

ZONING ORDINANCE



VILLAGE OF ROSCOMMON

ROSCOMMON COUNTY, MICHIGAN

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Village of Roscommon ZONING ORDINANCE

Village of Roscommon
Roscommon County
Michigan

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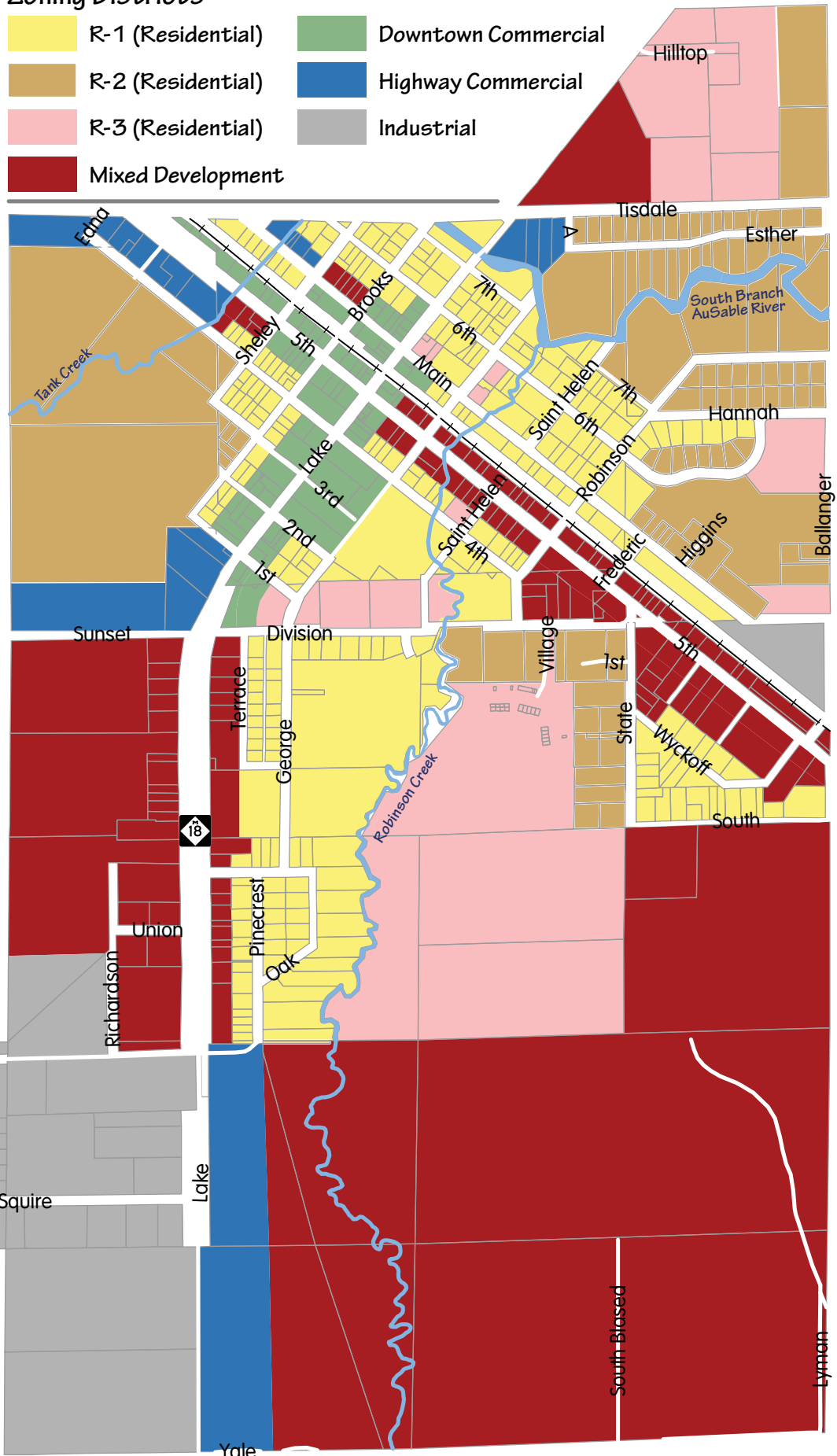
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Village of Roscommon

Zoning Districts

- R-1 (Residential)
- R-2 (Residential)
- R-3 (Residential)
- Mixed Development
- Downtown Commercial
- Highway Commercial
- Industrial

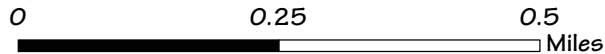


DISCOVER
Northeast Michigan
EAST OF EXPECTED



Map prepared by:
Northeast Michigan
Council of Governments
www.nemcog.org

ADOPTED 2/10/20 EFFECTIVE 2/20/20



Article 1 Purpose & Authority

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Section 1.1 Title

This document shall be known as the Village of Roscommon Zoning Ordinance and may be referred to herein as “this Ordinance”.

Section 1.2 Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of the Village of Roscommon. The provisions herein are intended to regulate land development; to establish districts within the Village of Roscommon that regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to integrate residential and non-residential uses where appropriate and beneficial to the community; to promote the establishment of mixed-use development on appropriate properties; to provide for transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most economical and advantageous uses of land, resources and properties; and to be the means and methods for implementing the policies, goals, and objectives as set forth in the current Master Plan.

It is the purpose of this Ordinance to manage the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to promote development in the Village of Roscommon that enhances the quality of the physical and natural environment and the overall quality of life of both residents and visitors. Within each district, regulations shall be provided designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, promote the public health, safety, and general welfare and give reasonable consideration to the character of the district and its structures, the suitability for particular uses, the preservation of property values, and the general trend and character of building and population development that ensures a sustainable future for Roscommon.

Section 1.3 Authority

This Ordinance is adopted pursuant to the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended. Said Act is hereby made a part of this Ordinance, as if said Act were repeated verbatim herein.

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Section 2.1 Rules Applying to Text

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

- A. The particular shall control the general.
- B. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural, and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:

- 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- H. "Village" shall refer specifically to the Village of Roscommon.
- I. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- J. Terms not defined shall be assumed to have the meaning customarily assigned them.
- K. The Village of Roscommon Zoning Board of Appeals shall define any necessary interpretation of this Ordinance.

Section 2.2 Definitions

A

Abutting. Having property or district line in common.

Access. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public road or to a private road or easement.

Accessory Building or Structure. Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure. Fences and walls are not considered accessory structures.

Accessory Use. Any use customarily incidental to the principal use of the premises.

Adjacent Property. All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

Adult Foster Care Facility. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.

A. The following additional definitions shall apply in the application of this Ordinance:

- 1. **Adult Day Care Facility.** A facility receiving adults for care for periods of less than twenty-four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related

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by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.

2. **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
3. **Adult Foster Care Small Group Home.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
4. **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
5. **Adult Foster Care Congregate Facility.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
6. **State-Licensed Residential Facility.** A structure constructed for residential purposes that is licensed by the State under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, or the [Child Care Organizations Act, 1973 PA 116](#), MCL 722.111 to 722.128, and provides residential services for six (6) or fewer individuals under twenty-four (24) hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

B. An adult foster care facility does not include the following:

1. A nursing home licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
2. A home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
3. A hospital licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260.
4. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106.
5. A county infirmary operated by a county department of social services or family independence agency under Section 55 of the [Social Welfare Act, 1939 PA 280](#), MCL 400.55.

6. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under the **Child Care Organizations Act, 1973 PA 116**, MCL 722.111 to 722.128, if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - a. Two (2), if the total number of residents is ten (10) or fewer.
 - b. Three (3), if the total number of residents is not less than eleven (11) and not more than fourteen (14).
 - c. Four (4), if the total number of residents is not less than fifteen (15) and not more than twenty (20).
 - d. Five (5), if the total number of residents is twenty-one (21) or more.
7. A foster family home licensed or approved under **1973 PA 116**, MCL 722.111 to 722.128, that has a person who is eighteen (18) years of age or older placed in the foster family home under Section 5(7) of **1973 PA 116**, MCL 722.115.
8. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.
9. A facility created by the **Michigan Veterans Facility Act, 1885 PA 152**, MCL 36.1 to 36.12.
10. An area excluded from the definition of adult foster care facility under Section 17(3) of the **Continuing Care Community Disclosure Act, 2014 PA 448**, MCL 554.917.
11. A private residence with the capacity to receive at least one (1) but not more than four (4) adults who all receive benefits from a community mental health services program if the local community mental health services program monitors the services being delivered in the residential setting.

Aggrieved Person. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

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

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

Apartment. One (1) of a group of two (2) or more living units in a single structure with shared access to the outside in the form of an entry hall or common stairway.

Applicant. Any person who applies for a permit or petition.

Application. The process by which the owner of a parcel of land within the Village submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Village concerning such a request.

Appurtenance. An ornamental, structural or mechanical element that is attached to and subordinate to a

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building or structure, but not including fences.

Architectural Features. Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

Assisted Living Home. A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attached. Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to it.

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

Auto Repair. Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Storage, Damaged. Any storage of inoperable vehicles not incidental to a public garage.

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

Average. For the purpose of this Ordinance, the term, "average" shall be an arithmetic mean.

Awning. Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

B

Basement or Cellar. A level of a building having more than one-half (1/2) of its height below grade (see illustration in definition of [Story](#)).

Bed and Breakfast or Tourist Home. An owner-occupied single-family residence where short term lodging rooms and meals are provided.

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

Block. The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Village.

Breezeway. A covered passageway, one (1) story in height connecting a main structure and an accessory building, the sides of which may be enclosed by lattice, screens or other material allowing the passage of air.

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Buffer. Open space, landscaped areas, fences, walls, berms or any combination thereof to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances. A greenbelt is considered a buffer.

Buildable Area. That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with. Also called “Building Envelope.”

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

Building, Accessory. See [Accessory Building or Structure](#).

Building, Principal. See [Principal Building](#).

C

Cabin/Cottage. A detached building which is used for seasonal occupancy as a dwelling or sleeping quarters for transients or tourists for a fee.

Cabin Court. Grouping of multiple cabins/cottages on a site and used for purposes of renting or leasing to transient clientele.

Campground. Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for recreational units.

Child Care Facility. A facility for the care of children (persons under eighteen (18) years of age), as licensed and regulated by the State under [1973 PA 116, as amended, Child Care Organizations Act](#), being MCL §§ 722.111 - 722.128), and the associated rules promulgated by the [State Department of Health and Human Services](#). Such organizations shall be further defined as follows:

- A. **Family Child Care Home.** A State-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **Group Child Care Home.** A State-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **Child Care Center.** A State-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes

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a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

- D. **Child Caring Institution.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a twenty-four (24) hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home, which is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than four (4) but less than thirteen (13) minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under Article 17 of the [Public Health Code, 1978 PA 368](#), MCL 333.20101 to 333.22260, a boarding school licensed under Section 1335 of the [Revised School Code, 1976 PA 451](#), MCL 380.1335, a hospital or facility operated by the State or licensed under the [Mental Health Code, 1974 PA 258](#), MCL 330.1001 to 330.2106, or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218](#), MCL 400.701 to 400.737, in which a child has been placed under Section 5(6).

Church/Religious Institution. A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple, synagogue, or similar religious structure and/or institution.

Clinic. A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by one (1) or more professional, such as a physician, dentist or the like.

Club or Lodge. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, agriculture, or the like, but not operated for profit.

Cluster Development. A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

College. A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit or for-profit basis.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services, and the maintenance or operation of offices.

Conditional Rezoning. A rezoning that is conditioned by a specific use and approved site plan voluntarily proposed by the applicant.

Condominium. See the following definitions:

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- A. **Condominium Act. 1978 PA 59**, as amended.
- B. **Condominium Documents.** The master deed, recorded pursuant to the **Condominium Act**, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in the condominium.
- C. **Condominium Lot.** The condominium unit and the contiguous limited common element surrounding the condominium unit, which shall be the counterpart of "lot" as used in connection with a project developed under the **Land Division Act, 1967 PA 288**, as amended.
- D. **Condominium Unit.** That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time share unit or any other type of use.
- E. **General Common Elements.** The common elements other than the limited common elements.
- F. **Limited Common Elements.** A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- G. **Master Deed.** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the **Condominium Act**.
- H. **Site Condominium Development.** A condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Convalescent or Nursing Home. A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

- A. Requires regular visits by clients or customers.
- B. Needs frequent delivery or shipment of goods.
- C. Conducts regular operations or store materials outside of the residence.
- D. Employs two (2) or more individuals who reside off-premises.
- E. Has the potential to rapidly increase in size and intensity.

D

Deck/Patio. A horizontal structure of a single elevation or varying elevations, commonly used as a floor attached or located on the property with the principal building. A deck/patio may be open or partially or completely covered by a roof. Decks and patios made from wood or composite material require a zoning permit. Decks made from concrete or similar materials do not require a zoning permit.

Density. The intensity of development in any given area, measured in this Ordinance by the number of dwelling units per acre.

Development. The construction or relocation of a building on a lot of record, or the use of open land for a new activity.

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

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

Dwelling. A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, recreational vehicle, truck, bus, motor home, tent, or other such portable structures be considered a dwelling unit unless otherwise allowed by this Ordinance.

Dwelling, Manufactured. A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974](#), as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple-Family. A building, or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other where each unit may have access to a common hallway, stairs or elevator (commonly referred to as an apartment building). Multiple-Family dwelling includes apartment buildings and also the following:

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- A. **Bungalow Court.** This building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court. The shared court takes the place of a private rear yard.
- B. **Fourplex.** A medium structure that consists of four (4) units: typically two (2) on the ground floor and two (2) above with a shared entry.
- C. **Multiplex.** A medium structure that consists of five (5) to ten (10) side-by-side and/or stacked dwelling units, typically with one (1) shared entry or individual entries along the front.
- D. **Courtyard Apartments.** A medium- to large-sized structure consisting of multiple side-by-side and/or stacked dwelling units accessed from a courtyard or series of courtyards. Each unit may have its own individual entry or may share a common entry.

Dwelling, One-Family. Any building usable for residence purposes by one (1) family.

- A. **Dwelling, Single-Family Detached.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single-family dwelling that does not share a party wall with any other dwelling is a detached single-family dwelling.
- B. **Dwelling, Single-Family Attached.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own ground-floor access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

Dwelling, Two-Family (Duplex). A building designed exclusively for occupancy by two (2) families, living independently of each other.

E

Easement. The right of an owner of property, by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage, and similar uses.

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage and the like shall NOT be considered a part of erected.

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, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public facilities or municipal departments or commissions or for the public health or safety or general welfare. Wind turbines, solar energy panels, and wireless communications are not considered essential services.

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Excavation. The removal of rock, sand, soil or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming or gardening purposes.

F

Family.

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children, together with not more than (3) three additional persons not related by blood, marriage, or adoption, living 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 non-transient domestic character and who are cooking and living as a single non-commercial housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period. Foster family homes shall be considered a residential use of property for the purposes of zoning and shall be regulated similar to a single-family home.

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

Flea Market. A building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade. Rummage sales and garage sales are not considered to be flea markets.

Floor Area. The sum of the gross horizontal areas of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings.

Floor Area, Usable. See [Usable Floor Area](#).

Funeral Home/Mortuary. A building used for the storage and preparation of the deceased for burial and display, and for ceremonies connected therewith before burial or cremation.

G

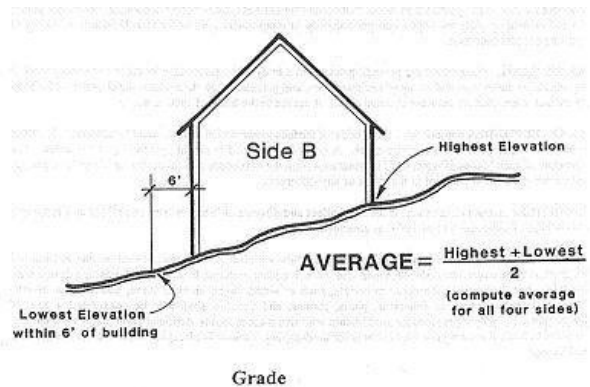
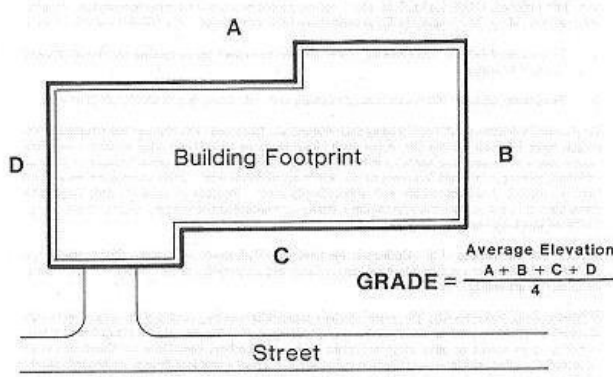
Gas Station. An establishment primarily offering retail sales of motor fuels, oil and lubricants as well as minor vehicle repair and service including but not limited to replacement of tires, batteries, mufflers, brakes, starters, oil changes, and engine tune-ups.

Garage, Private. A detached accessory building or portion of a principal building used for the storage of passenger vehicles and not more than one (1) truck of a rated capacity of two (2) tons or more.

Grade, Finished. The final elevation of the ground surface after development. In the case of lots with a

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sloping terrain, the grade shall be the average elevation of the ground adjacent to the walls.



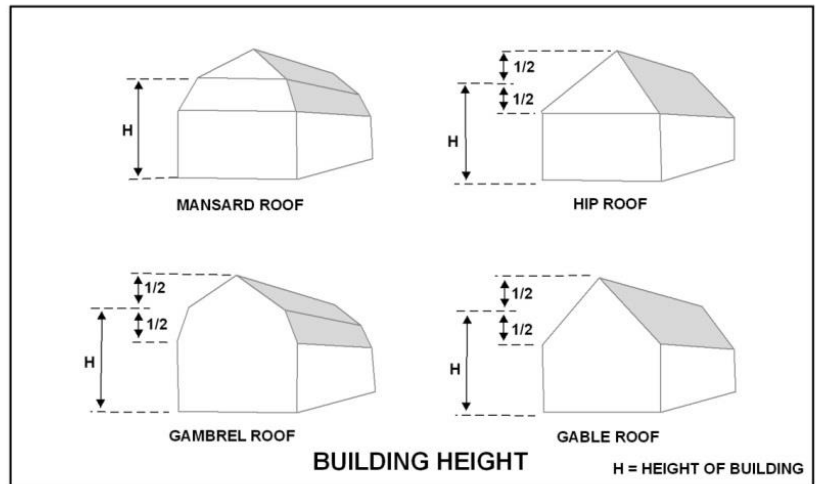
Grade, Natural. The elevation of the ground surface in its natural state, before man-made alternations.

Greenbelt. A planting of trees and shrubs to serve as a screening device between abutting land uses or along water bodies to screen and control erosion.

H

Hazardous Substance. A chemical or other material that has been declared to be injurious to the public health, safety, or welfare or the environment by any agency of the State of Michigan or the United States.

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



Hotel or Motel. A commercial building occupied or used as a temporary abiding place of individuals or groups of individuals and in which there are more than five (5) sleeping rooms, and in which no provision is made for cooking in any individual room. One (1) or more of the following services may be offered: maid service, furnishing of linen, telephone, secretarial, or desk service, and bellboy service. A hotel or motel may also include a restaurant or cocktail lounge, public banquet halls, ballrooms or meeting rooms.

Home Occupation. An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use

of the lot and dwelling for residential purposes.

Homeless Shelter. See [Residential Human Care Facility](#).

I

Impervious Surface. Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces. For the purpose of calculating storm water runoff, impervious surfaces shall include all roofs, slabs, pavements and gravel drives and parking lots.

Improvements. Buildings, structures, parking areas, landscaping, and similar features which add value to a property and actions associated with a project which are considered necessary by the Village to protect natural resources or the health, safety and welfare of the residents of the Village, and future users or inhabitants of the proposed project or project area.

Industrial Park. A legally recorded subdivision that has been specifically designed for industrial purposes and use.

Inn. An establishment which offers transient lodging units in conjunction with another commercial establishment (i.e. a restaurant). The transient lodging is not considered the principal use.

J

Junk. All rubbish, refuse, and debris including, but not limited to, the following. nonputrescible solid waste, ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles, or parts thereof. This shall not preclude composting for on-site use.

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

K

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

L

Landscaping. Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, berms, benches, walks, paths, steps, terraces, and garden structures and any surface and subsurface structures, grading or excavation included on a landscape site plan.

Living Unit. A portion of a building providing bathroom and kitchen facilities for one (1) family.

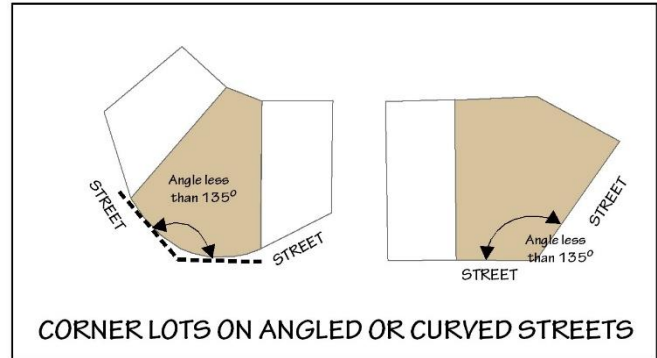
Loading Space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

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Lot. A parcel of land occupied or capable of being occupied by a building and its accessory buildings and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved drive. The word “lot” shall include parcel and a unit of land within a site condominium which gives the owner exclusive rights to a building envelope of which a building is placed and limited rights to the yard area surrounding the building.

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

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

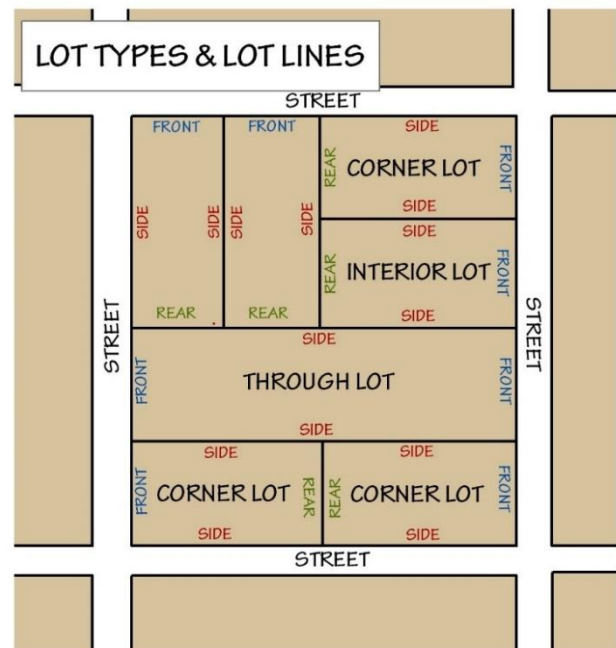


Lot, Through (Double Frontage). A lot other than a corner lot having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

Lot, Interior. An interior lot is a lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Line. Any line bounding a lot.

- A. **Lot Line, Front.** The line separating the lot from the street. In the case of a corner lot, the line separating the narrowest side of the lot from the street. In the case of lots having equal street frontage, the property owner shall choose which lot line shall be considered the front lot line. In the case of a waterfront lot, the line separating the lot from the water’s edge.
- B. **Lot Line, Rear.** The line opposite to and most distant from the front line; In order to assure adequate width of rear yards in irregularly shaped lots, it shall be the straight line entirely within the lot ten (10’) feet long, parallel to and most distant from the front lot line.



- C. **Lot Line, Side.** A line other than front or rear lot line.

D. **Lot Line, Street or Alley.** Any line separating a lot from a street or alley.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Village officials, and which actually exists as so shown, or any part of such parcel held in separate recorded ownership at the time of adoption of this Ordinance.

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

M

Master Deed. See [Condominium: Master Deed](#).

Mobile Home. See [Dwelling, Manufactured](#).

Manufactured Housing Community. A parcel of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home.

Medical Marijuana. The following definitions are related to medical marijuana.

- A. **Enclosed, Locked Facility.** That term as defined in Section 3 of [Initiated Law 1 of 2008, as amended, Michigan Medical Marijuana Act](#), being MCL 333.26423.
- B. **Marijuana Facility.** An enterprise at a specific location at which a licensee is licensed to operate under the [Michigan Medical Marijuana Act](#), MCL 333.27101 et seq.; including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq.
- C. **Medical Marijuana.** That term as defined in the [Public Health Code](#), MCL 333.1101 et seq., the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq.; the [Michigan Medical Marijuana Act](#), MCL 333.27101 et seq.; and the [Marijuana Tracking Act](#), MCL 333.27901 et seq.
- D. **Person.** An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- E. **Primary Caregiver.** That term defined in Section 3 of [Initiated Law 1 of 2008, as amended, Michigan Medical Marijuana Act](#), being MCL 333.26423, who is at least 21 years old and who has been registered by [State Department of Licensing and Regulatory Affairs](#) or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- F. **Primary Caregiver Facility.** A building in which the activities of a Primary Caregiver are conducted.
- G. **Processor.** A licensee that is a commercial entity located in Michigan that purchases marijuana from a grower and that extracts resin from the marijuana or creates a marijuana-infused product for sale

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and transfer in packaged form to a provisioning center.

- H. **Provisioning Center.** A licensee that is a commercial entity located in Michigan that purchases marijuana from a grower or processor and sells, supplies, or provides marijuana to registered qualifying patients, directly or through the patients registered primary caregivers. Provisioning center includes any commercial property where marijuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the [Michigan Medical Marijuana Act](#), MCL 333.26421 et seq., is not a provisioning center for purposes of this Article.
- I. **Qualifying Patient.** That term defined in Section 3 of [Initiated Law 1 of 2008, as amended, Michigan Medical Marijuana Act](#), being MCL 333.26423, who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the [State Department of Licensing and Regulatory Affairs](#) or any successor agency.
- J. **Safety Compliance Facility.** A licensee that is a commercial entity that receives marijuana from a marijuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marijuana to the marijuana facility.
- K. **Secure Transporter.** A licensee that is a commercial entity located in Michigan that stores marijuana and transports marijuana between marijuana facilities for a fee.

Microgardening. The practice of intensively food ‘farming’ in containers and well-designed, small urban spaces. Microgardens are designed to be highly productive; energy and space efficient; sustainable; affordable; and grown in healthy living soil.

Ministorage/Self Storage. A structure containing separate storage areas of varying sizes that are leased or rented on an individual basis.

N

Nonconforming Building. Any building, or portion thereof, lawfully existing at the time of this Ordinance became effective and which now does not comply with the floor area, setback, parking, or other dimensional regulations of this Ordinance.

Nonconforming Lot. A lot, the area, dimensions or location of which was lawful prior to the adoption, revisions, or amendment of this Ordinance; but which fails, by reason of such adoption, revisions, or amendment, to conform to current requirements of the Zoning District.

Nonconforming Sign. A sign lawfully existing on the effective date of this Zoning Ordinance, which does not comply with one or more of the regulations set forth in this Zoning Ordinance.

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

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Nuisance. An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to. (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, (o) invasion of non-abutting street frontage by traffic, (p) a burned out structure, or (q) a condemned structure.

Nursing Home. See [Convalescent or Nursing Home](#).

O

Office. A place where a business, executive, administrative, or professional activity is carried on (wherein goods, wares or merchandise are not commercially treated, manufactured, fabricated, displayed, warehoused, exchanged or sold); Provided, however, this definition shall not preclude the interior display of or sale made from samples of merchandise normally associated with certain business services such as but not limited to manufacturer's representatives.

Open Space. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal), or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that would result in the development of impervious surfaces shall not be included as open space.

Outdoor Commercial Recreational Facility. A commercial business that provides amusement facilities, such as miniature golf, carnival rides, and other similar attractions and open to the general public.

Outdoor Sales Facility. Outdoor sales, rental or repair of the following: automobiles and other motor vehicles, bicycles, utility trucks or trailers, boats, home equipment, garages, recreation vehicles, recreational equipment, manufactured homes, snowmobiles, farm implements, contractor's equipment, swimming pools, and similar items. An outdoor sales facility shall not be used for the storage of wrecked items, the dismantling of items, or for the storage of parts unless approved by the Planning Commission with proper screening.

Outdoor Storage. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment, and other supplies.

P

Parcel. See [Lot](#).

Parking Space, Off-Street. Any accessible area not less than one hundred eighty (180 ft²) square feet exclusive of access drives and aisles and which is not located on a public street or alley right-of-way and has a shape satisfactory for such use.

Patio. A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, placed directly on the ground.

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Performance Guarantee. A cash deposit, certified check, irrevocable bank letter of credit, or a performance or surety bond approved by the Village of Roscommon.

Performance Standards. A set of criteria or limits relating to nuisance elements (noise, odor, vibration, toxic and hazardous materials, radiation, flooding, and other similar occurrences) that a particular use or process may not exceed.

Permitted Use. A use which is permitted by right in a particular Zoning District after issuance of a zoning permit and for which a Special Use Permit is not required.

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

Planned Unit Development (PUD). A type of development to be planned and built as a unit and which permits, upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Planning Commission. The body, appointed by the Village Council, under the provisions of the [Michigan Planning Enabling Act, 2008 PA 33](#), as amended, MCL 125.3801 et. seq. Refers to the Village of Roscommon Planning Commission.

Plot Plan. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

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

Principal Building. A building in which is conducted the principal use of the premises on which it is situated.

Principal Use. The primary use to which the premises are devoted.

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

PUD. See [Planned Unit Development](#).

Q

Quantity Threshold for Regulation of Hazardous Substances. Any commercial or industrial facility that uses, stores or generates hazardous substances in quantities greater than one hundred (100) kilograms per month (equal to about twenty-five (25) gallons or two hundred and twenty (220) pounds).

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R

Recreational Vehicle. A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities. A recreational vehicle may be a motorized, self-propelled vehicle or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, truck-mounted campers, fifth wheel trailers, travel trailers, and pop-up or folding campers. This term does not include manufactured or mobile homes.

