C. **Final Site Plan Amendments:** Amendments to an approved Final Site Plan may occur only under the following circumstances:
1. The holder of a valid Final Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. The Zoning Administrator shall consider the following to be a minor change:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet, provided that such movement does not cause a violation of this Ordinance.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans which do not alter the character of the use or increase the amount of required parking.
 - e. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes required or requested by the City as it relates to their roads within the City or a Muskegon County department for safety reasons.
 3. Should the Zoning Administrator determine that the requested modification to the approved Final Site Plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

D. Certification of Compliance

At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the Planning Commission in its approval of the Final Site Plan have been fulfilled.

SECTION 9.6 APPEAL OF DECISIONS

A person aggrieved by the decision of the Planning Commission with respect to an action regarding the Final Site Plan may have that decision reviewed by the Board of Zoning Appeals; provided the petition for appeal is filed with the City Clerk within fifteen (15) days of the Planning Commission decision.

CHAPTER 10

SPECIAL LAND USES

Section 10.1 INTENT AND PURPOSE

- A.** This Chapter is intended to respond to the functions and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, which call for a more flexible and equitable procedure for properly accommodating these activities in the community. Rather than assigning all uses to special, individual, and limited zoning districts, it is important to provide control and reasonable flexibility in requirements for certain kinds of uses that will allow practical latitude for the applicant, but will maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.
- B.** In order to accomplish this dual objective, provisions are made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed conditions of location and design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.
- C.** Land and structure uses possessing these particularly unique characteristics are designated as Special Land Uses and may be authorized by the issuance of a Special Land Use permit, which contains conditions and safeguards necessary for the protection of the public welfare.
- D.** The following sections, together with previous references in other Chapters of this Ordinance, designate those uses requiring a Special Land Use Permit. With any noted exceptions, the procedures for obtaining such a Special Land Use Permit shall apply to all special land uses indicated.

SECTION 10.2 APPLICATION PROCEDURES

A. Application Procedures

- 1. An application for Special Land Use shall be submitted to the zoning administrator at least thirty (30) days prior to the next planning commission meeting. If the zoning administrator deems that the application is complete per the requirements of Section 9.3, A,2 then the plans will be reviewed and submitted to the Planning Commission for their consideration. The zoning administrator has the ability to reduce or extend the thirty (30) day period if it is deemed appropriate (ex - the submitted site plan is very basic and

review can be performed in less than thirty (30) days or the site plan requires additional time due to the high level of detail and size of the project).

2. An application for a Special Land Use shall not be considered complete until all of the following materials have been submitted and deemed complete by the Zoning Administrator:
 - a. A completed application form, as provided by the City. The application shall be signed by an owner of, or person having an interest in, the property to be developed, or an authorized representative.
 - b. Twelve (12) copies of the Preliminary or Final Site Plan meeting the requirements of Section 9.3.
 - c. Payment of a fee, in accordance with a fee schedule, as determined by City Council resolution.
 - d. A legal description, including the permanent parcel number, of the subject property.
 - e. A statement with supporting evidence regarding the required findings as specified in Section 10.4
 - f. Other materials as may be required in this Chapter or by the Zoning Administrator, Planning Commission, or City Council.
3. An application shall not be accepted until all required materials are provided. Incomplete applications shall be returned to the applicant with an indication of the items necessary to make up a complete application.

SECTION 10.3 REVIEW AND FINDINGS

A. Public Hearing

1. The Planning Commission shall schedule a public hearing within sixty (60) days thereafter after receipt of a complete application. This date may be extended upon written request by the applicant, or by agreement of the applicant and the Planning Commission.
2. The City Clerk shall cause to be published a notice of public hearing, not less than five (5) days nor more than fifteen (15) days in advance of the hearing and shall notify by regular mail or personal delivery the parties of interest and all property owners within three hundred (300) feet of the subject property.
3. Such notice shall describe the nature of the request; the location of the property involved, the time and place of the hearing, and indicate when and where the application may be examined and how written comments may be received.
4. Any person may speak or present documents or evidence in support of a position regarding the application at the public hearing.

- B. Upon conclusion of the hearing, and after time for deliberation, the Planning Commission shall make a recommendation to the City Council for approval, approval with conditions, or denial to the City Council. The Commission shall state its reasons for such recommendation in its minutes for submission to the Council.
- C. Upon receipt of a report and summary of hearing comments from the Planning Commission, the City Council may hold an additional public hearing, if it considers a further hearing necessary, using the same hearing requirements as the hearing held before the Planning Commission. The City Council, upon approval of an application for Special Land Use Permit, shall authorize the Zoning Administrator to issue the permit subject to the conditions specified by the City Council.

SECTION 10.4 GENERAL STANDARDS FOR MAKING DETERMINATIONS

- A. The Planning Commission and City Council shall review the particular facts, circumstances and evidence presented. The Planning Commission decisions shall be based on the General Standards of this Section and the applicable Specific Requirements contained in Section 10.5 and Section 10.6.
- B. It shall be incumbent upon the representatives of the applicant for a Special Land Use Permit to provide documentation and evidence in support of the proposal. It shall also be the obligation of the applicant to furnish evidence, or proof of compliance with the specific and general criteria contained in this Ordinance.
- C. **General Standards:** The General Standards are basic to all Special Land Uses; and the Specific Requirements of Section 10.5 and Section 10. are in addition to and shall be required in all applicable situations. All of the following general standards must be satisfied:
 - 1. The proposed use shall be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing character of the general vicinity.
 - 2. The proposed use is served by necessary public facilities which are adequate or can be made adequate to serve the proposed use. Specifically, existing streets, storm water drainage, water supply, fire protection, police, emergency medical care, sanitary sewer disposal, solid waste disposal, and public recreation shall be adequate to serve the proposed project.
 - 3. The proposed use shall not be hazardous or disturbing to neighboring uses or cause any conflict to the existing use and quiet enjoyment of surrounding property.
 - 4. The proposed use shall not involve activities, processes, materials and equipment and conditions of operation that will have a significant impact to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

5. The proposed use shall be consistent with the intent and purpose of this Ordinance.
6. The site plan for the proposed use demonstrates compliance with any special land use specific design standards contained in Section 10.6.

SECTION 10.5 CONDITIONS AND SAFEGUARDS

- A.** Before granting a Special Land Use Permit, the City Council may impose reasonable conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Special Land Use Permit as may be necessary for the protection of the public interest.
- B.** Such conditions may include those necessary to insure that public services and facilities affected will be capable of accommodating increased demand and facility loads; to protect the natural environment and conserve natural resources and energy; to insure compatibility with adjacent uses of land; to promote the use of land in a socially and economically desirable manner and be consistent with the general standards as established in this Ordinance and are necessary to meet the intent and purpose of the regulations contained in this Ordinance.
- C.** The conditions imposed shall be recorded in the minutes of the City Council and shall remain unchanged except upon mutual consent of the City Council and the owner of the property affected. The City Council shall record in its minutes any changes in conditions of approval of Special Land Use Permits.
- D.** Conditions and requirements stated as part of Special Land Use Permit authorization, including all plans, specifications and statements submitted with the application for a Special Land Use Permit, shall be a continuing obligation of its holder. The Zoning Administrator shall make periodic investigations of uses authorized by Special Land Use Permits to determine compliance with all requirements.
- E.** Certification of Compliance: At final inspection or at other appropriate times the Zoning Administrator shall certify whether all conditions and other requirements of the City Council in its approval of the Special Land Use have been fulfilled.
- F.** An application for a Special Land Use Permit which had been denied wholly or in part by the City Council shall not be resubmitted until the expiration of one (1) year or more from the date of denial, except in the case of newly discovered evidence or changed conditions found to be sufficient to justify reconsideration by the City Council.

SECTION 10.6 SPECIFIC REQUIREMENTS

The requirements set forth in this Section relate to particular Special Land Uses and specific requirements in the appropriate districts which must be met in addition to the standards of Section 10.4. *(rev. 9/19/03)*

A. Adult Uses

1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several are concentrated in certain areas, or when located in proximity to a Residential District, thereby having a detrimental effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These controls of this subsection are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential or other neighborhood. These controls do not legitimize activities which are prohibited in other Sections of the Zoning Ordinance.
2. The lot or parcel on which the use is located shall not be closer than seven hundred fifty (750) feet from any residential use or zoning district, school, or church, measured from lot line to lot line.
3. The use is not located within a five hundred (500) foot radius of any two (2) other such uses, measured from lot line to lot line.
4. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance, and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, not include any animated illumination or flashing illumination.
5. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or property.
6. No adult use shall be open for business prior to ten (10) a.m., not after (10) p.m. However employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, clean up, preparation, record keeping and other similar purposes.
7. For massage parlors, all persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan.

8. A sexually oriented business that offers live entertainment shall provide:
 - a. A dressing area for performers that has direct access to and from the dressing area and the performance area or stage so that the performer may enter the performance area or stage without entering the area from which the patrons view the performance. The dressing area must be separate from, and not freely accessible to, areas of the business to which patrons or customers have ready access, and must contain hot and cold running water, toilet facilities, and must also be handicap accessible to the extent required by the American with Disabilities Act, as amended.
 - b. A performance area or stage that is at least twelve (12) inches above the area from which patrons view the performance.
 - c. Signs must be posted on both that notify patrons of the sexually oriented business that contact between the patrons and any employee, owner, independent contractor, or performer who displays specified anatomical areas or who performs specified sexual activities is prohibited. At a minimum, two (2) such signs must be displayed on the premises of the sexually oriented business. The required sign must be situated in the area of the sexually oriented business in which patrons are admitted and in which patrons are served beverages, if any. The signs must be at least twenty-four (24) inches by thirty-six (36) inches in size, and contain the following notice:

“NOTICE: Physical contact between patrons and performers who display specified anatomical areas or who perform specified sexual activities is prohibited by Ordinance of the City of Roosevelt Park. Violators will be prosecuted.”

This notice must be printed in bold face a type that is at least twenty-four (24) point in lettering size.

- B. **Banks, credit unions, savings and loan associations, and other similar uses, as determined by the Zoning Administrator, having drive-through facilities.**
 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public street right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
 2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet.
 3. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.

C. Bed and breakfast establishments.

1. Parking shall be located to minimize negative impacts on adjacent properties. Off-street parking shall be provided at a minimum ratio of two (2) spaces for the bed and breakfast, plus one (1) for each permitted guest room. No parking shall be permitted in the required front yard and no parking area shall be lighted, except for the use of typical residential lights, excluding floodlights that may shine light onto adjacent properties.
2. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each three thousand (3,000) square feet or fraction thereof by which the lot area of the use exceeds twelve thousand six hundred (12,600) square feet, not to exceed six (6) guest rooms in any case.
3. Exterior refuse storage facilities beyond what might normally be expected for a single family detached dwelling shall be prohibited.
4. Signs for a bed and breakfast establishment shall comply with the requirements of the zone district in which the use is located.
5. The establishment shall contain the principal residence of the operator.
6. If located in a residential district, accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
7. Meals shall be served only to the operator's family, employees, and overnight guests.

D. Cemeteries

1. A cemetery is a privately or publicly owned property which provides perpetual care of grounds used solely for the interment of human beings or customary household pets.
2. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, MCLA 333.1101 et seq., Public Act 88 of 1875, as amended MCLA 128.111 et seq., and other applicable state laws.

E. Churches.

1. The Purpose of these requirements is to integrate churches into the fabric of the City's neighborhoods, but not at the expense of the residential character of those areas. Therefore, the scale of the church related buildings, parking lots, and related accessory uses shall be compatible with abutting homes and in character with the surrounding neighborhood. It is typical to find a library, small Christian bookstore open during service times, and church office as related uses.
2. The minimum lot area shall be at least thirty thousand (30,000) square feet.

