

ROLLIN TOWNSHIP
ZONING ORDINANCE

2014

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ROLLIN TOWNSHIP ZONING ORDINANCE
LENAWEE COUNTY, MICHIGAN

An Ordinance adopted under authority of, and in accordance with, the provisions of the Township Zoning Act (PA 184 of 1943, MCL 125.271 *et seq.*), as amended, to establish comprehensive zoning regulations for Rollin Township, Lenawee County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all Ordinances in conflict therewith. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to the Michigan Zoning Enabling Act as amended, 2006 PA 110, MCL 125.3101 *et seq.*)

ENACTING CLAUSE

THE TOWNSHIP OF ROLLIN, COUNTY OF LENAWE, STATE OF MICHIGAN ORDAINS:

ARTICLE I
TITLE AND PURPOSES

Section 1.00 - TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Rollin Township." The Zoning Map referred to herein is entitled "Zoning Map, Rollin Township."

Section 1.01 - PURPOSES

This Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare.
2. Protecting the character and stability of the agricultural, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
3. Preventing the overcrowding of the land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health.
4. Lessening and avoiding congestion on public highways and streets.
5. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development.
6. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts.

7. Conserving the taxable value of land and structures.
8. Conserving the expenditure of funds for public improvements and services.
9. Protecting against fire, explosion, noxious fumes, and odors, heat, dust, smoke, glare, noise, vibration, radioactivity and other nuisances and hazards in the interest of the people.
10. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

ARTICLE II
SCOPE OF ORDINANCE

SECTION 2.00 - SCOPE OF ORDINANCE

Every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building, use or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such buildings or structures or lots are located.

To avoid undue hardship nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance provided that construction shall be completed within three hundred sixty five (365) days of such effective date and be subject thereafter to the provisions of Article V of this Ordinance.

The adoption of the Ordinance shall not limit the construction of any building or structure for which a zoning permit has been obtained prior to the effective date of adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Article V of this Ordinance.

SECTION 2.01 - MICHIGAN CONSTRUCTION CODE

Unless otherwise specifically stated construction in Rollin Township shall be governed by the Michigan State Construction Code currently in effect.

SECTION 2.02 - OPEN SPACE PRESERVATION

All zoning within Rollin Township is subject to the open space preservation provisions found in Section 506 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3506), as amended.

ARTICLE III
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 3.00 - RULES OF CONSTRUCTION

The following rules of construction shall apply to the text of this Ordinance.

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of the Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the Singular number shall include the plural; and the plural the singular unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for" or "intended for", "maintained for" or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
8. 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 conjunctions shall be interpreted as follows:
 - A. AND: Indicates that all connected items, conditions, provisions or events shall apply.
 - B. OR: Indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
9. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 3.01 - DEFINITIONS

1. **ACCESSORY BUILDING OR ACCESSORY USE:** A subordinate building or part of the main building or use of such building which is clearly incidental to that of the main building. For the purpose of this Ordinance, an accessory building shall include any structure other than the main building.
- 1A. **ADULT FOSTER CARE FACILITY:** A residential structure that is licensed to provide room and board and supervised care, but not continuous nursing care, for unrelated adults over the

age of 17, in accordance with the Adult Foster Care facility Licensing Act (PA 218 Of 1979, MCL 400.701 *et seq.*), as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Human Services. The following four (4) types of Adult Foster Care Homes are provided for in the Adult Foster Care Administrative Rules:

- A. Adult Foster Care Family Home. A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
 - B. Adult Foster Care Small Group Home. An owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
 - C. Adult Foster Care Large Group Home. A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty four(24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. Township zoning approval is required prior to issuance of a license.
 - D. Adult Foster Care Congregate Facility. An Adult Foster Care Congregate Facility is a facility with the approved capacity to receive more than 20 adults who shall be provided foster care. Section 15 of the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.715), as amended, prohibits the licensure of new adult foster care congregate facilities.
2. AGRICULTURE: The use of the land as a source of income by the tilling of the soil; the raising of field, tree and shrub, flower, fruit and vegetable, or other crops; or animal husbandry (see Articles VIII and IX and Section 21.04) within the Agricultural (AG) and Rural Residential (RR) districts and other districts when it is legally nonconforming use (see Section 5.03).
 3. ALLEY: A public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation (see Section 4.01).
 4. ALTERATIONS: Any change in the location or use of a building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial change in the roof or exterior walls or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".

5. AMUSEMENT PARK: A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals and other similar uses and their facilities, but not shooting galleries, race tracks, zoos, stables and riding academies.
6. APPEAL: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.
7. ARCHITECTURAL FEATURES: An architectural feature of a building may be any standard construction design, and may include, but not be limited to, cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornamentation.
8. AUTOMOBILE REPAIR GARAGE: See definition of "GARAGE, SERVICE".
9. AUTOMOBILE SERVICE STATION: A building or a structure designed or used for the retail sale of fuel, lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including the space for facilities for the storage, minor repair or servicing of such vehicles (see Section 4.15).
10. AUTOMOBILE WASH ESTABLISHMENT: A building or portion thereof, the primary use or purpose of which is that of washing vehicles.
11. BARRIER: A fence or wall or other structure built to bar passage (see Section 4.11).
12. BASEMENT: A story of a building having part but not less than one-half (1/2) of its height below grade (see Section 3.02.1 and Section 4.03).
13. BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.
14. BILLBOARD: Any construction or portion thereof upon which a sign or Advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.
15. BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, crossing or terminating; or between the nearest such street and railroad right-of-way; unsubdivided acreage, lake, river or live stream, or other natural feature; or between any of the foregoing and any other barrier to the continuity of development.
16. BOARD OF APPEALS: The Rollin Township, Lenawee County, State of Michigan, Zoning Board of Appeals.
17. BUILDING: A structure erected on-site, a manufactured home, a manufactured structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the

shelter, support or enclosure of persons, animals, chattels or property of any kind.

18. BUILDING HEIGHT: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs (see Section 3.02.3)
19. BUILDING INSPECTOR: This term shall refer to the Building Inspector of Rollin Township or his authorized representatives.
20. BUILDING LINE: A line formed by the face of the building, and for the purposes of this Ordinance a minimum building line is the same as a front setback line.
21. BUILDING PERMITS: A building permit is the written authorization issued by the Building Inspector of the Township permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of the State of Michigan's current construction codes.
- 21A. CHILD DAY CARE FACILITIES. The following definitions shall apply in the Construction and application of this Ordinance:
 - A. Family Day Care Home. A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
 - B. Group Day Care Home. A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
 - C. Day Care Center. A facility, other than a private residence, receiving more than one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.
- 21B. CHILD FOSTER FAMILY FACILITIES
 - A. Foster Family Home. A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the Michigan adoption code (Chapter X of PA 288 of 1939, MCL 710.21 *et seq.*), as amended, are given care

and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- B. Foster Family Group Home. A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the Michigan adoption code, (Chapter X of PA 288 of 1939, MCL 710.21 *et seq.*) as amended, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
22. CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than (1) professional, such as a physician, dentist, or the like.
23. CLUB: An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.
24. COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices of recreational or amusement enterprises, or garage, basement sales conducted on residential premises for more than fourteen (14) consecutive days during a given yearly period (see Section 2.14(10)-(11)).
25. COMMISSION: This term, and the term "Planning Commission", shall mean the Rollin Township Planning Commission.
26. CONVALESCENT HOME: A structure or building with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care. Ref. Article XI, Section 11.02.
27. DIGITAL MESSAGE SIGN (AKA electronic message center): A sign on which the copy changes automatically on a lampbank or through mechanical means (e.g., electrical or electronic time and temperature units).
28. DISTRICT: A portion of Rollin Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.
29. DOMESTIC PETS: Domesticated animals generally meant to be pets such as dogs, cats, fish, etc., but excluding livestock and exotic or wild animals such as reptiles, large cats, wolves, foxes, raccoons, etc. (see Section 4.13).
30. DRIVE-IN/DRIVE-THROUGH RESTAURANTS: A restaurant specifically developed so that its retail or service character is dependent on providing a driveway approach and/or parking spaces for motor vehicles and where food and/or beverages may be acquired without leaving the motor vehicle.

31. DWELLING UNIT: One or more rooms with independent cooking facilities designed as a unit for residence by only one family:
- A. Having a minimum living area of 720 square feet except apartment buildings and condominiums of three or more units per building may have less floor area.
 - B. It has a minimum width across any front, side, or rear elevation of 12 feet and complies in all respects with the Township building code including minimum heights 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 Township building code, then and in that event such Federal or State standards or regulations shall apply.
 - C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and shall have a 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 manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above.
 - D. No exposed wheels, towing mechanisms, undercarriage or chassis shall be permitted and no storage shall be allowed in any crawl space or skirted area which is not a standard basement.
 - E. The dwelling must be aesthetically compatible in design and appearance to conventionally on-site constructed homes, with a roof overhang, not less than two exterior doors with one being in the front of the home and the other being in either the rear or side of the home, with steps connected to said exterior door areas where a difference in elevation requires the same.
 - F. The dwelling shall be connected to a public sewer and water supply or to such private facilities as are approved by the local health department.
 - G. The dwelling must contain no additions or rooms or other areas which are not constructed with similar or better materials and with similar or better quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structure constructed to meet the State of Michigan's current construction codes.
 - H. The dwelling complies with all pertinent building, plumbing, electrical and fire codes, and the Rollin Township Sanitary Sewer Ordinance. In the case of manufactured

homes, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards (Part 3280 of Title 24 of the Code of Federal Regulations 24 CFR 3280) as amended, and as from time to time such standards may be amended. Additionally all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- I. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park or a licensed manufactured home subdivision except to the extent required by State law or otherwise specifically required in the Ordinances of Rollin Township.
 - J. The question of compatibility of design and appearance shall be determined by the Planning Commission subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of forty-five (45) days from receipt of the Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set forth in this Section, as well as the character of the residential development, outside of manufactured home parks, within two thousand (2000) feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; or where said area is not so developed, outside of manufactured home parks, throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.
- 32. DWELLING, ONE-FAMILY: A detached building containing only one (1) dwelling unit (see Article X).
 - 33. DWELLING, TWO-FAMILY: A building containing only two (2) dwelling units (see Article XI).
 - 34. DWELLING, MULTI-FAMILY: A building containing more than two (2) dwelling units (see Article XI).
 - 35. ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage, and the like, shall be considered part of the process.
 - 36. ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance by public utilities or governmental departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general health, safety or welfare (see Section 4.10).
 - 37. EXCAVATION: Any breakage of ground, except common household gardening, ground care

and tillage (see Section 4.06).

38. FAMILY:

- A. One or two persons or parents, with their direct lineal descendants and adopted or foster children (and including the domestic employees thereof) living together in the whole or part of a dwelling comprising a single housekeeping unit, or;
- B. A collective body or number of persons living together in one dwelling unit, under one head, cooking as a single housekeeping unit, and whose relationship is of a permanent and distinct domestic character based on birth, marriage, or other domestic bond, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, organization, hotel or any other group of individuals whose association is temporary in nature.

39. FARM: The carrying on of any agricultural, silviculture, aquaculture activity or the raising of livestock or small animals as a source of income (see Article VIII).

40. FARM BUILDING: Any building or structure on a farm, other than a dwelling, which is used for the pursuit of agricultural activities in accordance with the State of Michigan's current construction codes.

41. FAST FOOD ESTABLISHMENT: A business establishment where food and/or beverages are prepared on the premises to be sold at retail to patrons, to be consumed on the premises or within a motor vehicle parked on the site.

42. FENCE: An enclosure, barrier, or boundary made of posts, boards, wire, stakes, rails, plastic, metal, concrete, brick, block, rock or stone (see Section 4.11 and Section 4.28(6)).

A. ORNAMENTAL: Shall be no more than forty-eight inches (48") in height and shall be of such materials that are compatible with the zoning district in which they are erected. Hereafter all fences in residential districts shall be ornamental in design and no more than forty eight inches (48") high. A chain link fence may be used in all zoning districts as ornamental fencing,

1. Wire farm fence may be used on parcels of 5 acres or more.

B. PRIVACY: Shall be no more than seventy two inches (72") in height and shall be of such materials that are compatible with the zoning district in which they are erected. Privacy fences shall only be erected in industrial or commercial districts.

C. SECURITY: Shall be no more than one hundred twenty inches (120") in height and be of such materials that are compatible with the zoning district in which they are erected. Security fences shall only be erected in industrial or commercial zoning districts, and may be topped with no more than three (3) strands or barb wire.

