

Article 23 General Provisions

Section 2300 Conflicting Regulations:

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

Section 2301 Scope:

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

Section 2302 Nonconforming Lots, Nonconforming Uses Of Land, Nonconforming Structures, and Nonconforming Uses Of Structures and Premises:

1. INTENT:

It is the intent of this ordinance code to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exist within the districts established by this ordinance code and subsequent amendments, lots, structures and uses of land and structures which were lawful before this ordinance code was passed or amended which would be prohibited, regulated or restricted under the terms of this ordinance code or future amendments.

Such uses are declared by this ordinance code to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance code that nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

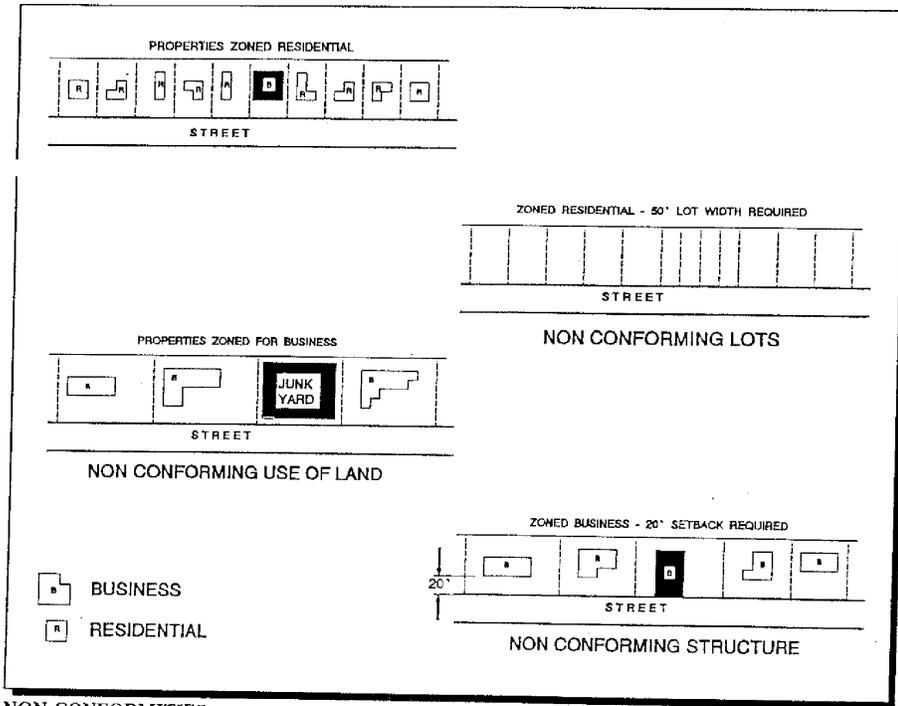
A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance code by the attachment on a building or premises of additional signs intended to be seen from off the premises, or by the

addition of other uses of a nature which would not be permitted in the district involved.

To avoid undue hardship, nothing in this ordinance code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of the adoption or amendment of this ordinance code and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastening them in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

2. NONCONFORMING LOTS:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance code. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or, amendments of this ordinance code and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance code, the lands involved shall be considered to be an unsubdivided parcel for the purpose of this ordinance code and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this ordinance code, nor shall any division of the parcel be made which leaves remaining, any lot width or area below the requirements established by this ordinance code, nor shall any division of the parcel be made which leaves remaining, any lot width or area below the requirements stated in this ordinance code.



3. NONCONFORMING USES OF LAND:

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

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance code.
- b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance code.
- c. If such nonconforming use of land ceases for any reason for a period of twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance code for the district in which such land is located.

4. NONCONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance code that could not be built under the terms of this ordinance code by reason of restrictions on area, lot coverage, height, yards or other characteristics of

the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such structure may be enlarged or altered in a way which increases its nonconformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- b. Should such structure be destroyed to an extent of more than fifty (50) percent of its replacement value, exclusive of the foundation at the time of destruction, it shall be reconstructed only in conformity with the provisions of this ordinance code, except that reconstruction on the existing foundation or footing shall be permitted provided reconstruction is commenced within twelve (12) months from date of such damage.
- c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. NONCONFORMING USES OF STRUCTURES AND LAND:

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance code, that would not be allowed in this district under the terms of this ordinance code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this ordinance code in the district in which it is located, shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance code, but no such use shall be extended to occupy any land outside such building.
- c. In any "B" or "I" District if no structural alteration is made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or more restricted classification, provided that the Planning Commission, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Planning Commission shall require appropriate conditions and safeguards in accord with the purpose and intent of this ordinance code. Where a nonconforming use of a structure, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- d. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter

conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

- e. When a nonconforming use of a structure or structure and premises in combination is discontinued or ceases to exist for twelve (12) consecutive months or for twenty-four (24) months during any three (3) year period, the structure or structure and premises in combination shall not thereafter be used, except in conformance with the regulation of the district in which it is located. Structures occupied by seasonal uses shall be exempt from this provision.
- f. When a nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

6. REPAIRS AND MAINTENANCE:

Except as otherwise permitted in this subsection, on any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this ordinance code shall not be increased; except nothing in this ordinance code shall be deemed to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon the order of such official.

7. USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES:

Any use for which a special exception is permitted as provided in this ordinance code shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. CHANGE OF TENANCY OF OWNERSHIP:

There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structure and premises provided there is no change in the nature of character of such nonconforming use.

Section 2303 Accessory Uses:

Accessory used, except as otherwise permitted in this ordinance code shall be subject to the following regulations:

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

provided, if the accessory building exceeds one (1) story or twelve (12) feet in height, the building shall be set back one (1) foot for each foot the building exceeds twelve (12) feet in height.

- h. When an accessory building in any Residential, Business or Office District is intended for a use other than gazebos, doghouses, the parking or storage of private motor vehicles, tools for personal use, or recreation equipment, the accessory use shall be subject to review and approval by the Zoning Board of Appeals.

2. Accessory Structures:

- a. Accessory structures except where otherwise permitted and regulated in this ordinance code shall be located in the rear yard and shall meet the setback requirements of an accessory building.
- b. Flag poles may be located within any required front or exterior side yard. Such poles shall be located no closer to a public right-of-way than one-half (½) the distance between the right-of-way and the principal building.
- c. Canopy or canopies covering gasoline pump islands may extend into the required front or exterior side yards to a point ten (10) feet from the street right-of-way line. Signs placed on any canopy other than a sign showing the height of the canopy, shall comply with the applicable standards of the Roseville Sign Ordinance.
- d. Ground mounted private communication antennas shall be located in the rear yard, except when it can be found that such antennas will not be highly visible from a street, they may be located in a non-required interior side yard.
- e. Ground mounted antenna shall not exceed a dimension of twelve (12) feet by twelve (12) feet or a diameter of twelve (12) feet.

In nonresidential districts, no roof, pole or tower mounted antenna shall exceed a dimension of twelve (12) feet by twelve (12) feet or, a diameter of twelve (12) feet. Ground mounted antenna shall not exceed a dimension of sixteen (16) feet by sixteen (16) feet, or a diameter of sixteen (16) feet.

- f. Solar energy panels when located on the ground shall observe all applicable electrical codes and all applicable requirements pertaining to an accessory building. When roof mounted they shall be mounted either flat against the roof surface or, shall not project more than four (4) feet outward from the roof measured from the surface of the roof where so affixed, to the farthest outward projection of the panel.

Section 2304 Open Storage In Residential Districts:

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

1. All motor vehicles shall be in operating condition and under current license, unless kept within a fully enclosed building, except the Building Department may grant a resident up to thirty (30) days to procure a license.
2. Except where otherwise permitted in the ordinance code, the off-street parking of a mobile home for periods exceeding twenty-four (24) hours on lands not approved for mobile homes or mobile home parks, shall be expressly prohibited, except that the Building Department may extend temporary permits allowing the parking of a mobile home in a rear yard on private property, not to exceed a period of two (2) weeks.
3. All mobile homes owned by residents of the City of Roseville and stored on their individual lots shall be stored only within the confines of the rear yard or nonrequired interior side yard and shall further respect the requirement of SEC. 2304 of this ordinance code, insofar as distances from principal structures, lot lines and easements are concerned.
4. Any such mobile home so parked or stored shall not be connected to sanitary facilities and shall not be occupied.
5. Recreational equipment may be parked anywhere on a residential premise not to exceed seventy-two (72) hours for loading and unloading.
6. All recreational equipment shall be stored in the rear yard or nonrequired side yard only subject to the applicable conditions of this section regarding accessory buildings, with respect to height, yard coverage and setbacks.
7. Recreational equipment parked or stored on residential premises shall be kept in good repair and carry a current license plate and/or registration.
8. At no time shall recreational equipment be used for living or housekeeping purposes, nor may it be connected to water or sanitary sewer facilities.
9. The outdoor storage of recreational equipment, as defined in this ordinance code, on any residential lot or parcel shall be limited to only that equipment owned by, licensed or registered to the occupant of the residential lot or parcel on which the equipment is stored.
10. Except as otherwise permitted in this subsection, a person shall not park, nor a vehicle's registered owner permit to be parked, any commercial vehicle as defined in this ordinance code on any residentially zoned property in the City for any purpose or length of time other than for expeditious loading and delivery or pick-up and unloading of materials, goods, or merchandise, or for the purpose of carrying on a principal use permitted on the property on which the vehicle is parked.
11. A commercial vehicle may be parked on residentially zoned property when all of the following conditions are met.
 - a. The vehicle is used solely as a commercial vehicle for business purposes.

- b. The driver of the vehicle is an occupant of the residential property where the vehicle is parked and is an employee of the business for which the vehicle is used for commercial purposes.
 - c. The vehicle is that occupant's principal means of transportation to and from the business where he is employed.
 - d. The vehicle is not a stake truck (with or without stakes in place) a flat bed truck, a semi-trailer tractor, or semi-trailer, dump truck, tow truck (wrecker), or car hauler or trailer that is used for commercial purposes.
 - e. The vehicle does not:
 - (1) exceed ten thousand five hundred (10,500) pounds as it is parked in the driveway, nor
 - (2) exceed eight (8) feet in height measured from the surface of the driveway under the vehicle to the highest roofline of the vehicle.
12. The owner of residentially zoned property shall not permit a commercial vehicle to remain on such property in violation of the provisions of this ordinance code.
 13. Not more than one (1) commercial vehicle shall be parked on any single family zoned property.
 14. A commercial vehicle that is not in daily use, or which does not display a current license, shall be housed in a garage.
 15. In those instances where a commercial vehicle is not required to be housed, the vehicle shall be restricted to a parking space on the driveway of a single family zoned premises where its owner or driver resides, and shall not be parked closer to the front property line than ten (10) feet.
 16. Except as otherwise permitted in SEC.403.2 in this ordinance code, the outdoor storage or keeping of any other materials of machinery shall be prohibited.

Section 2305 Exterior Site Lighting:

The intent of this section is to encourage site lighting that will be attractive to the eye while at the same time adequately illuminating a site for safety and convenience. It is further the intent of this section to discourage excessively bright and harsh site illumination that creates undesirable halo effects on the property, diminishes the residential environment of abutting and nearby dwellings and presents a potential hazard to vehicle and pedestrian traffic on abutting streets and sidewalks.

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1. All exterior site lighting designed and intended to light private property shall comply with the following applicable requirements.
 - a. Exterior site lighting in nonresidential zoning districts:
 - (1) Pole requirements. Freestanding light poles;
 - (a) Shall be constructed of metal, concrete, wood laminates or composite materials and shall be of an architectural nature.
 - (b) When located thirty (30) feet or less from a residential zoning district shall not exceed fifteen (15) feet in height, measured from the top of the fixture to the surface (pavement or ground) at the base of the structure.
 - (c) When located more than thirty (30) feet from a residential zoning district may extend to a maximum height of twenty (20) feet, measured from the top of the fixture to the surface (pavement or ground) at the base of the structure.
 - (2) Pole Fixture Requirements;
 - (a) Any fixture attached to a pole shall not exceed the maximum pole height limitations of this section.
 - (b) All light fixtures shall be designed to fully contain all luminaries completely within the interior of the fixture. No part of any luminary shall extend outward or downward beyond or below the exterior surface of the fixture.
 - (c) Except as otherwise permitted in this subsection, the lens of the light fixture shall be flush only with the bottom of the fixture so that no part of the lens shall extend outward or downward beyond the bottom surface of the fixture.
 - (d) Except as otherwise permitted in this subsection, all luminary shall be oriented so that its light shall be cast directly downward only onto the property it is intended to illuminate.
 - (e) In those instances where the applicant seeks to use a particular period or contemporary light pole with a full or mostly full glass fixture, and which is designed and intended to compliment the particular architecture of a development, such fixtures may be proposed, subject to review and approval by the City, and provided further that such fixtures shall consist of only frosted or milk white glass.
 - (f) No luminary contained in a fixture on a freestanding pole shall exceed the wattage limitations set forth in subsection 5 of this section, or the overall maximum foot-candle limitations set forth in subsection 7 of this section.
 - (3) Under canopy lighting.
 - (a) Except as otherwise permitted in this subsection, fixtures attached to the underside of a canopy structure shall be housed fully within the structure of the canopy so that the lens of the fixture does not