3. No building shall be closer than forty (40) feet to any property line or street right-of-way.
4. At least one (1) property line shall abut and have access to a major street.
5. To the extent possible, shared parking arrangements should be employed with other uses in the vicinity, consistent with Section 15.3, A, 1, to minimize the number of spaces provided on the church property.
6. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

E. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.
2. An office for security personnel or operator may be permitted on the premises.
3. Parking and circulation:
 - a. One parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site. One (1) additional parking space per twenty (20) storage cubicles, up to a maximum of ten (10) spaces, shall be located adjacent to the rental office for the use of customers.
 - b. Two (2) parking spaces shall also be required for the security or operator's office located on the premises.
 - c. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved.

F. Commercial recreation facilities

1. Minimum lot size shall be one (1) acre. The lot shall provide direct access to a collector street as defined in this Ordinance.
2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least fifty (50) feet from an intersection.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of at least ten (10) feet unless a greater setback is required by this Ordinance.
4. Public rest rooms, housed in all-weather structures, containing adequate water outlet, waste container, and toilets shall be provided.
5. All principal buildings or outdoor activity areas shall be set back at least seventy five (75) feet from any property line.

G. Educational institutions

1. No building shall be closer than forty (40) feet to any property line or street right-of-way line.

2. No more than thirty-five (35) percent of the gross site area shall be covered by buildings.

H. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one-hundred and fifty (150) feet.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.

I. Government and community service facilities

1. No building shall be closer than forty (40) feet to any property line or street right-of-way line.
2. No more than thirty-five (35) percent of the gross site area shall be covered by buildings.

J. Group day care homes.

1. The dwelling's exterior and property shall be maintained in a manner that is compatible with the surrounding area and does not change the residential character of the neighborhood. No sign shall be permitted and no evidence of the day care facility shall be visible from any street or adjoining property.
2. The lot shall contain the minimum area required for the district, plus one thousand eight hundred (1,800) square feet
3. An outdoor play area of at least one thousand eight hundred (1,800) square feet shall be provided in the rear yard. Such play area and any other outdoor areas accessible to children shall be completely enclosed with a fence at least four (4) feet high, but not more than six (6) feet high.
4. The day care operation shall be restricted to Monday through Friday only and between the hours of 7:00 a.m. and 6:00 p.m.
5. No group day care facility shall be established within one thousand five hundred (1,500) feet of any existing group day care home.
6. The facility shall comply with all other applicable State licensing regulations.

K. Hotels and motels.

1. Minimum lot area shall be two (2) acres and minimum lot width shall be two-hundred fifty (250) feet.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setback of ten (10) feet.
3. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.

L. Kennels.

1. For kennels, the minimum lot size shall be one (1) acre.
2. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.
3. Outdoor runs, pens, and/or exercise areas adjacent to residential districts shall be screened with a six (6) foot high fence. Suitable shade, including landscaped vegetation shall be provided around these outdoor areas.
4. All indoor and outdoor kennel areas, runs, pens, and/or exercise areas shall be maintained to create safe and suitable environments for animals, including the daily elimination of animal waste.

M. Nurseries and greenhouses

1. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District.
2. All loading activities and parking areas shall be provided on the same premises (off-street).
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.
4. The lot area used for parking shall be hard-surfaced and the display or storage areas shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water.

N. New and used vehicle, boat or farm implement sales including incidental servicing and minor repair

1. Minimum lot area shall be one (1) acre.

2. Minimum lot width shall be two hundred (200) feet.
3. The lot area used for parking shall be paved and the display or storage areas shall be provided with a permanent, durable, and dust controlled surface, and shall be graded and drained so as to dispose of all surface water.
4. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least one hundred (100) feet from an intersection.

O. Open Air Businesses.

1. The lot area used for parking, display, or storage shall be paved, graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.

P. Outdoor storage yards.

1. All outdoor storage shall only be located in the rear or side yard. If located in the side yard, landscape screening at least six (6) feet tall shall be provided to obscure vision from the front yard. All outdoor storage areas shall be fenced with a six (6) foot high chain link fence, screen wall, or equivalent.
2. All outdoor storage yards shall be paved.
3. Screening of outdoor storage yards shall be provided along all property lines in accordance with the requirements of the Landscape Chapter.
4. Outdoor storage yards shall only be permitted in conjunction with a principal use on the property.
5. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground.

Q. Printing or publishing plants

1. The main and accessory buildings shall be set back at least seventy five (75) feet from all property lines.
2. Truck parking and staging areas shall be fenced and screened from the view of any abutting Residential District or use by a decorative fence or wall, or a landscaped equivalent.
3. Ingress and egress shall be at least fifty (50) feet from an intersection.

4. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of at least ten (10) feet.

R. Private clubs, lodges and meeting halls.

1. No building shall be closer than forty (40) feet to any property line or street right-of-way.
2. No commercial, for profit enterprise shall be permitted to operate on the premises, except that vending machines shall be permitted.

S. Production, refining, or storage of petroleum or other flammable liquids.

1. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
2. The principal and accessory buildings and structures shall not be located within seven hundred and fifty (750) feet of any residential use or district.

T. Public and private non-commercial park or recreation facilities

1. Minimum lot size shall be three (3) acres. The lot shall provide direct access to a major street as defined by Act 51.
2. Ingress and egress shall be provided as far as practicable from two (2) intersecting streets and shall be at least seventy five (75) feet from an intersection.
3. Parking areas shall have a minimum front yard setback of twenty (20) feet and side and rear yard setbacks of at least ten (10) feet.
4. Public rest rooms, housed in all-weather structures, containing adequate water outlet, waste container, and toilets shall be provided.
5. No commercial, for profit enterprise shall be permitted to operate on the lot, except that vending machines shall be permitted.
6. All principal buildings or outdoor activity areas shall be set back at least seventy five (75) feet from any property line.

U. Residential dwelling units, in the same building with commercial uses.

1. No commercial uses, including storage, shall be located on the same floor of the building as the dwelling unit.
2. Two (2) on-site parking spaces shall be required for each dwelling unit.
3. Principal access to dwelling units shall be from outside of the building.
4. No dwelling unit shall be located on the ground floor of the building.

V. Restaurants, exclusive of drive-through facilities.

1. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
2. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas and safe walkways (can be shown with striping) to the restaurant.
3. Enhanced architectural elements for principal buildings shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.

W. Restaurants with drive-through facilities.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of eight (8) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility. The stacking space requirement may be reduced by the Planning Commission based on the nature of the restaurant, provided sufficient reason is provided as to the reduction, but in no case shall fewer than six (6) spaces be provided.
2. In addition to parking and stacking space requirements, at least two (2) standing or parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
4. Menu/speaker boards shall be provided that minimize verbal feedback. Speakers shall be located, positioned and controlled to minimize noise impacts.
5. Pedestrian elements shall be incorporated into the site plan including such features as outdoor seating areas, safe walkways to the restaurant, including measures to separate pedestrian and vehicular traffic in the areas nearest drive through windows.
6. Enhanced architectural elements shall be provided such as cupolas, towers, decorative lighting, and window awnings. Exterior building colors and materials shall be conducive with surrounding uses.

X. Shopping centers or shopping malls

1. The minimum lot area for a shopping center or mall shall be three (3) acres.

2. The site shall have a minimum of three hundred (300) feet of frontage on a Major Street as defined by Public Act 51.
3. Shopping centers or malls shall be served by public sanitary sewer and water supply.
4. Motor vehicle entrance and exit shall only be from a major street as defined by Public Act 51.
5. Pedestrian movement shall be enhanced between buildings with abundant natural foliage lining walkways, decorative and safe lighting and well defined crosswalk areas leading between parking areas and across drives.
6. No building within a shopping center or mall shall have a separate access to a street.
7. Where possible, existing trees and other significant vegetation on the site shall be preserved. Greenbelts, buffer strips, and berms may be required.

Y. State licensed residential care group facilities

1. The minimum lot area shall be at least one (1) acre.
2. The proposed site shall have direct access to a major street as defined by Act 51.
3. No building shall be closer than forty (40) feet to any property line or street right-of-way.
4. Off-street parking shall be provided for family members and employees of the facility. Client pickup and drop off areas shall be located in a manner that vehicles do not stop in the travel lane of the adjacent roadway and vehicles are not required to back into the roadway.
5. The property and residence exterior shall be maintained in a manner compatible with the surrounding neighborhood.
6. The facility shall be in compliance with all applicable State licensing requirements.

Z. Truck Terminals.

1. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.
3. The principal and accessory buildings and structures shall not be located within two hundred (200) feet of any residential use or district.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.

6. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
7. No trailer operating a refrigeration unit shall be parked in, stored, or otherwise occupy any yard within three hundred (300) feet of a residential district.

AA. Vehicle Repair.

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district property line.
2. Minimum lot area shall be 32,670 square feet and minimum lot width shall be two-hundred (200) feet.
3. All equipment and activities associated with vehicle repair operations shall be kept within an enclosed building, except those in incidental use, such as air hoses.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be constructed in accordance with the requirements of Section 10.2 C.3., and continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
7. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

BB. Vehicle Service Stations (including gas stations).

1. Minimum lot area shall be 32,670 square feet and minimum lot width shall be two-hundred (200) feet.
2. Pump islands shall be a minimum of fifteen (15) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations shall be kept within an enclosed building, except those in incidental use, such as air hoses.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.

6. Canopy roofs shall not be permitted to encroach into any required yard and the fascia of canopies must be a minimum of twelve (12) feet above the average grade. Canopy lights must be recessed into the canopy ceiling or be provided with sufficient banding around the sides of the light to prevent light from spilling onto adjacent properties or roadways.
7. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
8. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.
9. The Vehicle Service Station must contain a pitched roof of at least 4:12 and the roof design, materials and colors should be reflected throughout all accessory buildings and structures.
10. Outdoor display materials may not be located in the required front or side yards and may not be displayed at a height greater than four (4) feet and comply with related sign ordinances.

CC. Vehicle Wash Establishment, either self-serve or automatic.

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. Such vehicle stacking space shall be equivalent to five (5) times the wash capacity. Wash capacity shall be determined by dividing the length of the mechanical wash/dry machinery by twenty five (25) feet. No less than twelve (12) stacking spaces shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance to the wash. At least two (2) stacking spaces shall be provided at the exits of both self-serve and automatic car washes.
2. Vacuuming activities, if outdoors, shall be at least three hundred (300) feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least one hundred fifty (150) feet from any residential use or district property line.
3. Should self-service wash bays be located with openings facing an adjacent street, they shall be screened and continuously maintained in good condition.
4. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located no less than one hundred (100) feet from street intersections rights-of-way lines or seventy-five (75) feet from any driveway throat edge.
5. Where adjoining residentially zoned or used property, a solid wall or fence, six (6) feet in height shall be erected along any common lot line. Such fence or wall shall be continuously maintained in good condition.

DD. Veterinary Hospitals and Veterinary Clinics.

1. Outdoor areas in which animals are kept, such as runs, pens, and/or exercise areas shall not be located nearer than one hundred (100) feet to any residential district boundary and shall not be located within any required yard area.
2. Outdoor runs, pens, and/or exercise areas that face residential districts shall be screened with a six (6) foot high fence. Suitable shade, including some natural vegetation shall be provided around these outdoor areas.
3. All indoor and outdoor hospital and clinic areas, runs, pens, and/or exercise areas shall be maintained to create safe and suitable environments for animals, including the daily elimination of animal waste.