Religious Institution. See [Church/Religious Institution](#).

Residential Human Care Facility. A facility (not within a private residence) providing one (1) or more of the following:

- A. Emergency shelter and services for battered individuals and their children in a residential structure.
- B. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.
- C. Emergency shelter for individuals who are homeless.
- D. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation.

Resort. A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as, but not limited to, a sporting goods shop or a restaurant.

Resource Recovery Facility or Recycling Center/Recycling Facility. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream.

Restaurant. A business located in a building where, in consideration for the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of goods that may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food and complying with State and Federal health regulations.

Right-of-Way. A street, alley or other roadway or easement permanently established for passage of persons or vehicles.

RV Park. See [Campground](#).

S

Salvage Yard. A place where waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packaged, disassembled, cleaned, or handled, including house and vehicle wrecking yards,

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used lumber yards, and places or yards for use of salvaged house and vehicle parts, and structural steel materials and equipment. Salvage Yard shall not include uses conducted entirely within a completely enclosed building, pawn shops, establishments for the sale, purchase, or storage of used cars in operable condition, salvaged machinery, used furniture and household equipment, and the processing of used, discarded, or salvaged materials as part of manufacturing operations.

School. A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Scrap Yard. An establishment where scrap metals are collected, processed, stored, and/or sold.

Seasonal Use. Any use or activity that is not conducted during each month of the year.

Seasonal Sales/Transient Sales. Sales establishments which exist on a temporary basis based on seasonal events such as Christmas tree sales, seasonal produce, and fireworks.

Senior Housing. A residential complex containing multiple-family dwellings designed for and principally occupied by senior citizens. Such facilities may include a congregate meals program in a common dining area, but exclude institutional care such as medical or nursing care where patients are confined to bed.

Setback. The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Sexually Oriented Business. A business or commercial enterprise engaging in any of the following. (A) adult arcade; (B) adult bookstore or adult video store; (C) adult cabaret; (D) adult motel; (E) adult motion picture theater; (F) adult theater; (G) escort agency; (H) nude model studio; and (I) similar establishments.

A. **Adult Arcade.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore or Adult Video Store.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following.

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified

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Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- C. **Adult Cabaret.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 1. Persons who appear in a state of nudity;
 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

- D. **Adult Motel.** A hotel, motel or similar commercial establishment that:
 1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

- E. **Adult Motion Picture Theater.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

- F. **Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

- G. **Employee.** A person who performs any service for any consideration on the premises of an sexually oriented business on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said sexually oriented business. Employee does not include a person exclusively on the premises for repair or maintenance of the

premises or equipment on the premises or for the delivery of goods to the premises.

- H. **Escort Agency.** Any business, agency, or person who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes, or arranges for persons, who may accompany other persons to or about social affairs, entertainments, or places of amusement, or who may consort with others about any place of public resort or within any private quarters.
- I. **Human.** Besides the customary meaning, the term “human” shall also include non-living anthropomorphic (having human characteristics) devices, both physical and digital.
- J. **Nude Model Studio.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- K. **Nudity or a State Of Nudity.** The knowing or intentional live display of human genital organ or anus with less than a fully opaque covering or a female's breast with less than a fully opaque covering of the nipple and areola. Nudity, as used in this Section, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- L. **Operate or Cause to Operate.** To cause to function or to put or keep in a state of doing business.
- M. **Operator.** Any person on the premises of a sexually oriented business who exercises overall operational control of the business or a part of the business, who can open or close the business to the public, or who causes to function or who puts or keeps the business open or in operation. A person may be found to be operating or causing to be operated a sexually oriented business regardless of whether that person is an owner or part owner of the business.
- N. **Patron.** A customer of the sexually oriented business or a person from the general public, not an "employee" of the business, who is on the premise to obtain, receive, or view the products, services, or performances offered by the business.
- O. **Regularly.** Recurring, attending, or functioning at fixed or uniform intervals.
- P. **Semi-Nudity, Semi-Nude, or in a Semi-Nude Condition.** The showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.
- Q. **Specified Anatomical Areas.** Means and includes any of the following:
 - 1. Less than completely and opaquely covered:

- a. Human genitals;
 - b. Pubic region;
 - c. Buttocks; or
 - d. Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

R. **Specified Sexual Activities.** Means and includes any of the following:

- 1. Human genitals in a state of sexual arousal;
- 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio, or cunnilingus;
- 3. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or
- 4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shopping Center. More than one (1) commercial retail establishment, planned, developed, owned, and managed as a unit, with off-street parking provided on the property

Short Term Rental. A dwelling which is unoccupied by the owner and which furnishes transient accommodations for periods of less than thirty (30) days.

Signs. Any structure or wall or other object used for the display of any message. Signs are further defined and regulated by the [Village of Roscommon Sign Ordinance](#).

Site Condominium. See [Condominium: Site Condominium Development](#).

Site Plan. The drawings and documents, submitted for review and approval by the Planning Commission, depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft Making. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50%) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

Solar Energy Facility (Utility Scale). A facility designed to capture and utilize the energy of the sun to generate electrical power for use off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.

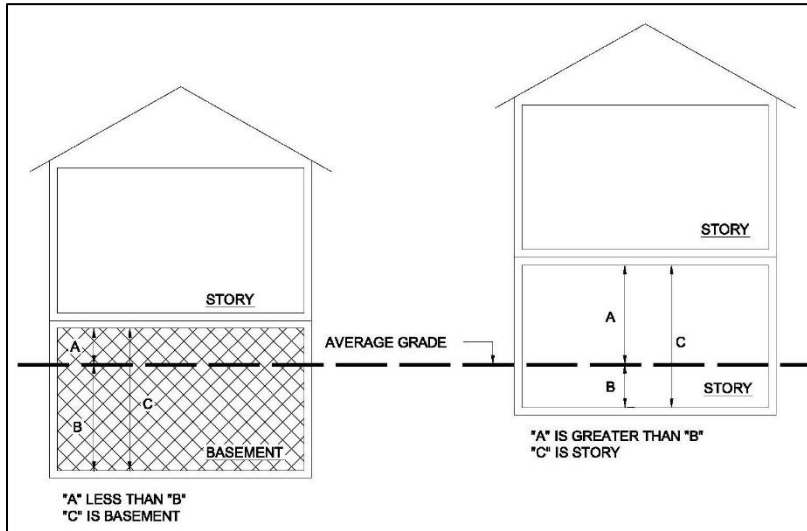
Special Land Use. A use, permitted within certain Zoning Districts, that is generally compatible with permitted uses but which possesses characteristics that could impact adjacent properties and which

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requires individual review and public hearing to ensure compatibility with the character of the surrounding area, adjacent properties, and public services and facilities. Special land uses are subject to conditions stated in this Ordinance and to any special conditions imposed by the Planning Commission to protect the use by right of other properties in the Village.

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Story. That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling above it. A basement shall be considered a full story only if fifty (50%) percent or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.



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

Subdivision. The division of land, lot, tract, or parcel into two (2) or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, plat, or other instrument.

T

Telecommunications Towers/Facilities. See [Wireless Communications Facility \(Telecommunications Towers and Facilities\)](#).

Tourist Home. See [Bed and Breakfast or Tourist Home](#).

Townhouse. See [Dwelling, One-Family: Dwelling, Single-Family Attached](#).

Trailer or Trailer Coach. See [Recreational Vehicle](#).

U

Usable Floor Area. That area of a building used for or intended to be used for the sale of merchandise or services. Such floor area which is used for or intended to be used primarily for the storage or processing

of merchandise, which may include hallways, breezeways, stairways, and elevator shafts, or for utilities and sanitary facilities, shall be excluded from the computation of usable floor area.

Use, Permitted. See [Permitted Use](#).

Use, Principal. See [Principal Use](#).

V

Variance. A modification of the literal provisions of the Zoning Ordinance which is authorized by the Zoning Board of Appeals when strict enforcement of the Ordinance would cause either an unnecessary hardship or practical difficulty.

Variance, Non-Use. A dimensional variation of Ordinance standards such as yard requirements, building height, lot coverage, living space dimensions and similar requirements. Non-Use Variances are granted based on the showing of a practical difficulty.

Variance, Use. A variation of the Ordinance standards allowing a use within a specific zoning district which is otherwise not allowed in that zone. Use Variances are granted based on the showing of an unnecessary hardship.

Vehicle Sales Lot. See [Outdoor Sales Facility](#).

W

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

Wireless Communications Facility (Telecommunication Towers and Facilities). A Wireless Communication Facility is any facility used for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communications Facility also includes an Antenna Array attached to an existing building or structure.

- A. **Alternative Tower Structure.** Man-made trees, clock towers, bell steeples, light poles, and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- B. **Amateur Radio Antenna.** A freestanding or building-mounted antenna, including any base, tower or pole, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license issued by the Federal Communications Commission.
- C. **Antenna Array.** An Antenna Array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

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- D. **Co-Location.** The location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the objective of reducing the overall number of structures required to support wireless communication antennas within the community.
- E. **Height.** When referring to a Wireless Communication Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.
- F. **FAA. Federal Aviation Administration.**
- G. **FCC. Federal Communications Commission.**
- H. **Setback.** Setback shall mean the required distance from the property line of the parcel on which the Wireless Communication Facility is located to the base of the Support Structure.
- I. **Small Cell Wireless Facility.** A wireless facility that meets both of the following requirements:
 - 1. Each antenna is located inside an enclosure of not more than six (6 ft³) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than six (6 ft³) cubic feet.
 - 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-five (25 ft³) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

A small cell wireless facility is not considered an accessory building or accessory structure.
- J. **Wireless Communications.** Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the **Telecommunications Act of 1996**, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.
- K. **Wireless Communications Equipment.** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.
- L. **Wireless Communication Facility.** A Wireless Communications Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication

Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

M. **Wireless Communications Support Structure.** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

Y

Yard, Least Depth or Width. The shortest horizontal distance from each of the lot lines to the building thereon.

Yard, Corner Side. A side yard which adjoins a street.

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

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

Yard, Required. See [Setback](#).

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

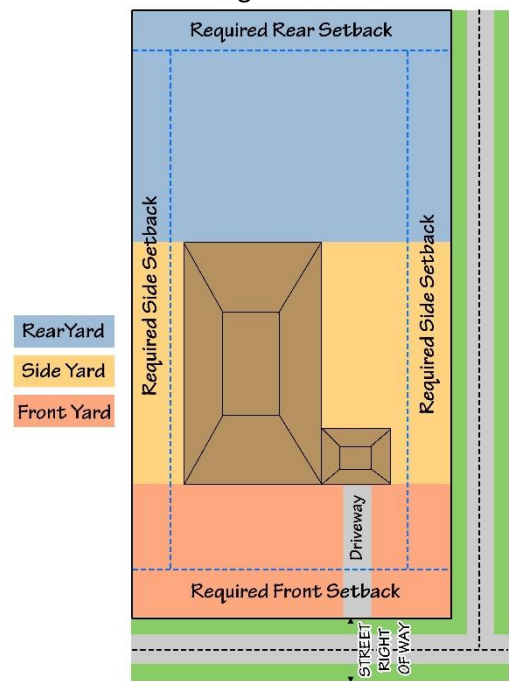
Z

Zoning Administrator. A person appointed by the Village to administer the Zoning Ordinance.

Zoning Board of Appeals. As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

Zoning District. A portion of the Village of Roscommon within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit. A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.



Article 3 General Provisions

Sec	Name	Pg	Sec	Pg
3.1	Application of Regulations	3-1	3.13	Fences or Walls
3.2	Restoring Unsafe Buildings/Barrier-Free	3-2	3.14	Projections
3.3	Prohibited Dwellings	3-3	3.15	Single-Family Dwelling Regulations
3.4	Accessibility of Residential Lot	3-3	3.16	Voting Place
3.5	Required Water Supply & Sanitary Sewerage Facilities	3-3	3.17	Nonconformities
3.6	Zoning Lots	3-3	3.18	Buffers
3.7	Accessory Buildings/Accessory Structures	3-4	3.19	Parking, Loading & Circulation
3.8	Temporary Buildings	3-5	3.20	Performance Standards
3.9	Construction Debris	3-6	3.21	Grades, Drainage & Stormwater
3.10	Vision Clearance	3-7	3.22	Lighting
3.11	Entranceway Structures	3-7	3.23	Signs
3.12	Essential Services	3-7		

Section 3.1 Application of Regulations

Zoning affects land use and every structure thereon, and extends vertically. The provisions of this Article shall apply to all districts, except as noted herein. The following shall apply to all of the Village of Roscommon.

A. Conformance to Ordinance Required.

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with the provisions of this Ordinance, complies with the provisions and intent of the specific zoning district in which it is located, and the applicable zoning permit or building permit has been obtained. See [subsection D](#) for legal nonconformities.
2. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the zoning district in which such building is located.

B. Required Yards or Space.

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1. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads, or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. No parcel may be divided in a manner which conflicts with the requirements set forth in the [Michigan Land Division Act](#), as amended.
2. No yard required for a principal building shall be included as a part of a yard required under this Ordinance for any other building.

C. Nuisances.

If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance ([Section 9.3](#)) and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building, or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

D. Legal Nonconformities.

In the event that any lawful use, activity, building, or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building, or structure shall be considered a legal nonconformity and shall be allowed to remain as such. Nonconformities are regulated by [Section 3.17](#).

E. Continued Conformance with Requirements.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

F. Moving of Buildings.

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

Section 3.2 Restoring Unsafe Buildings/Barrier-Free

A. Unsafe Buildings.

When any building or part thereof is declared unsafe by the Building Inspector, nothing in this Ordinance shall prevent compliance with lawful requirements or the strengthening or restoring of said building to a

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safe condition.

B. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a non-residential building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#). A variance may be required.

Section 3.3 Prohibited Dwellings

Unless otherwise allowed by this Ordinance, no building, other than the principal building, shall be used for residential purposes when in an area zoned for single-family residential. In areas that allow multi-dwelling unit housing, only buildings originally constructed for residential purposes shall be used as dwellings.

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.4 Accessibility of Lots

All lots shall have access to a public street either directly or by an easement. Any lot used for residential purposes shall have a front lot line facing on a street, or in the event that a lot does not face a street, there shall be a private easement of access at least sixty (60') feet wide with the setback of the residence off the easement equal to the front yard setback in that district. The width of the lot along the easement shall be equal to the required lot width requirements of the district.

Section 3.5 Required Water Supply & Sanitary Sewerage Facilities

No structure shall be erected, altered, or moved upon any parcel for regular occupation or use by humans unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collection, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform to all requirements of the [District Health Department](#) and applicable State agencies.

Section 3.6 Zoning Lots

A. New Lots to be Buildable.

All newly created lots shall have a buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops, and land encumbered by easements preventing the use of the land.

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B. Occupancy.

No single-family detached residential structure shall be erected upon a lot with another single-family detached residential structure unless it is part of a multiple-family development or unless otherwise provided in this Ordinance.

Section 3.7 Accessory Buildings/Accessory Structures

A. Accessory Buildings Attached to the Principal Building.

Accessory buildings/structures may be erected as a part of or connected to the principal building, but in either case shall be considered a part of the principal building. All yard requirements for a principal building shall be complied with.

B. Setbacks.

1. **Front Setback.** In any district, any part of a detached accessory building/structure shall be no closer to the front lot line than the front line of the principal building. Accessory buildings/structures shall be within the side or rear yard only.
2. **Side and Rear Setback.**
 - a. In residential districts and the Mixed Development District, accessory buildings/structures shall be not less than five (5') feet from the side or rear lot line.
 - b. In the C-1 District and Industrial District, no side or rear setback is required.
 - c. In the C-2 District, side and rear setbacks shall be the same as for the principal building.
3. **Corner Lots.** In the R-1, R-2, R-3, and MD Districts, the street-side setback for accessory buildings/structures shall be the same as the front setback for the principal building.
4. **Distance from Other Buildings.** In R-1, R-2, R-3, and MD districts, accessory buildings shall be not less than six (6') feet from any other building on the same lot.

C. Size.

1. **Height.** In R-1, R-2, and R-3 Districts and on residential lots in the MD District, accessory buildings/structures shall not be more than sixteen (16') feet in height with a maximum door height of twelve (12') feet.
2. **Area.** In R-1, R-2, and R-3 Districts and on residential lots in the MD District, accessory buildings/structures shall be not more than one thousand (1,000 ft²) square feet.

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D. Accessory Building as a Dwelling.

No portion of an accessory building/structure in any zoning district is to be used as a dwelling unless otherwise allowed by this Ordinance.

E. Accessory Building without a Principal Building.

An accessory building/structure shall not be on a lot without a principal building.

F. Nontraditional Storage Facilities.

Shipping containers, truck bodies, school bus bodies, manufactured homes, travel trailers, or other items built and intended for other uses shall not be used as permanent accessory buildings/structures. Semi-trailers may be used as temporary storage for commercial and industrial uses for no more than twelve (12) consecutive months.

G. Permits.

All accessory buildings/structures require a zoning permit.

H. Solar Energy Panels (freestanding, accessory).

See [Section 7.6 \(Solar Energy\)](#).

Section 3.8 Temporary Buildings

A. Temporary Dwelling Occupancy during Construction of a Dwelling.

The owner of any land in any Zoning District may erect or move not more than one (1) temporary dwelling unit (including manufactured homes and recreational vehicles) upon the premises and occupy the same for dwelling purposes during the actual construction of the dwelling thereon for a period not to exceed one (1) year from date of issuance of a zoning permit. Application for a zoning permit for such use shall be made to the Zoning Administrator, granting of which shall be contingent, among other things, on compliance with the following conditions:

1. The location of the temporary dwelling unit on the premises shall be in conformity with the setback requirements of the Zoning District. The Zoning Administrator shall have the authority to allow placement of a temporary dwelling unit not in conformance with setback requirements on a case by case basis.
2. The water, sewage, and waste disposal shall be approved by the District Health Department, installation and approval of which shall precede occupancy of the temporary dwelling.
3. Temporary buildings used for dwelling purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work. Failure or refusal to remove a temporary

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building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

- 4. No annexes or additions shall be added to temporary dwellings.

B. Temporary Buildings for Construction Offices.

Temporary buildings may be utilized during construction for the storage of construction materials or for construction offices during a construction period as permitted herein. Temporary buildings used for construction purposes shall be removed within thirty (30) days after the completion or abandonment of the construction work.

C. Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision, provided all of the following requirements are complied with:

- 1. The house to be used as such office is built upon a lot approved as part of the approved subdivision or development and is of substantially similar design as those houses to be sold within the subdivision or development.
- 2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
- 3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

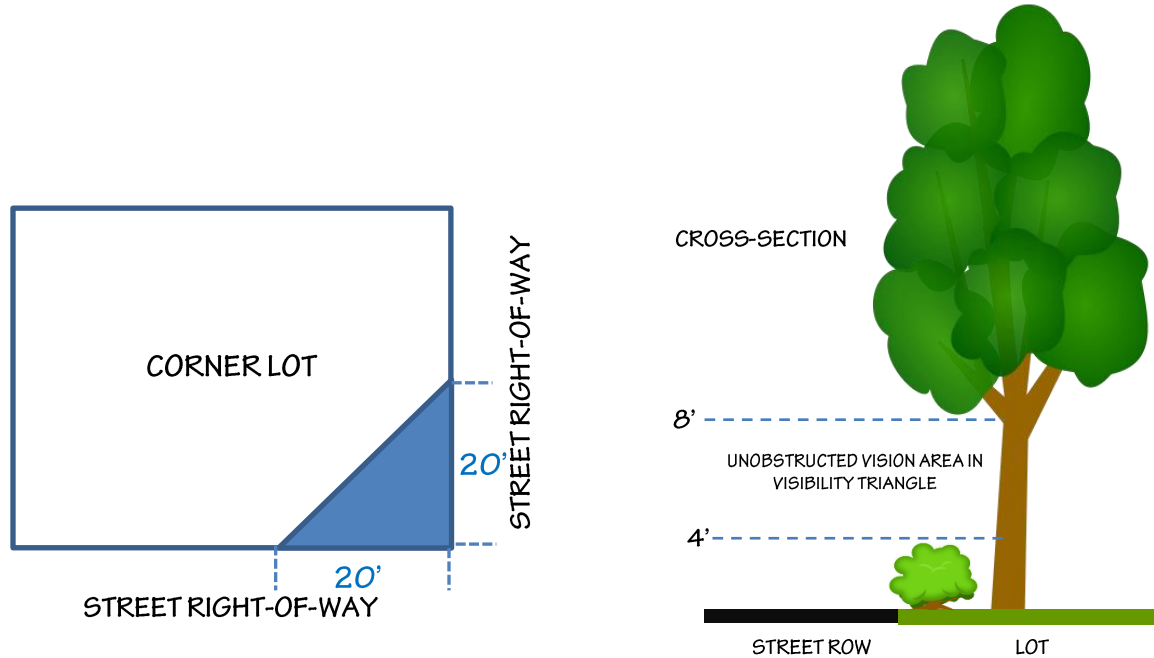
Section 3.9 Construction Debris

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance. A six (6) month extension may be granted by the Zoning Administrator.

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Section 3.10 Vision Clearance

On any corner lot in the R-1, R-2, R-3 or MD Districts, no fence, sign, other structure, or plantings higher than four (4') feet above established curb grade, except trees with a minimum clearance of eight (8') feet from the ground to the lowest branch, shall be erected or maintained within a line connecting points on the lot lines twenty (20') feet distant from the corner.



Section 3.11 Entranceway Structures

In all districts, entranceway structures, including but not limited to, walls, columns, and gates marking entrances to single-family developments, multiple-family developments, commercial developments, industrial developments, mixed-use developments, or similar uses may be permitted and may be located in a setback, except as provided in [Section 3.10](#) above, provided that such entranceway structures shall be approved during the required Planning Commission review.

Section 3.12 Essential Services

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

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Section 3.13 Fences or Walls

Any person desiring to build or cause to be built a fence or wall upon property within the Village of Roscommon shall first apply to the Zoning Administrator for a permit. It shall be the responsibility of the property owner to locate the correct property line between lots. A survey by a licensed surveyor is strongly recommended.

A. Construction and Maintenance.

1. Materials.

- a. Fencing shall be constructed of new materials designed for that purpose.
- b. The use of electric fencing, barbed wire, razor wire, or similar material is prohibited except for commercial or industrial uses.

2. Configuration. All posts and hardware shall be facing inward and not toward neighboring properties.

3. Maintenance. Fences and walls shall be maintained to retain their original appearance, shape and configuration. Elements of a fence or wall that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

4. Corner Clearance. Fences and walls installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance as regulated in [Section 3.10](#).

5. Temporary Construction Fences. Temporary construction fences and fences required for protection around excavations shall comply with the Building Code. Such fences shall not remain in place for a period greater than one (1) year or after an occupancy permit is granted.

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B. Size and Location.


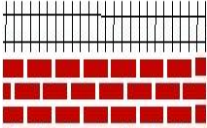
Table 3.13A Residential Fences & Walls (SEE FIGURE 3.13)	
1. Front Yard	<p>a. Fences/walls may be up to 4’ high.</p> <p>b. Where sidewalks exist, fences/walls shall be set back 1’ from inside edge of sidewalk. Where no sidewalk exists, fences/walls may be set on the property line.</p> <p>c. Fences/walls in the front yard shall be either of the following: (1) Open Style: Have 50 % or more open space; or (2) Fence/Wall Combination: Solid wall may be up to 2’ high. Open-style fence may make up the balance up to total fence/wall combination height of 4’.</p> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> <p><i>Open Style Fence Example</i></p>  </div> <div style="text-align: center;"> <p><i>Fence/Wall Combination Example</i></p>  </div> </div>
2. Rear Yard & Side Yard	<p>a. Fences/walls may be up to 6’ high. In yards abutting commercial or industrial uses or districts, fences/walls may be up to 12’ high.</p> <p>b. Outer face may abut property line.</p> <p>c. Fences/walls over 4’ high may not extend toward the front of the lot nearer than the front of the principal building.</p>
3. Reversed Corner Lot – Side Yard (lot on which the rear yard abuts the side yard of the lot to the rear)	<p>a. Fences/walls may be up to 6’ high.</p> <p>b. Fences/walls up to 4’ high may abut property line.</p> <p>c. Fences/walls greater than 4’ but not greater than 6’ high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal building of the lot to the rear, whichever is less.</p>
4. Riverfront Lots	<p>a. No fence/wall shall be placed closer to the front lot line (riverfront) than the front (riverfront) of the primary building.</p> <p>b. Fences/walls along the side or rear (street side) lot line may be up to 4’ high.</p>
Through Lots	
5. Front Yard (the lot line upon which the front of the principal structure faces)	<p>a. Fences/walls may be up to 4’ high.</p> <p>b. Fences/walls may be set on property line.</p>
6. Side Yard	<p>a. Fences/walls may be up to 6’ high. Outer face may abut property line.</p>
7. Rear Yard (the lot line opposite the front lot line)	<p>a. Fences/walls up to 4’ high: Outer face may abut property line.</p> <p>b. Fences/walls greater than 4’ but not greater than 6’ high shall be set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</p>

Table 3.13B Non-Residential Fences & Walls (SEE FIGURE 3.13)

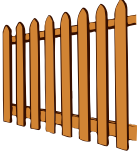
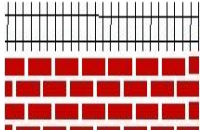
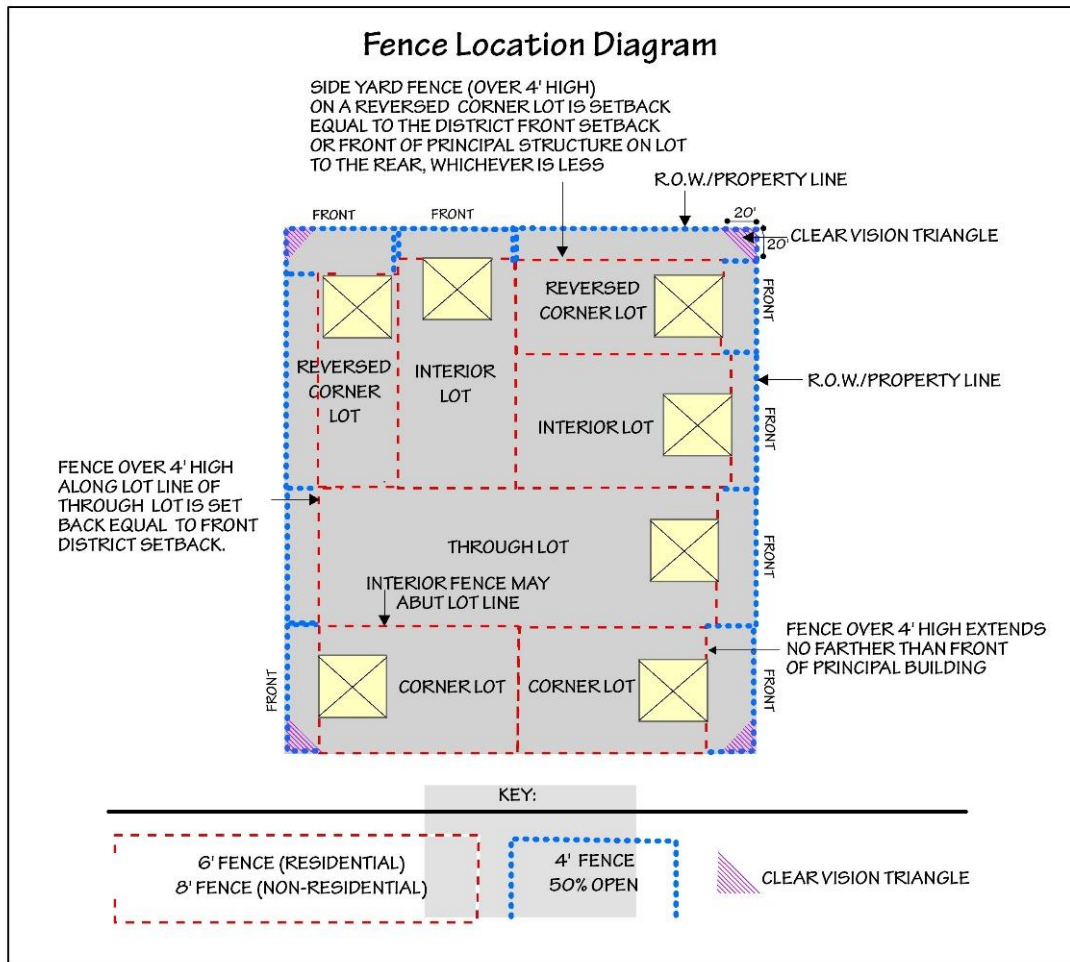
<p>1. Front Yard</p>	<p>a. Fences/walls may be up to 4' high. b. Fences/walls may be set on the property line. c. Fences/walls in the front yard shall be either of the following: (1) Open Style: Have 50 % or more open space; or (2) Fence/Wall Combination: Solid wall may be up to 2' high. Open-style fence may make up the balance up to total fence/wall combination height of 4'. <i>Open Style Fence Example</i> <i>Fence/Wall Combination Example</i></p> <div style="display: flex; justify-content: space-around; align-items: center;">   </div>
<p>2. Rear Yard & Side Yard</p>	<p>a. Fences/walls may be up to 8' high. Fences that abut residential property may be up to 12' high. b. Outer face may abut property line. c. Fences/walls over 4' high may not extend toward the front of the lot nearer than the front of the principal building.</p>
<p>3. Reversed Corner Lot – Side Yard (lot on which the rear yard abuts the side yard of the lot to the rear)</p>	<p>a. Fences/walls may be up to 8' high. b. Fences/walls up to 4' high may abut property line. c. Fences/walls greater than 4' but not greater than 8' high shall be set back a distance equal to the front yard setback of the lot to the rear or the set back of the principal building of the lot to the rear, whichever is less.</p>
<p>4. Riverfront Lots</p>	<p>a. No fence/wall shall be placed closer to the front lot line (riverfront) than the front (riverfront) of the primary structure. b. Fences/walls along the side or rear (street side) lot line may be up to 4' high.</p>
<p>Through Lots</p>	
<p>5. Front Yard (the lot line upon which the front of the principal structure faces)</p>	<p>a. Fences/walls may be up to 4' high. b. Fences/walls may be set on property line.</p>
<p>6. Side Yard</p>	<p>a. Fences/walls may be up to 8' high. Outer face may abut property line.</p>
<p>7. Rear Yard (the lot line opposite the front lot line)</p>	<p>a. Fences/walls up to 4' high: Outer face may abut property line. b. Fences/walls greater than 4' but not greater than 8' high shall be set back equal to the front yard setback of the district or equal to an average of the setbacks of the existing principal structures on adjacent lots.</p>

Figure 3.13



Section 3.14 Projections

- A. Terraces, steps, uncovered porches, decks, and other raised structures shall not be located closer than five (5') feet from any lot line. Structures which are flush with the ground have no required setback.
- B. Normal chimneys, flues, belt courses, leaders, sills, pilasters, cornices, eaves, gutters, and other similar features may project into a setback, but no more than three (3') feet.
- C. Bays, including their cornices and eaves, balconies, and fireplaces, may project into any setback, but no more than three (3') feet.
- D. A fire escape, fire tower, or outside stairway may project into a setback, but not more than three (3') feet.