- D. A dog enclosure may be erected of chain link fence in Residential zoning areas provided that the height does not exceed 72 inches and that it is situated at least forty eight (48) inches from any property boundary and no closer than twenty (20) feet to any lake and must be restricted to the back yard.
43. FLOOR AREA:
- A. GROSS: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the external wall or from the center line of walls separating two (2) buildings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, enclosed and unenclosed porches, or any space devoted to off street parking or loading.
 - B. USABLE: That portion of floor areas, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities (see Section 3.02.5).
44. FUNNELING: Funneling shall mean use of waterfront property for the purpose of providing access on any lake or channel adjacent thereto for nonriparian property owners or lessees, licensees, or any other occupants of property not contiguous to such waterfront. An easement providing access through a waterfront lot or parcel to a shoreline for a single residence if it is recorded in the Lenawee County Office of Deeds, is not funneling (see Section 4.27).
45. GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.
46. GARAGE, SERVICE: Any premises used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale (see Section 4.15).
47. GASOLINE SERVICE STATION: See definition of Automobile Service Station.
48. GAZEBO: Either an attached or detached raised deck structure or one that may be integrated into a deck or patio. It is roofed and has open sides or perimeter railings, and may or may not have screens or removable panels. The gazebo structure is not to exceed 110 square feet. For the purpose of this Ordinance, a gazebo shall be considered a deck.
- 48A. GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES (GAAMPS). Those practices as defined by the Michigan Commission of Agriculture. The Commission shall give due consideration to available Michigan Department of Agriculture information and written recommendations from the Michigan State University Experiment Station in cooperation

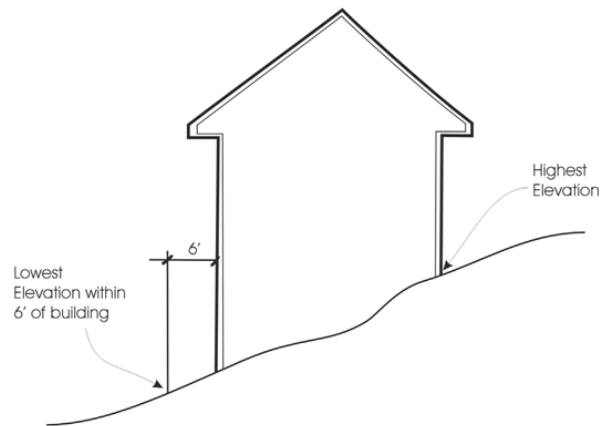
with the United States Department of Agricultural Natural Resources Conservation Service and the Consolidated Farm Service Agency, the Michigan.

49. GRADE:

A. ESTABLISHED GRADE: Established grade means the arithmetic average of the finished grade and highest elevation in an area within six (6) feet of the foundation line of a building or structure. For substantially uneven level ground conditions see Section 4.04.

B. EXISTING GRADE: Existing grade means the elevation of the ground surface in its natural state, before construction begins.

C. FINISHED GRADE: Finished grade means the lowest point of elevation between the exterior wall of the structure and a line within six (6) feet from the exterior wall of the structure.



50. GREENBELT: A strip of land not less than fifteen (15) feet in width which is planted with trees or shrubs acceptable in species and caliber to the Planning Commission and Building Inspector.

51. HIGHWAY: A public thoroughfare or street, excepting alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the Office of the Register of Deeds for Lenawee County, Michigan.

52. HOME OCCUPATION: For the purpose of this Ordinance, a home occupation shall be defined as a gainful occupation or profession customarily carried on by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes, and therefore not involving the conduct of a retail business, manufacturing business or a repair shop of any kind on the premises. Home occupations shall not include the employment of people whose primary residence is outside of the home. Home occupation shall include but not be limited to: personal services such as or similar to those provided by a medical professional, architect, artist, engineer, lawyer, accountant, hair dresser, bait shop, massage therapist, music teacher and dressmaker. Home occupation shall not include: conducting of a clinic, hospital, barber shop, tea room, tourist home, animal hospital or any similar use on the premise shall not be deemed to be a home occupation (see Section 4.20).

53. HOSPITAL: A building, structure, or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan (see Section 11.02).
54. HOTEL: A building containing units, each composed of a bedroom, bathroom and closet space. The units, with the exception of the units occupied by the management staff, shall be used only for the accommodations of transients.
55. JUNK YARD: A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrels, containers, etc. are brought, sold exchanged, stored, baled, packed, disassembled, or handled including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials and equipment including establishments or sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials for any thirty (30) consecutive days.
56. KENNEL, COMMERCIAL: Any lot or premise on which three (3) or more dogs, cats, or other household pets are either permanently or temporarily boarded.
57. LIVESTOCK: Domesticated animals normally raised on a farm, such as goats, chickens, ducks, turkeys, horses, ponies, cattle, hogs, and sheep (see Section 4.13).
58. LOADING SPACE: An off-street space on the same lot with the building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials (see Section 6.09).
59. LOT: A parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of the Ordinance. A lot may or may not be specifically designated as such on public records (see Section 3.02.4.)
 - A. CORNER: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve of the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.
 - B. INTERIOR: Any lot other than a corner lot.
 - C. THROUGH (DOUBLE-FRONTAGE): Any interior lot having a frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

60. LOT AREA: The total horizontal area within the lot lines of the lot.
61. LOT COVERAGE: The part or percent of a lot occupied by a building including any and all accessory buildings, decks, swimming pools, etc.
62. LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.
63. LOT LINES: The lines bounding a lot as defined herein:
 - A. FRONT LOT LINE: In the case of an interior lot, that line separating said lot from the street. In the case of or a corner lot, that line separating said lot from either street. Water frontage shall be considered the front lot line.
 - B. REAR LOT LINE: That line of that lot opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
 - C. SIDE LOT LINE: Any lot line other than the front lot or rear lot line. A lot line separating a lot from another lot or lots is an interior side lot line.
64. LOT OF RECORD: A parcel of land the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Township or County officials and which is actually existing as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof (see Section 5.01).
65. LOT WIDTH: The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.
66. LOT ZONING: A single tract of land, located within a single block, which at the time of filing for a building permit, is designated by its owner or single developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage, as required in the district in which the zoning lot, is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.
67. MAIN BUILDING: A building in which is conducted the principal use of the lot upon which it is situated.
68. MINI-WAREHOUSES: A building or group of buildings in a controlled access and fenced compound that contain varying sizes of individual, compartmentalized and controlled access stalls or lockers for storage of customers good or wares. For the purpose of this Ordinance to be known as Self-service storage facilities.

69. **MANUFACTURED HOME:** A factory-built single-family unit designed for year round dwelling purposes, equals or exceeds twelve (12) feet in width, contains not less than 720 square feet of living area, and is not motorized or self-propelled (although it may be built upon a chassis). A unit which requires being transported to the site separately in two (2) or more sections, and to which major elements, such as the heating system or a substantial portion of the siding, are installed after transport, and located outside of a manufactured housing park shall not be considered a manufactured home. A unit which rests on a permanent foundation with all apparatus utilized for transport (including but not necessarily limited to the wheels, axles, and tongue) removed from the unit and located outside of a manufactured housing park shall not be considered a manufactured home (see Section 4.25).
70. **MANUFACTURED HOUSING PARK:** A specifically designated parcel of land designed and developed to accommodate two (2) or more manufactured homes or manufactured home sites for residential use. Also known as home court, trailer court, or trailer court park (see Article XII).
71. **MOTEL:** A series of attached, semi-attached, or detached units containing a bedroom, bathroom, and closet space, with each apartment having an individual entrance leading directly from the outside of the building. The units, with the exception of the unit occupied by the management staff, shall be used only for the accommodation of transients.
72. **MOTOR HOME:** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not apply to manufactured homes.
73. **NON-CONFORMING STRUCTURE:** A structure or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the provisions of the Ordinance or the amendments thereto in the district in which it is located (see Section 5.02).
74. **NON-CONFORMING USE:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located as provided by the Ordinance or amendments thereto (see Section 5.03).
75. **NURSERY, PLANT MATERIALS:** A space, building, structure or a combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products for gardening or landscaping, but not including any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.
76. **NURSING HOME:** A structure with sleeping rooms where persons are housed and provided meals for the purpose of providing custodial care.
77. **NUISANCE FACTORS:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical

characteristics or activity or use across a property line which can be perceived by or effects 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, shock waves, heat, electronic or atomic radiation, objectionable affluent, noise of congregation of people, particularly at night, passenger traffic, invasion of nonabutting street frontage by traffic and storm water run-off.

78. OFF STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles (see Article VI).
79. OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure but not including automobile repair stations or automobile service stations.
80. PARKING SPACE: An area of definite length and width, said area shall be exclusive of drive, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.
81. PATIO: An open living area adjacent to a residential building consisting of a wooden, stone, cement, or brick area no more than six (6) inches above the ground.
 1. A patio may or may not be furnished with a railing.
 2. An enclosed or roofed patio shall be considered an accessory building.
82. PORCH: An open or enclosed elevated physical extension of a residential building featuring a solid floor, railing and roof.
83. PRINCIPAL USE: The main use to which the premises are devoted and the principal purposes for which the premises exist.
- 83A. PLANNED SHOPPING CENTER: A shopping center planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, as well as appurtenant common areas and accessory uses incidental to the predominant uses.
84. PUBLIC UTILITY: A person, firm or corporation, Township department, board or commission duly authorized to furnish and furnishing to the public, under Federal, State, or Township regulations services such as but not limited to the following: gas, steam, electricity, sewage disposal, communication, telegraph transportation, water or cable television.
85. SALES LOTS: Any lot that is used for the sales of new or used cars, boats, trucks, motorcycles, ATV's, ATC's, aircraft, snowmobiles or travel trailers. They shall be governed by the zoning district in which they are located.

86. SCREEN: A structure that serves to divide, conceal, or protect. Also an insert of framed mesh to keep out insects. A screen may also be a fence or barrier.
87. SEAWALL: Materials used along a waterfront area to protect the shoreline from erosion. Seawall construction and materials shall be governed by the Department of Natural Resources of the State of Michigan.
88. SETBACK: The distance required to obtain minimum front, side or rear yard open spaces as provided by this Ordinance.
89. SIGN: A name, identification, description, display or illustration which is affixed to, or painted or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business (see Section 4.26).
- 89A. STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State of Michigan under the Adult Foster Care Licensing Act (PA 218 of 1979, MCL 400.701 *et seq.*), as amended, and provides residential services to six (6) or fewer individuals under 24-hour supervision or care.
90. STORY: That portion of a building, other than a mezzanine included between the surface of any floor and the floor next above it, or if there is no floor above it, the space between the floor and ceiling next above it (see Section 3.02.5).
- A. MEZZANINE: A floor that covers less than fifty (50) percent of the area of the story underneath and where the vertical distance from the floor next below it to the floor next above it is less than twenty-four (24) feet.
- B. BASEMENT: A basement shall be counted as a story if over fifty (50) percent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposes by a person other than a janitor or domestic servant employed in the same building, including the family of the same.
- C. HALF STORY: That portion of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one half (1/2) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches (see Section 3.02.5).
91. STREET: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property (see Section 4.01).
92. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

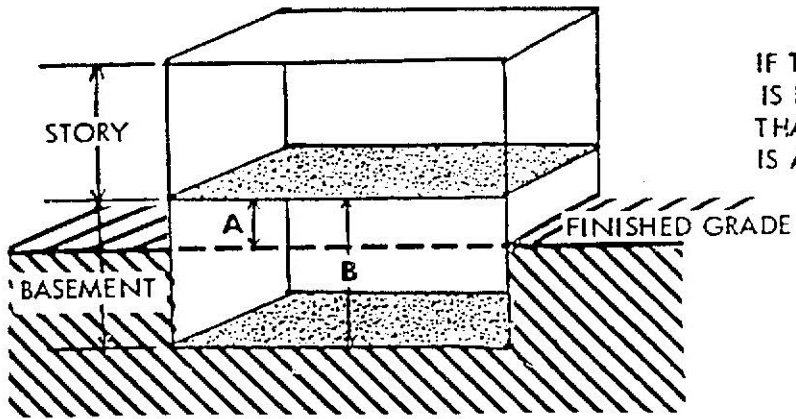
93. SUBDIVISION: A plot or parcel of land that is divided into lots for the purpose of single or multi-family dwellings, as designated by the zoning district in which it is located.
94. SWIMMING POOL: Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory building for the purpose of determining required yard spaces and maximum lot coverage (see Section 4.19).
95. TRAVEL TRAILER (RECREATIONAL VEHICLE): A portable vehicular unit primarily designed for travel and/or recreational use, which may also contain facilities for overnight lodging. They may be towed by a noncommercial vehicle or be self-propelled. This also includes, folding campers, and truck-mounted campers but not manufactured homes.
96. TRAVEL TRAILER (RECREATIONAL VEHICLE) PARK: A family recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.
97. TEMPORARY USE OF BUILDING: A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events (see Section 4.21).
98. 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.
99. VARIANCE: A variance is a modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause practical difficulties owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance. Variance requests are considered by the Rollin Township Zoning Board of Appeals (ZBA).
100. WALL, OBSCURING: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of the Ordinance.
101. YARDS: The open spaces on the same lot with the main building generally unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance (see Section 3.02.6) and as defined herein:
 - A. FRONT YARD: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building (please see Section 20.01 (h) for lakefront lots).
 - B. REAR YARD: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