EE. Wireless Communication Towers, Commercial.

1. The tower shall be of a monopole design, unless an antenna for the commercial wireless communication facility is provided for on an existing tower of other construction, including municipal structures such as water towers.
2. A security fence at least six (6) feet in height shall be constructed around the tower and accessory buildings, including supports. Landscape screening shall be placed at a minimum height of five (5) feet around the entire fenced area, except for the front gate. Decorative landscape trees and shrubs shall be utilized near the front gate.
3. As a condition of approval, the applicant shall agree to permit not less than three (3) collocations to share the tower facility.
4. Unless located on the same site or tower with another user, no new tower shall be erected within a one-half ($\frac{1}{2}$) mile radius of an existing commercial cellular or wireless communications tower.
5. The accessory equipment shelter shall be similar in appearance to a residential dwelling, including such features as windows (even if fake) and a gabled roof. If accessory equipment is located outside of a building, then it shall be placed away from direct view from the front gate into the site.
6. No signs, except warning or other cautionary signs, shall be permitted on the site.
7. The access driveway shall be hard surfaced with either asphalt or concrete.
8. Removal of Abandoned Antennas and Towers.
 - a. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.
 - b. The owner of the antenna or tower shall notify the City when operation has ceased, and shall remove the same within ninety (90) days after that date.

- c. The City shall notify the owner in writing of the removal requirement, which shall include removal of support buildings, foundations and related other structures from the premises.
- d. Failure to remove all such facilities within the removal period shall entitle the City to remove them at the owner's expense and to make claim against the surety bond furnished for that purpose.
- e. If there are two (2) or more users of a single tower, then abandonment shall not be presumed until all owners cease using the tower.

CHAPTER 11
LANDSCAPING AND DESIGN REQUIREMENTS

SECTION 11.1 INTENT

It is the intent of this Chapter to require buffer zones, landscaping, and screening to reduce the negative impacts between incompatible land uses and to provide landscaping within parking areas. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and environment of the City. The standards and requirements outlined in this Chapter are to be applied to new developments or substantial alterations to existing developments when deemed appropriate by the City. (rev. 9/19/03)

SECTION 11.2 REQUIRED BUFFER ZONES

- A.** A buffer shall be required on any parcel proposed for development which borders a different zone district, as indicated in 11.2, E. Where the adjacent zone district is more intensive, the required buffer shall be installed only on the property which is in the more intensive district.
- B.** The specified buffer shall be required on the subject parcel even if the adjacent parcel is unimproved land. A performance bond may be required in lieu of the required buffer where adjacent land is unimproved. The buffer shall be installed when the adjacent property begins development and completed prior to any occupancy of the adjoining use.
- C.** When any developed parcel existing as of the date of this Ordinance, or as amended, is changed to a less restrictive zone district, any required buffer shall be installed in compliance with this Section within six (6) months of the effective date of the rezoning. This provision shall not apply to rezonings initiated by the City.
- D.** If two (2) zoning districts requiring a buffer zone are separated by a street, the design of the required buffer zone shall be reduced by one (1) level; for example, a required Major Buffer shall be reduced to a Moderate Buffer. Notwithstanding the foregoing, the minimum buffer installed shall be a Minor Buffer, unless a buffer would otherwise not be required by E, below.
- E.** The following chart defines the required buffers between adjacent zone districts.

BUFFER ZONE	ADJACENT DISTRICT								
	R-1	R-2	CBD	C-NE	C-E	C-SE	C-NW	I-W	I-E
R-1	NR		Minor	Moderate				Major	

BUFFER ZONE	ADJACENT DISTRICT								
	R-1	R-2	CBD	C-NE	C-E	C-SE	C-NW	I-W	I-E
R-2	NR		Minor			Moderate		Major	
CBD	Minor		NR					Minor	
C-NE	Moderate	Minor	NR					Minor	
C-E	Moderate	Minor	NR					Minor	
C-SE	Moderate		NR					Minor	
C-NW	Moderate		NR					Minor	
I-W	Major		Minor					NR	
I-E	Major		Minor					NR	

NR = None Required

F. Buffer Zone Development Standards

- Required buffer zones shall comply with and be maintained to the following standards:

Buffer Requirements	Major	Moderate	Minor
Minimum width	30 feet	20 feet	10 feet
Equivalent of 2 rows of approved canopy trees staggered at a maximum of:	20 foot interval		30 foot interval
6 foot high continuous obscuring screen	Required		

- The required six (6) foot high continuous obscuring screen may be comprised of plant material, berming, screen walls or fences, or any combination of these elements in addition to the required plant materials.
- If berming is used for all or part of the obscuring screen, all required plant materials shall be placed on the top and both sides of the slope. Where necessary the minimum buffer width shall be increased to accommodate side slopes of a maximum of three (3) feet in width to one (1) foot in height.
- If a screen wall or fence is used for all or part of the obscuring screen the equivalent of four (4) shrubs is required per twenty (20) linear feet on each side of the wall or fence, unless the wall or fence is constructed on the property line, in which case all required plantings may be placed on the interior of the lot.

5. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
6. Any plant material, berm, obscuring screen or other landscape feature shall be installed in such a manner so as not to alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
7. Should the Planning Commission (or Zoning Administrator when Planning Commission action is not required) determine, upon inspection, that adequate landscape screening on a site already exists or that landscape screening is not required, the Planning Commission or Zoning Administrator may waive or reduce the requirements of this Section. Criteria which shall be used when considering a waiver or reduction shall include, but shall not be limited to:
 - a. Topography variations
 - b. Existence of natural vegetation
 - c. Existing and proposed building placement
 - d. Sight distances
 - e. Adjacent land uses

SECTION 11.3 GENERAL LANDSCAPE DEVELOPMENT STANDARDS

A. Minimum Plant Material Standards:

1. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.
2. All plant materials shall be certified to be hardy to Muskegon County, free of disease and insects and conform to the standards of the American Association of Nurserymen. All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris. Any dead or diseased plants shall be replaced.
3. Minimum plant sizes at time of installation:

Tree Type	Minimum Size at Planting
Deciduous Canopy Tree	2 ½ inch caliper
Deciduous Ornamental Tree	2 inch caliper
Evergreen Tree	6 foot height
Deciduous Shrub	2 foot height
Upright Evergreen Shrub	2 foot height
Spreading Evergreen Shrub	18 - 24 inch spread

4. Calipers are measured at six (6) inches above the ground, for calipers of four (4) inches or less, and measured at twelve (12) inches above the ground for calipers of greater than four (4) inches. Tree and shrub heights are measured from the ground to the highest point where branches of the bush or tree begin.
5. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Alder	Elm, Siberian
Birch, paper	Maple, Silver
Black Locust	Mulberry
Boxelder	Poplars
Buckthorn	Tree of Heaven
Catalpa	Willows (all species)
Cottonwood	

B. Minimum Standards for Berms:

1. Berms shall maintain a side slope not to exceed a one (1) foot rise to a three (3) foot in width ratio.
2. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
3. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

C. Minimum Standards for Obscuring Screen Walls and Fences:

1. All obscuring screen walls and fences shall be constructed with new, durable, weather resistant and easily maintained materials. Chain link and barbed wire fences are not permitted.
2. The obscuring screen wall or fence may be constructed with openings that do not exceed twenty percent (20%) of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.

D. Detention/retention areas shall be permitted within buffer zones provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.

E. Outdoor solid waste dumpsters shall be screened by a continuous opaque screen at least six (6) feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements. Dumpsters may be installed within buffer zones.

- F. If a project is constructed in phases, the landscape screen may also be constructed in phases. The Zoning Administrator shall determine the extent of landscaping required for each phase based on:
1. Adjacent land uses
 2. Distance between land uses
 3. Operational characteristic both on and off site
 4. Building heights
 5. Physical characteristics of the site such as topography, existing vegetation, etc.
- G. If weather conditions or other factors determined by the Zoning Administrator are sufficient enough to warrant a delay in installing landscaping, a performance guarantee of a sufficient amount to insure the installation of all required landscaping shall be required in compliance with the requirements of this Ordinance to ensure that landscaping is installed within a reasonable period of time.
- H. A landscape plan shall be submitted for any new development and for any changes to existing development, except as may be noted in this Chapter. The following minimum information shall be provided:
1. Existing and proposed topography, correlated with the grading plan.
 2. Location, size, type, and condition of existing plant materials to be saved, or moved; proposed means of protecting plant material during construction.
 3. Location of proposed planting materials; a planting list of proposed materials (size, quantity, botanical and common names, spacing, and root type).
 4. Sections, elevations, plans and details of landscape elements such as berms, walls, ponds, retaining walls, and tree wells.
 5. Proposed planting dates.
 6. Planting and staking details.
- I. No landscaping, other than lawn, shall be provided or extend into a public right-of-way without specific written approval from the Zoning Administrator, or as may be approved by the Planning Commission or City Council as part of other approvals.

SECTION 11.4 ADDITIONAL LANDSCAPING AND SCREENING

- A. Where deemed appropriate by the City Council, Planning Commission or Zoning Administrator and where screening is needed to minimize visual, noise, or other impacts from the proposed development or where there may be some other adverse effect caused by the use being reviewed, or where otherwise required by this Ordinance, additional landscaping or screening may be required. Such adverse effect may include, but shall not be limited to, noise, lighting, hazard, traffic conflict, or other such effect.

- B. The nature of such landscaping or screening shall be as required by Section 11.2. The City Council, Planning Commission or Zoning Administrator may designate which buffer is appropriate for the required landscaping or screening.
- C. All other provisions of this Chapter shall be met.
- D. Landscaping in parking areas is governed by the provisions of Chapter 12.
- E. Any site on which a use permitted by this Ordinance is established shall install a lawn or other suitable landscape material for all land areas not covered by impervious surfaces within six (6) months following the issuance of a certificate of occupancy.

SECTION 11.5 SINGLE AND TWO FAMILY RESIDENTIAL LANDSCAPING

- A. A performance guarantee may be required by the City to ensure that landscaping is installed within the six (6) month period. No landscape materials other than lawn and street trees approved by the Zoning Administrator shall be planted within any untraveled portion of a public road right-of-way or public easement for public utilities.
- B. Residential landscaping shall comply with the applicable provisions of this Chapter.

SECTION 11.6 NON RESIDENTIAL AND MULTIPLE FAMILY DESIGN REQUIREMENTS

A. Exterior Building Design

1. Building Walls

Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.

- a. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least thirty percent (30%) of the wall length.
- b. Other walls shall incorporate architectural features and landscaping for at least twenty percent (20%) of the wall length.
- c. Window areas shall cover twenty percent (20%) or more of the exterior wall area facing the principal street(s) from which access is gained.

2. Architectural Features

- a. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas,

awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.

- b. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this Ordinance must also be satisfied.

3. **Building Materials**

- a. The predominant building materials should be materials that are characteristic of Michigan such as brick, decorative tilt-up panels, wood, native stone and tinted/textured concrete masonry units and/or glass products.
- b. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
- c. Metal roofs may be allowed if compatible with the overall architectural design of the building.

4. **Roof Design**

- a. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
- b. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
- c. Architectural methods shall be used to conceal flat roof tops.
- d. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

5. **Customer Entrances**

Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

- B. Community Amenities:** Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

C. Building and Sign Colors: Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim. The use of trademark colors will require approval.

D. Lighting and Flag Poles

1. On site lighting shall be shielded with cut-off fixtures that direct light downward and onto the site and not shine or glare onto adjacent property or streets.
2. Light poles and/or fixtures and flag poles shall not exceed thirty (30) feet in height. The Planning Commission may permit a higher light fixture in selected locations for larger parking lots where existing or planned residential areas will not be affected.
3. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.