Section 3.15 Single-Family Dwelling Regulations

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

- A. It shall comply with all pertinent building, construction, and fire codes for single-family dwellings. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- B. It shall be connected to a public sewer and water supply, if available, or, if not available, to private facilities approved by the District Health Department.
- C. It shall comply with all pertinent zoning, subdivision, and other ordinances regulating use, floor area, minimum width lot size, setback, yards, etc., in the zoning district in which it is located.
- D. It shall be comparable, in construction, to other single-family dwellings in the surrounding neighborhood.
- E. It shall be secured to a permanent, watertight foundation. Siding material must extend down to the foundation.
- F. **Manufactured Homes.**
 - 1. Each manufactured home shall be installed with the wheels removed. All axles and towing mechanisms shall be removed. No dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
 - 2. Manufactured homes shall not be attached to each other. Additions, new roofs, and accessory buildings may be attached to a manufactured home. Any additions to a manufactured home shall be constructed to the standards of the current building code in Roscommon.
 - 3. A manufactured home shall not be used as an accessory building.
 - 4. No manufactured home shall be stored on any lot or parcel in the Village unless it is part of an approved manufactured home dealership or repair facility.
 - 5. The manufactured home shall be installed according to the construction code in Roscommon, and the construction of the unit shall comply with the **National Manufactured Home Construction and Safety Standards Act of 1974**, as amended.

Section 3.16 Voting Place

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

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Section 3.17 Nonconformities

A. Purpose.

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform to the provisions of this Ordinance. The continuance of all nonconforming uses and structures within the Village of Roscommon shall be subject to the conditions and requirements set forth in this Section.

B. Prior Construction Approval.

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

C. Change in Tenancy or Ownership (Nonconforming Structures and Uses).

There may be a change of tenancy, ownership, or management of any existing nonconforming uses or structure provided there is no change in the nature or character of such nonconforming use or structure except in conformity with the provisions of this Ordinance.

D. Repairs and Maintenance (Nonconforming Structures and Uses).

1. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement, and incidental alterations of a nonconforming structure or structure in which a nonconforming use is being conducted as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in Roscommon relative to the maintenance of structures.
2. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the **Americans with Disabilities Act**. Nothing in this Ordinance shall prevent any alteration, improvement, or repair as required by the Health Department as necessary to protect the public health, safety, and welfare.

E. Nonconforming Uses.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of the Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

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1. **Expansion of Nonconforming Use.** A Special Use permit shall be required for a nonconforming use to be enlarged, increased, or extended to occupy a greater area of the lot or moved in whole or in part to any other portion of the lot occupied by such use at the time of adoption of this Ordinance. No Special Use permit shall be required to extend the nonconforming use to other areas of the building being used for the nonconforming use.
2. **Change of Nonconforming Use.** No nonconforming use shall be changed to any use other than a conforming use. If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert back to a nonconforming use.
3. **Destruction of Nonconforming Use.** Any nonconforming use damaged by fire, explosion, or an act of God or the public enemy, or by other causes beyond the control of the owner may be restored, rebuilt, or repaired to previous existing structural dimensions.
4. **Displacement of a Conforming Use.** No nonconforming use shall be extended to displace a conforming use.
5. **Illegal Nonconforming Uses.** Those alleged nonconforming uses that cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be immediately discontinued.
6. **Abandonment of Nonconforming Use.** If a property owner has the intent to abandon a nonconforming use of land and, in fact, abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:
 - a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether signs or other indications of the existence of the nonconforming use have been removed.
 - d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
7. **Changes in Zoning District.** Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

F. Nonconforming Structures.

1. **Alterations to Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity.
2. **Destruction of Nonconforming Structures.** In the event any nonconforming building shall be damaged or destroyed by fire, wind, or an Act of God or the public enemy, it may be rebuilt or restored to its original configuration as long as the nonconformity is not increased.
3. **Relocation of Nonconforming Structures.** If a structure is nonconforming due to setbacks, should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

G. Nonconforming Lots and Parcels.

1. Notwithstanding limitations imposed by other provisions of this Ordinance, any allowed use in a district and its customary accessory uses may be erected on any lot of record subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such lot fails to meet any of the dimensional requirements for the district in which such lot is located. A dimensional variance may be required.
2. If two (2) or more lots, combination of lots, or portions of lots are contiguous and have continuous frontage in single ownership, are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No division of the parcel shall be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3.18 Buffers

A. Purpose.

The purpose of these regulations are to provide a flexible method of protecting the various uses permitted in the Village of Roscommon Zoning Ordinance from adverse impacts associated with adjacent uses.

B. Buffers Defined.

The buffer is a designated unit of yard or open area together with any plant materials, barriers, or fences required thereon. Buffers are required for the purpose of eliminating or minimizing potential nuisances such as noise, glare, activity, dirt, unsightly parking areas, and so forth. The Planning Commission may require a greenbelt, solid barrier, berm, or some combination of the above to achieve the maximum screening/buffering for neighboring properties.

It is a further intent of the following provisions to provide flexibility to the developer or property owner

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through the manipulation of four basic elements - distance, plant material type, plant material density, and structures or landforms.

C. Buffer Requirements.

Buffers are required for nonresidential property on the side which abuts residentially-zoned property or any residential use. Buffers are required even when the residentially-zoned adjacent lot is unimproved. A buffer will also be required when any existing nonresidential use is expanded by way of an addition or demolition or when a site plan review or Special Use review is requested. Otherwise, buffers are not required on nonresidential lots that are already developed as such. The following table contains buffer height requirements.

Side & Rear Yard Buffering Requirements for uses abutting Residential Uses or District	
Use	Height of Fence or Wall
All off street parking areas	4' high buffer
Commercial District or Commercial Use	6' high buffer
Industrial District or Industrial Use	8' high buffer (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas (commercial or industrial)	6' buffer; 8' high buffer if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high buffer

D. Location of Buffers.

Buffer shall be located on the side and rear lot lines of a parcel extending to the lot or parcel boundary line. Buffers shall not extend into or be located within any portion of an existing street right-of-way. Such buffer shall have no openings for vehicular traffic or other purposes, except as such openings as may be approved by the Planning Commission.

E. Buffer Materials.

- 1. Fences/Walls.** The Planning Commission MAY require a fence or wall alone or in addition to a greenbelt. When required, fences or walls must be solid in construction, and constructed of wood, concrete, vinyl, masonry, or brick. All fences and walls herein required shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant, rustproof, and shall be maintained by the nonresidential property owner or tenant at all times equal in condition to the completed structure at the time of initial installation. Wood or wood products, when utilized, shall be treated (wolmanized or equal) and maintained at all times.
- 2. Plant Materials (Greenbelt).** The Planning Commission MAY require a greenbelt (plant materials) alone or in addition to a fence or wall. All plant materials required within a specified buffer shall be planted to completion to provide the required screening/height within six (6) months from

date of approval of the site plan and thereafter be properly maintained. The following landscape/plant materials are approved for the required buffer, however the Planning Commission MAY approve additional landscape/plant materials proposed by the applicant:

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

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

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

3. **Earth Berms.** The Planning Commission MAY approve an earth berm to achieve a portion or all of the buffering requirement. When such earth berm is provided, the berm shall be landscaped and maintained in a clean, orderly and growing condition, and shall meet the following design standards:

- a. Berms shall be a landscaped earth mound possessing a maximum slope ratio of one (1) to three (3) (one (1') foot of vertical height three for each (3') feet of horizontal plane). The berm shall have nearly flat horizontal area at its crest of at least two (2') feet in width. The side slopes shall be protected from erosion by sodding or seeding. Berms shall be maintained in a clean, orderly growing condition.
- b. Berms shall be constructed of landscaping material acceptable to the Planning Commission. Berms shall not contain construction material/debris, garbage, junk, or other debris not typically used as landscaping material.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress, or egress.
- d. The Planning Commission shall review the effectiveness of an earth berm against other screening devices set forth in this Ordinance and determine if the berm is an acceptable alternative. The Commission, in making its review, shall consider the type of objects to be screened, the type of land use that the objects are to be screened from, topographic conditions in the area, and general appearances.

F. **Waiver or Modification of Buffers.**

- 1. The requirement for buffer between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.
- 2. The Planning Commission may waive some or all of the foregoing requirements where cause can be shown that no good purpose would be served with conformance to this Section.
- 3. The Planning Commission may require a higher buffer or allow a lower buffer when it finds the modification would be appropriate to protect the public health, safety, and welfare.

Section 3.19 Parking, Loading & Circulation

A. Intent and Purpose.

The purpose of this Section is to ensure the provision of pedestrian walkways and off-street parking and loading facilities that are sufficient in number, adequately sized, and properly designed to meet the range of parking needs and demands that are associated with land uses now in place in the Village or with land uses allowed by this Ordinance.

B. Pedestrian Walkways.

1. **Required Pedestrian Walkway.** All developments, except for single-family and two-family dwellings, shall provide clearly defined pedestrian walkways from the public sidewalk to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building.
2. **Pedestrian Walkway Standards.** Walkways shall be designed to be recognizable to both drivers and pedestrians. At least one (1) of the following walkway treatments shall be used:
 - a. Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The Americans with Disabilities Act (ADA) requirements;
 - b. Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
 - c. Aligning planting islands to define the walk/ crosswalk;
 - d. Raising the walk/ crosswalk; and
 - e. Painting pavement with walk/crosswalk striping.

Pedestrian walkways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

3. **Public Sidewalk.** When a public sidewalk does not exist, the Planning Commission shall determine the need for a public sidewalk during the site plan review process.

C. Bicycle Parking Substitution.

In off-street parking areas with twenty-five (25) or more automobile parking spaces, bicycle parking spaces may be substituted for automobile parking spaces at the rate of ten (10) bicycle spaces per one (1) off-street parking space with a maximum of five (5) automobile spaces replaced with bicycle parking.

D. Off-Street Parking for Single-Family and Two-Family Dwellings.

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The off-street parking facilities required for single-family and two-family dwellings (including those located on individual lots, those within a site condominium development, those within a subdivision, or those within a manufactured housing community) shall be located on the same lot or plot of ground as the building they are intended to serve but shall not be considered a parking lot under the provisions of this Section. Two (2) parking spaces per dwelling unit shall be required. The minimum size of the parking spaces shall be 9' X 20'.

E. Off-Street Parking – Multi-Family Dwellings and Non-Residential Uses.

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

1. **Compliance Required.** Off-street parking and loading provisions of this Section shall apply to the following:
 - a. **New Construction.** For all buildings and structures erected and all uses of land established after the effective date of this Article.
 - b. **Enlargement.** Whenever a building is expanded resulting in an increase in the required parking.
 - c. **Change in Use.** Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.
 - d. **Parking Area Construction and Expansion (For all new parking areas and whenever existing parking areas are expanded or upgraded).** Normal maintenance, such as re-grading of legal nonconforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this Section, be considered a new parking area.
 - e. **Downtown Commercial District.** Off-street parking requirements are not applied in the Downtown Commercial District, which is designed to accommodate a traditional downtown area with on-street parking and centrally located off-street parking.
2. **Standards.**
 - a. **Parking Space Dimension.** Each off-street parking space shall have an area of not less than one hundred and eighty (180) square feet, exclusive of access drives or aisles, and shall be a minimum of nine (9') feet in width.
 - b. **Driving Aisle Dimension.** Driving aisles between parking rows shall be at least twenty-five (25') feet in width.

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- c. **Arrangement and Marking.** Off-street parking areas shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking or storage of self-propelled vehicles.
- d. **Surface.**
 - (1) Off-street parking areas in C-1 and C-2 Districts and for non-residential uses in the MD District shall be surfaced with asphalt, bituminous, concrete, or pavement.
 - (2) Off-street parking areas in R-1, R-2, R-2 and Industrial Districts and for residential uses in the MD District shall be surfaced with asphalt, bituminous, concrete, pavement or gravel if treated in such a manner so as to provide a durable and dustless surface, and shall be graded and drained to dispose of all surface water.
- e. All illumination for all such parking lots shall meet the standards set forth in [Section 3.22](#).
- f. **Parking Lot Landscaping.**
 - (1) **Interior Parking Lot Landscaping.** A minimum of five (5%) percent interior landscaping shall be required for any parking lot exceeding fifty (50) parking spaces.
 - (2) **Perimeter Parking Lot Landscaping.** A landscape strip six (6') feet in width shall be provided when the parking lot abuts a right-of-way. The landscape strip shall be planted with shrubbery, trees, and groundcover. There shall be one (1) tree for every forty (40') feet of landscape strip (with a minimum of one (1) tree when a landscape strip totals less than forty (40') feet in length).
 - (3) Landscaping installed in parking lots and along the perimeter of parking lots shall be spaced and maintained so that a visual obstruction that represents a traffic hazard for drivers of motorized and non-motorized vehicles as well as pedestrians is not created.
- g. Adequate ingress and egress to the parking lot, by means of limited and clearly defined and maintained drives, shall be provided for all vehicles.
- h. Where necessary to prevent encroaching upon a pedestrian walkway or damaging required landscaping, wheel stops shall be provided. No portion of a parking space and/or maneuvering aisle shall obstruct or encroach upon a public sidewalk.
- i. All parking lots containing more than ten (10) parking spaces shall provide an on-site snow storage area. Snow storage areas shall be located in such a manner that they do not interfere with clear visibility of traffic on adjacent streets and driveways or interfere with pedestrian passage.

3. **Location.** Off-street parking facilities shall be located as hereinafter specified; where a distance is specified it shall be to the nearest point of the building that such facility is required to serve along public right-of-ways.
 - a. For all residential buildings, required parking shall be provided on the same lot or contiguous lot with the building.
 - b. For commercial and institutional buildings and uses, required parking shall be provided within three hundred (300') feet.
 - c. For industrial uses, required parking shall be provided within one thousand (1,000') feet.
4. **Collective and Shared Parking.**
 - a. **Collective Parking.** Two (2) or more buildings or uses may collectively provide their required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 - b. **Shared Parking.** In case of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant a special exception based upon the peak hour demand.
5. **Use of Parking Lot.** The use of required off-street parking areas for storage of merchandise, motor vehicles for sale, or commercial repair of vehicles is prohibited.
6. **Number of Required Parking Spaces.** In all districts, except the C-1 District, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling uses and similar uses, parking or storage of motor vehicles shall be provided in accordance with the schedule listed in [subsection e](#).
 - a. Off-street parking existing at the effective date of this Ordinance shall not be reduced to an amount less than would hereafter be required under the terms of this Ordinance.
 - b. **Employee Parking.** Unless otherwise specified in [subsection e](#), employee parking for districts other than C-1 must be provided at a minimum of one (1) parking space per four (4) employees on the maximum working shift. The parking spaces for employees are in addition to the required off-street parking listed below.
 - c. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction shall require one (1) parking space.
 - d. **Uses Not Mentioned.** In the case of a building, structure, or premises, the use of which is not specifically mentioned herein, the provision for a use which said use is similar, as determined by the Planning Commission, shall apply.

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e. **Schedule of Parking Spaces.**

Residential Uses	
USE	NUMBER OF PARKING SPACES
Single- or Two-Family Dwelling	2
Two-Family Dwelling	4
Multiple-Family Dwelling	1 for each bedroom, maximum of 2 spaces per living unit
Bed and Breakfast/Tourist Home	1 for each sleeping room
Institutional Uses & Places of Public Assembly	
USE	NUMBER OF PARKING SPACES
Churches and Other Places of Public Assembly	1 per each 5 seats
Dance Halls, Roller Rinks, Assembly Halls, without fixed seats	1 per 100 square feet of floor area used for dancing or assembly.
Funeral Homes and Mortuaries	1 per 25 square feet of usable floor area of assembly room
Hospitals	1 space each 2 beds
Convalescent/Nursing Homes	1 per each 2 bedrooms
Libraries, Museums, Art Galleries, Community Center Buildings, Municipal, County, State and Federal Administration Buildings, Schools and Colleges	1 per 120 square feet of usable floor area
Business and Technical Schools, Colleges and Universities	1 per each 3 students enrolled - day or night classes - whichever is greater
High Schools	1 per each 4 students
Elementary and Middle Schools	1 per each employee in addition to 2 for each classroom.
Child Care Center or Nursery Schools	1 per each five (5) students, plus 1 per each employee
Day care homes	1 per each employee and/or caregiver
Theaters	1 per each 4 seats

Commercial, Office and Industrial Uses

USE	NUMBER OF PARKING SPACES
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load
Automobile Sales and Service Garages	1 per 250 square feet of usable floor area
Banks, Business and Professional Offices	1 per 200 square feet of usable floor area and six stacking spaces for each drive in window.
Beauty parlor or barber shop	2 per chair
Bowling Alleys	5 for each alley
Medical & Dental Clinic Office	1 for each examining room
Hotels, Motels, Motor Inn or Motor Lodge	1 per sleeping or dwelling unit
Drive-In Establishments	Add 6 stacking spaces for each drive in window
Restaurants, Taverns, Bars and Cocktail Lounges	1 per 60 square feet of usable floor area
Mechanical Amusement Arcades	1 per each 2 mechanical amusement devices
Manufacturing Plants and Public Utilities	1 per 600 square feet of usable floor area, or 1 parking space for each four employees on the maximum working shift, whichever is greater
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Retail Stores and Wholesale Sales (except self-serve food market or Supermarket)	1 per 100 square feet of usable floor area
Self-Serve Food Market or Supermarket	1 per 60 square feet of usable floor area
Veterinary clinics; animal hospitals	1 per examination room
Warehouses	1 per 2,000 square feet of usable floor area

7. **Plans and Approval.** Any person desiring to establish or change a parking area shall submit plans to the Zoning Administrator showing the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other features of the parking lot. All plans shall be approved through the site plan review process as described in this Ordinance.
8. **Flexibility in Application.** The Village recognizes that, due to the specific requirements of any given development, flexible application of the parking standards set forth in this Section may be required to prevent traffic congestion, unauthorized parking on adjacent streets or neighboring site, excessive paving and storm water runoff, and misuse of space which could otherwise be left as open space.
 - a. The Planning Commission, based on a recommendation from the Zoning Administrator, may permit deviations from the requirements of this Section and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

- b. The Planning Commission may attach conditions to the approval of a deviation from the requirement of this Section that bind such approval to the specific use in question. Where a deviation results in a reduction of parking, the Planning Commission may further impose conditions which ensure that adequate reserve area is set aside for future parking, as needed.

F. Loading Space.

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway.

Section 3.20 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities.

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Village. During times of stockpiling or removal, excavation, or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review, the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this Ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

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D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

Noise which is objectionable, as determined by the Village, due to volume, frequency, or beat shall be muffled, attenuated, or otherwise controlled. Noise levels shall conform to the [Village of Roscommon Noise Ordinance](#).

In addition, objectionable sounds of an intermittent nature, or sounds characterized by high frequencies shall be so controlled so as not to become a nuisance to adjacent uses. Sirens and related apparatus used solely for public purposes are exempt from this requirement. Noise resulting from temporary construction activity shall also be exempt from this requirement.

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this Section.

Section 3.21 Grades, Drainage & Stormwater

- A. No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.
- B. For non-residential uses, the property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater

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pipe or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten (10) years (ten-year design storm). The use of rain gardens, bioswales, and pervious pavement may be approved to minimize surface runoff.

Section 3.22 Lighting

A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public rights-of-way by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow” and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

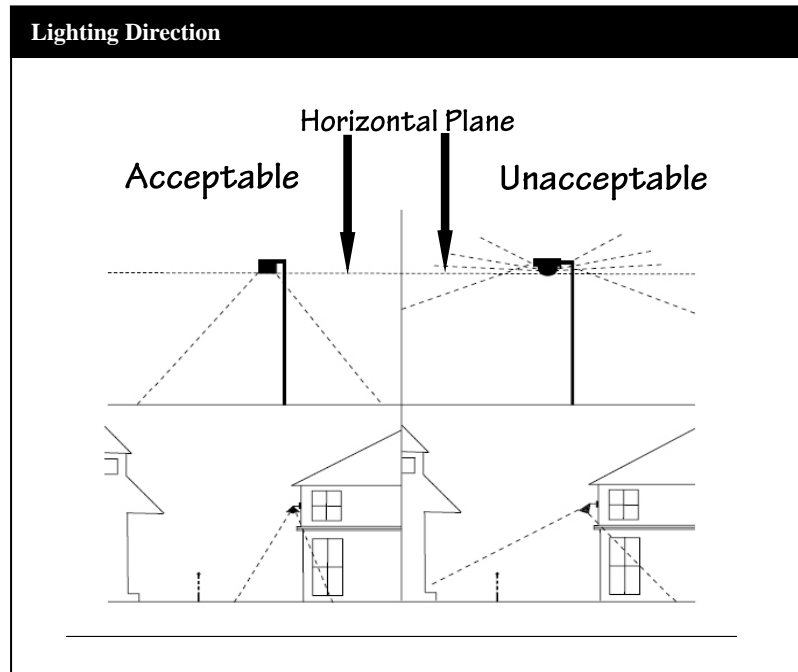
B. General Standards.

1. **Exempted Areas and Types.** The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.
 - b. Lights located within the public right-of-way or easement.
 - c. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
 - d. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
 - e. Lighting required by the **Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administration**, or other applicable Federal or State agencies.
 - f. Lighting for school recreational facilities.

2. **Regulated Lighting.** The following types of lighting shall be regulated by this Ordinance:
 - a. Private parking lot lighting and site lighting for commercial, industrial, and institutional developments when parking spaces total more than five (5).
 - b. Multiple-family development parking lot lighting and site lighting.

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- c. Privately-owned street lighting.
 - d. Building facade lighting.
 - e. Security lighting, spotlights, and floodlights.
 - f. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, are similar in character, luminosity, and/or glare to the foregoing.
 - g. Standards related to the lighting of signs are contained in the [Village of Roscommon Sign Ordinance](#).
3. **Standards.** Lighting shall be designed and constructed as per the following requirements:
- a. **Design.** All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. All lighting structures within a property or planned development shall be of uniform design and materials and shall be harmonious to the scale of the property and its surroundings.
 - b. **Lighting Confined To Site.** Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.
 - c. **Lighting Directed Downward/Shielded.** Except for diffused globe-style walkway lights and the lighting addressed in [subsection d](#) below, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded, and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100%) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. ([See Figure below](#))
 - d. **Upward Directional Lighting.** All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.
 - e. **Moving Lights.** All illumination of any outdoor feature shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe, and search lights are not permitted.
 - f. **Interference with Traffic Control Devices.** No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.
 - g. **Gas Stations.** Ceiling lights in gas pump island canopies shall be recessed.



Section 3.23 Signs

Signs are regulated by the [Village of Roscommon Sign Ordinance](#).

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Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4.1	Classification of Zoning Districts	4-1	4.9	Residential 3 District (R-3)	4-10
4.2	Boundaries of Districts	4-1	4.10	Mixed Development District (MD)	4-13
4.3	Zoning of Vacated Areas	4-2	4.11	Downtown Commercial District (C-1)	4-18
4.4	Zoning of Filled Areas	4-2	4.12	Highway Commercial District (C-2)	4-22
4.5	Application of District Regulations	4-2	4.13	Industrial District (I)	4-27
4.6	Unlisted Uses	4-3	4.14	Full Table of Permitted & Special Uses	4-32
4.7	Residential 1 District (R-1)	4-4	4.15	Schedule of Regulations	4-41
4.8	Residential 2 District (R-2)	4-7			

Section 4.1 Classification of Zoning Districts

For the purpose of this Ordinance the Village of Roscommon is hereby divided into seven (7) districts as follows:

R-1	Residential 1 District
R-2	Residential 2 District
R-3	Residential 3 District
MD	Mixed Development District
C-1	Downtown Commercial District
C-2	Highway Commercial District
I	Industrial District

Section 4.2 Boundaries of Districts

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

Section 4.3 Zoning of Vacated Areas

Whenever any street, alley, highway, or other public right-of-way within the Village has been abandoned by official government action, such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

Section 4.4 Zoning of Filled Areas

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake, stream, or wetland area within the Village unless appropriate permits are obtained, if necessary.

Section 4.5 Application of District Regulations

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except as herein described by this Ordinance. Except as hereinafter provided, district regulations shall be applied in the following manner.

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as permitted uses in the zoning district or are similar to such listed uses as determined by the Planning Commission.
2. **Special Uses.** Special Uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses as determined by the Planning Commission.

B. Application of Area and Width Regulations.

1. The area or width of a lot shall not be reduced below the minimum requirements herein established for the district in which such lot is located.
2. **Measuring Lot Width.** Lot width is the distance between the side lot lines measured at the front lot line.

C. Application of Yard Regulations.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
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1. **Measuring Setbacks.** All setbacks shall be measured perpendicularly from the lot line to the eave/overhang of the applicable building or structure.
2. **Corner Lots.** In the case of a corner lot, the front lot line shall be that line separating said lot from the street on the side of the lot that has the narrowest street frontage. In the case of lots having equal street frontage, the property owner shall choose which lot line shall be considered the front lot line.
3. **Double Frontage Lots (Through Lots).** Where lots have double street frontage, as distinguished from corner lots, the required front yard setback shall be observed on those streets where existing structures presently front.
4. **Water Frontage Lots.** In the case of a lot having frontage upon a lake, river or stream, the water frontage shall be considered the front lot line.

D. Exception to Height Limits.

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

E. Location and Number of Buildings on Lot of Record.

1. Every building erected, altered, or moved shall be located on a lot of record as defined herein.
2. Except where otherwise specified in this Ordinance, there shall be only one (1) single-family dwelling permitted per lot in the residential zoning districts unless the lot is developed as a multi-family development (i.e. cottage-style units). Where there is more than one (1) single-family dwelling located on a lot of record at the time of adoption of this Ordinance, said dwelling shall not be divided from the lot except in conformity with the requirements of this Ordinance.

Section 4.6 Unlisted Uses

It is the intent and purpose of this Zoning Ordinance to limit the permitted and special uses and activities to those specifically included in the respective Zoning District. The Planning Commission shall have the power, on written request of a property owner in any zoning district, to classify a use not listed with a comparable permitted or special use in the district, giving due consideration to the purpose of this Ordinance. Petition for such classification and permit shall be made through the office of the Zoning Administrator.

Any uses for which the Planning Commission cannot determine a comparable use shall be added only by the Zoning Amendment procedure as required in **Article 10**, except as otherwise provided by the Zoning Board of Appeals through its interpretation of this Ordinance and the granting of variances.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.7 Residential 1 District (R-1)

A. Intent.

R-1

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Short Term Rental Homes	P
Agriculture, Forest Products & Animal Services	
Kennels	S
Microgardening (growing produce to sell)	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Clubs for Swimming & Court Games	S
Museums & Historic Sites (open to the public)	S
Nature Parks/Nature Areas	P
Public Parks, Playgrounds, Tennis Courts, & Other Non-Commercial Recreation	P
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Educational Services & Religious Institutions	
Public, Charter or Private Schools (elementary through high school)	S
Public, Charter or Private School Administrative Buildings	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-1
Human Care & Social Assistance (continued)	
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Industrial & Waste Mgmt	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses (§3.7)	P*
Planned Unit Developments (§7.9)	S*
Site Condominium Development (§7.8)	S*
Public Facilities	
Community Centers	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	S
Residential Uses	
Cottage Industries (§7.2)	S*
Home Occupations (§7.2)	P*
Single-Family Detached Dwelling	P
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	S
Two-Family Dwelling (duplex)	S
Utilities & Energy	
Gas Regulator Stations	S
Public Utility Facilities (without storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

C. Development Standards in the Residential 1 District.

R-1

Table 4.7

1. Lot & Structure Standards (see Figure 4.7a)	
a. Lot Area	6,600 sq ft
b. Lot Width (min.)	66 ft
c. Lot Depth (min.)	100 ft
d. Building Height (max.)	30 ft
e. Dwelling Unit Size – Ground Floor (min.)	700 sq ft
f. Dwelling Unit Dimension (min.)	20 ft at the narrowest point
2. Setbacks	
a. Front (min.)	25 ft (see 3.a below)
b. Side (min.)	10 ft (see 3.b below)
c. Rear (min.)	10 ft
3. Additional Development Standards	
a. Front Yard Averaging (see Figure 4.7b)	The front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within one hundred (100') feet of said lot and within the same block front; provided the front yard depth shall not be less than ten (10') feet and need not exceed, by more than ten (10) feet, the minimum front yard depth required by other provisions of this Ordinance.
b. Side Yard Exceptions	Side yards on lots with less than sixty-six (66') ft of frontage may be provided as follows: (1) The sum of both side yards shall be at least equal to thirty (30%) percent of the total frontage of the lot. (2) The width of either side yard shall be at least equal to ten (10%) percent of the total frontage of the lot. (3) The width of the side yard adjacent to a side street shall be at least equal to twenty-five (25%) percent of the total frontage of the lot.
c. Accessory Buildings	Regulated by §3.7
d. Fences	Regulated by §3.13
e. Projections into Yards	Regulated by §3.14
f. Dwelling Regulations	Regulated by §3.15
g. Buffers (for adjacent land uses)	Regulated by §3.18

R-1

Figure 4.7a
District Diagram

SIDE YARD EXCEPTION FOR
40' WIDE LOT EXAMPLE:

Side yards (in sum) shall be equal to at least 30% of the total frontage.
Example: 30% of a 40' wide lot is 12' (side yards must total 12' in sum).