- C. SIDE YARD: An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

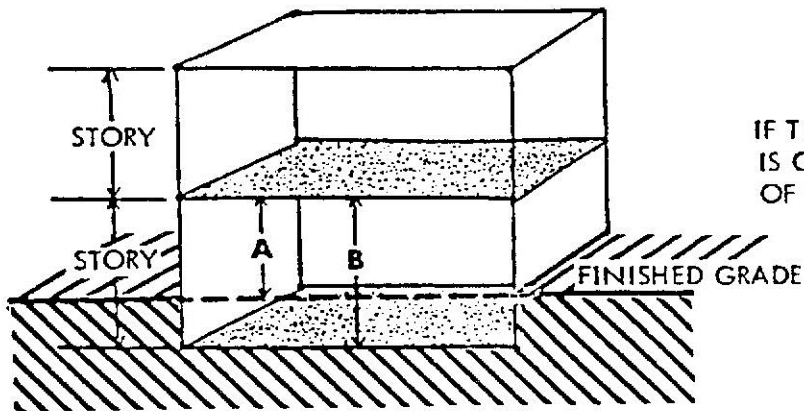
SECTION 3.02 ILLUSTRATIONS

1. (Basement & Story Definition)
2. (Basic Structural Terms)
3. (Building Height Requirements)
4. (Corner, Interior & Double Frontage Lots)
5. (Floor Area Terminology)
6. (Lot Terms)
7. (Yard Requirements)

Section 3.02.1
BASEMENT & STORY DEFINITION

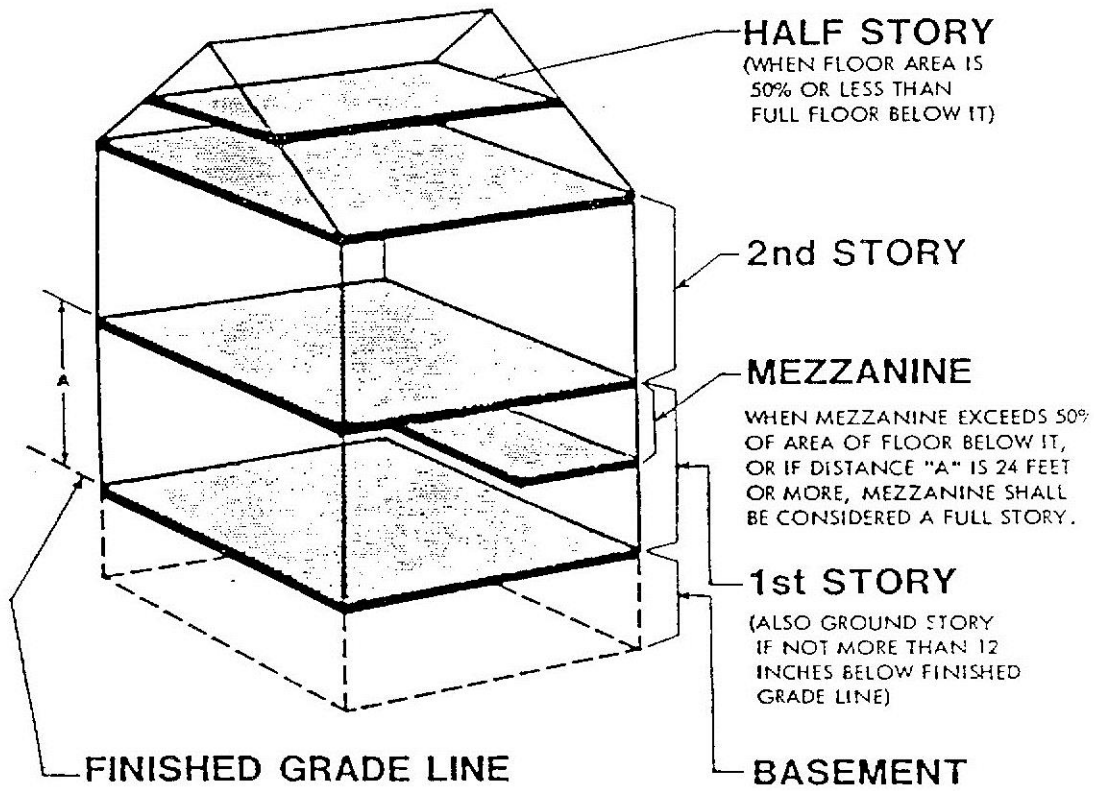


IF THE AVERAGE OF "A"
IS EQUAL TO OR LESS
THAN 1/2 OF "B", THIS
IS A BASEMENT.

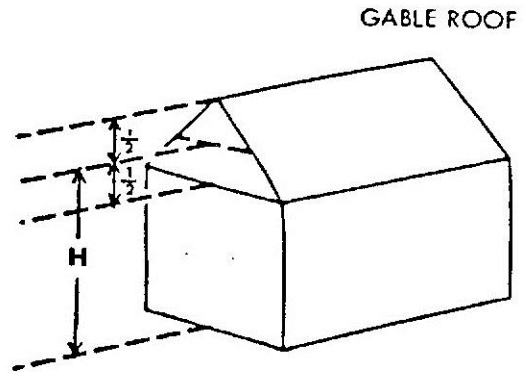
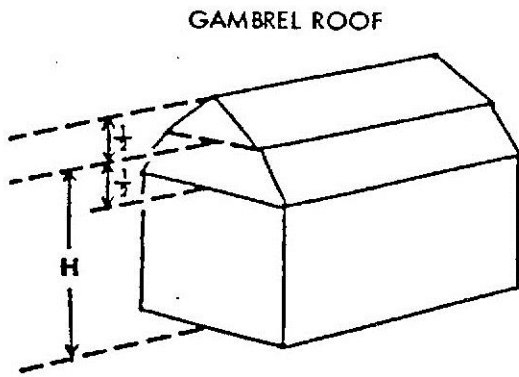
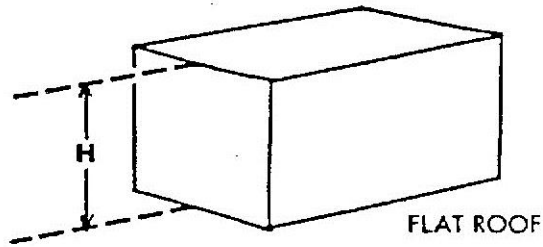
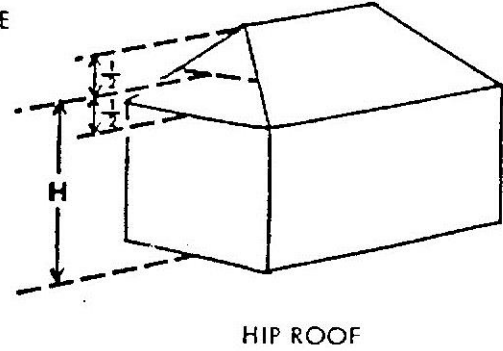
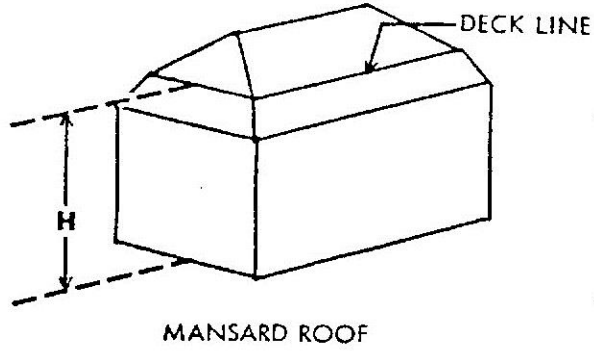


IF THE AVERAGE OF "A"
IS GREATER THAN 1/2
OF "B", THIS IS A STORY.