E. Natural Features:

Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees) and rock outcroppings. These areas are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.

F. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented toward the front lot line.

G. Pedestrian Walkways

1. Walkways From the Sidewalk To Building Entrances

- a. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk for pedestrians to access building entrances.
- b. This internal walkway shall incorporate a mix of landscaping, benches, and bicycle facilities for at least fifty percent (50%) of the length of the walkway.
- c. Walkways shall be connected to adjacent sites wherever practicable.

2. Walkways From Parking Areas To Building Entrances

- a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).

- b. The walkways shall be designed to separate people from moving vehicles as much as possible.
- c. These walkways shall have a minimum width of five (5) feet with no car overhang or other obstruction.
- d. The walkways must be designed for disabled access according to the adopted Building Code for the City of Roosevelt Park.
- e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

H. Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

I. Access: The following shall apply to any new development proposed for nonresidential and multiple family uses.

1. A maximum of one (1) driveway per street shall be permitted per principal use, or collective principal use, as defined in Section 3.18.
2. A second driveway may be permitted provided that such drive is constructed and permitted to share access with an adjoining principal use or existing lot within the same zoning district, or such drive is part of a one-way driveway system that permits a single point of ingress and a single point of egress.
3. The Planning Commission may permit additional driveways, if justified by a professional traffic study provided by the applicant or owner indicating the need for such additional driveways. The Planning Commission may waive the traffic study if deemed necessary based on cited circumstances.
4. Unless otherwise permitted by the Planning Commission, parking lots and driveways providing access to corner lots shall be required to gain sole access from the lesser traveled of the two (2) intersecting streets.
 - a. For the purposes of this subparagraph, *lesser traveled* shall mean the street having the lowest peak hour (morning or afternoon) traffic volume, as measured within a two (2) year period prior to the date of the application.
 - b. The lesser traveled street may be determined by the Zoning Administrator where traffic count information is not available or was counted more than two (2) years prior to the date of the application submission.

5. The location of new driveways shall be determined by the Planning Commission and coordinated by city staff with any applicable adjacent community (where appropriate) and shall take the following factors into consideration:
- a. The ability to share driveways with adjacent properties and the general compatibility of those adjacent land uses;
 - b. The proximity of the proposed driveways to existing driveways on adjacent properties and properties on the opposite side of the street;
 - c. Any provisions made for front or rear service drives that may eliminate the potential for future driveways on nearby properties;
 - d. The relationship of the proposed driveway location to the internal circulation of the development site.
 - e. The proximity of the proposed driveway to street intersections. Driveways shall be located as far as practicable from any public or private street intersection.

CHAPTER 12

OFF-STREET PARKING AND LOADING

SECTION 12.1 INTENT AND PURPOSE

It is the intent of this Chapter that off-street parking and loading spaces shall be provided and adequately maintained by each property owner in every district for the parking of motor vehicles for the use of occupants, employees, vendors, and patrons of each building and premise constructed, altered, or enlarged under the provisions of this Ordinance. The standards and requirements outlined in this Chapter are to be applied to new developments or substantial alterations to existing developments when deemed appropriate by the City.
(rev. 9/19/03)

SECTION 12.2 JURISDICTION

At the time any building or structure is erected, enlarged, or increased in capacity, or new uses established, off-street parking spaces shall be provided in all districts according to the requirements specified in this Chapter.

SECTION 12.3 PARKING AND LOADING PLAN REVIEW

- A.** Whenever five (5) or more vehicle parking spaces are required for a given use of land, plans and specifications for the construction or alteration of an off-street parking area shall be submitted for approval by the Planning Commission.
- B.** Such plans and specifications shall indicate the location, precise use of buildings, size, site, design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, and any other detailed features essential to the complete design and construction of the parking area.
- C.** Whenever fifteen (15) or more vehicle parking spaces are required for a given use of land, plans and specifications for the construction or alteration of off-street parking areas shall be submitted by a registered professional engineer.

SECTION 12.4 LOCATION OF PARKING AREAS

All off-street parking and loading areas shall be located on the same lot, or other lot in the same zoning district located not more than two hundred (200) linear feet from the building intended to be served. On-street public parking may be considered available to meet all or any portion of the needs of a non-residential use (or in the case of a residential use above a commercial use in the CBD), provided that the Planning Commission finds parking spaces are reasonably available at the time of day needed.

SECTION 12.5 PARKING AREAS EXISTING BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE

A parking area, parking space, or loading area which exists at the time this Ordinance becomes effective, or which is subsequently provided for the purpose of complying with the provisions of this Ordinance shall not thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.

SECTION 12.6 USE OF RIGHT-OF-WAY

The right-of-way of any city street for residential uses may be used for off-street parking. The area between the street and the sidewalk is called the Terrace. Parking in this area and on the street shall not be allowed within twenty (20) feet of an intersection.

SECTION 12.7 USES OF PARKING AREAS

- A.** Parking spaces and loading areas shall be used exclusively for the parking of vehicles associated with a building, structure or land use for whose employees and patrons it is designed to serve. No commercial activity, special events, repair work, advertising, servicing, or selling of any kind shall be conducted within required parking areas without permission being granted by the Planning Commission. No portable structures, buildings, or equipment shall be permitted within required parking areas, except as may otherwise be permitted by this or other applicable Ordinances.
- B.** No signs shall be erected in parking areas except the following: no more than one (1) directional sign at each entrance or exit may be erected which may also bear the name and/or logo of the enterprise the lot is intended to serve; disabled parking space signs, as provided by the Michigan Construction Code Act, Public Act 230 of 1977, as amended, MCLA 125.1501 et. seq. Such signs shall not project beyond the property line of the premises and are subject to Section 13.4,B.

SECTION 12.8 SCHEDULE OF PARKING REQUIREMENTS

The following table contains the parking requirements for individual uses and activities within the City of Roosevelt Park:

Use	Number of Parking Spaces Required Per Unit of Measure
Residential/Institutional/Recreational	
Single family or duplex dwellings	Three (3) for each dwelling unit, one of which shall be within a covered parking structure
Multiple family dwellings	Three (3) for each dwelling unit, one of which shall be within a covered parking structure
Manufactured home parks	In accordance with the requirements of the State manufactured Housing Commission
Lodging and boarding house, fraternity, or similar use, including bed and breakfasts	One (1) for each room
Housing for the Elderly	One (1) for every two (2) dwelling units, plus one (1) space for each five dwelling units. However, should units revert to general occupancy, then three (3) spaces per unit shall be provided, one of which shall be within a covered parking structure
Community building, clubhouse, meeting facility, or any similar type of use.	One (1) space for each one hundred (100) square feet of gross building area or one (1) space for each three (3) persons permitted to occupy the building by law, whichever is greater
Churches or Temples	One (1) for each four (4) seats in the main room for worship
Hospitals	Two (2) for each patient bed
Home for the aged and Nursing Home	One (1) for each two (2) beds
Day Care Centers	Two (2) spaces, plus one (1) for every eight (8) children licensed

Use	Number of Parking Spaces Required Per Unit of Measure
Elementary and Junior High Schools	Five (5) spaces plus one (1) space for each classroom in addition to the requirements of the auditorium
Senior High Schools	Five (5) spaces plus one (1) space for each classroom plus one (1) space for each ten (10) students, OR space required for the auditorium or stadium, whichever is greater
Theaters & Auditoriums	One (1) for each four (4) seats
Stadium, sports arenas or similar places of outdoor assembly	
Dance halls, civic clubs, fraternal orders, union halls, or any similar type of use	One (1) space for each one hundred (100) square feet of gross floor area or one (1) space for each three (3) persons permitted to occupy the building by law, whichever is greater
Miniature or par three golf courses	Five (5) spaces plus three (3) for each hole
Commercial	
Drive in car washes, automatic	Fifteen (15) standing spaces for each washing bay; Two spaces outside the bay exit per bay
Drive in car washes, self-serve	Three (3) standing spaces for each washing bay; Two spaces outside the bay exit per bay
Automobile service stations	Two (2) for each service bay and one (1) for each washing bay
Bowling Alleys	Five (5) for each alley, in addition to any requirement for other uses such as bar, restaurant or billiard room

Use	Number of Parking Spaces Required Per Unit of Measure
Funeral Homes and Mortuary Establishments	One (1) for each thirty (30) square feet of floor space
Personal service establishments	One (1) space for each fifty (50) square feet UFA
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet UFA or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of UFA or one (1) space for each one and one-half (1½) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet GFA
Video rental stores	One (1) space for each one hundred (100) square feet UFA
Motels, hotels, or other commercial establishments lodging	One (1) for each occupancy unit plus extra spaces for dining rooms, ballrooms, or meeting rooms as required by this Ordinance. Should units revert to multiple-type use, then two (2) spaces per unit shall be provided
Office	
Business or professional offices and banks not including medical office	One (1) for every two hundred (200) square feet of floor area
Medical Offices and Clinics	One (1) for every one hundred and fifty (150) square feet of floor area

Use	Number of Parking Spaces Required Per Unit of Measure
Industrial	
Industrial or Research establishments	One (1) space for each one thousand (1,000) square feet plus those spaces required for offices located on the premises
Warehousing or wholesale establishments	One (1) for every seventeen hundred (1,700) square feet of floor area

SECTION 12.9 RULES FOR MEASUREMENT AND INTERPRETATION

- A. In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed, shall apply as determined by the Zoning Administrator.
- B. When benches, pews, or other similar seating is used, each twenty (20) inches of said seating shall be counted as one seat.
- C. Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
- D. Floor area, unless otherwise noted, shall include the entire enclosed floor area of a building as measured from the exterior surface of exterior walls.
- E. Where units or measurement determining the number of required parking spaces result in a fraction equal to or greater than one half, an additional space shall be required.

SECTION 12.10 SITE DEVELOPMENT REQUIREMENTS

- A. All off-street parking areas shall be designed, constructed and maintained in accordance with this Section.
- B. **Material:** All parking areas shall have a bituminous asphalt or concrete surface. No parking areas in residential districts shall be located in front of the principal structure unless a) located on the terrace; b) located on the approved parking space in front of a garage or c) in a circular drive. *(rev. 9/19/03)*

C. Parking Identification:

Each parking space shall be clearly identifiable. Parking spaces and maneuvering lanes shall be sufficient in width to allow ease in turning movements in and out of parking spaces. The minimum required dimensions of parking spaces and maneuvering lanes shall be as indicated on the accompanying table.

Parking Pattern	Aisle Width		Parking Space	
	2 Way	1 Way	Width ¹	Length ²
Parallel	20 ft.	12 ft.	9 ft.	25 ft.
30-53°	20 ft.	12 ft.	9 ft.	21 ft.
54-74°	22 ft.	13 ft.	9 ft.	21 ft.
75-90°	24 ft.	15 ft.	9.5 ft.	20 ft.

1 Measured perpendicular to the longitudinal space centerline.
 2 Measured along the longitudinal space centerline.

D. Defined Drives: Ingress and egress to parking areas shall be provided by means of clearly limited and defined drives as provided for below:

1. All parking areas providing more than five (5) parking spaces shall be provided with a drive for ingress and egress of not less than twenty four (24) feet in width. When one-way drives or boulevards are utilized, the minimum width of a lane shall be twelve (12) feet.
2. All parking areas providing more than five (5) parking spaces shall be designed so as to not make it necessary for vehicles to back directly onto a street.

E. Large Vehicle Space Requirements: Off-street parking facilities for trucks, buses, and recreational vehicles at restaurants, motels, hotels, service stations, commercial garages, and similar establishments shall be sufficient in size to adequately serve large vehicles and trucks without interfering with other vehicles shall not be less than twelve (12) feet in width and forty (40) feet in length. Access drives for such vehicles shall be designed with adequate turning radius and with special provisions for slow entry onto public streets and highways.