- extend below the ceiling of the canopy structure, except in those instances where it can be shown that the canopy structure cannot physically contain an entire light fixture, a limited portion of the fixture may extend below the ceiling of the canopy structure so long as the lens of the fixture shall be a frosted or milk white lens.
- (b) The overall light intensity directly under a canopy structure shall not exceed the applicable foot-candle limitations set forth in subsection 7 of this section.

(4) Exterior building wall fixtures.

- (a) Wall lights intended to illuminate service areas, particularly service areas at the rear of buildings next to residential zoning districts shall consist of fixtures or wall packs that cast light only downward and not outward as well as downward.
- (b) Luminary in any wall fixture shall not exceed the wattage limitations set forth in subsection 5 of this section or the foot-candle limitations set forth in subsection 7 of this section.
- (c) No exterior building wall light fixture shall extend above the parapet or eave line of a building roof, and no fixture shall exceed an overall height of twelve (12) feet measured from the surface (ground or pavement) at the base of the wall to the top of the fixture.
- (d) When placing an exterior building wall light fixture on a wall next to an alley right-of-way or service drive care will be taken to use fixtures whose outward projection from the wall will be minimized so as to protect the fixture from being struck by large service vehicles.

(5) Exterior lighting wattage limitations

- (a) Luminary in fixtures that are located thirty (30) feet or less from a residential zoning district shall not generate more than two hundred fifty (250) total Watts of electric energy per fixture, except no luminary shall exceed the maximum applicable light intensity limitations set forth in subsection 7 of this section.
- (b) Luminary in fixtures that are located more than thirty (30) feet from a residential zoning district may generate up to a maximum of four hundred (400) total Watts of electric energy per fixture, except no luminary in any fixture shall exceed the maximum applicable light intensity limitations set forth in subsection 7 of this section.

(6) Architectural exterior lighting

- (a) Architectural exterior lighting that is designed and intended only to enhance the architecture of a building or to highlight a particular architectural feature of a building, and to provide lighting for no other purpose, shall consist of
- (b) Low wattage luminary designed to cast soft light only on the subject.

(c) The luminary when directly visible from a fixture shall not be an irritant to pedestrians or to vehicle traffic within the site or to traffic on adjacent streets, or to residents on any abutting residential properties.

(7) Overall exterior site illumination limitations

No property shall exceed 4.5 foot candles of maximum overall site lighting intensity, except no property shall exceed 1.0 foot candles of maximum light intensity along any residential zoning district line. Light intensity along a residential zoning district line shall be measured at a point four (4) feet above the ground.

(8) Wiring requirements

All electrical service to any exterior light source shall be placed underground and within the interior of any canopy structure and shall meet all applicable electrical wiring codes and ordinances.

b. Exterior site lighting in the multiple family residential districts.

(1) Freestanding light fixtures

May consist of a low voltage incandescent luminary contained in a decorative light fixture attached to the top of a low profile yard type of light pole. All wiring to pole fixtures shall be underground and shall comply with all applicable electrical codes and ordinances.

(2) Wall and roof mounted fixtures

(a) Carports in a multiple family dwelling development may be lighted so long as all such lighting is contained in fixtures attached to the underside of the carport roof. The fixtures shall be placed no closer to the front of the roof structure than half the distance from the rear of the roof structure to the front of the roof structure. Luminary shall not exceed one hundred (100) Watts and may be housed in fixtures with clear lenses.

(b) Wall mounted fixtures shall consist of low voltage incandescent luminary contained in decorative fixtures. Wall mounted fixtures may be placed next to the main entrance to a dwelling unit or building entrance and next to any rear entry.