Section 3.02.2
BASIC STRUCTURAL TERMS

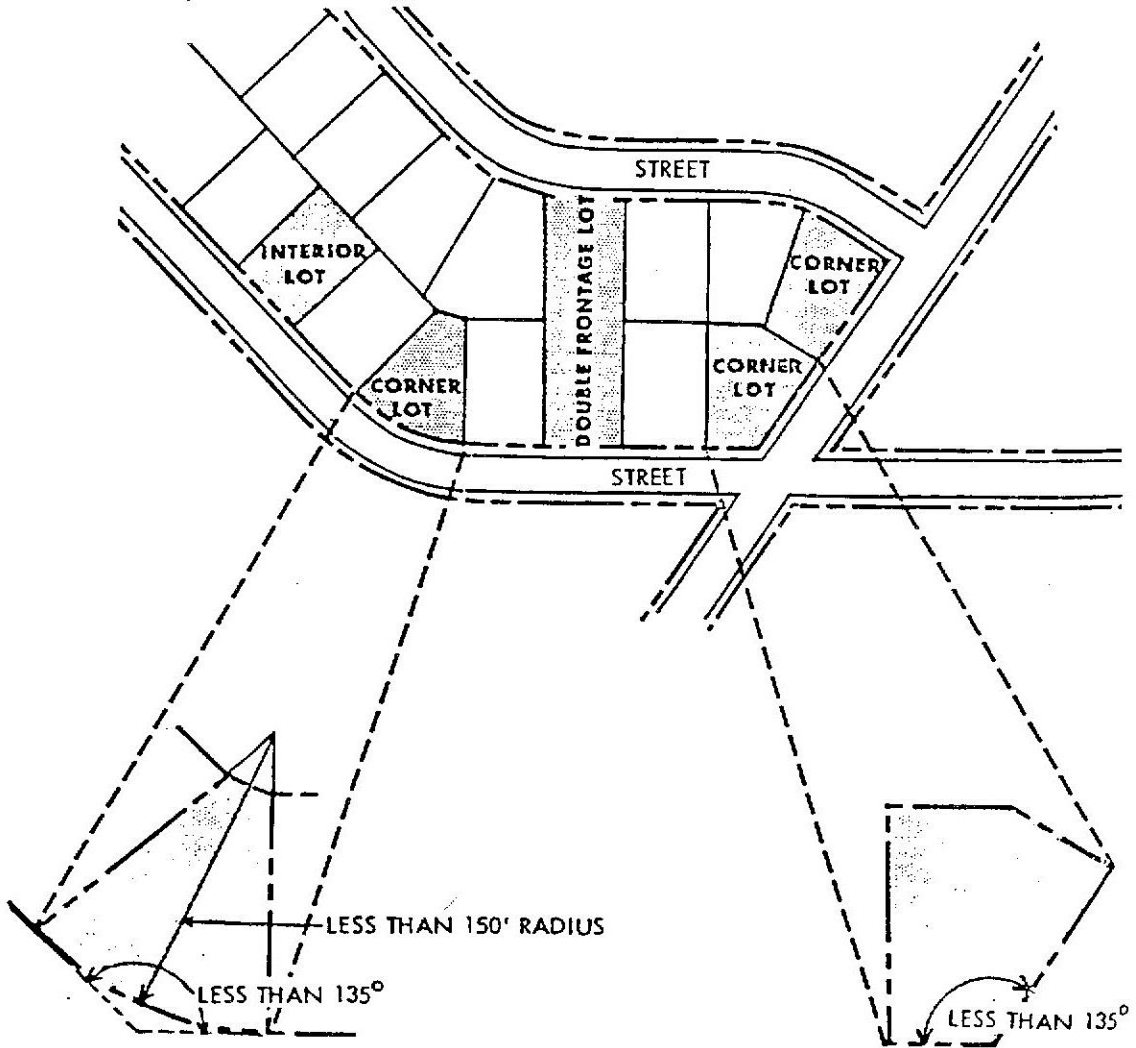


Section 3.02.3
BUILDING HEIGHT REQUIREMENTS

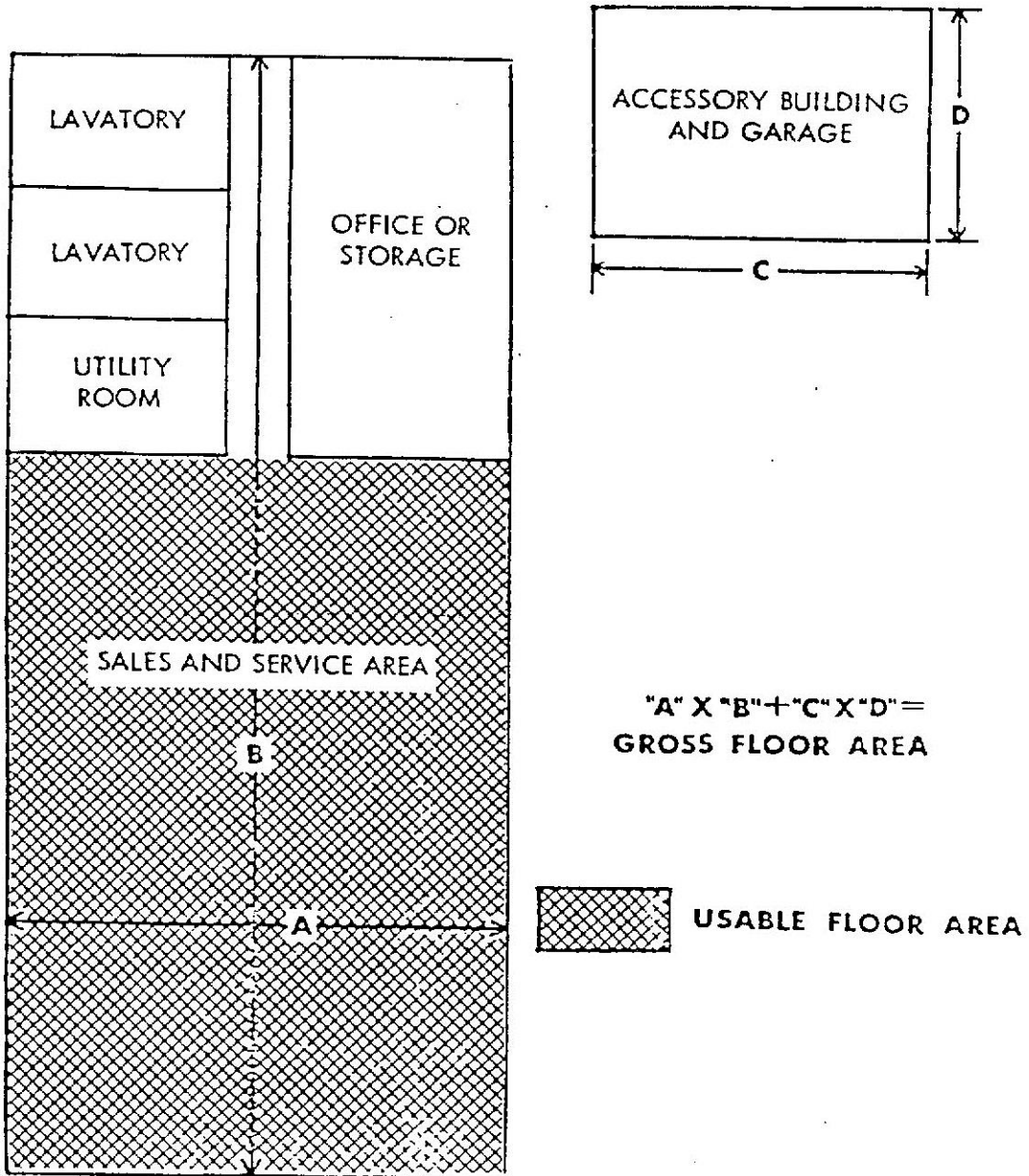


NOTE: GARAGE HEIGHT NOT TO EXCEED 16 FT. AS MEASURED FROM THE FOUNDATION FLOOR LEVEL TO THE HIGHEST POINT OF THE ROOF SURFACE.

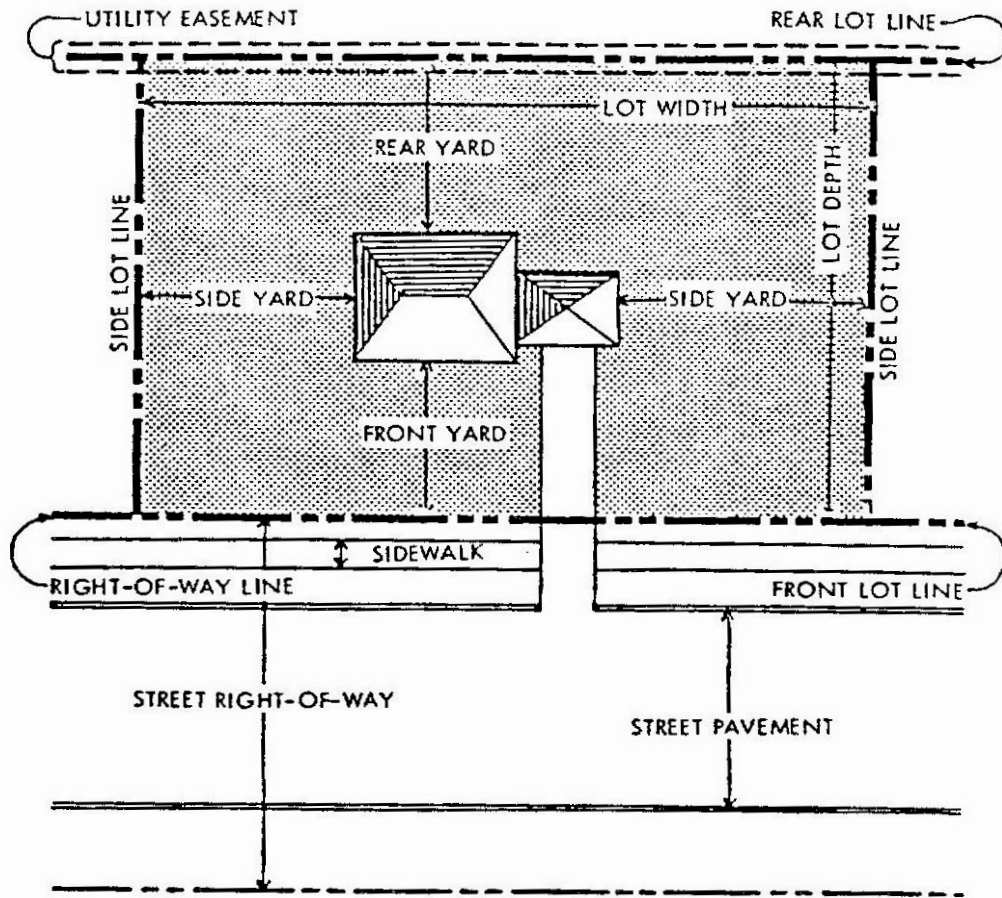
Section 3.02.4
CORNER, INTERIOR & THROUGH (DOUBLE FRONTAGE) LOTS



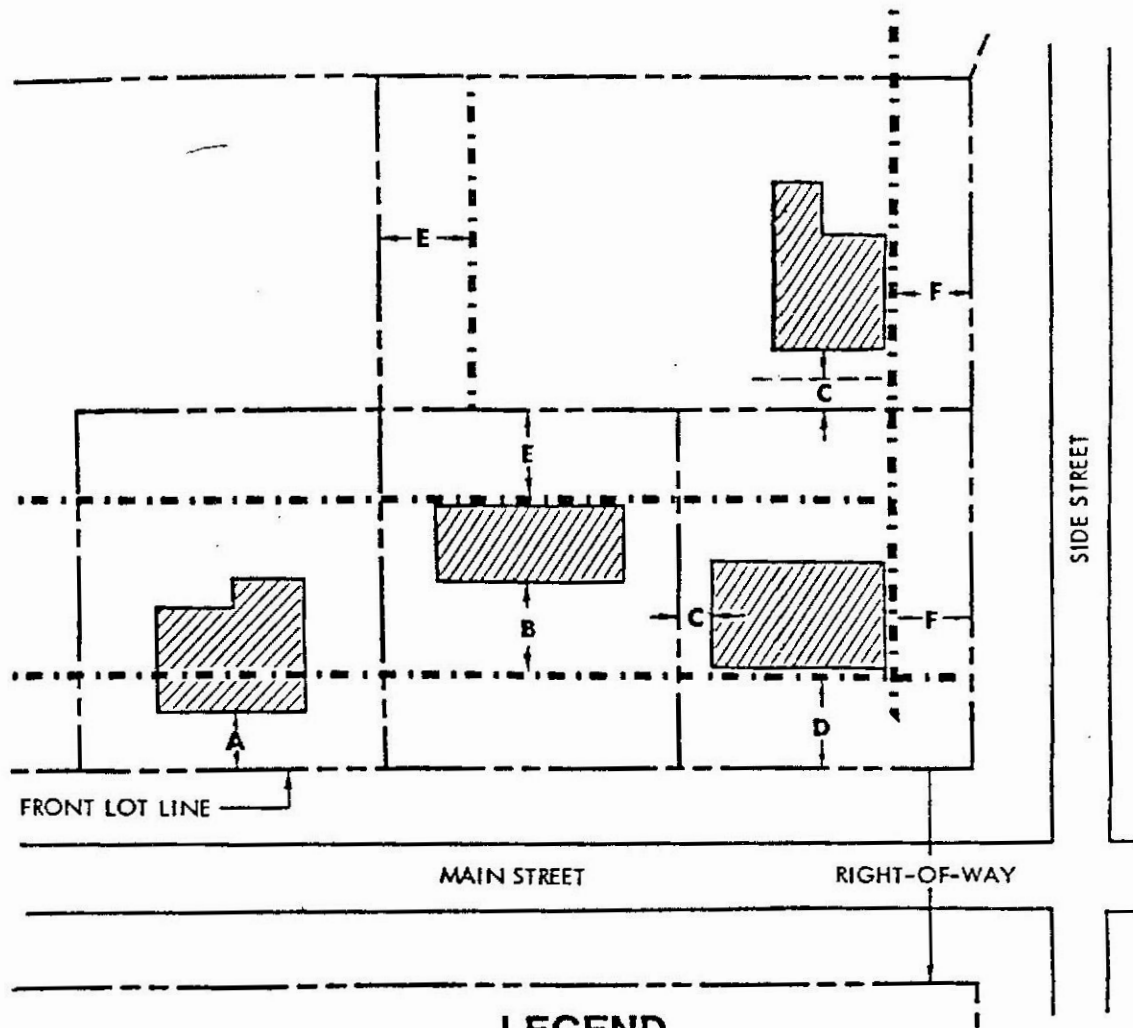
Section 3.02.5
FLOOR AREA TERMINOLOGY



Section 3.02.6
LOT TERMS



Section 3.02.7
YARD REQUIREMENTS



LEGEND

- | | |
|---|---|
| A — DEFICIENT FRONT YARD | D — MINIMUM FRONT YARD REQUIRED
ALSO BUILDING SETBACK LINE |
| B — FRONT YARD IN EXCESS OF
MINIMUM FRONT YARD REQUIRED | E — MINIMUM REAR YARD REQUIRED |
| C — MINIMUM SIDE YARD REQUIRED | F — MINIMUM YARD REQUIRED ON
SIDE STREET WHEREON HOMES
FRONT |

ARTICLE IV
GENERAL PROVISIONS

SECTION 4.00 - CONFLICTING REGULATIONS

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

SECTION 4.01 - ZONING OF STREET, ALLEY AND RAILROAD RIGHTS OF WAY

All streets, alleys and railroad rights of way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys, or railroad rights of way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

SECTION 4.02 - ACCESSORY BUILDINGS

In residentially zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

1. Accessory buildings located on the same lot or parcel as a main building in, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.
 - A. Where the accessory building is structurally attached to the main building, (integrated with the main building by support members of the main building, including but not limited to bearing walls, columns, beams, girders, floor joists, roof joists), it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings.
 - B. No accessory building shall have a gross floor area greater than the gross floor area of the first story of the main building or ten (10) percent of the lot area, whichever is smaller. No more than two accessory buildings shall be built on a single lot or parcel of land and their combined gross floor area may not exceed the above standard.
 - C. A detached accessory building over two hundred (200) square feet in size shall not exceed one (1) story in height and shall not in any case exceed twenty-five feet (25) in height as measured from the average established grade level to the highest point of the roof.
 - D. A detached accessory building two hundred (200) square feet or less in size shall be limited to a height of twelve (12) feet as measured from the average established grade level to the highest point of the roof.
 - E. A detached accessory building shall not be used as a dwelling.

- F. Detached accessory buildings shall not be erected in any required front yard.
 - G. No detached accessory building shall be located closer than ten (10) feet to any principal building, nor shall it be located closer than five (5) feet from any side or rear lot line.
 - H. Accessory buildings shall be fully enclosed, aesthetically pleasing in appearance, compatible with the neighborhood in which they are constructed and in compliance with current State Building Codes. Carports are not required to be fully enclosed.
2. Accessory buildings located on a separate lot or parcel without the main building are subject to the provisions of Section 4.02.1 and the following regulations.
- A. An accessory building may be built on a lot or parcel that has at least one common property line, or part thereof, with a lot or parcel owned by the same person or persons who desire to construct the accessory building and on which a dwelling is located. Consequently, the two lots or parcels shall be considered a single property for the purposes of sale.
 - B. Accessory buildings shall conform to all setbacks as if they were principal buildings.
 - C. No more than one (1) accessory building shall be permitted on the lot or parcel on which no dwelling exists.
 - D. Accessory buildings shall not exceed the following dimensions:
 - 1. Length parallel to the front lot line48 feet
 - 2. Depth perpendicular to the front lot line30 feet
 - 3. Roof height (maximum as measured from the average established grade to the highest point of the roof).....25 feet
 - E. An accessory building shall cover no more than thirty (30) percent of the lot or parcel area on which it is located.
 - F. Accessory buildings shall be fully enclosed, aesthetically pleasing in appearance, compatible with the neighborhood in which they are constructed, and in compliance with current State Building Codes.
 - G. Separate accessory buildings may be used for storage or as a garage, but shall not be used for storing or stockpiling of materials, equipment or supplies for agricultural, commercial, industrial or non-complying use; or for the operating or housing of any business, industry of any nature, unless it is part of an approved home occupation.

