

# ROSCOMMON TOWNSHIP ZONING ORDINANCE

Roscommon County, Michigan

Ordinance # 82  
Revised May 2021

Roscommon Township  
8555 Knapp Rd.  
P.O. Box 610  
Houghton Lake, MI 48629  
Tel: (989) 422-4116  
Fax: (989) 422-6145  
[www.roscommontownship.com](http://www.roscommontownship.com)



# Roscommon Township Zoning 2017

Parcel date: March 1, 2018

These maps are intended to depict spatial relationships only. They are not substitutes for legal surveys or deeds. The County of Roscommon does not warrant these maps for positional accuracy.



## Legend

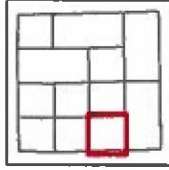
### New Roads

- Type
- Priority
  - US Highway
  - Road Area
  - State Road
  - County Road
  - County Road
  - Local Road
  - MT
  - 45.00 Section
  - Boundary

### Rosctwp parcels

- Road Two parcels

Phone: (889) 275-7848  
Fax: (889) 275-3158  
Email: [mapping@roscommoncounty.net](mailto:mapping@roscommoncounty.net)



1 inch = 0.39 miles

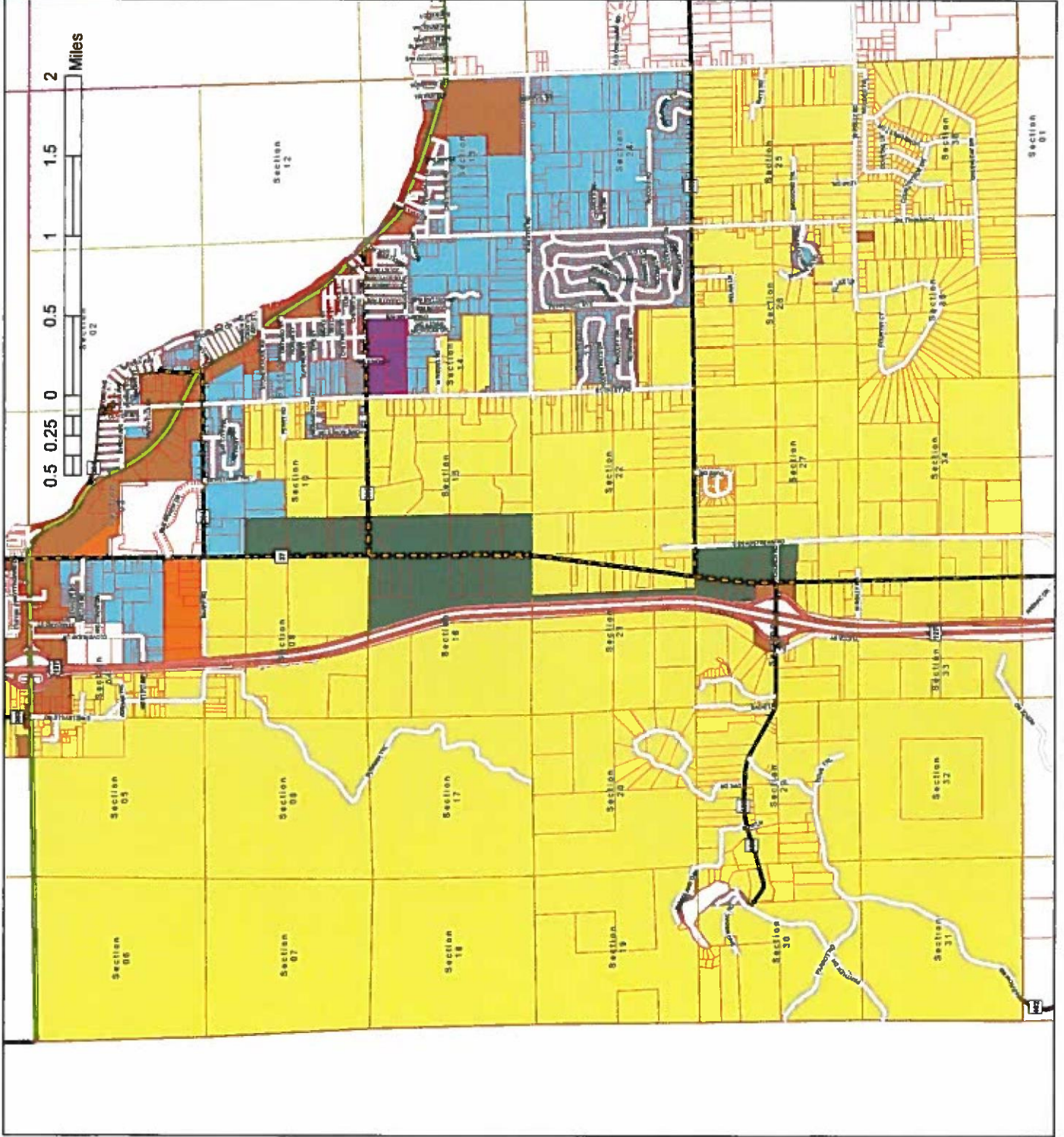
Print date:  
March 19, 2018

## Legend

### Zoning

#### Description

- Agriculture
- Commercial 1
- Commercial 2
- Commercial Mixed Use
- Heavy Commercial 2
- Industrial
- Light Commercial
- Residential



# TABLE OF CONTENTS

Official Zoning Map.....	3
<b>ARTICLE I TITLE, INTENT, PURPOSE, AUTHORITY AND GENERAL EFFECTS</b>	
Section 1.1 Title.....	8
Section 1.2 Intent and Purpose.....	8
Section 1.3 Enabling Authority.....	8
Section 1.4 Regulated Structures and Uses.....	8
Section 1.5 Existing Buildings and Uses.....	9
Section 1.6 Plat Restrictions.....	9
Section 1.7 Relationship to Other Laws.....	9
Section 1.8 Violations of Laws Prohibited.....	9
Section 1.9 Repeal of Prior Ordinances and Conflicting Provisions.....	9
Section 1.10 Severability.....	9
Section 1.11 Amendments.....	9
Section 1.12 Effective Date.....	9
<b>ARTICLE II DEFINITIONS</b>	
Article 2.1 Construction of Language.....	9
Article 2.2 Definitions.....	10
<b>ARTICLE III ZONING DISTRICTS AND OFFICAL ZONING MAP</b>	
Section 3.1 Establishment of Districts.....	30
Section 3.2 Legal Descriptions of Districts.....	30
Residential District.....	30
Commercial District.....	33
Commercial Mixed Use/Industrial District.....	35
Agriculture District.....	36
<b>ARTICLE IV RESIDENTIAL DISTRICT</b>	
Section 4.1 Description and Purpose.....	37
Section 4.2 Permitted Uses.....	37
Section 4.3 Special Uses.....	38
Section 4.4 Area Regulations.....	38
<b>ARTICLE V (RESERVED)</b>	
<b>ARTICLE VI (RESERVED)</b>	
<b>ARTICLE VII COMMERCIAL DISTRICT</b>	
Section 7.1 Description and Purpose.....	39
Section 7.2 Permitted Uses.....	40
Section 7.3 Special Uses.....	40
Section 7.4 Area Regulations.....	41
Section 7.5 <i>Repealed March 2019, replaced with Article XIII</i>	
<b>ARTICLE VIII (RESERVED)</b>	

**ARTICLE IX (RESERVED)**

**ARTICLE X COMMERCIAL MIXED USE/INDUSTRIAL DISTRICT**

Section 10.1 Description and Purpose..... 42  
Section 10.2 Special Uses..... 42  
Section 10.3 Area Regulations..... 43  
Section 10.4 *Repealed March 2019, replaced with Article XIII*  
Section 10.5 Driveways, Frontage Roads, Service Drives and Parking Lot Connections..... 44

**ARTICLE XI AGRICULTURE DISTRICT**

Section 11.1 Description and Purpose..... 45  
Section 11.2 Permitted Uses..... 45  
Section 11.3 Special Uses..... 45  
Section 11.4 Area Regulations..... 46

**ARTICLE XII (RESERVED)**

**ARTICLE XIII PARKING**

Section 13.1 Intent and Purpose..... 47  
Section 13.2 Off-Street Parking..... 47  
Section 13.3 Development Standards..... 47  
Section 13.4 Off-Street Parking Requirements..... 47  
Section 13.5 Off-Street Parking Area Construction Requirements..... 48

**ARTICLE XIV SUPPLEMENTAL REGULATIONS**

Section 14.1 Purpose..... 49  
Section 14.2 (Reserved)  
Section 14.3 (Reserved)  
Section 14.4 Accessory Buildings and Garages..... 50  
Section 14.5 (Reserved)  
Section 14.6 Temporary Dwellings..... 51  
Section 14.7 Grading..... 51  
Section 14.8 Essential Services..... 51  
Section 14.9 Living Area..... 51  
Section 14.10 Structure Height Regulations..... 51  
Section 14.11 General Sign Requirements..... 51  
Section 14.12 Tents..... 56  
Section 14.13 Required Lot Area and Space..... 56  
Section 14.14 Location of Travel Trailers, Boats and Utility Trailers..... 56  
Section 14.15 Mobile Home Subdivision..... 57  
Section 14.16 Lot Size..... 57  
Section 14.17 (Reserved)  
Section 14.18 (Reserved)  
Section 14.19 Duplexes and Multiple Family Dwellings..... 58  
Section 14.20 Mining and Extraction Operations..... 58  
Section 14.21 Outside Storage on Vacant Lot(s)..... 61  
Section 14.22 Bed and Breakfast..... 61  
Section 14.23 Physically Challenged Access..... 62  
Section 14.24 (Reserved)

Section 14.25 Fences.....	62
Section 14.26 Private Roads.....	63
Section 14.27 Adult Business.....	64
Section 14.28 Wireless Communications Facilities.....	65
Section 14.29 Solar Energy.....	67
Section 14.30 Home Occupation.....	75
Section 14.31 Open Space Preservation.....	79
Section 14.32 Race Tracks.....	79
Section 14.33 Animals.....	80
Section 14.34 Temporary Outdoor Uses/Vendors.....	80
Section 14.35 Wind Energy Conversion System (WECS).....	80
Section 14.36 Outdoor Furnaces.....	85
Section 14.37 Conditional Rezoning.....	85
Section 14.38 M-55 Corridor Overlay Zoning District.....	89

**ARTICLE XV NONCONFORMING BUILDINGS AND USES**

Section 15.1 Nonconforming Buildings.....	97
Section 15.2 Nonconforming Uses of Land.....	97
Section 15.3 Alterations, Changes and Extensions.....	97
Section 15.4 Abandonment and Discontinuance.....	97
Section 15.5 Questionable Cases.....	98

**ARTICLE XVI ADMINISTRATION AND ENFORCEMENT**

Section 16.1 Administrative Official.....	98
Section 16.2 Land Use Permits.....	98
Section 16.3 Fees.....	98
Section 16.4 Violations and Penalty.....	99
Section 16.5 Development Agreements.....	99
Section 16.6 Performance Guarantees.....	100
Section 16.7 Public Hearing Notices.....	101
Section 16.8 Information and Documentation.....	102
Section 16.9 Zoning Ordinance Amendments.....	102
Section 16.10 (Reserved)	
Section 16.11 (Reserved)	
Section 16.12 (Reserved)	
Section 16.13 Right of Entry.....	105
Section 16.14 Compliance with Plan and Application.....	105

**ARTICLE XVII SITE PLAN REVIEW**

Section 17.1 Intent.....	105
Section 17.2 Uses Subject To Site Plan Review.....	105
Section 17.3 Site Plan.....	105
Section 17.4 Special Uses.....	107
Section 17.5 Validity of Site Plans.....	107
Section 17.6 Standards of Site Plan Approval.....	107
Section 17.7 Conditions of Approval.....	109
Section 17.8 Amendments to Site Plans.....	109
Section 17.9 Appeals of Final Site Plans.....	109
Section 17.10 Conformity to Approve Site Plan.....	109
Section 17.11 Site Plan Requirements for Wind Energy Conversion Systems (WECS).....	110

Section 17.12 Additional Site Plan Requirements for Bed and Breakfasts..... 111

**ARTICLE XVIII BOARD OF APPEALS**

Section 18.1 Membership..... 111  
Section 18.2 Rules of Procedure..... 112  
Section 18.3 Jurisdiction..... 112  
Section 18.4 Variances..... 112  
Section 18.5 General..... 113  
Section 18.6 Hearings and Decisions upon Appeals..... 114  
Section 18.7 Appeals to Board of Appeal..... 114  
Section 18.8 Stay..... 114  
Section 18.9 Appeals from Board of Appeals..... 114

**ARTICLE XIX SPECIAL USE PERMITS**

Section 19.1 Procedures and Standards..... 114  
Section 19.2 Towers and Antennas Special Use Permit..... 118  
Section 19.3 Site Condominium Review..... 121

**ARTICLE XX PLANNED UNIT DEVELOPMENT (PUD)**

Section 20.1 Purpose..... 124  
Section 20.2 Uses Permitted..... 124  
Section 20.3 Application and Processing..... 124  
Section 20.4 Site Plan Review..... 127  
Section 20.5 Use Regulations..... 127

**ARTICLE XI**

Section 21.0 Severability.....128  
Section 21.1 Effective Date.....128  
Section 21.2 Repeal.....128

# ROSCOMMON TOWNSHIP ZONING ORDINANCE

Ordinance No. 82

Effective Date: May 2021

*An Ordinance to establish zoning districts and regulations governing the development and use of land within the zoning jurisdiction of Roscommon Township in accordance with the provisions of the Michigan Zoning Enabling Act; to further the goals and objectives set forth in the Master Plan adopted in accordance with the Michigan Planning Enabling Act; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for a Planning Commission and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; to provide regulations regarding conflicts with other ordinances or regulations; and to provide for the repeal and replacement of the prior zoning ordinance.*

**Roscommon Township, Roscommon County, Michigan, ordains:**

## ARTICLE I

### TITLE, INTENT, PURPOSE, AUTHORITY, AND GENERAL EFFECTS

#### **SECTION 1.1 TITLE**

This Ordinance shall be known as the "Roscommon Township Zoning Ordinance," and will be referred to herein as "this Ordinance."

#### **SECTION 1.2 INTENT AND PURPOSE**

It is the purpose of this Ordinance to promote the public health, safety, comfort, convenience, and general welfare of the inhabitants of Roscommon Township by encouraging the use of lands and natural resources. In accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving rural community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public and private streets and highways; to facilitate adequate and economical provision of transportation, sewage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision for the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Master Plan for the Township; and to provide for the administration and enforcement of such standards.

#### **SECTION 1.3 ENABLING AUTHORITY**

This Ordinance is adopted under the authority of the Michigan Zoning Enabling Act. It also advances the goals and objectives of the Master Plan adopted under the authority of the Michigan Planning Enabling Act.

#### **SECTION 1.4 REGULATED STRUCTURES AND USES**

Except as is hereafter provided, no buildings shall be used for any purpose other than the types and uses permitted in the respective district in which such lands or buildings are located. Any building moved into Roscommon Township shall conform to this Ordinance and require a Land Use Permit from the Zoning Administrator.



**SECTION 1.5 EXISTING BUILDINGS AND USES**

Any building, use, or lot that was unlawfully constructed, occupied, or created prior to the date of adoption of this Ordinance shall continue to be unlawful, unless expressly permitted by this Ordinance.

**SECTION 1.6 PLAT RESTRICTIONS**

Nothing contained herein shall be construed as superseding, amending, modifying, or otherwise affecting plat or use restrictions pertaining to properties situated on this Township.

**SECTION 1.7 RELATIONSHIP TO OTHER LAWS**

Whenever any provision of this Ordinance imposes more restrictions than are imposed by deeds, state law, or regulations of other governmental authorities, the provisions of this Ordinance shall govern.

**SECTION 1.8 VIOLATIONS OF LAWS PROHIBITED**

It shall be unlawful for any person or business to engage in any activity, conduct, use or venture in the Township that is contrary to federal, state, or local laws or ordinances, including violations of the Township of Roscommon Zoning Ordinance, and any statutes and codes adopted or utilized by the Township.

**SECTION 1.9 REPEAL OF PRIOR ORDINANCES AND CONFLICTING PROVISIONS**

All prior ordinances, resolutions, or parts thereof enacted by the Township Board in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

**SECTION 1.10 SEVERABILITY**

If any part of this Ordinance is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**SECTION 1.11 AMENDMENTS**

The Township Board of Roscommon Township may, by ordinance amend, supplement, or change the provisions of this Ordinance, provided that all amendments and procedures are in accordance with the Michigan Zoning Enabling Act.

**SECTION 1.12 EFFECTIVE DATE**

This Ordinance was adopted and ordered published at a Regular Meeting of the Roscommon Township Board on March 21, 2019, and it shall take effect on the earliest date permitted by the Michigan Zoning Enabling Act.

**ARTICLE II**  
**DEFINITIONS**

**SECTION 2.1 CONSTRUCTION OF LANGUAGE**

The following rules of construction apply to this Ordinance:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The term “*shall*” is always mandatory and not discretionary; the word “*may*” is permissive.
- C. “*This Ordinance*” means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as referenced or attached as enacted or subsequently amended.

- D. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “*and*,” “*or*,” “*either...or*,” the conjunction shall be interpreted as follows:
- (1) “*And*” indicates that all the connected items, conditions, provisions, or events shall apply.
  - (2) “*Or*” indicates the connected items, conditions, 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.
- E. The “*Township*” is Roscommon Township, Roscommon County, Michigan; the “*Township Board*,” “*Board of Appeals*” and “*Planning Commission*” are the Township Board, Board of Appeals, and Planning Commission of Roscommon Township.
- F. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- G. All necessary interpretations of this Ordinance shall be made by the Roscommon Township Board of Appeals.
- H. In computing a period of time prescribed or allowed by this Ordinance, the day of the act, event, or default after which the designated period of time begins to run is not included; the last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.

## SECTION 2.2 DEFINITIONS

For the purposes of this Ordinance, the following words have the definitions indicated, except where the context clearly indicates otherwise:

**ABANDONMENT.** The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land to another owner or of resuming that use of the land or building. The discontinuance of any use on a premises for a period in excess on one (1) year shall be presumed to be an abandonment of that use.

**Abandoned Solar Energy Systems:** Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months.

**ABUTTING.** Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

**ACCESS DRIVE.** An easement or right-of-way that provides motor vehicles access to one or more lots, parcels, or site condominiums.

**ACCESSORY BUILDING.** See **BUILDING** below.

**ACCESSORY USE.** See **USE** below.

**ADULT BUSINESS.** Adult businesses are regulated principally under Section 14.27 of this Ordinance. An adult business includes the following:

- (1) **Adult Bookstore:** An establishment having, as a substantial portion of its stock in trade, books, magazines and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined, or an establishment with a segment or section devoted to the sale or display or such material.

- (2) **Adult mini motion picture theatre:** an enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons therein.
- (3) **Adult motion picture theatre:** an enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas" as hereinafter defined for observation by patrons herein.
- (3) **Sexual paraphernalia store:** an establishment having, as a substantial portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal.
- (5) **Specified sexual activities** means acts of human masturbation, sexual intercourse, or sodomy; fondling or other erotic touch of human genitals, pubic regions; buttocks or female breasts; and/or human genitals in a state of sexual stimulation or arousal.
- (6) **Specified anatomical areas** means less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola; and/or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**AGRICULTURAL LAND.** Substantially undeveloped land devoted to the production of plants or animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, trees (including Christmas trees), and other similar uses and activities.

**ANTENNA.** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless telecommunications signals or other communication signals. Antennae are regulated principally under Section 14.28 of this Ordinance.

**APARTMENT.** A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

**AUTOMOBILE.** Any motorized vehicle including, by way of example, cars, light trucks, vans, motorcycles, and the like.

**AUTOMOBILE DEMOLITION/SALVAGE.** Any commercial activity involving the demolition and/or salvage of motor vehicles, engines or other motor vehicle parts.

**AUTOMOBILE IMPOUND YARD.** An open area used exclusively for the storage of automobiles, motor vehicles and recreational vehicles impounded pursuant to order of a public law enforcement agency or insurance organization licensed to conduct business in the State, and stored solely for the purposes of law enforcement investigation, insurance investigation, title clearance and transfer and/or litigation. This definition does not include the dismantling or disassembly of vehicles except pursuant to litigation, the sale of vehicle parts nor the storage of non-impounded vehicles or their parts.

**AUTOMOBILE REPAIR FACILITY: MAJOR.** A place where the following services may be carried out: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; transmission repair; collision service, such as body, frame, or fender straightening and repair, panel replacement, overall painting, undercoating of automobiles; glass work; upholstering; muffler repair or replacement; tire repair or replacement and similar activities.

**AUTOMOBILE REPAIR FACILITY: MINOR.** A place for the sale of minor accessories for motor vehicles such as, but not limited to, windshield wipers and minor automobile repair parts and oil change establishments, but not including the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles or major automobile repairs such as, but not limited to, vehicle body repair, painting, engine rebuilding, auto dismantling, upholstering, glass work, undercoating, and other such activities.

**AUTOMOBILE SERVICE STATION.** Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories are dispensed at retail cost and minor automobile maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operable condition, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair station or body shop. Automobile filling stations may also incorporate a convenience store operation as an accessory use, and that is clearly incidental to the filling station use. An automobile service station does not include an operation commonly referred to as a truck stop or truck plaza whose designated purpose, orientation, size, and intent is to service large semi type trucks and offer accessory uses designed for this purpose.

**AUTO WASH: AUTOMATIC.** A structure that is completely enclosed in a building containing facilities for washing one or several automobiles at one time using a chain conveyor or other method of moving the cars along a predetermined path and with automatic or semiautomatic applications of cleaner, brushes, rinse water, and air, heat or towel drying. This use is typically staffed with auto wash attendants.

**AUTO WASH: SELF SERVICE OR COIN OPERATED.** A structure containing individual washing stalls whereby the customer applies cleaner, rinse water, car wax and similar agents directly to his/her personal vehicle.

**BASEMENT.** That portion of a building that is partly underground and that has most of its floor to ceiling height below grade.

**BED AND BREAKFAST.** Overnight accommodations and a morning meal in a dwelling unit, residential in nature, provided to transients for compensation.

**BILLBOARD.** See **SIGN, *Billboard Sign*** below.

**BUILDING.** A structure covered by a roof and enclosed by exterior walls built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. An **ACCESSORY BUILDING** is any subordinate building on the same lot or adjoining lots with a main building. Building and accessory building also include structures covered by a roof or enclosed by exterior walls composed of fabric, canvas, plastic, PVC or similar materials that is erected for a period in excess of 14 days in any calendar year.

**BUILDING PERMIT.** The written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance and the Building Code.

**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 five (5) or more recreational units.

**CORNER LOT.** Any lot having frontage on two intersecting streets or upon two portions of a turning street where the angle of an intersection is less than 145 degrees.

**CARPORT.** A partially open structure intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

**CEMETARY.** Land used for the burial of the dead, including crematoriums, mausoleums, and mortuaries.

**CHURCH.** A building wherein persons assemble for religious observance or expression and that is maintained and controlled by a religious body or organization, together with permitted accessory buildings and accessory uses.

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

**CLUB.** Buildings or facilities owned and operated by a corporation, association, or persons for social or recreational purposes for members and guests, but not operated primarily for profit or to render a service customarily carried on as a business.

**COMMUNICATION TOWER.** Any structure or system, including but not limited to, wires, poles, rods, reflecting discs, or similar devices, attached to the ground or any other structure or any other equipment, used to facilitate, improve, support, or constructed primarily for the purpose of transmission, reception or transfer of radio, telephone, television, microwave, or other telecommunication signals and similar communication purposes, including but not limited to self-supporting lattice towers, guyed towers, or monopole towers. The term includes the structures and supports thereto.

**CONDOMINIUM.** A condominium project consisting of two or more condominium units, as set forth in the Michigan Condominium Act.

**CONSERVATION EASEMENT.** As defined by MCL 324.2140(a).

**CONTRACTOR'S ESTABLISHMENT.** A business providing a service(s) that may entail the use and/or supply of materials. The service(s) generally takes place at the customer's location, but may include preparatory or other activities conducted at the location of the business. Contractor's establishments may include, but are not limited to, such services and materials as the following: acoustical; asphalt paving and seal coating; bathroom remodeling; building contractors; carpenters; caulking; ceiling; chimney builders and repair; concrete; demolition; drill and boring; dry wall; electrical; excavating; fire and water restoration; foundation; garage builders; gazebo builders; geothermal heating and cooling; grading; heating and ventilation; home, office and industrial builders; home improvements; kitchen remodeling; landscaping contractors, architects, equipment and supplies; lawn care, excluding licensed home based occupations; marine; mason; mechanical; mud jacking; painting; patio and deck builders; paving contractors; pest control; pile driving; plastering; plumbing; road building; roof; septic tank and system; sewer; siding; site development; solar energy; stair; stone setting; stucco and exterior coating; telephone and cable contractors; tennis court and pool; tile non-ceramic; tree removal; utility; water main; water proofing; and wells.

**CONVALESCENT HOME, NURSING HOME, OR SENIOR ASSISTED LIVING HOME.** A structure for the care of the aged or infirm, or a place of rest for those suffering bodily disorders who require continuous nursing care and supervision.

**DAY CARE CENTER.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes 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 childcare center, day care center, day nursery, nursery school, parent cooperative preschool, playgroup, or drop-in center. Childcare center or day care center do not include any of the following:

- (1) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- (2) A facility operated by a religious organization where children are cared for not longer than three (3) hours while persons responsible for the children are attending religious services.
- (3) A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

**DECK.** A floored structure having footings, posts and steps, typically with railing, that adjoins a house.

**DEDICATED OPEN SPACE.** Open land that is permanently set aside by the owner for protection in an undeveloped state.

**DEED RESTRICTION.** A provision in a deed or other recorded document restricting the use of property and prohibiting certain uses. Such restrictions are binding on subsequent owners. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township. Also known as a restrictive covenant.

**DENSITY.** The number of dwelling units situated on or to be developed per net or gross acre of land, excluding area devoted to public right-of-way or easements.

**DETENTION BASIN.** A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between runoff events.

**DEVELOPMENT AGREEMENT.** A document approved by the Township that sets forth the terms and condition under which a development shall be constructed.

**DISTRICT OR ZONING DISTRICT.** A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established.

**DRIVEWAY.** That portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvement located on the lot.

**DWELLING.** Any structure erected on site, a mobile home, or a pre-manufactured or pre-cut structure, designed or used exclusively for residential purposes and complying with the following standards:

- (1) It contains a minimum area of 800 square feet of habitable living area or such greater area as may be required in the district where it is located. For Resorts or Resort Associations changing to Condominiums, the 800 square foot minimum dwelling size may be reduced by the issuance of a special use permit.
- (2) The primary portion of the structure has a minimum width of twenty (20) feet or such greater width as may be required in the district where it is located.
- (3) It complies in all respects with the Michigan Construction Code, as amended, including minimum height for habitable rooms. Where a dwelling is required by law to comply with any Federal or State standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, then applicable Federal or State standards or regulations shall govern.
- (4) It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan Construction Code and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's set up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- (5) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels, axle and towing mechanism removed and shall have no exposed undercarriage or chassis.
- (6) The dwelling is connected to a public sewer and water supply or to such other private facilities as approved by the local Health Department.

- (7) The dwelling has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to the exterior door areas where a difference in elevation requires the same.
- (8) The dwelling contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure and in compliance with the Michigan Construction Code, including permanent attachment to the principal structure and construction of a perimeter foundation as required herein.
- (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- (10) The dwelling shall have a minimum width and length along its front, sides, and rear of twenty (20) feet and shall have overhangs not less than 6" on all sides.
- (11) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State or Federal law or otherwise specifically required herein.
- (12) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of the Township.

**DWELLING: SINGLE FAMILY.** A dwelling used primarily as a residence by one family. The use may be for year-round or seasonal occupancy by the owner or occupant.

**DWELLING: MULTIPLE FAMILY.** A structure containing two or more single dwellings under one common roof.

**ECONOMY EFFICIENCY UNIT.** A dwelling that is less than 20 feet in width (typically 600 square feet or smaller), built to all relevant building and sanitary codes, qualifying for a certificate of occupancy, connected to utilities, and anchored to a permanent foundation. Also known as "micro house" or "tiny house," but not including mobile homes or recreational vehicles.

**EDUCATIONAL FACILITY.** The following words, terms, and phrases related to educational facilities, when used in this Ordinance, shall have the following meanings:

- (1) ***College, University, or other such Institutions of Higher Learning.*** A post secondary institution of higher learning that grants associate, bachelor, master, and/or doctoral degrees. This may also include business schools that issue degrees or certificates of completion of the course of study.
- (2) ***Primary School.*** A public, private, or parochial school offering instruction at the elementary and/or intermediate levels, most commonly grades kindergarten through eight.
- (3) ***Secondary School.*** A public, private, or parochial school offering instruction at the senior high school levels, most commonly grades nine through twelve.
- (4) ***Vocational/Trade School.*** A specialized instructional establishment that provides on-site training of trade skills such as welding, tool and die, and auto mechanics.

**ELECTRIC TRANSMISSION LINE.** Electric power lines mounted on towers that carry energy from power plants to substations.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities, municipal departments, or other governmental agencies of underground, surface or

overhead emergency, gas, electrical, communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police and other call boxes, traffic signals, hydrants, electric sub-stations, gas regulator stations, fire, police and EMS stations and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities, municipal departments or agencies for the public health and safety or general welfare, but not offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies. Telecommunication towers or facilities, alternative tower structures, and wireless communication antenna are not included within this definition and are regulated principally by Section 14.28 of this Ordinance.

**FAMILY.** An individual or group of two (2) or more persons related by blood, marriage, adoption, or guardianship living together as a single housekeeping unit. A family shall also be defined as not more than two (2) persons living together as a single housekeeping unit who are not related by blood, marriage, adoption, or guardianship.

**FARM.** The land, plants, animals, and buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

**FARM BUILDING.** Any building or structure other than a dwelling that is constructed, maintained, and used on a farm, and that is essential and customarily used for the agricultural operations carried on in that type of farm.

**FEEDLOT.** A feedlot shall include any of the following facilities:

- (1) Any tract of land or structure wherein any type of fowl or the by-products thereof are raised for sale at wholesale or retail; and
- (2) Any structure; pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**FENCE.** A barrier consisting of wooden or metal posts, rails, etc., used as a boundary or means of protection or confinement.

**FENCE, OBSCURING.** A fence that completely blocks the view and does not impair the residential character of the neighborhood.

**FLOOD HAZARD AREA.** The relatively flat areas or lowlands adjoining a river, stream, water course, or lake that are inundated by a flood discharge that results from a one hundred (100) year storm frequency of a twenty-four (24) duration. The flood hazard area includes the stream channel and overbank area (the floodway) and the fringe areas of the floodway.

**FLOODPLAIN.** For a given flood event, that area of land adjoining a continuous watercourse that has been covered temporarily by water.

**FLOOR AREA.** The floor area of a building shall be the sum of the gross horizontal floor areas of the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floors. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways or porches.

**FOOTPRINT.** The ground area occupied within the exterior foundation walls of a primary dwelling or attached accessory building on a lot, excluding any detached accessory buildings, such as sheds or garages, and also excluding any unenclosed or un-walled portions of a building or structure, such as decks, balconies, etc.

**FOSTER FAMILY GROUP HOME.** A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children who are not related to an adult member of the household by blood, marriage or adoption, are provided care for twenty-four (24) hours a day, for four (4) or more days per week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.



**FUNERAL HOME.** A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: (i) embalming and the performance of other services used in preparation of the dead for burial; (ii) the performance of autopsies and other surgical procedures; (iii) the storage of caskets, funeral urns and other related funeral supplies; and (iv) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**GARAGE, PRIVATE.** A structure used for the storage of passenger cars and vehicles and for other incidental storage, which structure and use must be accessory to a dwelling. A private garage shall not provide repairing or servicing of vehicles for remuneration.

**GOLF COURSE.** A tract of land for playing golf with tees, greens, fairways, hazards, etc. A golf course does not include driving ranges or miniature golf courses unless part of a nine (9) or eighteen (18) hole golf course.

**GREENHOUSE.** A structure with some or all of its roof and side walls composed of glass or similar material that is used for the cultivation of plants and flowers.

**GROSS AREA.** All areas within a development including that intended for residential use, steep slopes, local access streets and alleys, off-street parking spaces and recreational sites. Areas reserved for County or regional schools and/or parks, highways, wetlands, marshlands and floodplain areas not qualified as recreation sites shall be excluded from the gross area calculation.

**GUARANTEE.** A cash deposit, certified check, irrevocable bank letter of credit, or such other instrument acceptable to the Township.

**HABITABLE AREA.** Any area including basement, first floor, and second floor area used for living purposes, excluding garages, breezeways or porches.

**HAZARDOUS SUBSTANCES.** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, explosive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**HEIGHT: BUILDING.** The vertical distance measured from the finished grade at the center of the front of the building to the highest point of the roof.

**HEIGHT: TOWER.** When referring to a tower or similar structure, the distance measured from the original finished grade of the parcel adjacent to the tower to the highest point on the tower or other structure, including the base pad and any antenna.

**HOME OCCUPATION.** An occupation, including instruction in a craft or fine art, that is carried on within a dwelling unit and its accessory buildings by resident members of the family only, and that is clearly incidental and secondary to the principal residential use.

**HOSPITAL.** An institution providing health service primarily for inpatients and medical or surgical care of the sick or injured. The term shall also include as an integral part of the institution such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices. The term shall not include nursing homes or private dwellings.