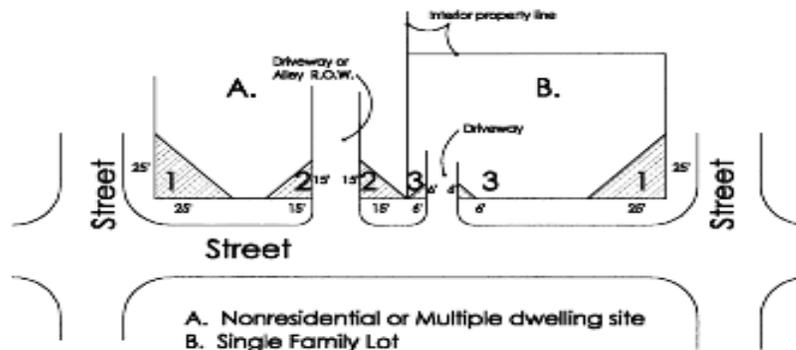
Section 2306 Residential Entranceway:

In all Residential Districts, so called entranceway structures, including, but not limited to, walls, columns and gates marking entrances to single-family subdivisions or multifamily housing projects may be permitted and may be located in a required yard, except as provided in SEC. 2307, CORNER CLEARANCE provided that such entranceway structures

shall comply with all applicable codes of the municipality, and shall be approved by the building director (or his designee) and a permit issued.

Section 2307 Corner Clearance:

1. No wall, shrubbery, sign or other obstruction to vision above a height of three (3) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection: In the case of a private driveway or public alley right-of-way, the distance along each line shall not be less than fifteen (15) feet, as depicted in the accompanying drawing, except for a freestanding pylon sign supported by one, but not more than two poles. The diameter of which shall not exceed eight (8) inches and which has at least eight (8) feet of unobstructed clearance from the ground to the bottom of the sign may be permitted.



Restricted Clear Corner Vision Areas

Section 2308 Frontage On A Public Street:

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

Section 2309 Access To A Major Thoroughfare:

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

Section 2310 Exterior Building Wall Materials Guidelines:

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

1. To ensure that thoughtful and proper attention will be given to the visual appearance of buildings, whenever in this ordinance, reference is made to this section, all exterior building walls of all new building(s) and any accessory building(s), shall consist of the same uniform finish material(s) as the front facade of the main or principal building(s) when the building, or buildings is:
 - a. A residential or nonresidential use permitted in a residential district, or;
 - b. A permitted use in the OS, B-1, B-2, and B-3, I-1, or I-2 Districts and, will have exterior walls exposed to view from any road, street or expressway, or from any residential district.
2. Whenever the exterior building wall materials guidelines set forth in this section apply, they shall be accompanied by a statement describing how the selected exterior building wall materials and or, combination of materials will be consistent with and will enhance the building's appearance and will be in harmony with the building's on adjacent parcels.
3. The exterior building walls of all such buildings coming under the requirements of this section, shall be constructed of a combination of one or more of the following materials:
 - a. Masonry materials including, face brick, glazed brick, cut stone, ceramic tile.
 - b. Precast concrete in form pattern, color treated (not painted) with earth tone colors.
 - c. Finished cementitious materials including finished systems, stucco.
 - d. Metal materials including, flat sheets, standing seamed, ribbed panels, stainless steel, porcelain clad.

- e. Glass products including, clear, tinted, reflective, glass block.
 - f. Architectural masonry block materials such as split face and fluted block, when such materials do not make up more than twenty-five (25) percent of a building wall.
4. Materials other than those listed above, except cinder block, cement block, tarred paper, tin, corrugated iron, any form of pressed board or felt, or like or similar materials, may be permitted in place of, or in combination with the above permitted materials when approved by the Building Department. The Building Department may approve alternative materials only when it shall determine that such materials shall:
- a. Be in harmony with the intent and purpose of this section and will promote the uniform and quality appearing visual environment of the City.
 - b. Meet all applicable requirements of the building code.
5. Any permitted outdoor storage of materials or vehicles used in the manufacture of products on the premises, or in the operation of a business on the premises, shall be effectively screened from view in accordance with the requirements set forth in Article 22 in this ordinance code.

Section 2311 Signs:

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

Section 2312 Fences:

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

Section 2313 Use Restriction:

No portion of a lot or parcel once used in complying with the provisions of this ordinance for yards, lot area per family, density (as for multiple-family development), or percentage of lot occupancy, in connection with an existing or proposed building or structure shall again be used as a part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

Except where otherwise permitted in this ordinance code, in the R- residential districts, only one (1) single-family detached dwelling unit shall be permitted per lot or parcel of record.