SECTION 4.03 - OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDING

Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes at any time.

SECTION 4.04 - BUILDING GRADES

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not permit run-off surface water to flow onto the adjacent property.

SECTION 4.05 - BUILDINGS TO BE MOVED

No permit shall be granted for the moving of buildings or structures from without or within the limits of the Township to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

SECTION 4.06 - EXCAVATIONS OR HOLES

The construction, maintenance, or existence within the Township of any unprotected, exposed, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector and provided further, that this Section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by the authority of the State of Michigan, the County, the Township or other governmental agency.

SECTION 4.07 - RESTORING UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition any part of any building or structure declared unsafe by the Building Inspector, or required to comply with his lawful order.

SECTION 4.08 - VOTING PLACES

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

SECTION 4.09 - APPROVAL OF PLATS

No proposed plat of a new or a redesigned subdivision shall hereafter be approved by the Township unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such plat fully conforms with the statutes of the State of Michigan and any related Ordinance of Rollin Township as may be adopted.

SECTION 4.10 - ESSENTIAL SERVICES

1. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such essential service does not violate any other applicable provision of this Ordinance.
2. Nothing in this Section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for the provision of an essential service, except as otherwise permitted in this Ordinance.

SECTION 4.11 - FENCES, WALLS, AND OTHER PROTECTIVE BARRIERS

All fences of any type or description shall conform to the following regulations:

1. The erection, construction or alteration of any fence, wall, or other type of protective barrier shall be approved before construction by the Zoning Officer and/or Building Inspector as to their conforming to the requirements of the zoning districts wherein they are located and to the requirements of this Section.
2. Fences which are not specifically regulated under the regulations for the individual zoning districts, shall conform to the following requirements:
 - A. No fence in a residential area along the line dividing lots or parcels of land or located within any required side or rear yard shall exceed four (4) feet in height above the grade of the surrounding land.
 - B. All fences in residential and commercial districts shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp points or instruments of any kind on top or on the sides of any fence, or electric current or charge in said fences are prohibited, except in agricultural and industrial districts. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or lands, wherever deemed necessary in the interest of public safety.
 - C. Fences shall provide a minimum of fifty percent (50%) open area measured vertically between the bottom of the bottom and the top of the top rails. No fence shall be so erected as to obscure the view of adjacent property except as provided in this Section.

- C. Privacy fences may only be erected to obscure refuse containers and around in-ground swimming pools, provided that they are no more than fifteen (15) feet from the pool's sides. Privacy fences may be optically solid if they conform to other requirements of this Section. Such privacy fences must be secured against access by unauthorized persons.
- D. A fence shall be considered a structure and shall not be built on any lakeside lot closer than twenty (20) feet from the legal water level of the lake. A zoning permit shall be required for the erection of any fence in any residential district.
- E. Fences located in the Lake Residential (LR) District shall also conform to the following requirements:
 - 1. Fences require a permit from the Township.
 - 2. Fences shall not exceed a height of four (4) feet as measured from the surface of the ground, nor shall such fences exceed fifty (50%) percent solidity, subject to other provisions of this Ordinance or State law. Fences may be placed on lot lines with the written consent of both property owners at the time permit is issued, and on file with the Township.
 - 3. Fences shall not be located closer than twenty (20) feet from the legal water level from the shore of the lake, as set by the Corps of Engineers, the Michigan Department of Natural Resources, or a court of competent jurisdiction.

SECTION 4.11a – SITE CLEARANCE TRIANGLE

No structure, fence, wall, or planting shall be erected, established or maintained on any corner lot that obstructs the view of a driver of a vehicle approaching the intersection. Shade trees growing in such corners shall be trimmed so that all branches are not less than eight (8) feet above the road surface and shrubbery shall be trimmed so that it is thirty inches (30") or less in height. Such unobstructed corner shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.

SECTION 4.12 - FILLING OPERATIONS

It shall be unlawful for any person, firm, corporation, partnership, or for any other organization or entity to use land for filling with materials of any kind without the approval of the Township Board Lenawee County Drain Commissioner and/or MDEQ subject to any requirements as they may deem appropriate.

SECTION 4.13 - ANIMALS

The keeping or maintenance of animals shall be regulated as follows:

1. Domestic pets (see Section 3.01.29) such as cats and dogs shall be allowed in all zoning districts, but restricted to three animals per dwelling. Goldfish, canaries, hamsters etc. are not included in the pet count.
2. Non-domestic pets may be kept in all residential and agricultural districts except multi-family zoned districts. Animals that may be a danger to their owners or the general public should they escape are prohibited. No more than one non-domestic pet is permitted per dwelling.
3. Livestock is permitted in agriculturally zoned districts only.
4. No livestock shall be kept or maintained in the rural residential district except property of five (5) acres or more may have up to two (2) horses only, provided they are not used for commercial breeding purposes. The Township Board may allow the raising of animals in Rural Residential zoned districts for youth programs such as 4-H or FFA. Conditions may be attached to any permit granted by the Board. No fee shall be charged for such a permit.

SECTION 4.14 - OUTDOOR STORAGE MATERIALS

The location or storage of abandoned, discarded, unusable or inoperative vehicles, appliance, furniture, equipment, or materials shall be regulated as follows:

1. On any lot in an agricultural district, residential, or commercial district, the owner or tenant may locate and store materials, but only if kept within a completely enclosed building and only if the materials are not to be stored for hire or for business. However, agricultural equipment may be stored outside in an agricultural district.
2. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, may locate and store materials but only if stored within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
3. Nothing in this Ordinance shall permit the storage or parking of any vehicle or non-permanent structure within the required front yard of any lot within the residential district, except that the parking of a currently licensed passenger vehicle on a driveway located on private property shall not be prohibited.

SECTION 4.15 - AUTOMOBILE SERVICE STATIONS AND PUBLIC GARAGES

No automobile service station existing on the effective date of this Ordinance shall be structurally altered so as to provide a lesser degree of conformity with the provisions of this Section than existed on the effective date of this Ordinance.

1. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet, and having a minimum area of not less than fifteen thousand (15,000) feet square.
2. An auto service station building housing an office and/or facilities for servicing, greasing, and/or washing motor vehicles shall be located not less than forty (40) feet from any side or rear lot line adjoining a residentially zoned district.
3. All driveways providing ingress or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
4. All lubrication equipment, motor vehicle washing equipment, hydraulic hoist, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall not be arranged so that motor vehicles shall be supplied with gasoline or serviced while parked upon any public sidewalk, street or right-of-way.
5. Where an automobile service station adjoins property located in any residential district, a buffer wall of suitable material or planting strip shall be provided at least four (4) feet but not greater than six (6) feet in height.
6. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.
7. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period of greater than ten (10) days.
8. There may be no more than one (1) freestanding sign per street frontage.
9. All service stations shall be equipped with tanks and piping constructed of non-corrosive materials. A spill trap shall be furnished to prevent the escape of fuel spills through the storm or sanitary drainage system leaving the property.
10. Self-service gasoline stations shall follow all provisions of this Section except as follows:
 - A. A suitable shelter not less than one hundred (100) square feet shall be furnished on site for the attendant. Such facility shall include sanitary facilities.
 - B. Not less than two parking spaces shall be furnished for the attendant(s). If a convenience food market or other sales area is also situated on the property additional parking space shall be supplied according to Article VI.

- C. Outdoor storage of wrecked, disabled or partially dismantled vehicles shall be prohibited.

SECTION 4.16 - SITE PLAN REVIEW AND APPROVAL

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and relation to adjacent uses; further that there are benefits to the public in conserving natural resources and to insure compliance with the provisions of this Zoning Ordinance. Toward this end, this Ordinance requires a site plan to be reviewed by the Zoning Officer and the Planning Commission or its designated appointee for all buildings and structures. The following procedures shall be followed:

1. Application and Fee for Site Plan Review: All applications for site plan review shall be filed with the Township Zoning Officer on forms furnished by the Township. The application must be accompanied with the appropriate fee established by resolution of the Rollin Township Board.
2. Planning Commission Review of Site Plan: Upon receipt of such application by the Zoning Officer a copy shall be transmitted to the Planning Commission or its designated appointee. The Zoning Officer and the Planning Commission, shall undertake a study of the site plan and shall, within forty-five (45) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan needed to achieve conformity to the standards specified in this Ordinance.
3. Required Submission for Site Plan Review: Every application for site plan review shall have attached to it four copies of a detailed site plan. The site plan shall contain the following information:
 - A. The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two-hundred (200) feet, and of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
 - B. The property shall be identified by lot lines and location including dimensions, angles, and size and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer and designer.
 - C. The site plan shall show scales, north point, boundary dimensions, and natural features such as woodlots, streams, rivers, lakes, drains, topography (at least two (2) foot contour intervals) and other similar features as may be required by the Zoning Officer or the Planning Commission or its designated appointee.

- D. The site plan shall show existing man-made features, such as buildings and structures, high tension towers, pipe lines, and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- E. The site plan shall show the location of proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for multi-lot residential developments shall include a density schedule showing the numbers of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.
- F. The site plan shall show proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site. Also, it shall show the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.
- G. The site plan shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- H. A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.
- I. In all zoning districts where a single family dwelling unit is to be constructed on a single lot, the site plan shall be as follows:
 - (a) A sketch or drawing showing the lot dimensions and also the distances between the proposed buildings and the lot lines.
 - (b) Property survey markers if needed to establish lot lines.
 - (c) Any other documents as required by the Zoning Officer, the Planning Commission or its designated appointee.
- J. An applicant requesting a site plan review or a rezoning of a site with a wetland as designated by the Lenawee County Final Wetland Inventory Map provided through the Department of Environmental Quality [DEQ], where the wetland is either:
 - (a) greater than 50% of the site;
 - (b) is five [5] acres or greater in size; or

- (c) is adjacent to or connected to a lake, the applicant shall provide a "wetland delineation" for the site.

The Wetland Delineation Process shall be used to establish the actual boundaries of the wetlands and shall be delineated according to procedures adopted by the State of Michigan for delineating wetlands and the wetland delineation shall be approved by the Michigan Department of Environment Quality. The identification of the actual boundaries of the wetlands on a site shall be the responsibility of the owner or applicant.

4. Standards for Site Plan Review: In reviewing the site plan the Zoning Officer and the Planning Commission, or its designated appointee, shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in considering each site plan, the Planning Commission, or its designated appointee, shall find that the applicant has complied with all of the provisions of this Section of the Ordinance and that the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been met.
5. Approval of Site Plan: Within ten (10) days after approving or disapproving a site plan submitted to it, the Planning Commission or its designated appointee shall notify the Township Clerk or Zoning Officer and the applicant, in writing, of its decision. Further, if the plan is approved, the Township Clerk or Zoning Officer shall be given a copy of the approved plan and it shall be his duty to certify that plan complies with all of the provisions of this Ordinance. A copy of the approved plan with the Clerk's or Zoning Officer's certificate affixed thereto, shall be transmitted to the Building Inspector. The Building Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan and verified that the Lenawee County Health Department has approved the location of any proposed water and sewer facilities and their relationship with one another.
6. Expiration of Site Plan Certificate: The site plan certificate shall expire, and be of no effect, one (1) year after the date of issuance thereof, unless such time the Zoning Officer has issued a zoning compliance permit for any proposed work authorized under said site plan certificate.
7. Amendment, Revision of Site Plan: A site plan, and a site plan certificate, issued thereon, may be amended by the Planning Commission or its designated appointee upon request to the applicant. Such amendments shall be made upon application and in accordance with the procedure provided in this Section. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

SECTION 4.16a - SITE PLAN REVIEW AND APPROVAL FOR THE EXTRACTION OF NATURAL RESOURCES

The Michigan Zoning Enabling Act (MZEA) states that an "ordinance may not prevent the extraction by mining of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources" (see MCL 125.3205(a)(3)). As such, the intent of these standards — in addition to the submittal of a site plan required under Section 4.16 (see above) —

is to allow for the removal of valuable mineral deposits while protecting land surrounding excavation projects from the nuisance effects such as dust and dirt, noise and traffic, which result from such operation and to also insure that once the excavation operation is completed, the land is rehabilitated in such a manner as not to result in dangerous or unsightly conditions.