Each side yard shall be equal to 10% of the total frontage (Example: each shall be at least 4' wide).

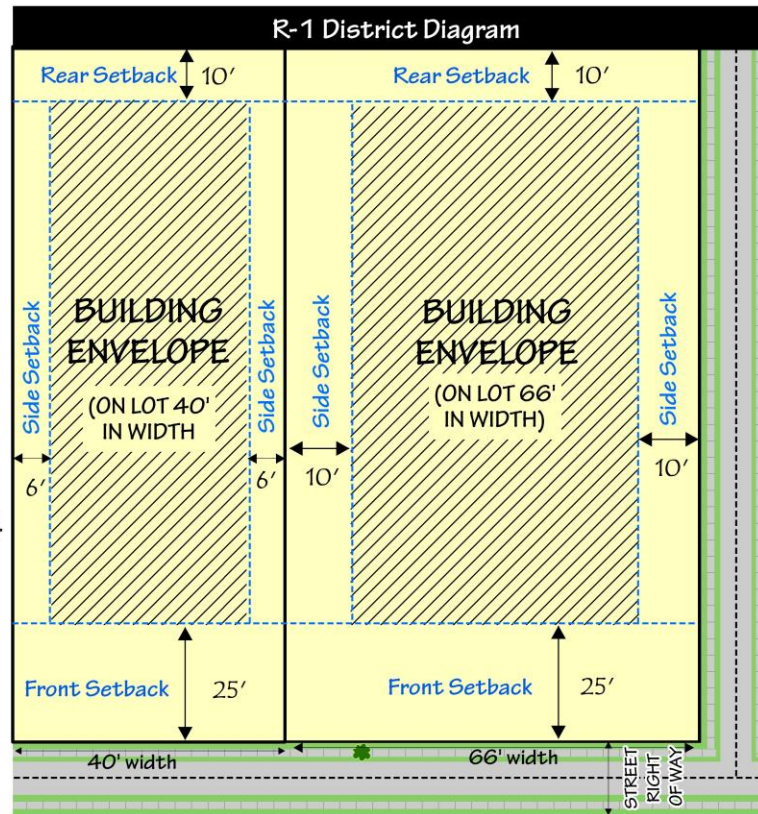
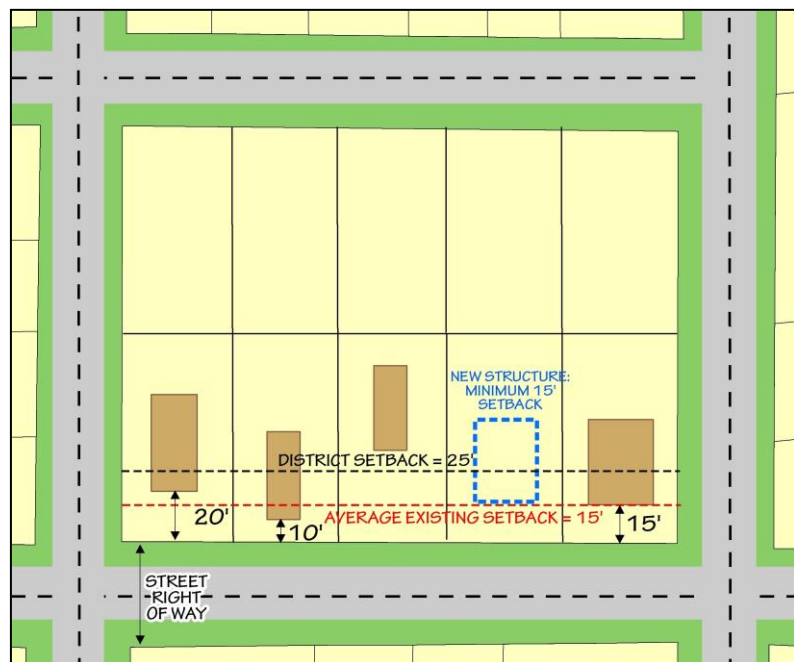


Figure 4.7b

Front Setback Averaging



Section 4.8 Residential 2 District (R-2)

R-2

A. Intent.

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-2
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Short Term Rental Homes	P
Agriculture, Forest Products & Animal Services	
Kennels	S
Microgardening (growing produce to sell)	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Museums & Historic Sites (open to the public)	S
Nature Parks/Nature Areas	P
Public Parks, Playgrounds, Tennis Courts, & Other Non-Commercial Recreation	P
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Educational Services & Religious Institutions	
Public, Charter or Private Schools (elementary through high school)	S
Public, Charter or Private School Administrative Buildings	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-2
Manufacturing, Industrial & Waste Mgmt	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses (§3.7)	P*
Planned Unit Developments (§7.9)	S*
Site Condominium Development (§7.8)	S*
Public Facilities	
Community Centers	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	S
Residential Uses	
Cottage Industries (§7.2)	S*
Dwelling Units in conjunction with a Non-Residential Establishment (2ND FLOOR ONLY)- where non-residential is the principal use of the premise	S
Home Occupations (§7.2)	P*
Single-Family Detached Dwelling	P
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	S
Two-Family Dwelling (duplex)	S
Utilities & Energy	
Gas Regulator Stations	S
Public Utility Facilities (without storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

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6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. **Development Standards in the Residential 2 District.**

R-2

Table 4.8

1. Lot & Structure Standards (see Figure 4.8a)	
a. Lot Area	8,000 sq ft
b. Lot Width (min.)	80 ft
c. Lot Depth (min.)	100 ft
d. Building Height (max.)	30 ft
e. Dwelling Unit Size – Ground Floor (min.)	900 sq ft
f. Dwelling Unit Dimension (min.)	20 ft at the narrowest point
2. Setbacks	
a. Front (min.)	25 ft (see 3.a below)
b. Side (min.)	15 ft (see 3.b below)
c. Rear (min.)	35 ft
3. Additional Development Standards	
a. Front Yard Averaging (see Figure 4.8b)	The front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within one hundred (100') feet of said lot and within the same block front; provided the front yard depth shall not be less than ten (10') feet and need not exceed by more than ten (10') feet the minimum front yard depth required by other provisions of this Ordinance.
b. Side Yard Exceptions	Side yards on lots with less than eight (80') ft of frontage may be provided as follows: (1) The sum of both side yards shall be at least equal to thirty (30%) percent of the total frontage of the lot. (2) The width of either side yard shall be at least equal to ten (10%) percent of the total frontage of the lot. (3) The width of the side yard adjacent to a side street shall be at least equal to twenty-five (25%) percent of the total frontage of the lot.
c. Accessory Buildings	Regulated by §3.7
d. Fences	Regulated by §3.13
e. Projections into Yards	Regulated by §3.14
f. Dwelling Regulations	Regulated by §3.15
g. Buffers (for adjacent land uses)	Regulated by §3.18

R-2

Figure 4.8a
District Diagram

SIDE YARD EXCEPTION FOR
40' WIDE LOT EXAMPLE:

Side yards (in sum) shall be equal to at least 30% of the total frontage. Example: 30% of a 60' wide lot is 18' (side yards must total 18' in sum).

Each side yard shall be equal to 10% of the total frontage (Example: each shall be at least 6' wide).

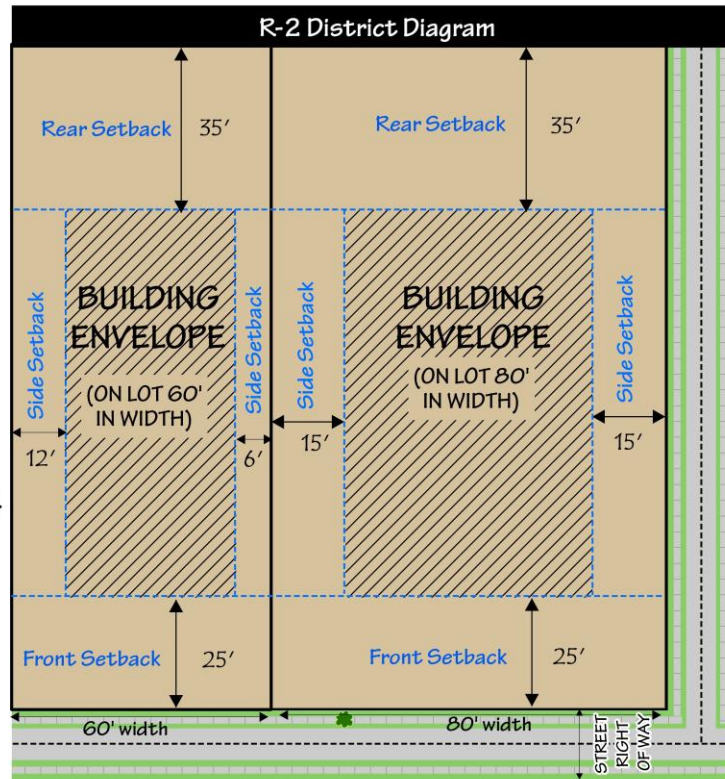
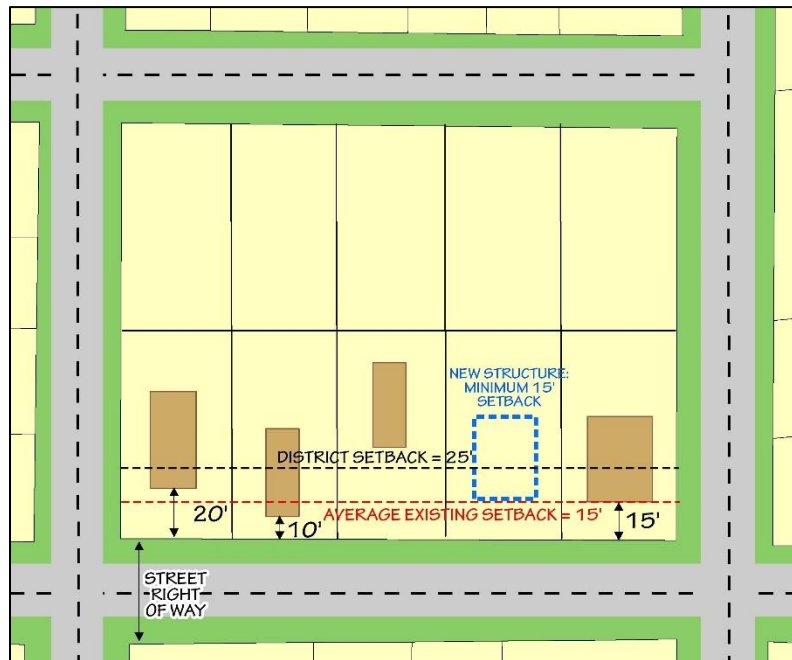


Figure 4.8b

Front Setback Averaging



Section 4.9 Residential 3 District (R-3)

A. Intent.

R-3

It is the intent and purpose of this district to provide for multiple-family housing.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Accommodation & Food/Event Services	
Bed & Breakfasts & Tourist Homes	S
Short Term Rental Homes	P
Agriculture, Forest Products & Animal Services	
Kennels	S
Microgardening (growing produce to sell)	P
Arts, Entertainment & Recreation	
Art Galleries & Art Studios	S
Museums & Historic Sites (open to the public)	S
Nature Parks/Nature Areas	P
Public Parks, Playgrounds, Tennis Courts, & Other Non-Commercial Recreation	P
Commercial, Services & Retail	
Funeral Homes & Mortuaries	S
Educational Services & Religious Institutions	
Public, Charter or Private Schools (elementary through high school)	S
Public, Charter or Private School Administrative Buildings	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S
Adult Foster Care Large Grp Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Human Care & Social Assistance (cont.)	
Child Care Center/Nursery School (not in home)	S
Health Care/Dental/Optical Clinics	S
Rehabilitation Institutions	S
Residential Human Care and Treatment Facility (not in a residence)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Industrial & Waste Mgmt	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses (§3.7)	P*
Cemeteries including Columbaria & Mausoleums (human or pet)	S
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)	S
Parking Structures	S
Planned Unit Developments (§7.9)	S*
Site Condominium Development (§7.8)	S*
Public Facilities	
Community Centers	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	S
Residential Uses	
Cottage Industries (§7.2)	S*
Dwelling Units in conjunction with a Non-Residential Establishment (2ND FLOOR ONLY)- where non-residential is the principal use of the premise	P

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Residential Uses	
Home Occupations (§7.2)	P*
Multiple-Family Dwelling Units	P
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	P
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	S
Two-Family Dwelling (duplex)	P

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R-3
Transportation, Storage & Wholesale	
Self-Storage Facilities/Mini-Storage	S
Utilities & Energy	
Gas Regulator Stations	S
Public Utility Facilities (without storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

C. Development Standards in the Residential 3 District.

Table 4.9

1. Lot & Structure Standards (see Figure 4.9a)	
a. Lot Area	20,000 sq ft
b. Lot Width (min.)	100 ft
c. Lot Depth (min.)	200 ft
d. Building Height (max.)	30 ft
e. Dwelling Unit Size (min.)	Single-Family: 700 ft² ; Multiple-Family: Efficiency: 450 ft² , One Bedroom: 600 ft² , Two Bedroom: 750 ft² , Each additional bedroom: +150 ft²
f. Dwelling Unit Dimension (min.)	20 ft at the narrowest point
g. Spacing Between Buildings	Shall equal the height of the highest abutting building
2. Setbacks	
a. Front (min.)	35 ft (see 3a below)
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Front Yard Averaging (see Figure 4.9b)	The front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within one hundred (100') feet of said lot and within the same block front; provided the front yard depth shall not be less than ten (10') feet and need not exceed by more than ten (10') feet the minimum front yard depth required by other provisions of this Ordinance.
b. Accessory Buildings	Regulated by §3.7
c. Fences	Regulated by §3.13
d. Projections into Yards	Regulated by §3.14
e. Dwelling Regulations	Regulated by §3.15
f. Buffers (for adjacent land uses)	Regulated by §3.18

R-3

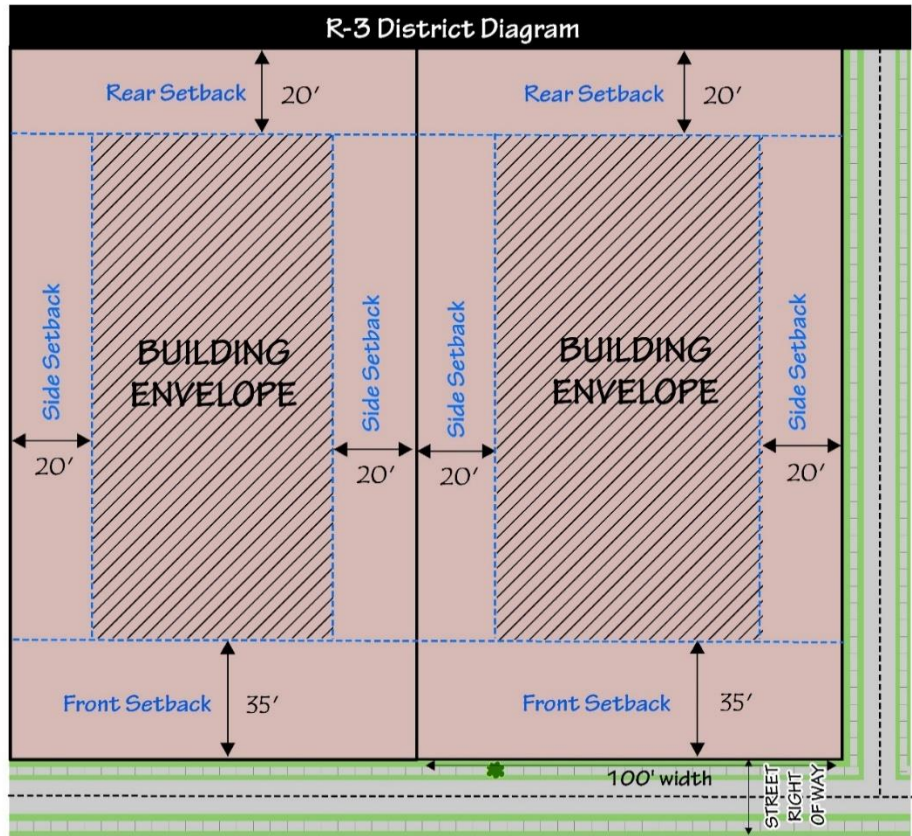


Figure 4.9a
District Diagram

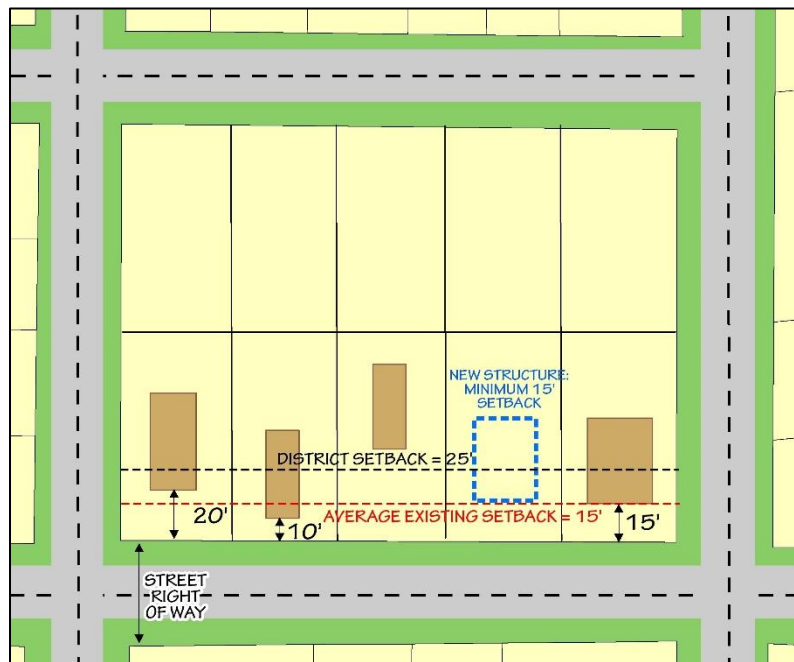


Figure 4.9b
Front Setback
Averaging

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.10 Mixed Development District (MD)

MD

A. Intent.

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MD
Accommodation & Food/Event Services	
Bakeries & Confectioneries	P
Bars/Taverns	P
Bed & Breakfasts & Tourist Homes	S
Coffee Shops	P
Food Trucks* (§7.3)	P*
Hotels & Motels (attached or detached units); Cabin Courts	P
Inns (Transient Lodging Units within Other Commercial Establishment)	P
Microbreweries, Distilleries, Cideries, and Wineries (serving directly to the public)	P
Restaurants with or without Drive-Through	P
Short Term Rental Homes	P
Agriculture, Forest Products & Animal Services	
Greenhouse; Nursery; Landscaping Establishments	P
Kennels	P
Microgardening (growing produce to sell)	P
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use)	P
Art Galleries & Art Studios	P
Bicycle Shops	P
Billiards Halls	P
Bowling Centers	P
Campgrounds & RV Parks	P
Clubs for Swimming & Court Games	P

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MD
Arts, Entertainment & Recreation (cont.)	
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs; gyms; skating rinks)	P
Museums & Historic Sites (open to the public)	S
Nature Parks/Nature Areas	P
Outdoor Performance Facilities	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters; paint ball; private ball diamonds)	P
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds, Tennis Courts, and Other Non-Commercial Recreation	P
Shooting (Firearms) Ranges/Sportsmen's Association (Indoor)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Automotive Tire Sales & Installation (§7.4)	S*
Automotive Oil Change (§7.4)	S*
Auto Repair; Auto Body/Paint/Interior & Glass (§7.4)	S*
Automobile Towing Businesses	S
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	S
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	MD
Commercial, Services & Retail (cont.)	
Business Services	P
Car Washes (§7.4)	P*
Cash Advance Stores	P
Cleaning Services	P
Dry Cleaning & Laundry Services	S
Electronic & Precision Equipment Repair & Maintenance	P
Funeral Homes & Mortuaries	P
Gas Stations	S
Health Spa	P
Interior Designers/Showrooms	S
Laboratories	S
Locksmiths	S
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	S
Office Developments	S
Personal Services (beauty shops, tailoring, massage therapy)	P
Professional and Administrative Office & Services	P
Photofinishing/Photographers	P
Recording Studios	S
Retail Sales	P
Seasonal Sales/Transient Sales	P
Small-Scale Craft Making	S
Studios for dance, physical exercise and music	P
Communications	
Television/Radio Broadcasting Stations	S
Educational Services/Religion	
Public, Charter or Private Schools (elementary through high school)	S
Public, Charter or Private School Administrative Buildings	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	S
Adult Day Care Facility (greater than 6 adults)	S
Adult Foster Care Family Homes (6 or less adults)	P
Adult Foster Care Small Group Home (7-12 adults)	S

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	MD
Human Care & Social Assistance (cont.)	
Adult Foster Care Large Group Home (13-20 adults)	S
Adult Foster Care Congregate Facilities (over 20 adults)	S
Assisted Living Home/Nursing Home/Convalescent Home	S
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	S
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center/Nursery School (not in home)	S
Child Caring Institution	S
Health Care/Dental/Optical Clinics	P
Rehabilitation Institutions	S
Residential Human Care and Treatment Facility (not in a residence)	S
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P
Manufacturing, Industrial & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Cemeteries including Columbaria & Mausoleums (human or pet)	P
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)	P
Parking Structures	P
Planned Unit Developments (§7.9)	S*
Site Condominium Development (§7.8)	S*
Public Facilities	
Community Centers	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	S
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Cottage Industries (§7.2)	S*
Dwelling Units in conjunction with a Non-Residential Establishment (2ND FLOOR ONLY)- where non-residential is the principal use of the premise	P

- | | | | | |
|------------------------------|-----------------------------------|----------------------------------|---------------------------------------|---------------------------------------|
| 1 Purpose & Authority | 2 Definitions | 3 General Provisions | 4 District Regulations | 5 Plot Plan & Site Plan Review |
| 6 Special Use Review | 7 Supplemental Regulations | 8 Zoning Board of Appeals | 9 Administration & Enforcement | 10 Adoption & Amendments |

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	MD
Residential Uses (conf.)	
Home Occupations (§7.2)	P*
Single-Family Detached Dwelling	P
Single-Family Attached Dwelling (Townhouses; Condominiums)	P
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) (§7.5)	S*
Multiple-Family Dwelling Units	P
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	S
Two-Family Dwelling (duplex)	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	S
Rail yards	S
Self-Storage Facilities/Mini-Storage	P
Transit Facilities	P
Truck Repair	S
Truck Washes (§7.4)	S*
Vehicle Parking & Storage Facilities	S
Wholesale Businesses (except livestock)	S
Utilities & Energy	
Gas Regulator Stations	S
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (without storage yards)	S
Telephone Exchange Buildings	S
Utility Transformer Stations & Substations	S

C. Development Standards in the Mixed Development District.

Table 4.10

1. Lot & Structure Standards (see Figure 4.10a)

a. Lot Area	None
b. Lot Width (min.)	None
c. Lot Depth (min.)	None
d. Building Height (max.)	35 ft
e. Dwelling Unit Size (min.)	Single-Family 700 ft ² Multi-Family - Efficiency: 450 ft ² One Bedroom: 600 ft ² Two Bedroom: 750 ft ² Each additional bedroom: +150 ft ²
f. Dwelling Unit Dimension (min.)	20 ft at the narrowest point
g. Spacing Between Buildings	Shall equal the height of the highest abutting building

2. Setbacks

a. Front (min.) (see Figure 4.10b)	The front yard requirements of a lot may be modified so as to equal the average depth of existing developed front yards on lots within 100 ft of said lot and within the same block front; provided the front yard depth shall not be less than 10 ft and need not exceed by more than 10 ft the minimum front yard depth required by other provisions of this Ordinance. If no developed lots exist within 100 ft, then the front setback shall equal 25 ft.
b. Side (min.)	10 ft
c. Rear (min.)	20 ft

3. Additional Development Standards

a. Accessory Buildings	Regulated by §3.7
b. Fences	Regulated by §3.13
c. Projections into Yards	Regulated by §3.14
d. Dwelling Regulations	Regulated by §3.15
e. Buffer Yards (for adjacent land uses)	Regulated by §3.18
f. Parking	Regulated by §3.19
g. Lighting	Regulated by §3.22
h. Signs	Regulated by §3.23

MD

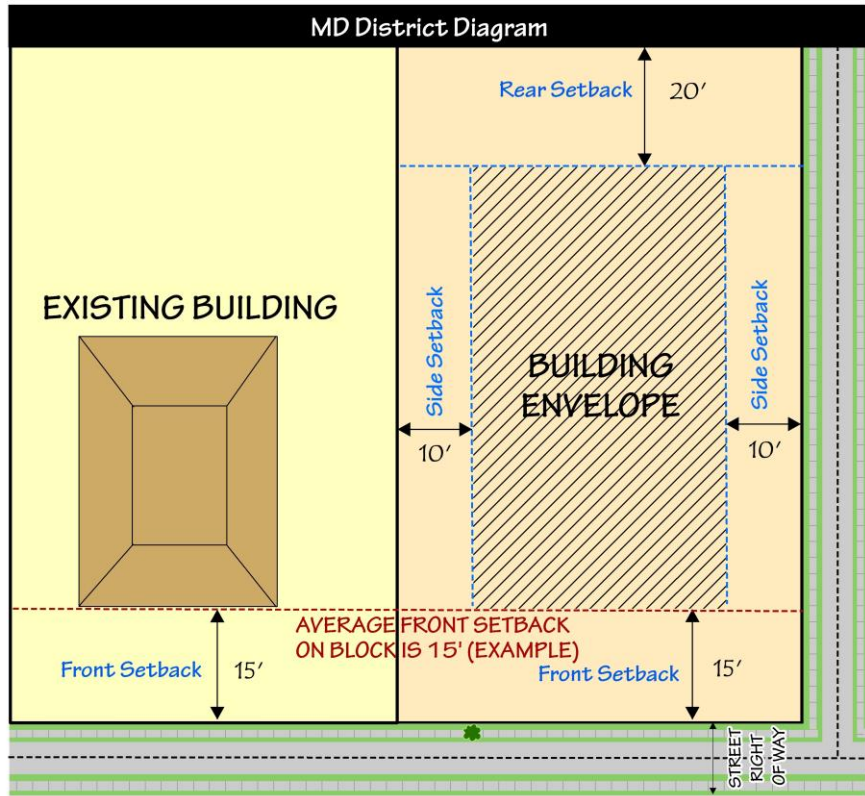


Figure 4.10a
District Diagram

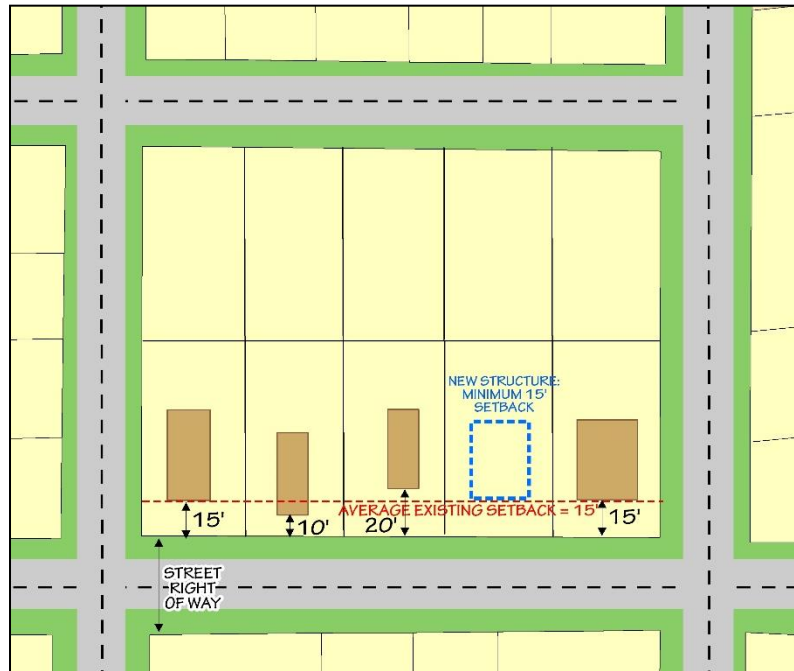


Figure 4.10b
Front Setback
Averaging

Section 4.11 Downtown Commercial District (C-1)

C-1

A. Intent.

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	C-1
Accommodation & Food/Event Services	
Bakeries & Confectioneries	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	P
Food Trucks (§7.3)	P*
Hotels & Motels (attached or detached units); Cabin Courts	S
Inns (Transient Lodging Units within Other Commercial Establishment)	P
Microbreweries, Distilleries, Cideries, and Wineries (serving directly to the public)	P
Restaurants with or without Drive-Through	P
Agriculture, Forest Products & Animal Services	
Greenhouse; Nursery; Landscaping Establishments	P
Microgardening (growing produce to sell)	P
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use)	P
Art Galleries & Art Studios	P
Bicycle Shops	P
Billiards Halls	P
Bowling Centers	P
Equipment Rental, Non-Motorized (Outfitter)	P

Table of Permitted Uses & Special Uses	
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	C-1
Arts, Entertainment & Recreation (cont.)	
Fitness & Recreational Sports (ex: health clubs; gyms; skating rinks)	P
Museums & Historic Sites (open to the public)	P
Nature Parks/Nature Areas	P
Outdoor Performance Facilities	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters; paint ball; private ball diamonds)	P
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds, Tennis Courts, and Other Non-Commercial Recreation	P
Shooting (Firearms) Ranges/Sportsmen’s Association (Indoor)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Banks/Financial Institutions	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Business Services	P
Car Washes (§7.4)	S*
Cash Advance Stores	P
Dry Cleaning & Laundry Services	P
Electronic & Precision Equipment Repair & Maintenance	P
Flea Market	S
Funeral Homes & Mortuaries	S

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Commercial, Services & Retail (cont.)	
Gas Stations	S
Health Spa	P
Interior Designers/Showrooms	P
Locksmiths	P
Office Developments	S
Personal Services (beauty shops, tailoring, massage therapy)	P
Professional and Administrative Office & Services	P
Photofinishing/Photographers	P
Recording Studios	P
Retail Sales	P
Seasonal Sales/Transient Sales	P
Small-Scale Craft Making	S
Studios for dance, physical exercise and music	P
Communications	
Television/Radio Broadcasting Stations	S
Educational Services/Religion	
Public, Charter or Private Schools (elementary through high school)	S
Public, Charter or Private School Administrative Buildings	S
Religious Institutions & Customary Accessory Uses	S
Human Care & Social Assistance	
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School (not in home)	S
Health Care/Dental/Optical Clinics	P
Manufacturing, Industrial & Waste Management	
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)	S
Parking Structures	S
Planned Unit Developments (§7.9)	P*

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-1
Public Facilities	
Community Centers	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	P
Residential Uses	
Dwelling Units in conjunction with a Non-Residential Establishment (2ND FLOOR ONLY)- where non-residential is the principal use of the premise	P
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Rail yards	S
Vehicle Parking & Storage Facilities	S
Wholesale Businesses (except livestock)	S

C. Development Standards in the Downtown Commercial District.

C-1

Table 4.11

1. Lot & Structure Standards (see Figure 4.11a)	
a. Lot Area	None
b. Lot Width (min.)	None
c. Lot Depth (min.)	None
d. Building Height (max.)	Maximum: 35 ft Minimum height of building shall be comparable to the abutting buildings. Planning Commission may allow deviations from this standard.
2. Setbacks	
a. Front (max.)	0 ft required setback. The Planning Commission may allow a greater front yard setback for cases in which the site plan includes an approved form of outdoor use.
b. Side (min.)	None
c. Rear (min.)	10 ft
3. Additional Development Standards	
Planning Commission may allow deviations from standards in this subsection 3 (below).	
a. Accessory Buildings	Regulated by §3.7
b. Fences	Regulated by §3.13
c. Projections into Yards	Regulated by §3.14
d. Buffer Yards (for adjacent land uses)	Regulated by §3.18
e. Lighting	Regulated by §3.22
f. Signs	Regulated by §3.23
g. Transparency (see Figure 4.11b)	(1) Building facades within 20 ft of the sidewalk shall have at least 15% glazing for all upper floor facades. (2) Building facades within 20 ft of the sidewalk shall have at least 50% clear glass along the ground floor of the façade.
h. Blank Walls	Along road frontages, blank walls should not exceed 30 ft in length. Windows and architectural and design features such as awnings, cornice work, edge detailing, decorative finish materials, recesses, designs using building materials, or murals may be used to eliminate blank walls. The Planning Commission may approve an exemption from this subsection g.
i. Historic Buildings	The Planning Commission may allow deviations from these development standards in order to accommodate preservation of historic buildings.
j. Storage & Higher Intensity Activities	Storage of non-retail materials and the making, assembling, remodeling, repairing, altering, finishing, or refinishing of products/merchandise is permitted provided these activities are completely enclosed within the premises occupied by the establishment and these activities are accessory to the principal use of the property.
k. Yard Activities	Commercial activities, including food service and seating, may occupy yards.
l. Lot Line Requirements	Interior Lots: Buildings shall be built lot side lot line to side lot line. The Planning Commission may make an exemption to this standard for buildings with an approved form of outdoor use in the side yard or if there is a required side setback from residential.
m. Sidewalk & Outdoor Cafes	Regulated by Village of Roscommon Policy #21.