**HUNTING RESERVE.** An area of land specifically designated as being set aside for hunting of wild game.

**INTENSIVE LIVESTOCK OPERATION (ILO).** The raising of livestock or fowl for remuneration or sale shall be considered intensive if the number of livestock or fowl raised are so large that the waste thereof cannot be completely disposed of on the farm on which raised, by spreading as fertilizer at recommended application rates, without chemical or mechanical treatment. For purposes of this definition, a density of two cows, three steers, 60 hogs, or 650 hens or more per acre shall constitute an intensive livestock operation.

**JUNK.** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or other trash, rubbish, refuse, paper, building materials and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, plastic, cordage or scrap materials that are damaged or deteriorated, whether or not the same could be put to any reasonable use, except if in a completely enclosed building. Junk includes any inoperable or abandoned motor vehicle that is not currently licensed for use upon the highways of the State of Michigan and shall also include, whether so licensed or not, any motor vehicle that is inoperative for any reason and that is not in a completely enclosed building.

**JUNK YARD.** Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap metals, motor vehicles, machinery buildings, structures, construction material, or other salvaged materials. Also, any premises upon which one (1) or more unlicensed used motor vehicles that are not operable under their own power are kept or stored for a period of sixty (60) days or more.

**KENNEL.** A parcel upon which the building(s) and/or lands are designed or arranged for four (4) or more dogs, cats, fowl, or domestic animals three (3) months or older, used for the sale, boarding, breeding, grooming, training, or care of animals for profit, but shall not include those animals raised for agricultural purposes.

**LAND FILL.** A solid waste disposal area as defined by the rules and regulations promulgated by the State of Michigan in accordance with Public Act No. 641 the Solid Waste Management Act of 1978, as amended.

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

**LANDSCAPING.** The treatment of the ground surface with live plant materials such as, but not limited to, grass, ground cover, trees, shrubs, vines and other live plant material. In addition, a landscape design may include other decorative natural materials, such as wood chips, rocks, boulders, or mulch. Structural features such as fountains, pools, statues and benches shall also be considered a part of landscaping if provided in combination with live plant material. The following are applicable definitions related to landscaping under this Ordinance:

- (1) **Berm.** A continuous, raised earthen mound comprised of non-toxic materials with a flattened top and sloped sides, capable of supporting live landscaping materials.
- (2) **Buffer Strip or Zone.** A strip of land with landscaping, berms or walls singularly or in combination required along mutual lot lines between certain zoning districts based on the landscaping standards of this Ordinance. The intent of the required buffer zones is to lessen the impact to less-intensive uses from the noise, light, traffic, clutter and litter of adjacent land uses.
- (3) **Grass.** Any family of plants with narrow leaves normally grown as permanent lawns in Michigan.
- (4) **Greenbelt.** A strip of land of definite width and location along a public road right-of-way or private road easement reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors.
- (5) **Ground Cover.** Low-growing plants, including grass, that form a dense, extensive growth after one (1) complete growing season and tend to prevent weeds and soil erosion.
- (6) **Native Vegetation, Trees, or Landscape.** Plant species that are native to Michigan and characteristic of a pre-settlement landscape.
- (7) **Parking Lot Landscaping.** Landscaped areas located in and around a parking lot in specified quantities to improve the safety of pedestrian and vehicular traffic, guide traffic movement, improve the environment and improve the appearance of the parking area and site.

- (8) **Planting.** A young tree, vine or shrub that would be placed on or in the ground.
- (9) **Screen or Screening.** A structure providing enclosure and/or visual barrier between the area enclosed and the adjacent property. A screen may also be a non-structure, consisting of shrubs or other growing materials of sufficient height and density as to provide an enclosure and/or a visual barrier.
- (10) **Deciduous Tree.** A tree that sheds its foliage at the end of the growing season.
- (11) **Evergreen Tree.** A tree that has foliage that persists and remains green throughout the year.

**LIGHTING.** The following words, terms, and phrases related to lighting, when used in this Ordinance, shall have the following meanings described:

- (1) **Direct Light.** Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire or light fixture.
- (2) **Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.
- (3) **Glare.** Direct light emitted by a lamp, luminous tube lighting or other light source.
- (4) **Light Emitting Surface.** Part of a light fixture (lamp, diffuser) that emits light rays.
- (5) **LED.** Light emitting diode.
- (6) **Light Fixture.** The assembly that holds a lamp and may include an assembly housing, mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens. A light fixture also includes the assembly for luminous tube and fluorescent lighting.
- (7) **Light Pollution.** Artificial light that causes a detrimental effect on the environment, enjoyment of the night sky or causes undesirable glare or unnecessary illumination of neighboring properties or uses.
- (8) **Light Shield.** Any attachment that interrupts and blocks the path of light emitted from a luminaire or light fixture.
- (9) **Outdoor Light Fixtures.** Outdoor artificial illuminating devices, outdoor light fixtures, lamps and other similar devices, permanently installed or portable, used for floodlighting, general illumination, or advertisement.
- (10) **Roadway Lighting.** Permanent outdoor luminaires or light fixtures that are specifically intended to illuminate roadways for automotive vehicles.
- (11) **Shielded Fixture.** Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted, e.g. shoebox-type fixtures. A luminaire or light fixture mounted in a recessed fashion under a canopy or other structure such that the surrounding structure effectively shields the light in the same manner is also considered fully shielded for the purposes of this Ordinance.

**LOT.** A parcel of land that is or may be occupied by one main building, or use, and its accessories, including the open spaces required by this Ordinance, but not necessarily conforming to the platted lot lines. The word "lot" shall include plat, parcel or condominium site.

**LOT COVERAGE.** The amount of a lot, stated in terms of percentage, that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, decks, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls, or hedges used as fences, or swimming pools.

**LOT LINE.** For the purpose of this Ordinance, a lot line is the boundary between two lots or the line between the properties of two different owners.

**LOT LINE, FRONT.** In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, a line separating the narrowest street frontage from the street.

**LOT LINE, STREET.** The lot line that divides a lot from the outside edge of the street or road.

**MARINA.** A facility that is owned or operated by a person, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft. A facility for the mooring or docking of a boat or boats owned and operated exclusively by a single-family residing in one dwelling unit shall not be included within the definition and meaning of multi-boat access site where the docking or mooring facility is on property that is owned exclusively by such family and that is a contiguous part of the property on which the dwelling is situated.

**MASTER PLAN.** The Roscommon Township Master Plan adopted pursuant to the Michigan Zoning Enabling Act or the Michigan Planning Enabling Act, being the basis on which this Ordinance is developed.

**MINING AND EXTRACTION OPERATIONS.** Any pit excavation or mining operation for the purpose of searching for, removing, or processing peat, gravel, sand, clay, earth, or other soils, or marble, stone, slate, or other non-metallic mineral in excess of (50) cubic yards in any calendar year, including the overburdening, storage or transporting of such items on a mining and extraction site, or the reclamation of the site after removal or excavation of such items. For the purposes of this Ordinance, a MINING AND EXTRACTION OPERATION shall not include an oil or gas well. Further, for the purposes of this Ordinance, the following excavation activities are not included within the definition of a MINING AND EXTRACTION OPERATION and are exempt from the special use permit requirements of this Ordinance:

- (1) Excavation approved by a governmental body of competent jurisdiction in conjunction with the installation or maintenance of publicly owned or operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited to the site of the public utility or improvement.
- (2) Excavation that by its nature is of limited scope and duration and that is undertaken primarily for the immediate use and development of the land excavated, such as for purposes of building construction, septic tanks, swimming pools, graves, etc.
- (3) Excavation in conjunction with farming operations conducted in accordance with generally accepted agricultural practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds, if no material is removed from the property.
- (4) Other excavations where the Planning Commission determines, in its sole discretion, that the proposed excavation is unlikely to unreasonably interfere with the enjoyment of life or property and will not expose any person or property to the types of dangers inherent in MINING AND EXTRACTION OPERATIONS sought to be prevented by this Ordinance. The Planning Commission's determination may be based on a review of the purpose, location, extent, or duration of the proposed excavation and other factors that may bear on the potential of any excavation activity to adversely affect the public health, safety, or general welfare of the community.

**MOBILE HOME.** A structure transportable in one or more sections, designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home shall not include a recreational vehicle.

**MOBILE HOME PARK.** Any site, lot, field, or tract approved by special use permit for use by two or more mobile homes, including any buildings, vehicle, or enclosure used or intended for use as part of the equipment of such mobile home park, which mobile home park shall be licensed and regulated by the Michigan Mobile Home Commission.

**MOBILE HOME SUBDIVISION.** Any site, field, or tract of land that is platted exclusively for mobile home use and for which a special use permit has been issued.

**MOTEL.** A building or group of buildings containing rental units, in which each rental unit contains a bedroom and a bathroom, designed to provide temporary sleeping and parking accommodations for transient guests for compensation for no more than 29 days within a 90-day period and in which one or more of the following services are offered: maid service; furnishing of linen; telephone; secretary or desk service. A motel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms and a dwelling unit(s) for management staff.

**NONCONFORMING LOT OF RECORD.** A lot or parcel that existed as a matter of record as of December 1, 1991, that does not meet the current minimum lot width or lot area of the district in which it is located.

**NONCONFORMING STRUCTURE.** A structure lawfully existing at the time of adoption of this Ordinance, or any amendment thereto, and that does not conform to the regulations of the district in which it is located.

**NUISANCE.** An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line that affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people (particularly at night), passing traffic, or invasion of street frontage by traffic generated from an adjacent land use that lacks sufficient parking and circulation facilities. This definition may be expanded upon as a nuisance may be defined at law. In addition, any violation of this Ordinance is a nuisance *per se*.

**NURSERY: COMMERCIAL.** A space, building or structure, or combination thereof, used exclusively for the storage or retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as but not limited to fertilizers, mulch, groundcovers, boulders, etc. may also be sold.

**OFFICIAL MAP.** The map incorporated by reference in this Ordinance that designates the boundaries of the zoning districts.

**OPEN AIR BUSINESS.** A business that involves activities for the display and sale of goods, products and objects outside of a building, including the display and sales of motor vehicles, bicycles, trailers, swimming pools, snowmobiles and boats; rental equipment and services; manufactured homes; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments, and similar uses.

**OPEN SPACE.** That part of a lot that is open and unobstructed by any built features from its lowest level to the sky, and is accessible to all residents upon the lot. This area is intended to provide light and air, and is designed for environmental, scenic, agricultural, or recreational purposes. Open space may include, but is not limited to lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, living plant materials, wetlands, and water courses. Open space shall not be deemed to include required setbacks for lots, storm water retention and detention ponds, driveways, parking lots or other surfaces designed or intended for vehicular travel except for buildings and access routes to support allowed uses cited above. Areas qualifying as open space within a PUD shall be more narrowly defined and shall exclude submerged lands and golf courses.

**ORDINARY HIGH WATER MARK.** The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

**OUTDOOR FURNACE.** For purposes of the installation and maintenance of outdoor furnaces, the following words shall have the meanings indicated:

- (1) **Outdoor Furnace** means any equipment, device or apparatus, or any part thereof, that is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.
- (2) **Untreated Lumber** means dry wood that has been milled and dried but that has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.
- (3) **Firewood** means trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three inches (3)" in diameter.

**OUTDOOR STORAGE.** The keeping in an unroofed area of any goods, junk material, merchandise, or vehicles in the same place for more than twenty-four (24) hours.

**OUTLOT.** When included within the boundary of a recorded plat, is a lot set aside for purposes other than a building site, i.e. park or other land dedicated to public use or reserved to private use.

**PARENT PARCEL.** A parcel of record on the effective date of this Ordinance, or "Parent Parcel" or "Parent Tract" as defined by the Michigan Land Division Act.

**PARK.** As used in this Ordinance, the term "*Park*" shall be deemed to refer exclusively to outdoor recreation areas where individuals and families gather for outdoor eating, socialization, and recreation, and not to any type of commercial development and/or any permanent artificially created thrill or amusement rides.

**PHOTOVOLTAIC DEVICE:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

**PLANNED UNIT DEVELOPMENT (PUD).** A form of land development comprehensively planned as an entity via a unitary site plan that permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and nonresidential uses. PUDs are regulated and governed principally under Article XX of this Ordinance.

**PROFESSIONAL OFFICE.** Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

**PUBLIC BUILDING.** Buildings that are financed largely by public funding and are available for public use, but excluding buildings that are government financed and intended for private use, such as public housing.

**PUBLIC UTILITY.** Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communication, cable television, telephone, telegraph, transportation or water.

**RECREATIONAL FACILITY.**

- (1) **Indoor.** A building or structure utilized for recreation activities having an indoor orientation, such as, but not limited to bowling alleys, health spas, tennis clubs, squash courts, ice and roller-skating rinks, electronic game arcades and other indoor recreation activities.
- (2) **Outdoor.** A use, area, building, or structure utilized by the general public for recreation activities having an out-of-doors orientation, such as but not limited to miniature golf, golf driving ranges, marinas, swimming pools, carnivals, public meeting tents, circuses, baseball fields, soccer fields, tennis courts, and similar uses.

**RECREATIONAL UNIT.** A tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, that either has its own motive power or is mounted on or drawn by another vehicle that is self-powered. Recreational unit shall include, but shall not be limited to, the following:

- (1) **Tent.** A collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors.
- (2) **Travel trailer.** A vehicular portable structure, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) **Camping trailer.** A vehicular portable structure mounted on wheels and constructed with collapsible partial side walls of fabric, plastic or other pliable material that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
- (4) **Motor home.** A vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (5) **Truck camper.** A portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping, or travel use. Truck campers are two basic types:
  - (a) **Slide-in camper.** A portable structure designed to be loaded onto, and unloaded from, the bed of a pickup truck, constructed to provide temporary living quarters for recreational, camping or travel use; and
  - (b) **Chassis-mount camper.** A portable structure designed to be affixed to a truck chassis, and constructed to provide temporary living quarters for recreational, travel, or camping use.

**RECREATIONAL VEHICLE.** A motor driven vehicle used for recreational uses. Recreational vehicle shall include, but not be limited to boats, snowmobiles, motorcycles, ORV's (off road vehicles), and trailers that transport the aforementioned vehicles.

**RESTAURANT.**

- (1) **Standard Restaurant.** A standard restaurant is any establishment where the principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and where the design or principal method of operation includes one (1) or both of the following characteristics:
  - (a) Customers, normally provided with an individual menu, are served their foods, desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or
  - (b) A cafeteria type of operation where foods, desserts, or beverages generally are consumed within the restaurant building.
- (2) **Carry-Out Restaurant.** A carry-out restaurant is any establishment where the principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and where the design or principal method of operation includes both of the following characteristics:
  - (a) Foods, desserts, or beverages are usually served in edible containers, or in paper, plastic, or other disposable containers; and
  - (b) The consumption of foods, desserts, or beverages within the restaurant building or within a motor vehicle parked upon the premises is prohibited. Food is primarily intended to be consumed off the premises.

- (3) **Fast-Food Restaurant.** A fast-food restaurant is any establishment where the principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises (including service through a drive-through window), and where the design or principal method of operation includes foods, desserts, or beverages that are usually served in edible containers or in paper, plastic, or other disposable containers.
- (4) **Drive-in Restaurant.** A drive-in restaurant is any establishment where the principal business is the sale of foods, desserts, or beverages to the customer in a ready-to-consume state, and where the design or principal method of operation includes one (1) or both of the following characteristics:
- (a) Foods, desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop, or by other means that eliminate the need for the customer to exit the motor vehicle.
  - (b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is permitted.

**RETAIL STORE.** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**RIGHT-OF-WAY.** A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

**ROAD.** A public or private thoroughfare or right-of-way dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

- (1) **Alley.** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulations.
- (2) **Arterial Road.** A road that carries high volumes of traffic at relatively high speeds, and serves as an avenue for circulation of traffic onto, off of, or around the Township. An arterial road may also be defined as a major thoroughfare, major arterial, minor arterial or county primary road. Since the primary function of the arterial is to provide mobility, access to adjacent land uses may be controlled to optimize capacity along the roadway.
- (3) **Collector Road.** A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties.
- (4) **Commercial Driveway.** Any vehicular access except those serving up to three (3) dwelling units, or serving just an essential public service structure.
- (5) **Cul-de-Sac.** A road that terminates in a vehicular turnaround.
- (6) **Local or Minor Road.** A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads. Local roads are designed for low volumes.
- (7) **Major Road.** Includes the following roads: M-55 & Old 27.
- (8) **Marginal Access Road.** A service roadway parallel to a major thoroughfare and that provides access to abutting properties and protection from through traffic.
- (9) **Private Road.** A road owned and maintained by the owners of the property it serves and non-residential main buildings. Private roads include roads within site condominium projects, roads serving more than three (3) single-family dwelling units and roads within commercial, office, or industrial complexes. The definition of “private road” does not



include drives serving multiple family buildings with three (3) or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

- (10) **Public Road.** Any road or portion of a road that has been dedicated to and accepted for maintenance by Roscommon Township, Roscommon County, State of Michigan or the federal government.
- (11) **Service Drive.** An access road that parallels the public right-of-way in front of or behind a building or buildings or may be aligned perpendicular to the road between buildings, that provides shared access between two (2) or more lots or uses.
- (12) **Shared Residential Driveway.** A shared driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvement located on the lot, but used by two (2) or three (3) lots.

**SETBACK.** The minimum distance between the lot line and the principal and accessory buildings, as required herein, that is not occupied by buildings and accessory structures, but on which may be located fences, trees, shrubs, and subterranean installments such as sewers, septic tanks, and drain fields.

- (1) **Front.** Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
- (2) **Rear.** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
- (3) **Side.** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

**SHORT-TERM RENTAL.** The commercial rental of a Dwelling Unit or portion thereof for a period of time from 1 night to 29 nights. This does not include approved bed and breakfast establishments, hotels, motels, tenant housing or campgrounds.

**SIDEWALK.** A facility placed within the right-of-way of existing streets or a facility connecting with buildings, parking lots, or other activities having access to the street right-of-way, for the purpose of providing safe movement of pedestrians.

**SIGN.** Any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind, whether bearing lettering or not.

- (1) **Billboard Sign.** An advertising structure, outdoor sign, or portion thereof designed or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located, or to goods sold, services rendered or activities conducted on such premises.
- (2) **Canopy Sign.** A sign that is mounted or painted on or attached to an awning or canopy that is otherwise permitted by this Ordinance.
- (3) **Construction Sign.** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
- (4) **Directional Sign.** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”

- (5) **Directory Sign.** An off-premises ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.
- (6) **Freestanding Sign.** A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed.
- (7) **Home Occupation Sign.** A sign containing only the name and occupation of a permitted home occupation.
- (8) **Memorial Sign.** A sign tablet or plaque memorializing a person, event, structure, or site.
- (9) **Monument Sign.** A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.
- (10) **Political Sign.** A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
- (11) **Real Estate Sign.** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
- (12) **Temporary Sign.** A sign, banner, or other advertising device constructed of cloth, canvas, fabric, plastic, or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display.
- (13) **Wall Sign.** A sign that is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall.

**SITE PLAN.** The development plan for one or more lots on which is shown the existing and proposed condition of the lot. The plan should include topography, drainage, wetlands and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; buffers and screening devices; surrounding development and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**SLAUGHTERHOUSE.** A place where cattle, sheep, hogs, poultry, or other animals are killed or butchered for market or for sale.

**SOLAR ARRAY:** Any number of Photovoltaic Devices connected together to produce a single output of energy.

**SOLAR ENERGY SYSTEM, LARGE:** A utility scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.

**SOLAR ENERGY SYSTEM, SMALL:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts.

**STORAGE UNITS OR MINI STORAGE UNITS.** A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's personal or household goods that are generally not used on a daily basis.

**STREET.** A public or private thoroughfare that affords the principal means of access to abutting property.

**STORY.** That portion of a building included between the surface of any floor and surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it, excluding any mezzanine, balcony, or basement.

**STORY, HALF.** That portion of a building between the eaves and ridgelines of a pitched roof, which may or may not be used for tenant purposes.

**STRUCTURE.** Anything constructed or erected in or upon the ground and having a permanent location in or upon the ground including, though not limited to buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, satellite dishes, decks and platforms; provided, however, that patios shall not be deemed structures if no parts thereof are above the ground and if they are located outside the minimum front, side, and rear yard setback lines. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas, retaining walls, or sea walls shall not be considered to be structures for the purposes of this Ordinance.

**TRANSIENT.** A person lodging for hire in any building for a period of no more than 29 days.

**TAVERN.** Any place where alcoholic beverages are sold for consumption on the premises.

**TOWER.** Any structure that is designated and constructed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including self-supporting lattice towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**UNREASONABLE SAFETY HAZARD.** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

**USE.** The following types of uses are recognized in Roscommon Township

- (1) **Permitted Use.** A use specified in a zoning district that is allowed by right.
- (2) **Special Use.** A use specified in a zoning district only allowed following issuance of a special use permit.
- (3) **Principal Use.** The principal purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied.
- (4) **Accessory Use.** A use not specified in a zoning district that is clearly incidental to, customarily found in conjunction with, subordinate to, and located on the same zoning lot as the principal to which it is exclusively related.
- (5) **Nonconforming Use.** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. A nonconforming use may also be defined as provided by relevant statute and/or other law.

**VARIANCE.** An approval by the Board of Appeals that permits the departure from the literal requirements relating to use, setbacks, building height, lot width, and/or lot area as regulated by this Ordinance. See Section 604 of the Michigan Zoning Enabling Act [MCL §125.3604].

**VETERINARY CLINIC.** A facility for the medical treatment of animals. Keeping animals for limited periods for observation when in the care of a veterinarian does not constitute a kennel.

**WAREHOUSE.** A building or area used for the storage of goods and materials and that may include facilities for a wholesale or retail outlet.

**WETLAND.** 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 that is commonly referred to as a bog, swamp, fen, marsh, or wet meadow.

**WIND ENERGY CONVERSION SYSTEM (WECS).** For purposes of the location and erection of Wind Energy Conversion Systems under this Ordinance, the following definitions shall apply:

- (1) **Applicant.** The person, firm, corporation, company, limited liability corporation or other entity that applies for Township approval under this section, as well as the applicant's successor(s), assign(s) and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility, if different than the owner.
- (2) **Interconnected WECS:** A WECS that is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.
- (3) **Single WECS for Commercial Purposes:** A single WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the structure is located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.
- (4) **Single WECS for On-site Service Only:** A single WECS, including WECS Testing Facilities, placed upon a lot or parcel with the intent to service the energy needs of only that lot or parcel upon which the structure is placed.
- (5) **Survival Wind Speed:** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- (6) **WECS Height.** The distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure that supports the rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).
- (7) **Wind Energy Conversion System (WECS):** Shall mean a combination of:
  - a. A surface area (typically a blade, rotor, or similar device), either variable or fixed, for utilizing the wind for electrical powers; and
  - b. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
  - c. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
  - d. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
  - e. Other components not listed above but associated with the normal construction, operation, and maintenance of a WECS.
- (8) **Wind Farm:** Clusters of 2 or more WECS placed upon a lot or parcel with the intent to sell or provide electricity to a site or location other than the premises upon which the

WECS are located. The WECS may or may not be owned by the owner of the property upon which the WECS is placed.

- (9) **WECS Testing Facility or Testing Facility:** A structure and equipment used to determine the potential for the placement of a WECS.

**WIRELESS COMMUNICATION FACILITIES.** The following definitions shall apply to the regulation of wireless communication facilities under this Ordinance:

- (1) **Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.
- (2) **Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communication that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless telecommunications signals or other communication signals.
- (3) **Co-location:** Location by two or more telecommunication providers of facilities on a common structure, tower, or building, to reduce the overall number of structures required to support telecommunication antennas within the township.
- (4) **FAA:** Federal Aviation Administration.
- (5) **FCC:** Federal Communications Commission.
- (6) **Height:** The distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- (7) **Preexisting Towers and Preexisting Antennas:** Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, includes permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- (8) **Telecommunication Towers and Facilities or Towers:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in the definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities, and governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.

**YARD.** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- (1) **Front Yard.** The minimum required yard extending the full width of the lot and situated between a street line and the front building line (main wall of the building, including the porch, except steps), parallel to the street line. The depth of the front yard shall be measured at right angles to the street line, in the case of a straight street line, and radial to the street line, in the case of a curved street line.
- (2) **Rear Yard.** The minimum required yard, extending the full width of the lot, between the side lot lines, and situated between the rear building line, parallel to the rear lot line.
- (3) **Side Yard.** The minimum required yard situated between the side building line and the adjacent side lot lines and from the rear interior line of the required front yard to the rear interior line of the required rear yard, and parallel to the side lot line.

- (4) **Yards Fronting Lake and Street.** For yards fronting both the lake and the street, both sides shall be considered the front with accessory buildings allowed on the street side. The setback should be measured from the high water mark line.

Yards shall be measured from the exterior faces of a structure to lots lines. Roof overhangs and cornices that project one (1') foot or less from the exterior face shall not be included in the yard measurements. Yards shall be measured from the outer edge of roof overhangs or cornice extending more than one (1') foot from the exterior face of the structure. Front and side yards and corner lots, and rear yards that abut a public or private street, shall be measured from existing public street right-of-way or private street easement lines. All required yards shall be located parallel and adjacent to property lines, or to transition strips where required.

**ZONING ADMINISTRATOR.** The administrative officer responsible for enforcement and implementation of this ordinance, appointed by the Township Board.

**ARTICLE III**  
**ZONING DISTRICTS AND OFFICIAL ZONING MAP**

**SECTION 3.1 ESTABLISHMENT OF DISTRICTS**

The Township is hereby divided into the zoning districts as shown on the official zoning map (page 3) that together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance. To carry out the purposes of this Ordinance, the Township of Roscommon shall be divided into the following zoning districts:

R	Residential
C	Commercial
C/I	Commercial Mixed Use/Industrial
A	Agriculture

**SECTION 3.2. LEGAL DESCRIPTION OF DISTRICTS.**

The boundaries of the districts are shown on the Official Zoning Map of Roscommon Township. The official map and all notations, references, and other information thereon shall be as much a part of this Ordinance as other matters and information in this Ordinance. The areas within each zoning district are also described below:

**R RESIDENTIAL DISTRICT**

1. Sec. 3 POB will be Scenic Avenue and shore of Houghton Lake on the West side of Houghton Lake Park #3, thence Southeasterly along lakeshore of Houghton Lake to Knapp Road, which is East and West Section line of Section 2 & 11, thence West on Knapp Road to right-of-way and intersection of County Road 304, thence North along County Road 304 to a point between Brown and Alfred Streets on a West line, West in with Grayling Street in First Addition to Houghton Lake Park, thence South on Loxley to Randall Street, thence West on East and West 1/4 line to the NE right-of-way of M-55 thence Northwesterly to Scenic Avenue, thence North to POB. (Note: except in Houghton Lake Heights area, which is C Commercial.)
2. Barney Lake #1, Home Acres, Oak Marr and Snow Bowl Estates subdivisions.

Excluding Lots 1 and 3 and part of Lot 2, Block 11, of the recorded plat of Houghton Heights described as: Beginning at the Southwest corner of Lot 3 of said Block 11, thence N40 Deg 00'00"W along the lot line between Lots 3 and 4 100.0 feet to the lot corner common to Lots 2,3,4 and 5; thence N42 Deg 56'00"E along the lot line between Lots 2 and 3 33.07 feet (recorded as 33.0 feet); thence N48 Deg 54'12"W 99.19 feet (recorded as 99.30 feet) to a point on the Northwesterly line of Lot 2, and the right of way line of Hubbard Street, 17.4 feet Northwesterly from the corner between Lots 2 and 5; thence N43 Deg 00'00"E along the Northwesterly line of said Lot 2 120.60 feet to the Northeasterly corner of said Lot 2: thence S45 Deg 54'03"E along the line common to Lot 2 and Lake Drive 99.0 feet (recorded as 103.0 feet) to the corner between Lots 1 and 2; thence S 67 Deg 01'42"E, along the line common to Lot 1 and Lake Drive 105.67

feet (recorded as 106.0 feet) to the right of way line of Wells Street; thence S43 Deg 00'00"W along line common to Wells Street, and Lots 1 and 3, 197.97 feet (recorded as 198.0 feet to the point of beginning. Said property contains 29,042 square feet, more or less. (Legal description added in lieu of property #'s 72-011-391-001-1000, 72-011-391-002-5000, and 72-011-391-002-0000, 7/02).

3. Commencing at the SW corner of NW 1/4 of Section 23, POB being East 217.67' of center of Loxley Rd., thence North 1,134.75', thence East 2,427.87', thence South 1,132.87', thence West 2,425.60' to POB.

Excluding property commencing at the Southwest corner of Sec. 2 then S89 Deg 59'E along Section line 1,351.9 ft. then N2 Deg 23'30"W 33 ft. for POB Thence N2 Deg 23'30"W 255 ft. Thence S89 Deg 59'E 100 ft Thence S2 Deg 23'30"E 255ft. Thence N89 Deg 59"W 100ft to POB part of Government Lot 3 Section 2 Parcel A .88 acres.

Excluding Sec 3, POB at M-55 and Knapp Rd., northerly on M-55 to Heightsview Dr. continuing north on Heightsview dr. 507.81', thence east 194.44', thence south to Knapp Rd, thence west to POB, also known as property #72-011-202-011-0233.

Excluding Sec 3 – Houghton Lake Park – Lots #249 to 253, 258 – 263, bounded on south by Byron, east by Parkway and west by M-55 & Scenic Ave., also known as property #'s 72-011-433-263-0000, 72-011-433-262-0000, 72-011-433-261-0000, 72-011-433-260-0000, 72-011-433-259-0000, 72-011-433-253-0000, 72-011-433-252-0000, 72-011-433-251-0000, 72-011-433-250-0000, and 72-011-433-249-0000.

4. Wickham Park Subdivision

5. Beginning at the SE corner of Walleye Alley and Townline Road, thence Northwesterly to Walleye Alley to Tin Pan Alley, thence North to the lakeshore of Houghton Lake, thence North -easterly to Townline Road, thence South on Townline Road to Walleye Alley, which is the POB.

6. Sec. 3 T22N R4W, all of the SW 1/4, the POB at the SW Corner of Sec. 3, thence North to East & West 1/4 line, thence East to the North & West 1/4 line, thence South to North line, which is 475 feet North of Sec. line 3 & 10, thence East to East 1/8 line of Sec. 3, thence South to East & West Sec. line of Sec. 3 and 10, thence West on Sec. line to POB. Except C-Light (SW1/4 of Section 3, T22N, R4W, Roscommon Township, Michigan).

7. Sec. 10 T22N R4W, all of the North 1/2 of Sec. 10, POB at the West side of the East & West 1/4 line on Sec. line 9 & 10, thence North to East & West Sec. line of Sec. 10 & 3, thence East to North & South Sec. line of 10 & 11, thence South to East & West 1/4 line, thence West to POB. Excluding South 1/2 of the North East 1/4 of Section 10 and to include property code #72-011-210-003-0010. Except the SW ¼ of the NW ¼.

8. Sec. 11 T22N R4W, all property on West side of Sec. 11, POB at the NW corner of Sec. 11 & 10, thence East within 500 feet of M-55 right-of-way, thence Southeasterly within 500 feet to a point 264 feet West of the North & South 1/8 line on the West side of Sec. 11, thence South within 264 feet West, parallel with the 1/8 line to Stone School Road, thence East to Washington Avenue of Westmoreland Subdivision, thence South to Ontario Street, thence East to Crawford Avenue, thence South to Spruce Street of R.N. Robinson Park Subdivision, thence East to Village Avenue, thence South to Federal Avenue, thence East to Joliet Street of Hilltop Subdivision, thence South to Poplar Street, thence East on Poplar Street to Birdseye Street in Houghton Lake Hills Subdivision, thence Easterly on Birdseye Street to a line in line to North & South section line of Sec. 13 & 14, which is Tower Hill Road, South on Tower Hill Road to the North 1/8 line of Section 14, thence West to the North & South 1/4 line of Sec. 14, thence North on South & West 1/4 line, which is Champlain Avenue and Crawford Avenue to Chestnut Street of Linwood Park Subdivision, thence West in line with Chestnut Street to Loxley Road on North & South Sec. line of 10 & 11, thence North to POB. (See rezoned of portion to Commercial #23)

9. Sec. 11, the POB will start at the East & West Sec. line between Sec. 2 & 11, the POB will start 120 feet East of M-55 right-of-way, thence East to the lakeshore of Houghton Lake, thence Southeasterly along the Lake to a point in line with the North right-of-way of Stone School Road, thence West within 120 feet of M-55 right-of-way, thence Northwesterly parallel with M-55 within 120 feet of M-55 right-of-way to POB.

Excluding Lots 1, 2 and 3 of Block 9, South Houghton Heights and Lots 3 & 4 of Block 6 of South Houghton Heights.