1. Permitted Associated Principal Uses: The following uses are permitted as part the extraction of natural resources.
 - A. The excavation, mining, stock-piling, or removal of sand, gravel or mineral deposits subject to the issuance of a permit by the Township Board and upon compliance with the conditions upon which the permit provided for hereunder is issued.
 - B. Processing plants in connection with the washing, grading or other similar processing of excavated materials.
 - C. Stock piles of sand, gravel and/or minerals as the product of an excavation operation.
 - D. Accessory buildings and structures incidental to the above permitted principal uses.
2. Requirements for Obtaining a Permit: The removal of soil, sand, gravel, stone, minerals and other earth materials shall be subject to the following conditions:
 - A. The application must be submitted by the owner of the land, or his/her designated agent and must document the following:
 - (a) That valuable natural resources are located on the relevant property;
 - (b) There is a need for the natural resource by the applicant or in the market served by the applicant; and
 - (c) That no 'very serious consequences' will result from the proposed operation as determined by the standards contained in Section 205(5) of the Michigan Zoning Enabling Act (MCL 125.3205(5)).
 - B. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
 - C. Such removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before 6:00 am or after 8:00 pm unless it is determined reasonable and necessary in promoting the best interests of the community that such activities be permitted to take place outside these hours at the discretion of the Township.
 - D. On said lot, no digging or excavating shall take place closer than thirty (30) feet to any lot line separating the excavation site from adjoining properties for excavation depths up to ten (10) feet. This minimum distance shall be increased by ten (10) feet

for every additional ten (10) feet of planned excavation depth to a distance of one hundred (100) feet from the adjoining property line at which point further increases in minimum distance shall not be considered necessary.

- E. On said lot, all roads, driveways, parking lots, and loading and unloading areas within one hundred (100) feet of any adjoining property shall be paved, oiled, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust and mud.
- F. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stock-piling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- G. Such removal, processing, or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface watercourse, or body of water outside the lines of the lot on which use shall be located.
- H. Such removal, processing, or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot so that earth materials are carried outside of the lines of said lot, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
- I. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery, shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue hence forth but in no case less than one hundred (100) feet from any lot line.
- J. There shall be erected a fence around the periphery of the area being excavated to restrain entry into the area being excavated. All access from a public road shall be controlled by a gate. Further, there shall be erected a fence not less than six (6) feet in height between the area being excavated and abutting residentially zoned properties.
- K. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.

- L. The owner or his/her designated agent shall file with the Planning Commission a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil, proposed and final landscaping, and the location of future roads, drives, drainage course, and/or other improvements contemplated, Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
- 3 Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Township, the Township Board, after hearing findings from the Planning Commission, shall determine whether or not a permit shall be issued. The permit shall be issued in the event the Township Board shall determine that issuance of the permit would not detrimentally affect the public health, safety and general welfare of the citizens of the Township.
- The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of surety bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of the initial permit.
- 4 Surety Bond Requirements: The Township Board shall, to insure compliance with the regulations contained herein or required as a condition of the issuance of a permit for the excavation, mining, stockpiling or removal of soil, sand, gravel, stone, minerals and other earth materials, require the permit applicant to furnish a surety bond executed by a surety company authorized to do business in the State of Michigan in an amount determined by the Township Board to be reasonably necessary to insure compliance hereunder; provided, however, that in no case will the sum of the surety bond be less than one thousand dollars (\$1,000) for each acre or fraction thereof of land as shown in the original application. In fixing the amount of such surety bond, the Township Board shall take into account the size and scope of the proposed operation, current prevailing cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply with a court judgment, and other such conditions and factors as might be relevant in determining the sum reasonable in light of all facts and circumstances surrounding each application. The surety bond shall be kept in a special account in the Township depository and shall not be used for any other purpose than those specified herein. The surety bond shall be released upon written certification of the Planning Commission that the restoration is complete and in compliance with the restoration plan. The surety bond requirement applies to all operators.
- 5 Exemptions: Non-commercial gravel pits on agricultural land used only by the land owner shall be exempted from the provisions of this Section so long as gravel is not extracted, processed or stored for sale.

SECTION 4.17 - CHURCHES, SYNAGOGUES, AND HALLS OF WORSHIP (PLACES OF WORSHIP)

Where places of worship are allowed, they shall meet the following requirements:

1. The minimum lot width of one hundred fifty (150) feet.
2. Minimum site size of three (3) acres.
3. All front, side and rear yard spaces shall be a minimum of fifty (50) feet from each adjoining lot line.

SECTION 4.18 - OPEN AIR BUSINESS

Open air businesses permitted in a commercial or agricultural district, shall be subject to the following requirements:

1. The minimum area of the site shall be ten thousand (10,000) square feet.
2. The minimum street frontage shall be one hundred (100) feet.
3. Where the site abuts property in any residentially zoned district, a buffer wall or planting strip shall be provided along the interior line. The wall or plantings shall be not less than four (4) feet or more than six (6) feet in height.
4. Exterior lighting shall be installed in a manner which will not create a driving hazard and shall be hooded or shielded so as to be deflected away from adjacent property.
5. All open air businesses shall comply with all applicable Township and County health regulations.
6. Christmas tree sales may be permitted in agricultural or commercial districts for a period not to exceed forty-five (45) days. Adequate off-street parking shall be provided and situated so as not to create a traffic hazard. The site shall be cleared of trees and debris ten (10) days after the last day of sale.

SECTION 4.19 - SWIMMING POOLS

All swimming pools erected in the Township shall comply with the following requirements.

1. Application: The application for a building permit to erect a swimming pool shall include the name of the owner, the manner of supervision of the pool, a site plan, location of adjacent buildings, fencing, gates and other detailed information affecting construction and safety as deemed necessary by the Zoning Officer.
2. Pool Location: Minimum side yard setbacks shall comply with the schedule of regulations of this Ordinance. Furthermore, a pool fence must not be built within the required front

yard or required corner lot side yard. Rear yard setbacks shall not be less than four (4) feet between the outside wall of the pool and the rear property line or less than four (4) feet between the pool wall and any building on the lot.

3. Fence: For the protection of the general public, an in-ground pool and an above ground pool less than four (4) feet in height shall be enclosed by a fence four (4) feet in height with a self-closing, latching gate. The fence shall be located no more than fifteen (15) feet from the outside perimeter of the pool wall. An above ground pool that is four (4) feet or more in height shall not require a fence, but shall require a tilt-up ladder that shall be locked up into place when not in use.
4. Sanitation: No swimming pool shall be used unless adequate public health measures are periodically taken to insure that the use thereof will not cause the spread of disease. Sanitation standards as now or any time adopted by the State Department of Health or the Le-nawee County Health Department to protect public health are adopted and made part of this article.

SECTION 4.20 - HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purpose. The following additional conditions shall be observed.

1. Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants thereof.
2. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or is provided incidental to the service or profession conducted within the dwelling.
3. There shall be no exterior storage of materials or equipment.

SECTION 4.21 - ADULT AND CHILD DAY-CARE FACILITIES

1. Family day-care homes serving six (6) or fewer adults or children shall be considered a residential use of property and a permitted use in all residential districts. The family day-care home shall receive minor children for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Such facilities also include homes that give care to an unrelated minor child for more than four (4) weeks during a calendar year.
2. Adult group day-care home with greater than six (6) adults is subject to the following:
 - A. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance in fact

or law relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.

- B. Where outdoor areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height, but no higher than six (6) feet.
 - C. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up is not disruptive to neighboring residents.
 - D. Appropriate license with the State of Michigan shall be maintained.
3. Adult day-care centers are subject to the following conditions:
- A. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - B. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - C. Where outdoor activity areas are provided, they shall be enclosed by a fence that is at least four (4) feet in height but no higher than six (6) feet.
4. Child group day-care homes with greater than six (6) children are subject to the following:
- A. The proposed use of the residence for group day-care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.
 - B. There shall be an outdoor play area of at least five hundred (500) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is within five hundred (500) feet of the subject parcel.
 - C. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
 - D. The hours of operation do not exceed sixteen (16) hours within a twenty-four (24) hour period. Activity between the hours of 10:00 PM and 6:00 AM shall be limited so that the drop-off and pick-up of children is not disruptive to neighboring residents.
 - E. Appropriate licenses with the State of Michigan shall be maintained.

- F. The granting of the special land use application shall not impair the health, safety, welfare, or reasonable enjoyment of adjacent or nearby residential properties.
5. Child day-care centers are subject to the following conditions:
- A. The property is maintained in a manner that is consistent with the character of the area.
 - B. A separate drop-off and pick-up area shall be provided adjacent to the main building entrance, located off a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - C. There shall be an on-site outdoor play area of the greater of one thousand five hundred (1,500) square feet or seventy-five (75) square feet for each child. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
 - D. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing and is at least four (4) feet in height, but no higher than six (6) feet.
 - E. For each child, a center shall have a minimum of fifty (50) square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following: hallways, storage areas and cloakrooms, kitchens and reception and office areas.
 - F. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 4.21A - ADULT AND CHILD FOSTER CARE FACILITIES

It is the intent of this Section to establish standards for child and adult foster care facilities that will insure compatibility with adjacent land uses and maintain the character of the neighborhood.

- 1. Adult Foster Care Facilities.
 - A. Application of Regulations.
 - 1. A State licensed adult foster care family home and adult foster care small group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
 - 2. The Township may, by issuance of a special land use permit, authorize the establishment of adult foster care small group homes serving more than six (6) persons and adult foster care large group homes.
 - 3. The Township may, by issuance of a special use permit, authorize the establishment of an adult foster care congregate facility.

- B. Adult foster care small group homes serving between seven (7) and twelve (12) adults and adult foster care large group homes serving between thirteen (13) and twenty (20) adults, shall be considered as a special land use subject to the requirements and standards of Section 21.14 and the following additional standards:
 - 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or care givers.
 - 2. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - 3. Appropriate licenses with the State of Michigan shall be maintained.
 - C. Adult foster care congregate facilities (21 or more adults) shall be considered as a special land use subject to the requirements and standards of Section 21.14 and the following standards:
 - 1. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 - 2. Appropriate licenses with the State of Michigan shall be maintained.
2. Child Foster Care Facilities.
- A. Foster family homes serving less than four (4) children shall be considered a residential use of property and a permitted use in all residential districts. Such facilities shall provide no less than forty (40) square feet of sleeping room per child with all other requirements provided in accordance with the applicable State standards.
 - B. Foster family group homes serving between four (4) and eight (8) children under the age of seventeen (17), no more than two (2) of which may be under the age of one (1), shall be considered as a special land use subject to the requirements and standards of Section 21.14 and the following standards:
 - 1. The proposed use of the residence for foster family care shall not change the essential character of the surrounding residential area, and shall not create a nuisance of the surrounding residential area, and shall not create a nuisance relating to vehicular parking, noise, or additional congestion in excess of residential uses in the district.

2. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front yard. This requirement may be waived by the Planning Commission if a public play area is available within five hundred (500) feet from the subject parcel.
3. All outdoor play areas shall be enclosed by a fence that is designed to discourage climbing, and is at least four (4) feet in height, but no higher than six (6) feet.
4. Appropriate licenses with the State of Michigan shall be maintained.

SECTION 4.22 - ACCESS TO PUBLIC STREETS

1. In residential, commercial and industrial districts, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.
2. In agricultural districts every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street or private easement of access to a public street.

SECTION 4.23 - FLOOD PLAINS

Notwithstanding any other provisions of this Ordinance, land within a one hundred (100) year flood plain shall be used only for agriculture and recreation uses, and provided no structures shall be located within any area subject to periodic flooding as determined by reference to the U.S. Soil Conservation Service, The U.S. Army Corps of Engineers, or other official authority.

SECTION 4.24 - LANDS ABUTTING RIVERS AND LAKES

In any district land which abuts any river, creek, tributary or drainage ditch or any natural or manmade lake, excluding ponds (i.e., ten acres or less), shall be subject to the following regulations:

1. The general setback limitations shall be based on the following distances from the water's edge:
 - A. Fifteen (15) feet from any drainage ditch.
 - B. Twenty-five (25) feet from any creek or tributary.
 - C. Fifty (50) feet from a river, including Bean Creek.
 - D. Fifty (50) feet from any natural or man-made lake.