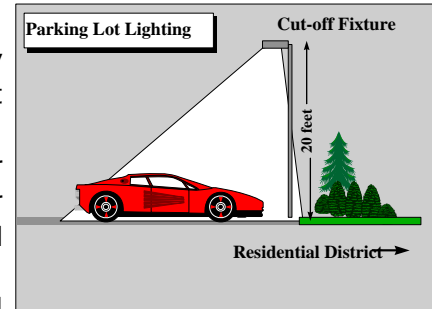
F. Commercial Vehicle Prohibitions:

1. The owner, tenant, or lessee of any lot, parcel, or tract of land in a Residential District or on a lot used for residential purposes shall not permit or allow the storage or parking, at any time thereon, of trucks, semi-trucks and tractor trailers, manufactured homes, tractors, bulldozers, earth carriers, drag lines, cranes, steam shovels and/or any other heavy equipment or machinery.
2. It is provided that equipment necessary to be parked on a lot or parcel during the construction work thereon shall be excepted from this restriction.

3. This restriction shall not apply to pickup or smaller panel trucks.

G. Parking Lot Lighting: Parking lots shall be adequately lit to ensure security and safety and shall meet the following requirements, unless detailed elsewhere in this ordinance.

1. Light fixtures shall be no higher than thirty (30) feet and shall be provided with light cut-off fixtures that direct light downward.
2. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected.
3. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.



SECTION 12.11 JOINT USE OF PARKING ARE

- A. The use of a single parking area by two (2) or more uses which are individually required to maintain more than ten (10) parking spaces shall be encouraged whenever such use is practical and when all requirements for location, design, and construction are met.
- B. In computing capacities of any joint use of parking areas, the total parking space requirement is the sum of the individual requirements that will occur at the same time each day. When parking space requirements for individual uses occur at distinctly different times during the day, the total required parking spaces may be reduced by the Planning Commission.
- C. A copy of an agreement between the joint users of a parking area shall be recorded with the Muskegon County Register of Deeds. Such agreement shall guarantee the long term use and maintenance of the parking facility by each party.

SECTION 12.12 BUILDING ADDITIONS AND CHANGE OF USE

Whenever a building, structure, or use is modified, expanded, and changed in use from one category to another, and such activity requires a permit pursuant to this Ordinance, the parking space requirements shall be reviewed and made to comply with the standards of this Ordinance.

SECTION 12.13 LOADING AND UNLOADING SPACE REQUIREMENTS

- A. In order to prevent undue interference with the public use of streets, every manufacturing, storage, warehouse, department store, wholesale store, retail store, auto dealership, lumber yard, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide loading and unloading space on the premises for the number of vehicles that will be at the premises at a particular time on an average day of full use.
- B. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted pursuant to Chapter 9, Site Plan Review.
- C. Loading spaces required under this Section shall be provided as area additional to off-street parking spaces required in this Chapter, and such loading spaces shall not be considered as supplying off-street parking space.
- D. There shall be provided adequate space for standing, loading, and unloading services not less than twelve (12) feet in width, forty (40) feet in length, and fifteen (15) feet in height, open or enclosed, for uses listed in the following table:

Use	Floor Area (Sq. Ft.)	Required Spaces
Commercial uses, such as retail stores, personal services, amusement, and automotive service	First 2,000	none
	Next 20,000 or fraction thereof	1
	Each additional 20,000 or fraction thereof	1
Hotels, Offices	First 2,000	none
	Next 50,000 or fraction thereof	1
	Each additional 100,000 or fraction Thereof	1
Wholesale and storage, including building and contractor's yards	First 20,000	1
	Each additional 20,000 or fraction thereof	1
Manufacturing uses	First 20,000 or fraction thereof	1
	Each additional 20,000 or fraction thereof	1

Funeral Homes and Mortuaries	First 5,000 or fraction thereof	1
	Each additional 10,000 or fraction thereof	1
Hospitals	First 10,000	none
	Next 100,000 or fraction thereof	1
	Each additional 200,000 or fraction thereof	1
For similar use not listed	For each building 5,000 or over	1

- E. All off-street loading and unloading facilities that make it necessary to back directly into a public road shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.
- F. Design Requirements:
 - 1. Off-street loading spaces and access drives shall be drained, and shall have appropriate bumper or wheel guards where needed.
 - 2. Any light used for illumination shall be arranged to reflect light away from adjoining premises and streets.
 - 3. Where any off-street loading space adjoins or abuts a lot or premises used for residential or educational purposes, or abuts a Residential Zoning District, a masonry wall, solid fence or Planning Commission approved berm/landscape area not less than four (4) feet in height shall be provided between the off street loading and unloading space and said uses or district.

SECTION 12.14 DEFERRED PARKING

The Planning Commission, may defer construction of a portion of the required number of parking spaces for nonresidential uses if the following conditions are met:

- A. Deferred parking areas shall be shown on a site plan and shall be of sufficient area to permit the construction of the total number of parking spaces required by this Section. Such areas shall not be used for any other purpose required by this Ordinance (such as landscaped buffers, etc.) and shall be kept open.
- B. Alterations to the deferred parking area to add parking spaces may be initiated by the owner or required by the Zoning Administrator based on parking needs and shall require the submission and approval of an amended site plan, as required by Chapter 9.

SECTION 12.15 DISABLED PARKING REQUIREMENTS

Off-street parking areas shall include spaces for the disabled in accordance with the provisions of Act 230 of the Public Acts of the State of Michigan, 1972, as amended and shall be included in the count of required spaces.

SECTION 12.16 PARKING LOT LANDSCAPING (For Non-Residential or Multiple Family Uses)

- A.** This Section is applicable to parking lots serving any nonresidential or multiple family use in any District. A parking lot landscape plan shall be submitted with any application for a building permit or when otherwise required by this Ordinance.
- B.** Landscaping required by this Section shall comply with the applicable provisions of Chapter 11, except that the requirements of this Section shall be waived if the area normally required by this Section to be landscaped is located in a required buffer area.
- C.** Existing parking areas:
1. These requirements shall be met for any existing parking lot which is expanded more than twenty-five percent (25%) of its original existing area, after the adoption of this Ordinance, or when any parking area is substantially altered (e.g., removal and replacement of existing pavement).
 2. Any landscaping existing within or bordering any existing parking area shall not be removed unless replaced with landscaping meeting the requirements of this Section.
- D.** General Requirements
1. Landscaping shall be planned and installed such that, when mature, it does not obscure traffic signs, fire hydrants, or lighting, and does not alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
 2. Any landscaped area required by this Section shall be constructed outside any public street right-of-way.
 3. All landscaped areas, including perimeter areas, shall be protected by a raised or rolled concrete curb.

E. Frontage Landscaping

1. Where any parking area directly abuts or faces a public street, a screen shall be required between the parking area and the road right-of-way. Such screen shall consist of, at a minimum, one (1) of the following:
 - a. A strip of land at least five (5) feet in width and a solid screen comprised of a hedge or decorative wall, or any combination thereof, which measures at least three (3) feet in height; or
 - b. A strip of land at least ten (10) feet in width containing landscaping equivalent to a Minor Buffer, as described in Section 18.2 except that the obscuring screen need not be provided.
2. The required strip of land shall also be covered with grass or other approved ground cover.

F. Interior Landscaping- (Landscape Islands)

1. Interior landscaping shall be provided for any parking area containing twelve (12) or more parking spaces.
2. The interior of the parking lot shall begin at the outside boundary of the parking area.
3. The interior area of any parking lot shall incorporate one (1) planting island per each twelve (12) parking spaces, or part thereof.
4. Each planting island shall be at least ninety (90) square feet in area with a minimum single dimension of nine (9) feet.
5. Landscaped islands shall be dispersed evenly throughout the parking lot and may be used to separate pedestrian areas, maneuvering areas, and drives.
6. Trees planted shall comply with the provisions of Section 11.3, A.

CHAPTER 13

SIGNS

SECTION 13.1 PURPOSE AND INTENT

The purpose of this Chapter is to promote traffic safety, public safety, and the conservation of property values through the application of reasonable controls over the use, size, placement, and general appearance of signs.

SECTION 13.2 DEFINITIONS

The following definitions refer to this Chapter of this Ordinance and are placed here for convenience.

- A. Sign:** Sign shall mean and include every individual announcement, declaration, demonstration, display, illustration, insignia, surface or space when erected or maintained out of doors in view of the general public for identification, advertisement or promotion of the interests of any person.
- B. Sign, Business:** Any sign erected for the purpose of advertising a business, product, or subject related to the premises on which the sign is located.
- C. Sign, Display Area:** Display area means the entire area enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
- D. Sign, Freestanding:** An advertising structure which is supported by one or more uprights with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign.
- E. Sign, Ground:** A sign which is supported by one or more uprights in or upon the ground where parts of the display surface are less than eight (8) feet above the grade to the bottom of the display area.
- F. Sign, Home Occupation:** A sign containing only the name and occupation used for the purpose of advertising services in conjunction with a lawful home occupation.
- G. Sign, Identification:** A sign giving the nature, logo, trademark or other identifying symbol; address; or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.
- H. Sign, Incidental:** A sign that identifies street address, entrances and exits, safety precautions, identifying logos without text, and other such incidental information, and which sets forth no other advertisement intended to be read from the street.

- I. **Sign, Marquee:** A sign which is attached to or hung from the underside of a marquee, awning, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, awning, canopy, or covered structure.
- J. **Sign, Name Plate:** A sign located on premises, giving the name or address, or both, of the owner or occupant of a building or premises.
- K. **Sign, Off-Premise:** A sign located on a different parcel of land or lot or premise than where the business, product, service, event, or person or subject is being advertised.
- L. **Sign, On-Premise:** A sign located on the parcel of land or lot advertising a business, product, service, event, person or subject being offered on said parcel of land or lot.
- M. **Sign, Placard:** A sign not exceeding an area of two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.
- N. **Sign, Portable:** A sign that is not permanent, affixed to a building, structure or the ground including signs supported on mobile chassis other than motor vehicles.
- O. **Sign, Projecting:** A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches, but not more than five (5) feet from the face of the wall.
- P. **Sign, Roof:** A sign which is erected, constructed and maintained upon or above the roof of a building, or parapet wall and which is wholly or partially supported by the building.
- Q. **Sign, Setback:** The minimum linear distance as measured from the street right-of-way line to the nearest part of the sign or advertising structure.
- R. **Sign, Wall:** A sign that is attached directly to a wall, mansard roof, roof overhang, parapet wall, or above a marquee of a building with the exposed face of the sign in a plane parallel to the building wall or to the surface on which it is mounted, and which projects not more than eighteen (18) inches from the building or structure wall, and which does not have any part of such sign or sign supports extending above the uppermost building line not including chimneys, flag poles, electrical or mechanical equipment, TV antennas or any other similar equipment and extensions.