10. Sec. 23, all property in East 1/2 of Sec. 23, POB will be at the North & South Sec. line of Sec. 23 & 24, NE corner of Sec. 23, thence South on Sec. line to East & West Sec. line of Sec. 23, thence North on 1/4 line to East & West 1/4 line of Sec. 23 to the North Sec. line, thence East to POB.
11. Lots 1 and 3 and part of Lot 2, Block 11, of the recorded plat of Houghton Heights described as: Beginning at the Southwest corner of Lot 3 of said Block 11, thence N40 Deg 00'00"W along the lot line between Lots 3 and 4 100.0 feet to the lot corner common to Lots 2,3,4 and 5; thence N42 Deg 56'00"E along the lot line between Lots 2 and 3 33.07 feet (recorded as 33.0 feet); thence N48 Deg 54'12"W 99.19 feet (recorded as 99.30 feet) to a point on the Northwesterly line of Lot 2, and the right of way line of Hubbard Street, 17.4 feet Northwesterly from the corner between Lots 2 and 5; thence N43 Deg 00'00"E along the Northwesterly line of said Lot 2 120.60 feet to the Northeasterly corner of said Lot 2: thence S45 Deg 54'03"E along the line common to Lot 2 and Lake Drive 99.0 feet (recorded as 103.0 feet) to the corner between Lots 1 and 2; thence S 67 Deg 01'42"E, along the line common to Lot 1 and Lake Drive 105.67 feet (recorded as 106.0 feet) to the right of way line of Wells Street; thence S43 Deg 00'00"W along line common to Wells Street, and Lots 1 and 3, 197.97 feet (recorded as 198.0 feet to the point of beginning. Said property contains 29,042 square feet, more or less. (Amended 4/99) (Legal description added in lieu of property #'s 72-011-391-001-1000, 72-011-391-002-5000, and 72-011-391-002-0000, 7/02)
12. Sec. 4 T22N R4W POB will be on NW Sec. line and North Sec. line of Sec. 3 & 4 South 1040 feet, thence West to Service Road on West side of Maple Grove Subdivision, thence South in line with Service Road to East & West 1/4 line, thence West to right-of-way line of US-27 Expressway, thence South on US-27 Expressway right-of-way to the East & West 1/8 line of Sec. 4, thence East to North & South Sec. line between Sec. 3 & 4, thence North to POB. EXC: Lot 74 of Maple Grove Subdivision which will be C-1 Commercial.
13. POB will start at North 1/8 line Sec. 14, thence West to Sec. line 13 & 14, thence South on Sec. line to the Southeast corner of Sec. 14, thence West on Sec. line 14 to the Southwest corner of Sec. 14, thence North to the POB. (See rezoning of portion under Agriculture #8)
14. POB will start on Sec. lines 13 & 14 at the 1/4 line on Tower Hill Road and the corner of Bambi Court, thence East on a line with Bambi Court to Grand Hill Avenue, thence Southeasterly on line with Terrace Drive to Crestview Road, thence Southwesterly on Crestview Road 500 feet South of M-55 right-of-way, thence Southeasterly to Townline Road, 500 feet South of M-55 right-of-way, thence South on the Sec. line to the SE corner of Sec. 24, thence West on the Sec. line of Sec. 24 & 25 to the SW corner of Sec. 24, thence North to POB.
15. Nottingham Forest Estates.
16. Being a part of Government Lot 4, Section 13, T22N, R4W, Roscommon Township, Roscommon County, Michigan, described as: Commencing at the East ¼ corner of said Section 13, thence N71DEG52'10"W 739.52 feet for a place of beginning; thence N71DEG16'27"W along the centerline of Highway M-55. 297.03 feet; thence N00DEG22'00"W 204.90 feet; thence N88DEG28'43"W 33.50 feet; thence N00DEG17'33"W 238.25 feet to the shore of Houghton Lake; thence along said shore (next 3 courses) N87DEG59'30"E 5.24feet; thence N78DEG31'25"E 152.87 feet; thence S66DEG45'25"E 173.02 feet; thence S00DEG22'00"E 501.67 feet to the place of beginning. Said parcel extends to the water's edge of Houghton Lake and contains 3.68



acres, more or less. SUBJECT to Highway M-55 over the southerly 33 feet thereof. Further subject to a 20' wide easement for a sanitary sewer force main along the Shore of Houghton Lake.

Also Commencing at the SW corner of Lot 4, Section 13; thence East along the South line 37 rods for the point of beginning; thence North at right angles to the Southerly line of Houghton Lake; thence West 10 feet; thence South to the Southerly line of Lot 4; thence East 10 feet to the point of beginning. Being a part of Lot 4, Section 13, T22N R4W. Excluding that part South of M-55. (This property was rezoned from Commercial to Residential-Resolution #2014-8-12a)

## **C COMMERCIAL DISTRICT**

1. SW 1/4 of Section 3, T22N, R4W, Roscommon Township, MI.
2. SW 1/4 of the SE 1/4 excluding the South 150 feet and the East 1/2 of the NW 1/4 of the SE 1/4 of Section 13, T22N, R4W, Roscommon Township.
3. Parcel #72-011-203-006-0150 or legally described as "being a part of the SW ¼ of the NW ¼ of Section 3, T22N, R4W described as beginning at the W ¼ corner of said Section 3, thence N 0deg 25'E along 350.0 feet; thence S 89deg 31' 25"E 654.09'; thence S 20deg 1'E 373.65'; thence N 89deg 81'25" W along the ¼ line 784.53 feet to the POB.
4. Houghton Lake Heights area - POB will start at the East & West 1/4 line of Sec. 3 at the corner of Oliver Street and Byron Avenue, thence North to County Road 304 at Houghton Lake, thence East to the corner of Sanford Avenue and Mason Street thence South on Mason Street to Byron Avenue, thence West on Byron Avenue to POB.
5. Houghton Lake Village - POB will be Sec. 11 at the intersection of Village Avenue and center of M-55, thence South on Village Avenue to Federal Avenue, thence East on Federal Avenue to Joliet Avenue in Hilltop Subdivision, thence South to Poplar Street, thence East on Poplar Street to Birdseye Street in Houghton Lake Hills Subdivision, thence Southeasterly on Birdseye Street in line to North & South Sec. line of Sec. 13 & 14, which is Tower Hill Road, thence North to center of M-55, thence Northwesterly on the center line of M-55 to POB.
6. POB will be on County Road 304 East 1/8 line Sec. 3; it will go North to Randall Street, from Randall Street East to Loxley Road, thence North to Grayling Street, thence straight East to County Road 304 on lakeshore of Roscommon Avenue, thence Southeasterly to intersection of M-55 and County Road 304, thence West to POB.
7. Will be East 1/8 line of Sec. 3 & Sec. 10 line and North in Sec. 3, 475 feet on 1/8 line POB, thence West to North and South 1/4 line, thence North to East & West 1/4 line, in line with Byron Avenue, along a line East to 1/8 line, thence South to POB.
8. Sec. 13, bounded on the East by Crestview Road, bounded on the North by M-55, bounded on the South by a line which follows Terrace Drive to Grand Hill Drive, from Grand Hill Drive, it follows a line East and West along Bambi Court to Tower Hill Road, thence North to M-55.
9. Sec. 13, bounded on the East by the Townline, bounded on the North by M-55, bounded on the South by a line 500 feet South of the M-55 right-of-way and bounded on the West by Crestview.
10. Nellsville Sec. 4, POB will be that property bounded on the West by Nellsville Road, which is North & South Sec. line of Sec. 4 & 5, bounded on the North by the center of M-55 and East and West Sec. line of Roscommon Township and Lake Township, bounded on the East by County Road 270, which is the North & South Sec. line of Sec. 3 & 4, bounded on the South line 1040 feet South in line of County Road 270, thence West to Nellsville Road, thence North to POB.

- a. That portion of land bounded on the West by US 27 and bounded on the East by Cloverleaf extending 1240' South of the centerline of M-55.
  - b. That portion of land bounded on the East by US 27 and bounded on the West by Nellsville extending 1266' South of the centerline of M-55.
11. Airport Corner Sec. 3, the corner property bounded on the West by County Road 270 and bounded on the North by M-55, thence South on County Road 270, 1040 feet, thence South-easterly parallel with M-55 to East & West 1/4 line, thence East to North and South 1/4 line.
  12. Sec. 3 - That property between M-55 and the shore of Houghton Lake, bounded on the North by the Township line and bounded on the East by Scenic Avenue.
  13. Sec. 11, POB will be on the East & West Sec. line of Sec. 2 & 11 - 120 feet East of M-55 right-of-way, thence Southeasterly parallel with M-55 right-of-way within 120 feet to a point in line with South right-of-way of Stone School Road, thence West on the West side of M-55 right-of-way 264 feet West of the West 1/8 line of Sec. 11, thence North to a point within 500 feet of M-55 right-of-way, thence Northwesterly parallel with M-55 within 500 feet to the East & West Section line of Sec. 2 & 11, thence East to POB. All of Block 14 of South Houghton Heights Subdivision shall be C-1 Commercial.
    - a. Including property commencing at the Southwest corner of Sec. 2 then S89 Deg 59'E along Section line 1,351.9 ft. then N2 Deg 23'30"W 33 ft. for POB Thence N2 Deg 23'30"W 255 ft. Thence S89 Deg 59'E 100 ft Thence S2 Deg 23'30"E 255ft. Thence N89 Deg 59"W 100ft to POB part of Government Lot 3 Section 2 Parcel A .88 acres
  14. Sec. 11 - That property bounded on the North by a point in line with the South right-of-way of Stone School Road, bounded on the West by Clinton Street to Ontario Street, thence bounded on the West by Crawford Street, bounded on the South by Spruce Street from Crawford Street to Village Avenue, thence North to M-55, then follows M-55 in a Southeasterly direction to McKinley Street, which forms the Southeast boundary. The East boundary shall be the edge of Houghton Lake.
    - a. Including Lots 1, 2 and 3 of Block 9, South Houghton Heights and Lots 3 & 4 of Block 6 of South Houghton Heights.
  15. Wickham Park Subdivision - All lots South of Paradise Alley from Townline Road to Gasoline Alley and Lots 12 & 13 West of Gasoline Alley and all of the property between M-55 and the lake of Houghton Lake, bounded on the East by Tin Pan Alley and bounded on the West by a line perpendicular to M-55 and a distance of 619 feet along the center line of M-55 SE of West Section line of Section 13.
  16. Maple Grove Subdivision # 4 - Lots 87 thru 98.
  17. Sec 28 on County Road 400, Snow Bowl Road, that property bounded on the West by a line 500 feet West of US-27, bounded on the North by a line 500 feet North of the Snow Bowl Road North right-of-way, bounded on the East by County Road 270, and bounded on the South by a line 500 feet South of Snow Bowl Road South right-of-way.
  18. Lone Pine Rd. East to Cloverleaf Drive, North on Cloverleaf to Welch Road, East to Standard Street, North to Maple Grove Road.
  19. Including Sec 3, POB at M-55 and Knapp Rd., northerly on M-55 to Heightsview Dr. continuing north on Heightsview dr. 507.81', thence east 194.44', thence south to Knapp Rd, thence west to POB also known as property #72-011-202-011-0233.
  20. Including Sec 3 – Houghton Lake Park – Lots #249 to 253, 258 – 263, bounded on south by Byron, east by Parkway and west by M-55 & Scenic Ave., also known as property #'s 72-011-433-263-0000, 72-011-433-262-0000, 72-011-433-261-0000, 72-011-433-260-0000, 72-011-433-259-0000, 72-011-433-253-0000, 72-011-433-252-0000, 72-011-433-251-0000, 72-011-433-250-0000, 72-011-433-249-0000.

21. Conditional Rezoning (Resolution 2007-3-6) Parcel #71-011-211-007-0230 from R-2 to C Commercial with permitted use for boat and trailer storage, unwrapping and preparing boats for delivery.
22. POB at the corner of Chestnut Street and Crawford Street, thence South in line with Crawford and Champlain Avenue to Nicolet Tr., thence West in line with Nicolet Tr. to Loxley Road, thence North on Loxley Road to North line with Chestnut Street of Linwood Park Subdivision, thence East to POB.
23. Commencing at the NW corner of Section 11; thence S01DEG11'E along the West Section line 1323.6 feet, more or less, to the North 1/8 Line; thence S88DEG52'04"E 962.22 feet to the found monument for a point of beginning; thence S88DEG52'04"E 356.5 feet to a set steel bar and point being NW corner of Government Lot 2; thence S01DEG09'32"E along the West line of Government Lot 2 527.54 feet to a found spike; thence N88DEG51'00"W 8.50 feet; thence S01DEG09'32"E 107.90 feet to the Northerly right of way of School Road; thence N88DEG51'00"W along the right of way 255.22 feet; thence N01DEG 13'00"W 305.23 feet; thence N88DEG56'48"W 92.5 feet; thence N01DEG10'22"W 330.27 feet to the point of beginning. Being a part of the SW ¼ of the NW 1/4 & Part of Government Lot 2, Section 11 T22N R4W (This property was rezoned to Commercial-Resolution #2013-10-31.)
24. Commencing at the NE corner of Section 35; thence N89DEG06W along the Section line 323.20 feet for a point of beginning; thence N89DEG06' 00"W 323.20 feet; thence S0DEG11'46"W 658.49 feet; thence S89DEG02'25"E 322.96 feet; thence N0DEG13'02"E 658.82 feet to the point of beginning. Being a part of the East 1/2 of the Norther 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 35 T232N R4W (This property was conditionally rezoned from Agricultural to Commercial at Township Board meeting on April 7, 2015.)

#### **C/I COMMERCIAL MIXED USE/INDUSTRIAL DISTRICT**

1. Sec. 28 T22N R4W, the P.O.B. will be the East right of way of Old 27 at a line 500 feet South of the South right of way of Snow Bowl Rd., thence East to the right of way of Deadstream Road, thence North following the Deadstream Road right of way to Emery Road, thence East on Emery Road to the West ¼ line of Section 22, thence North to the North ¼ line of Section 10, thence West to the right of way of old 27, thence South to the NS Section line of Sections 10 and 15, thence West to the right of way of US-127, thence southerly along the right of way of US-127 to a point 500 ft. North of the North Snow Bowl Road right of way, thence East to the right of way of Old 27, thence South to a line 500 ft. South of the South right of way of Snow Bowl Road, thence West to point of beginning.

Except: The East ½ of the North East ¼ of Section 21, the East ½ of the South East ¼ of Section 21, the West ½ of the North West ¼ of Section 22, the West ½ of the South West ¼ of Section 22.

2. Commencing at a point 1040 feet South of the NW corner of Section 3 on the W line of said section, thence running SE'ly parallel with and 1040 feet SW'ly of the center line of Highway M-55 to the E-W 1/4 line of said Section 3. Thence West on said 1/4 line to the West line of said Sec.3, thence North on Section line to POB, part of Government Lot 3 Section 3, T22N R4W. (Amended 10/87).
3. Sec. 4 POB will be on the East and West Section line of Section 4 & 9, and North and South line of Sections 3 & 4, which is the Southeast corner of Section 4, thence West to the East right-of-way of US-27 Expressway right-of-way, thence North to 1/8 line of Section 4, thence East on the 1/8 line to North and South Section line of Sections 3 & 4, thence South to POB.

Except: Parcel #72-011-203-006-0150 or legally described as "being a part of the SW ¼ of the NW ¼ of Section 3, T22N, R4W described as beginning at the W ¼ corner of said Section 3, thence N 0deg 25'E along 350.0 feet; thence S 89deg 31' 25"E 654.09';

thence S 20deg 1'E 373.65': thence N 89deg 81'25" W along the ¼ line 784.53 feet to the POB.

## A AGRICULTURE DISTRICT

1. Section 4: The property commencing at the center of M-55 and East and West Township line South 1,040 feet for POB on the West side of Cloverleaf Drive, thence South to the East and West 1/4 line, thence West to East right-of-way of US-27 Expressway, thence North within 1,040 feet South of the Center of M-55, which is the East and West Section line, thence East to POB.
2. Section 4: The property 1,040 feet South of the center of M-55 on Section line between 4 & 5 Sec. line for POB, thence East to West right-of-way of US-27 Expressway, thence South along West right-of-way of US-27 Expressway line to the East & West Section line of Sec. 9 & 4, thence West to the 4 & 5 Section line, thence North to POB.
3. Section 10: South half of the North East 1/4 of Section 10 and to include property code #72-011-210-003-0010. Except West ½ of SW ¼.
4. West ¼ of Section 15.
5. All of Section 16 between the right of ways of Old 27 and US 127

Except the East 1/2 of the North East 1/4 of Section 21, the East 1/2 of the South East 1/4 of Section 21, the West 1/2 of the North West 1/4 of Section 22, the West 1/2 of the South West 1/4 of Section 22.

And except the property commencing at the SW corner of NW 1/4 of Section 23, POB being East 217.67' of center of Loxley Rd., thence North 1,134.75' thence East 2,427.87', thence South 1,132.87', thence West 2,425.60' to POB.

6. Section 28 POB will be East of R.O.W. of Old 27 at a line 500' South of the South R.O.W. of Snowbowl Rd. thence East to the R.O.W of Deadstream Rd. thence North to Emery Rd. thence West along Section line between Sections 22 & 27 to the East R.O.W. of US127 thence South to a point 500' North of the North R.O.W. of Snowbowl Road thence East to the West R.O.W. of Old 27 thence South to POB.
7. The East 1/2 of the North East 1/4 of Section 21, the East 1/2 of the South East 1/4 of Section 21, the West 1/2 of the North West 1/4 of Section 22, the West 1/2 of the South West 1/4 of Section 22.
8. S1/3 of N 1/2 of SW 1/4, Section 14; thence North 132 feet; thence South 132 feet; thence West 330 feet to POB, excluding commencing at W 1/4 corner of Section 14; T22N, R4W; thence South 994.87 feet for POB; thence South 200 feet; thence E 208 feet; thence North 170 feet; thence West 30 feet; thence North 30 feet; thence West 178 feet to POB; also being a part of SW 1/4 of Section 14, T22N, R4W, beginning at the W 1/4 corner of Section 14; thence S00°32'00"W along the section line 592.31 feet to the POB; thence S88°36'30"E 173.10; thence N00°32'00"E 150 feet; thence N88°37'07"W 2478.44 feet, m/l to the 1/4 line; thence S00°36'35"W along the 1/4 line 440 feet; thence N88°40'40"W along the South line of the S1/2 of the N2/3 of the N1/2 of the SW1/4 2650.90 feet m/l to the section line; thence N00°32'00"E along the section line 292.25 feet to the POB; also commencing at the W1/4 corner Section 14; thence South 442.29 feet for POB; thence South 150 feet; thence East 233 feet; thence North 150 feet; thence West 233 feet to POB. Being a part of the N1/2 of the SW1/4, Section 14, T22N, R4W; also Being a part of the SW 1/4 of Section 14, T22N, R4W, beginning at W1/4 corner Section 14; thence S88°34'00"E along the 1/4 line 1822.36 feet; thence S00°32'20"E 440.89 feet; thence N88°37'07"W 1657.48 feet; thence N00°32'00"E 69.88feet; thence N88°36'30"W 173.10 feet; thence N00°32'00"E along Section line 372.43feet to POB; also Commencing at W1/4 corner of Section 14 for POB; thence N00°32'E along Section line & c/l of Loxley Road 304.35 feet; thence S88°54'14"E 1145.06 feet; thence S00°32'23"W 278.44 feet m/l to 1/4 line; thence N88°35'51"W 1145.11 feet to POB, part of SW1/4 of N/W184, Section 14, T22N, R4W; also

Commencing at W1/4 corner, Section 14, thence N00°32'E along Section line 304.35 feet for POB; thence N00°32'E 328.85 feet; thence N89°03'19"E 231.02 feet; thence N00°32'E 10.80 feet; thence S88°56'08"E 881.17 feet; thence S00°32'23"W 349.54 feet; thence N88°54'14"W 1145.06 feet to POB, part of SW1/4 of NW1/4, Section 14, T22N, R4W; also Commencing at W1/4 corner, Section 14; thence S88°35'51"E 1145.11 feet m/l for POB; thence S88°35'51"E 180.48 feet to 1/8 corner; thence N00°32'23"E 661.08 feet; thence N88°56'08"W 180.48 feet; thence S00°32'23"W 661.08 feet m/l to POB, part of SW 184 of NW1/4, Section 14, T22N, R4W; also Commencing at W1/4 corner of Section 14; thence S88°35'10"E 1325.73 feet for POB; thence N00°32'48"E 311.44 feet; thence S88°31'30"E 663.07 feet; thence S00°31'30"W 314.95 feet; thence N88°35'10"W 663.17 feet to POB, part of W1/2 of SE1/4 of NW1/4, Section 14, T22N, R4W. (This property was rezoned from Residential to Agriculture by the Township Board on February 7, 2017.)

Any properties not otherwise described in any of the above districts shall be deemed to be zoned in A Agriculture. (See rezoned portion under Commercial #24)

## **ARTICLE IV** **R RESIDENTIAL DISTRICT**

### **SECTION 4.1 DESCRIPTION AND PURPOSE**

A district providing for the construction of single-family dwellings, duplexes and other compatible uses as specified.

### **SECTION 4.2 PERMITTED USES**

The following uses are permitted as a matter of right:

- A. One single family dwelling on each lot.
- B. Public schools and colleges when owned and operated by a governmental agency. Fifty-foot side and rear yards are required if the property abuts any residentially zoned lot. Property shall be fenced where it abuts any residentially zoned lot.
- C. Parks, playgrounds, community centers and facilities therein, owned and operated by a governmental agency or a non-profit neighborhood group. Property shall be fenced when it abuts any residentially zoned lot.
- D. Churches, provided the building or structure is at least fifty (50) feet from any other residentially zoned lot.
- E. One detached accessory building other than a garage not more than one and one half (1½) times the height of the dwelling is allowed on one (1) acre or less of property, provided that:
  - 1. This accessory building shall not be located closer to a side lot line than allowed for a principal building.
  - 2. A detached accessory building, any portion of which is located on the side of the main building, shall not be less than six (6) feet from such principal building and not nearer to the side lot line than the width of the side yard required on the lot for the main building and shall maintain a front setback equal to or greater than that of the main building.
  - 3. A detached accessory building, any portion of which is located to the rear of the main building, shall be located not nearer than ten (10) feet to such main building and not nearer than five (5) feet from the rear lot line.
- F. No garages, accessory buildings or other accessory structures shall be permitted on any lot or parcel on which there is no dwelling; except that a lot or parcel with an area of at least five (5) acres may have not more than one accessory building or structure, even

though the lot or parcel has no principal dwelling, provided that the accessory structure or building is located at least 200 feet from the front lot line, at least 40 feet from any side lot line, and at least 40 feet from the rear lot line.

G. In Platted Subdivisions only:

1. No accessory building or detached garage may be higher than one and one half (1 ½) times the height of or have a larger footprint than one hundred and fifty percent (150%) of the primary dwelling.
2. Pole buildings, garages, and any other accessory structure 200 square feet or larger shall be finished with exterior materials normally used for the exterior of dwellings.
3. Attached garages shall not exceed one hundred percent (100%) of the living area footprint of the main structure, and shall have the same exterior materials and appearance as the primary structure.

H. Essential services.

- I. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.

J. Solar Energy System, Small

- K. Short-Term Rentals, provided that the owner or operator possesses a current and valid Short-Term Rental license issued under Roscommon Township Ordinance No. 81.

**SECTION 4.3 SPECIAL USES**

The following uses may be permitted by special use permit:

- A. Home Occupations.
- B. Hospital, Nursing Homes, and Convalescent Homes.
- C. Bed and Breakfasts.
- D. Duplexes and multiple family dwellings, provided they meet the requirements, standards and any conditions imposed under Section 14.19.
- E. Economy Efficiency Unit Developments
- F. Lodge or club facilities owned and/or operated by a fraternal organization, incorporated as such under the laws of the State of Michigan, provided that an area for parking on private property is furnished in the ratio of three (3) square feet of parking area for each square foot of building area.
- G. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.

**SECTION 4.4 AREA REGULATIONS**

No building or structure shall be hereafter erected or enlarged unless the following yards and setbacks are maintained:

- A. Front Yard - There shall be a front setback of not less than thirty (30) feet. Where there are existing adjacent dwellings with a lesser front yard, there shall be permitted a front yard equal to that of the average of all existing dwellings 150 feet on either side of the site.

- B. Side Yard - There shall be a side yard of at least eight (8) feet from roof's edge to side lot line. Corner lots shall have a side yard of at least twenty-five (25) feet on the street side.
- C. Rear Yard - There shall be a rear yard of not less than twenty (20) feet.
- D. Lot Width and Area - No lot shall be less than eighty (80) feet wide at the building line. No lot shall have an area of less than 12,000 square feet. Notwithstanding these limitations, a single-family dwelling and customary accessory buildings may be erected upon any parcel of land that was a nonconforming lot of record as of December 1, 1991, provided that the nonconforming lot of record is at least sixty (60) feet wide at the building line and contains an area of at least 9,000 square feet. Yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district. Variances for yard requirements shall be obtained through approval of the Board of Appeals.
- E. Any homes in the Residential district shall have a minimum width, front, side, and rear of 20' and shall have overhangs not less than 6" on all sides.
- F. The Planning Commission may require larger lot sizes, yards and setbacks for nonresidential uses by special use permit.
- G. The Zoning Administrator shall have the authority to approve non-conforming access ramps, provided the following criteria are met:
  1. Access is not feasible at any other location of structure.
  2. The greatest possible setback will be maintained.
  3. No access shall be wider than (6) six feet including any overhang or five (5) feet without an overhang.
  4. The Zoning Administrator may refer extraordinary requests to the Board of Appeals.
  5. Access meets applicable state and federal requirements for the physically challenged.
- H. Where a public water system and sanitary sewage facilities are available, the lot frontage may be reduced to sixty-five (65) feet at the building line. Also, the required lot area may be reduced to 9,000 square feet if both utilities are available.

**ARTICLE V**  
**(Reserved)**

**ARTICLE VI**  
**(Reserved)**

**ARTICLE VII**  
**C COMMERCIAL DISTRICT**

**SECTION 7.1 DESCRIPTION AND PURPOSE**

This district is established to accommodate the widest variety and highest concentration of retail and service establishments to be located in the major service areas catering to the general public. This district includes those retail sale and service facilities that are considered to be an indispensable function of residential neighborhoods, along with various lodging, eating, and recreational facilities. Site plan review is required for all uses within this district.

## **SECTION 7.2 PERMITTED USES**

The following uses are permitted as a matter of right with site plan review:

- A. Retail sales businesses without assembly, treatment or manufacturing activities, including retail sale of foodstuffs; auto repair parts and accessories; pharmaceutical and allied products; clothing and dry goods of all kinds; hardware; retail furniture and household appliances; florist shops; and video rental.
- B. General offices.
- C. Banks, building and loan associations, and other lending institutions.
- D. Funeral parlors.
- E. Restaurants.
- F. Shoe repair shops
- G. Churches.
- H. Golf courses; clubhouses and related accessory facilities including, but not limited to, pro shop; locker room; restaurant; and lounge.
- I. Hospitals, nursing and convalescent homes, medical clinics, newspaper offices, commercial printers, commercial schools, pet grooming, child care centers, mobile home sales, travel trailer and recreational unit sales,
- J. Establishments rendering personal services, such barber shops, beauty shops, real estate offices, doctor and dentist offices, law offices, and insurance sales offices.
- K. Dwelling accessory to a business. One (1) dwelling per business permitted, provided it meets the following conditions:
  - 1. The dwelling is a part of the business building or attached thereto. It may be on any floor of the building.
  - 2. The dwelling shall be for the primary purpose of providing a dwelling place for the owner, operator, or employee of the business.
- L. Essential services.
- M. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.
- N. Solar Energy System, Small
- O. One single family dwelling and related uses on each parcel. (Site Plan not required).
- P. Short-Term Rentals, provided that the owner or operator possesses a current and valid Short-Term Rental License issued under Roscommon Township Ordinance No. 81.

## **SECTION 7.3 USES PERMITTED BY SPECIAL USE PERMIT**

The following uses may be permitted by special use permit:

- A. Automatic dry cleaning or laundry facilities.
- B. Gasoline service stations, automobile repair garages, motels, hotels, drive through restaurants, taverns, tourist units, bowling alleys, miniature golf and golf driving ranges, billiard halls, commercial recreation facilities, boat marinas and launching ramps, marine sales, theaters, nightclubs, building and lumber supply establishments.



- C. Establishments selling building and lumber supply, electrical supplies, fixtures, and accessories and for carrying on the trade of builders, electricians, painters, photographers, plumbers, heating, ventilating, air conditioning and metal working specifically related to ventilation, and similar artisans, except metal workers.
- D. New and used automobile sales.
- E. Bed and Breakfast.
- F. Uses similar in character and intensity to the uses permitted in Section 7.2 and 7.3, at the sole discretion of the Planning Commission.
- G. Storage units and mini storage units.
- H. Wholesale businesses, warehousing, petroleum products storage; boat, automotive, and mobile home storage; gasoline service stations, contractor's establishment, storage yards, trucking terminals, and public utility installations.
- I. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.
- L. A development containing more than one of the permitted uses or special uses allowed in this district that still comply with the spirit of this Ordinance and this district.
- M. Solar Energy System, Large.
- N. Home Occupations.

**SECTION 7.4 AREA REGULATIONS**

No building or structure shall be erected or enlarged unless the following yard and setback requirements are provided and maintained:

- A. Building Setback - There shall be a minimum setback of sixty (60) feet from the curb of State Highway M-55 for all commercial buildings or structures located along that State Highway. Commercial buildings or structures located in this district other than along State Highway M-55 shall have a minimum setback of thirty-five (35) feet from the roadway easement.
- B. Side Yard - There shall be a minimum side yard requirement of ten (10) feet from the roof's edge for fire protection, etc. Corner lots shall have a side yard setback of at least twenty-five (25) feet on the street side.
- C. Rear Yard - A rear yard of at least twenty-five (25) feet must be maintained.
- D. All petroleum pumps must be set back forty (40) feet from the road right-of-way.
- E. Minimum lot size shall be ½ acre, unless otherwise specified.
- F. Mobile home sales establishments must have a front footage of a minimum of 200 feet and a minimum lot size of two (2) acres, provided that they meet with setback, side, and rear yard requirements.
- G. Travel trailer and recreational unit sales must have a front footage of a minimum of 100 feet and a lot size of a minimum of 30,000 square feet, provided they meet with setback, side, and rear yard requirements.
- H. New and used car setback - There shall be a minimum setback of twenty-five (25) feet from the curb of State Highway M-55, for display of new and used cars for sale along the State Highway. New and used car sales located in this district other than along State Highway M-55 shall have a minimum setback of thirty-five (35) feet from the roadway easement.

- I. The Zoning Administrator shall have the authority to approve non-conforming access ramps provided the following criteria are met:
  1. Access is not feasible at any other location of structure.
  2. The greatest possible setback will be maintained.
  3. No access shall be wider than (6) six feet including any overhang or five (5) feet without an overhang.
  4. The Zoning Administrator may refer extraordinary requests to the Board of Appeals.
  5. Access meets applicable state and federal requirements for the physically challenged.

**SECTION 7.5 OFF-STREET PARKING - SEE ARTICLE XIII – PARKING**  
**AMENDED 2019**

**ARTICLE VIII**  
**(Reserved)**

**ARTICLE IX**  
**(Reserved)**

**ARTICLE X**  
**C/I - COMMERCIAL MIXED USE/INDUSTRIAL DISTRICT**

**SECTION 10.1 DESCRIPTION AND PURPOSE**

This district is established to accommodate a wide variety of retail and service establishments, research and technology development, light manufacturing and other industrial needs of the Township. Special use permits and site plan reviews are required for all uses in this district.

**SECTION 10.2 SPECIAL USES**

Land and/or buildings may be used for any of the following uses, but only by special use permit and site plan review:

- A. Uses permitted by right or by special use permit in the C Commercial District.
- B. The manufacture, compounding, processing, and packing of such products as candy, cosmetics, drugs, perfumes, ceramics, and food products.
- C. The manufacture, compounding, assembly or treatment of articles from the following previously prepared material, including but not limited to: Aluminum, bone, cellophane, canvas, cloth, ink, feather, fibers, fur, glass, hair, leather, paint, paper, plastics, rubber, tin, iron, steel, wood, and yarn.
- D. Metal working shops or welding shops
- E. Concrete products factories, towing operations, impound yards and recycling operations, automotive and rubber salvage yards.
- F. Dwelling accessory to a business. One (1) dwelling per business permitted, provided it meets the following conditions:
  1. The dwelling is a part of the business building or attached thereto. It may be on any floor of the building.

2. The dwelling shall be for the primary purpose of providing a dwelling place for the owner, operator, or employee of the business.
- G. Uses similar in character and intensity to the above listed uses, at the sole discretion of the Planning Commission.
- H. Essential services.
- I. Reasonable accessory buildings and uses customarily incidental to any of the foregoing.
- J. Solar Energy System, Large

### **SECTION 10.3 AREA REGULATIONS**

No building or structure shall be erected or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building structure or enlargement:

- A. Front Setback - There shall be a minimum front setback of seventy-five (75) feet.
- B. Side Yard - There shall be a minimum side yard of twenty (20) feet in this district except on the street side of corner lots where thirty-five (35) feet shall be required. Where an industrial district abuts a residential district on the side, a thirty-five (35) foot side yard shall be maintained.
- C. Rear Yard - There shall be a minimum rear yard of fifty (50) feet.
- D. Any use permitted in the Residential district may be permitted in this district, provided they meet with all of the regulations of the Residential district. Any lot used for residential purposes shall have a minimum of 12,000 square feet.
- E. The Zoning Administrator shall have the authority to approve non-conforming access ramps provided the following criteria are met:
1. Access is not feasible at any other location of structure.
  2. The greatest possible setback will be maintained.
  3. No access shall be wider than (6) six feet including any overhang or five (5) feet without an overhang.
  4. The Zoning Administrator may refer extraordinary requests to the Board of Appeals.
  5. Access meets applicable state and federal requirements for the physically challenged.
- F. Required Greenbelts, Landscape Materials and Screening
1. In order to provide protective screening and buffers between uses in this district and adjacent residential areas, the Planning Commission shall require a greenbelt or buffer along boundaries with adjacent properties zoned in the R Residential District.
  2. For properties fronting on Deadstream Road in this district, a ten (10) foot greenbelt along the street frontage will be required.
  3. The greenbelt or buffer shall consist of evergreen trees and shrubs to be arranged to simulate a natural setting. The greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs and utilities.

4. All plant material shall be hardy to Roscommon County and be free of disease and insects.
5. Minimum plant sizes at time of installation shall be according to the following: Evergreen Tree: 6' height; Upright Evergreen Shrub: 3' Height.