2. Single family detached dwellings and their accessory buildings shall be setback according to this Article.
3. Camping, outdoor recreation activities and other commercial recreation activities (except boat loading facilities and marinas) shall be set back according to this Article.
4. Notwithstanding the requirements of Part 91 of the Michigan Natural Resources Protection Act (PA 451 of 1994, Part 91, MCL 324.9101 *et seq.*), as amended, any grading, removal of topsoil, or indiscriminate cutting of live vegetation which will result in soil erosion and sedimentation into the water body shall be prohibited.
5. Setbacks for agricultural activities shall be subject to the requirements of Generally Accepted Agricultural Management Practices as administered by the Michigan Department of Agriculture and Rural Development.
6. Excavation, mining, stockpiling or removal of soil, sand, gravel, stone, minerals, or other earth materials shall be set back three hundred (300) feet from the water's edge.
7. All sanitary waste disposal fields and septic tanks must conform to Lenawee County Health Department standards, but must not encroach an area within fifty (50) feet of the water's edge. The bottom of the tile field must be four (4) feet above floodplain level.
8. All other uses not specifically covered in these regulations must be set back fifty (50) feet from the water's edge.

SECTION 4.25 - MANUFACTURED HOMES-TEMPORARY OCCUPANCY

1. No manufactured home shall be used other than as a single family dwelling except a manufactured home may be used as a temporary field office on active construction sites provided it is certified as such by the Zoning Inspector.
2. The Building Inspector shall have authority to grant a permit for the temporary occupancy of manufactured homes on any lot in a residential district subject to the following conditions:
 - A. During the construction of a new permanent dwelling, but not to exceed a period of twelve (12) months, the owner of such permanent dwelling premises, and members of such owner's immediate family shall be permitted to occupy as a temporary residence one manufactured home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.
 - B. Such manufactured home shall not be located between the established setback line and the public right-of-way line of such premises.

- C. The manufactured home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
- D. The sanitary facilities of the manufactured home for the disposal of sewage and waste shall be properly connected to the central sewage system available at such premises and in case such system is not there available, then properly connected to an existing septic tank sewage disposal system which is approved by the Lenawee County Health Department for the permanent dwelling to be constructed at the site.
- E. Any person requesting such temporary use of a manufactured home shall furnish to the Township of Rollin a security deposit in the amount of five hundred and 00/100 (\$500.00) dollars, guaranteeing the removal of such manufactured home prior or upon the expiration of the twelve (12) month permit.

SECTION 4.26 - SIGN REGULATIONS

- 1. General Sign Regulations:
 - A. No sign shall be erected at any location, where, by reason of the position, size, shape, color, movement, or illumination, it interferes with or obstructs the view of traffic, nor shall any sign be erected which could be confused with any authorized traffic signal or device.
 - B. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
 - C. In agricultural, residential and local commercial districts, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall be arranged so as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to the street right-of-way line than one-half the minimum authorized front yard depth.
 - D. In general commercial, highway service commercial, and light industrial districts, all signs may be illuminated internally or be reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and streets. No illumination involving movement by reason of the lighting arrangement or other devices shall be permitted.
 - E. Signs in highway service commercial districts may be placed not less than ten (10) feet from the front property line and shall conform to all other provisions of this Article.
 - F. One on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for

which it is established; however, it shall not exceed two-hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half the distance of the required building setback.

2. The following on-site signs are permitted on any one lot in agricultural districts:
 - A. One on-site sign for every 300 feet of road frontage, advertising the sale or lease of the lot, chattels, or buildings, not exceeding sixteen (16) square feet in area.
 - B. One on-site sign announcing a home occupation not to exceed six (6) square feet in area.
 - C. One on-site sign identifying a park, school building or other authorized use not to exceed twenty-four (24) square feet in area.
 - D. One on-site sign advertising the type of farm products grown on the farmstead not to exceed (12) square feet in area.

3. The following on-site signs are permitted on any one lot in residential districts:
 - A. One on-site sign per frontage direction including lake side frontage, advertising the sale or lease of lot, chattels, or building, not to exceed six (6) square feet in area.
 - B. One on-site sign announcing a home occupation, boarding home or professional service, not to exceed six (6) square feet in area.
 - C. One on-site sign advertising a recorded subdivision or development not to exceed twenty-four (24) square feet in area. Such sign shall be removed after the sale of all lots or units within said subdivision or development.
 - D. One on-site sign identifying a multiple-family building or development not to exceed twenty-four (24) square feet in area.
 - E. One on-site sign identifying a school, church, public building or other authorized use not to exceed twenty-four (24) square feet in area.

4. Off-site signs, advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in highway service and industrial districts, under the following conditions:
 - A. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated.
 - B. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be closer than one thousand (1000) feet apart. A double face or a V-type structure shall be considered a single sign.

- C. The total surface area, facing the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
 - D. No off-site sign shall be erected on the roof of any building, nor have one sign above the other sign.
5. One (1) permanently installed sign shall be permitted for automobile service stations on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.
6. The following on-site signs are permitted at manufactured housing parks:
- A. One (1) identification sign, approved in conjunction with the final site plan approval of the manufactured housing park. In no case shall such sign be larger than twenty-four (24) square feet in surface area, nor have any moving parts, nor stand higher than fifteen (15) feet from the ground to the top of the sign. Such signs shall be no closer to the public right-of-way than twenty (20) feet.
 - B. Not more than one (1) entry and one (1) exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the manufactured housing park. In no case shall the sign be larger than two (2) square feet in surface area nor stand higher than five (5) feet from the ground to the top of the sign.
7. Nonconforming signs shall be eliminated or made to conform by the owner within five (5) years after the date of the enactment of this Ordinance.
8. Digital message signs (AKA electronic message center) shall be permitted only in certain areas of the township in accordance with Section 4.26 Sign Regulations.
- A. Digital message signs are permitted for school and churches in all areas of the township.
 - B. Digital message signs are permitted for all permitted uses and permitted uses after special approval in commercial and industrial zoning districts.
 - C. One (1) digital message sign may be substituted in lieu of each permitted commercial message board on a freestanding sign.
 - D. Specifications and limitations for digital message signs are as follows:
 - 1. The digital message sign shall only be used as part of a freestanding monument sign.

2. The digital message sign shall be mounted at the bottom of a freestanding sign.
3. The total areas of each digital message sign shall be no more than ten (10) square feet per side of the message area. The message area shall constitute the total area capable of being lighted.
4. The digital message sign must have a black or dark background. The letters may only be red in color.
5. The dwell time for each digital message shall be a minimum of six (6) seconds.
6. The message may scroll during its dwell time, but shall not flash have a dwell time of less than four (4) seconds).
7. The digital message sign may employ standard keyboard only letters, numbers, punctuation marks and symbols.

SECTION 4.27 - FUNNELING

In any zoning district, any use of a property, parcel or lot in a manner which constitutes funneling is prohibited (as defined in Sec. 3.01.44) unless such water-front provides contiguous water frontage for each guarantee of such water access rights as follows:

1. Residential Use:

First Dwelling Unit	25 Linear Feet
Next 3 Units	20 LF per unit
Next 8 Units	15 LF per unit
Over 12 Units	10 LF per unit to a maximum of 300 LF per individual development
2. Commercial Use: Not less than 50 LF, and as specified by the Planning Commission. Any commercial use is further subject to site plan review and approval as set forth in Section 4.16 of this Ordinance.
3. All amounts of required water frontage provided above shall be cumulative.
4. Notwithstanding the foregoing sections, any proposed use of any property, parcel or lot which constitutes funneling as defined in this Ordinance is prohibited on any lakes or bodies of water in this Township having a surface area of 200 acres or more.

SECTION 4.28 - DECKS

1. The construction of all decks, including access steps and railings, shall be approved by the Building Inspector, Zoning Officer, and the Planning Commission or the Planning Commission's designated appointee. A site plan shall be submitted showing all existing structures

on the lot, all proposed structures on the lot, all lot lines, all distances between existing and proposed structures and on lot lines.

2. All decks on lots of fifty (50) feet in width or less shall be erected so as to maintain the ten (10) feet side yard setback. This shall include attached or unattached decks. However, sidewalks built at grade level whether constructed of treated wood, concrete brick or block may be used.
3. A gazebo structure must meet all deck criteria, but must not exceed 110 square feet.
4. Decks that are attached to a primary building shall be considered an extension of that building and subject to the provisions applicable to such buildings within this Ordinance.
5. No deck may be built closer than fifty (50) feet from the legal water level from the shore of a body of water, as set by the Corps of Engineers, the Michigan Department of Natural Resources, or a court of competent jurisdiction.
6. Decks within LR Districts. In addition, within all Lake Residential (LR) Districts in front, side, or rear yard areas of lots abutting on a body of water, or road abutting a body of water, the following additional provisions shall apply.
 - A. The floor elevation of a deck shall not exceed the elevation of the first floor of the principal building, including the basement if built on a hillside, of the principal structure located on the lot. However, the inclusion of a basement in such a determination does not apply to decks attached to a primary building.
 - B. No deck on a lakefront lot is permitted within fifty (50) feet of the legal water level of the lake, as set by the Corps of Engineers, the Michigan Department of Natural Resources, or a court of competent jurisdiction, unless it is built at grade level (i.e., six inches in height or less). It may be a patio type constructed of treated wood, concrete or block or brick with or without railings.
 - C. Railings surrounding grade level decks shall be permitted. They shall be constructed to maintain the view of the body of water from adjacent properties. Railings shall not exceed thirty-six (36) inches in height. Railings shall be no less than fifty percent (50%) open to assure that views are not obstructed. Plants may be used for a border around a grade level deck but shall be less than eighteen (18) inches in height.

Determination of an obstruction of a view shall be made in consultation with the property owners and zoning inspector before issuance of the zoning permit. If no agreement can be reached, the matter will be resolved through application to the Zoning Board of appeals (see ARTICLE XXI).
 - D. Decks built on lakeside lots that are also on a hillside shall be built in accordance with this Ordinance, except no hillside deck shall be built closer than fifty (50) feet from the legal water level of the lake. Access steps to the lake frontage shall be permit-

ted. A railing with a maximum height of four (4) feet shall be permitted on hillside decks. The railing shall be not less than fifty (50%) percent open in area and be compatible with the zoning district in which it is constructed.

SECTION 4.29 - SITE CONDOMINIUM REGULATIONS

Pursuant to authority conferred by the Condominium Act (PA 59 of 1978, MCL 559.101 *et seq.*) as amended, all condominium plats must be approved by the Rollin Township Board of Trustees, after review and recommendation by the Planning Commission. A site plan in accordance with Section 4.16 shall be required for all site condominium projects. Each condominium development shall be located within a zoning district that permits the proposed use.

1. Definitions

- A. Condominium Documents - the master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or by-laws which affects the rights and obligations of a co-owner in the condominium.
- B. Condominium Lot - the land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
- C. Condominium Subdivision Plan - the drawings and information prepared in accordance with Section 66 of the Condominium Act (PA 59 of 1978, MCL 559.166), as amended.
- D. Condominium Unit - the portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.
- E. Consolidating Master Deed - the final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
- F. Contractible Condominium - a condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and the Condominium Act.
- G. Conversion Condominium - a condominium project containing condominium units some or all of which were occupied before the filing of a notice of taking reservations under Section 71 of the Condominium Act (PA 59 of 1978, MCL 559.166), as amended.
- H. Expandable Condominium - a condominium project to which additional land may be added in accordance with this Ordinance and the Condominium Act.

- I. Master Deed - the condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, and all other information required by Section 8 of the Condominium Act.
- J. Notice of Proposed Action - the notice required by Section 71 of the Condominium Act (PA 559 of 1978, MCL 559.171), as amended, to be filed with Rollin Township and other entities.
- K. Site Condominium - a condominium development containing residential, commercial, office, industrial, or other structures or improvements for uses permitted in the zoning district in which located, in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

2. Approval Required

Pursuant to authority conferred by Section 141 of the Condominium Act (PA 59 of 1978, MCL 559.241), as amended, the Planning Commission shall review all site condominium projects in accordance with this section as well as Section 4.16 of this Ordinance, and approve, approve with conditions, or deny the preliminary and final site plans. In reviewing a site condominium project, the Planning Commission shall consider the adequacy of the master deed, utility systems, streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

3. General Requirements

- A. No permits for erosion control, building construction, grading, or installation of water or sanitary sewage facilities or other construction activity shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Rollin Township Board of Trustees and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
- B. If a building, structure, or use to be placed on a condominium lot requires site plan approval under Section 4.16 herein, a site plan for that building, structure, or use shall be approved in accordance with Section 4.16 before a certification of zoning compliance may be issued.
- C. Preliminary and final site plans shall be submitted provided that preliminary and final site plans shall not be combined for site condominiums. A dimensionally stable copy of the as-built drawings shall be submitted to the Township Clerk and kept on file.
- D. Each condominium unit shall be located within a zoning district that permits the proposed use.