Section 2314 Performance Standards:

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

Section 2315 Wind Energy Systems:

The purpose of this Article is to provide a safe, effective, and efficient use of Wind Energy Turbines in order to reduce the consumption of fossil fuels in producing electricity; To preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a Wind Energy Turbine; and to establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a Wind Energy Turbine shall be governed.

1. Definitions;

Large Wind Energy Turbine – a tower, structure, or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Medium Wind Energy Turbine – is a tower or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system and does not exceed two hundred fifty (250) kilowatts.

Small Wind Energy Turbine – is a tower or similar device mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. It does not exceed thirty (30) kilowatts.

“Monopole” shall mean towers that are constructed of open steel truss work or a single hollow tube of welded steel.

“Shadow Flicker” shall mean alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

2. General Regulations:

Small Wind Energy systems shall be permitted as a special use in residential zoning districts.

Small and Medium Wind Energy systems shall be permitted in Office Service zoning districts as a special use.

Small, Medium and Large Wind Energy systems shall be permitted in Business and Industrial zoning districts as a special use.

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

Small, Medium and Large Wind Energy systems shall be permitted as a special use and subject to the following:

- a. Height, type, design.
 - (1) Only monopole construction shall be permitted
 - (2) The total height of a wind energy system tower or similar device, including maximum extension of the top of the blade, shall not exceed the maximum height for structures or devices permitted in the zoning district.
 - (3) Wind energy systems shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
 - (4) Wind energy systems shall not be artificially lighted, except to the extent required by the FAA.
 - (5) No form of advertising shall be allowed on any part of the wind energy systems, except for reasonable identification of the manufacture or operator of a large wind energy facility.

- b. Setbacks. A wind energy system tower or similar device shall be set back a distance equal to its total height from:
 - (1) Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road.
 - (2) Any overhead utility lines, unless written permission is granted by the affected utility.
 - (3) All property lines, unless written permission is granted from the affected landowner or neighbor.
 - (4) Support cables, if provided, shall be anchored to the ground no closer than ten (10) feet to any property line.

- c. Access.
 - (1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
 - (2) The tower or similar device shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

- d. Speed controls. All systems shall be equipped with a manual and automatic over speed controls.

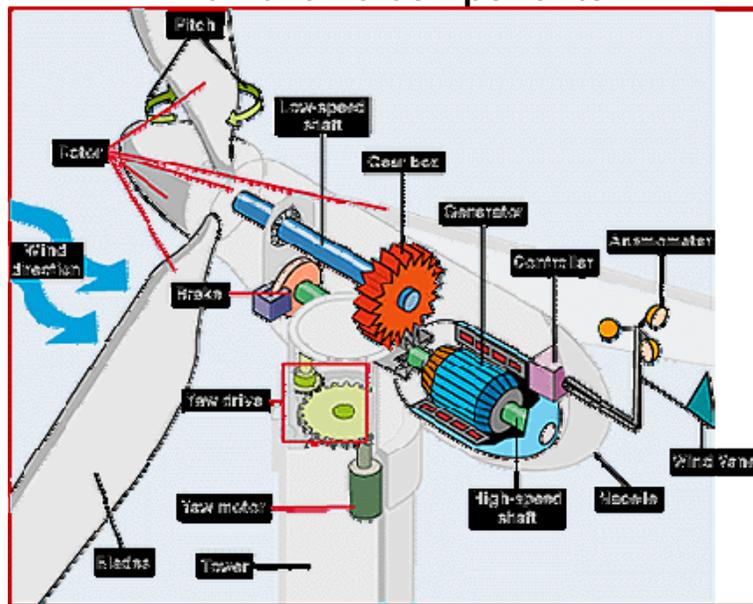
- e. Electrical wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower or