**SECTION 10.4 OFF-STREET PARKING - SEE ARTICLE XIII – PARKING AMENDED 2019**

**SECTION 10.5 DRIVEWAYS, FRONTAGE ROADS, SERVICE DRIVES AND PARKING LOT CONNECTIONS**

The following standards shall apply to all uses with frontage on or access to Old 27 (a/k/a Harrison Road) within this district.

- A. Driveway Width and Spacing from other Driveways:
  1. Two-way driveways shall be a minimum of 30 feet in width. One-way driveways shall be a minimum of 15 feet in width.
  2. There shall be a minimum spacing of (300) feet between the centerline of a driveway and adjacent driveways. Where it can be demonstrated that pre-existing conditions prohibit adherence to the minimum driveway spacing standards and access by a shared drive is not available, the Planning Commission shall have the authority to modify the driveway spacing requirements. Such modifications shall be the minimum amount necessary, but in no case shall a driveway spacing of less than 60 feet be permitted by the Planning Commission.
- B. Deceleration/Taper Lanes: Where site frontage allows, a 12 foot wide right turn taper/deceleration lane of at least 75 feet shall be constructed. Where the amount of frontage precludes the construction of a deceleration/taper lane entirely within the property lines of a parcel, a request shall be made to the owner of the adjacent parcel to allow construction of such a lane beyond the property line. If permission cannot be obtained from the adjacent property owner for an extension onto that parcel, a taper of at least 50 feet shall be constructed.
- C. Frontage Roads, Parking Lot Connections and Rear Service Drives: Unless prohibited by pre-existing conditions, the site design for commercial/industrial uses shall include frontage roads, service drives and/or parking lot connections with existing non-residential developments. In areas where frontage roads or service drives are recommended, but adjacent properties have not been yet developed, the site shall be designated to accommodate a future road/drive as a condition of approval.
  1. Frontage Roads. When required, frontage roads shall have a minimum width of 30 feet for two-way traffic and 15 feet for one-way traffic. Frontage roads shall have a minimum of 30 feet of storage at the intersection of the highway for entering and exiting vehicles as measured from the pavement edge. Parking shall be prohibited along two-way frontage roads and service drives that are constructed at the minimum of 30 feet. One-way roads or two-way roads designed with additional width for parallel parking may be allowed. Perpendicular or angle parking along either side of a designated frontage road or service drive shall be prohibited.
  2. Rear Service Drives for truck traffic shall be encouraged especially for locations where connection to a side street is available.
  3. Parking Lot Connections. Where pre-existing conditions prohibit installation of a frontage road or service drive in accordance with the above standards, the Planning Commission shall have the authority to allow alternative cross access between adjacent parking areas through interconnection of main circulation aisles. Under these conditions, the aisles servicing the parking stalls shall be aligned perpendicularly to the access aisle with curbing or signage to further delineate the edges of the route to be used by through traffic. Where a proposed

parking lot is adjacent to an existing parking lot of similar use, there shall be a vehicular connection between the two parking lots where possible, as determined by the Planning Commission. For developments adjacent to vacant properties, the site shall be designed to provide for future connection.

**ARTICLE XI**  
**A AGRICULTURE DISTRICT**

**SECTION 11.1 DESCRIPTION AND PURPOSE**

This district is intended for large tracts used for farming, dairying, forestry operations, and other such rural activities. It is not intended for any use except agriculture, low density, single family residential use and other specialized rural uses requiring large tracts of land. If development and subdividing are to occur, they shall be preceded by rezoning and sound planning.

**SECTION 11.2 PERMITTED USES**

The following uses are permitted as a matter of right:

- A. Farms for both general and specialized farming together with farm dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses
- B. Agriculture, horticulture, viticulture, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bona fide farming or agricultural enterprises excluding, however, rendering plants, commercial fertilizer production or garbage feeding or disposal activities.
- C. Essential services.
- D. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.
- E. No garages, accessory buildings or other accessory structures shall be permitted on any lot or parcel on which there is no principal permitted use; except that a lot or parcel with an area of at least five (5) acres may have not more than one accessory building or structure, even though the lot or parcel has no principal permitted use, provided that the accessory structure or building is located at least 200 feet from the front lot line, at least 40 feet from any side lot line, and at least 40 feet from the rear lot line.
- F. Solar Energy System, Small.
- G. Short-Term Rentals, provided that the owner or operator possesses a current and valid Short-Term Rental license issued under Roscommon Township Ordinance No. 81.

**SECTION 11.3 SPECIAL USES**

The following uses may be permitted by special use permit:

- A. Any use permitted by right or by special use permit in the R Residential District.
- B. Country clubs, golf courses, riding stables and veterinary hospitals.
- C. Greenhouses or nurseries.
- D. Churches and parish houses, public schools and educational institutions.
- E. Cemeteries.
- F. Wildlife reserves.

- G. Nursing or convalescent homes.
- H. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but that are an unsubstantial part of the business including an advertising sign not more than eight (8) feet square in area advertising such products.
- I. Feed and seed store, pet grooming and/or kennels.
- J. Storage units and mini storage units.
- K. Body shops, but not within platted residential subdivisions.
- L. Mobile home subdivisions, provided they meet the requirements, standards, and the conditions imposed under Section 14.15.
- M. Mobile home parks.
- N. Campgrounds, provided they comply with all applicable state laws and the requirements, standards, and conditions imposed under Section 14.17.
- O. Mining or extraction operation, provided it meets the requirements, standards and the conditions imposed under Section 14.20.
- P. Junk and salvage yards, provided there shall be a minimum of 150 foot setback from any street, highway or road right-of-way and property lines; a 150 foot green belt perimeter of 50% evergreen around the entire land use or activity; fencing, screening and landscaping shall be submitted along with plans; the use or activity shall meet all requirements of state law.
- Q. Fencing installers, welding shops, metal/wood/plastic fabricating, contractor's establishment, warehouses, indoor and outdoor storage.
- R. Uses similar in character to the above listed uses, at the sole discretion of the Planning Commission.
- S. Reasonable accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.
- T. Solar Energy System, Large

#### **SECTION 11.4 AREA REGULATIONS**

No buildings or structure shall be erected or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, structure, or enlargement.

- A. Front Yard - There shall be a front setback of not less than forty (40) feet.
- B. Side Yard - There shall be a side yard of at least twenty (20) feet on each side of any building. Corner lots shall have a side yard of at least thirty-five (35) feet on the street side.
- C. Rear Yard - There shall be a rear yard of not less than fifty (50) feet.
- D. Lot Area and Width - The minimum lot area in this district shall be one acre and the minimum lot width shall be 125 feet at the building line. Notwithstanding these limitations, a single-family dwelling and customary accessory buildings may be erected upon any parcel of land that was a nonconforming lot of record as of December 1, 1991, provided that the nonconforming lot of record is at least ninety (90) feet wide at the building line and contains an area of at least  $\frac{3}{4}$  acres. Yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the

regulations for the district. Variances for yard requirements shall be obtained through approval of the Board of Appeals.

- E. Parcels may be developed according to Section 14.31 Open Space Preservation.
- F. The Zoning Administrator shall have the authority to approve non-conforming access ramps provided the following criteria are met:
  - 1. Access is not feasible at any other location of structure.
  - 2. The greatest possible setback will be maintained.
  - 3. No access shall be wider than (6) six feet including any overhang or five (5) feet without an overhang.
  - 4. The Zoning Administrator may refer extraordinary requests to the Board of Appeals.
  - 5. Access meets applicable state and federal requirements for the physically challenged.

**ARTICLE XII**  
**(Reserved)**

**ARTICLE XIII**  
**PARKING**

**SECTION 13.1 INTENT AND PURPOSE**

It is the purpose of these regulations to ensure that adequate parking facilities are provided for the various uses and that they are adequately maintained. Off-street parking as required by this Ordinance shall be in accordance with the following provisions.

**SECTION 13.2 OFF-STREET PARKING**

For all uses, adequate off-street parking shall be required to prevent conflicts with vehicular traffic. Adequate off-street parking shall be provided for each use. Off-street parking areas shall be designed with enough capacity to provide safe and sufficient parking for all vehicles during normal times of use. Direct access to off-street parking areas shall be provided from a public road or approved private street or lane. Parking within street rights-of-way shall not be construed as satisfying the requirements of this Ordinance except as allowed by specific districts and uses in this Ordinance.

**SECTION 13.3 DEVELOPMENT STANDARDS**

- A. Parking spaces shall be sufficient size for vehicles intended, with parking spaces for cars shall be 10 feet by 20 feet. Parking spaces smaller than this proportion shall be designated "compact".
- B. State and federal handicapped parking requirements shall be followed.
- C. Striping and lighting may be required.
- D. Parking lot design and construction shall conform to requirements of Article XVII, Site Plan Review.

**SECTION 13.4 OFF-STREET PARKING REQUIREMENTS**

- A. The following uses shall provide surface parking areas in accordance with the following minimum standards.

B. Total parking required is the sum of spaces for all land uses proposed on the site plus employee parking as defined below.

**Off-Street Parking Requirements**

<b>Land Use</b>	<b>Number of Spaces</b>	<b>Per Activity Unit</b>
Mobile Home Park	2	Dwelling unit
Senior Citizens Housing	1	Dwelling unit
Day Nursery	1	4 children, per license
Doctor, Dentist, Veterinarian	2	Exam or treatment room
Retail, Office, Service, Financial	1	250 square feet of public area
Vehicle sales	1	800 square feet of public area
Vehicle service/wash, gas station	3	Wash, stall or fuel pump
Truck stop	5	Fuel pump (12 feet by 70 feet per)
Barbershop or Beauty Salon	2	Chair
Bar or Restaurant (not drive-in)	1	2 seats
Drive-in or Drive-through Restaurant or Post Office	1	200 square feet of gross floor area
Hotel or Motel	1 ½	Guest Room
Meeting Hall, Skating Rink, Community Center Gymnasium, Auditorium	1	3 persons allowed in building base on fire code.
Bowling Alley	4	Lane
Wholesale, Industrial	1	900 square feet of gross floor area
Church, Theater, Arena	1	2 seats or 4 feet of bench
Grade School	1	10 students
High School	1	5 students
College, Technical School	1	3 students
Hospital, visitor parking	1	3 beds
Hospital, doctor's parking	1	2 medical staff members
Nursing Home	1	6 beds
Library, Museum, Art Gallery	1	800 square feet of gross floor area
Private Club	1	2 member families
Any employment site	1	Employee at peak shift
Marina	1	Boat slip

C. Where an applicant can substantiate a different parking need than those indicated above, upon submittal of convincing written evidence to the Planning Commission, a deviation may be allowed.

D. Temporary use of unpaved area for parking associated with special or non-routine events may be authorized through the issuance of a temporary parking permit by the Zoning Administrator.

E. Uses not listed. The parking requirements for a use not listed shall be determined by the Zoning Board of Appeals. The Zoning Board of Appeals' determination shall be based on a comparison of the proposed use and a similar use that is listed in Section 13.4.B, or, in the event there is no sufficiently similar use, pursuant to a traffic study provided by the applicant.

F. Expansions or additions. Additional parking consistent with the requirements of this section shall be provided in the event of an increase in floor area, a change from a less intensive land use to a more intensive land use, an addition, or the expansion of a building or site.

G. Joint parking. The use and construction of shared parking is encouraged and allowed when it can be demonstrated that the parking requirements of this Article can be met.

**SECTION 13.5 OFF-STREET PARKING AREA CONSTRUCTION REQUIREMENTS**

A. The off street parking areas shall be surfaced with a material that provides a durable, smooth and dustless surface (asphalt, concrete, pavers, etc.) which shall be graded to



- drain and dispose of storm water. The Planning Commission may grant an extension of the time period for the parking area to be surfaced after construction is completed.
- B. Storm water collection, drainage and retention structures meeting all requirements of the Roscommon County Road Commission and the Roscommon County Drain Commissioner shall be installed for all off-street parking areas.
  - C. Driveways and aisles for any off-street parking area shall be clearly defined meeting the following requirements:
    1. Each driveway lane shall be a minimum of 9 feet and a maximum of 20 feet in width per direction. Lanes for entering and exiting traffic shall be defined.
    2. A driveway shall intersect the abutting street at a ninety degree angle.
    3. Drive aisles shall be at least 18 feet wide.
    4. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each 450 feet of frontage or fraction thereof.
    5. If a driveway cannot fulfill these requirements because of an existing driveway on another parcel, the new driveway shall be located to maximize compliance with these standards.
  - D. All lighting of a required off-street parking area shall be arranged in such a manner and shall be of such height that the illumination is shielded and directed toward the ground and is not directed toward public thoroughfare or adjacent properties,
  - E. Parking and loading areas, in general, shall be located beside or behind structures, but in no case closer than 50 feet to any road right-of-way.
  - F. Parking lot design shall follow any applicable landscaping requirements.
  - G. Any parking area larger than 10 spaces shall have a visual screen not less than 4 feet high between the parking area and adjacent property zoned for residential uses.
  - H. A land use permit shall be required for construction of any parking lot.
  - I. The Planning Commission may grant an extension of the time period for completion of the parking area that meets these requirements for new construction projects.

**ARTICLE XIV**  
**SUPPLEMENTAL USE REGULATIONS**

**SECTION 14.1      PURPOSE**

The purpose of this Article is to establish supplementary standards to guide the review of certain kinds of uses that, because of their characteristics, may have a detrimental effect upon adjacent properties, the neighborhood, or the community, even if all other standards within this Ordinance are met. It is the intent of these standards to provide for proper design control to assure that these uses will not cause any unanticipated problems or hazards and will be consistent with the Master Plan and compatible with surrounding uses. It is further intended through these standards to recognize the importance of such uses by anticipating their location and site design needs and by establishing appropriate standards for their development in advance of actual proposals. The provisions of this Article shall be held to be the minimum standards and requirements, and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any special use permit.

**SECTION 14.2 (Reserved)**

**SECTION 14.3 (Reserved)**

**SECTION 14.4 ACCESSORY BUILDINGS AND GARAGES**

Reasonable accessory buildings, structures, and uses supplemental to a principal building or the principal use that is permitted in any district shall also be permitted when located on the same building lot, provided that such accessory buildings and uses conform to the provisions prescribed in this Ordinance for the respective district. An accessory building may not be located on a separate lot from the principal building without a special use permit as set forth in Article XIX. Accessory buildings, except as otherwise permitted in this Ordinance, are permitted in all zoning districts unless otherwise specified, and shall be subject to the following regulations:

- A. Accessory buildings shall not be erected in any front yard, except when the greater of a minimum of 30 feet, or the minimum setback required by a particular district, can be maintained as setback for such building.
- B. On all lots less than five (5) acres:
  - 1. No accessory building or detached garage may be higher than 1.5 times the height of or have a larger footprint than 1.5 times the primary dwelling. Two accessory structures in addition to any attached garage are permitted in each zoning district, as long as total footprint of those structures do not exceed 1.5 times the footprint of the primary structure on a lot, except as permitted in Agricultural and Residential for parcels of 5 acres or larger.
  - 2. Pole buildings, garages, and any other accessory structure 200 square feet or larger shall be finished with exterior materials normally used for the exterior of dwellings.
  - 3. Attached garages shall not exceed one hundred percent (100%) of the living area footprint of the principal structure. Garages structurally attached to a main building, except as otherwise noted, shall be subject to and must conform to all regulations applicable to main buildings. To enhance the beauty of the lot and the neighborhood, attached garages shall have the same exterior materials and appearance as the principal structure.
  - 4. A carport may be added to a garage in any district, so long as all appropriate setbacks are met, and the carport will not add square footage to the main structure.
- C. In the Residential and Agricultural districts on lots of 5 acres or larger, the zoning administrator may permit one additional accessory building in addition to the allowed 2 accessory buildings, provided the additional building does not exceed the total footprint of the principal dwelling on the lot and meets all required accessory building setbacks.
- D. No temporary storage structures such as shipping containers or trailers may be used as an accessory building.
- E. Dwelling units with accessory structures, such as garage apartments are permitted, subject to the general requirements of this Ordinance, including site plan review. Any such dwelling shall have an entrance separate from the general entry into the accessory building (e.g., the garage door) in the form of a standard residential door for ingress and egress.
- F. One accessory structure may be allowed by right in Agriculture, Residential, and Commercial Mixed Use/Industrial Districts without a principal dwelling, provided the following conditions can be met:
  - 1. The parcel is five acres or larger.
  - 2. Any commercial use must receive the prior approval of the Planning Commission.
  - 3. The structure must have a front setback of at least 200 feet from the front lot line, at least 40 feet from the side lot line, and at least 40 feet from the rear lot line.

4. The structure cannot be used as a dwelling.

**SECTION 14.5 (Reserved)**

**SECTION 14.6 TEMPORARY DWELLINGS**

No temporary use as a dwelling, such as a basement, trailer, coach, garage, accessory building, recreational unit, recreational vehicle or portable house shall be permitted, except by means of a temporary occupancy permit from the Zoning Administrator, which permit shall be valid only during the course of construction of a permanent dwelling on the same lot and for not to exceed eighteen (18) months.

**SECTION 14.7 GRADING**

- A. The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered, or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection, that inconvenience or damage to adjacent properties will not result.
- B. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

**SECTION 14.8 ESSENTIAL SERVICES**

The erection, construction, alteration, or maintenance by public utilities, municipal departments, or other governmental agencies of underground, surface or overhead emergency, gas, electrical, communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police and other call boxes, traffic signals, hydrants, electric sub-stations, gas regulator stations, police, fire and EMS stations, and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities, municipal departments or agencies for the public health and safety or general welfare, but not offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies shall be permitted as authorized or regulated by law and other ordinances of the Township of Roscommon in any use district, subject to exceptions listed in Section 2.2 of this Ordinance, it being the intention hereof to except such erections, construction, alteration, and maintenance from the application of this Ordinance.

**SECTION 14.9 LIVING AREA**

No area shall be considered as living area where more than four (4) feet of walls are below outside grade except that such finished area may be included if one wall is entirely above the grade line of the lot adjacent to the wall and that has an entrance to the out-of-doors through the wall, furnishing access to and from such finished quarters.

**SECTION 14.10 STRUCTURE HEIGHT REGULATIONS**

Except as otherwise expressly provided in this Ordinance, no structure in any district shall exceed thirty-five (35) feet, or two and one-half stories in height, whichever is less. Any structure of greater height will require a special use permit as set forth in Article XIX. No structure may be built or vegetation allowed that will conflict with, or infringe upon, existing runway flight path ratio as established by the Michigan Aeronautics Commission as provided by state law.

**SECTION 14.11 GENERAL SIGN REQUIREMENTS**

The signs for identification of premises and for providing information relative to the function on the premises shall be permitted upon compliance with the following requirements.

**A. Permits/Fees/Penalties**

1. Fees for sign permits shall be set by resolution by the Township Board.

2. Failure to obtain a sign permit shall be a violation of this Ordinance.
3. A permit shall be issued or denied within ten (10) days of the submission of a complete application and the required fees to the Zoning Administrator.
4. If a permit is issued on the basis of misstatement of material fact or fraud, the Land Use Officer shall, in writing, suspend or revoke the permit with the reasons for denial.
5. When the Zoning Administrator denies a sign permit, such denial shall be in writing, with the reasons for denial.
6. Appeals of the Zoning Administrator's decision shall be made to the Board of Appeals.
7. The sign permit becomes null and void if work does not start within 180 days of permit date. If work is suspended or abandoned for 90 days, a new permit and application fee shall be required.
8. Signs that are illegally posted within public rights of way or on publicly owned property may be removed by, or at the direction of, the Zoning Administrator. Any signs removed will be held in the Roscommon Township Hall for thirty (30) days before being destroyed, and can be recovered by the owner upon payment of a ten dollar (\$10.00) per sign recovery fee. Roscommon Township and the individual removing such signs shall not be held responsible for any damage done to such signs.

**B. Sign Permits Required; Exempt Signs**

A sign permit is required for any erection, construction, enlargement, or movement of any sign in Roscommon Township, except for those signs described below:

1. Regular maintenance, cleaning and/or painting of lawful established sign.
2. Temporary cutouts, extensions and/or decorations for holidays or events, such signs shall be erected no more than 30 days prior to the event and shall be removed within 15 days of the end of the event;
3. Signs for traffic control/regulation, street and road signs, and the like, that are maintained and erected by the Roscommon County Road Commission, the State of Michigan or the U. S. Government;
4. Warning signs no larger than two (2) square feet in area that warn of danger but do not advertise a product or service. Such warning signs shall be removed when the danger is no longer present;
5. When there is imminent danger of personal injury or harm to property, a lawful sign may be erected without a permit, HOWEVER, a sign permit shall be obtained on the next business day after the emergency work has started;
6. Signs for grand openings or groundbreaking of stores, businesses, projects or subdivisions that refer to the contractors, financial institutions and such involved with the project. Such signs shall be in place no longer than 30 days prior to the grand opening or groundbreaking, and shall be removed within 30 days thereafter. Such signs shall be limited in size to 6 square feet each;
7. Directional/instructional signs located entirely on property to which they pertain, such as those identifying restrooms, telephones, parking lot directions, etc.;
8. Not more than one flag no larger than two (2) square feet in area representing allegiance (U. S., state, alumnus, etc.);

9. House numbers, addresses, name plates, memorial signs, erection dates and building names when cut into, inlaid or mounted against a building surface;
10. "No trespassing," "no dumping," "private property," or "beware" signs that do not exceed two (2) square feet in area;
11. Political or campaign signs no larger than six (6) square feet in area. Such signs shall be removed within 7 days following the election to which they refer. Political signs not pertaining to an election shall be removed or replaced as directed by the Zoning Administrator under Section 14.11 F 3;
12. Official public notices posted by government officers in the performance of their duties. Also, public signs required or authorized for a public purpose by any law, statute or ordinance. Such may be of any type or size as required by such law, statute or ordinance, and shall be removed in a timely fashion.
13. Real estate signs no larger than six (6) square feet in area. Not more than one (1) lease/rent/sale sign shall be permitted per lot or not more than one (1) such sign spaced every 200 feet along the frontage of a parcel. No illumination shall be allowed. Must be removed within 30 days of lease, rent or sale.

**C. General Sign Regulations and Conditions**

1. All sign installers shall comply with any necessary licenses, certifications and all applicable codes, laws and ordinances.
2. All signs shall comply with this Ordinance and any other applicable codes, laws and ordinances.
3. No sign shall be erected, constructed or altered until a sign permit has been issued by the Zoning Administrator. (Note Section 14.11.B.Exemptions)
4. No sign shall be located in, project into or overhang a public right-of-way or dedicated public easement except those signs established and maintained by the Roscommon County Road Commission, State of Michigan or the U. S. Government for traffic control/regulation, direction, and such.
5. Only one (1) free-standing sign is allowed for each lot or parcel. Such sign shall not exceed 128 square feet in area. Where more than one business is located on a lot or parcel, all businesses shall share one free-standing sign not to exceed 128 square feet in area. (Rev. 12/05)
6. All signs advertising a business other than that located on the lot or parcel shall be clearly labeled with the owner's name, address and phone number.
7. Signs shall meet the minimum sign setbacks established for that type of sign.

**D. Temporary/Portable Signs**

Signs on wheels or to be temporarily installed (other than those mentioned above, i. e., real estate, and political signs) shall be subject to the following provisions:

1. A permit must be obtained from the Zoning Administrator.
2. A permit for temporary signs shall be issued for a maximum period of fifteen (15) days. No permit shall be allowed more than once in a four-month period.
3. The placement of any such sign must be such that it is not in road right-of-way and shall not interfere with any clear vision area for traffic and pedestrian
4. All such temporary/portable signs must contain no flashing, pulsating, rotating or unshielded lights.

## **E. Prohibited Signs**

The following signs are prohibited at all times and in all zoning districts:

1. Tacking and pasting of miscellaneous signs or posters on walls, fences, buildings, trees, poles, posts, etc. except by special permit of the Zoning Administrator or for political campaign signs. Such special permits shall be issued for a maximum of fifteen (15) days
2. Abandoned signs. Signs that advertise a business, product, event, lessor, activity or owner that no longer exists, or that has ceased for a period of one year.
3. Banners, pennants, search lights, sandwich board signs, balloons or gas-filled figures EXCEPT by special permit. Such special permits may be issued by the Zoning Administrator for a maximum of thirty (30) days. The placement of any such sign shall be outside the road right-of-way and shall not interfere with any clear vision area for traffic and pedestrian flow.
4. Any sign that by reason of size, location, movement, content, coloring or illumination would be confused with a traffic control sign, signal or device or lights of emergency and road control vehicles.
5. Signs containing statements or pictures of an obscene or pornographic nature.
6. Signs that emit or project audible sound or visible matter.

## **F. Maintenance of Signs**

1. All signs shall be kept in good structural condition at all times.
2. All signs shall be kept neatly painted and maintained. All parts shall be in good working order.
3. The Zoning Administrator shall have the authority to order the painting, repair, alteration, or removal of signs that are determined to be dilapidated, abandoned, dangerous or obsolete. The Zoning Administrator shall require compliance with all standards of this Ordinance and shall enforce such standards.

## **G. Requirements for Signs in all Zoning Districts:**

The signs in all zoning districts shall be subject to the following requirements:

1. No sign shall be permitted on trees or painted upon rocks or other natural resources.
2. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from vehicular view.
3. No temporary signs made of paper, cardboard, canvas, or similar material, other than a sign advertising a sale or renting of the premises on which the same is located shall be permitted on the exterior walls.
4. No sign shall be allowed to remain standing that is not maintained and in good repair. Such signs not in good repair will be removed at the owner's expense, at the determination of the Zoning Administrator.
5. No off premises sign shall exceed sixteen (16) square feet without a special use permit.
6. No signs shall be permitted in the clear view area at street and/or road intersections. Clear view area shall be twenty-five (25) feet from the street right-of-way of both intersecting streets.

7. All free-standing and permanent signs must be at least ten (10) feet from traveled portion of the roadway. Any free-standing sign less than twenty-five (25) feet from right of-way shall maintain a six (6) foot clear view.
8. Maximum Allowable Size Sign Chart per District (see chart below)

**Maximum Area in Square Feet per Sign Face**

TOTAL LANES	POSTED SPEED LIMIT	DISTRICT C/I	DISTRICT A	DISTRICT C	DISTRICT R
<b>2 LANES</b>	15-25 MPH	36 SQ. FT.	15 SQ. FT.	15 SQ. FT.	6 SQ. FT.
	30-40 MPH	36 SQ. FT.	36 SQ. FT.	36 SQ. FT.	<b>HOME OCCUPATION</b>
	45-55 MPH	64 SQ. FT.	64 SQ. FT.	64 SQ. FT.	
<b>4 LANES</b>	15-25 MPH	25 SQ. FT.	25 SQ. FT.	25 SQ. FT.	
	30-55 MPH	64 SQ. FT.	64 SQ. FT.	64 SQ. FT.	25 SQ. FT.
<b>OFF PREMISES</b>		16 SQ. FT.*	16 SQ. FT.*	16 SQ. FT.*	
<b>BILLBOARDS</b>					
<b>2-4 LANES</b>			Not permitted		
<b>EXPRESSWAY</b>	70 MPH	900 SQ. FT.	900 SQ. FT.	900 SQ. FT.	
* May be increased to 64 Sq ft with a special use permit.					

**H. Additional Requirements for Signs in R Residential District**

1. Only one (1) sign will be permitted. It shall not be any larger than six (6) square feet in area.
2. No sign shall be placed closer than twenty-five (25) feet from any street right-of-way.
3. No illumination of any sign shall be permitted.
4. Signs may be free standing or attached to a building, with projection not to exceed eight (8) inches.
5. One (1) sign at the entrance of each platted subdivision will be permitted to identify the subdivision. Such sign shall be no larger than fifty (50) square feet in size and shall be no closer to the highway or road right of way than twenty-five (25) feet. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from vehicular view.
6. For any non-conforming business, only one sign will be permitted, not to exceed twenty (20) square feet in area.

**I. Additional Requirements for Signs in C Commercial District and C/I Commercial Mixed Use/Industrial District**

1. All signs permitted in R district.
2. Signs may be attached flat against a main building or parallel to the building with a projection not to exceed eight (8) inches and may face only public streets or parking area that are part of the development.
3. Signs may be illuminated, but if intended to have moving illumination, such illumination must first be approved by special use permit, which shall insure that light intensity, color, and movement will not distract motor vehicle operations or constitute a traffic safety hazard.

4. Free standing signs shall not exceed the maximum area allowed per the sign chart in Section 14.11.G.8.
5. The total sum of all sign faces allowed per business shall be three hundred (300) square feet total with an additional three hundred (300) square feet allowed for a shopping mall identification sign.
6. Any lighted advertising sign or billboard must be approved by special use permit, which shall insure that light intensity, color, and movement will not distract motor vehicle operators, constitute a traffic safety hazard or adversely impact adjacent residential property and is at least twenty-five (25) feet from any street or highway right-of-way, and all such signs shall be separated by a minimum distance of 1500 feet.

**J. Additional Requirements for Signs in A Agriculture District**

1. All signs permitted in any R, C, and C/I Districts.
2. Advertising signs and billboards must be approved by special use permit, which shall insure that light intensity, color, and movement will not distract motor vehicle operators, constitute a traffic safety hazard or adversely impact adjacent residential property and is at least twenty-five (25) feet from any street or highway right-of-way, and shall be separated by a minimum distance of 1500 feet.

**SECTION 14.12 TENTS**

No tents shall be erected except in areas zoned A Agriculture and in licensed campgrounds, except children may put up a play tent on the property of their parents' dwelling.

**SECTION 14.13 REQUIRED LOT AREA OR SPACE**

- A. No lot being a part of a recorded plat and no parcel of un-platted land or site shall be so reduced that the yard, setback, open space, or area is less than the minimum requirements of this Ordinance.
- B. Accessory buildings, including enclosed and un-enclosed porches and garages attached to a dwelling or to other main building shall be deemed a part of such building for the purpose of determining yard space, areas, and setbacks.
- C. All unattached accessory building or buildings with the exception of roadside stands where permitted shall be located in the rear yard or side yard of the premises.
- D. In determining lot and yard requirements, no area shall be ascribed to more than one (1) main building or use, and no area necessary for compliance with the space requirements for one (1) principal building shall be included in the calculations of the space requirements for any other building or use.

**SECTION 14.14 LOCATION OF TRAVEL TRAILER, TRAILER COACHES, BOATS, AND UTILITY TRAILERS**

- A. No person shall park or occupy a trailer outside of a licensed trailer camp except as provided in this Ordinance. Emergency or temporary parking of a trailer on any street, alley, or highway will be permitted for a reasonable period not exceeding twelve (12) hours, subject to any other and further regulations or limitations imposed by traffic or parking regulations or ordinances for that street, alley, or highway.
- B. Campers and/or travel trailers may be parked and occupied on the same lot as a residence in all districts where the occupants of the trailer or camper are visiting relatives or friends occupying the residence for a period not to exceed fourteen (14) days in any year.



- C. One self-contained Recreational Unit shall be allowed for use in all areas of one acre or more with the exception of Residential Districts. Occupation will be allowed for a period of not to exceed fourteen (14) days in any year with a land use permit issued by the Zoning Administrator. The permit may be extended in additional seven (7) day increments upon application to the Zoning Administrator for a total duration of not to exceed eighty-four (84) days in any year.
- D. In Residential Districts only: Not more than one (1) unoccupied trailer and one (1) boat shall be stored or parked on any one (1) lot outside of a licensed trailer camp, trailer sales lot or boat sales lot at any time. Such unoccupied trailer and boat may be stored:
  - 1. In a garage located not less than ten (10) feet from any other structure.
  - 2. In the rear yard of a dwelling provided, it is located at least five (5) feet from any other structures and from the side and rear property lines. It shall be unlawful to store any unoccupied trailer or boat on any site lot, field, parcel, or tract of land that does not have an occupied dwelling.

**SECTION 14.15 MOBILE HOME SUBDIVISION**

Lots in a Mobile Home Subdivision shall meet the following requirements:

- A. Front Yard - there shall be a front yard setback of not less than thirty (30) feet.
- B. Side Yard - there shall be a side yard of at least eight (8) feet on each side of any mobile home or building.
- C. Rear Yard - there shall be a rear yard of at least twenty (20) feet.
- D. No lot shall have an area of less than 12,000 square feet.

**SECTION 14.16 LOT SIZE**

- A. All lots platted, subdivided, or otherwise created after the effective date of this Ordinance shall conform to the minimum lot size and lot width required for the district in which such lot shall be established.
- B. Square footage and setbacks of all newly created lots will be measured excluding any public right of way.
- C. Notwithstanding the lot area and lot width limitations in the R Residential and A Agriculture Districts, a single-family dwelling and customary accessory buildings may be erected upon any parcel of land that was a nonconforming lot of record as of December 1, 1991, provided that the nonconforming lot of record meets at least 75% of the minimum width requirement at the building line and contains an area of at least 75% of the minimum area requirement for the district. Yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district. Variances for yard requirements or for further reductions of the lot width or lot area shall be obtained through approval of the Board of Appeals.
- D. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, such lots shall be combined and considered as one lot for the purposes of this Ordinance. No portion of the combined lot shall be used or sold in a manner that diminishes compliance with lot area or lot width requirements of the district in which it is located, nor shall any division of the combined lot be made that creates a lot with area or width less than the requirements of the district in which it is located.