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C-1

Figure 4.11a:
District
Diagram

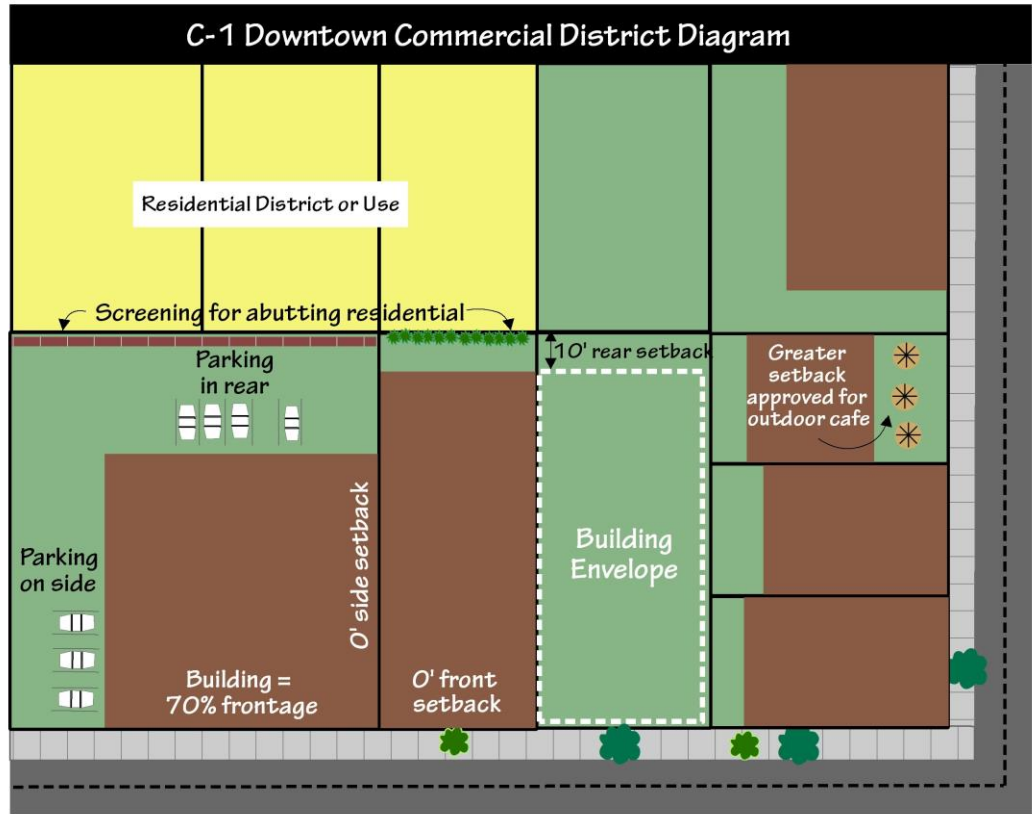
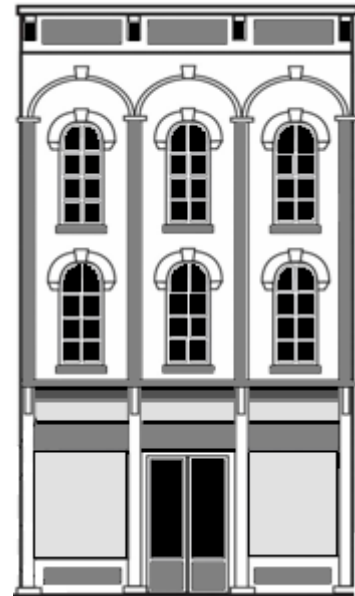
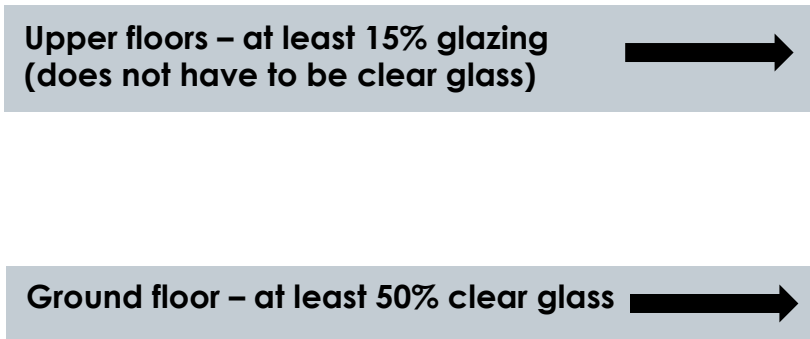


Figure 4.11b: Transparency



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.12 Highway Commercial District (C-2)

C-2

A. Intent.

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

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P</i> = Permitted by Right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	C-2
Accommodation & Food/Event Services	
Bakeries & Confectioneries	P
Bars/Taverns	P
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls/Wedding Venues	P
Food Trucks (§7.3)	P*
Hotels & Motels (attached or detached units); Cabin Courts	P
Inns (Transient Lodging Units within Other Commercial Establishment)	P
Microbreweries, Distilleries, Cideries, and Wineries (serving directly to the public)	P
Restaurants with or without Drive-Through	P
Agriculture, Forest Products & Animal Services	
Greenhouse; Nursery; Landscaping Establishments	P
Microgardening (growing produce to sell)	P
Veterinary Clinic/Animal Hospital	P
Arts, Entertainment & Recreation	
Amusement Arcades & Similar Indoor Recreation	P
Archery Ranges (& as accessory use)	P
Art Galleries & Art Studios	P
Bicycle Shops	P
Billiards Halls	P
Bowling Centers	P
Campgrounds & RV Parks	P
Canoe/Kayak Liveries	P
Clubs for Swimming & Court Games	P

Table of Permitted Uses & Special Uses	
<i>P</i> = Permitted by Right <i>S</i> = Permitted with a Special Use Permit *supplemental development regulations	C-2
Arts, Entertainment & Recreation (conf.)	
Equipment Rental, Non-Motorized (Outfitter)	P
Fitness & Recreational Sports (ex: health clubs; gyms; skating rinks)	P
Museums & Historic Sites (open to the public)	P
Nature Parks/Nature Areas	P
Outdoor Performance Facilities	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters; paint ball; private ball diamonds)	P
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds, Tennis Courts, and Other Non-Commercial Recreation	P
Shooting (Firearms) Ranges/Sportsmen's Association (Indoor)	P
Theaters/Performing Arts Facilities	P
Tours (Commercial Operations)	P
Commercial, Services & Retail	
Automotive Tire Sales & Installation (§7.4)	S*
Automotive Oil Change (§7.4)	S*
Auto Repair; Auto Body/Paint/Interior & Glass (§7.4)	S*
Automobile Towing Businesses	S
Banks/Financial Institutions	P
Boat/RV/Recreational Equipment Repair & Storage	S
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-2
Commercial, Services & Retail (cont.)	
Business Services	P
Car Washes (§7.4)	P*
Cash Advance Stores	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Crematoriums	S
Dry Cleaning & Laundry Services	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Flea Market	P
Funeral Homes & Mortuaries	P
Furniture Refinishing (Upholsterers)/Furniture Repair	S
Gas Stations	S
General Rental Centers	P
Health Spa	P
Interior Designers/Showrooms	P
Laboratories	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers	P
Office Developments	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, and similar	P
Pawn Shops	P
Personal Services (beauty shops, tailoring, massage therapy)	P
Professional and Administrative Office & Services	P
Photofinishing/Photographers	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P
Retail Sales	P
Home Improvement Centers (lumber stored in enclosed structure)	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-2
Commercial, Services & Retail (cont.)	
Mall, Shopping Center, or Shopping Plaza	P
Seasonal Sales/Transient Sales	P
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for dance, physical exercise and music	P
Taxidermy Shops	P
Communications	
Television/Radio Broadcasting Stations	P
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc.)	P
Educational Services & Religious Institutions	
Colleges/Universities	P
Public, Charter or Private Schools (elementary through high school)	P
Public, Charter or Private School Administrative Buildings	P
Religious Institutions & Customary Accessory Uses	P
Trade Schools	P
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (greater than 6 adults)	P
Adult Foster Care Small Group Home (7-12 adults)	P
Adult Foster Care Large Group Home (13-20 adults)	P
Adult Foster Care Congregate Facilities (over 20 adults)	P
Charitable Institution (ex: soup kitchen); Non-Profit Organizations	P
Child Care Center/Nursery School (not in home)	P
Child Caring Institution	P
Health Care/Dental/Optical Clinics	P
Hospitals	P
Rehabilitation Institutions	P
Residential Human Care and Treatment Facility (not in a residence)	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-2
Manufacturing, Industrial & Waste Management	
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	S
Computer, Electronic, & Appliance Product Mfg	P
Food/Beverage Processing	S
Food/Beverage Bottling & Packaging	S
Food Hub Facility/Food Incubator Facility	P
Furniture & Related Product Mfg	S
Laboratories (industrial)	P
Leather & Allied Product Mfg	S
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Monument & Similar Product Mfg	S
Printing, Lithographic & Blueprinting	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting & Mfg	P
Solar Panels, Wind Generators, & Alternative Energy Systems Mfg	S
Textile & Apparel Mfg	S
Tin shops or Plumbing Supply Shops	P
Tool & Die Shops	S
Wood Product Mfg (not mills)	S
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Cemeteries including Columbaria & Mausoleums (human or pet)	P
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)	P
Parking Structures	P
Planned Unit Developments (§7.9)	P*

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	C-2
Public Facilities	
Community Centers	P
Correctional Facilities	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	P
Police Stations /Jails	S
Post Office	P
Public Works Facilities with Outdoor Storage	S
Residential Uses	
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments	P
Self-Storage Facilities/Mini-Storage	P
Transit Facilities	P
Vehicle Parking & Storage Facilities	S
Wholesale Businesses (except livestock)	S

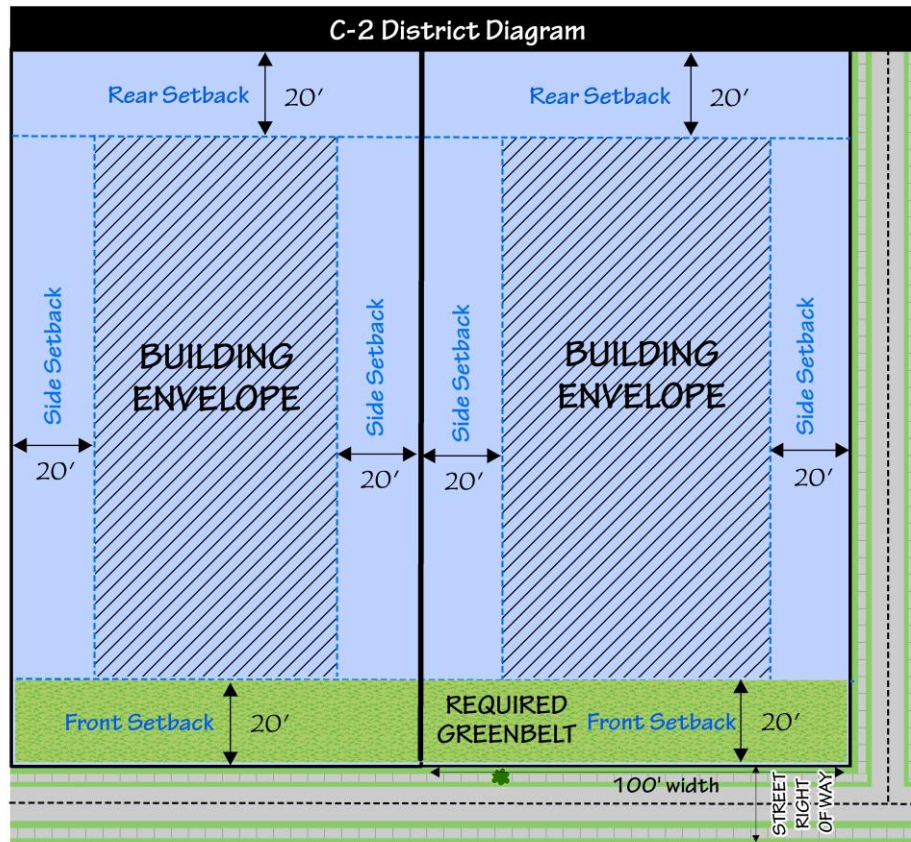
C. Development Standards in the Highway Commercial District.

Table 4.12

1. Lot & Structure Standards (see Figure 4.12)	
a. Lot Area	30,000 sq ft
b. Lot Width (min.)	100 ft
c. Lot Depth (min.)	300 ft
d. Building Height (max.)	35 ft
2. Setbacks	
a. Front (min.)	20 ft (required greenbelt)
b. Side (min.)	20 ft
c. Rear (min.)	20 ft
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.7
b. Fences	Regulated by §3.13
c. Projections into Yards	Regulated by §3.14
d. Buffer Yards (for adjacent land uses)	Regulated by §3.18
i. Parking	Regulated by §3.19
j. Lighting	Regulated by §3.22
k. Signs	Regulated by §3.23

Figure 4.12:
District
Diagram

C-2



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.13 Industrial District (I)

I

A. Intent.

This district is intended for Industrial uses.

B. Uses Permitted by Right and Special Uses.

Permitted and Special Uses shall be limited to those listed in this table and also in [Section 4.14](#) (Full Table of Permitted & Special Uses) and shall be subject to all applicable provisions of [Article 5](#), [Article 6](#), and [Article 7](#).

Table of Permitted Uses & Special Uses	
<i>P</i> = Permitted by Right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations	I
Accommodation & Food/Event Services	
Food Trucks* (§7.3)	P*
Microbreweries, Distilleries, Cideries, and Wineries (serving directly to the public)	P
Agriculture, Forest Products & Animal Services	
Agricultural products processing and storage (excluding concentrated animal feeding operations)	P
Animal Sales Yards/Auctions for Livestock	P
Firewood Sales (Large Scale) (does not include small bundles of firewood)	P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)	P
Grain Elevators	P
Microgardening (growing produce to sell)	P
Slaughter Houses	P
Arts, Entertainment & Recreation	
Archery Ranges (& as accessory use)	P
Billiards Halls	P
Bowling Centers	P
Clubs for Swimming & Court Games	P
Equipment Rental, Non-Motorized (Outfitter)	P
Museums & Historic Sites (open to the public)	P
Nature Parks/Nature Areas	P
Outdoor Performance Facilities	P
Private Clubs; Lodges; Fraternal Organizations	P
Public Parks, Playgrounds, Tennis Courts, and Other Non-Commercial Recreation	P
Shooting (Firearms) Ranges/Sportsmen's Association (Indoor)	P

Table of Permitted Uses & Special Uses	
<i>P</i> = Permitted by Right <i>S</i> = Permitted with a Special Use Permit <i>*</i> supplemental development regulations	I
Commercial, Services & Retail	
Automotive Tire Sales & Installation (§7.4)	P*
Automotive Oil Change (§7.4)	P*
Auto Repair; Auto Body/Paint/Interior & Glass (§7.4)	P*
Automobile Towing Businesses	P
Boat/RV/Recreational Equipment Repair & Storage	P
Building & Garden Equipment & Supplies Dealers	P
Business Incubator (Food Incubator listed under Manufacturing)	P
Car Washes	P
Cleaning Services	P
Commercial Equipment Repair & Maintenance	P
Crematoriums	S
Dry Cleaning & Laundry Services	P
Electronic & Precision Equipment Repair & Maintenance	P
Equipment Rental & Sales	P
Extermination & Pest Control Services	P
Film Production Facilities including sound stages & other related activities	P
Flea Market	P
Furniture Refinishing (Upholsterers)/Furniture Repair	P
Gas Stations	S
General Rental Centers	P
Interior Designers/Showrooms	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	I
Commercial, Services & Retail (cont.)	
Laboratories	P
Locksmiths	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales	P
Manufactured Home Dealers	P
Office Developments	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, and similar	P
Pawn Shops	P
Printing/Binding/Publishing of Print Material	P
Recording Studios	P
Retail - Mall, Shopping Center, or Shopping Plaza	P
Seasonal Sales/Transient Sales	P
Sexually Oriented Businesses (Ordinance No. 78)	S*
Small Engine Repair	P
Small-Scale Craft Making	P
Studios for dance, physical exercise and music	P
Taxidermy Shops	P
Communications	
Television/Radio Broadcasting Stations	P
Wireless Communications Support Structures (towers) (§7.10)	S*
Construction/Contractors	
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Special Trade Contractors Offices & Showrooms w/outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)	P
Educational Services & Religious Institutions	
Colleges/Universities	P
Public, Charter or Private Schools (elementary through high school)	P
Public, Charter or Private School Administrative Buildings	P
Religious Institutions & Customary Accessory Uses	P
Trade Schools	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	I
Human Care & Social Assistance	
Adult Day Care Facility (6 or less adults)	P
Adult Day Care Facility (greater than 6 adults)	P
Adult Foster Care Small Group Home (7-12 adults)	P
Adult Foster Care Large Group Home (13-20 adults)	P
Adult Foster Care Congregate Facilities (over 20 adults)	P
Child Care Center/Nursery School (not in home)	P
Health Care/Dental/Optical Clinics	P
Hospitals	P
Rehabilitation Institutions	P
Residential Human Care and Treatment Facility (not in a residence)	P
Manufacturing, Industrial & Waste Management	
Manufacturing & Offices	P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)	P
Appliance, Heating, & Ventilation Equipment Mfg	P
Asphalt Mfg	P
Bakeries (not direct to customer)	P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill	P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)	P
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products Mfg	P
Cold Storage Plants	P
Computer, Electronic, & Appliance Product Mfg	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg	P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling	P
Food/Beverage Processing	P
Food/Beverage Bottling & Packaging	P
Food Hub Facility/Food Incubator Facility	P
Furniture & Related Product Mfg	P
Gas & Oil Processing Facilities/Refinery	P
Incinerator Plant (non-pyrolysis)	P
Incinerator Plant (pyrolysis type)/Gasification	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	I
Manufacturing, Industrial & Waste Management (cont.)	
Industrial Parks (planned)	P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards (§7.11)	S*
Laboratories (industrial)	P
Leather & Allied Product Mfg	P
Machine Shops	P
Meat Packing Plants	P
Metal Plating/Buffering/Polishing/Cutting/Slitting/Shearing	P
Mineral Processing Facilities & Operations	P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S
Miscellaneous Mfg (from previously prepared materials incl. agricultural, building, natural, synthetic, biological, & ceramic materials) – that doesn't fall into another category in this table	S
Monument & Similar Product Mfg	P
Paper Product Mfg	P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution	P
Pharmaceutical Preparations, Cosmetics, and Toiletries	P
Plastics Mfg	P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses	P
Prefabricated Buildings Mfg	P
Printing or forming of box, carton and cardboard products	P
Printing, Lithographic & Blueprinting	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations (municipal)	P
Research/Design/Experimental Product Development (within a completely enclosed building)	P
Sign Painting & Mfg	P
Smelting Industries	P
Solar Panels, Wind Generators, & Alternative Energy Systems Mfg	P
Textile & Apparel Mfg	P
Tin shops or Plumbing Supply Shops	P
Tool & Die Shops	P
Waste Collection Facilities	P
Wood Product Mfg (not mills)	P

Table of Permitted Uses & Special Uses	
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	I
Miscellaneous	
Accessory Buildings & Uses Incidental to Principal Uses	P
Cemeteries including Columbaria & Mausoleums (human or pet)	P
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)	P
Parking Structures	P
Planned Unit Developments (§7.9)	P*
Public Facilities	
Community Centers	P
Correctional Facilities	S
Fire Stations	S
Government Administrative Buildings	S
Libraries	P
Police Stations /Jails	S
Public Works Facilities with Outdoor Storage	P
Water & Wastewater Treatment Plants	P
Residential Uses	
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within PUD only	P
Transportation, Storage & Wholesale	
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Drone (Unmanned Aerial) Centers	P
Distribution Centers/Freight Terminals/Trucking Facilities	P
Self-Storage Facilities/Mini-Storage	P
Transit Facilities	P
Truck Repair	P
Truck Washes (§7.4)	P*
Vehicle Parking & Storage Facilities	P
Warehousing & Storage	P
Wholesale Businesses (except livestock)	P
Utilities & Energy	
Gas Regulator Stations	P
Heating & Electric Power Generating Plants	P
Propane Distributor/Propane Supply Facilities	P
Public Utility Facilities (w or w/o storage yards)	P
Solar Energy Facility (Utility-Scale) (§7.6)	P*
Telephone Exchange Buildings	P
Utility Transformer Stations & Substations	P

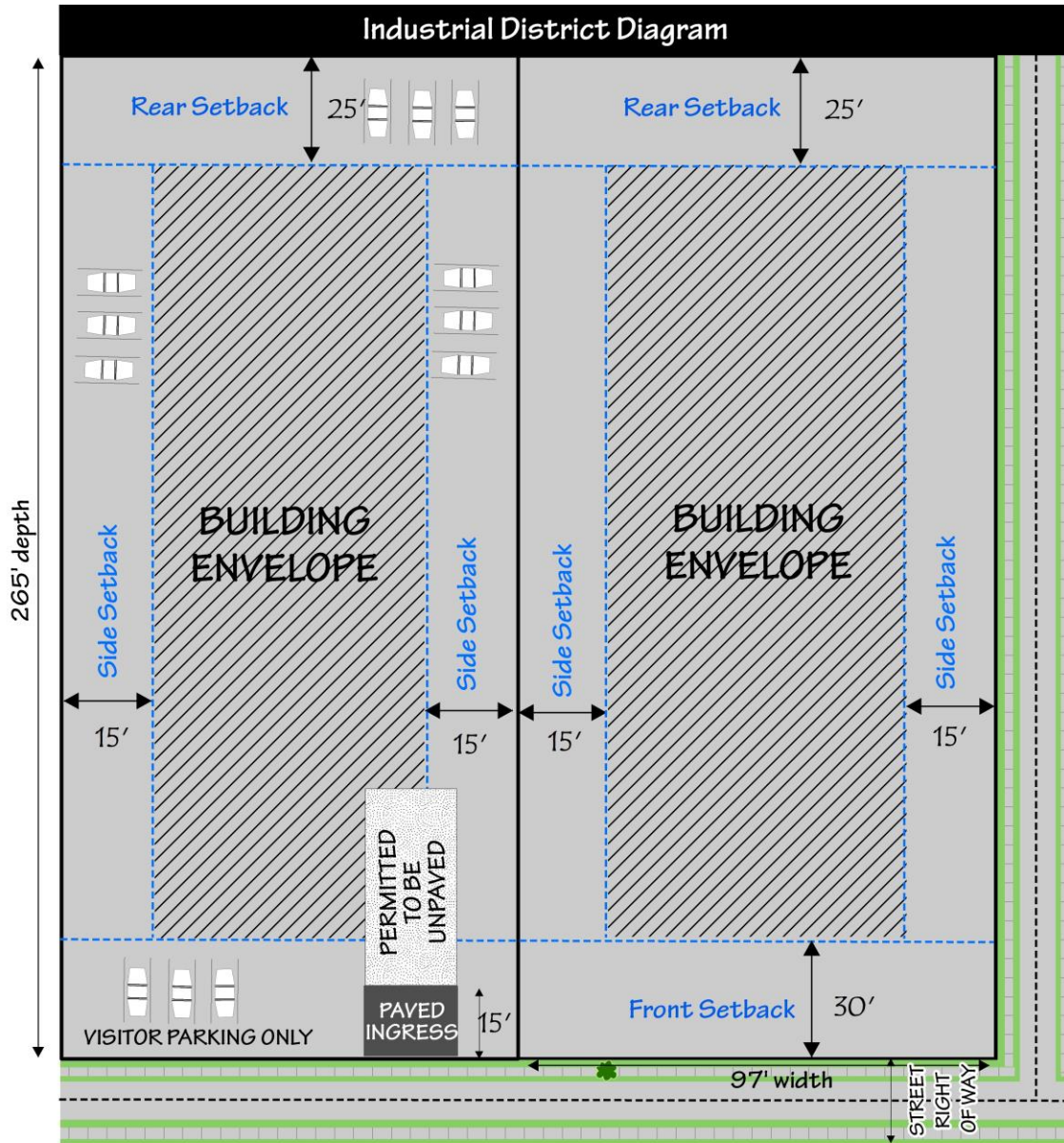
1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Development Standards in the Industrial District.

Table 4.13

1. Lot & Structure Standards (see Figure 4.13)	
a. Lot Area	25,700 sq ft
b. Lot Width (min.)	97 ft
c. Lot Depth (min.)	265 ft
d. Building Height (max.)	35 ft
e. Lot Coverage	Total floor area of all buildings shall not exceed 50% of the total site area
2. Setbacks	
a. Front (min.)	30 ft
b. Side (min.)	15 ft
c. Rear (min.)	25 ft
3. Additional Development Standards	
a. Accessory Buildings	Regulated by §3.7
b. Fences	Regulated by §3.13
c. Projections into Yards	Regulated by §3.14
d. Buffer Yards (for adjacent land uses)	Regulated by §3.18
e. Lighting	Regulated by §3.22
f. Signs	Regulated by §3.23
g. Parking & Loading	No parking shall be permitted within the front building setback, except for visitor parking. At least three (3) visitor-parking spaces, with one (1) being handicap, van accessible must be provided. Any lighting used to illuminate off street parking area shall be confined to the parking area and directed away from adjoining premises. No part of any roadway shall be used for the unloading or loading of freight.
h. Outdoor Storage	Outdoor storage of equipment, raw material, freight, semi-finished or finished products is permitted only when such outdoor storage is necessary and incidental to the operations being carried on within the building located upon the site. All outdoor storage shall be screened. No storage shall be permitted within the front yard setback.
i. Ingress/Egress	Paved ingress/egress must be at least 15 feet deep from the Village paved road and of sufficient depth to support vehicle loads.