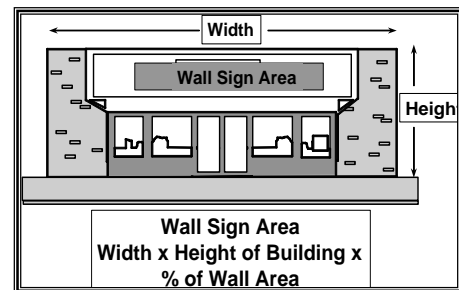
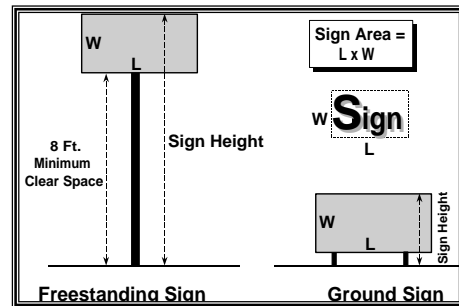
SECTION 13.3 GENERAL PROVISIONS RELATED TO SIGNS

A. PERMITS:

1. No sign, name plate, marquee, or other advertising structure shall be erected, replaced, structurally altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit pursuant to this Chapter, except those signs specifically exempted by Section 13.3, D of this Ordinance.
2. An application for a sign permit shall be made to the City, by the owner of the property on which the sign is proposed to be located or by his or her agent, or lessee.
3. The Zoning Administrator shall review all properly filed applications for sign permits and issue permits only for those applicants fully meeting the criteria established in this Ordinance and the City Building Code. The Development Official shall approve or reject the application within a reasonable period of time.
4. A schedule of permit fees shall be established and may be amended from time to time by resolution of the City Council.

B. Determination of Display Area and Height:

1. Except as noted in subparagraphs 3-4 below, the display area permitted for any sign shall be determined as the entire area within a square, rectangle, circle, triangle or parallelogram enclosing the extreme limits or writing, lighting, representation, emblem or any figure of similar character, together with any frame or other material forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
2. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; except that where two (2) such faces are placed back to back and are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.



3. The display area of signs painted directly on building wall surfaces shall be limited to that area within a circle, square, rectangle, triangle, or parallelogram enclosing the extreme limits of writing, letters or numbers.
4. Time and temperature displays including clock facings shall not herein be counted toward the allowable sign display area.
5. The height of sign shall be measured to the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign. Berms or other supporting measures for any sign shall be included in the computation for height.
6. Buildings with multiple tenants
 - a. The sign areas for wall signs, marquee signs, projecting signs, and awning signs shall be determined by taking that portion of the front wall of the building, applicable to each tenant space, and computing sign requirements for that portion of the total wall.
 - b. In the case of a corner lot, the wall area adjacent to the tenant space on the second street frontage shall be used to calculate the sign area for a second wall sign, awning sign, or projecting sign.
 - c. Each sign shall be attached to the same wall which is used to determine its size.
 - d. Only allowed one free standing sign per lot.

C. Prohibited Signs:

1. Any sign not expressly permitted is prohibited, including all signs noted in this subsection.
2. Roof signs. For the purpose of this Chapter, a sign that is mounted on a mansard roof, roof overhang, parapet wall, above a marquee, or on a wall with a roof below, shall not be considered as a roof sign, but shall instead be considered as a wall sign for that side of the building, provided that no part of such sign extends above the uppermost building line not including chimneys, flag poles, electrical, mechanical equipment, TV antennas and other similar equipment and extensions.
3. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light or intermittent lights resembling the flashing lights customarily used in traffic signals, or police, fire, ambulance, or rescue vehicles, or lights so bright as to be blinding or distracting to a vehicle driver. However, variable time-temperature signs and intermittent electronic message boards may be permitted, provided each message shall not change more often than once every five (5) seconds.
4. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
5. A sign using the words, "Stop", "Danger", or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead, or

confuse a vehicle driver.

6. Billboards either as on or off-premise signs.
7. Any sign which obstructs the ingress or egress from a required door, window, or other required exit.
8. Signs located in the right-of-way of public streets or highways, except as may otherwise be permitted by this Chapter.
9. Strings of light bulbs, pennants, or streamers, or (other than those of a residential use or a governmental or educational institution not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or its merchandise on display.

D. Exempt Signs: The following signs are permitted on premise with permission of the landowner without a written sign permit.

1. Real estate signs on premise for property to be sold or leased.
2. Building construction signs.
3. Political signs.
4. Placards and directional signs, not exceeding six (6) square feet in display area on each side.
5. Signs identifying a builder's address and/or the names of the occupants, but not advertising an occupation or business and not exceeding two (2) square feet in display area on each side.
6. Historic markers, signs identifying the name of a building or date of erection of a structure and official notices of any court or public agency not exceeding six (6) square feet in display area on each side.
7. Traffic control, directional, warning, or informational signs when authorized by a public agency having appropriate jurisdiction which conforms to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
8. Flags, pennants, or banners bearing the official insignia of a nation, state, county, municipality, or educational institution not to exceed fifty (50) square feet in display area on each side.
9. Governmental signs including welcome signs, park signs and municipal buildings.

E. Additional regulations applicable to ground signs and decorative walls for residential subdivisions (see also Section 13.5)

1. Subject to the provisions of this Chapter, a sign identifying entrances to a residential subdivision within the City may be permitted. Such signs shall be permitted as noted in Section 13.5, provided that they will not, by reason of their size, location, construction, or manner of display, endanger persons or property, cause a traffic hazard, or be incompatible with adjoining property use.

2. The location of subdivision identification signs may be within the public street right-of-way, but not in the traveled portion thereof for vehicular traffic. Written approvals of proposed sign placement and location shall first be obtained from appropriate City department heads, including the Chief of Police, the Fire Chief and the head of the Department of Public Works.
3. All such signs shall be maintained in good condition and be visually attractive. The immediate area surrounding the sign shall be landscaped.
4. Maintenance of all signs shall be at the expense of the owner, or owners, of the signs, which may be the subdivision property owners association, proprietor of the plat or other responsible person or entity.
5. The owner(s) of such signs shall obtain liability insurance coverage for injury to persons and damage to property, arising out of their ownership, use or maintenance, in limits suitable to the City. Such insurance shall be primary to all other insurance coverage, shall include the City as a named insured, and shall be maintained at all times while the sign is located within the public street right-of-way. Proof of insurance shall be furnished to the City.
6. As a condition of approval of the placement of subdivision signs in the public street right-of-way the owner(s) of the sign shall enter into an agreement with the City of Roosevelt Park in which the owner(s) covenants to hold the City harmless from any injury to persons and/or property damage arising out of the ownership, use and maintenance of the signs, and to indemnify the City for any injury and/or damage it may sustain by reason of such ownership, use or maintenance, including costs and attorney's fees.
7. Removal and replacement of such signs shall be by application to the Zoning Administrator. Approval shall be granted by the Zoning Administrator unless safety conditions, sign modifications, utility placement or relocation, street widening or relocation, need of other municipal improvements, or other such changing conditions occur which may for reasons of public health, safety, and welfare make replacement impractical. The City may require removal of such signs in the public right-of-way, at the owner's expense in any such cases where the public health, safety, or welfare is adversely affected by the continued existence of the sign in its location.

SECTION 13.4 SIGNS PERMITTED IN ANY ZONING DISTRICT

- A. Signs identifying contractors, architects, builders, or owners names during the period of construction are permitted subject to the following restrictions:
 1. Such signs shall not exceed fifty (50) square feet in display area on each side and eight (8) feet in height.
 2. Signs designating the future site of a subdivision shall not exceed thirty-two (32) square feet in display area on each side.
 3. Construction signs shall not be erected until a building permit has been

issued for the project which is the subject of the proposed sign and construction activity has begun.

4. Signs must be setback at least fifteen (15) feet from the front property line.
 5. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for any building or structure which is the subject of the construction sign.
- B.** Directional signs are permitted subject to the following restrictions:
1. See Section 12.7,B.
 2. No such sign shall exceed six (6) square feet in area or four (4) feet in height.
 3. Directional signs shall be limited to traffic control functions.

- C. Incidental signs pertaining to any conforming accessory activity being conducted on the premises are permitted in any District, subject to the following restrictions:
 - 1. No individual sign shall exceed six (6) square feet in area.
 - 2. Only those signs which, in the opinion of the Zoning Administrator are necessary to indicate entrances, exits, safety precautions, including identifying logos without text, and other such incidental language shall be permitted.

SECTION 13.5 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES

- A. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this Section shall not apply, and the sign may not be replaced.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if the cost of reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of nine (9) months or more no longer advertises a bona fide business conducted, service performed, or product sold, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. A sign, accessory to a non-conforming use, may be erected in the city in accordance with the sign regulations for the subject zoning district.

SECTION 13.6 SIGN REQUIREMENTS FOR INDIVIDUAL ZONING DISTRICTS

Sign requirements for specific zoning districts are contained in the following tables:

RESIDENTIAL ZONING DISTRICTS - PERMITTED SIGNS
Ground signs for manufactured home parks, multiple family complexes, schools, or other non-residential uses allowed in the District

RESIDENTIAL ZONING DISTRICTS - PERMITTED SIGNS	
Number	1 per major entrance
Size	No greater than 32 square feet
Location	Minimum of ½ of the front setback required for main buildings and a minimum of 15 feet from any side property line
Height	No higher than 8 feet
Ground signs and decorative walls for residential subdivisions (see also Section 13.3, E)	
Number	1 per street entrance
Size	No greater than 75 square feet (sign size only)
Location	See Section 13.3, E
Height	No higher than 8 feet
Wall signs for home occupations	
Number	1 per lot or parcel
Size	No greater than 2 square feet
Location	On wall of house facing street and nonilluminated
Wall signs for non-residential uses	
Number	1 per street frontage
Size	No greater than 5% percent of the wall area to which the sign is affixed.
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 15 feet from any side property line
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel and may not be illuminated
Size	No greater than 6 square feet for lots or parcels under 1 acre; 32 square feet for vacant lots or parcels over 1 acre
Location	Minimum of 15 feet from any side property line

RESIDENTIAL ZONING DISTRICTS - PERMITTED SIGNS	
Height	No higher than 6 feet; 8 feet if over 1 acre

COMMERCIAL DISTRICTS - PERMITTED SIGNS- EXCLUDING CBD	
Ground Signs	
Number	1 per street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	No greater than 50 square feet
Location	Minimum of 15 feet from any side property line
Height	No higher than 8 feet
Freestanding signs	
Number	1 per street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	No greater than 50 square feet
Location	Minimum of 15 feet from any side property line
Height	No higher than 20 feet, except when the front setback of the sign exceeds 30 feet 1 additional foot in height shall be allowed for each additional foot in setback beyond 30 feet to a maximum height of 30 feet.
Wall signs	
Number	1 per street frontage
Size	No greater than 10% percent of the wall area to which the sign is affixed.
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 15 feet from any side property line
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel

COMMERCIAL DISTRICTS - PERMITTED SIGNS- EXCLUDING CBD	
Size	No greater than 16 square feet if under 1 acre, 32 square feet if over 1 acre.
Location	Minimum of 15 feet from any side property line
Height	No higher than 6 feet
Portable signs (C-E, C-SE and C-NW only) (rev. 9/19/03)	
Number	1 per lot or parcel limited to a total display period of 45 days, in any 365 day period.
Size	No greater than 32 square feet
Location	Minimum of ½ the required setback for the main building from any property line
Height	No higher than 6 feet

CBD CENTRAL BUSINESS COMMERCIAL DISTRICT - PERMITTED SIGNS	
Wall signs or projecting signs	
Number	1 per street frontage plus 1 per side facing a parking lot to identify the location of any public entrance
Size	Street frontage - no greater than 10% percent of the wall area to which the sign is affixed; Parking lot frontage - no greater than 5% percent of the wall to which the sign is affixed
Location	On wall of building facing street and wall facing public or private parking area
Height	Projecting sign: Minimum clear space of 8 feet from bottom of sign and not higher than the roof line of the building
Ground sign or freestanding sign, when no projecting signs are used	
Number	1 street frontage (provided the frontage meets the required lot width for the district in which it is located), except that only 1 ground sign or 1 freestanding sign shall be permitted per street frontage
Size	No greater than 50 square feet per sign
Location	Minimum of 5 feet from any property line or adjacent building
Height	Ground sign: No higher than 8 feet; Freestanding sign: No higher than 20 feet
Political signs	
Number	1 per issue or candidate per lot or parcel
Size	No greater than 6 square feet