**SECTION 14.17 (Reserved)**

**SECTION 14.18 (Reserved)**

## **SECTION 14.19 DUPLEXES AND MULTIPLE FAMILY DWELLINGS**

Area regulations for duplexes and multiple family dwelling shall be as follows:

- A. Lot Size: No lot upon which a duplex or multiple family dwelling is built shall have an area of less than 15,000 square feet plus 3,000 square feet for each dwelling unit over two. No lot shall be less than 100 feet wide at the building line. Separate ownership of duplexes may be accomplished by dividing approved lots into two approximately equal lots with approximately equal footage. Multiple-family dwellings (three or more units) must either be owned by a single person or entity or be organized and recorded as a condominium development. No detached single-family dwelling shall be built on one of the lots of a divided duplex lot.
- B. Setbacks: The setback, side yard, and rear yard shall comply with the requirements of the zoning district in which the structure is built except that the lot line dividing a duplex lot into two parcels for separate ownership where the two units of the duplex meet shall be a zero line.

## **SECTION 14.20 MINING AND EXTRACTION OPERATIONS**

Subject to the approval of the Roscommon Township Planning Commission and upon application for a special use permit, land within the Agriculture District may be used for mining and extraction operations. The Roscommon Township Planning Commission, in deciding upon approval of an application to establish such use, shall apply the requirements, standards, and any conditions imposed as set forth below, as well as other requirements contained in this Ordinance or in other laws, regulations, or ordinances:

- A. Minimum Parcel Size: The minimum parcel or lot size for a mining and extraction operation shall be forty (40) acres.
- B. Specific Requirements: In addition to the information required on the standard special use permit application, the applicant shall provide the following information with the application for the initial special use permit and for any renewal of the special use permit:
  - 1. Name and address of the person, firm or corporation who will be conducting the actual mining and extraction operations, if different that the applicant.
  - 2. Location, size, and legal description of the area from which the removal is to be made.
  - 3. Type of materials or resources to be mined, stockpiled, or hauled away.
  - 4. Proposed method of removal and general haul route.
  - 5. General description of types of equipment to be used.
  - 6. The estimated number of years to complete operations and number of phases where appropriate.
  - 7. A plan of operation with which the applicant and operator will be expected to comply during the period for which the license is issued. The plan of operation shall include a topographic survey of the existing parcel drawn to a scale of 1 inch = 100 feet and prepared by a registered civil engineer or registered land surveyor with contour intervals not to exceed 10 feet based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, including existing areas and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, berms, fencing, and similar use areas. The plan of operation shall be accompanied by a projected schedule of mining and extraction operations, including the following specific dates:
    - a. Commencement and completion of mining and extraction operations as provided by the plan of operation;

- b. Commencement and completion of erosion and drainage control measures to be instituted during mining and extraction operations; and
  - c. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation.
8. A plan of reclamation, which shall be submitted in three parts: (1) A recent aerial photograph with a general plan of reclamation as an overlay or as a separate drawing; (2) a reclamation contour plat, (3) and a description of reclamation methods and materials proposed for renewal of topsoil and replanting. The plan of reclamation shall be presented at the same scale as the aerial photograph and shall provide the following information:
- a. The general area of completely reclaimed land.
  - b. The general area of reclamation under way.
  - c. The general area currently used for topsoil and overburden storage.
  - d. The general area proposed for reclamation during the two year period of the conditional use permit.
  - e. The general area proposed for topsoil and overburden storage.
  - f. The acreage for each item shown on the overlay or separate drawing.
  - g. A reclamation contour plat with contour intervals not to exceed two feet indicating the general grade and slopes to which excavated areas are to be reclaimed.
  - h. A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting as a part of the reclamation plan.
  - i. The projected schedule of reclamation operations, including the following specific dates:
    - 1. Commencement and completion of reclamation operations as provided by the reclamation plan;
    - 2. Commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan; and
    - 3. Commencement and completion of final grading, top-soil replacement, and replanting or landscaping as provided by the reclamation plan.
9. Operation and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, reclamation underway, reclamation completed, mining proposed, reclamation proposed, stock piles, roadways, and similar land use elements. All operation and reclamation plans shall be reviewed by the Planning Commission and subject to its approval, disapproval or modification.
10. Escrow Deposit: All applications shall be accompanied by an escrow deposit, in addition to the ordinary permit fee, to be paid by the applicant in an amount established by the Planning Commission, which escrow deposit shall approximate the cost of reviewing, obtaining legal and engineering assistance for the Planning Commission and issuing the special use permit.

- C. Issuance and Renewal: Special use permits for mining and extraction operations may be approved for periods up to two (2) years, subject to renewal. The renewal process and review shall be the same as for the initial permit.
- D. Performance Guarantee: Prior to issuance of the special use permit, the applicant shall post a performance guarantee in such form and amount determined by the Planning Commission to be reasonably necessary to insure compliance with the operation and reclamation plans and any other requirements or conditions imposed; provided, however, that in no case will the performance guarantee be less than One Thousand Five Hundred (\$1,500.00) Dollars for each acre or fraction thereof subject to the special use permit. The Township shall have the right to use the performance guarantee to the extent necessary to reclaim the parcel. This performance guarantee shall be kept in effect by the applicant until the Planning Commission certifies in writing that the parcel or parcels have been restored as required by this Ordinance. In fixing the amount of performance guarantee, the Planning Commission shall take into account the size and scope of the proposed operation, current prevailing cost of reclaiming the premises upon default of the operator, and other such conditions and factors as may be relevant in determining a reasonable performance guarantee. The applicant shall notify the guarantor and provide proof thereof that the Township shall be notified in the event of any lapse in the effectiveness of the guarantee. For each acre restored and reclaimed in accordance herewith, or otherwise, the guarantee may be reduced pro-rata as determined by the Planning Commission. The amount of the guarantee will apply to all lands occupied by mining areas, roadways, storage areas, equipment, stockpiles, and similar elements.
- E. Conditions of Permit: Upon the issuance or renewal of a special use permit, the Planning Commission may impose as conditions any reasonable restrictions or requirements related to the location, design, or conduct of a mining and extraction operation, as required to secure the public health, safety, and general welfare of the community or to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment or property. Such conditions may be in addition to the express requirements of this Ordinance.
- F. Setback: There shall be a minimum setback of fifty (50) feet from any street, highway or road right-of-way line or adjoining lot line, within which no mining or extraction activities shall take place.
- G. Fencing and Screening:
1. All excavated and mined areas shall be fenced with a six (6) foot high fence and shall be posted so as to indicate the danger of trespassing in the area. The minimum specifications for the fencing shall be as follows: #9 gauge top wire; #12 gauge bottom wire with spacing of 6 inches by 12 inches. All stays shall be of 14-gauge wire with spacing of support posts to be no greater than 16 feet apart.
  2. All active mining excavations and stockpile areas shall be visually screened from view from all adjacent public highways and residentially used parcels to a person standing on the paved portion of the public highway or on the lot line of adjacent residentially used parcels. The following methods are acceptable for screening of mining and extraction areas:
    - a. Construction of a raised earth berm area on the mining site along boundary lines thereof where such lines abut a public highway or abut privately owned property that is improved and occupied for residential purposes. This provision with regard to lands improved and occupied for residential purposes shall be applicable to any land upon which dwellings are built and occupied subsequent to the date of this Ordinance. The berm shall be sufficient in length and height to screen the mining or stockpile area. During the planting season next following the placement of the berm and as often as may be necessary to assure the existence of a vegetative ground cover, the applicant shall seed or plant the berm in a manner suitable for the area and soil conditions so as to provide vegetation to

check erosion and to provide a visible ground cover substantially similar to the vegetation cover growing in adjacent fields. Where the topography of the area acts as a screen, the Planning Commission may waive the berm requirement. The berm shall have slopes not in excess of one foot vertical to two feet horizontal.

- b. Planting of coniferous trees along the boundaries of the property with sufficient rows and depth to permit effective screening of the mining area.
  - c. To the extent that the foregoing is not practical, the applicant may submit alternate proposals. The amount and extent of required screening shall be reasonable and practical as determined by the Planning Commission.
- H. Hours of Operation: Maximum hours of operation of the mining operation shall be 7 a.m. to 5 p.m., Monday through Saturday. No hours of operation shall be permitted on Sundays and legal holidays. In emergencies this time period may be modified by the Zoning Administrator, provided such emergency order shall not be effective for more than 72 hours.
- I. Road Access: All sites permitted under the provisions of this Section shall have direct access to a County road having a minimum right-of-way width of 66 feet and improved to the specifications of the Roscommon County Road Commission. When the permitted operation results in the mined material, overburden and/or similar material being deposited or spilled upon the public roadway, it shall be the responsibility of the applicant to remove such material immediately.
- J. Road Maintenance: Access roads within the permitted site shall be maintained by the applicant so as to minimize the dust arising from the use of the roads. Such maintenance shall be accomplished through the application of chloride, water and/or similar dust retardant material. Application of oil shall be prohibited. A paved road from the entrance and exit, a distance of not less than three hundred (300) feet from the right-of-way line into the area of operation shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. Entrances and exits shall be securely locked during hours of in operation.
- K. Operation of Use: All equipment and facilities used in the mining of sand, gravel, and stone shall be conducted, maintained, and operated in such manner as to eliminate insofar as practicable, noises, vibrations, or dust that interfere with the reasonable use and enjoyment of surrounding property.
- L. Noise Standards: Mining sites shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent uses. Equipment on permitted sites at any time or under any condition shall not be operated so as to result in noise that would be offensive to a person of normal sensitivities outdoors on any property line abutting a property used for residential purposes.
- M. Slopes in all areas where mining or excavating has stopped or been abandoned for a period in excess of one (1) year, shall be established and graded no steeper than a one-on-four slope.

#### **SECTION 14.21 OUTSIDE STORAGE ON VACANT LOT(S)**

No vacant lot(s) of 1 acre or less shall be used for outside storage unless fenced to completely obscure such stored materials. Outside storage shall be subject to all use restrictions in the zoning district where the property is located and shall only be allowed where expressly permitted.

#### **SECTION 14.22 BED AND BREAKFAST**

Site plan requirements apply as set forth in Article XVII. A special use permit is required as set forth in Article XIX. Signs shall conform to the zoning district as set forth in Section 14.11.

**SECTION 14.23 PHYSICALLY CHALLENGED ACCESS**

The Zoning Administrator shall have the authority to approve non-conforming access ramps, provided the following criteria are met:

- A. Access is not feasible at any other location of structure.
- B. The greatest possible setback will be maintained.
- C. No access shall be wider than (6) six feet including any overhang or five (5) feet without an overhang.
- D. The Zoning Administrator may refer extraordinary requests to the Board of Appeals.
- E. Access meets applicable state and federal requirements for the physically challenged.

**SECTION 14.24 (Reserved)**

**SECTION 14.25 FENCES**

**A. FENCES IN R RESIDENTIAL DISTRICT**

Fences as defined in Section 2.2 shall require a land use permit obtained from the Zoning Administrator. Permission to install any fence that would not meet the requirements of this Ordinance will require a variance.

- 1. Fences may be constructed of wood, masonry, woven wire, and/or chain link.
- 2. Height of fence is measured from the ground, and will not exceed six (6) feet.
- 3. Fence composition shall be of uniform design and material. No fence will be constructed of material that impairs the character of the neighborhood.
- 4. No fence will exceed four (4) feet in height within fifty (50) feet of any waterway; or obstruct a line of sight to the waterway above four (4) feet of any existing dwelling on adjacent property as drawn from the corner of such dwelling nearest the proposed fence.
- 5. Temporary fences for a specific purpose, such as a construction site enclosure, or for special events, shall be allowed without a permit. The fence shall be erected no more than fifteen (15) days prior, and shall be removed within seven (7) days of event or completion of site. Snow fencing is allowed from October 1 to May 1.
- 6. No fence shall be erected so as to impair safe ingress and egress from any highway, street, or driveway.
- 7. Any fencing, including plantings, endangering the health, safety, or welfare of the public will be repaired, replaced, or removed.
- 8. In Residential districts, no barbed wire or electric fences are permitted.

**B. FENCES IN C COMMERCIAL DISTRICT AND C/I COMMERCIAL MIXED USE/INDUSTRIAL DISTRICT**

Fences as defined in Section 2.2 shall require a land use permit obtained from the Zoning Administrator. Permission to install any fence that would not meet the requirements of this Ordinance will require a variance.

- 1. Fences may be constructed of wood, masonry, woven wire, barbed wire and/or chain link.

2. Height of a fence will be a maximum of eight (8) feet measured from the ground.
3. Fence composition shall be of uniform design and material. No fence will be constructed of material that impairs the character of the neighborhood.
4. No fence will exceed four (4) feet in height within fifty (50) feet of any waterway; or obstruct a line of sight to the waterway above four (4) feet of any existing dwelling on adjacent property as drawn from the corner of such dwelling nearest the proposed fence.
5. Temporary fences for a specific purpose, such as a construction site enclosure or special events fencing, may be allowed. Without a permit, snow fencing will be allowed from October 1 to May 1.
6. No fence shall be erected, so as to impair safe ingress and egress from any highway, street, or driveway.
7. Any fencing, including plantings, endangering the health, safety, or welfare of the public will be repaired, replaced or removed.
8. Barb arm positioning will be determined by the Zoning Administrator with consideration of the surrounding properties or the purpose of the enclosure. Circumstantial changes in property use of fenced area may result in removal, or upgrading of barb arms.

## **SECTION 14.26 PRIVATE ROADS**

### **A. PURPOSE:**

The purpose of this Section is to provide uniform standards for the development and utilization of private roads.

### **B. PRIVATE ROAD CONSTRUCTION REQUIREMENTS:**

1. A private road shall be connected to and extend from a public street, R.O.W. (right of way) either directly or via other private roads.
2. All private roads shall have a width of sixty-six (66) feet R.O.W. with a three foot (3) minimum shoulder on each side. Ditches shall be no less than two (2) feet in depth and two and one half (2 1/2) feet in width for adequate drainage.
3. All private roads shall have a surface material of a compacted sand and gravel base of not less than twelve (12) inches in depth of which at least six (6) inches in depth shall be only gravel. Finished driving surface shall be no less than twenty-two (22) feet in width, which can consist of either/or gravel, pavement, asphalt, etc.
4. Cul-de-sac shall be a minimum of eighty-five (85) feet internal and one hundred seventy (170) feet external in radius, with a minimum of twenty-five (25) feet in width.
5. All private roads shall be a maximum of sixteen hundred (1600) feet in length.
6. All private roads shall have street names with identification signs provided at each and all intersections. Stop signs shall be provided at the intersection of the private and public road, and shall be in accordance with Roscommon County Road Commissions standards and specifications, unless the Planning Commission applies another type of design consistent with the character of the development. Signs shall clearly indicate that the road is private, and the private road restrictions shall be recorded with the Roscommon County Register of Deeds by the developer.

7. Setbacks from private roads shall be measured from 33 feet back from the centerline.

**C. APPLICATION AND APPROVAL:**

1. Private roads shall only be allowed by special use permit.
2. A written description of the proposed development to be served.
3. Detailed site plan and construction plans showing the proposed location, properties adjacent to, proposed street grades, and drainage shall be submitted with the application.
4. All other information that may be required by the Township.
5. If the application is approved for a special use permit, the Planning Commission will notify the Emergency Services upon approval of private road locations. Notification will be made by the Secretary of the Planning Commission. (Emergency Service shall include but not be limited to: Police, Fire, Ambulance, and County 911 Centers).
6. As a condition of the special use permit for any private road, the developer shall establish a special assessment district under 1954 Public Act 188. If repairs and maintenance of the private road(s) are not made so as to maintain the road in reasonably good and usable condition, the Township Board may repair and maintain the road and assess owners of the parcels having frontage on the private road, for the total cost of the repairs and maintenance, plus an administrative fee as provided by 1954 Public Act 188.

**D. MAINTENANCE AND REPAIR:** (for all existing and newly developed private roads.)

1. All private roads shall be adequately maintained for Emergency purposes such as Fire, Police and/or Emergency Medical Vehicles to ensure the Health, Safety, and Welfare of the property owners adjacent to the private roads. It will be the responsibility of the property owners to have and/or set up a maintenance agreement within the development to maintain these private roads and signs other than street identification.
2. The cost of maintenance, repair, improvement, reconstruction and snowplowing among the private property owners who benefit from and have access to the private roads and, shall be apportioned thereto.

**SECTION 14.27 ADULT BUSINESSES**

**A. PURPOSE AND INTENT**

The purpose and intent of this Section pertaining to the regulation of adult businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics that cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends that portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would



have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

**B. STANDARDS AND ADDITIONAL REQUIREMENTS**

In order to prevent undesirable concentration of such uses, the following uses and activities, as defined in Section 2.2, shall not be located within 1, 000 feet of any other such uses, nor within 1, 000 feet of a church or school, nor within 500 feet of any residentially zoned district or property being used as residential in other zoned districts, as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.

1. Adult book store;
2. Adult mini motion picture theatre;
3. Adult motion picture theatre;
4. Sexual paraphernalia store.

**C. WAIVER OF REQUIREMENTS**

The Planning Commission (where any of the foregoing regulated uses are special uses) and the Board of Appeals (where the foregoing regulated uses are permitted uses) may waive the foregoing spacing requirements if it finds the following conditions exist:

1. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will still be observed;
2. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development;
3. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interfere with any program of urban renewal;
4. Where all other applicable regulations within the township zoning ordinance or other pertinent township ordinances will be observed.

**SECTION 14.28 WIRELESS COMMUNICATION FACILITIES**

**A. APPLICABILITY**

1. New Tower and Antennas: All new tower or antennas, or modification of existing towers or antennas, shall be subject to the regulations contained within this section.
2. Amateur Radio Station Operators/Receive Only Antennas: This Ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.
3. Preexisting Towers or Antennas: Preexisting towers and preexisting antennas shall not be required to meet the requirements of the Ordinance.

**B. GENERAL REQUIREMENTS**

1. Principal or Accessory Use: Antennas and towers may be considered either principal or accessory uses. A different existing use of any existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. Lot size: For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
3. Inventory of Existing Sites: Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of any existing towers, antennas, or sites approved for tower or antennas, that are either within the jurisdiction of Roscommon Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower.
4. Aesthetics: Towers and antennas shall meet the following requirements:
  - a. Finish and Color of Towers: Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. Blend with Setting: At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend with the natural setting and surrounding buildings.
  - c. Color of Antenna: If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Lighting: Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
5. State or Federal Requirements: All towers must meet or exceed current standards and regulations of the FAA, the FCC, and the Michigan Tall Structures Act (Act 259 of 1959) and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers or antennas into compliance with such revised standards and regulations shall constitute grounds for removal of the tower or antenna at the owner's expense.
6. Building Codes; Safety Standards: To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronics Industries Association, as amended from time to time. If, upon inspection Roscommon Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within the thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
7. Measurement: For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Roscommon Township irrespective of municipal and county jurisdictional boundaries.

8. Signs: No advertising signs shall be allowed on an antenna or tower, except as may be required by Federal Law.
9. Building and support Equipment: Building and support equipment associated with antennas or towers shall comply with the requirements of the zoning district in which such buildings and support equipment are located.
10. Height: Height restrictions within the Zoning Ordinance shall not apply to telecommunication towers and facilities and alternative tower structures located in accordance with this section.

### **C. PERMITTED USES**

The following towers are permitted as a matter of right with site plan approval:

1. Antennas or towers located on property owned, leased, or otherwise controlled by Roscommon Township provided a license or lease authorizing such antenna or tower has been approved by Roscommon Township.
2. Antennas located on a previously approved tower upon submission of structural calculations certified and sealed by a licensed structural engineer certifying that the previously approved tower can support the additional antenna(s). An antenna placed on a previously approved tower may be authorized by the Zoning Administrator and need not be submitted to the Planning Commission.

### **D. SPECIAL USES**

All towers and antennas not specifically permitted in Subsection C above may be permitted by special use permit. Article XIX governs the issuance of special use permits for towers and antennas.

### **E. REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from Roscommon Township notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within the ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

### **F. PREEXISTING TOWERS**

Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of the Ordinance.

## **SECTION 14.29 SOLAR ENERGY**

### **A. Definitions**

1. **ABANDONED SOLAR ENERGY SYSTEMS:** Any Solar Energy System, Solar Array or combination of Photovoltaic Devices that remains nonfunctional or inoperative to the extent that it is not used to generate electric energy for a continuous period of six months.
2. **PHOTOVOLTAIC DEVICE:** A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

3. **SOLAR ARRAY:** Any number of Photovoltaic Devices connected together to produce a single output of energy.
4. **SOLAR ENERGY SYSTEM, LARGE:** A utility scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for sale, delivery or consumption of the generated energy by more than one end user, and typically the power output of that system is equal to or greater than 1 megawatt.
5. **SOLAR ENERGY SYSTEM, SMALL:** A solar energy system where the sole use is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, primarily for personal consumption by a single end user at the same property upon which the solar energy system is located. The power output of the system shall not exceed 150 kilowatts.
6. **UNREASONABLE SAFETY HAZARD:** Any condition which could reasonably be expected to create, cause, or compound the substantial likelihood that death, illness or personal injury may occur to any member of the general public, including but not limited to trespassers or emergency services personnel. Adherence by the property owner to industry standards for safeguarding against such risks will be taken into consideration in determining whether a condition poses an unreasonable safety hazard.

## **B. Small Solar Energy Systems, General Regulations**

1. Any Small Energy System mounted on the ground shall comply with those requirements applicable to an accessory building under section 14.4, or those requirements applicable to an accessory building within the zoning district in which the Solar Energy system is located, whichever is more stringent. A Land Use Permit shall be required.
2. A site plan drawing for a Small Energy System shall be prepared and submitted to the Zoning Administrator for approval prior to commencing installation. The site plan shall include the proposed location and an elevation drawing showing the proposed height and foundation details.
3. Small Solar Energy Systems shall not be constructed or installed in the front yard of any lot, absent a showing that the Solar Energy System cannot be operated efficiently on any other location on the property, and that such operation will not unreasonably interfere with adjacent properties.
4. Any Small Solar Energy System erected on a building shall not extend beyond the peak of the roof, provided that a Small Solar Energy System erected on a flat roof shall otherwise comply with the other requirements of this Section. In no event shall any portion of a Solar Energy System extend beyond the lesser of either thirty (30) feet or the maximum building height permitted within the district in which that Solar Energy System is located.
5. Any Solar Energy System mounted on the roof of a property must be installed with a minimum three (3) foot setback from the edges of the roof, the peak, the eave, or the valley.
6. No Solar Energy System shall be installed in such a way as to pose an Unreasonable Safety Hazard.
7. All Solar Energy Systems must conform to all Federal, State and County requirements, in addition to other applicable Township Ordinances, as well as any applicable industry standards.

8. All Solar Energy Systems must be installed in a manner ensuring that concentrated solar glare shall not be directed onto nearby properties or roadways
9. Any Small Solar Energy System mounted on the ground shall be sufficiently screened from the view of adjacent properties or roadways through the use of solid fencing consistent with Section 14.25, or the installation of a wall, hedge, or other vegetation not less than four (4) feet and no more than eight (8) feet depending on the zoning district.
10. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground. The Planning Commission may waive this requirement, or may limit it through conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such transmission lines underground.
11. Any Solar Energy System and the surrounding premises must be kept and maintained in good repair and condition at all times, and must continuously conform with all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System is in a blighted, unsafe, or substandard manner.
12. An Abandoned Solar Energy System shall be removed by the property owner within six (6) months.

### **C. Large Solar Energy Systems**

1. Purpose and Intent: The purpose and intent of this subsection is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems as a special use.
2. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
  - a. A site plan.
  - b. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
  - c. Names of owners of lot or parcel within the Township that is proposed to be within the Large Solar Energy System.
  - d. Vicinity map showing the location of all surrounding land uses.
  - e. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities associated with the Large Solar Energy System.
  - f. Horizontal and vertical (elevation) scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above ground structures and utilities on the property.
  - g. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within 1000 feet of the outside perimeter of the Large Solar Energy System.

- h. Proposed setbacks from the Solar Array(s) to all boundary lines and all existing and proposed structures with in the Large Solar Energy System.
- i. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System.
- j. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Roscommon County Road Commission or Michigan Department of Transportation approval as appropriate, and shall be planned so as to minimize the use of lands for that purpose.
- k. Planned security measures to prevent unauthorized trespass and access and to warn of potential dangers during construction, operation, removal, maintenance or repair of the Large Solar Energy System.
- l. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Large Solar Energy System, including decommissioning and removal procedures when determined by the Township to be obsolete, uneconomic or an Abandoned Solar Energy System. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Large Solar Energy System becomes obsolete, uneconomical or an Abandoned Solar Energy System.
- m. A copy of the manufacturer's safety measures.
- n. Planned lighting protection measures.
- o. The environmental impact of the Large Solar Energy System, as reflected in an environmental impact study, including, but not limited to, a review of the following factors:
  - 1) Impact on area water resources.
  - 2) Impact on air quality.
  - 3) Noise impacts caused by the Solar Energy System.
  - 4) Impacts on utilities and infrastructure.
  - 5) Protection of neighboring property owners and children.
  - 6) Impact on wildlife.
  - 7) Effects on floodplains and wetlands.
  - 8) Unique farmlands or soils.
  - 9) Areas of aesthetic or historical importance.
  - 10) Archeological or cultural concerns.
  - 11) Any other environmental factors typically evaluated by other members of the commercial energy industry when evaluating locations for a proposed power generating facility.

- p. A written description of measures to be taken to support the flow of rainwater throughout the Large Solar Energy System, including any measures to promote the growth of vegetation beneath the arrays and/or otherwise limit the impacts of storm water runoff. The measures shall be subject to the approval of the Roscommon County Drain Commission.
  - q. A written contract with any energy provider or other purchaser of the energy produced by the Large Solar Energy System, demonstrating a commitment to purchase said energy. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
  - r. Additional detail(s) and information as required by the Special Land Use requirements of the Zoning Ordinance, or as required by the Township.
3. Application Escrow Deposit: An escrow deposit shall be paid to the Township by the applicant when the applicant applies for a Special Use Permit for a Large Solar Energy System. The monetary amount deposited by the applicant in escrow with the Township shall be the amount estimated by the Township to cover all reasonable costs and expenses associated with the Special Use Permit review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point in the Special Use Permit review process, the Township may require the applicant place additional funds into escrow with the Township if the existing escrow amount deposited by the applicant is deemed insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so promptly, the Special Use Permit process shall cease unless and until the applicant makes the required additional escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township must also be complied with by the applicant.
  4. Compliance with the State Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the State Construction Codes as administered and enforced by the Township (as shown by approval by the Township) as a condition of any Special Use Permit under this section.
  5. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers (“IEEE”), Solar Rating and Certification Corporation (“SRCC”), Electronic Testing Laboratories (“ETL”), or other similar certification organization acceptable to the Township.
  6. Height: Maximum height of a Solar Array shall not exceed fifteen (15) feet. Other collection devices, components or buildings of the Large Solar Energy System shall not exceed thirty-five (35) feet, or the maximum building height permitted within the district in which that Solar Energy System is located, whichever is less, at any time or location on the property. The height shall be measured from the natural grade at the base of the Solar Array, device, component, or building measured. The Township Board may waive or modify these height requirements for certain aspects of a Solar Energy System (such as structures associated with above-ground transmission lines) through implementation of conditions when appropriate.
  7. Lot Size: A Large Solar Energy System shall be located on one or more parcels with an aggregate area of 10 acres or greater.
  8. Setbacks: A minimum setback distance of forty (40) feet from all property boundaries

on the outside perimeter of the Large Solar Energy System shall be required for all buildings and Solar Arrays except for property boundaries where the applicable adjoining owner(s) agree to lessen or increase that setback distance by executing a signed written waiver of this requirement in recordable form, provided no such waiver shall act to permit less than the required minimum setback of the applicable zoning district.

8. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
9. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing to restrict unauthorized access. Such fencing shall be eight (8) feet in height as measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen vegetative plantings whenever existing natural forest vegetation does not otherwise continuously obscure the Large Solar Energy System's entire perimeter from adjacent parcels, subject to the following requirements:
  - a. Unless screened and buffered at all times by natural forest vegetation meeting the minimum spacing and height requirements, and having a substantially similar obscuring effect of an evergreen vegetative buffer installed pursuant to this Section, a continuous evergreen vegetative buffer shall be installed and maintained at all times at the perimeter of the Large Solar Energy Systems, including without limitation between such Large Solar Energy Systems and adjacent residential or agricultural areas and/or public highways or streets. Nothing obtained herein shall be construed to prevent reasonable access to any Large Solar Energy System as approved by the Special Use Permit.
  - b. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk on one plant to the central trunk of the next plant), deciduous trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be placed no more than seven (7) feet apart on center. All unhealthy (60 percent dead or greater) and dead material shall be replaced by the applicant within six (6) months, or the next planting period, whichever occurs first, but under no circumstances should the applicant allow unhealthy or dead material to remain in place for more than six (6) consecutive months. Failure to maintain the required evergreen vegetative buffer as required by this section shall constitute a violation of this Ordinance and sufficient grounds for revocation of any Special Use Permit previously granted.
  - c. All plant materials shall be installed between March 15 and November 15. If the applicant requests a final certificate of occupancy from the Township and the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for the amount equal to 1.5 times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
10. Signage: No lettering, company insignia, advertising, graphics or other commercially-oriented inscriptions or designs shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This section does not prohibit signs reasonably necessary to inform the public of potential safety hazards associated with the Large Solar Energy System, nor does it prohibit any other signs that may be required by this Ordinance, the Special Use Permit or other applicable law.
11. Noise: No component of any Large Solar Energy System shall emit noise exceeding 45 dba as measured at the outside perimeter of the project.



12. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads
13. Glare: All solar panels shall be placed such that concentrated solar glare shall not be directed onto nearby properties or roadways.
14. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System. The Township board may waive this requirement, or modify it with appropriate conditions, if it determines that it would be impractical or unreasonably expensive to install, place or maintain such collection lines and interconnections underground.
15. Abandonment and Decommissioning: Following the operational life of the project, or at the time the project becomes obsolete, uneconomic or an Abandoned Solar Energy System, as determined by the Township Engineer or any other expert or specialist to be designated by the Township to make such a determination, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all of its components. The applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review prior to the issuance of the Conditional Land Use Permit. Under this plan, all structures and facilities shall be removed, including any structures below-grade, and removed offsite for disposal. No concrete, piping or other materials may be left in place. Any Solar Array or combination of Photovoltaic Devices that become an Abandoned Solar Energy System shall be removed under the decommissioning plan. The ground must be restored to its original condition within 180 days of becoming an Abandoned Solar Energy System, or decommissioning, whichever occurs first.
16. General Standards: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Use Permit unless it finds that all of the applicable standards for the Special Use Permit contained in this Ordinance are met.
17. Safety: The Planning Commission shall not recommend for approval any Large Solar Energy System Special Use Permit if it finds the Large Solar Energy System will pose an Unreasonable Safety Hazard to the occupants of any surrounding properties or area wildlife.
18. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commission's meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chairman of the Planning Commission and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
19. Inspection: The Township shall have the right at any reasonable time to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants to assist with any such inspections, at the applicant's or project owner's expense.
20. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Township Zoning Administrator determines that a Large Solar Energy System fails at any time to meet requirements of this Ordinance and Special Use Permit, or that it poses a potential Unreasonable Safety Hazard, the applicant shall shut down the Large Solar Energy System within 48 hours after notice by the Zoning Administrator and not operate, start or restart the Large Solar Energy System until the condition has been

corrected. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review on a monthly basis. Applicant shall keep all sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.

21. Roads: Any material damage to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the applicant's expense. In addition, the applicant shall submit to either the Roscommon County Road Commission or MDOT (as appropriate) a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to assure repair of any damage to the public roads caused by construction of the Large Solar Energy System or any of its elements.
22. Continuing Security and Escrow: If any Large Solar Energy System is approved for construction under this Section, applicant shall be required to post continuing security and a continuing escrow deposit prior to commencement of construction, which shall remain in effect until the Large Solar Energy System has been finally removed, as provided below:
  - a. Continuing Restoration Security: If a Special Use Permit is approved pursuant to this section, the Township Board shall require security in the form of a cash deposit, letter of credit, or surety bond acceptable to the Township, which will be furnished by the applicant to the Township in order to ensure full compliance with this section and all conditions of approval. When determining the amount of each required security, the Township may also require an annual escalator or increase based on the Consumer Price Index (or its equivalent or successor). Such financial guarantee shall be deposited or filed with the Township after a Special Use Permit has been approved but before construction commences on the Large Solar Energy System. At a minimum, the financial security shall be in an amount determined by the Township to be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable. In addition, the party operating a Large Solar Energy System approved by the Township shall inform the Township in the event that System, or a material portion of that system is sold to a third party, and any such sale shall require the purchasing party to provide the Township with the security described by this section, along with relevant contact information.
  - b. Continuing Compliance and Enforcement Escrow Deposit: A continuing escrow deposit shall be held by the Township and shall be funded by a cash deposit, letter of credit, or surety bond by the applicant prior to the commencement of construction of any Large Solar Energy System and shall be maintained by the owner or operator until the Large Solar Energy System has been permanently decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Use Permit, which costs can include, but are not limited to, reasonable fees for the Township Attorney, Township Planner and Township Engineer, as well as costs for any reports or studies that the Township determines are reasonably related to enforcement of the Ordinance and the Special Use Permit. If the Township is required to expend any portion of the escrow deposit or if the existing escrow amount paid by the applicant proves to be insufficient to cover the Township's

enforcement costs, the Township may require the applicant to place additional monies into escrow with the Township.