Figure 4.13:
District
Diagram



1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4.14 Full Table of Permitted Uses & Special Uses

		Land Use Categories	Pg
R-1	Residential 1 District	Accommodation & Food/Event Services	4-32
R-2	Residential 2 District	Agriculture, Forest Products & Animal Services	4-33
R-3	Residential 3 District	Arts, Entertainment & Recreation	4-33
MD	Mixed Development District	Commercial, Services & Retail	4-34
C-1	Downtown Commercial District	Communications	4-36
C-2	Highway Commercial District	Construction/Contractors	4-36
I	Industrial District	Educational Services & Religion Institutions	4-36
		Human Care & Social Assistance	4-36
		Manufacturing, Industrial & Waste Management	4-37
		Miscellaneous	4-39
		Public Facilities	4-39
		Residential Uses	4-39
		Transportation, Storage & Wholesale	4-40
		Utilities & Energy	4-40

Permitted and Special Uses shall be limited to those listed in the following Table of Permitted and Special Uses and listed in the individual use tables within each district section (above). Unlisted uses are subject to **Section 4.6**. When determining what facilities fall into the listed uses, the decision of the Planning Commission shall prevail.

Table of Permitted Uses & Special Uses							
<i>P = Permitted by Right S = Permitted with a Special Use Permit</i>	R-1	R-2	R-3	MD	C-1	C-2	I
<i>*supplemental development regulations</i>							
Accommodation & Food/Event Services							
<i>Bakeries & Confectioneries</i>				P	P	P	
<i>Bars/Taverns</i>				P	P	P	
<i>Bed & Breakfasts & Tourist Homes</i>	S	S	S	S			
<i>Caterers/Food Service Contractors</i>					P	P	
<i>Coffee Shops</i>				P	P	P	
<i>Convention Centers/Conference Centers/Banquet Halls/Wedding Venues</i>					P	P	
<i>Food Trucks* (§7.3)</i>				P*	P*	P*	P*
<i>Hotels & Motels (attached or detached units); Cabin Courts</i>				P	S	P	
<i>Inns (Transient Lodging Units within Other Commercial Establishment)</i>				P	P	P	
<i>Microbreweries, Distilleries, Cideries, and Wineries (serving directly to the public)</i>				P	P	P	P
<i>Restaurants with or without Drive-Through</i>				P	P	P	
<i>Short Term Rental Homes</i>	P	P	P	P			

1 Purpose & Authority	2 Definitions	3 General Provisions	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Use Review	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Table of Permitted Uses & Special Uses							
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Agriculture, Forest Products & Animal Services							
Agricultural products processing and storage (excluding concentrated animal feeding operations)							P
Animal Sales Yards/Auctions for Livestock							P
Firewood Sales (Large Scale) (does not include small bundles of firewood)							P
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)							P
Grain Elevators							P
Greenhouse; Nursery; Landscaping Establishments				P	P	P	
Kennels	S	S	S	P			
Microgardening (growing produce to sell)	P	P	P	P	P	P	P
Slaughter Houses							P
Veterinary Clinic/Animal Hospital				P	P	P	
Arts, Entertainment & Recreation							
Amusement Arcades & Similar Indoor Recreation				P	P	P	
Archery Ranges (& as accessory use)				P	P	P	P
Art Galleries & Art Studios	S	S	S	P	P	P	
Bicycle Shops				P	P	P	
Billiards Halls				P	P	P	P
Bowling Centers				P	P	P	P
Campgrounds & RV Parks				P		P	
Canoe/Kayak Liveries						P	
Clubs for Swimming & Court Games	S			P		P	P
Equipment Rental, Non-Motorized (Outfitter)				P	P	P	P
Fitness & Recreational Sports (ex: health clubs; gyms; skating rinks)				P	P	P	
Museums & Historic Sites (open to the public)	S	S	S	S	P	P	P
Nature Parks/Nature Areas	P	P	P	P	P	P	P
Outdoor Performance Facilities				P	P	P	P
Outdoor Commercial Recreational Facility (ex – go karts; miniature golf; disc golf; drive-in theaters; paint ball; private ball diamonds)				P	P	P	
Private Clubs; Lodges; Fraternal Organizations				P	P	P	P
Public Parks, Playgrounds, Tennis Courts, and Other Non-Commercial Recreation	P	P	P	P	P	P	P
Shooting (Firearms) Ranges/Sportsmen's Association (Indoor)				P	P	P	P
Theaters/Performing Arts Facilities				P	P	P	
Tours (Commercial Operations)				P	P	P	

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Table of Permitted Uses & Special Uses							
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Commercial, Services & Retail							
Automotive Tire Sales & Installation (§7.4)				S*		S*	P*
Automotive Oil Change (§7.4)				S*		S*	P*
Auto Repair; Auto Body/Paint/Interior & Glass (§7.4)				S*		S*	P*
Automobile Towing Businesses				S		S	P
Banks/Financial Institutions				P	P	P	
Boat/RV/Recreational Equipment Repair & Storage				S		S	P
Building & Garden Equipment & Supplies Dealers				P		P	P
Business Incubator (Food Incubator listed under Manufacturing)				P	P	P	P
Business Services				P	P	P	
Car Washes (§7.4)				P*	S*	P*	P*
Cash Advance Stores				P	P	P	
Cleaning Services				P		P	P
Commercial Equipment Repair & Maintenance						P	P
Crematoriums						S	S
Dry Cleaning & Laundry Services				S	P	P	P
Electronic & Precision Equipment Repair & Maintenance				P	P	P	P
Equipment Rental & Sales						P	P
Extermination & Pest Control Services						P	P
Film Production Facilities including sound stages & other related activities							P
Flea Market					S	P	P
Funeral Homes & Mortuaries	S	S	S	P	S	P	
Furniture Refinishing (Upholsterers)/Furniture Repair						S	P
Gas Stations				S	S	S	S
General Rental Centers						P	P
Health Spa				P	P	P	
Interior Designers/Showrooms				S	P	P	P
Laboratories				S		P	P
Locksmiths				S	P	P	P
Lumber Yards (pre-planed, finished lumber)/Building Material Sales				S		P	P
Manufactured Home Dealers						P	P
Office Developments				S	S	P	P
Outdoor Sales/Rental of automobiles, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, recreational equipment, and similar						P	P
Pawn Shops						P	P
Personal Services (beauty shops, tailoring, massage therapy)				P	P	P	
Professional and Administrative Office & Services				P	P	P	

1 Purpose & Authority

2 Definitions

3 General Provisions

4 District Regulations

5 Plot Plan & Site Plan Review

6 Special Use Review

7 Supplemental Regulations

8 Zoning Board of Appeals

9 Administration & Enforcement

10 Adoption & Amendments

Table of Permitted Uses & Special Uses							
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Commercial, Services & Retail (continued)							
Photofinishing/Photographers				P	P	P	
Printing/Binding/Publishing of Print Material						P	P
Recording Studios				S	P	P	P
Retail Sales				P	P	P	
Home Improvement Centers (lumber stored in enclosed structure)						P	
Mall, Shopping Center, or Shopping Plaza						P	P
Seasonal Sales/Transient Sales				P	P	P	P
Sexually Oriented Businesses (Ordinance No. 78)							S*
Small Engine Repair						P	P
Small-Scale Craft Making				S	S	P	P
Studios for dance, physical exercise and music				P	P	P	P
Taxidermy Shops						P	P

Table of Permitted Uses & Special Uses							
P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	R-3	MD	C-1	C-2	I
Communications							
Television/Radio Broadcasting Stations				S	S	P	P
Wireless Communications Support Structures (towers) (§7.10)							S*
Construction/Contractors							
Special Trade Contractors Offices & Showrooms – no outdoor storage (construction, electrical, plumbing, heating, excavation, well-drilling, etc)						P	P
Special Trade Contractors Offices & Showrooms w/outdoor storage of materials & contractor's equipment (construction, electrical, plumbing, heating, excavation, well-drilling, etc)							P
Educational Services & Religious Institutions							
Colleges/Universities						P	P
Public, Charter or Private Schools (elementary through high school)	S	S	S	S	S	P	P
Public, Charter or Private School Administrative Buildings	S	S	S	S	S	P	P
Religious Institutions & Customary Accessory Uses	S	S	S	S	S	P	P
Trade Schools						P	P
Human Care & Social Assistance							
Adult Day Care Facility (6 or less adults)	S	S	S	S		P	P
Adult Day Care Facility (greater than 6 adults)				S		P	P
Adult Foster Care Family Homes (6 or less adults)	P	P	P	P			
Adult Foster Care Small Group Home (7-12 adults)			S	S		P	P
Adult Foster Care Large Group Home (13-20 adults)			S	S		P	P
Adult Foster Care Congregate Facilities (over 20 adults)			S	S		P	P
Assisted Living Home/Nursing Home/Convalescent Home			S	S			
Charitable Institution (ex: soup kitchen); Non-Profit Organizations				S	P	P	
Child Care Home, Family (6 or less)	P	P	P	P			
Child Care Home, Group (7 -12)	S	S	S	S			
Child Care Center/Nursery School (not in home)	S	S	S	S	S	P	P
Child Caring Institution				S		P	
Health Care/Dental/Optical Clinics			S	P	P	P	P
Hospitals						P	P
Rehabilitation Institutions			S	S		P	P
Residential Human Care and Treatment Facility (not in a residence)			S	S		P	P
State-Licensed Residential Facilities (Adult Foster Care 6 or less)	P	P	P	P			

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Table of Permitted Uses & Special Uses							
P = Permitted by Right S = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Manufacturing, Industrial & Waste Management							
Manufacturing & Offices							P
Accessory Uses incidental to Manufacturing (offices, foods services, caretaker buildings)							P
Appliance, Heating, & Ventilation Equipment Mfg							P
Asphalt Mfg							P
Bakeries (not direct to customer)							P
Blast Furnace, Steel Furnace, Blooming or Rolling Mill							P
Central Dry Cleaning Plants & Laundries (not dealing directly with customers)						S	P
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products Mfg							P
Cold Storage Plants							P
Computer, Electronic, & Appliance Product Mfg						P	P
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg							P
Fertilizer, Liquid Nitrogen, & Anhydrous Ammonia Handling							P
Food/Beverage Processing						S	P
Food/Beverage Bottling & Packaging						S	P
Food Hub Facility/Food Incubator Facility						P	P
Furniture & Related Product Mfg						S	P
Gas & Oil Processing Facilities/Refinery							P
Incinerator Plant (non-pyrolysis)							P
Incinerator Plant (pyrolysis type)/Gasification							P
Industrial Parks (planned)							P
Junkyards/Salvage Yards/Scrap Yards/Motor Vehicle Impoundment & Wrecking Yards (§7.11)							S*
Laboratories (industrial)						P	P
Leather & Allied Product Mfg						S	P
Machine Shops							P
Meat Packing Plants							P
Metal Plating/Buffing/Polishing/Cutting/Slitting/Shearing							P
Mineral Processing Facilities & Operations							P
Mining/Resource Extraction (incl sand, gravel, rock & mineral extraction)	S	S	S	S	S	S	S
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials) – THAT DOESN'T FALL INTO ANOTHER CATEGORY IN THIS TABLE							S
Monument & Similar Product Mfg						S	P
Paper Product Mfg							P
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution							P
Pharmaceutical Preparations, Cosmetics, and Toiletries							P

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Table of Permitted Uses & Special Uses							
<i>P = Permitted by Right S = Permitted with a Special Use Permit *supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Manufacturing, Industrial & Waste Management (continued)							
Plastics Mfg							P
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses							P
Prefabricated Buildings Mfg							P
Printing or forming of box, carton and cardboard products							P
Printing, Lithographic & Blueprinting						P	P
Recycling facilities/Resource Recovery Facilities/Transfer Stations (municipal)							P
Research/Design/Experimental Product Development (within a completely enclosed building)						P	P
Sign Painting & Mfg						P	P
Smelting Industries							P
Solar Panels, Wind Generators, & Alternative Energy Systems Mfg						S	P
Textile & Apparel Mfg						S	P
Tin shops or Plumbing Supply Shops						P	P
Tool & Die Shops						S	P
Waste Collection Facilities							P
Wood Product Mfg (not mills)						S	P

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Table of Permitted Uses & Special Uses							
P = Permitted by Right S = Permitted with a Special Use Permit <i>*supplemental development regulations</i>	R-1	R-2	R-3	MD	C-1	C-2	I
Miscellaneous							
Accessory Buildings & Uses Incidental to Principal Uses (§3.7)	P*	P*	P*	P*	P*	P*	P*
Cemeteries including Columbaria & Mausoleums (human or pet)			S	P		P	P
Mixed Uses (Non-Residential and Residential in one building or on one lot – where both uses are considered principal use of the premises)			S	P	S	P	P
Parking Structures			S	P	S	P	P
Planned Unit Developments (§7.9)	S*	S*	S*	S*	P*	P*	P*
Site Condominium Development (§7.8)	S*	S*	S*	S*			
Public Facilities							
Community Centers	S	S	S	S	S	P	P
Correctional Facilities						S	S
Fire Stations	S	S	S	S	S	S	S
Government Administrative Buildings	S	S	S	S	S	S	S
Libraries	S	S	S	S	P	P	P
Police Stations /Jails						S	S
Post Office						P	
Public Works Facilities with Outdoor Storage				S		S	P
Water & Wastewater Treatment Plants							P
Residential Uses							
Cottage Industries (§7.2)	S*	S*	S*	S*			
Dwelling Units in conjunction with a Non-Residential Establishment (2ND FLOOR ONLY)- where non-residential is the principal use of the premise		S	P	P	P		
Home Occupations (§7.2)	P*	P*	P*	P*			
Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) (§7.5)				S*			
Multiple-Family Dwelling Units			P	P			
Single-Family Detached Dwelling	P	P	P	P			
Single-Family Attached Dwelling (Townhouses; Condominiums)			P	P			
Tiny Homes (homes smaller than the minimum dwelling unit size) – allowed within Planned Unit Development only	S	S	S	S	P	P	P
Two-Family Dwelling (duplex)	S	S	P	P			

Table of Permitted Uses & Special Uses							
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-2	R-3	MD	C-1	C-2	I
Transportation, Storage & Wholesale							
Couriers/Parcel Packing/Shipping/Delivery Establishments/Mail Order Establishments				P	P	P	P
Drone (Unmanned Aerial) Centers				S			P
Distribution Centers/Freight Terminals/Trucking Facilities							P
Rail yards				S	S		
Self-Storage Facilities/Mini-Storage			S	P		P	P
Transit Facilities				P		P	P
Truck Repair				S			P
Truck Washes (§7.4)				S*			P*
Vehicle Parking & Storage Facilities				S	S	S	P
Warehousing & Storage							P
Wholesale Businesses (except livestock)				S	S	S	P
Utilities & Energy							
Gas Regulator Stations	S	S	S	S			P
Heating & Electric Power Generating Plants							P
Propane Distributor/Propane Supply Facilities				P			P
Public Utility Facilities (without storage yards)	S	S	S	S			P
Public Utility Facilities (with storage yards)							P
Solar Energy Facility (Utility-Scale) (§7.6)							P*
Telephone Exchange Buildings	S	S	S	S			P
Utility Transformer Stations & Substations	S	S	S	S			P

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Section 4.15 Schedule of Regulations

The following serves as a quick reference for district regulations. Please see the individual district sections for full set of regulations pertaining to each district.

	R-1	R-2	R-3	MD	C-1 (F)	C-2	I (G)
Lot Area	6,600 square feet	8,000 square feet	20,000 square feet	None	None	30,000 square feet	25,700 square feet
Lot Width (min.)	66 feet	80 feet	100 feet	None	None	100 feet	97 feet
Lot Depth	100 feet	100 feet	200 feet	None	None	300 feet	265 feet
Front Setback	25 feet (A)	25 feet (A)	35 feet (A)	(A)	0' required	20 feet (E)	30 feet
Side Setback	10 feet (B)	15 feet (B)	20 feet	10 feet	None	20 feet	15 feet
Rear Setback	10 feet	35 feet	20 feet	20 feet	10 feet	20 feet	25 feet
Minimum Dwelling Size	700 square feet	900 square feet	700 square feet (C)	700 square feet (C)	---	---	---
Minimum Dwelling Unit Dimension	20 ft at the narrowest point				---	---	---
Building Height (max.)	30 feet	30 feet	30 feet (D)	35 feet	35 feet	35 feet	35 feet
Building Coverage (max.)	---	---	---	---	---	---	50%

Footnotes to the Schedule of Regulations.

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

the MD District, if no developed lots exist within one hundred (100') feet, then the front setback shall equal twenty-five (25') feet.

- B. Side yards on lots with less than sixty (66') feet of frontage may be provided as follows:
 - 1. The sum of both side yards shall be at least equal to thirty (30%) percent of the total frontage of the lot.
 - 2. The width of either side yard shall be at least equal to ten (10%) percent of the total frontage of the lot.
 - 3. The width of the side yard adjacent to a side street shall be at least equal to twenty-five (25%) percent of the total frontage of the lot.
- C. Multi-Family Dwellings:
 - 1. Efficiency: 450 square feet
 - 2. One Bedroom: 600 square feet
 - 3. Two Bedroom: 750 square feet
 - 4. Each additional bedroom: +150 square feet
- D. The spacing between buildings shall equal the height of the highest abutting building.
- E. Greenbelt required in front yard.
- F. See [Table 4.11](#) (in Section 4.11) for full set of development standards.
- G. See [Table 4.13](#) (in Section 4.13) for full set of development standards.

Article 5

Plot Plan & Site Plan Review

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Section 5.1 Purpose & Approval Table

The purpose of this Article is to specify the documents and/or drawings required and procedures for plot plans and site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance. The following table summarizes the review level required and the approving body for each type of use.

Table 5.1 Approval Summary Table

Type of Use	Required	Approving Body
1. Single-Family Detached Dwellings and Two-Family Dwellings	Plot Plan	Reviewed & approved by ZA
2. Single-Family Attached Dwellings,	Site Plan	Reviewed & approved by PC
3. Residential Special Uses (Group Child Care; Cottage Industry)	Plot Plan	Reviewed & approved by PC
4. Special Uses (Non-Residential)	Site Plan (none required if no changes to structure)	
5. Parking Lots	Site Plan	Reviewed & approved by PC
6. Accessory Structures (residential and nonresidential)	Plot Plan	Reviewed & approved by ZA
7. Fences	Plot Plan	Reviewed & approved by ZA
8. New Commercial, Industrial, Institutional and Utility Structures/Uses	Site Plan	Reviewed & approved by PC
9. Expansion of an existing use which increases the required parking	Site Plan	Reviewed & approved by PC
10. Change of Use – from one use category to another (if #8 does not apply). Example: "Office" to "Accommodation"	ZA determines if plot plan is necessary	Reviewed & approved by ZA
11. Planned Unit Developments and Site Condominium Projects	Site Plan	Reviewed & approved by PC
12. Food Trucks	Plot Plan	Reviewed & approved by ZA
13. Small Cell Wireless Facilities	Site Plan	Reviewed & approved by ZA

PC = Planning Commission ZA = Zoning Administrator

ZA may request Planning Commission review/decision on any application.

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

Section 5.2 Plot Plans

A. Circumstances Requiring a Plot Plan.

Before proceeding with the erection, alteration, enlargement, or moving of any building or structure, a plot plan shall be submitted with all applications for Zoning Permits for the uses listed in [Table 5.1](#). The plot plan requirement shall not apply to alterations inside a building or structure if no change is made in foundation or in outside perimeter.

B. Plot Plan Submittal Requirements.

The plot plan, drawn to approximate scale in a blueprint or pen and ink drawing, shall contain the following items and shall be submitted with an application form provided by the Village. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary. Nothing in this Section shall be construed as to prohibit a property owner or their agent from preparing his/her own plans and specifications, provided the same are clear and legible and that the information listed in [Table 5.2](#) is provided.

Table 5.2 Plot Plan Requirements

1. Location	Address or legal or tax description of the property where the proposed use will occur.
2. Contact information	Name, address, and telephone number of the property owner(s), developer(s), and designer(s), and their interest in said properties including evidence of ownership.
3. Setbacks	Location of required setbacks of the zoning district.
4. Property Lines	The shape, location, and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required. The scale, north arrow, and date.
5. Accesses	The location and configuration of the lot access and driveway, drawn to scale.
6. Structures & Materials	The location, shape, dimensions, type, and height of all structures or impervious surfaces to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be

	required by the Zoning Administrator in order to measure the height of the proposed structures.
7. Type of Use	The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
8. Natural Features	Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over ten (10%) percent, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
9. Rights-of-Way and Easements	The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
10. Sewer/Water	Location and type of sewage disposal and water supply facilities, when required by the Zoning Administrator.
11. Other	Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

C. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to [Table 5.1](#) after an application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit pursuant to [Section 9.2](#) after determination that the application and proposed activity are in compliance with all applicable sections of this Ordinance.

Section 5.3 Site Plan Review - Procedures

Before proceeding with the erection, alteration, enlargement, or moving of any building or structure, a site plan shall be submitted with all applications for Zoning Permits for the uses listed in [Table 5.1](#). The site plan requirement shall not apply to alterations inside a building or structure if no change is made in foundation or in outside perimeter. The following is an outline of the formal site plan review process.

A. Application Deadlines.

If a zoning application requires site plan review by the Planning Commission pursuant to [Section 5.1](#), a complete application package must be received at least fifteen (15) days before the date of the Planning Commission meeting the application is to be reviewed at. If a site plan review is being conducted for a Special Use Permit, the application deadline specified for that process would apply ([Article 6](#)).

B. Application Material & Fee.

Applications requiring site plan review must be accompanied by a fee, as established by the Village Council, and by at least seven (7) copies of a site plan which meets the requirements listed in [Section 5.4](#). The application will not be reviewed until the complete application package and appropriate fee has been submitted.

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C. Pre-Application Conference.

The Zoning Administrator, Planning Commission Chair, and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission. The pre-application conference must be requested by the applicant.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

D. Review for Completeness by the Zoning Administrator.

The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, it shall be placed on the agenda of the next Planning Commission meeting if the site plan was submitted at least fifteen (15) days prior to the meeting. If the site plan was submitted less than fifteen (15) days prior to the Planning Commission meeting, the site plan shall be placed on the agenda of the next available meeting.

E. Staff Review of Site Plan.

The following outlines the staff review of the site plan:

1. **Persons Involved/Coordinated Site Plan Review Team.** Before the site plan is reviewed by the Planning Commission, the Zoning Administrator, Public Works Director, Wellhead Protection Coordinator, and Higgins Township Fire Chief or their designees, shall be given the opportunity to review and comment on it. In addition, the Zoning Administrator shall submit the plan to any other department of Village or County government that he or she believes would have an interest in some aspect of the proposed project. The Zoning Administrator shall submit the comments received along with recommendation on the action to be taken to the Planning Commission.
2. **Standards to be Used.** Reviewers shall address the considerations identified by the Review Standards in [Section 5.5](#). If a site plan review is being conducted for a proposed Special Use Permit, the Special Use standards in [Section 6.3](#) shall also be considered.

F. Planning Commission Review of Site Plan.

The Planning Commission shall address the site plan review at a public meeting. A public hearing will be held only if any party submits a written request for a public hearing to the Zoning Administrator prior to the Planning Commission meeting at which the site plan is to be considered. In such cases, the public shall be heard before the Planning Commission acts on the site plan. However, a site plan review does not

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require a public hearing or special notification of anyone. The findings of the staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the site plan review is conducted.

1. **Approval.** An affirmative vote of a majority of the Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any Zoning Permit issued for the proposed project. Deviations from the site plan will only be permitted as outlined in [Section 5.3.J](#). The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision.

2. **Conditional Approval.** The Planning Commission may elect to attach conditions to its approval of the site plan. Conditions must be justified by one (1) or more of the requirements of this Ordinance (including [Section 9.6](#)) or by provisions of other local, State or Federal laws.
 - a. **Conditions in the Motion and in Writing.** These conditions, along with the authority and reasoning which justifies them, must be included in the motion for site plan approval and communicated to the applicant in writing. The conditions shall become part of the site plan, and any deviation from the conditions will only be permitted as outlined in [Section 5.3.J](#).

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

3. **Denial with Explanation.** Failure to comply with one of the review standards listed in [Section 5.5](#) is the only justification for denial of a site plan. The vote of a majority of the Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must include a statement as to which review standard was not met by the site plan and how the plan failed to meet the standard. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny included.

G. Conformity to Site Plan Required.

Note that any proposed construction, landscaping, retention of natural features, or other property conditions depicted in the site plan submitted will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the zoning permit issued pursuant to site plan approval, and is subject to the enforcement provisions of [Section 9.3](#) of this Ordinance.

H. Representation at Meeting.

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If the applicant fails to provide representation at the Planning Commission meeting at which the site plan review is scheduled, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

I. Consultants & Studies.

The Planning Commission shall have the authority to request a professional review by an Approved Architect, Engineering Consultant, and/or Planning Consultant or to require the submission of a study such as, but not limited to, an Environmental Impact Assessment or Traffic Study. The Village may accept studies prepared for another public agency. The cost of review shall be passed along to the applicant as per [Section 9.4](#). No zoning permit will be issued until this fee is paid.

J. Deviations from Approved Site Plan.

1. It is recognized that unforeseen circumstances can necessitate changes in the project during its development. Therefore, minor deviations from an approved site plan are permitted if the Zoning Administrator determines that all site plan review Standards have been complied with. These deviations shall be documented on the site plan which shall be signed and dated by the applicant or developer and the Zoning Administrator.
2. However, if the Zoning Administrator finds that a deviation from the approved site plan does not comply with the Review Standards, the Zoning Administrator shall immediately notify the permit holder and the Planning Commission that the site plan approval has been suspended. The permit holder's notice shall be delivered by first class mail to the address listed on the permit. If construction has begun, a stop work order shall be issued by the Zoning Administrator, affecting that portion of the project that is not in compliance with site plan review Standards.
3. Once a site plan approval for a project has been suspended, the permit holder has the option of changing the project to conform to the Review Standards or of restarting the site plan review process. When the issue has been resolved, the Zoning Administrator shall send a written notice to the permit holder and the Planning Commission that the project's site plan has again been approved.
4. If any deviations from an approved site plan are made, an "as built" version of the site plan shall be provided to the Zoning Administrator before any performance guarantee attached to the Zoning compliance permit may be fully refunded or a Certificate of Occupancy is issued.

K. Record to be Maintained.

The record relating to any approved site plan shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Permit for said project. This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson, and the Zoning Administrator. One (1) additional copy of the final site plan, dated and signed by the permit holder, the Planning Commission Chairperson, and the Zoning Administrator, will be given to the applicant.

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L. Expiration of Site Plan.

See [Section 9.2.A.6](#).

Section 5.4 Site Plan Review - Data Required

Each site plan submitted shall be an overall plan for the entire development at such accuracy that the Planning Commission can readily interpret the site plan. Each site plan shall contain the information contained in [Table 5.4](#). The Zoning Administrator may waive any of the site plan requirements listed below when he/she finds that those requirements are not applicable to the proposed development. The Zoning Administrator may require a digital copy of the site plan in addition to the print copies specified in [Section 5.3](#).

Table 5.4 Site Plan Requirements

A. Identification & General Information

1. Name, address, telephone numbers, and email address of property owner, applicant, developer, and firm preparing the site plan.
2. Scale of not less than 1" = 50' for sites of 3 acres or less (or 1"=200' for sites larger than 3 acres).
3. Gross acreage of development and total usable floor area.
4. Type of use and hours of operation.

B. Property Information (Site plan must accurately depict the subject property and any land adjacent or across any road.)

1. Property's legal description.
2. The existing zoning district in which the site is located and the zoning of adjacent parcels.
3. Existing and proposed easements or rights-of-way.

C. Site Features

1. Existing environmental conditions including the location of wooded areas or isolated trees over 6 inches in diameter.
2. Topography.
3. Drainage features and wetlands.
4. Existing structures including those proposed for removal.
5. Other significant conditions.
6. The approximate location and use of structures and location of the nearest driveways on adjacent or opposing parcels.

D. Transportation Features

1. Location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas.
2. Parking lots (including number and location of handicapped spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup areas.
3. Snow storage areas.

E. Utilities

1. Location and size of all existing and proposed public utilities.
2. Water line information including location of existing and proposed fire hydrants/valves.

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3. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes.
4. Storm drainage information including enclosed drains, flow restrictors, and on-site retention.
5. Any existing or proposed private utilities such as natural gas, electricity, telephone, and cable television.

F. Structures and Outdoor Features

1. Location and dimensions, including height, of all proposed buildings, accessory structures, and related features.
2. For multi-family housing developments, the number of units in each building.
3. Location, arrangement, dimensions, and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.

G. Supplemental Information

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

Section 5.5 Site Plan Review - Standards

All site plan reviews shall use the following set of standards to judge whether the plan should be approved or denied. No off-site improvements can be required as a condition for site approval unless the applicant has volunteered to construct such improvements as documented by their site plan drawing. However, if the lack of such off-site improvements will create unacceptable conditions, said lack is sufficient justification for denial of a site plan.

A. Zoning District Regulations.

The project must comply with the applicable zoning district regulations regarding use, dimensions, off-street parking and any other aspects of development.

B. Special Use Standards.

If the site plan review is being conducted for a proposed Special Use Permit, any Special Use standards relating to the use must also be satisfied ([Section 6.3](#)).

C. Transportation.

1. Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it.
2. Consideration shall be given to:
 - a. Road rights-of-way.