CBD CENTRAL BUSINESS COMMERCIAL DISTRICT - PERMITTED SIGNS	
Location	Minimum of 5 feet from any property line or adjacent building
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 5 feet from any property line or adjacent building
Height	No higher than 6 feet
Marquee signs	
Number	1 per street frontage
Size	No greater than 50 square feet
Location	On face of marquee
Height	Minimum clear space of 8 feet from bottom of marquee
Awning signs	
Number	1 per awning face
Size	No greater than 20% percent of any awning face to which the sign is affixed
Location	On face of awning
Height	Minimum clear space of 8 feet from bottom of awning

INDUSTRIAL DISTRICTS - PERMITTED SIGNS	
Ground signs	
Number	1 per lot or parcel
Size	No greater than 32 square feet
Location	Minimum of 5 feet from the front property line, 15 feet from all others
Height	No higher than 6 feet
Wall signs	
Number	1 per street frontage
Size	No greater than 5% percent of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	1 per issue or candidate per lot or parcel
Size	No greater than 6 square feet
Location	Minimum of 5 feet from the front property line, 15 feet from all others
Height	No higher than 6 feet
Real estate signs	
Number	1 per lot or parcel
Size	No greater than 16 square feet if under 1 acre; 32 square feet if over 1 acre
Location	Minimum of 5 feet from the front property line, 15 feet from all others
Height	No higher than 6 feet if under 1 acre; 32 square feet if over 1 acre

CHAPTER 14

ZONING BOARD of APPEALS

SECTION 14.1 INTENT AND PURPOSE.

- A.** The role of the Zoning Board of Appeals (ZBA) as authorized by Michigan's zoning statutes is a unique and important one. The ZBA is empowered to hear and decide appeals from any person or board aggrieved by an administrative decision. An administrative decision is one made by a zoning administrator or the planning commission, or by a legislative body acting in an administrative capacity. The ZBA has significant authority relative to interpreting and ultimately enforcing the legislative intent of zoning regulations. This "quasi-judicial" responsibility is separate from the duties carried out by the City Council, Planning Commission, Zoning Administrator, and others involved in zoning.
- B.** No other body or individual in the City has the power to waive or vary the requirements of the community's zoning law. For this reason, the exercise of that authority must be carried out in conformance with prescribed procedures to ensure to the extent possible that there is uniform application of the zoning laws throughout the community.
- C.** Obtaining a variance from the City's zoning laws should be difficult, at best, to accomplish. Only the rarest of situations should qualify and each must satisfy a number of prescribed tests in order to be granted relief from the regulations that are ultimately intended to protect the general health, safety, and welfare of the community. Each time a waiver of the rules is granted, there is potential to erode the integrity of the community's zoning regulations.
- D.** As with all the City's boards, commissions, and committees, the Zoning Board of Appeals is often asked to make tough choices. It is sometimes difficult to remain entirely objective, not allowing emotion, compassion, and personal preferences to influence a decision. But as a quasi-judicial body, the ZBA must not be persuaded by likes and dislikes, personalities, or personal feelings. Whether the ZBA agrees or disagrees with any provision in the ordinance is irrelevant. Decisions must be based solely on the applicable provisions of the zoning ordinance and the applicant's ability to qualify for some relief from those provisions based on the standards of the ordinance.
- E.** Unless caution is exercised, actions of the ZBA may sometimes have the effect of amending the ordinance and violating the intent of its provisions. The ZBA cannot amend the zoning ordinance, including providing rezoning or text changes. The Board must function solely to provide relief for the rare exception situation where conformance to the zoning requirements is either impossible or would be extremely

difficult. Secondly, the Board must be the "arbiter" of disputes or questions regarding the enforcement or interpretation of the ordinance provisions. This job must be undertaken with a genuine commitment to uphold the intent and spirit of the City zoning regulations.

SECTION 14.2 MEMBERSHIP

A. Composition and Terms

1. **Membership** - The Zoning Board of Appeals shall consist of five (5) members appointed by the City Council, and shall include one (1), but not more than two (2) members from the City Council and Planning Commission respectively. One (1) of the first members shall be appointed for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. Thereafter, each member shall be appointed for a full term of three (3) years, provided, however, the term of a member who is also an elected official of the City shall cease upon termination of the elected position.
2. **Alternate Members** - Two (2) alternate members to the Zoning Board of Appeals may also be appointed by the City Council. Alternate members shall be appointed for a term of three (3) years. The alternate members of the Zoning Board of Appeals may be called as specified herein, to sit as regular members of the Zoning Board of Appeals, if a regular member is absent from or unable to attend two or more consecutive meetings of the Zoning Board of Appeals, or for a period of more than thirty consecutive days. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest. The alternate member having been called to serve on a case shall serve on said case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. The decision of whether an alternate member shall sit in the absence of a regular member shall be determined by the Chairperson of the Zoning Board of Appeals, and if there is no Chairperson, by a majority of the Zoning Board of Appeals' members then in attendance at a duly called meeting of the same, and the records maintained by the Zoning Board of Appeals shall reflect the attendance and participation of any such alternate member.
3. **Compensation** - Each regular and alternate member may receive compensation as the City Council may establish by resolution.
4. **ZBA Elections** - The Zoning Board of Appeals shall annually elect from its membership a Chairperson, Vice-Chairperson, and other officers it deems necessary. The Zoning Board of Appeals is also authorized to appoint an

Executive Secretary for the Board.

B. Vacancies

Any vacancies in the Zoning Board of Appeals shall be filled through appointment by the Council.

SECTION 14.3 ORGANIZATION

- A. Rule of Procedures** - The Zoning Board of Appeals shall adopt rules and/or procedures for the conduct of its meetings and the performance of its powers and duties. The procedures shall be in accord with the provisions of this Ordinance and applicable State law. The Board shall annually elect a chairperson, a vice chairperson, and a secretary.
- B. Meeting Dates** - Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board may specify in its rules of procedure. The applicable provisions of Public Act 267 of 1976, as amended, MCLA 15.261 et seq. (Open Meetings Act) shall apply.
- C. Quorum** - A majority of the total membership (three {3} members) of the Board shall comprise a quorum, except in the case of a use-variance where four (4) members are necessary.
- D. Minutes** - Minutes shall be kept of each meeting and the Zoning Board of Appeals shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each appeal case. All meetings and records shall be open to the public. All minutes shall be filed in the office of the City Clerk. The City Clerk, or the Clerk's agent, shall act as recording secretary to the Zoning Board of Appeals, including recording the minutes, publishing legal notices, and providing notices to property owners and others required by law.
- E. ZBA Applications** - Applications shall not be accepted unless all of the following information is submitted:
1. A completed application form (provided by the City);
 2. An accurate, scaled site plan with enough information to clearly indicate the nature of the issue being considered. The Zoning Administrator shall determine the completeness of such plans;
 3. An application fee as may be determined by the City Council from time-to-time and;
 4. A written explanation from the applicant indicating why the application meets the applicable review standards of this Chapter.
- F. Public Hearings** - Upon receipt of an application as required by this Chapter the

Chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a public hearing.

1. Upon determination of the time and date of the hearing, the Clerk shall notify the following by regular mail or in person, not less than ten (10) days before the public hearing:
 - a. The applicant;
 - b. All persons to whom real property is assessed, within three hundred (300) feet of the boundary of the property in question; and
 - c. The occupants of all structures within three hundred (300) feet of the boundary of the property in question.
2. The Clerk shall also publish a notice of public hearing in a newspaper of general circulation. The notice shall be published not more than ten (10) days nor less than five (5) days prior to the date on which the hearing is to be held. The notice shall contain the date, time and place of hearing, a description of the matter under consideration, a general description of the property involved and the name of the applicant.
3. The Board may adjourn any meeting held in order to allow the obtaining of additional information, or to provide further notice as it deems necessary.

SECTION 14.4 POWERS AND DUTIES

A. The Zoning Board of Appeals shall hear only those matters which it is authorized to hear by Public Act 207 of 1921, as amended, M.C.L. 125.585, and provide its decision based upon the criteria contained in this Ordinance. The Zoning Board of Appeals shall hear the following applications in accordance with the indicated standards.

B. Administrative Appeals

1. The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in fact, judgment, procedure, or interpretation in any order, requirement, permit, or decision made by the Zoning Administrator or other body enforcing the provisions of this Ordinance.
2. Site Plan Review:
 - a. The Zoning Board of Appeals shall review and make final determination on properly filed appeals from action by the Planning Commission or City Council with respect to Site Plan Reviews conducted pursuant to Chapter 9 this Ordinance.
 - b. The Zoning Board of Appeals has the power to sustain, reverse or remand for further consideration the decision of the Planning Commission or City Council when it is found that the decision is inconsistent with the provisions of this Ordinance or that there was

an error of fact involved in the decision. In making this determination, the Zoning Board of Appeals shall examine the application and all accompanying data as well as the records of the actions with respect to the Site Plan Review.

C. Interpretations

1. The Zoning Board of Appeals shall have the power to make an Interpretation of the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one (1) meaning. In deciding upon the request, the Board shall insure that its interpretation is consistent with the intent and purpose of this Ordinance and the Chapter in which the language in question is contained.
2. The Zoning Board of Appeals may also make a determination of the precise location of the boundary lines between zoning districts in accordance with Chapter 4 and records, surveys, maps, and aerial photographs.
3. The Zoning Board of Appeals may determine the classification of any use of land not specifically mentioned as a part of the provisions of any district, so that it conforms to a comparable permitted or prohibited use of land in accordance with the purpose and intent of each district.
4. The Zoning Board of Appeals may issue a determination of the off-street parking and loading requirements of a use of land not specifically mentioned in Chapter 12 of this Ordinance such that it conforms to a comparable use of land.

D. Variances

1. The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
2. **Non-use Variance:** A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of ***practical difficulty*** in the official record of the hearing and that all of the following conditions are met:
 - a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:

- (1) Exceptional narrowness, shallowness or shape of a specific property on the effective date of this Ordinance; or
 - (2) By reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure; or
 - (3) By reason of the use or development of the property immediately adjoining the property in question; whereby the literal enforcement of the requirements of this Ordinance would involve practical difficulties; or
 - (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
- b. That the condition or situation of the specific parcel of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.
 - c. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 - d. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 - e. The variance will not impair the intent and purpose of this Ordinance.
 - f. That the immediate practical difficulty causing the need for the variance request was not created by any affirmative action of the applicant (was the situation pre-existing, created by naturally or by as a result of another's action.)
3. **Use Variances:** A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of ***unnecessary hardship*** in the official record of the hearing that all of the following conditions are met:
- a. That the building, structure, or land cannot yield a reasonable return if required to be used for a use allowed in the zone district in which it is located;
 - b. That the condition or situation of the specific parcel of property or the intended use of such property for which the variance is sought is unique to that property and not commonly present in the general vicinity or in the zone district. Such unique conditions or situations include:
 - (1) Exceptional narrowness, shallowness or shape of a specific

- property on the effective date of this Ordinance;
 - (2) Exceptional topographic conditions or other extraordinary situation on the land, building or structure;
 - (3) The use or development of the property immediately adjoining the property in question; or
 - (4) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary
 - c. That the proposed use will not alter the essential character of the neighborhood or the intent of the Master Plan as laid out by Irvin Root or as shown in this Ordinance.
 - d. That the immediate unnecessary hardship causing the need for the variance request was not created by any affirmative action of the applicant.
- 4. Prior to the decision of the Zoning Board of Appeals on a request for a Use Variance, the Board may request that the Planning Commission, upon presentation of the application by the applicant, consider such request and forward a report to the Zoning Board of Appeals. If requested by the Board such report shall be limited to the Planning Commission's review of the effect of the proposal on the existing or intended character of the neighborhood and the ability of the property owner to use the property for a use already permitted under the existing zoning classification.