- c. Continuing Obligations: Failure to keep any required financial security and escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Use Permit and this Ordinance, and will subject the Large Solar Energy applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Use Permit. A review of security and escrow requirements shall occur no less than annually to determine compliance with this Section.
23. Conditions: In addition to the requirements of this Section, the Planning Commission may impose additional reasonable conditions on the approval of a Large Solar Energy System as a special land use.
24. Completion of Construction: The construction of any Large Solar Energy System must commence within a period of one (1) year from the date a Special Use Permit is granted, and must be completed within a period of three (3) consecutive years from the date a Special Use Permit is granted. The Township Board may grant an extension not to exceed one (1) year, provided the applicant requests the extension prior to the date of the expiration of the Special Use Permit approval. Failure to complete construction within the permitted time period shall result in the Special Use Permit being rendered null and void.
25. Quarterly Reports: The owner or operator of a Large Solar Energy System shall provide the Zoning Administrator with quarterly reports on trends and usage of that System as set by the Township Board. If this information is considered a confidential trade secret, the Township, upon written request from an energy provider, will keep such information confidential to the extent and through the means authorized by Public Act 442 of 1976.
26. Transfer of Ownership/Operation: Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, by the sale or lease of that System or the underlying property, the current owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System, and shall include a copy of the instrument or agreement effecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing security and escrow funds, has been established.

#### **SECTION 14.30 HOME OCCUPATION**

- A. Occupations engaged within a dwelling by the resident or residents of the same.
- B. Home Occupation shall be permitted only after the issuance of a Special Use Permit as provided in Article XIX of this Ordinance.
- C. No home occupation activity shall exceed 25% of total living area, or 200 square feet maximum.
- D. Applicant will provide a detailed floor plan with application to the Planning Commission showing the area of business occupation.
- E. Home occupation will be conducted only by the person or persons occupying the premises as their principal residence a major portion of each month. The Board of Appeals shall have the authority to permit an additional subordinate assistant who does not reside within the dwelling where the same would not materially impair the residential character of the

neighborhood or cause traffic congestion or parking problems. In no event, however, shall additional assistants exceed one in number.

- F. The dwelling, or any portion of the property will have no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
- G. A six (6) square foot sign will be allowed either free standing, or attached to a structure. There shall be no illumination.
- H. The occupation conducted therein is clearly incidental and subordinate to the principle use of the premises for residential purposes.
- I. No goods are sold from the premises that are not strictly incidental to the principal home occupation conducted within.
- J. Storage of material used in the home occupation will be limited to area provided for occupation. There will be no outside storage of materials.
- K. Any such home occupation shall be subject to annual inspection by the Zoning Administrator, failure to comply with, may result in a termination by the Township Planning Commission.

## **SECTION 14.31 OPEN SPACE PRESERVATION**

### **A. Parcel Division**

New parcels may be created pursuant to the Land Division Act or as provided in this Ordinance. New parcels created shall conform to the applicable provisions of one of the following development options, which are available only where single family dwellings are a use permitted by right. In addition, the splitting and combining of one adjacent parent parcel with another is allowed, provided that neither of the parent parcels have been split previously under either development option listed below. In these cases the resulting reconstituted parent parcels shall be the basis for further allowable land divisions.

1. Development Option 1, Country Properties: A maximum of 50% (fifty percent) of any parent parcel may be divided into new parcels averaging not less than 12,000 sq. ft. The remaining 50% (fifty percent) of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.
2. Development Option 2, Conservation Planned Unit Development: A maximum of 50% (fifty percent) of any parent parcel may be divided into new parcels averaging not less than 12,000 sq. ft. in area. The remaining 50% of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.
  - a. Eligibility: Parent parcels not previously split may be developed per this option.
  - b. Minimum Conservation Land Requirement: The development density that would normally be realized on the entire parent parcel shall be transferred to the area of the parent parcel that is not the open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means.
  - c. Determining Maximum Allowable Parcel Division: The maximum number of new parcels that may be created within the parent parcel shall be the same number calculated by dividing the total area of the parent parcel by the minimum parcel area required in the respective zoning district. To illustrate this density a conceptual plan of division of the parent parcel

shall be submitted by the applicant to the administrator. This plan shall contain proposed parcels, roads, right-of-ways, area and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.

- d. Endowment Parcel Density Bonus: In addition to the maximum number of new parcels as determined in Section 14.31 A.2.c of this Ordinance, when the required easement covering Conservation Lands shall be held in part by a recognized non-profit land conservancy two (2) additional parcels shall be allowed. The proceeds from the sale of the two (2) additional parcels shall be used to fund an endowment held by the Conservancy to cover the Land Conservancy's expenses for monitoring compliance with the conservation easement.
- e. Siting Criteria for New Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between developed and Conservation Land areas. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the following criteria and site plan criteria contained elsewhere in this Ordinance:
  - (1). Protects and preserves all beach contiguous to a lake or stream, wetland, area that is not accepted by the Roscommon County office of Community Health Department of jurisdiction for on-site sewage disposal unless an alternate system of sewage disposal is approved by Roscommon County office of Community Health Department of jurisdiction, flood plain, existing public utility easements, existing public rights-of-way, waterfront setback areas, and slopes over 25 percent (including a buffer area around such areas from clearing, grading filling, and construction).
  - (2). As practical, preserves and maintains existing fields, meadows, crop land, pastures, and orchards and creates sufficient buffer areas to minimize conflicts between residential and agricultural/forestry uses. When new development must be located in these areas due to greater constraints in all other parts of the site, buildings should be sited on the least prime and important or unique farmland or forest land soils, and in locations at the far edge of a field, as seen from existing roads.
  - (3). Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters.
  - (4). Minimizes impacts on large woodlands (greater than five acres), especially those located on upland soils considered prime for timber production.
  - (5). Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
  - (6). Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
  - (7). Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
  - (8). Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.

- (9). Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stonewalls, hedgerows, and so on.
- (10). Provides that Conservation Lands (Section 14.31.A.2.b of this Ordinance) shall be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum parcel depth to width ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
- (11) When Conservation Lands (Section 14.31.A.2.b of this Ordinance) are held in common by surrounding parcel owners the proposed site plan shall:
  - (i). Provide for active recreational areas in suitable screening from nearby parcels in the developed area(s).
  - (ii). Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
  - (iii). Ownership of Conservation Lands (Section 14.31.A.2.b) may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the township, or a recognized non-profit land conservancy.
  - (iv). Conservation Lands created pursuant to Option 2, Section 14.31.A.2 of this Ordinance, may be used for any permitted use allowed in this zoning district if the parcel contains a large enough buildable area. Such parcels shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Such conservation easement shall be held jointly by both the township and one of the following: a home owners association made up of parcel owners in the development, or a recognized non-profit land conservancy.

**B. Application and Site Plan Review Process:**

- 1. A pre-application conference between the applicant, the site designer, and the Zoning Administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance is encouraged for all parcels to be split under provisions of Option 1, Section 14.31.A.1 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
- 2. A pre-application conference between the applicant, the site designer, and the Zoning Administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance shall be mandatory for all parcels to be split under provisions of Option 2, Section 14.31.A.2 of this Ordinance. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.

3. The application shall then be processed under the Special Use Permit and Planned Unit Development provisions of this Ordinance. The municipality shall simultaneously approve the land division splits as part of the review.

### **SECTION 14.32 RACE TRACKS**

The construction of any racetrack for motorized vehicles, including, but not limited to cars, trucks, snowmobiles, motorcycles, RV's, and go-carts, shall be considered a special use, and shall not be permitted in districts zoned R Residential. In all other districts, special consideration must be given to the effect of such use on the surrounding properties, and public safety before granting a Special use Permit.

### **SECTION 14.33 ANIMALS**

#### **A. Animal and pet restrictions in R Residential District:**

The keeping, maintaining, caring for or raising of any wild animals is prohibited. Animals such as, but not limited to pigs, hogs, horses, burros, sheep, cattle, goats, mules, llamas, chickens, rabbits, pigeons, ducks, geese, or turkeys, and a combined total of more than three (3) dogs and/or three (3) cats, are prohibited in areas zoned R Residential, provided, however that any litter of dogs or cats that causes the limit of three (3) to be exceeded shall not constitute a violation of this provision while being kept with the mother for a period not to exceed four (4) months after birth. On lots of one-half (1/2) acre or more, the above limit of three (3) can be increased to five (5).

#### **B. Outdoor kennels:**

Outdoor kennels are permitted by special use permit in the A Agriculture District, provided that:

1. Must be located on a minimum of twenty (20) acres. Ten (10) dogs are permitted for the first (20) acres, and one (1) additional dog for each additional one-half (1/2) acre, with a maximum of twenty (20) dogs.
2. Buildings and runs for the housing of animals shall be a minimum of two hundred (200) feet from any lot line.
3. Outside runs must be individually fenced and paved with concrete.
4. Animals must be housed within an enclosed building between the hours of 9 pm. and 7 am each day.
5. Retention and storage of animal waste produced will not be allowed. It must be disposed of in a sanitary manner on a daily basis in accordance with the Michigan Department of Health requirements.
6. The Planning Commission reserves the right to impose conditions deemed necessary to secure a safe and sanitary operation.
7. Kennels shall be operated in conformance with all applicable county, township, state and federal regulations and American Boarding Kennel Standards.

#### **C. Indoor kennels:**

Indoor kennels for breeding and boarding of dogs and cats are permitted in areas zoned C Commercial, C/I Commercial Mixed Use/Industrial, and A Agriculture by special uses permit, provided that:

1. The kennel shall be housed within an enclosed, soundproof, heated, ventilated building with concrete floors throughout.
2. Kennels shall be operated in conformance with all applicable Township, county, state and federal regulations and American Boarding Kennel Standards.

3. The facility shall be arranged in such a manner as to insure safe and controlled transfer of animals from vehicles to the kennel building.
4. Outdoor exercise enclosures are permitted if screened with a solid wall.
5. Retention and storage of animal waste produced will not be allowed. It must be disposed of in a sanitary manner on a daily basis in accordance with the Michigan Department of Health requirements.
6. Minimum setback of twenty (20) feet is required.
7. The Planning Commission reserves the right to impose conditions deemed necessary to secure a safe and sanitary operation.

**SECTION 14.34 TEMPORARY OUTDOOR USES/VENDORS**

Temporary outdoor uses may be permitted by land use permit in any zoning district provided that the temporary use is similar in nature to those uses that are allowed by right in the district. All others require a review by the Planning Commission and may require an approved site plan at the Commission’s discretion in accordance with Article XVII.

A Land Use Permit identifying the location, sponsoring group or individual, and the beginning and ending dates of the use must be obtained from the Zoning Administrator. The Zoning Administrator shall determine any necessary off-street parking requirements.

The temporary permit shall be valid for a maximum duration of 15 days in any year, and may be renewed once for an additional 15 days in any year. At the expiration of the permit, no additional permit may be issued for a 30 day period.

A fee will be charged for each permit or renewal. The amount of the fee shall be set by the Township Board.

Tax exempt charitable organizations shall not be required to pay the fees for a temporary outdoor use if a valid tax exempt certificate is shown. All other conditions apply.

**SECTION 14.35 WIND ENERGY CONVERSION SYSTEM (WECS)**

**A. Purpose:**

The purpose of this Section is to establish standards and procedures by which the installation and operation of a WECS may be permitted as a special use within the A Agriculture District.

**B. Applicability:**

1. WECS, Wind Farms, Single WECS for Commercial Purposes, and WECS Testing Facilities: Wind energy conversion systems such as a WECS, wind farm, single WECS for commercial purposes, and WECS Testing Facilities associated with the commercial application of a WECS may be allowed as a Special Use only within the A Agriculture District, subject to the regulations and requirements of this section and also the general special use review procedures and standards/criteria of this Zoning Ordinance.
2. Single WECS for On-site Service Only: Single WECS applications of wind energy conversion system, including WECS Testing Facilities, to service the energy needs of only the property where the structure is located may be approved in any zoning district as a Special Use, provided the property upon which the WECS is to be located is at least three and one-half (3-1/2) acres in size and subject to the special use permit and site plan review and approval procedures and standards/criteria of this Ordinance, as well as all of the following:
  - a. The tower shall not exceed a height of 80 feet.
  - b. The blade diameter (tip to tip) shall not exceed 100 feet.



- c. The height of the overall WECS (with the blade in the vertical position) shall not exceed 130 feet above ground level (at normal grade).
- d. The distance of the structure from all property lines shall be at least two (2) times the WECS height.

**C. Site Plan Requirements:**

Site plan requirements are set forth in Article XVII.

**D. Compliance with the Township Building Code:**

A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECS and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

**E. Compliance with the Electrical Code:**

WECS and Testing Facility electrical equipment and connections shall be designed and installed in full compliance with the Electrical Code as adopted by the Township. A copy of manufacturer installation instructions and blueprints shall be provided to the Township.

**F. Design Standards.**

1. Height: The permitted maximum total height of a WECS (i.e., WECS height) shall be 400 feet including the blade in vertical position.
  - a. State and federal regulations may require a lesser height.
  - b. As a condition of approval, the Township may require a lesser height for a WECS if reasonably necessary to comply with the standards contained in subsection (h) hereof.
  - c. A WECS shall be constructed with a tubular tower, not a lattice tower.
2. Height of Test Tower Facility: Unless a different height is approved by the Planning Commission, the WECS Testing Facility height shall be no greater than 300 feet from the ground (i.e., from normal grade to the test tower top) and shall comply with design standards.
3. Setbacks: No part of a WECS or WECS Testing Facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback. The setback for placement of a WECS or a WECS Testing Facility shall be equal to the required setbacks for the zoning district in which the WECS is located plus the WECS height.
4. Rotor or Blade Clearance: Blade arcs created by a WECS shall have a minimum of seventy-five (75) feet of clearance over and from any structure, adjoining property, or tree. The minimum blade or rotor clearance above ground level shall be at least twenty (20) feet.
5. Rotor or Blade Safety: Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds within 80% of design limits of the rotor.
6. Tower Access: To prevent unauthorized climbing, WECS and Testing Facilities must comply with at least one of the following provisions:
  - a. Tower climbing apparatus shall not be located within twelve (12) feet of the ground.

- b. A locked anti-climb device shall be installed and maintained.
  - c. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire.
7. Signs: Each WECS and Testing Facility shall have one sign: not to exceed two (2) square feet in area, posted at the base of the tower. The sign shall contain at least the following:
- a. Warning high voltage.
  - b. Manufacturer's name.
  - c. Emergency numbers (list more than one number).
  - d. Emergency shutdown procedures.
  - e. FAA regulated sign with precise description with latitude and longitude and shall also contain both the applicant's current telephone number and the current telephone number for the FAA's regional office having jurisdiction over Roscommon Township.
  - f. If fenced, place signs on the fence.
8. Lighting: A lighting plan for each WECS and Testing Facility shall be approved by the Planning Commission. Such plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. Such a plan shall include but is not limited to the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground if such lights are allowed by the Planning Commission.
9. Electromagnetic Interference: Each WECS and Testing Facility shall be designed, constructed and operated so as not to cause radio and television interference. In the event that electromagnetic interference is experienced, the applicant must provide alternate service to each individual resident or property owner affected.
10. Noise Emissions: Noise emissions from the operation of a WECS and Testing Facilities shall not exceed forty-five (45) decibels on the DBA scale as measured at the nearest property line or road.
- a. A baseline noise emission study of the proposed site and impact upon all areas within one (1) mile of the proposed WECS location must be done (at the applicant's cost) prior to any placement of a WECS and submitted to the Township. The applicant must also provide estimated noise levels to property lines at the time of a Special Use application.
11. Utility Company Interconnection (Interconnected WECS): All distribution lines from the WECS to the electrical grid connection shall be located and maintained underground (both on the property where the WECS will be located and off-site). The Planning Commission may waive the requirement that distribution lines for the WECS that are located off-site (i.e., are not located on or above the property where the WECS will be located) be located and maintained underground if the Planning Commission determines that to install, place, or maintain such distribution lines underground would be impractical or unreasonably expensive.

**G. Approval Standards:**

In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any WECS or Testing Facility unless it finds that all of the following standards are met:

1. The general special use standards contained in Article XIX of this Ordinance; and
2. The WECS or Testing Facility will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.

**H. Ornamental Wind Devices:**

Ornamental wind devices that are not a WECS shall be exempt from the provisions of this section, so long as they do not exceed the height limitations for permitted accessory structures (i.e., those permitted as of right) within the zoning district where the ornamental wind device will be located. Such devices may also be regulated by other provisions of this Ordinance.

**I. Inspection:**

The Township shall have the right upon issuing any WECS and Testing Facility special use permit to inspect the premises on which the WECS or Testing Facility is located at all reasonable times. The Township may hire a consultant to assist with any such inspections at the applicant's cost.

**J. Maintenance and Repair:**

Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the applicant shall take expeditious action to correct the situation. The applicant shall keep a maintenance log on each WECS, which the Township can review on a monthly basis.

**K. Abandonment:**

Any WECS or Testing Facility that is not used for six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and belowground materials must be removed. The ground must be restored to its original condition within 60 days of abandonment.

**L. Security:**

If a special use is approved pursuant to this section, the Planning Commission shall require security in the form of a cash deposit, surety bond, or irrevocable letter of credit (in a form, amount, time duration and with a financial institution deemed acceptable to the Township), which will be furnished by the applicant to the Township in order to ensure full compliance with this section and any conditions of approval. When determining the amount of such required security, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index' (or the equivalent or its successor). Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction commences upon a WECS or WECS Testing Facility. At a minimum, the financial security shall be in an amount determined by the Township to be sufficient to have the WECS or Testing Facility fully removed (and all components properly disposed of and the land returned to its original state) should such structure or structures become abandoned, dangerous or obsolete, or not in compliance with this ordinance or the special use approval. Such financial security shall be kept in full force and effect during the entire time while a WECS or WECS Testing Facility exists or is in place. Such financial security shall be irrevocable and non-cancelable (except by the written consent of both the Township and the then owner of the WECS or WECS Testing Facility) for at least 30 years from the date of the special use approval. Failure to keep such financial security in full force and effect at all times while a WECS or WECS Testing Facility exists or is in place shall constitute a material and significant violation of a special use approval and this ordinance, and will subject the applicant to all available remedies to the Township, including possible enforcement action and revocation of the special use approval.

**M. Road Repair:**

Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense.

**N. Liability:**

The applicant shall insure each WECS at all times for at least \$2,000,000 (in 2006 dollars based on the federal CPI) for liability to cover the applicant, Township and land owner.

**O. Color:**

A WECS shall be painted a non-obtrusive (light environmental color such as beige or gray) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.

**P. Shadow flicker:**

All efforts shall be made not to affect any resident with any strobe or shadow flicker effect.

**Q. Effects Beyond Site:**

Under no circumstances shall a WECS or Testing Facility produce vibrations or wind currents humanly perceptible beyond the property boundaries of the lot or parcel on which the WECS or Testing Facility is located.

**R. Responsibility:**

The applicant shall be responsible for compensation to persons damaged due to any stray voltage caused by a WECS.

**S. Environmental Impact Study:**

At the Township's request, the applicant shall fund an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife) as required by the Township for review by the Township regarding the area or surrounding areas where the WECS will be placed. Each such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special use request.

**T. Wind Rating:**

The applicant shall show proof of a minimum wind rating of 3 from the proposed WECS when applying for a Special Use Permit.

**U. Financial Impact Study:**

At the Township's request, the applicant shall fund a financial impact study for review by the Township of the area affected by the WECS. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the special use request.

**V. Escrow Deposit:**

An escrow deposit shall be provided when the applicant applies for a Special Use Permit for a WECS or WECS Testing Facility. The monetary amount filed by the applicant with the Township shall be in an amount estimated by the Township to cover all costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, as well as any reports or studies that the Township anticipates it may have done related to the zoning review process for the particular application. Such escrow amount shall be in addition to regularly established

fees. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuses to do so promptly, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any applicable zoning escrow resolutions or other ordinances adopted by the Township shall also be applicable.

**W. Reasonable Conditions:**

In addition to the requirements of this section, the Planning Commission may impose additional reasonable conditions on the approval of a WECS or WECS Testing Facility as a special use.

**X. Compliance with Other Requirements:**

Each WECS and WECS Testing Facility shall also comply with all applicable federal, state of Michigan, and county requirements, in addition to Township ordinances.

**SECTION 14.36 OUTDOOR FURNACES**

**A. Intent**

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Ordinance is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Township.

**B. Land Use Permit Required**

No person shall cause, allow or maintain the use of an Outdoor Furnace within the Township without first having obtained a land use permit from the Zoning Administrator. Application for a land use permit shall be made to the Zoning Administrator and the Zoning Administrator may issue a permit if the following requirements are met:

1. Permitted Fuel – Only Firewood and Untreated Lumber are permitted to be burned in any Outdoor Furnace. Burning of any and all other materials in an Outdoor Furnace is prohibited.
2. Permitted Districts – Outdoor Furnaces shall be permitted in the A Agriculture and R Residential Districts.
3. Setbacks – Outdoor Furnaces shall be set back not less than 60 feet (60') from the nearest lot line.
4. Outdoor Furnaces must be at least 200' from the nearest dwelling that is not the same property and 60 feet (60') from the nearest lot line.
5. Chimneys must be at least 15 feet (15') high.
6. Spark Arrestors – All Outdoor Furnaces shall be equipped with properly functioning spark arrestors.

**SECTION 14.37 CONDITIONAL REZONING**

**A. Intent.**

It is recognized that there are certain instances where it would be in the best interests of the Township, 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 the provisions of

Section 405 of the Michigan Zoning Enabling Act 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.**

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 purport to 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 under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. 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 Township Board 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 public hearing and consideration of the factors set forth in Article XVII of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

**D. Township Board Review.**

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors set forth in Article XVII of this Ordinance. Should the Township Board 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 Township Board may, in accordance with Section 401(3) of the Michigan Zoning Enabling Act refer such amendments to the Planning Commission for a report

thereon within a time specified by the Township Board and proceed thereafter in accordance with the statute to deny or approve the conditional rezoning with or without amendments.

**E. Approval.**

1. If the Township Board 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 Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the Roscommon County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
  - b. Contain a legal description of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the 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 Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
  - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon 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 Township 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 Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

**F. Compliance with Conditions.**

1. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

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

**G. Time Period for Establishing Development or Use.**

Approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board'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 Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other districts and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**H. Reversion of Zoning.**

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

**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. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice 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 or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township 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.

**K. Township Right to Rezone.**

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township 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.

**L. Failure to Offer Conditions.**

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

**M. Additional Standards.**

In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:



1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other districts and uses in the surrounding area;
3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

**SECTION 14.38 M-55 CORRIDOR OVERLAY ZONING DISTRICT**

**A. Findings**

The need for this district is based, in part, on specific studies for M-55 that conclude that the continued development along the corridor will increase traffic volumes and introduce additional conflict points that will further erode traffic operations and increase potential for crashes. Numerous published studies and reports document that the relationship between systems and traffic operations and safety. Those reports and experiences of other communities demonstrate standards on the number and placement of access points (driveways and side street intersections) that can preserve the capacity of the roadway and reduce the potential for crashes. The standards herein are based on recommendations published by various national and Michigan agencies that were refined during preparation of the M-55 Corridor Access Management Plan. The Township finds that special comprehensive standards are needed along the M-55 corridor based upon the following findings:

1. The combination of roadway design, traffic speeds, current and projected traffic volumes, traffic crashes, and other characteristics necessitate special access standards.
2. Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
3. The standards of this district are based upon considerable research and recommendations by the Michigan Department of Transportation ("MDOT").
4. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction in the future, which disrupts businesses.

**B. Purpose**

The Roscommon County Roads Department and Michigan Department of Transportation have jurisdiction within the highway's right-of-way, while Roscommon Township has authority for land use and site plan decisions within individual parcels along the highway. The standards of this overlay zoning district were created to help ensure a collaborative process between the MDOT, County, and Roscommon Township and Denton Township on access decisions along M-55 to implement the recommendations of the M-55 Corridor Access Management Plan and other adopted community plans. Among the specific purposes of this Corridor Overlay Zoning District are to:

1. Preserve the capacity of M-55 by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off cross streets in certain locations.
2. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
3. Improve safety and reduce the potential for crashes.

4. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
5. Implement the recommendations of the M-55 Corridor Access Management Plan.
6. Require longer frontages or wider minimum lot widths than required in other zoning districts to help achieve access management spacing standards.
7. Required coordinated access among adjacent lands where possible.
8. Require demonstration that resultant parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
9. Address situations where existing development within the corridor area does not conform to the standards of this overlay district.
10. Identify additional submittal information and review procedures required for parcels that front along M-55.
11. Avoid the need for unnecessary and costly reconstruction that disrupts business operations and traffic flow.
12. Ensure efficient access by emergency vehicles.
13. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.
14. Establish uniform standards to ensure fair and equal application.
15. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access may not be the arrangement most desired by the landowner or applicant.
16. Promote a more coordinated development review process for the township with the Michigan Department of Transportation and the Roscommon County Road Commission.

### **C. Applicability**

The standards of this Section shall apply to all lands with frontage that lies along M-55 or to any non-residential or multi-family residential uses within 120 feet of the centerline of M-55 and illustrated as the M-55 Corridor Overlay District on the Zoning Map. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. The regulations of this Overlay District apply in addition to and simultaneously with the other applicable regulations, including permitted and special uses, of the underlying zoning district. An evaluation of compliance with the standards of this Overlay Zoning District and the M-55 Access Management Plan (*Section 3: Access Management Standards*) by the Planning Commission, Road Commission, and MDOT shall be conducted, and shall comply or be brought into compliance prior to issuance of any permits or approvals, if any of the following circumstances exist:

1. Proposed erection of a new building or structure, or the reconstruction, demolition, rehabilitation or expansion of an existing site;
2. Subdivision or site condominium project;
3. Proposed construction or expansion of a parking lot;
4. Any other circumstances where a building permit, other construction permit, or land use permit or certificate of completion or certificate of occupancy is sought for use, site upgrade, or change of use for any land, building, or structures;

5. Any other change of use or business where there will be an increase in accepted average daily trip generation figures significant enough to move the site to a higher Trip Generation Intensity Category (Low to Medium, Medium to High, or Low to High), according to the thresholds established in Table 1;

**Table 1** Trip Generation Intensity Categories and Examples.

<b>Intensity Categories</b>		
<b>Low</b> (Less than 1,500 Daily Trips)	<b>Medium</b> (1,500 – 4,000 Daily Trips)	<b>High</b> (Greater than 4,000 Daily Trips)
150 Unit Apartments (1,050)	Gas Station w/ Convenience (1,950)	200,000 s.f. Shopping Center (10,650)
150 Room Hotel (1,350)	Fast Food w/ Drive- Thru (1,500)	50,000 s.f. Strip Commercial Center (4,300)
Pharmacy w/ Drive-Thru (1,320)	50,000 s.f. Medical/Dental Office (1,835)	

**D. Site Plan**

If any of the circumstances of this section exist on a site that does not meet the access standards of this Overlay District, the owner and/or applicant shall be required to submit a site plan for approval by the Planning Commission and submit information to the county or MDOT to determine if any modifications to the site’s access is required. The standards herein were developed collaboratively between the township, the county and MDOT. Where conflict occurs, the more restrictive regulations shall apply.

**E. Improvement of Access.**

Where the opportunity arises to improve access management on a site, the site should be modified to meet the standards of this ordinance and the access management plan for M-55, in the following order:

1. the improved access is to meet MDOT standards reflected in this ordinance, where possible, or:
2. the improved access is to meet the site-specific recommendations in the M-55 Access Management Plan, with the applicable standards applied in the following order:
  - i) spacing from signalized intersections;
  - ii) offset from driveways and access points on the opposite side of the street;
  - iii) spacing of driveways on the same side of the street and the number of driveways on the same side of the street.

**F. Additional Submittal Information**

In addition to the submittal information required for site plan review in Article XVII, the following shall be provided with any application for site plan or special use review, as deemed necessary by Planning Commission.

1. Existing access points. Existing access points within 300 feet on either side of the M-55 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.
2. The applicant shall submit evidence indicating that the sight distance recommendations of the road agency are met.

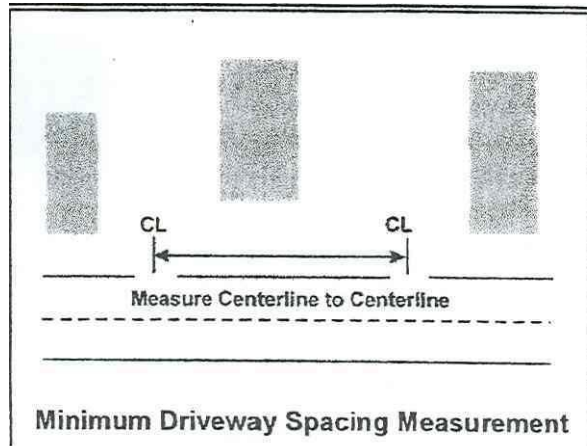
3. Dimensions between proposed and existing access points (and median cross-overs if applicable in the future).
4. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Roscommon County Register of Deeds.
5. Dimensions shall be provided for driveways (width, radii, throat length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.
6. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.
7. Traffic impact study. Submittal of a traffic impact study may be required for any special use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The township road agency may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.
8. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or County road Commission for their information. Any correspondence from the MDOT and RCRC shall be considered during the site plan review process. The Township may request attendance at coordination meetings with representatives of the applicable road agency. An access permit shall not be requested from the road agency until a land division or site plan is approved by the township. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.

## **G. Access Management Standards**

Access points (not including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT.

1. Each lot shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this district.
2. An additional driveway may be permitted by the Planning Commission upon finding the conditions A and B, or C and D, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site.
  - a. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and

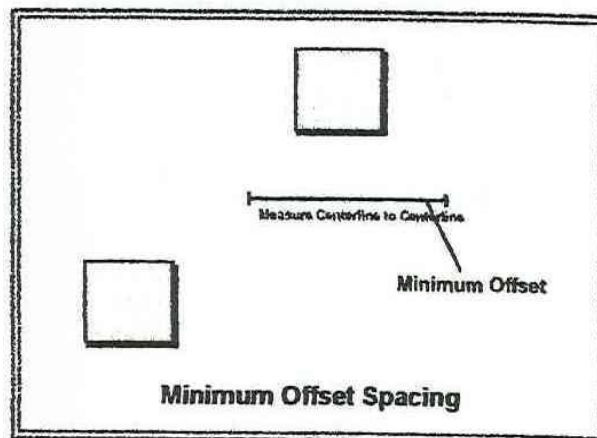
- b. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; or
- c. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and



- d. The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.
3. Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure), based on the posted speed limit along the public street segment. Required spacing along M-55 is greater than other roadways to acknowledge MDOT access guidelines and that their primary function is to accommodate through traffic while the function of other roads is more balanced with access to properties.

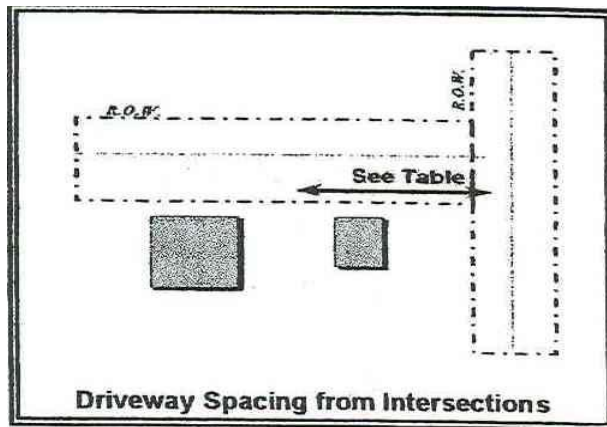
<u>Posted Speed limit</u>	<u>Along M-55*</u>	<u>Along other Roadways</u>
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.

\*unless greater spacing is required by MDOT or required to meet other standards herein



Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

- Access points shall be aligned with driveways on the opposite side of the street or offset a minimum of 250 feet, centerline to centerline. The Planning Commission may reduce this to not less than 150 feet where each of the opposing access point generates less than 50 trips (inbound and outbound) during the peak hour of the public street where sight distance limitations exist.



- Minimum spacing of access points from intersections shall be in accordance with the table below (measured from pavement edge to pavement edge).

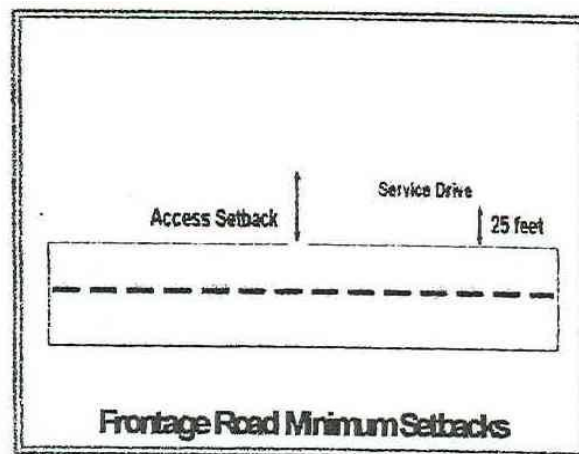
Signalized locations:\*

along M-55	300 feet
along other public streets	200 feet

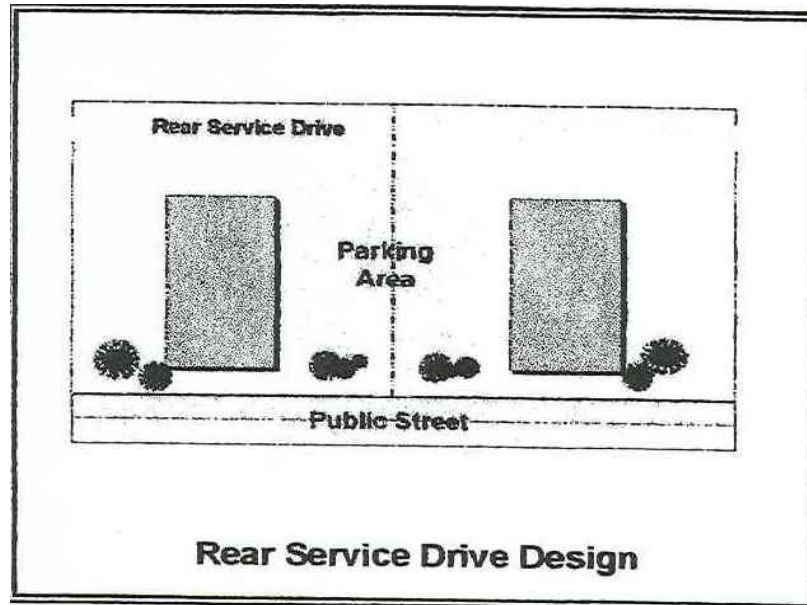
Un-signalized locations:

along M-55	300 feet
intersections with M-55	200 feet
other intersections	150 feet

\*Spacing shown for signalized intersections shall also be applied at intersections where MDOT indicated spacing and approach volumes may warrant a signal in the future.



- Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.
- Frontage roads or service drives shall be constructed in accordance with the following standards:



- a. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
  - b. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information, and other supporting documentation.
  - c. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.
8. Driveways shall be located to provide safe sight distance, as determined by the applicable road agency.
  9. No driveway shall interfere with municipal facilities such as street light or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway, which is constructed in conflict with street structures. The cost of reconstructing or relocating such driveways shall be at the expense of the abutting property owner.

#### **H. Modification of Access Standards**

1. In the event that the proposed access to a site is unable to conform to the above standards, the Planning Commission shall require conformity with the site-specific recommendations set out in the M-55 Access Management Plan. Conformity with the access management plan shall be preferred over any additional modifications as set out below.
2. Given the variation in existing physical conditions along the corridor, modifications to the above standards and beyond those recommended in the M-55 Access Management Plan may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

- a. The proposed modifications is generally consistent with the intent of the standards of this overlay district and the recommendations of the M-55 Access Management Plan and Study.
- b. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
- c. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
- d. The proposed modifications consistent with MDOT guidelines and MDOT and/or Roscommon County Road Commission staff support the proposed access design.
- e. If deemed necessary by the planning Commission, a traffic study by a qualified traffic engineer has been provide that certifies the modification will improve traffic operations and safety along M-55, and is not simply for convenience of the development.
- f. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
- g. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
- g. Indirect or shared access is not reasonable.
- i. Such modification shall be demonstrated to be the minimum necessary.

**OR**

- 3. In the case where it can be demonstrated that conditions prohibit adherence to the access standards of this district, the Board of Appeals may consider a variance from the standards herein. In such cases, the Board of Appeals shall make a finding that the applicant meets all of the following criteria:
  - a. Practical difficulties exist on the site that make compliance unreasonable (topography, wetlands, drain, unique site configuration or shape, sight distance limitations or a unique traffic operations situation)
  - b. The practical difficulty cannot be resolved by use of a shared access system.
  - c. The MDOT has been consulted and supports the need for some type of variance
  - d. The variance is consistent with the general intent of this district and the recommendations of the M-55 Access Management Plan.
  - e. A traffic study by a qualified traffic engineer has demonstrated that the variance is in the public interest and supports the proposed access design.
  - f. Such modification shall be demonstrated to be the minimum necessary.



**ARTICLE XV**  
**NON-CONFORMING BUILDINGS AND USES**

**SECTION 15.1 NONCONFORMING BUILDINGS**

Any lawful use of a building existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions hereof, but no such building shall be enlarged or extended. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or to a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be extended throughout those parts that were manifestly arranged or designed for such use at the time of adoption of this Ordinance.

- A. Whenever the use of a building shall become nonconforming through a change in the zoning regulations or in the district boundaries, such use may be continued and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.
- B. Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of 180 days, such nonconforming use shall be deemed to be abandoned, and any future use of such building or portion thereof, shall be in conformity with the regulations of the district in which such building is located.
- C. A nonconforming building that has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than 50 percent of its assessed value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than 50 percent of its assessed value, a nonconforming building may be repaired or reconstructed and used as before the time of damages provided such repairs or reconstruction are completed within one (1) year from the date of such damage.

**SECTION 15.2 NONCONFORMING USES OF LAND**

A nonconforming use of land existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is discontinued for a continuous period of 180 days, any future use of such land shall be in conformity with the provisions of this Ordinance.

**SECTION 15.3 ALTERATIONS, CHANGES, AND EXTENSIONS**

- A. Any non-conforming use shall not be enlarged or extended except by specific approval of the Board of Appeals.
- B. Where the non-conforming use is a residential structure, and non-conforming due to setbacks only, the Zoning Administrator can approve enlargement of the structure, providing the enlargement meets all requirements of the district in which the structure is located.
- C. Non-conforming use of any parcel of land, building, or structure shall not be changed to any other non-conforming use after such use has been changed to a conforming use.

**SECTION 15.4 ABANDONMENT AND DISCONTINUANCE**

If the non-conforming use of any building, structure, land, or premises or part thereof is discontinued or abandoned through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, act of God, public enemy, or otherwise damaged to an extent of 50% its assessed valuation for a continuous period of 180 days, then any further use of the building, structure, land, or premises shall conform in its entirety to the provisions of this Ordinance; provided, however, the Board of Appeals may, upon application within thirty (30) days of termination of that period, permit the resumption of such non-conforming use; provided that, (a) such rebuilding or restoration will not substantially extend the probable duration of such

non-conforming use or; (b) that circumstances are such that the land previously occupied by such non-conforming use cannot then be advantageously used for a use permitted in the district.

**SECTION 15.5 QUESTIONABLE CASES**

Any questionable case involving certain buildings, accessories, or structures as to whether they do or do not conform to the provisions of this Ordinance for the respective district shall be referred to the Zoning Administrator and, if necessary, appealed to the Board of Appeals for a determination, except any special use.

**ARTICLE XVI**  
**ADMINISTRATION AND ENFORCEMENT**

**SECTION 16.1 ADMINISTRATIVE OFFICIAL**

The Zoning Administrator appointed by the Township Board, is hereby authorized to direct, supervise, and enforce the provisions of this Ordinance and any requirements, standards or conditions imposed under a special use permit. The Zoning Administrator's duties shall include, among others, the following: investigation of ordinance violations; issuing and serving ordinance violation notices; issuing and serving appearance tickets as authorized by law; issuing and serving municipal ordinance violation notices and municipal civil infraction citations as authorized by law; appearance in court or other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

**SECTION 16.2 LAND USE PERMITS**

**A. Application:**

Before any change of use of any building or parcel of land is undertaken, the owner, or his duly-authorized agent, shall apply to the Zoning Administrator for a Land Use Permit on forms provided by the Township. The application shall include the name and address of the owner, the intended use, a sketch that includes the lot dimensions, size and location of existing structures, distances between structures, dimensions, size and location on the lot of the proposed structure, dimensions of front, side, and rear yards and estimated cost of structure and proposed signs.

**B. Issuance:**

Whenever the uses as set forth in the application are in conformity with the provisions of this Ordinance, except any application for a special use, the Zoning Administrator shall issue the owner or his agent a Land Use permit within ten (10) days, exclusive of Sundays and Holidays, of the filing thereof. In any case, where a Land Use Permit is refused, the cause shall be stated in writing to the applicant within ten (10) days of application be certified mail.

**C. Revocation:**

The Zoning Administrator shall have the power to revoke or cancel any Land Use Permit or any special use permit for the failure or neglect to comply with the provisions of this Ordinance, or the requirements, standards or any conditions imposed upon a special use permit, or in the case of false statements or misrepresentation in the application. The owner shall be notified by mail. Any revocation or cancellation of a Special use Permit by the Zoning Administrator may be appealed to the Roscommon Township Planning Commission.

**SECTION 16.3 FEES**

Permit fees are fixed and non-refundable, and shall be set by the Township Board. Escrow fees are estimated to deal with the needs that may be presented for the Township's legal and consulting expenses for a specific project, and are refundable if not used.

**SECTION 16.4 VIOLATIONS AND PENALTY**

- A. Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any of the provision of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine and attorney fees.
- B. Repeat offenses under this Ordinance shall be subject to increased fines. As used in this Section, "repeat offense," means a second (or any subsequent) violation of the same requirement or provision of this Ordinance within any three (3) year period for which the person admits responsibility or is determined to be responsible.
- C. The amount of the fines under this Section shall be according to a schedule set by the Township Board.
- B. **Stop Work Order.** Upon notice from the Zoning Administrator that work on any structure or premises is being undertaken contrary to this Ordinance, such work shall immediately cease. The stop work order shall be posted on the property with a copy mailed or delivered to the owner of the property in question, person occupying the property or the person doing the work, and shall state the conditions under which the work may be resumed. Any person who shall continue any work in or about the structure or premises after having been served with a stop work order, except such work as such person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be found responsible for a violation of this Ordinance

**SECTION 16.5 DEVELOPMENT AGREEMENTS**

- A. The Zoning Administrator, in conjunction with the Planning Commission, shall draft development agreements when necessary to ensure that the provisions of applicable federal and state statutes, local ordinances, rules, regulations, and conditions are adhered to by the owner of the land and/or developer of the project, such agreements to be reviewed by the Planning Commission and approved, approved with revisions or disapproved by the Township Board.
- B. As a condition to the grant of authority under this Ordinance, the owner and developer may be required to enter into a development agreement. The development agreement shall embody the parties' intent with respect to the project. The agreement may include the following provisions:
  - 1. Posting of funds with the Township to ensure that the costs incurred by the Township with respect to the subject property are borne by the owner and/or developer and not the Township.
  - 2. Installation of specified improvements at the expense of the developer in accordance with federal, state and local requirements and standards and, if applicable, to provide for the conveyance of such improvements to the Township by deed, easement, bill of sale or other means.
  - 3. Depiction of all dedicated open spaces, common areas, conservation easements and improvements on the site plan, together with a statement that specifies the use(s) that may be made of such areas.
  - 4. Set forth conditions to a conditional rezoning; to a site plan review; to a special use; or to a planned unit development.
  - 5. Specify the authorized use(s) on the subject property.
  - 6. Posting financial guarantees to ensure faithful completion of improvements and compliance with conditions.
  - 7. Posting certificates of insurance and hold harmless provisions.

8. Provisions to ensure maintaining improvements in perpetuity.
  9. Construction completion date(s).
  10. Such other and further provisions as come within the scope of authority granted to the Township that have a reasonable relationship to the subject property.
- C. The Development Agreement, among other things, is intended to assure that the improvements depicted on the site plan are properly installed and that the costs associated with the project are borne by the owner and/or developer (not the Township) of the project. The site plan shall become part of any subsequent permit issued by the Township, such as (but not limited to) certificates of zoning compliance and certificates of occupancy. The Development Agreement may be amended with the mutual consent of the parties to the Agreement or their successors in interest.
  - D. The Development Agreement, at the expense of the owner/developer, shall be recorded with the Roscommon County Register of Deeds and bind successors in interest. Any transfer of responsibility under the agreement from one developer to another shall require the approval of the Township Board that shall not be unreasonably withheld, but may require the posting of additional financial assurances.

## **SECTION 16.6 PERFORMANCE GUARANTEES**

- A. To ensure compliance with this Ordinance and any conditions imposed under the Ordinance, the Township may require that a cash deposit, certified check, or irrevocable letter of credit acceptable to the Township covering the estimated cost of improvements be deposited with the Township Clerk to insure faithful completion of the improvements and fulfillment of conditions. The form of the performance guarantee shall be approved by the Township Treasurer and Township Attorney.
- B. As used in this Section, "*improvements*" means those features and actions associated with a project that are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities such as water and sewage, sidewalks, bike and walking paths, screening, grading, landscaping and drainage. Improvements do not include buildings.
- C. The Township Board, Planning Commission, Board of Appeals, and Zoning Administrator are authorized to require the posting of a performance guarantee by an applicant seeking authorization under this Ordinance.
- D. The performance guarantee shall be deposited at the time of issuance of the document that authorizes the activity or project. The Township may not require the deposit of the performance guarantee until it is prepared to authorize the activity or project.
- E. The letter or credit or other acceptable security shall provide that any documents required by the Township to obtain the funds may be hand delivered to a financial institution within 50 miles of Roscommon Township or transmitted by facsimile.
- F. The performance guarantee shall insure that the improvements comply with the standards set forth in applicable statutes, ordinances, rules and regulations at the time the project is completed; that conditions are met; that all materials, debris and equipment are removed from the site; and that actual costs incurred by the Township related to the project, including (but not limited to) inspection costs, are paid by the applicant (and not the Township).
- G. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements depicted on the approved site plan, under the jurisdiction of the Township. The applicant shall provide an itemized schedule of estimated costs for materials and installation to be covered by the performance guarantee, such estimate shall be verified as to the amount by the Township Engineer. The exact amount shall be determined by the Township Engineer.

- H. If development is staged or phased over time, a separate guarantee for each stage or phase shall be submitted at the beginning of each stage or phase as a prerequisite.
- I. If at any time it appears the amount of the performance guarantee is inadequate to cover the purposes for which the performance guarantee was posted, and the applicant declines to provide requested additional or further performance guarantees, then the Zoning Administrator may issue a stop work order and/or decline to issue further certificates of zoning compliance or certificates of occupancy for buildings or other structures for which the improvements are intended to benefit, or take such other action as provided by law.
- J. As the contingencies covered by the performance guarantee diminish, the Zoning Administrator, upon direction of the Township Board, may decrease the amount.
- K. The amount of a performance guarantee may be reduced to an amount not less than ten (10%) percent when all the improvements depicted on the approved site plan appear satisfactorily completed. The amount is intended to cover damages that may occur to the improvement during the construction of houses or other non-improvement structures, ensure against defects in workmanship and materials; replace dead or dying landscape materials; ensure proper grading; and that actual costs incurred by the Township related to the project are fully paid by the owner/developer.
- L. For improvements under the zoning jurisdiction of the Township, “*satisfactorily completed*” means the Zoning Administrator or Township Engineer has conducted a final inspection and determined the improvements appear to meet or exceed applicable standards. For improvements under the jurisdiction of another governmental body, “*satisfactorily completed*” means the receipt by the Township of a certificate of completion by the governmental body indicating the improvement appears to meet or exceed applicable standards.
- M. The performance guarantee shall fully terminate one (1) year after ninety (90%) percent of the buildings or other structures in the project have been completed, or such earlier time as reasonably determined by the Township Board.
- N. The performance guarantee shall provide that it shall not terminate without providing the Township at least sixty (60) days written notice prior to the date of termination. If a substitute performance guarantee in a form acceptable to the Township is not filed with the Township Clerk within thirty (30) days of the date of termination, then the Township may call the existing performance guarantee due and payable.
- O. Upon failure to comply with a requirement of this Ordinance, approved site plan, or condition of approval, the performance guarantee, or portion thereof, shall be forfeited by the applicant. The Township Board shall determine the amount to be forfeited, including administrative costs, and have the authority to correct the violation. Whenever required improvements are not completed, properly installed, or are damaged within the specified time, the Township may complete, correct or repair the improvements and charge the costs, including administrative costs and attorney fees, against the performance guarantee.

## **SECTION 16.7 PUBLIC HEARING NOTICES**

### **A. Public Notification.**

When the provisions of the Michigan Zoning Enabling Act or this Ordinance require notice of a public hearing on an application, the following provisions shall apply.

### **B. Responsibility.**

The Township Clerk or designee shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Roscommon Township and mailed or delivered as required by law.

**C. Registration to Receive Notice by Mail.**

1. General. Any neighborhood organization, public utility, railroad or any other person may register with the Township Clerk to receive written notice of all notices provided under this Ordinance. The Township Clerk or designee shall be responsible for providing this notification. Fees may be assessed for the provision of this notice as established by resolution of the Township Board.
2. Requirements. The requesting party must provide to the Township Clerk or designee information on an official form to ensure notification can be made. All registered persons must register every two (2) years to continue to receive notification pursuant to this Section.

**SECTION 16.8 INFORMATION AND DOCUMENTATION**

- A. The Township Board, Planning Commission, Board of Appeals, and Zoning Administrator may require any applicant under this Ordinance to submit information and documentation they deem necessary to ascertain whether the standards and provisions of this Ordinance are met. The refusal or untimely submission of such materials may provide grounds for delay, denial of authorization, or such other action as provided by law.
- B. Nothing in this Ordinance shall preclude the applicant or any interested person from submitting additional or other relevant and pertinent data or evidence related to a specific matter.

**SECTION 16.9 ZONING ORDINANCE AMENDMENTS**

- A. **Authority.** The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the official zoning map.
- B. **Procedure for Amendment of Zoning Ordinance.**
  1. Applicants. Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more residents of Roscommon Township, or by one or more persons acting on behalf of a resident of Roscommon Township.
  2. Pre-Application Conference. The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, and consultants hired by the Township or other officials to discuss the project. The Zoning Administrator may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
  3. Application. An application and ten (10) copies seeking an amendment to the text or map shall be filed with the Township Clerk or designee. The Township Clerk or designee shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.
  4. The application shall provide the following information if an application involves an amendment to the official zoning map:
    - a. A legal description of the property, including the street address and tax code number(s).
    - b. The name, address and telephone number of the applicant.
    - c. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.

- d. Identification of the zoning district requested and the existing zoning of the property.
  - e. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
  - f. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.
5. The application shall provide the following information if an application involves a change in the text of this Ordinance:
    - a. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
    - b. Name and address of the applicant.
    - c. Reasons for the proposed amendment.
    - d. Further information as requested by the Zoning Administrator, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.
  6. Right of Entry. The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
  7. Application Fee. The applicant shall submit to the Township Clerk, or designee, with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
  8. Escrow deposit. The Zoning Administrator, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as a escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk or designee. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
  9. Initial Review. The Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.
  10. Notice. Notice shall be provided pursuant to the requirements of the Michigan Zoning Enabling Act.
  11. Public Hearing - Planning Commission. The Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning pursuant to the requirements of the Michigan Zoning Enabling Act. The hearing shall proceed as follows: open public hearing; acknowledge receipt of written comments; receive comments from applicant/owner and other persons attending the hearing; close public hearing
  12. Administrative Report. Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

13. Standards and Burden. In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:
  - a. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
  - b. Decisions to amend the ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety and general welfare.
  - c. In considering an application for rezoning, the following factors may be considered, among others:
    - i. Whether all required information has been provided and fees paid.
    - ii. Consistency with the goals, policies and future land use map of the Master Plan. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
    - iii. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning;
    - iv. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
    - v. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition; and
    - vi. Whether the requested rezoning will create an isolated and unplanned spot zone.
14. Payment of Costs. Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

**C. Re-Application.**

An application for an amendment that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

**SECTION 16.10 (Reserved)**

**SECTION 16.11 (Reserved)**

**SECTION 16.12 (Reserved)**



**SECTION 16.13 RIGHT OF ENTRY**

The filing of an application for a certificate of zoning compliance, temporary certificate of occupancy, certificate of occupancy or any other application signed by the owner or the applicant’s agent shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Ordinance.

**SECTION 16.14 COMPLIANCE WITH PLAN AND APPLICATION**

Certificates of zoning compliance issued on the basis of plans and applications approved by the Zoning Administrator or Township Board authorize only the use, design and construction set forth in such approved plans and applications, and no other use, design, or construction. Use, design, or construction different from that authorized shall be deemed a violation of this Ordinance.

**ARTICLE XVII**  
**SITE PLAN REVIEW**

**SECTION 17.1 INTENT**

It is the intent of this Article to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development.

**SECTION 17.2 USES SUBJECT TO SITE PLAN REVIEW**

A. Site plan review by the Planning Commission is required for all uses other than single family dwellings in the R Residential District. The Planning Commission shall conduct site plan review for the following uses:

1. Uses permitted by right in the following districts: (excluding single family dwellings)
  - a. C Commercial District
  - b. A Agriculture District
  - c. C/I Commercial Mixed Use District
2. Planned Unit Developments (PUD)
3. Special uses in all Districts.
4. Subdivision of land in all Districts.
5. Any change in a use subject to site plan review.

EXCEPTION: For existing strip malls, plazas, or multiple office buildings, a site plan review is not required for a change of use if the Zoning Administrator determines that the new use is permitted by right in the zoning district, is in keeping with the nature of the building, and meets the specified parking requirements. Any questionable case may be referred to the Planning Commission.

B. Site plans not required to be reviewed by the Planning Commission shall be reviewed by the Zoning Administrator. The Zoning Administrator shall review such plans in accordance with the same procedures, requirements, and standards used by the Planning Commission.

**SECTION 17.3 SITE PLAN**

A. Applications for site plan approval shall consist of the following:

1. An application form supplied by the Zoning Administrator.

2. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and shall be on file with the Township Clerk for public information.
3. Eight copies of a site plan at a scale of not less than one (1) inch equals one hundred (100) feet with the following minimum information:
  - a). Dimensions of property, of the total site area, locations of all buildings, driveways, parking areas or other structures on adjacent properties within one hundred (100) feet of the property, including those located across the street from the property.
  - b). Required and proposed building setbacks.
  - c). Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing right-of-way and pavement widths.
  - d). Location, screening, dimensions and heights of proposed buildings, structures, such as trash receptacles, utility pads, etc., including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening such equipment, where appropriate.
  - e). Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths.
  - f). Proposed water supply and wastewater systems locations and sizes.
  - g). Proposed grades and site drainage patterns, including necessary drainage structures. Where applicable, indicate the location and elevation(s) of 100 year flood plain.
  - h). Proposed common open spaces and recreational facilities, if applicable.
  - i). Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials.
  - j). Signs, including location, height, and sizes.
  - k). Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic control signs or devices, and service drives.
  - l). Exterior lighting showing area of illumination and indicating the type of fixture to be used.
  - m). The Planning Commission may request elevation sketches of proposed buildings, along with a general description of materials and colors to be used.
  - n). Development plans for residential projects (multiple family developments, mobile home subdivisions and mobile home parks) shall include the following additional information:
    - 1.) Minimum floor area of the dwelling units.
    - 2.) Total number of units proposed.
    - 3.) Number of bedrooms per unit in multiple family developments.
    - 4.) Areas to be used for open space and recreation.

- 5.) Space allowance for accessory buildings in mobile home subdivisions and mobile home parks.
- 4. The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state of Michigan) and the date on which the plan was prepared.
- B. Planning Commission Review: Except as noted in Section 17.2, the Planning Commission shall review the application and site plan and shall approve, approve with conditions, or deny the submitted site plan. If denied, the Planning Commission shall cite reason for denial. If approved, the applicant may submit the necessary plans and documents for necessary permits.

**SECTION 17.4 SPECIAL USES**

All special uses require site plan approval of the Planning Commission. The Planning Commission shall review the site plan submitted with the application. The Planning Commission shall approve, approve with conditions or deny the submitted site plan. Reasons for denial shall be set forth in writing. The applicant shall be provided with a copy of the minutes of the Planning Commission regarding the site plan.

**SECTION 17.5 VALIDITY OF SITE PLANS**

- A. Approval of the site plan is valid for a period of one (1) year. If actual physical construction of a substantial nature of the improvements included in the approved site plan has not commenced and proceeded meaningfully toward completion during the period, the approval of the site plan shall be null and void.
- B. Upon written application, filed prior to the termination of the one (1) year review period, the Zoning Administrator may authorize a single extension of the time limit for approval of a site plan for a further period of not more than one (1) year. Such extension shall only be granted based on evidence from the applicant that the development has a likelihood of commencing construction within the one (1) year extension.

**SECTION 17.6 STANDARDS FOR SITE PLAN APPROVAL**

Prior to approving a site plan, the Planning Commission shall require that the following standards be satisfied: If these standards and the other requirements noted in this Chapter or in other township ordinances are met, the site plan shall be approved.

- A. Adequate ingress and egress to public right of ways.
- B. Landscaping, landscape buffers and green belts shall be provided and designed in accordance with the provisions of the Zoning Ordinance.
- C. All elements of the site plan shall be designed to take into account the sites topography, the size and type of plot, the character of adjoining property and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in the Zoning Ordinance.
- D. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography that are reasonably necessary to develop the site in accordance with the requirements of the Zoning Ordinance. Tree stumps and miscellaneous debris from clearing of the property shall not be buried in right of ways, possible future right of ways or potential building sites.
- E. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.

- F. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.
- G. There shall be provided a pedestrian circulation system that is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses that generate a considerable amount of pedestrian traffic.
- H. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives that are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that required by the Roscommon County Road Commission.
- I. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas.
- J. All loading and unloading areas and outside storage areas, including areas for the storage of trash, that face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six (6) feet in height.
- K. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- L. Buffer zones or greenbelts shall be required where a non-residential use is adjacent to residential areas.
- M. Waiver from Landscaping and Screening Requirements: The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine dimensional conditions unique to the parcel would prevent development of required buffer zones, off-street parking area landscaping, greenbelts or required buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria that shall be used when considering a waiver shall include, but shall not be limited to:
  - 1. existing natural vegetation;
  - 2. topography;
  - 3. existing wetland, floodplain and poor soil areas;
  - 4. existing and proposed building placement;
  - 5. building heights;
  - 6. adjacent land uses;
  - 7. distance between land uses
  - 8. dimensional conditions unique to the parcel;
  - 9. traffic sight distances
  - 10. traffic operational characteristics on and off site
  - 11. visual, noise and air pollution levels
  - 12. health, safety and welfare of the township
- O. All provisions of the Township Zoning Ordinance must be complied with unless an appropriate variance has been previously granted by the Board of Appeals.

## **SECTION 17.7 CONDITIONS OF APPROVAL**

- A. As part of an approval to any site plan, the Planning Commission may impose any additional conditions or limitations as in its judgment may be necessary for protection of the public interest.
- B. Such conditions shall be related to and ensure that the review standards of Section 17.6 are met.
- C. Approval of a site plan, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- D. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the site plan is approved.
- E. A record of the decision of the Planning Commission, the reason for the decision reached and any conditions attached to such decision shall be kept and made a part of the minutes of the Planning Commission.
- F. The Zoning Administrator may make periodic investigations of developments for which site plans have been approved. Non-compliance with the requirements and conditions of the approved site plan shall constitute grounds for the Planning Commission to terminate the approval following a public hearing.
- G. The change of use for an existing building shall be first approved by the building department.
- H. Additional Fees. If the Planning Commission determines the need for a professional opinion, monies for the services requested shall be provided by the applicant.

## **SECTION 17.8 AMENDMENTS TO APPROVED SITE PLANS**

- A. Any person who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved plan. The Zoning Administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on, but not necessarily limited to, the following:
  - 1. The addition of land to the legal description of the original site plan approval;
  - 2. The establishment of another use or uses;
  - 3. The addition of more sales or service area, or the addition of dwelling units;
  - 4. An expansion or increase of intensity of use;
  - 5. The relocation of proposed buildings in regard to the approved site plan;
- B. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval. A minor amendment may be approved by the Zoning Administrator.

## **SECTION 17.9 APPEALS OF FINAL SITE PLANS**

Any person aggrieved by the decision of the Planning Commission in granting or denying of a site plan or with conditions required, shall have the right to appeal the decision to the Board of Appeals. Special uses and Planned Unit Developments are not appealable to the Board of Appeals, and can only be appealed to the Circuit Court of Roscommon County.

## **SECTION 17.10 CONFORMITY TO APPROVED SITE PLAN**

Property that is the subject of site plan approval must be developed in the strict compliance with the approved site plan and any amendments thereto that have received the appropriate approval. If construction and development does not conform with the approved plan, the approval thereof shall be forthwith revoked by the township Zoning Administrator by written notice of such revocation posted upon the premises involved and shall be mailed to the

developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than activities related to purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developers construction provided such construction complies with the criteria contained in the site plan approval provisions and the spirit, purpose, and intent of the Township Zoning Ordinance.

#### **SECTION 17.11 SITE PLAN REQUIREMENTS FOR WIND ENERGY CONVERSION SYSTEMS (WECS)**

All applications for a WECS or WECS Testing Facility special use permit shall be accompanied by a detailed site plan drawn to scale and dimensioned, displaying all of the following information:

- A. All requirements for a site plan contained in Sections 17.1 through 17.10 shall also be met.
- B. All lot lines and dimensions, including a legal description.
- C. Location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
- D. Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the lot or parcel where the proposed WECS and/or Testing Facility will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines, located on the lot or parcel involved, as well as within 1,000 feet of the boundaries of such parcel or lot shall be shown, whether to be utilized or not with the WECS or Testing Facility.
- E. Existing and proposed setbacks for the WECS from all structures located on the property where the WECS will be located.
- F. Elevation of the premises accurately depicting the proposed WECS location and its relationship to the elevation of all existing and proposed structures within 300 feet of the proposed WECS.
- G. Access driveway to the WECS and the Testing Facility together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed driveway. The Township shall require the construction of a private road to serve a WECS or Testing Facility if it is determined by the Planning Commission that the road is necessary to protect the public health, safety, or welfare or to offer an adequate means by which the Township or other governmental agency may readily access the site in the event of an emergency. All private roads shall be constructed to Roscommon Township private road standards.
- H. Planned security measures to prevent unauthorized trespass and access.
- I. WECS and Testing Facility Maintenance Programs-The applicant shall provide to the Township a written description of the maintenance program to be used to maintain the WECS and Testing Facility, including removal when determined to be obsolete or abandoned. The description shall include maintenance schedules, the type of maintenance to be performed, and removal procedures should the WECS or Testing Facility become obsolete or abandoned.
- J. Additional details and information as required by the Special Use requirements of this Ordinance, or as requested by the Planning Commission.

**SECTION 17.12      ADDITIONAL SITE PLAN REQUIREMENTS FOR BED & BREAKFASTS**

A site plan shall be filed together with the application for special use permit, and will show existing and proposed structures; entrance and exit points of any structure to be occupied; location of public ingress and egress; available public utilities (such as sewer, electric, etc). The following requirements must be met:

1. Such establishments will keep the residential character of the neighborhood when indicated. Screening may be required with either fencing or plantings as determined by the Planning Commission.
2. Approval is subject to a current certificate of occupancy issued by Houghton Lake Building Agency.
3. All required setbacks will be met. On state highway M-55 a 60 foot setback from the curb will be required.
4. All parking will be off-street. Parking areas will maintain residential character. Illumination may be allowed. In no case, will any parking be allowed closer than 20 feet to roadway.
5. Food service is limited to guests only in residential and agriculture. Public dining allowed in all other areas. Breakfast only shall be offered.
6. The owner or manager shall maintain residence on premises at any time the business is in operation.

**ARTICLE XVIII**  
**BOARD OF APPEALS**

**SECTION 18.1      MEMBERSHIP**

- A. A member of the Planning Commission shall serve as one of the five (5) members of the Board of Appeals. The Planning Commission shall recommend one of its members appointment to the Board of Appeals and the Township Board shall consider and, at its discretion, confirm such appointment. The Township Board may have one of its members serve as the second member of the Board of Appeals, but such Township Board member shall not serve as chairperson of the Board of Appeals. The Township Board shall appoint the remaining regular members, and any alternate members, of the Board of Appeals from the electors of the Township. The members appointed shall be representative of the population distribution and of the various interests in the Township.
- B. The Township Board may appoint not more than 2 alternate members for the same term as regular members to the Board of Appeals. An alternate member may be called as specified to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Board of Appeals.
- C. A member of the Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after 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.
- D. The terms of office for members appointed to the Board of Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those

bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

- E. Any vacancy shall be filled for any unexpired term in the same manner as provided for in the initial appointment and each member shall serve until his successor has been appointed.
- F. The members of the Board of Appeals shall elect one member to serve as Chairman and another to serve as Secretary.
- G. The members of the Board of Appeals shall be paid per diem as established by the Township Board plus expenses actually incurred in the discharge of their duties.

## **SECTION 18.2 RULES OF PROCEDURE**

- A. The Board of Appeals shall fix the rules and regulations to govern its procedure when acting upon appeals. It shall hear and decide appeals and review any order, requirements, decision or determination made by the Zoning Administrator. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter on which they are required to pass under this Ordinance or to effect any variation of this Ordinance. It shall adopt from time to time such rules and regulations as may be deemed necessary to carry into effect the provisions of this Ordinance.
- B. A tie vote is considered a “non-vote” and the issue will be place on the agenda for the next meeting. In the event of a tie vote a meeting will be arranged in a timely fashion.
- C. All meetings of the Board of Appeals shall be open to the public.
- D. A record of the proceedings shall be maintained and a copy of each proceeding shall be filed in the office of the Township Clerk for public record.

## **SECTION 18.3 JURISDICTION**

- A. The Board of Appeals, in conformity with the provisions of this Ordinance, may reverse or affirm, wholly or in part, or may modify the order requirements, decision, or determination appealed from, excepting any denials, requirements, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this Ordinance; also, where it is alleged by the appellant that there is error or misinterpretation in any order, requirements, decisions, grant, or refusal made by the Zoning Administrator or other administrative officer, except any special use permits, in carrying out or enforcement of the provisions of this Ordinance.
- B. The Board of Appeals may also classify a use that is not specifically mentioned within the use regulations of any zoning district based on a comparable permitted or special use, in accordance with the purpose and intent of each district. If no comparable use is found, the Board of Appeals shall so declare, the effect being that the use is not permitted until or unless the text of this Ordinance is amended to permit it.

## **SECTION 18.4 VARIANCES**

Subject to the provisions of SECTION 18.5, the Board, after public hearing, shall have the power to act on applications filed as hereafter provided, for variances:

- A. Where, by reason of exceptional narrowness in width, breadth, length, or shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building, or structure, or of the use or development of the property immediately



adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship; provided that the Board shall not grant a variance on a lot of less than the requirements of its zoning district, even though such lot existed at the time of passage of this Ordinance, if the owners or members of his immediate family owned adjacent land that can, without undue hardship, be included as part of the lot.