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- b. Surface type.
 - c. Number of lanes.
 - d. Driveway design and location.
 - e. Vehicular circulation within the parcel.
 - f. Parking.
 - g. Snow removal from transportation facilities.
 - h. Pedestrian circulation.
 - i. Emergency vehicle access.
 - j. Accessibility for handicapped persons.
3. When the adequacy of public road service to the parcel is questioned, the input of the Roscommon County Road Commission shall be sought.

D. Utilities.

1. Public utilities, including water, sewer, and storm drainage facilities, must be adequate to serve the proposed use or sufficient provisions shall be made to provide these services on site.
2. Private utility services, including electricity, telephone, and natural gas, must be sufficient to serve the needs of the project.
3. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

E. Fire Protection.

1. The proposed project must comply with applicable fire safety regulations.
2. Current fire department personnel and equipment must be sufficient to serve the project.
3. The location number and capacity of fire hydrants must be adequate to serve fire suppression needs.

F. Environment.

1. Natural features of the landscape should be retained whenever practicable to serve as a buffer between the project and adjoining properties or help to control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety, or appearance of the neighborhood. The retention and use of native species is encouraged.
2. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project.

3. The site will be developed with the goal of controlling any negative impact the project might have, such as noise, smoke, vibration, odor, glare, heat, or dust so that they will not be discernible beyond the property boundaries.
4. Projects shall fully adhere to applicable local, State, and Federal environmental regulations.

G. Consistency with Ordinance Intent.

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

Section 5.6 Wellhead Protection

A. Wellhead Protection Questions.

Applicants shall review the following questions to determine if a project requires Wellhead Protection Site Plan Review:

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

B. Wellhead Protection Site Plan Submittal Requirements.

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If it is determined, by the Zoning Administrator, that the project requires wellhead protection site plan review, the applicant shall submit the following unless waived by the Zoning Administrator.

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

C. Wellhead Protection Site Plan Review Standards.

If the project requires wellhead protection site plan review, in addition to standards listed elsewhere in this Ordinance, the following additional standards shall be utilized as deemed necessary when dealing with wellhead protection.

1. The project and/or related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, ground waters, rivers, streams, and wetlands.
2. Storm water detention, retention, and drainage facilities shall be designed to use or enhance the natural storm water system on-site, including the storage and filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or ground waters,

on-site or off-site. Storm water facilities shall conform to the requirements of the county drain commissioner.

3. General purpose floor drains shall be connected to public sewer systems only when authorized by the DPW Director and only in accordance with Village requirements. On-site holding tanks for floor drains shall be constructed in accordance with State, County, and Village requirements, unless a ground water discharge permit has been obtained from the [State of Michigan](#). General purpose floor drains which discharge to ground water are prohibited.
4. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials into the air, surface of the ground, ground water, rivers, streams, or wetlands.
5. Secondary containment facilities shall be provided for aboveground storage of hazardous substances, hazardous wastes, or potentially polluting materials in accordance with local, State, and Federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through sewers, drains, or other means, directly or indirectly, into a sewer system or into the waters of the State, including groundwater.
6. Underground storage tanks shall be registered, installed, operated, maintained, closed, and removed in accordance with regulations of the [State of Michigan](#).
7. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with the regulations of the [State of Michigan](#).
8. Above ground storage tanks shall be certified, installed, operated, maintained, closed, and removed in accordance with the regulations of the [State of Michigan](#).
9. Abandoned water wells (wells that are no longer in use, are in disrepair, or are in violation of Village ordinances), abandoned monitoring wells, and cisterns shall be plugged in accordance with the regulations and procedures of the [State of Michigan](#), the [District Health Department](#), and Village ordinances.

Article 6

Special Use Review

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Section 6.1 Purpose

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

Section 6.2 Special Use Review Procedures

An application for a Special Use Permit for any land or structure use permitted by Special Use under this Ordinance shall be submitted and processed under the following procedures:

A. Submission of Application.

Any application shall be submitted through the Zoning Administrator. Each application shall be accompanied by the payment of a fee as established by the Village Council. No part of any fee shall be refundable. Special Use applications shall be submitted at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered.

B. Data Required.

Every application shall be accompanied by the following information and data:

1. An application form supplied by the Village, filled out in full by the applicant, including a statement of supporting evidence concerning required findings.

2. Site plan or plot plan as required in [Section 5.1](#). The Zoning Administrator may waive the requirement for a plot plan and site plan if he/she finds that the plot plan/site plan requirements are not applicable to the proposed Special Use.

C. Application Processing.

1. **Review for Completeness and Scheduling of Public Hearing.** The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the application, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with [Section 9.7](#).
2. **Staff Review of Special Use.** The following outlines the staff review of the Special Use:
 - a. **Persons Involved/Coordinated Site Plan Review Team.** Before the Special Use is reviewed by the Planning Commission, the Zoning Administrator, Public Works Director, Wellhead Protection Coordinator, and Higgins Township Fire Chief or their designees, shall be given the opportunity to review and comment on it. In addition, the Zoning Administrator shall submit the applicant to any other department of Village or County government that he or she believes would have an interest in some aspect of the proposed project. The Zoning Administrator shall submit the comments received along with recommendation on the action to be taken to the Planning Commission.
 - b. **Standards to be Used.** Reviewers shall address the considerations identified by the Review Standards in [Section 6.3](#).
3. **Consultants & Studies.** The Planning Commission shall have the authority to request a professional review by an Approved Architect, Engineering Consultant, and/or Planning Consultant or to require the submission of a study such as, but not limited to, an Environmental Impact Assessment or Traffic Study. The Village may accept studies prepared for another public agency. The cost of review shall be passed along to the applicant as per [Section 9.4](#). No zoning permit will be issued until this fee is paid.

D. Planning Commission Review of Special Use.

1. **Public Hearing.** A public hearing shall be held notification of which shall be given pursuant to [Section 9.7](#).
2. **Representation at Meeting.** If the applicant fails to provide representation, the Special Use review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant’s input.
3. **Special Use Review in Relation to Site Plan Review.** For projects that require both a Special Use Review and Site Plan Review, the Planning Commission shall conduct the Special Use Review prior to the Site Plan Review. The applicant has the option of requesting both reviews be conducted

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concurrently (at the same meeting). In this case, the Special Use Review shall be conducted immediately prior to the Site Plan Review.

4. **Decision.** After the required notice, required public hearing, and review of approval standards pursuant to [Section 6.3](#), the Planning Commission shall act to approve, approve with modifications and/or conditions, or deny the proposed Special Use. The decision on a Special Use shall be incorporated into a written statement of findings and conclusions relative to the Special Use which specifies the basis for the decision and any condition(s) imposed.
5. **Conditions.** The Planning Commission may elect to attach conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Zoning Administrator shall maintain a record of changes granted in conditions. The breach of any condition, safeguard, or requirement shall, as determined by the Planning Commission following a public hearing, invalidate the zoning permit granted.
6. **Record to be Maintained.** The record relating to any approved Special Use shall be maintained by the Zoning Administrator together with the records pertaining to the Zoning Compliance Permit for said project. This record shall include an official copy of the final plot or site plan, if applicable, as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson, and the Zoning Administrator.
7. **Changes in the Special Use.** Subsequent actions related to the activity authorized shall be consistent with the approved Special Use unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. The Planning Commission may require a public hearing.

Section 6.3 Special Use Standards

Before making a recommendation on a Special Use Permit application, the Planning Commission shall establish that the following general standards, as well as any specific standards outlined in [Article 7](#), shall be satisfied. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use and its proposed location, will:

- A. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Village of Roscommon.
- B. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
- C. Not be hazardous or disturbing to existing uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

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- D. Not involve uses, activities, processes, materials and equipment, or conditions of operation that will be detrimental to any person, property, or the general welfare of the public by reason of excessive production of traffic, noise, smoke, fumes, glare, vibrations, or odors.
- E. Not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.
- F. Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and schools.
- G. Not create excessive additional public costs and will not be detrimental to the economic welfare of the Village.
- H. Not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Village or the natural environment as a whole.

Section 6.4 Expiration, Suspension or Revocation of a Special Use

A. Permit Expiration.

If construction has not commenced and proceeded meaningfully toward completion or, in the case of a Special Use where no construction is necessary, the Special Use has not commenced, by the end of one (1) year, the Zoning Administrator shall notify the applicant in writing of the expiration or the revocation of said permit.

B. Abandonment of Special Use.

If an activity permitted by a Special Use Permit is abandoned for a period of one (1) year, such permit is expired. When determining the intent of the property owner to abandon a Special Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Use.

C. Special Use that has been Replaced or Superseded.

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The Special Use Permit shall expire if replaced or superseded by a subsequent permitted use (except in the case where the Special Use is an accessory use on the premises) or a subsequent Special Use Permit or if the applicant requests the rescinding of the Special Use Permit.

D. Special Use and Transfer or Sale of Property.

A Special Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection B](#).

E. Permit Revocation.

1. **Authority to Revoke.** The Planning Commission shall have the authority to revoke any Special Use Permit after it has been proved that the holder of the permit has failed to comply with any of the applicable conditions specified in the permit. Prior to permit revocation, the Planning Commission shall hold a public hearing on the revocation, meeting the same notice requirements as required for issuance of a Special Use Permit. After a revocation notice has been given, the use for which the permit was granted must cease within sixty (60) days.
2. **Violation and Penalties.** Failure to terminate the use for which the permit was granted within sixty (60) days is declared to be a Nuisance per Se and a violation of this Ordinance.

F. Reapplication.

No application for a Special Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the ground of newly discovered evidence or proof of changed conditions.

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Article 7 Supplemental Regulations

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Section 7.1 Purpose

In addition to the regulations set forth in this Ordinance, the following are specific regulations and design standards for uses marked with an asterisk in [Section 4.14 \(Full Table of Permitted & Special Uses\)](#) and the use tables within each district section in [Article 4](#), and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

Section 7.2 Home Occupations & Cottage Industries

A. Definitions.

Home Occupation. An occupation or profession carried on by the occupant of a dwelling unit which is conducted within a dwelling or accessory building and which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes.

Cottage Industry. A Home Occupation which, due to the nature of the investment or operation, includes one (1) or more of the following aspects:

1. Requires regular visits by clients or customers.
2. Needs frequent delivery or shipment of goods.
3. Conducts regular operations or store materials outside of the residence.
4. Employs two (2) or more individuals who reside off premises.
5. Has the potential to rapidly increase in size and intensity.

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B. A Home Occupation or Cottage Industry use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, noxious odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such Home Occupation or Cottage Industry.

C. **Employees.**

1. **Home Occupation.** A Home Occupation may employ no more than one (1) person that works on the premises of the home occupation that does not physically reside within the premises containing the Home Occupation.
2. **Cottage Industry.** The number of employees allowed for a specific Cottage Industry shall be evaluated and determined during the Special Use review.

D. **Use of Dwelling and Accessory Buildings.**

The use of the dwelling unit for the Home Occupation or Cottage Industry shall be clearly incidental and subordinate to its use for residential purpose by the occupants. Provided further that not more than twenty-five (25%) percent of the total actual floor area of any story of the residence may be used for Home Occupation or Cottage Industry purposes. One hundred (100%) percent of the floor area of an accessory building may be used for the Home Occupation or Cottage Industry.

E. **Outside Appearance.**

There shall be no change in the outside appearance of the structure or premises or any visible evidence of the conduct of such Home Occupation or Cottage Industry. The exception shall be for Cottage Industries with approved outdoor display pursuant to [subsection G](#).

F. **Traffic & Parking.**

No traffic shall be generated by such Home Occupation or Cottage Industry in greater volumes than would normally be expected in a residential neighborhood. Delivery and shipment of materials and goods shall not constitute a nuisance to neighboring property owners or the public. Any need for parking generated by the conduct of such Home Occupation or Cottage Industry shall be provided by an off-street area or along the premise’s street frontage. Off-street parking for employees shall be provided on the lot containing the Home Occupation or Cottage Industry. Parking shall be shown on plot plan submitted pursuant to [Section 5.2](#).

G. **Outdoor Storage and Display.**

All activities shall be carried on within an enclosed structure with the following exceptions:

1. **Outdoor Display.** The Planning Commission (in the case of Cottage Industries) may permit the display of finished goods. Display areas shall be indicated on the plot plan submitted for approval.

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2. **Outdoor Storage.** The outdoor storage of goods and/or materials shall be screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way.

H. Hours of Operation.

Hours of operation for Cottage Industries will be stated in the Special Use Permit.

I. Entrances.

Separate entrances for the Home Occupation or Cottage Industry shall not constitute a nuisance to neighboring property owners.

J. Compliance, Inspections, and Violations.

1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.
2. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Use.
4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this Ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation, or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Home Occupation or Cottage Industry shall constitute a change of use and shall be subject to Special Use review and approval by the Planning Commission.

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Section 7.3 Food Trucks

- A. Food trucks regulated by this Section are intended to be stationary establishments. These regulations do not apply to mobile food trucks which distribute goods as they are driving throughout the community (i.e. mobile ice cream truck).
- B. A zoning permit is required for food truck. The property owner shall submit a plot plan pursuant to **Section 5.2**. The plot plan shall show the planned parking for any food trucks on a lot as well as all planned outdoor seating. If a property owner has a lot large enough to accommodate more than one (1) food truck, only one (1) zoning permit is required for all of the food trucks on the property if the request for multiple food trucks on one (1) lot is made at the same time. If the request for additional food trucks is made at a later time, a new plot plan shall be submitted and a new zoning permit shall be required.
- C. Food trucks may be placed as stand-alone units on a property without a principal building or may be placed on a lot in conjunction with a principal building.
- D. The food truck operator shall be responsible for maintaining trash receptacles and disposing of trash resulting from the food truck operation. Village trash receptacles shall not be used to dispose of trash or waste from the food truck.
- E. Grease and liquid waste may not be disposed of in storm drains, sanitary sewer system, or public streets.
- F. All areas around the food truck shall be kept clean and free of debris.

Section 7.4 Auto Repair/Tires, Gas Stations, Oil Change & Car Washes

- A. Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts, or traffic islands.
- B. All activities related to vehicle washing, service, and repair shall be entirely enclosed within a building.
- C. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.
- D. Outdoor storage of rubbish, junked equipment, or parts is prohibited unless such rubbish, junked equipment, or parts are stored adjacent to the principal building in a location that is enclosed with a masonry screening wall. When such screening is provided, such rubbish, junked equipment, or parts shall not be stacked or heaped higher than the height of the screening wall nor exceed ten (10%) percent of the total yard area, excluding area taken up by structures. Outside storage or parking of each disabled, wrecked, or partially dismantled vehicle shall not be permitted for a period exceeding thirty (30) days.
- E. Sufficient stacking capacity shall be provided to ensure that traffic does not extend into the street.

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Section 7.5 Manufactured Housing Communities

- A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the **Michigan Department of Licensing and Regulatory Affairs (LARA)** and the **Mobile Home Commission Act 1987 PA 96** as amended, MCL 125.2301 et. seq. and any rules promulgated pursuant to this Act. This includes, but is not necessarily limited to, compliance with **Michigan Department of Licensing and Regulatory Affairs** regulations concerning internal roads, parking requirements, fencing, screening, unit spacing, and recreational and open spaces.
- B. The minimum total site area for a Manufactured Housing Community shall be ten (10) acres.

Section 7.6 Solar Energy

- A. **Solar Energy Facilities (Utility-Scale).**
 - 1. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than twenty (20%) percent of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.
 - 2. **Impervious Surface/Stormwater.** If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
 - 3. **Screening.** Solar devices shall be screened from view from any residential district by use of a masonry screen wall, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission pursuant to **Section 3.18**.
 - 4. **Abandonment.** Any freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Village and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Village and request a three (3) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Village will have the removal and restoration done at the owner/applicant’s expense. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

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B. Solar Energy Panels (Accessory).

Solar energy panels shall be allowed as an accessory use in all zoning districts subject to the requirements below. A zoning permit is required.

1. **Height.**
 - a. Ground-mounted or pole-mounted accessory solar energy panels shall not exceed twenty (20') feet in height when oriented at maximum tilt.
 - b. Building-mounted or roof-mounted accessory solar energy systems shall not exceed the maximum allowed building height in any zoning district.
2. **Setbacks.**
 - a. Ground-mounted or pole-mounted accessory solar energy panels shall conform to accessory building setbacks in [Section 3.7](#).
 - b. Building-mounted or roof-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12") inches.
3. **Glare.** Panels shall not result in glare onto adjoining properties or public rights of way.

Section 7.7 Medical Marijuana Primary Caregiver Facilities

A. Intent and Purpose.

The purpose of this Section is to implement land use regulations to address the medical use of marijuana as authorized by the enactment of the [Michigan Medical Marijuana Act](#) (hereinafter referred to as the "MMMA"), [Initiated Law 1 of 2008](#), MCL 333.26423, et seq, and its [administrative rules, R 333.101, et seq.](#)

B. Regulations for Primary Caregivers.

The medical use of marijuana by a primary caregiver in a primary caregiver facility is hereby authorized as a use by right in any zoning district, provided that all of the following regulations are met:

1. The primary caregiver must be issued and at all times must maintain a valid registry identification card by the [Michigan Department of Licensing and Regulatory Affairs](#) or any successor agency under the provisions of the [MMMA](#).
2. Except when being transported as provided in [subsection B.8](#) below, all marijuana plants or products must be contained within the primary caregiver facility in an enclosed, locked facility

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that segregates the marijuana plants and products for medical use for each qualifying patient and that permits access only by the primary caregiver.

3. If a room with windows within the primary caregiver facility is utilized to grow marijuana for medical use, any artificial lighting shall be shielded, to prevent glare, must not be visible from neighboring properties, and must not be visible from adjacent streets or public ways.
4. Except as provided herein, no more than one (1) primary caregiver shall be permitted to provide primary caregiver services within a single primary caregiver facility. Provided, however, a married couple or not more than two (2) unrelated individuals whose relationship is of a permanent and distinct domestic character and who live as a single, nonprofit housekeeping unit with single culinary facilities may both be primary caregivers within the same primary caregiver facility.
5. Except for any qualifying patients who reside with the primary caregiver at the primary caregiver facility, no more than five (5) qualifying patients may be present at the same time at a primary caregiver facility for any purpose directly related to primary caregiver services. This subsection, however, shall not be construed to prohibit the presence of qualifying patients at a primary caregiver facility for purposes unrelated to primary caregiver services.
6. Qualifying patient visits to a primary caregiver facility shall be restricted to between the hours of 8:00 a.m. and 8:00 p.m., except when (a) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (b) the qualifying patient visits are for purposes unrelated to primary caregiver services.
7. No qualifying patients under the age of eighteen (18) shall be permitted at any time at a primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services.
8. No marijuana for medical use shall be dispensed by the primary caregiver to qualifying patients at the primary caregiver facility, except to a qualifying patient who resides with the primary caregiver at the primary caregiver facility. Except as provided herein, the primary caregiver shall deliver all marijuana for the medical use of such qualifying patient, and such delivery shall take place on private property away from public view. Any such delivery vehicle shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo. In addition, all marijuana for medical use delivered to a qualifying patient shall be packaged so the public cannot see or smell the marijuana.
9. No marijuana for medical use shall be consumed, smoked, or ingested by a qualifying patient by any method at a primary caregiver facility, except by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
10. A primary caregiver shall display at the primary caregiver facility indoors and in a manner legible and visible to his/her qualifying patients:
 - a. A notice that qualifying patients under the age of eighteen (18) are not allowed at the primary caregiver facility, except when (a) in the presence of his/her parent or guardian, or (b) the

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- qualifying patient resides with the primary caregiver at the primary caregiver facility, or (c) the qualifying patient visits are for purposes unrelated to primary caregiver services, and
- b. A notice that no dispensing or consumption of marijuana for medical use shall occur at the primary caregiver facility, except to or by a qualifying patient who resides with the primary caregiver at the primary caregiver facility.
11. A primary caregiver facility shall not have any signage visible from the outdoors that would indicate the nature of the primary caregiver services being conducted in the primary caregiver facility.
 12. A primary caregiver facility shall not be located within one thousand five hundred (1,500') feet of the lot on which another primary caregiver facility is located and shall not be located within one thousand five hundred (1,500') feet of a lot on which any of the following uses are located:
 - a. Any church or place of worship and its accessory structures.
 - b. Any public or private school, having a curriculum including kindergarten through twelfth grade and its accessory structures.
 - c. Any preschool, child care, or day care facility and its accessory structures.
 - d. Any public facility, such as libraries, museums, parks, playgrounds, public beaches, community centers, and other public places where children may congregate.
 13. The portion of the primary caregiver facility, including any room or area utilized to grow marijuana for medical use, shall contain electrical service and wiring, certified by an electrician licensed in the State of Michigan, meeting the applicable requirements of the electrical code in effect in the Village.

C. Relationship to Federal Law.

Nothing within this Section is intended to grant, nor shall it be construed as granting, immunity from Federal law.

D. Commercial Marijuana Facilities.

All commercial medical and recreational marijuana facilities or marijuana establishments as defined in the [Medical Marijuana Facilities Licensing Act, 2016 PA 281](#), as amended, and [Initiated Law 1 of 2018](#), MCL 333.27951 et seq., as amended, are prohibited.

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Section 7.8 Site Condominiums

A. Pursuant to authority conferred by Section 141 of the **Condominium Act**, (MCLA 559.241), **Public Act 59 of 1978**, as amended, the Village of Roscommon Planning Commission is the approving authority for all site condominium developments.

B. Fees.

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

C. Zoning Compliance.

1. All site condominium developments and structures herein shall comply with all the use, size, sign, height, area, and setback regulations of the zoning district in which the site condominium is located.
2. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.
3. Required yards shall be measured from the boundaries of the site condominium unit.

D. Site Condominium Review and Approval Procedures.

Application for review and approval of site condominium shall be made pursuant to the approval procedures outlined in **Section 5.3 (Site Plan Review Procedures)**.

E. Site Condominium Development Review Application - Required Information.

A person, firm or corporation shall provide the following information with respect to the project:

1. Information as required under the **Section 5.4** of this Ordinance.
2. Location and size of condominium units, limited common areas, general common areas, sidewalks, landscaping features, signs, and utilities.
3. Street and utility specifications and sectional diagrams.
 - a. If a site condominium is proposed to have private streets, the Planning Commission shall require that the private streets be developed to the minimum design, construction inspection, approval, and maintenance requirements of the Village.
 - b. All private streets in a site condominium development shall have a paved driving and parking surface of asphalt or concrete.

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- c. A storm drainage and storm water management plan shall be submitted, including all lines, swales, drains, basin, and other facilities.
 - d. Utility plan shall show all sanitary sewer, water, and storm sewer lines and easements granted to the Village for installation, repair, and maintenance of all utilities, and meeting all of the Village standards for construction of utilities.
4. All areas within the one hundred (100) year floodplain, wetland areas, or bodies of water.
 5. Existing and projected topographical contours at a minimum of two (2') foot intervals.
 6. A copy of the proposed Master Deed and restrictions.
 7. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or Master Deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Village Clerk:
 - a. One (1) copy of the as-built site condominium plans.
 - b. One (1) copy of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
 - c. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

F. Expansion or Conversion of Site Condominium Projects.

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

Section 7.9 Planned Unit Developments

A. Purpose.

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

B. PUD Eligibility.

1. A Planned Unit Development may be applied for in any zoning district.

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2. Any land use authorized in this Ordinance may be included in a Planned Unit Development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development for the purpose of effectively dividing varied land uses which have been joined in and/or adjacent to the development.
3. The applicant for a Planned Unit Development must demonstrate all of the following as a condition to being entitled to Planned Unit Development:
 - a. Granting of the Planned Unit Development will result in one (1) of the following:
 - (1) A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the Planned Unit Development regulations; or
 - (2) Long-term protection and/or preservation of natural resources and natural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; or
 - (3) A nonconforming use shall, to a material extent, be rendered more conforming to the zoning district in which it is situated.
 - b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, and utilities, and shall not place an unreasonable burden upon the subject and surrounding land and/or property owners and occupants and/or the natural environment.
 - c. The proposed development shall be consistent with the public health, safety, and welfare of the Village.
 - d. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - e. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Section.

C. Project Design.

1. **Residential Density.** Residential uses shall be permitted within a PUD.
2. **Nonresidential Uses.** Nonresidential uses shall be permitted as part of the development with residential units to the extent the applicant demonstrates, by expert analysis, and the Planning Commission finds, in its discretion, that the nonresidential use, including, without limitation, parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

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For nonresidential uses, minimum lot area requirements of the district in which a use is a permitted use shall apply, subject to the provisions of [subsection C.3](#) below. The Planning Commission shall resolve all ambiguities.

3. **District Requirements and Deviations.** All regulations applicable to lot size, lot width, setback, minimum dwelling size, parking and loading, general provisions, and to other requirements and facilities, shall be met in relation to each respective land use in the development based upon regulations of the zoning district in which the property is situated immediately prior to classification under this Ordinance. For all Special Uses, regulations applicable to the respective uses shall apply. The Planning Commission, in its discretion, shall resolve all ambiguities as to applicable regulations. Notwithstanding the immediately preceding provision of this paragraph, deviations with respect to such regulations MAY be granted as part of the overall approval of the Planned Unit Development, provided there are features or elements deemed adequate by the Planning Commission designed into the project plan for the purpose of achieving the objectives of this Ordinance.
4. **Street, Drainage, and Utilities.** Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served. There shall be underground installation of utilities, including but not limited to electricity, telephone, and cable television.
5. **Circulation.** In all cases where separation can be accomplished without significantly reducing the kind and density of uses, the pedestrian circulation system and its related walkways and safety paths shall be separated from vehicular thoroughfares and ways.
6. **Signage, Lighting, Landscaping, and Building Materials.** Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project shall be designed and completed with the objectives of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
7. **Screening.** In all cases where nonresidential uses adjoin off-site residentially-zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, in its discretion, shall review and approve the design and location of such mechanisms in regard to maximizing, to a reasonable extent the achievement of the screening objectives.

D. Procedure for Review and Approval.

1. **Pre-Application Conference.** A pre-application conference pursuant to [Section 5.3.C](#) shall be mandatory in all PUD applications.
2. **Preliminary Site Plan Submittal.** Prior to the submission of an application for Planned Unit Development approval, the applicant shall submit, to the Planning Commission, a preliminary site plan of the proposed Planned Unit Development, as well as the following information:
 - a. Total number of acres in the project.

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- b. A statement of the number of residential units, if any, the number and type of nonresidential units, and the number of acres to be occupied by each type of use.
 - c. The known deviations from Ordinance regulations to be sought.
 - d. The number of acres to be preserved as open or recreational space.
 - e. All known natural resources and natural features to be preserved.
3. **Preliminary Site Plan Review by Planning Commission.** The Planning Commission shall review the preliminary site plan and shall be entitled to make reasonable inquiries of and receive answers from the applicant. Following review, the Planning Commission shall provide the applicant with written comments, which shall be part of the official minutes of the Planning Commission.
4. **Final Site Plan Submission.** Within six (6) months following receipt of the Planning Commission comments on the preliminary site plan, the applicant shall submit to the Zoning Administrator seven (7) copies of a final site plan conforming to [Section 5.4](#). This plan shall be noticed for public hearing before the Planning Commission, and otherwise acted upon by the Planning Commission.

Final plans shall include the following:

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

h. Signatures of all parties having an interest in the development.

5. **Final Plan Review and Decision by the Planning Commission.** The Planning Commission shall follow the procedures outline in [Article 6 \(Special Use Review\)](#) to review and decide up on all Planned Unit Development proposals.

E. Conditions.

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

F. Phasing and Commencement of the Planned Unit Development.

1. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area.
2. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final approval of a Planned Unit Development or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. Each phase of the project shall be commenced within one (1) year of the schedule established for it in the application submitted. If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void provided an extension for a specified period may be granted by the Planning Commission upon good cause shown if such request is made to the Commission prior to the expiration of the initial period.

G. Fee.

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

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Section 7.10 Wireless Communications

A. Antenna Co-Location on an Existing Tower or Support Structure.

1. Antenna co-location on an existing support structure shall be a permitted use of property pursuant to Section 3514 of **2006 PA 110**, as amended, if the following requirements are met:
 - a. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - b. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound.
2. No antenna or similar sending/receiving devices appended to the tower/support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower/support structure thereby jeopardizing the tower's/support structure's structural integrity.
3. The installation and/or operation of the above mentioned antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

B. New Support Structures.

1. **Exemptions.** Antenna towers and masts erected and operated as a residential accessory use and not more than fifty (50') feet in height as measured between the tower's base at grade and its highest point erected and all Amateur Radio Antenna are exempt from the provisions of this Section. Amateur radio antenna shall be no higher than is sufficient to accommodate amateur radio service communications.
2. **New Support Structures.** New wireless communications support structures may be authorized as a Special Use by the Planning Commission using the procedures listed in **subsection C** below.

C. Special Use Approval Procedure.

1. An application for Special Use approval of wireless communications support structures, hereafter known as a "tower" in this Section, shall include all information required by **Section 5.4 (Site Plan Review - Data Required)**.
2. After an application for a Special Use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
3. If, before the expiration of the 14-day period under **subsection C.2**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the

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information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under [subsection C.2](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

4. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made the determination required for approval.

D. Support Structure (Tower) Submittal Requirements and Approval Standards.

1. **Ownership.** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower.
2. **Visual Impact Analysis.** The Village may request a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. **Height Exemption.** A wireless communications support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
4. **Buildings and Equipment.** The tower and any ancillary building housing equipment needed for operation of the wireless communications equipment shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
5. **Color.** The tower shall be colored so as to be as unobtrusive as possible. The coloring of towers in alternate bands of color shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#) or [Michigan Aeronautics Commission \(MAC\)](#) regulations. If alternate band coloring is required by [FCC](#), [FAA](#), or [MAC](#) regulations, the applicant shall provide documentation of such requirements and regulations.
6. **Lighting.** The applicant shall provide documentation of any lighting to be installed on the tower. Lighting shall consist of the minimum required by the [FAA](#), [MAC](#), [FCC](#) or other applicable agencies.
7. **Signs and Advertising.** The use of any portion of a tower for signs or other forms of advertising other than warning or equipment information signs are prohibited.