SECTION 14.5 VOTING REQUIREMENTS, EFFECT OF VARIANCES, RESUBMISSION

- A.** The concurring vote of a majority of the entire membership of the Zoning Board of Appeals shall be necessary to decide in favor of the applicant for a non-use variance or other matter upon which the Board is required to pass, except in the case of a request for a use variance which shall require at least two-thirds (2/3) vote of the entire membership of the Zoning Board of Appeals in order to decide in favor of the applicant.
- B.** All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- C.** Every variance granted under the provisions of this Ordinance shall become null and void unless the construction authorized by such variance has been commenced within six (6) months after the granting of the variance.
 - 1. An applicant may, at no cost, request up to one (1) six (6) month extension of said variance from the Zoning Board of Appeals, if applied for in writing

- prior to the expiration of the variance approval.
2. The Zoning Board of Appeals may grant such extension provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.
- D. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board, to be valid.

SECTION 14.6 CONDITIONS OF APPROVAL

The Zoning Board of Appeals may impose, in writing, specific conditions with an affirmative decision pursuant to Public Act 207 of 1921, as amended, MCLA 125.581 et seq. The breach of any such condition shall be a violation of this Ordinance.

SECTION 14.7 BONDING

The Zoning Board of Appeals may require that a bond be furnished to insure compliance with certain conditions imposed with the granting of any appeal or variance.

SECTION 14.8 CERTIFICATION OF COMPLIANCE

The Zoning Administrator shall certify whether all conditions and other requirements of the variance have been fulfilled, as a precondition to the issuance of any permit required for development, construction, occupancy or use within the area governed by the variance.

CHAPTER 15
ADMINISTRATION AND ENFORCEMENT

SECTION 15.1 RESPONSIBILITY

- A. Deputy Administrator** - Where the provisions of this Ordinance authorize or direct the Zoning Administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the City Manager.
- B. Basic Duties** - The Zoning Administrator shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this Ordinance, and to otherwise carry out the duties assigned herein.
- C. Official Zoning Map** - The Zoning Administrator shall be responsible for maintaining the Official Zoning Map.
- D. Violations** - The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with, or prevent violations of its provisions.

SECTION 15.2 ZONING ORDINANCE AMENDMENTS, INITIATION

- A. Timeframe for Application Submittal** - All applications for amendments to the Zoning Ordinance shall be submitted to the Zoning Administrator at least twenty-one (21) days prior to the first consideration by the City Planning Commission.
- B. Initiation of Amendments and Application Requirements** - Requests for amendments to the Zoning Ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the City Planning Commission or the City Council through official action of the Commission or Council taken at a public meeting which has been properly noticed as required by law.

In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:

- 1) Completion of a Zoning Amendment Application as provided by the Zoning Administrator. Said application to include:
 - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
 - b. In the case of a text amendment, the specific section to be amended and the proposed text change.
 - c. If the requested amendment requires a change in the zoning map, the

common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate by map form, the location of the property requested for rezoning. Sufficient copies of the map shall accompany the original application.

If, in the opinion of the Zoning Administrator, Planning Commission, or City Council, the information submitted does not provide a clear delineation of the specific area to be rezoned, said Zoning Administrator, Planning Commission, or City Council shall require the applicant to submit a boundary survey of the property in question. Said survey to include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a Land Surveyor registered by the State of Michigan. Sufficient copies of the boundary survey shall be provided.

- d. The nature of the amendment shall be fully identified in writing.
- e. Payment of all fees as required by the City of Roosevelt Park.

SECTION 15.3 AMENDMENT PROCEDURE

After submission of the application and fee, amendments to this Ordinance shall be processed as provided for in the Zoning Act.

SECTION 15.4 CONSIDERATION OF AMENDMENT

The following guidelines shall be used by the Planning Commission and City Council pursuant to consideration of amendments to the Zoning Ordinance:

A. Text Amendment

1. The proposed text amendment would correct an error in the Ordinance.
2. The proposed text amendment would clarify the intent of the Ordinance.
3. The proposed text amendment would address changes to the state legislation, recent case law or opinions from the Attorney General of the State of Michigan.
4. The proposed text amendment would promote compliance with changes in other City Ordinances and County, State or Federal regulations.
5. In the event the amendment will add a use to a district, said use shall be fully consistent with the character of the range of uses provided for within the district.
6. The amendment shall not result in problems of incompatibility among land uses within a zoning district, or among adjacent districts.
7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

8. As applicable, the proposed change shall be consistent with the City's ability to provide adequate public facilities and services.
9. The proposed change shall be consistent with the City's desire to protect the public health, safety, and welfare of the community.

B. Map Amendment (also known as a Rezoning)

The following standards are to be used before making a map amendment. The first three (3) numbered items are often called the "3 C's" and are fundamental to rezoning questions:

1. **Consistency** with the goals and policies listed in the Master Plan section of this Ordinance. If conditions have changed since the development of the Master Plan provisions, then decisions shall be based on consistency with recent development trends in the area.
2. **Compatibility** of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district. The potential uses allowed in the proposed zoning district shall be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.
3. **Capability** of the existing or planned infrastructure including streets, sanitary sewers, storm sewer, water, sidewalks, and street lighting to sufficiently support those uses provided for within the proposed zoning district classification.
4. Existing City facilities and services including, but not limited to, police and fire protection, recreational facilities, educational facilities, and waste collection shall have sufficient capacity to support those uses provided for within the proposed zoning district classification.
5. The proposed change shall be governed by sufficient standards to ensure that the potential for problems of incompatibility between the proposed and adjoining districts shall be minimal.
6. The requested rezoning will not create an isolated and unplanned spot zone.
7. The proposed change shall not endanger the public health, safety, or welfare.
8. Other factors deemed appropriate by the Planning Commission.

SECTION 15.5 ZONING COMPLIANCE PERMITS

- A.** Unless otherwise exempted by this Ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall require receipt of a zoning permit and issuance of a certificate of zoning compliance. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefore. Issuance of such a certificate shall indicate

that the use and plans for which the permit is requested comply with this Ordinance.

- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use as permitted under the terms of this Ordinance, until a certificate of zoning compliance shall have been issued hereunder by the Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this Ordinance.
- C. The Zoning Administrator shall maintain a record of all certificates of zoning compliance.
- D. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and is punishable as provided by law. Any change in approved plans shall occur as provided for in this Ordinance and shall require the issuance of an amended certificate of zoning compliance.

SECTION 15.6 PERFORMANCE GUARANTEE

- A. As a condition of approval of a site plan, special land use, planned unit development, variance, or other such zoning action, the Zoning Administrator, Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include but shall not be limited to roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar items.
- B. Performance guarantees shall be processed in the following manner:
 - 1) The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred (100) percent of the following costs:
 - a. Purchase and/or construction of improvements.
 - b. Installation of improvements.
 - c. Architectural and/or engineering design or related professional costs.
 - d. Reasonable amount for contingencies, but in no case less than five (5) percent of total costs for a. through c. above.

- 2) The required performance guarantee shall be in the form of an irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the party requiring said guarantee.
- 3) Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity.
- 4) The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- 5) When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall recommend to the Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections.
- 6) The Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, shall either approve, partially approve, or reject the improvements. The Zoning Administrator shall notify the applicant in writing of the action of the Planning Commission, City Council, or Zoning Board of Appeals, as appropriate, within thirty (30) days after the official action of said Commission, Council, or Zoning Board of Appeals. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- 7) A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 15.7 ORDINANCE VIOLATIONS

- A. Any building or structure moved, erected, razed, converted, or used and any use of land or premises which is carried on in violation of this Ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this Ordinance shall be reported to the Zoning Administrator.
- B. After an order to correct the violation has been issued by the Zoning Administrator, the property owner (owner of the property upon which the violation is located) shall have five (5) days to correct the violation. If the violation cannot be corrected within five (5) days the Zoning Administrator may, with just cause, extend the correction period for an appropriate amount of time up to a period of six (6) months. The approved extension period shall be at the discretion of the Zoning Administrator.

In the event a longer period of time is required:

- 1) The Zoning Board of Appeals, upon petition, may grant up to six (6) additional months to correct the violation if conditions warrant such an extended period of time. The six (6) period shall commence at the end of the extended period as approved by the Zoning Administrator (as referenced above).
- 2) If the violation involves a special land use or planned unit development, the request for the extended period of time shall be made to, and approved by, the City Council. Any violation not corrected within the required time frame shall be reported to the City Council.

In all cases, a request for extending the period of time for correcting a violation shall be made by the applicant. Said request shall be in writing to the Zoning Administrator and shall include specific detail on why the violation occurred, the requested timeframe for correcting the violation, and actions to be pursued by the land owner to ensure correction of the violation. The written request shall be delivered to the Zoning Administrator no less than twenty-one (21) days prior to the expiration of the extended time frame as originally approved by the Zoning Administrator.

In the event the Zoning Administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, the Zoning Administrator may require that immediate measure be taken to correct the violation.

- C. Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this Ordinance or lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, or City Council issued in pursuance of this Ordinance shall be responsible for a civil infraction punishable by the sanctions as set forth below. Each day which a violation continues, may be deemed a separate infraction.
- D. The sanction for any violation of this Ordinance which is a municipal civil infraction shall be a civil fine as provided herein, plus any costs, damages, expenses, and other sanctions authorized under Act 12 through 26, Public Acts of Michigan of 1994.
- E. The Zoning Administrator, the Building Inspector, together with the police officers of the City of Roosevelt Park, are authorized officials to issue municipal civil infraction citations and municipal civil infraction violation notices for violation of this Ordinance.
- F. A violation of this Zoning Ordinance shall be a municipal civil infraction subject to a fine. Increased civil fines will be imposed for repeated violations that occur within a six (6) month period. Civil fines will be as set from time to time by the City Council pursuant to State Law. The City shall also be entitled to equitable relief to abate the violations and to such other relief as may be available to the City pursuant to Chapters 83 and 87 of the Michigan Revised Judicature Act, as amended at the present time or in the future.

SECTION 15.8 SEVERABILITY CLAUSE

This Ordinance and the various Chapters, sections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, section, clause or word is adjudged unconstitutional or invalid for any reason, by any Court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this Ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the Court to be inoperable.

SECTION 15.9 CONFLICTING PROVISIONS

Where a provision of this Ordinance conflicts with a provision of another Ordinance, the strictest provision shall prevail.

SECTION 15.10 SAVINGS CLAUSE

- A. This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted.
- B. Such proceedings may be consummated under and according to the Ordinance in force at the time such proceedings are or were commenced. All prosecution, or other actions, pending at the effective date of this Ordinance, or offenses or acts committed prior to the effective date of this Ordinance, may be continued or instituted under and in accordance with provisions of the Ordinance in force at the time of such offense.

SECTION 15.11 REPEAL OF PREVIOUS ZONING ORDINANCE

This Ordinance, when effective, repeals Ordinance No.15 of the City of Roosevelt Park Code of Ordinances, and all amendments thereto, are hereby repealed.

SECTION 15.12 EFFECTIVE DATE

This Ordinance is hereby adopted at a regular meeting of the City Council held on the 7th day of January, 2002, and shall be effective on the 23rd day of January, 2002.