- B. Where there are practical difficulties or undue hardship in the way of carrying out the strict letter of such Ordinance relating to the construction, structural changes in equipment, or alterations of buildings or structures, or the use of land, excepting therefrom any special uses, so that the spirit of this Ordinance shall be observed, public safety secured and substantial justice done.
- C. Approve issuance of a permit for enlargement of an existing building structure or erection on the same lot or plat of ground of additional buildings for trade, business or industry, located in a district restricted against its use, where such enlargement or expansion of such enlargement or expansion of such trade or business or industry will not be detrimental to or tend to alter the character of the neighborhood.
- D. Approve issuance of a permit for the erection of a one-family dwelling on a lot held under separate and distinct ownership from the adjacent lots, which has less than the lot area for family requirements of this Ordinance for the district in which such lot is situated; provided such building or structure does not greatly distract from the character of the neighborhood.
- E. Approve issuance of a permit for the construction within a period not to exceed thirty (30) days of a non-conforming use that has been destroyed by fire or other calamity to an extent of not more than 50% of its assessed value.
- F. Approve the resumption of non-conforming building, structure, or use thereof in cases where such building, structure, or use thereof has been abandoned or discontinued through vacancy, lack of operation, etc.
- G. Permit the erection or use of buildings or structures in districts restricted against such construction or use, but which are necessary for the essential services, provided that the building structure or use conforms to the general character of the neighborhood.
- H. In a situation where an owner of a unit in a Resort Association wishes to expand an existing structure, but the expansion would result in more than one dwelling of 800 or more square feet on a single parcel of land, the Board of Appeals shall have the authority to grant a variance, if the Board finds that such expansion would not create any problems with parking, crowding, or emergency access.
- I. The Board of Appeals shall have authority to grant variances for off-street parking of motor vehicles where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.
- J. The Board of Appeals shall have authority to interpret the terms of this Ordinance if they are ambiguous.

## **SECTION 18.5      GENERAL**

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

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district

and in the vicinity. The possibility of increased financial return shall not itself be deemed sufficient to warrant a variance.

- C. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purposes of this Ordinance or the public interest.
- D. That the condition or situation of the specific piece of property, or the intended use of the property for which the variance is sought is not of so general or recurrent a nature as to make the formulation of a general regulation for such conditions or situation.

**SECTION 18.6 HEARINGS AND DECISIONS UPON APPEALS**

- A. The Board of Appeals shall fix a time for the hearing of the appeal, and with due notice thereof to the parties shall render an opinion regarding the appeal within two weeks following the date of the appeal. At the hearing, any person may appear in person or by agent or his attorney, but such presence is not required for the Board of Appeals to consider or issue a determination on the matter on a duly noticed hearing where the person or his or her agent or attorney does not appear.
- B. The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse the order, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant in the matter on which the Board of Appeals is required to pass under this Ordinance. A tie vote is considered a “non-vote” and the issue will be placed on the agenda for the next meeting. In the event of a tie vote a meeting will be arranged in a timely fashion.

**SECTION 18.7 APPEALS TO BOARD OF APPEALS**

Appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the officer from whom the appeal is taken and with the Board of Appeals, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action for appeal was taken.

**SECTION 18.8 STAY**

An appeal to the Board of Appeals stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Appeals or by the Circuit Court, on application and notice to the officer from whom the appeal is taken and on due cause shown.

**SECTION 18.9 APPEALS FROM BOARD OF APPEALS**

Any party aggrieved by a decision of the Board of Appeals may appeal to the Roscommon County Circuit Court. An appeal shall be filed within the time provided for by law.

**ARTICLE XIX**  
**SPECIAL USE PERMITS**

**SECTION 19.1 SPECIAL USE PERMIT PROCEDURES AND STANDARDS**

**A. Application.**

This Ordinance provides that certain uses may not be undertaken without a special use permit. The owner of the property upon which the special use is sought, or his/her duly authorized agent, may submit an application for a special use permit.

**B. Pre-Application Conference.**

The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.

**C. Application.**

An application for a special use permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the special use is intended. The Township Clerk shall stamp date all materials received, retain the original documents, and distribute the copies appropriately.

**D. Application Information.**

The application shall provide the following information:

1. A legal description of the property, including the street address, tax code number, and zoning district.
2. The name, address and telephone number of the applicant.
3. Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
4. Identification of the zoning district in which the subject parcel is located and the special use requested. Identify the special use by citing the section that provides for such use and briefly describe the use intended.
5. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
6. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
7. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

**E. Site Plan.**

All Special Use Permit applications require the submission of a site plan in accordance with the provisions in Article XVII of this Ordinance.

**F. Right of Entry.**

The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.

**G. Application Fee.**

The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application. If an application for site plan review is filed in conjunction with the application for a special use, no application fee shall be charged for the application for site plan review.

**H. Initial Review.**

The Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission

shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.

**I. Escrow Deposit.**

The Zoning Administrator shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).

**J. Notice.**

Notice shall be provided in accordance with the Michigan Zoning Enabling Act.

**K. Public Hearing.**

The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant/owner and other persons attending the hearing. Close public hearing

**L. Administrative Report.**

Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township to present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

**M. Standards and Burden.**

In deciding a request for a special use, the Planning Commission shall be governed by the following principles and standards:

1. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
2. In considering an application for a special use the following factors shall be considered:
  - a. Whether all required information has been provided and fees paid.
  - b. Whether the proposed use is specifically provided as a special use in the district in which the property is zoned.
  - c. Whether the proposed use at the location is consistent with the objectives and goals of the Master Plan.
  - d. Whether the proposed use will adversely affect neighboring lands.
  - e. Whether the proposed use is compatible with and will not adversely affect the natural environment.
  - f. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

**N. Conditions**

The Planning Commission may impose reasonable conditions including duration and review periods in granting a special use. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Ensure 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;
3. Promote the use of land in a socially and economically desirable manner;
4. Be related to the valid exercise of the police power and purposes that are affected by the proposed use or activity;
5. Be necessary to ensure compliance with the standards set forth in this Section.
6. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

**O. Planning Commission Decision.**

The Planning Commission shall approve, approve with conditions, or deny the special use permit. The decision shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. A majority vote of the members of the Planning Commission is required for a decision. The Planning Commission shall issue its decision in an open meeting, either orally or in writing. If submitted orally, the Planning Commission's decision and reasons shall be recorded in its minutes.

**P. Board of Appeals.**

The Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission on an application for a special use permit.

**Q. Runs With The Land.**

Unless otherwise specified in the conditions, a special use runs with the land.

**R. Recording.**

If a special use is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the special use to be recorded with the Roscommon County Register of Deeds.

**S. Reapplication.**

An application for a special use permit that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

**T. Revocation of Special Use Permit.**

The Planning Commission, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a special use permit in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the permit.

## **SECTION 19.2 SPECIAL USE PERMITS FOR TOWERS AND ANTENNAS**

### **A. General Provisions:**

The following provisions shall govern the issuance of special use permits for towers and antennas.

1. If the tower or antenna is not a permitted use under Section 14.28 C, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
2. Applications for special use permits under this section shall be subject to the procedures and requirements of Section 19.1 of this Ordinance.
3. In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
5. An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of Roscommon Township Board to reimburse it for the costs of reviewing the application.

### **B. Information required:**

In addition to any information required for applications for special use permits pursuant to Section 19.1 of this Ordinance, applicants for a special use permit for a tower shall submit the following information:

1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the proposed means of access, setbacks from property line, elevation drawings of the proposed tower and any other structures, topography, parking and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
2. Legal description of the parent tract and leased parcel (if applicable).
3. The setbacks distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
4. The separation distance from other towers described in the inventory of existing sites submitted by the applicant shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
5. A landscape plan showing specific landscape materials.
6. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
7. A description of compliance with the requirements of this Ordinance and all applicable federal, state or local laws.

8. A sworn and notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
9. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the service to be provided through the use of the proposed new tower.

**C. Factors Considered in Granting Special Use Permits for Towers:**

In addition to any general standards for consideration of special use permit applications, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of the Ordinance are better served thereby.

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

**D. Availability of Existing Towers, Other Structures, or Alternative Technology:**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area that meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

**E. Setbacks**

The following setback requirement shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirement if the goals of this Ordinance would be better served thereby:

1. All towers must be set back a distance equal to the height of the tower from any adjoining lot line.
2. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

**F. Separation**

The separation requirements set forth above shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.

**G. Separation from off-site uses/designated area**

Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1 except as otherwise provided in Table 1.

Table 1:      R Residential District .....Not permitted  
                   All other districts.....As required by 5-a

**H. Separation distances between towers:**

Minimum separation distance between towers shall be one (1) mile. The separation distance between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower.

**I. Security Fencing:**

Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.

**J. Landscaping:**

The following requirements shall govern the landscaping surrounding towers for which a special use is required, provided, however, that the Planning Commission may waive such requirements if the goals of the Ordinance would be better served thereby:

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.



2. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
3. Existing mature tree growth and natural landforms on the site shall be preserved the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

### **SECTION 19.03 SITE CONDOMINIUM REVIEW**

#### **A. Approval Required.**

Condominium projects established pursuant to the Condominium Act require both a special use permit and site plan review in any zoning district pursuant to Articles 17 and 19 of this Ordinance.

#### **B. Standards and Improvements.**

Site plans submitted for a condominium project shall comply with the design standards set forth under Articles 17 and 19 and comply with all other applicable federal and state statutes, ordinances, rules and regulations.

#### **C. General Regulations.**

1. The Planning Commission shall have the authority to review and to approve, approve with conditions, or deny final site plans.
2. No permits for erosion control, building construction, grading, or installation of water or sanitary sewerage facilities shall be issued for property in a proposed condominium project until a final site plan has been reviewed and approved, or approved with conditions by the Planning Commission.
3. The final site plan shall be submitted in conjunction with an application for a certificate of zoning compliance seeking authorization to commence construction of the improvements depicted on the site plan.
4. The dedicated open space, primary conservation areas, other undivided common areas and associated facilities shall be held in common ownership by the condominium association. The condominium association shall be formed and operated under principles approved by the Planning Commission including the following:
  - a. The developer shall provide a description of the association, including its Articles of Incorporation and Bylaws and a Dedicated Open Space maintenance plan documenting methods for maintaining the open space and improvements depicted on the site plan and ensuring the integrity of the dominant natural features;
  - b. The association shall be organized by the developer or owner and shall be operated with a financial subsidy from the developer, or owner, before the sale of any lots within the development;
  - c. Membership in the association shall be automatic and mandatory for all purchasers of homes in the project and their successors. The conditions and timing of transferring control of the association from developer to the property owners shall be identified;
  - d. The members of the association shall share equitably in the costs of maintaining undivided open space and improvements depicted on the site plan. Shares shall be defined within the association bylaws and assessments for maintenance shall be a lien on the land;

- e. The property owners association shall be responsible for maintenance of all common open space areas and facilities under its control, and maintenance of liability insurance and similar duties of ownership;
- f. The property owners association may lease open space lands to any other qualified person, or entity, for operation and maintenance of farmlands in accordance with the approved site plan, but such a lease agreement shall provide:
  - i. That the residents of the development shall at all times have access to the open space lands contained therein (except croplands during growing season);
  - ii. That the undivided open space to be leased shall be maintained for the purposes set forth in this Ordinance;
  - iii. That the operation of open space facilities may be for the benefit of the property owners only, or may be open to the public, at the election of the developer and/or homeowners' association, as the case may be.
- g. To assure that improvements are maintained in perpetuity at the expense of those lands benefited by the improvement, the Planning Commission may require the establishment of a district under the jurisdiction of the Roscommon County Drain Commissioner or the establishment, or partial establishment, of a special assessment district under the jurisdiction of the Township or other authorized governmental body at the time of site plan approval.

**D. Site Plan Requirements.**

1. A site plan shall be filed and processed in accordance with Article 17.
2. A final site plan shall provide the information required under this Ordinance and Section 66 of the Condominium Act [MCL 559.166].
3. Each condominium lot shall be located within a zoning district that permits the proposed use.
4. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a condominium project containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot. Lot coverage and floor area ratio shall be calculated using the land area of the condominium lot.
5. Each condominium lot shall be connected to public water and sanitary sewer facilities, where such facilities are available, or a well, septic tank, and drain field approved by the County Health Department, where public water and sanitary sewer services are not available. A well, septic tank, and drain field serving a condominium lot shall be located within that lot, as described in the master deed.
6. Relocation of boundaries between adjoining lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act [MCL 559.148] shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
7. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act [MCL 559.149] shall comply with all regulations of the zoning district in which located, and shall be approved by the

Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.

8. All information required by this Ordinance shall be a portion of the final site plan that is subject to its jurisdiction.

**E. Revision of Condominium Subdivision Plan**

If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and acted upon by the Planning Commission, before any building permit may be issued, where such permit is required.

**F. Amendment of Master Deed or Bylaws**

Any amendment to a master deed or bylaws that affects the approved final site plan, or any conditions of approval of the final site plan, shall be reviewed by and acted upon the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.

**G. Development Agreement and Performance Guarantee**

The Planning Commission may require, as a condition of site plan approval, that the applicant enter into a development agreement and post a performance guarantee.

**H. Land Use Permits - Interference with Improvements.**

Any application for a building permit for construction to be located in a general common element or an integral part of a storm water management plan or other site improvement shall require an amendment to the approved site plan.

**I. Monuments**

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points of lot lines. The Zoning Administrator may grant a delay of required monuments or irons for a reasonable time, but not to exceed 1 year, on condition that the developer deposit with the Township Clerk, a certified check, or an irrevocable letter of credit running to Roscommon Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Planning Commission. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments specified have been set in accordance with the approved final site plan. If the developer defaults, the Planning Commission shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

**J. Rights-of-Way**

Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. Whenever public water and sanitary sewer services are present, the developer shall dedicate easements for the public water and sanitary sewer lines and appurtenances to the agency having jurisdiction.

**K. As-Built Drawings**

The applicant shall submit as-built drawings as a condition of a final certificate of zoning compliance.

**ARTICLE XX**  
**PLANNED UNIT DEVELOPMENT (PUD)**

**SECTION 20.1      PURPOSE**

The purpose of this Article is to permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; encourage useful open spaces; achieve economy and efficiency in the use of land, natural resources, energy, and the provisions of public services and utilities; and to provide housing, employment, and shopping opportunities that conform to the intent of any Roscommon Township Development Plans, regulations, or guidelines while departing from strict application of use, setbacks, height and minimum lot size requirements of the zoning districts in order to: (1) permit valuable and beneficial land development; (2) enhance the appearance of the neighborhood through the preservation of natural features, the provision of utilities and the provision of recreational areas and planned open space; and (3) provide for efficient use of land that will be compatible with surrounding land uses.

**SECTION 20.2      USES PERMITTED**

PUD development may be permitted by the Planning Commission in any zoning district in accordance with this Article.

**SECTION 20.3      APPLICATION/PROCESSING**

**A.      Application.**

The owner of the property upon which the PUD is sought, or his/her duly authorized agent, may submit an application for a PUD permit.

**B.      Pre-Application Conference.**

The applicant/property owner must attend a pre-application conference to be coordinated by the Zoning Administrator. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Zoning Administrator, consultants hired by the Township or other officials to discuss the project. The Township may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.

**C.      Application.**

An application for a PUD permit and ten (10) copies shall be filed with the Township Clerk by the owner of the property (or his/her duly authorized agent) upon which the PUD is intended. The Township Clerk shall stamp date all materials received, retain the original documents, and distribute the copies appropriately.

**D.      Application Information.**

The application shall provide the following information:

1.      A legal description of the property, including the street address, tax code number, and zoning district.
2.      The name, address and telephone number of the applicant.
3.      Applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application.
4.      Identification of the zoning district in which the subject parcel is located and the PUD requested.
5.      Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.

6. A description of the business and services provided; hours of operation; number of employees; number of customers; estimate of peak traffic flow; description of equipment and vehicles; description of stored materials; and related information.
7. Further information as requested by the Zoning Administrator, consultants hired by the Township or Planning Commission that is relevant to the site and standards set forth in this Ordinance.

**E. Site Plan.**

All PUD applications require the submission of a site plan in accordance with the provisions of this Ordinance.

**F. Right of Entry.**

The filing of the application shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.

**G. Application Fee.**

The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.

**H. Initial Review.**

The Zoning Administrator shall review the application(s) for completeness, and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or designee shall coordinate public notices.

**I. Escrow Deposit.**

The Zoning Administrator shall establish an amount to be deposited by the applicant with the Township Clerk to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s)

**J. Notice.**

Notice shall be provided in accordance with the Michigan Zoning Enabling Act.

**K. Public Hearing.**

The Planning Commission shall hold a public hearing on the application(s). The hearing shall proceed as follows: Open public hearing. Acknowledge receipt of written comments. Receive comments from applicant/owner and other persons attending the hearing. Close public hearing.

**L. Administrative Report.**

Following the public hearing the Planning Commission may request that the Zoning Administrator and/or other persons retained by the Township to present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

**M. Standards and Burden.**

In deciding a request for a PUD, the Planning Commission shall be governed by the following principles and standards:

1. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
2. In considering an application for a PUD the following factors shall be considered:
  - a. Whether all required information has been provided and fees paid.
  - b. Whether the purpose of this Article would be served by the proposed uses.
  - c. Whether the PUD is consistent with the objectives and goals of the Master Plan.
  - d. Whether the proposed PUD will adversely affect neighboring lands.
  - e. Whether the proposed PUD is compatible with and will not adversely affect the natural environment.
  - f. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety and welfare of the Township including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by the PUD.

**N. Conditions.**

The Planning Commission may impose reasonable conditions including duration and review periods in granting a PUD. Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed PUD and the community as a whole.
2. Ensure that public services and facilities affected by a proposed PUD will be capable of accommodating increased service and facility loads caused by PUD;
3. Promote the use of land in a socially and economically desirable manner;
4. Be related to the valid exercise of the police power and purposes that are affected by the proposed PUD;
5. Be necessary to ensure compliance with the standards set forth in this Article.
6. The conditions shall remain unchanged except upon the mutual consent of the Planning Commission and the titleholder of the subject property.

**O. Planning Commission Decision.**

The Planning Commission shall approve, approve with conditions, or deny the PUD permit. The decision shall set forth the facts relied upon, provide an analysis of the facts and standards, and state the conclusion and conditions imposed, if applicable. A majority vote of the members of the Planning Commission is required for a decision. The Planning Commission shall issue its decision in an open meeting, either orally or in writing. If submitted orally, the Planning Commission's decision and reasons shall be recorded in its minutes.

**P. Board of Appeals.**

The Board of Appeals shall not have authority to hear an appeal taken by an aggrieved person from a decision of the Planning Commission on an application for a PUD.

**Q. Runs With The Land.**

Unless otherwise specified in the conditions, a PUD runs with the land.

**R. Recording.**

If a PUD is granted, with or without conditions, the Township, at the expense of the applicant, may cause notice of the PUD to be recorded with the Roscommon County Register of Deeds.

**S. Reapplication.**

An application for a PUD that has been denied wholly or in part by the Township Board shall not be resubmitted for a period of 365 days from the date of such denial, except on grounds of new evidence or proof of changed conditions that reasonably could not have been submitted at the time of the initial application.

**T. Revocation of PUD.**

The Planning Commission, upon notice and hearing to the property owner and occupants of the property and upon a showing of good cause, may revoke a PUD in the case of a false statement or misrepresentation of fact on which the permit was approved, or in case of failure to correct violations of this Ordinance, or in case of lack of compliance with the approved site plan and/or any conditions of the permit.

**SECTION 20.4 SITE PLAN REVIEW**

All PUD's are required to have a site plan that shows location of the area in which the proposed land use development is made (refer to Article XVII). The site plan will be reviewed by the Planning Commission for approval.

**SECTION 20.5 USE REGULATIONS**

The following use regulations shall apply to all PUDs:

- A. Mobile Home Parks are not permitted within PUDs.
- B. Each PUD shall contain not less than ten (10) acres of contiguous land under common ownership.
- C. PUDs shall be required to be in conformance with the general intent of any Roscommon Township Development Plan, regulation or guideline and/or any subsequent amendments or additions to those plans, regulations or guidelines. This shall apply to considerations of basic land use arrangements and distribution of population, density, design criteria, utility service area, transportation and community facilities.
- D. Planned open space shall be required for all PUDs and shall provide acceptable provisions for ownership and continuous maintenance of the open space. Planned open space shall be considered unimproved open areas or as improved and maintained areas such as parks, golf courses, etc. The planned open spaces can be used as buffers or screening zones, areas of natural land features, amenities, separation zones between varying land use types, or for designated public or private recreational use and enjoyment.
  - 1. There shall be a minimum of ten (10) percent planned open space within each PUD.
  - 2. The Planning Commission shall require those open spaces that are to be maintained and improved and shall require the procedures and methods for improvement, ownership and maintenance of all designated planned open spaces.
- E. PUDs shall be located in areas of the township where public water, sanitary sewer and other utility services can be provided within a reasonable time and will correspond within

the area in which public water, sanitary sewer and other utility services are presently existing or soon planned for installation in any Roscommon Township Development Plans, regulations and guidelines.

1. The developer is also required to furnish all necessary public water and sewer facilities within the proposed development and supply a written agreement with the appropriate municipality and public utilities to provide the necessary services.
2. All utilities in PUDs, including telephone, electricity, etc, shall be installed underground. In addition, provisions will be made for acceptable design and construction of all necessary storm drainage facilities.
3. Buildings and structures of any kind shall not be more than thirty-five (35) feet in height for all PUD's.

## **ARTICLE XI**

### **SECTION 21.0 SEVERABILITY**

If a court of competent jurisdiction finds any provision, clause, or portion of this Ordinance to be invalid, the balance or remainder of this Ordinance shall remain valid and in full force and effect.

### **SECTION 21.1 EFFECTIVE DATE**

This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

### **SECTION 21.2 REPEAL**

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

#### Clerk's Certification

I do hereby certify that Ordinance #82 (amending Zoning Ordinance #75) was adopted at the regular meeting of the Roscommon Township Board on May 4, 2021. A summary of the amendment of the Ordinance was published once in the Houghton Lake Resorter, a newspaper of general circulation in the Township on May 13, 2021, and shall take effect May 20, 2021. The vote was as follows:

Carie A. Milburn:            yes  
Clerk

Terry DuPuis:            yes  
Trustee

Diane F. Randall:        yes  
Supervisor

Robert Christian:        yes  
Trustee

Mary Ann Hose:         yes  
Treasurer

S/Carie A. Milburn, Clerk  
Roscommon Township

**END OF ZONING ORDINANCE #82**



## **APPENDIX FOR ZONING ORDINANCE AMENDMENTS:**

1. Ordinance #68 amending the Zoning Ordinance #67 9-3-2013
2. Rezoning of Parcel #72-011-211-007-0025 10-31-2013
3. Rezoning of parcels formerly owned by the Elks Club 08-12-2014
4. Conditional Rezoning of Parcel 72-011-235-001-0010
5. Rezoning of contiguous several Parcels from Residential to Agriculture

## **AMENDMENT #1**

### **ORDINANCE #68**

#### **ORDINANCE AMENDING SECTION 7.3 OF THE ROSCOMMON TOWNSHIP ZONING ORDINANCE #67**

At a duly scheduled and noticed meeting of the Township Board of Roscommon Township, Roscommon County, Michigan, held at the Roscommon Township Hall on September 3, 2013, at 7:00 p.m., Township Trustee Stephen Nielsen moved to adopt the following Ordinance, which motion was seconded by Township Treasurer Mary Ann Hose:

*An Ordinance to amend Sections 7.2 and 7.3 of the Roscommon Township Zoning Ordinance #67 to allow single family dwellings and related uses by right and home occupations as uses permitted by special use permit in the C Commercial District.*

Roscommon Township, Roscommon County, Michigan, ordains:

1. The Roscommon Township Board hereby amends Sections 7.2 and 7.3 of the Roscommon Township Zoning Ordinance to read as follows: in order to allow single family dwellings and related uses by right and home occupations as uses permitted by special use permit in the C Commercial District.

## **AMENDMENT #2**

### **REZONING OF PARCEL 72-011-211-007-0025**

The rezoning of this parcel was approved by the Roscommon Township Planning Commission and the Roscommon County Planning Commission, and was referred to the Roscommon Township Board for approval.

After reviewing the materials presented, the Board members, being comfortable with the actions of the other two Commissions, acted upon the matter.

Motion by Nielsen, second by Hose, to adopt Resolution #2013-10-31 allowing the rezoning of property #72-001-211-007-0025, as legally described, "COM AT NW COR SEC 11 TH S01DEG11'E ALG W SEC LINE 1323.6FT M/L TO N 1/8 LINE TH S88DEG52'04"E 962.22FT TO A FOUND MONU- MENT FOR POB TH S88DEG52'04"E 356.5FT TOA SET STEEL BAR & POINT BEING NW COR OF GOVT LOT 2 TH S01DEG09'32"E ALG W LINE OF GOVT LOT 2 527.54FT TO A FOUND SPIKETH N88DEG51'00"W 8.50FT TH S01DEG09'32"E107.90FT TO NLY R/W OF SCHOOL RD TH N88 DEG51'00"W ALG R/W 255.22FT TH N01DEG 13'00"W 305.23FT TH N88DEG56'48"W 92.5FTTH N01DEG10'22"W 330.27FT TO POB - PART OF SW 1/4 OF NW 1/4 & PART OF GOVT LOT 2SEC 11 T22NR4W 4.54AC PP: 011-210-003-0050 & 211-007-0020 (05)" from the R-Residential district, to C-Commercial district. This rezoning becomes effective 8 days after publication in the Houghton Lake Resorter issue of 11-7-2013.

### AMENDMENT #3

#### REZONING OF PARCELS FORMERLY OWNED BY THE ELKS CLUB FROM C-COMMERCIAL TO R-RESIDENTIAL

Motion to adopt Resolution #2014-8-12a allowing the rezoning of parcels legally described per assessment roll as:

Being a part of Government Lot 4, Section 13, T22N, R4W, Roscommon Township, Roscommon County, Michigan, described as: Commencing at the East ¼ corner of said Section 13, thence N71DEG52'10"W 739.52 feet for a place of beginning; thence N71DEG16'27"W along the centerline of Highway M-55. 297.03 feet; thence N00DEG22'00"W 204.90 feet; thence N88DEG28'43"W 33.50 feet; thence N00DEG17'33"W 238.25 feet to the shore of Houghton Lake; thence along said shore (next 3 courses) N87DEG59'30"E 5.24feet; thence N78DEG31'25"E 152.87 feet; thence S66DEG45'25"E 173.02 feet; thence S00DEG22'00"E 501.67 feet to the place of beginning. Said parcel extends to the water's edge of Houghton Lake and contains 3.68 acres, more or less. SUBJECT to Highway M-55 over the southerly 33 feet thereof. FURTHER SUBJECT TO a 20' wide easement for a sanitary sewer force main along the Shore of Houghton Lake. ALSO:

L-981 P-1616 (L-718 P-523) 224 COM AT SW COR OF LOT 4 SEC 13 TH E ALONG S LINE 37 RDS FOR POB, TH N AT RT ANG TO S'LY LINE OF HOUGHTON LAKE, TH W 10 FT TH S TO S LINE OF LOT 4, TH E 10 FT TO POB, PART OF LOT 4, SEC 13 T22N R4W. EXC THAT PART SOUTH OF M-55 From the C-commercial district to R-Residential district. This rezoning becomes effective 8 days after publication in the Houghton Lake Resorter.

### AMENDMENT #4

#### TOWNSHIP BOARD RESOLUTION ADOPTING ORDINANCE NO. 70 CONDITIONAL REZONING AMENDMENT

Michael Mosher ("Owner") owns property owns certain real property located at 7089 West Reilly Road, Houghton Lake, MI 48629, also known as Property Identification Number 72-011-235-001-0010 (the "Property"); Legally described as: COM AT NE COR SEC 35 TH N89DEG06W ALG SEC LINE 323.20FT FOR POB TH N89DEG06' 00"W 323.20FT TH S0DEG11'46"W 658.49FT TH S89DEG02'25"E 322.96FT TH N0DEG13'02"E 658.82FT TO POB-PART OF E1/2 OF N1/2 OF NE 1/4 OF NE 1/4 SEC 35 T232NR4W PAR A 4.88AC and WHEREAS, Owner has requested the Township to conditionally rezone the Property from Agriculture to Commercial, in order to lawfully operate an automobile repair facility within the existing building on the Property; and WHEREAS, in consideration for the granting of the requested conditional rezoning, the Owner has voluntarily offered in writing to enter into a Conditional Rezoning Agreement consistent with MCL 125.3405.; and WHEREAS, the Planning Commission conducted a public hearing on the proposed rezoning after due notice and submitted its recommendation of denial to the Township Board; and

WHEREAS, the Township Board finds that it would be reasonable and in the public interest to enter into the Conditional Rezoning Agreement and approve the Conditional Rezoning.

NOW THEREFORE,

THE TOWNSHIP OF ROSCOMMON ORDAINS:

1. The Roscommon Township Board hereby adopts this Ordinance No. 70 to amend the Zoning Ordinance Map with respect to the property, conditionally rezoning the property from Agriculture to Commercial, subject to the terms and conditions of the Conditional Rezoning Agreement.
2. The Township Clerk is hereby directed to publish notice of the Conditional Rezoning as required by law.
3. The Township Supervisor and Clerk are authorized to sign the Conditional Rezoning Agreement on behalf of the Township.
4. This Ordinance takes effect 7 days after publication, subject to the provisions of the Michigan Zoning Enabling Act.
5. All other ordinances or parts of resolutions and ordinances insofar as they are inconsistent with this Ordinance are repealed.

### **AMENDMENT #5**

**ROSCOMMON TOWNSHIP  
Roscommon County, Michigan  
ORDINANCE NO. 74  
ZONING ORDINANCE AND ZONING MAP AMENDMENT**

*AN ORDINANCE TO AMEND THE ROSCOMMON TOWNSHIP ZONING ORDINANCE NO. 68, AS AMENDED, AND ZONING MAP FOR THE PURPOSE OF REZONING CERTAIN LANDS FROM RESIDENTIAL TO AGRICULTURAL.*

THE TOWNSHIP OF ROSCOMMON, COUNTY OF ROSCOMMON, STATE OF MICHIGAN, ORDAINS,

Section 1. Article III, Section 3.2, of the Roscommon Township Zoning Ordinance and the Zoning Map, shall be amended so the following lands be rezoned from R Residential District to A Agriculture District. The lands are all situated in Roscommon Township, Roscommon County, Michigan and are described as follows:

S1/3 of N 1/2 of SW 1/4, Section 14; thence North 132 feet; thence South 132 feet; thence West 330 feet to POB, excluding commencing at W 1/4 corner of Section 14; T22n, R4W; thence South 994.87 feet for POB; thence South 200 feet; thence E 208 feet; thence North 170 feet; thence West 30 feet; thence North 30 feet; thence West 178 feet to POB; also being a part of SW 1/4 of Section 14, T22N, R4W, beginning at the W 1/4 corner of Section 14; thence S00°32'00"W along the section line 592.31 feet to the POB; thence S88°36'30"E 173.10; thence N00°32'00"E 150 feet; thence N88°37'07"W 2478.44 feet, m/l to the 1/4 line; thence S00°36'35"W along the 1/4 line 440 feet; thence N88°40'40"W along the South line of the S1/2 of the N2/3 of the N1/2 of the SW1/4 2650.90 feet m/l to the section line; thence N00°32'00"E along the

section line 292.25 feet to the POB; also commencing at the W1/4 corner Section 14; thence South 442.29 feet for POB; thence South 150 feet; thence East 233 feet; thence North 150 feet; thence West 233 feet to POB. Being a part of the N1/2 of the SW1/4, Section 14, T22N, R4W; also Being a part of the SW 1/4 of Section 14, T22N, R4W, beginning at W1/4 corner Section 14; thence S88°34'00"E along the 1/4 line 1822.36 feet; thence S00°32'20"E 440.89 feet; thence N88°37'07"W 1657.48 feet; thence N00°32'00"E 69.88feet; thence N88°36'30"W 173.10 feet; thence N00°32'00"E along Section line 372.43feet to POB; also Commencing at W1/4 corner of Section 14 for POB; thence N00°32'E along Section line & c/l of Loxley Road 304.35 feet; thence S88°54'14"E 1145.06 feet; thence S00°32'23"W 278.44 feet m/l to 1/4 line; thence N88°35'51"W 1145.11 feet to POB, part of SW1/4 of N/W184, Section 14, T22N, R4W; also Commencing at W1/4 corner, Section 14, thence N00°32'E along Section line 304.35 feet for POB; thence N00°32'E 328.85 feet; thence N89°03'19"E 231.02 feet; thence N00°32'E 10.80 feet; thence S88°56'08"E 881.17 feet; thence S00°32'23"W 349.54 feet; thence N88°54'14"W 1145.06 feet to POB, part of SW1/4 of NW1/4, Section 14, T22N, R4W; also Commencing at W1/4 corner, Section 14; thence S88°35'51"E 1145.11 feet m/l for POB; thence S88°35'51"E 180.48 feet to 1/8 corner; thence N00°32'23"E 661.08 feet; thence N88°56'08"W 180.48 feet; thence S00°32'23"W 661.08 feet m/l to POB, part of SW 184 of NW1/4, Section 14, T22N, R4W; also Commencing at W1/4 corner of Section 14; thence S88°35'10"E 1325.73 feet for POB; thence N00°32'48"E 311.44 feet; thence S88°31'30"E 663.07 feet; thence S00°31'30"W 314.95 feet; thence N88°35'10"W 663.17 feet to POB, part of W1/2 of SE1/4 of NW1/4, Section 14, T22N, R4W.

Section 2. All ordinances and parts of ordinances in conflict with the provision set forth herein are hereby repealed to the extent of such conflict.

Section 3. Should any section, clause or phrase of this ordinance be declared by a court of competent jurisdiction to be invalid, the declaration by said court shall not affect the validity of this ordinance as a whole or any part thereof other than the part so declared invalid.

Section 4. This ordinance shall become effective seven (7) days after publication of the ordinance in accordance with the Roscommon Township Zoning Ordinance and the statutes of the State of Michigan.