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8. **Conformance with Other Regulations.** The applicant shall provide documentation of conformance with any **Federal Communications Commission** and **Federal Aviation Administration** regulations.
9. **Performance Guarantee.** As a condition of approval, the Planning Commission may require an owner to deposit a performance guarantee pursuant to **Section 9.5**. If required, such performance guarantee shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
10. **Abandonment.** All abandoned or unused towers and associated facilities shall be removed within twelve (12) months of the cessation of operations at the site unless a time extension is approved by the Village Manager and Zoning Administrator. A copy of the relevant portions of a signed agreement, which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site, shall be submitted at the time of application. In the event that a tower and associated facilities is not removed within twelve (12) months of the cessation of operations at a site, the tower and associated facilities may be removed by the Village and the costs of removal assessed against the property (unless a Performance Guarantee was deposited at the time of approval and is available for use).
11. **Height Decreases.** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Village may order that the tower be lowered to such decreased minimum height.
12. **Setbacks.** The tower and any supporting or appurtenant structures shall be no closer to any lot line or public street than the distance equal to the height of the tower measured from its base at grade to its highest point of elevation.
13. **Modifications.** Modifications to an existing tower that significantly change the structure (that do not fall under **subsection A**) require a new Special Use permit. Replacement of equipment or replacement of the tower that does not significantly change the original structure requires only a zoning permit. The Zoning Administrator makes the determination if a new Special Use approval is required.
14. **ZBA.** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

E. Small Cell Wireless Facilities.

1. **Exempt Small Cell Wireless Facilities.** The co-location of a small cell wireless facility and associated support structure within a public right-of-way (ROW) is not subject to zoning reviews or approvals under this Ordinance to the extent it is exempt from such reviews under the **Small Wireless Communications Deployment, 2018 PA 365**, as amended. In such case, a utility pole in

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the ROW may not exceed forty (40) feet above ground level without Special Use approval and a small cell wireless facility in the ROW shall not extend more than five (5) feet above a utility pole or wireless support structure on which the small cell wireless facility is co-located.

2. **Administrative Approval for Non-Exempt Small Cell Wireless Facilities.** The modification of existing or installation of new small cell wireless facilities or the modification of existing or installation of new wireless support structures used for such small cell wireless facilities that are not exempt from zoning review in accordance with [2018 PA 365](#), as amended shall be subject to review and approval by the Zoning Administrator, in all districts, in accordance with the following procedures and standards:
 - a. The processing of an application is subject to all of the following requirements:
 - (1) Within thirty (30) days after receiving an application under this Section, the Zoning Administrator shall notify the applicant in writing whether the application is complete. The notice tolls the running of the 30-day period.
 - (2) The running of the time period tolled under [subsection E.2.a.1](#) resumes when the applicant makes a supplemental submission in response to the Zoning Administrator's notice of incompleteness.
 - (3) The Zoning Administrator shall approve or deny the application and notify the applicant in writing within ninety (90) days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received or one hundred fifty (150) days after an application for a new wireless support structure is received. The time period for approval may be extended by mutual agreement between the applicant and Zoning Administrator.
 - b. The Zoning Administrator shall base their review of the request on the applicable standards contained in [Sections 5.5 \(Site Plan Review - Standards\)](#); provided, however that a denial shall comply with all of the following:
 - (1) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.
 - (2) There is a reasonable basis for the denial.
 - (3) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.
 - c. In addition to the provisions set forth in [subsection E.2.b](#), in the Zoning Administrator's review:
 - (1) An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures.

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- (2) An applicant shall not be required to submit information about its business decisions with respect to any of the following:
 - (a) The need for a wireless support structure or small cell wireless facilities.
 - (b) The applicant's service, customer demand for the service, or the quality of service.
 - (3) The Zoning Administrator may impose reasonable requirements regarding the appearance of facilities, including those relating to materials used or arranging, screening, or landscaping.
 - (4) The Zoning Administrator may impose spacing, setback, and fall zone requirements substantially similar to spacing, setback, and fall zone requirements imposed on other types of commercial structures of a similar height in a similar location.
- d. Within one (1) year after a zoning approval is granted, a small cell wireless provider shall commence construction of the approved structure or facilities that are to be operational for use by a wireless services provider, unless the Zoning Administrator and the applicant agree to extend this period or the delay is caused by a lack of commercial power or communications facilities at the site. If the wireless provider fails to commence the construction of the approved structure or facilities within the time required, the zoning approval is void.

Section 7.11 Junkyards, Salvage Yards, & Scrap Yards

- A. The location of any such use shall be not less than five hundred (500') feet distant from any Residential District and not less than three hundred (300') feet distant from any other district.
- B. The location of a junkyard, salvage yard, or scrap yard shall be at least one hundred twenty-five (125') feet from any public road.
- C. All uses of such facilities shall be completely screened from sight by natural terrain or by a neatly finished and maintained wooden or masonry fence, screening wall, or by well-maintained evergreens pursuant to **Section 3.18**. Said screening fence or wall shall not contain any signs or symbols. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.
- D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard, or scrap yard which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 7.12 Sidewalk & Outdoor Cafes

Sidewalk and Outdoor cafes are regulated by **Policy #21 "Outdoor Seating."**

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Article 8

Zoning Board of Appeals

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Section 8.1 Creation & Membership

A. Regular Members.

- Under authority of **2006 PA 110**, as amended, there is hereby created a Zoning Board of Appeals (ZBA) consisting of three (3) members.
- One member shall be the Village President. No other member of the Village Council shall be a member of the Zoning Board of Appeals.
- One member of the ZBA may be a member of the Planning Commission.
- Members shall be appointed by the Village Council to serve for a period of three (3) years except the first appointments made hereby to provide for staggered terms; one (1) member shall be appointed for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years. Thereafter, all appointments shall be made for three (3) years.

B. Alternate Members.

The Village Council shall also appoint two (2) alternate members for the same terms as regular members of the Zoning Board of Appeals. The first member so appointed shall serve for a term of two (2) years and the second alternate member shall serve for a term of three (3) years. Thereafter, all appointments shall be made for three (3) years. The alternate members shall be called on a rotating basis to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. Upon notification of the planned absence of a regular Zoning Board of Appeals member, an alternate member shall be designated to attend the meeting in place of the regular member. If another regular member should also be absent, the other alternate shall be designated to sit in that regular member's place. Alternate members shall have the same voting rights as regular members of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. In such circumstance, the alternate member shall serve in that case until a final decision has been made.

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C. Employees.

An employee or contractor of the Village Council may not serve as a member of the Zoning Board of Appeals.

D. Officers and Compensation.

The Zoning Board of Appeals shall annually elect a Chairperson, Vice-Chairperson, and Secretary. A member of the Village Council shall not serve as Chairperson.

E. Compensation.

All members, with the exception of the Village President, shall receive compensation for their services in attending meetings. The sum to be paid shall be determined by Village Council resolution. The alternate members shall be paid for meetings where they are called upon to sit on the Zoning Board of Appeals.

F. Member of the ZBA who is also a Planning Commissioner.

A member of the Zoning Board of Appeals who is also a voting member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

G. Removal of a Member and Conflict of Interest.

A member of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8.2 Meetings

A. Meeting Scheduling and Notice.

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, at such other times as the Board may specify, or upon receipt of a request for appeal. Public notice of the date, time, and place of a public hearing shall be given in the manner prescribed in [Section 9.7](#).

B. Quorum.

A majority of the full membership of the Board shall constitute a quorum for purposes of transacting the business of the Board and the [Open Meetings Act, 1976 PA 267](#), as amended. Each member of the Board shall have one (1) vote. The Zoning Board of Appeals shall not conduct business unless a majority of the members are present.

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C. Oaths and Witnesses.

The Chairman, or in his/her absence, the acting Chairman, may, to the extent permitted by law, administer oaths and compel the attendance of witnesses.

D. Open Meetings.

All meetings must comply with the [Open Meetings Act, 1976 PA 267](#), as amended.

E. Bylaws and Records.

1. The business of the Board of Appeals shall be conducted in accordance with its adopted bylaws.
2. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Village Clerk and which shall be a public record. The record shall show:
 - a. The vote of each member upon each question, or if absent or failing to vote, indicating said fact;
 - b. The grounds for every determination made by the ZBA; and
 - c. The final ruling of each case.

Section 8.3 Jurisdiction

A. Powers.

The duties and powers of the Zoning of Appeals shall, in general, include the following:

1. **Interpretation.** The interpretation of the Zoning Map and Zoning Ordinance text.
2. **Administrative Review.** Appeals from a requirement, decision or determination made by an administrative official or body charged with the enforcement of this Ordinance.
3. **Non-Use Variances.** Requests for variance from the dimensional and other requirements of this Ordinance including but not limited to height, setback building size, lot coverage, lot width, and lot size pursuant to the standards in [Section 8.5](#).
4. **Use Variances.** Requests for variances from uses of land pursuant to the standards in [Section 8.5](#).

B. Powers not Granted.

1. The Zoning Board of Appeals shall not have any authority to review, reverse, or in any way modify or revise any decision made by or condition imposed by the Village Council.

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2. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Village Council in the manner provided by law.
3. **Special Uses and Planned Unit Developments.** The ZBA may not hear appeals from Planning Commission decisions concerning Special Use approvals or Planned Unit Developments.

C. Exercise of Powers.

In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

Section 8.4 Procedure

A. Application for Appeal.

1. An appeal to the Zoning Board of Appeals may be made by a person aggrieved or by an officer, department, board, or bureau of the Village, County, or State by filing a written Application for Appeal with the Zoning Administrator. In addition, when acquisition of a portion of a parcel of property under Section 4 of the [Uniform Condemnation Procedures Act, 1980 PA 87](#), MCL 213.54 leaves a parcel in nonconformity with this Ordinance, a variance in the Zoning Ordinance may be applied for and granted.
2. **Timing.** Appeals of administrative actions shall be taken to the Zoning Board of Appeals within twenty-one (21) days of the date of such actions by the filing of a Notice of Appeal with the Zoning Administrator.
3. **Documents Required.** The applicant shall submit an Application for Appeal and five (5) copies of surveys, plans, and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary. In the event an application is made involving more than one (1) building, the total development may be incorporated in one (1) appeal provided that the subject property is continuous and is not divided by another zoning district.
4. **Fee.** A fee, established by the Village Council, shall accompany each appeal or application for variance.
5. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the application for appeal is filed that by reason of facts stated in the certificate, a stay would cause eminent peril to life or property. In that event, proceedings shall not be stayed other than by a restraining order that may be granted to the Village by the Circuit Court.

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B. Hearing and Public Notice.

1. **Meeting Scheduled and Public Notice.** When an application for appeal has been filed in proper form and appropriate fees paid, the Zoning Administrator shall place that application for appeal on the calendar for a public hearing at the next meeting of the ZBA and cause notices stating the time, place, and object of the hearing to be served pursuant to [Section 9.7](#).
2. **Transmission of Records.** The Zoning Administrator shall transmit to the ZBA all the papers constituting the record of the action being appealed.
3. **Appearance.** At the hearing, any party may be heard in person or by agent or attorney.
4. **Adjournment.** Upon the day for the hearing of any application for appeal, the Board may adjourn the hearing in order to obtain additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of the hearing, if it is set before adjournment.

C. Decisions.

1. **Timing.** The Zoning Board of Appeals shall take final action of an appeal within ninety (90) days of the date of filing.
2. The Board may reverse or affirm, wholly or partly, the administrative decision or may modify the order, requirement, decision, or determination at issue, and to that end shall have all the powers of the officer or body from whom the appeal was taken. The ZBA may direct the issuance of a permit.
3. **Non-Use Variances, Administrative Review, and Interpretations.** The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or body or to decide in favor of the applicant in any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.
4. **Use Variance.** A two-thirds (2/3) majority is required to grant a use variance.
5. **Findings of Fact.** In granting or denying a variance, the ZBA shall state, in a written statement of findings of fact, the grounds upon which it justifies the granting or denial of a variance. Copies of the written findings of fact shall be supplied to the applicant, Village Council and Planning Commission.
6. **Conditions.** In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with [Section 9.6](#). Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the approval.

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7. **Resubmittal.** No application for variance which has been denied shall be resubmitted within one (1) year from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

Section 8.5 Variance Standards

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

A. Use Variances.

To issue a variance authorizing the use of a building or land for a use not normally permitted within that zoning district, the applicant must demonstrate unnecessary hardship by showing that:

1. The property cannot be put to a reasonable use under the requirements of the district that the parcel is located in.
2. The problem is due to unique circumstances peculiar to the property and not to general neighborhood conditions or the applicant’s personal economic hardship.
3. The proposed use would not alter the essential character of the area.
4. The problem is not self-created (created by the property owner or previous property owners).
5. Issuance of the variance would still ensure that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

B. Non-Use Variances.

To issue a variance on that modifies the dimensional or other requirements of this Ordinance including, but not limited to, setbacks, minimum lot size, or maximum building height, the applicant must demonstrate practical difficulty by showing that:

1. The standard for which the variance is being granted would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
2. The variance would do substantial justice to the applicant as well as to other property owners in the district and a lesser relaxation of the standard would not provide substantial relief and be more consistent with justice to others.
3. The problem is due to circumstances unique to the parcel and is not due to the applicant’s personal or economic hardship.
4. The problem is not self-created (created by the property owner or previous property owners).

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- 5. Issuance of the variance would still ensure that the spirit of this Ordinance is observed, public safety secured, and substantial justice done.

Section 8.6 Appeal of Zoning Board of Appeals Decision

Any appeal of Zoning Board of Appeals Decisions shall be made to the Circuit Court within twenty-one (21) days of the approval of the minutes of the meeting at which the decision was made or thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the Chairperson, whichever comes first.

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Article 9

Administration & Enforcement

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Section 9.1 Responsibilities in Zoning Administration

The administration of this Zoning Ordinance is the joint responsibility of the Zoning Administrator, Building Inspector, Planning Commission, Zoning Board of Appeals, and Village Council.

A. Zoning Administrator.

The Village Council shall appoint a Zoning Administrator to carry out the day to day administration and enforcement of this Ordinance. The Village Manager shall be the Deputy Zoning Administrator. The Zoning Administrator's duties shall include the following items and other tasks as assigned by the Village Council.

1. **Issue Zoning Permits.** The Zoning Administrator shall be responsible for review and approval of zoning permits. The administrator shall keep a copy of all applications received and a record of action taken on them and shall provide any applicant denied a permit the reasons for the denial in writing.
2. **Inspections.** The Zoning Administrator shall be empowered to make inspections of building or premises as required to enforce this Ordinance.
3. **Compliance.** The Zoning Administrator shall be responsible for determining compliance with site plans and other approved zoning permits.
4. **Application.** The Zoning Administrator shall be responsible for taking applications for Zoning Ordinance text amendments, special use permits, variances, appeals, or ordinance interpretation. The Zoning Administrator will also undertake whatever investigation of the requests required by the Planning Commission or Zoning Board of Appeals prior to the presentation of the request.
5. **Records.** The Zoning Administrator shall be responsible for keeping records of all nonconforming uses as of the effective date of this Ordinance as well as records of all special use permits issued, zoning amendments adopted, variances granted, interpretations made, appeals granted, and zoning compliance permits issued.

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6. **Complaints.** The Zoning Administrator shall respond in writing to all complaints regarding violations of the Zoning Ordinance within sixty (60) days. A record of the complaint and the findings of the investigation shall be maintained. The Zoning Administrator shall report on the status of current complaints at the Planning Commission meetings.

B. Building Inspector.

The Building Inspector or designee shall be responsible for the following items in administration of the Zoning Ordinance:

1. **Building Permit.** The Building Inspector shall be responsible to authorize issuance of building permits.
2. **Certificate of Occupancy.** The Building Inspector shall ensure that all construction meets the requirements of the zoning permit issued for the job and that the construction sites has been cleared of all construction related debris before issuing a certificate of occupancy.
3. **Permit to Raze Building.** No building shall be razed until a permit has been obtained from the Building Inspector. Demolition and site clean-up must be completed within twenty-one (21) days of permit issuance. The Village may require a performance guarantee.

C. Planning Commission.

The Planning Commission shall be responsible for the following items in administration of the Zoning Ordinance.

1. **Amendment to Zoning Ordinance Text or Map.** The Planning Commission shall conduct a public hearing on requests to amend the Zoning or the Zoning Ordinance text. The public hearing will be held as required in [Section 9.7](#). Following the public hearing, the Planning Commission will submit their recommendations on the request, including their reasons, to the Village Council in the form of a written report.
2. The Planning Commission may initiate an amendment to the Zoning Ordinance map or text.
3. **Special Use Permits.** The Planning Commission shall conduct a public hearing and make decisions on requests for Special Use Permits, following the requirements in [Article 6](#).
4. **Site Plans.** The Planning Commission shall review site plans submitted to it following the requirements in [Article 5](#) and shall approve, approve with conditions, or deny the site plan, stating their reasons for doing so.

D. Village Council.

The Village Council shall be responsible for the following items in administration of the Zoning Ordinance:

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1. **Zoning Ordinance Text and Map Amendments.** The Village Council shall be responsible for approving or rejecting all requests for amendments to the Zoning Ordinance text or map under the provisions of [Section 10.2](#).
2. **Fees.** The Village Council shall be responsible for setting all fees required under this Ordinance.

Section 9.2 Permits & Certificates

A. Zoning Permit.

A zoning permit is required when a new building is built or moved onto a piece of property, an existing building is expanded, property changes use, or any work is performed on a nonconforming use or structure. The zoning permit application shall include the information stated in [Article 5](#). The purpose of the permit is to ensure that all construction is performed in compliance with this Ordinance.

No zoning permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.

1. **Administratively-Approved Zoning Permits.** If the Zoning Administrator finds the application conforms with the requirements of the Ordinance, the copies submitted shall be so marked with his/her signature, including the date. One (1) copy shall be filed with the Village and one (1) returned to the applicant. No permit shall be transferable.
2. **Planning Commission-Approved Zoning Permits.** The Zoning Administrator shall issue a zoning permit for applications that have been approved by the Planning Commission through the Site Plan Review or Special Use process. One (1) signed copy of the site plan shall be filed with the Village and one (1) returned to the applicant. No permit shall be transferable.
3. **Survey & Property Staking.** The property shall be staked prior to inspection by the Zoning Administrator. The property owner shall notify the Zoning Administrator when the property is staked and ready for inspection as part of the zoning permit approval process. The Zoning Administrator may require a current boundary survey and staking of the premises by a Michigan-licensed surveyor unless such professional survey and/or professional staking is determined by the Zoning Administrator to be unnecessary for the zoning permit decision in question.
4. **Other Required Permits.** A zoning permit shall not be issued until all other necessary permits required by statute have been obtained or waived with the exception of those permits which are contingent upon the issuance of a zoning permit.
5. **Zoning Permit Revocation.** The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

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6. **Zoning Permit Expiration.** A zoning permit expires one (1) year from the date of issuance if construction has not commenced, or, in cases where no construction is necessary, the use has not commenced. The Zoning Administrator shall notify the applicant in writing of the expiration of the zoning permit. The applicant may apply for an extension of the zoning permit beyond the one (1) year period. Application shall be made to the Zoning Administrator and decided upon by the body/official that approved the original permit.
7. **Payment of Fees.** No zoning permit shall be valid until the required fees have been paid. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Village Council.
8. **Conformance with Approved Plans.** Permits issued on the basis of plans and applications approved by the Zoning Administrator or Planning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.
9. **Failure to Obtain a Zoning Permit.** Any person, partnership, limited liability company, corporation, association or other entity who fails to obtain any necessary zoning permit shall be subject to [Section 9.3](#).
10. **Permit After the Fact.** Any building erected, relocated, or altered or any construction which requires a zoning permit from the Village which begins without first obtaining the required zoning permit may be issued that zoning permit (and all permits necessary for approval), but this zoning permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the Zoning Ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and special use permits.

The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating Village Ordinances may also be issued for any project which does not abide by Village Ordinances.

B. Building Permit.

1. After receipt of a zoning permit, a person may apply for a building permit. No person shall hereafter begin the construction, alteration, or repair of any building or other structure, change the use within any building or structure or move into any structure within the Village before first having obtained a building permit therefore from the Building Inspector as hereinafter provided. Fees for building permits shall be established by the Village Council.
2. Application for any such permit shall state the name and address of the owner and contractor, the address or description of the premises, statement of intended use, and a statement of the value of the improvements. It shall be accompanied by a site plan and such plans and specifications as Building Inspector shall consider being necessary to determine that the

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requirements of this Ordinance and of any other applicable laws or ordinances for which he is responsible for enforcement will be complied with.

3. Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance, and the Building Inspector is without authority to alter or vary the terms of this Ordinance in carrying out his duties, and any permit so issued is void and of no effect.
4. A building permit shall become void unless construction commences within ninety (90) days of the issuance thereof, and unless construction is completed within eighteen (18) months from the date of issuance thereof except as otherwise provided in this Ordinance. A building permit may be extended for an additional period by the Building Inspector, provided the applicant demonstrates that, his failure to complete construction within said eighteen (18) month period was due to special circumstances beyond his control and that an extension is necessary to complete such construction.

C. Certificate of Occupancy.

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

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

Section 9.3 Remedies & Enforcement

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

A. Civil Penalties.

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

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B. Falsifying information.

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

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

Section 9.4 Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Village, the Village Council shall from time to time adopt by resolution a fee schedule establishing basic zoning fees.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when the applicant withdraws an application or appeal.
- C. If the Zoning Administrator, Planning Commission, Village Council, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, Village Council or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant’s name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission, Village Council, or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of

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the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 9.5 Performance Guarantee

A. In connection with the construction of improvements through site plan approval, Special Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements or site clean-up and restoration. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. Site clean-up and restoration means returning the site to its original condition in case of abandonment of the project. For purposes of this Section, the costs covered by the performance guarantee for public and site improvements shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the Village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
2. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public and site improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

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Section 9.6 Conditions

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

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

Section 9.7 Public Notification

All applications for development approval requiring a public hearing shall comply with the [Michigan Zoning Enabling Act, PA 110 of 2006](#), and the other provisions of this Section with regard to public notification.

A. Responsibility.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village, and mailed or delivered as provided in this Section.

B. Content.

All personal notices, and newspaper notices for public hearings shall:

1. **Describe nature of the request.** Identify whether the request is for a rezoning, text amendment, special use, planned unit development, variance, appeal, ordinance interpretation, or other purpose.
2. **Location.** Indicate the property that is the subject of the request, if applicable. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the

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location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment (or rezoning) or when the request is for an ordinance interpretation not involving a specific property.

3. **When and where the request will be considered.** Indicate the date, time, and place of the public hearing(s).
4. **Written comments.** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. **Disabled access.** Information concerning how disabled access will be accommodated if the meeting facility is not handicap accessible.

C. **Notice.**

1. Except as noted in [Section 9.7.C.2](#) and [Section 9.7.C.3](#) below, notices for all public hearings shall be given as follows:
 - a. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing.
 - b. Notice of the hearing shall be published in a newspaper of general circulation.
 - c. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - d. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300') feet of the property and to the occupants of all structures within three hundred (300') feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - (1) If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - (2) Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
2. Newspaper publication as required in [Section 9.7.C.1](#) above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more adjacent properties.

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3. For text amendments, ordinance interpretations and issues that do not affect a specific property(ies), notice shall be only to the applicant, if applicable, and by newspaper publication, as required in [Section 9.7.C.1](#) above.
4. **Notice Deemed Given.** Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, properly addressed, and postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
5. **Registration to Receive Notice by Mail.**
 - a. **General.** Each electric, gas and pipeline utility company, each railroad, each telecommunication service provider, and the airport manager of each airport may register its name and address with the Village to receive written notice of all public hearings. The Village Clerk shall be responsible for providing this notification, as established by the Village Council.
 - b. **Requirements.** The requesting party must provide the Village Clerk mailing information to ensure notification can be made.

Section 9.8 Use of Consultants

From time to time, the Village Council, Planning Commission, or Zoning Board of Appeals may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of Special Use permits, site plans, rezonings, or other matters related to the planning and development of the Village.

Section 9.9 Conflicting Regulations

- A. Where a provision of this Ordinance conflicts with a provision of another applicable law, rule, regulation or ordinance provision, the stricter requirement shall prevail and apply unless the other applicable law, rule, regulation, or ordinance pre-empts the Zoning Ordinance in which case it shall apply whether it is the stricter requirement or not.
- B. The graphics, tables, and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 9.10 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

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1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals findings of fact, which occurred after the public hearing.
3. The Village attorney, by written opinion, states that, in the attorney’s professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. All notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

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Section 9.11 Action Table

The following table is a summary of basic requirements for various administrative actions under this Zoning Ordinance. It supplements the preceding text but is not a substitute for it.

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)	Mailed notice to owners & occupants within 300'	Body to which applicant may appeal
Plot plan approval, accessory building, sign or fence permit	Applicant	Zoning Administrator	No	Not required	Not required	Zoning Board of Appeals
Site plan approval	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
Special use permit	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Planned Unit Development	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Amendment (Rezoning or Text Change)	Applicant, Planning Commission	Step 1: Planning Commission recommends to Village Council	Yes	Not less than 15 days	Not less than 15 days	No action until after Village Council decision
		Step 2: Village Council	No	----	----	Subject to protest petition
		Step 3: Village Council publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.				
Zoning Ordinance Enforcement	Zoning Administrator	----	----	----	----	Zoning Board of Appeals

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Article 10

Adoption & Amendments

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Section 10.1 Amendment to this Ordinance

The Village Council is authorized and empowered to cause this Ordinance, or any portion thereof, to be amended, supplemented, or changed in either the district boundaries as illustrated on the zoning map or the regulations herein established, pursuant to the authority of and according to the procedures set forth in [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, (being M.C.L. 125.3101 et seq.).

Section 10.2 Amendment Procedure

The procedure for amending this Ordinance shall be as follows:

A. Application.

An amendment to the official zoning map or text of this Ordinance, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of an application on a form provided by the Village.

Each petition for a text or map amendment shall be submitted to the Village accompanied by a rezoning fee, as listed on the Fee Schedule held by the Village Clerk, and then referred to the Planning Commission at the next regularly scheduled meeting.

B. Notice of Public Hearing.

The notice of public hearing procedure in [Section 9.7](#) shall be followed.

C. Planning Commission.

The Planning Commission shall hold the public hearing and take comments from the public. The Planning Commission may recommend adoption of the amendment to the Village Council.

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D. Recommendation to Village Council.

Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s) including reasons for the recommendation.

E. Village Council Action.

The Village Council may hold additional public hearings (pursuant to [Section 9.7](#)) on the proposed amendments if it deems such hearings appropriate. Upon receipt of the Planning Commission’s final report, the Village Council may adopt the amended ordinance and maps, with or without changes, or refer the proposed amendments to the Ordinance and/or maps again to the Planning Commission for further study and report.

F. Publication.

Following adoption of such amendment to this Zoning Ordinance by the Village Council, the Village shall publish one (1) notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after the date of adoption. The notice shall include the following information:

1. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the Ordinance.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

G. Resubmittal Procedure.

No petition for amendment which has been disapproved by the Village Council shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Village Council after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

H. Protest Petition.

An amendment to this Zoning Ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment to this Ordinance shall require a 2/3 vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment and shall be signed by one (1) or more of the following:

1. The owners of at least twenty (20%) percent of the area of land included in the proposed change.

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2. The owners of at least twenty (20%) percent of the area of land included within an area extending outward one hundred (100') feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the twenty (20%) percent land area requirement under this subsection.

Section 10.3 Criteria for Amendment of the Zoning Map (Rezoning)

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Village Council may consider the following criteria in making its findings, recommendations, and decision:

- A. Is the proposed use consistent with the goals and objectives of the currently adopted Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed use consistent with recent development trends in the area?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property?
- F. What is the impact on the ability of the Village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
- G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

Section 10.4 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the [Michigan Zoning Enabling Act, 2006 PA 110](#), as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

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1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth in [Section 9.7](#) of this Ordinance and consideration of the factors set forth in [Section 10.3](#) (except [10.3.G](#)) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Village Council Review.

After receipt of the Planning Commission’s recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with Section 401 of [2006 PA 110](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

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1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - a. Be in a form recordable with the **County Register of Deeds**, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - b. Contain the legal description and tax identification number of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the **County Register of Deeds**.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the **County Register of Deeds**. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned

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with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may, upon written request, be extended by the Village Council if (1) it is demonstrated to Village Council’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection G** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

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K. Village Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the [Michigan Zoning Enabling Act \(Act 110 of the Public Acts of 2006, as amended\)](#).

L. Failure to Offer Conditions.

The Village shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10.5 Severance Clause

Sections and subsections of this Ordinance shall be deemed to be severable, and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building, or structure not specifically included in said ruling.

Section 10.6 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change, or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 10.7 Repeal & Savings Clause

- A. This Ordinance repeals and replaces any previous Village of Roscommon Zoning Ordinance in its entirety.
- B. The repeal of any previous Village of Roscommon Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval, and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities, and actions therefore.

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Section 10.8 Enactment & Effective Date

- A. This Ordinance was adopted on February 10, 2020, by the Roscommon Village Council and will be effective on February 20, 2020. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Planning Commission on February 5, 2020.

- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Village Council after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, (being the, M.C.L. 125.3101 et seq.).

I hereby certify that the above Ordinance was adopted by the Roscommon Village Council at a regular meeting held on February 10, 2020.

Village Clerk

Published: February 13, 2020

Effective Date: February 20, 2020

Affidavit of Publication Required.

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