similar device wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

- f. Signal Interference. No Wind Energy facility shall be located in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception.
- g. Noise.
 - (1) Audible noise or the sound pressure level from the operation of the Wind Energy System shall not exceed a rating of fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at the property line of the subject property.
 - (2) Proof from the manufacturer that the system is capable of meeting these noise requirements shall be provided at the time a permit is requested.
- h. Shadow Flicker.
 - (1) At the time a permit is requested, the applicant shall conduct a written analysis of potential shadow flicker regarding structures or devices within three hundred (300) feet of the Wind Energy System.
 - (2) The analysis shall identify the location of shadow flicker that may be caused by the Wind Energy System and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year.
 - (3) The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures or devices and describe measures that shall be taken to eliminate or mitigate the problems at the time a permit is requested.
- i. Abandonment.
 - (1) A wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned.
 - (2) If the wind energy system is determined to be abandoned, the owner shall remove the wind generator and tower at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment.
- j. Code compliance. Wind energy systems including towers shall comply with all of the applicable building codes.
- k. Permit Requirements and Procedures.
 - (1) A building permit shall be required.

- (2) An Owner shall submit an application to the Building Official for a building permit for a wind energy system.
 - (3) The Building Official shall issue a permit or deny the application within 30 days of submittal of the application.
- I. Inspection. Large and Medium wind energy systems shall have a bi-annual inspection of structural stability, at the cost of the owner/operator of the facility with a report filed with the City Clerk.
- m. Penalties.
- (1) Any wind generation facility, turbine, or appurtenant facility, hereinafter significantly erected, moved or structurally altered in violation of the provisions of this ordinance by any person, firm, association, corporation or their agent shall be deemed an unlawful structure or devices.
 - (2) Any wind generation facility that does not meet the requirements of this ordinance shall provide ground for revocation of the special use permit, thereby deeming the facility an unlawful structure or devices.
 - (3) This section does not preclude the City of Roseville from maintaining any appropriate action to prevent or remove a violation of this section.
 - (4) Any violation of this ordinance shall constitute a misdemeanor punishable by jail for a period not to exceed 93 days and/or a \$500 fine.

Wind Turbine Components



Section 2316 Gratiot Avenue Corridor Overlay Zone:

- A. **Intent.** The intent of the Gratiot Avenue Corridor Overlay Zone is to improve traffic operations; reduce potential for crashes; improve pedestrian and transit environments; and preserve the vehicular carrying capacity of Gratiot Avenue through regulations on the number, spacing, placement and design of access points. Published reports and recommendations by the Michigan Department of Transportation (MDOT) show a relationship between the number of access points and the number of crashes.

Recognizing the existing built character and downtown land use characteristics in the City of Roseville, this ordinance intends to apply the MDOT access management standards where practical, but to allow flexibility in their application, given the unique needs of this more urbanized area. Development along Gratiot Avenue contains an interconnected, grid street pattern and urban building form that is highly conducive to downtown activity. This ordinance intends to complement efforts to make Gratiot Avenue through Roseville more walkable by improving the transit and non-motorized environments by limiting the amount of direct access to Gratiot Avenue and thus the number of potential vehicle-to-pedestrian crashes. The segment of Gratiot Avenue within Roseville is characterized by a median road design that naturally restricts turning movements to a single direction, which present unique traffic operations; therefore, this ordinance places more emphasis on the design and spacing of driveways from signalized intersections and median crossovers.

- B. **Applicability.** This overlay zone shall apply to all land with frontage along Gratiot Avenue. The following applications must also comply with the standards in this Section.

- 1. New or Enlarged Building or Structure. Any new principal building or structure, or the enlargement of any principal building or structure by more than 25%.
- 2. Land Division, Subdivision or Site Condominium. Any land division or subdivision or site condominium development, including residential developments.
- 3. Change in Use or intensity of Use. Any intensity of use or any increase in vehicle trips generated.

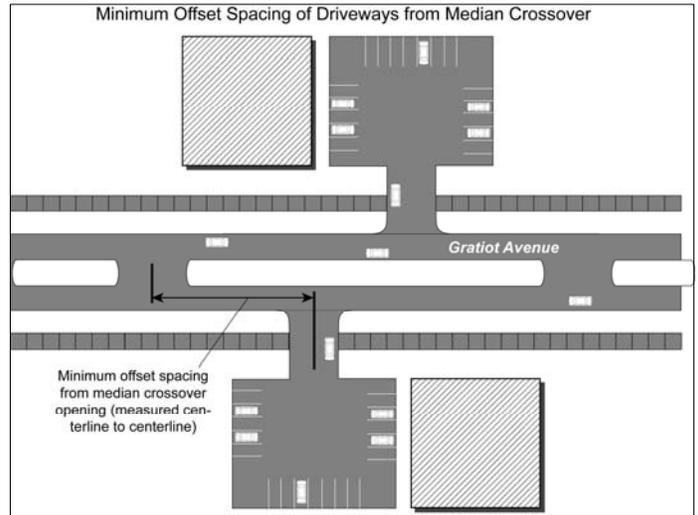
- C. **Access Management Standards.** The following regulations of this Section shall be considered by the Planning Commission:

- 1. Compliance with Corridor Plan. Access shall generally be provided as shown in the Gratiot Avenue Corridor Improvement Plan.
- 2. Number of Access Points. The number of resulting access points shall be the fewest necessary to provide reasonable access to the site. Each lot shall be permitted one access point, which may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
- 3. Additional Access Points. Additional access points may be permitted by the Planning Commission upon finding that all other standards are met, and/or if

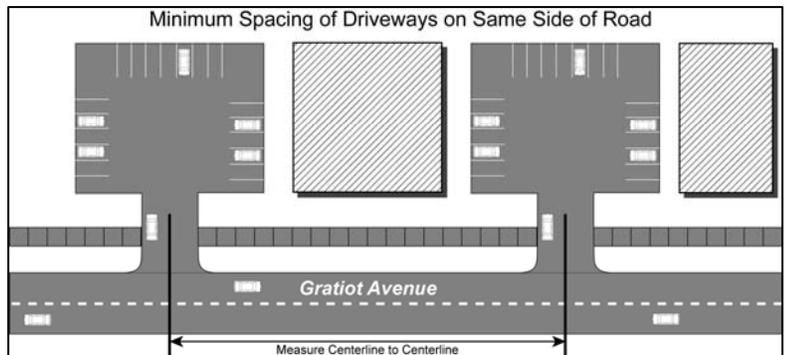
a traffic impact study is submitted that justifies a need for additional access due to safety reasons or where a poor level of service will result from fewer access points.

4. Spacing and Offset from Intersections. Access points shall be either directly aligned or spaced/offset as far from intersections as practical, especially signalized intersections. A minimum spacing or offset of 150 feet is preferred.

5. Consideration of Median Crossovers. Access points along median sections of Gratiot Avenue shall be located in consideration of median crossovers. The City supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. Access points shall directly align with or be offset a sufficient distance from median crossovers to allow for weaving across travel lanes and storage within the median. A minimum offset of 250 feet is preferred.



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



Posted Speed limit	Along Gratiot Ave *	Along other Roads
35 mph or less *	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
* unless greater spacing is required by MDOT or required to meet other standards herein		

7. Consideration of Adjacent Sites. Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to

ensure the adjacent site(s) can also meet the access location standards in the future.

8. Shared Driveways. Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive. Where implemented, shared access or service driveways should be accompanied by an executed access agreement, signed by all affected property owners.
9. Access Design. Where practical given right-of-way constraints, access points shall be designed with radii, tapers and other geometrics as determined by MDOT that are required to minimize the impacts of inbound right turns on traffic flow.

D. **Review Procedure**. Applications shall be processed according to Article 21, Site Plan Review, and Section 2605, Certificates, as appropriate. The Building Official may require Planning Commission review as part of any Zoning Compliance Certificate requests if it is determined that such request does not adhere to the standards of this Section.

1. **Submittal Information**. Along with any other required information, developments subject to review shall submit:
 - a. Detailed information showing existing access points on adjacent sites; proposed access points; changes to existing access; and any information requested by the City that is needed to review site access.
 - b. The Planning Commission may require submittal of a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional access points or to justify a modification.
 - c. Where it is determined by that certain site plan submittal requirements are not necessary to the review and understanding of the site, the Planning Commission may waive the site plan requirements and allow submittal of a scaled drawing that provides sufficient detail to review site access.
2. **Modification of Plan Standards**. The Planning Commission may waive certain requirements of this Section upon consideration of the following:
 - a. The proposed modification is consistent with the general intent of the standards of this overlay zone and the recommendations of the Gratiot Avenue Corridor Improvement Plan and published MDOT guidelines.
 - b. MDOT staff endorse the proposed access design.
 - c. Driveway geometrics have been improved to the extent practical to reduce impacts on through traffic flow.
 - d. The modification is for an access point that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 - e. Shared access has been provided, or the applicant has demonstrated it is not reasonable.

- f. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.