- E. For the purpose 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 site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use, except in a planned unit development. Required yards shall be measured from the boundaries of a condominium lot. Ground floor coverage and floor area ratio shall be calculated using the area of the condominium lot.
 - F. If central sewer facilities are not available, each condominium lot shall meet the requirements of the Lenawee County Health Department Sanitary Code.
 - G. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act (PA 59 of 1978 MCL 559.148), as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector and/or Zoning Officer. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
 - H. 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 (PA 59 of 1978, MCL 159.149), as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Inspector. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.
 - I. All information required by this Ordinance shall be updated and furnished to the Building Inspector and Zoning Officer until all applicable certificates of zoning compliance have been issued.
4. Preliminary Site Plan Requirements
- A. Concurrent with the submittal to the Township of the "Notice of Proposed Action" (as addressed in Section 71 of the Condominium Act), a preliminary site plan shall be submitted to the Township.
 - B. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
 - C. The preliminary site plan shall include all information required in Section 4.16 except that proposed buildings on the subject property need not be shown on the preliminary site plan as is usually required. However, the display of off-site buildings is required on the preliminary site plan. In addition to the requirements of Section 4.16 of this Ordinance and the Condominium Act, the location and dimensions of condominium lots and all required yards shall be shown on the preliminary site plan.

5. Final Site Plan Requirements
 - A. A final site plan shall be filed for review and approval for each phase of development shown on the approved preliminary site plan.
 - B. A final site plan for any phase of development shall not be filed for review and approval by the Planning Commission and approval unless a preliminary site plan has been approved by the Township Board of Trustees and is in effect.
 - C. A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. As with the preliminary site plan, the final site plan shall also include all information required in Section 4.16 except that proposed buildings on the subject property need not be shown on the final site plan. However, the display of off-site buildings is required on the final site plan. In addition to the requirements of Section 4.16 of this Ordinance and the Condominium Act, the location and dimensions of condominium lots and all required rear yards shall be shown on the final site plan.
 - D. The applicant shall provide proof of approvals by all county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the Lenawee County Drain Commissioner, the Lenawee County Health Department, the Lenawee County Road Commission, the Michigan Department of Environmental Quality, and the Michigan Department of Transportation. The Township Board of Trustees shall not approve a final site plan until each county and state agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
6. Revision of Site Condominium Plan. If the condominium subdivision plans are revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.
7. Amendment to Master Deed or Bylaws. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
8. Construction Located in General Common Element. Any application for a building permit for construction to be located in a general common element shall include written authorization by the condominium association for the application.
9. Monuments and Lot Irons. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township may grant a delay in the setting of required monuments or irons for reasonable time, but not to exceed one year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit running to Rollin Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Rollin Township Board of Trustees. Such deposit shall be returned to the developer upon receipt of a certificate by a 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.

10. Rights-of-Way and Utility Easements. All right-of-way and utility easements 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 rights-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to Rollin Township all easements for public water, sanitary sewer lines and appurtenances, and electric utilities. All streets shall be dedicated to the Lenawee County Road Commission and shall be constructed to their standards.

SECTION 4.30 - TELECOMMUNICATION FACILITIES AND TOWERS

1. Intent. The intent of these regulations is to control and regulate telecommunications facilities and towers within Rollin Township for the following purposes:
 - a. To promote the growth and development of the township.
 - b. To stabilize and preserve property values.
 - c. To control and/or separate incompatible land use.
 - d. To control the location and rate of development of such facilities.
 - e. To minimize the environmental impact of telecommunication facilities and towers.
 - f. To require co-location of transmission and receiving apparatus on existing telecommunication towers and facilities unless it can be demonstrated by the applicant that co-location is not technically feasible; and require that new towers make provisions for co-location of additional users wherever technically feasible.
 - g. To require users of telecommunication towers and facilities to configure them in a way that minimizes the adverse visual impacts of the telecommunication towers and facilities through careful design, siting, landscape screening, minimized heights, and innovative camouflaging techniques.
2. Definitions.

- a. Public Utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under federal, state or municipal regulations, to the public: electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm sewage facilities. Providing further, that telecommunication facilities shall not be considered a public utility under these regulations.

For the purposes of the Zoning Ordinance, telecommunication facilities shall not be considered a public utility or essential service, and telecommunication towers, antennas or monopoles shall be subject to all of the rules, regulations and provisions of Sections 4.30 (3) and 4.30 (4) of this Ordinance.

- b. Telecommunication Facilities and Towers. A telecommunication facility shall mean and include all structures and accessory facilities relating to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to radio towers, television towers, cellular towers, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), satellite dish facilities, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial radio service facilities, paging and similar services, which are licensed and marketed to the general public, except pre-emptions as stated in the Federal Telecommunications Act of 1996. Not included in this definition are citizen band radio facilities, short wave receiving facilities, federally licensed amateur (ham) radio facilities, and government facilities that are subject to state or federal law or regulations which pre-empt municipal regulatory authority.

Notwithstanding any language contained in the Zoning Ordinance to the contrary, and in particular the definition of essential service, telecommunications towers and facilities shall not be deemed essential services and shall be subject to and governed by the provisions of Federal law. No facility may hereafter be constructed or erected without satisfying the requirements of Federal law.

3. Regulations for Telecommunication Facilities and Towers

- a. Applicant: The applicant for a permit to erect a telecommunications tower, satellite dish, cellular tower, microwave dish, paging, or otherwise wireless type of communication towers or antennas shall be the owner, tenant, lessee, or agent of one of the foregoing.
- b. Application: The application shall be submitted to the Township forty-five (45) days prior to submission of the application to the Planning Commission for approval and shall contain, in addition to any other information requested by the Planning Commission, the following information:
 - 1. A statement by the applicant describing engineering criteria which will permit co-location of additional antennas to current standards, if the tower is 60 feet or more in height.

2. A diagram of the proposed site.
3. A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen tree, a fence no less than six (6) feet tall, and the material out of which said fence shall be erected.
4. The proposed height of the telecommunication facility.
5. The location and size of all accessory buildings.
6. The type of construction of the telecommunication facility.
7. Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the telecommunication facility height and design, including a cross-section of the structure; the report shall demonstrate the tower's compliance with applicable sub-structural standards and describe the tower's load design.
8. The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the telecommunication facility. Such demonstration shall be evidenced by a study comparing other potential host sites. Reasons for excluding a site for consideration include but are not limited to:
 - a. Unwillingness of the owner to entertain a telecommunication facility proposal.
 - b. Topographical limitations of the site.
 - c. Adjacent impediments that would obstruct adequate telecommunications transmission.
 - d. Physical site constraints that would preclude this construction of a telecommunications facility.
 - e. Technical limitations of the telecommunication system.
9. A legal description of the property.
10. The application shall be accompanied by a statement from a Michigan licensed professional engineer certifying that the tower is in compliance with all applicable federal, state and local laws, codes, regulations and Ordinances.
11. The base area of the telecommunications tower shall be determined by the

setback requirements of the Ordinance. In no case shall the base of the tower intrude into the minimum setback requirements.

12. All tower placements will be limited to Section 22 (T6S, R1E), Rollin Township, Lenawee County, Michigan. All tower placements will also be subject to the State of Michigan's current standards.
13. All applications for the construction of telecommunications antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be subject to the provisions of the site plan review process set forth in this Ordinance. Each such application shall undergo a full and thorough site plan review together with meeting all of the requirements of Sections 4.30 (3) and 4.30 (4).

c. Minimum Standards.

1. Telecommunications antennas, satellite dishes, cellular towers, microwave dishes, paging, and other wireless types of communication towers or antennas shall be separated from residential dwellings by a distance of no less than two hundred (200) feet or the height of the tower plus ten percent (10%), whichever is greater. The setback distance shall be measured from the base of the tower to the lot line.
2. All communication towers shall be inspected annually by a competent or licensed inspector to insure the structure integrity of the tower, appurtenances added to the tower, equipment added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Building Inspector on or before August 1st of each year.
3. All telecommunications facilities shall be sited to have the least possible practical visual effect on the surrounding neighborhood.
4. Telecommunication facilities shall not be artificially lighted unless otherwise required by the Federal Aviation Administration or other federal, state or local authority. If lights are required, only red lights can be used at night. No white lights shall be used between sunset and sunrise.
5. There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, and a row of trees at least eight (8) feet in height at the time of placement with ten (10) foot centers and a minimum height of thirty-five (35) feet.
6. Minimum property line setbacks shall be thirty (30) feet plus the height of the telecommunication tower plus ten (10) per cent of the height of the tower, or one hundred (100) feet, whichever is greater. Notwithstanding the foregoing

language, no tower shall be located closer than 200' from the property line when the property or adjacent property is being used for residential purposes. Providing further, that where a proposed tower will be located on a parcel of land surrounded on all four sides by agriculturally-zoned property, the Planning Commission may in its discretion reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the Zoning District in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.

7. The telecommunication facility shall conform to the ANSI standards for RF exposure. The telecommunication facility shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall provide proof of compliance with the ANSI standards.
8. The total square footage of an accessory building shall not exceed four hundred (400) square feet per user of the tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography and scale of buildings.
9. Fuel tanks shall be buried or screened with landscaping, fencing, or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state laws.
10. The noise impacts of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed State or local noise standards, and shall conform to recommended decibels standards adopted by the appropriate federal agency.
11. Metal towers shall be constructed of or treated with corrosive resistant material.
12. Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
13. There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any telecommunication facility, except such identification as may be required emergency purposes.
14. All parking and drive areas must be paved. However, the Planning Commission in its sole discretion may allow an alternate type of finish surface for the parking and drive areas in agricultural districts.

15. All telecommunication devices added to pre-existing facilities or towers must meet the requirements of this Ordinance, except that setback requirements shall not be applicable to such devices installed on non-conforming towers existing on the date Section 4.30 was added to this Zoning Ordinance, All structures erected after the effective date of Section 4.30 of this Ordinance shall meet all of the requirements of this Ordinance.
 16. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the Building Code.
- d. Abandonment: In the event the use of any telecommunication facility has been discontinued for a period of one hundred eighty (180) days the telecommunication facility shall be deemed to be abandoned. Upon abandonment the owner/operator of the telecommunication facility shall have an additional one hundred eighty (180) days within which to re-activate the telecommunication facility, or dismantle and remove the telecommunication facility.
 - e. Federal, State and Local Rules, etc. The owner or applicant of the telecommunication antennas, satellite dishes, cellular tower, microwave dishes, paging, and other wireless types of communication tower or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and Ordinances. A violation of any of the foregoing shall constitute reasonable grounds for the municipality to revoke the telecommunication facility permit.
 - f. Tower Space and Tower Rights. The applicant shall provide to Rollin Township tower space and tower rights for public safety communications and other municipal communications at NO cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township. This includes civil defense uses such as ARES (Amateur Radio Emergency Service), ARPSC (Amateur Radio Public Service Core), REACT (Radio Emergency Associated Communications Teams), and any other government units that Rollin Township deems necessary or valuable for the public good
 - g. Telecommunication facilities shall be subject to the provisions of Sections 4.30 (3) and 4.30 (4). Such conditions are necessary to preserve the safety, health and welfare of the residents because of the nature of the activity.
 - h. Bonds: The owner of a telecommunications facility shall post a bond with the Township in an amount to cover the reasonably estimated costs and expenses of dismantling and removing the telecommunication facility or tower in the event that the same is abandoned, and the owner fails to dismantle and/or remove same within one hundred eighty (180) days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Township Board, and may be adjusted from time to time on an annual basis to reflect changing costs and expenses of dismantling and moving the telecommunications facility.

- i. Transfer of Ownership: These regulations and standards shall apply to successor owner(s) of the telecommunication facilities if title or ownership of the facility is transferred to another person, partnership, corporation or any other entity.
 - j. Any applicant who makes a false statement on an application shall be guilty of a misdemeanor, and subject to a fine not to exceed Five Hundred (\$500.00) Dollars and/or imprisonment in the County Jail not to exceed ninety (90) days.
 - k. The application shall include the name of the backhaul provider if applicable.
 - l. The Planning Commission may require camouflage or innovative design for a telecommunication facility providing that the same is not cost prohibitive and/or does not create an undue hardship on the applicant. Such design requirements may include but not be limited to camouflaging the facility, requiring a specific paint color and/or paint scheme, or requiring that the facility be so designed as to blend into the existing environs and background of the facility.
- 4 Supplemental Regulations. All wireless telecommunication towers erected, constructed, or located within the Township shall comply with the following requirements:
- a. A proposal for a new' wireless telecommunication service tower shall not be approved unless the Township Board finds that the telecommunication equipment planned for the proposed tower; cannot be accommodated on an existing or approved tower or building within Rollin Township Section 22 due to one or more of the following reasons:
 - 1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
 - 2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.
 - 3. Existing or approved towers or buildings within Section 22, Rollin Township cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.
 - 4. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building.
 - b. Any proposed wireless telecommunication service tower shall be designed, structur-

ally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for a minimum of two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Towers must be designed to allow future rearrangement of antennas upon the tower to accept antennas mounted at varying heights. Sharing of antenna structures is encouraged to ensure that an entity cannot monopolize a desirable location and/or to minimize the placement in the Townships of additional towers.

5. Users Requiring Site Plan Review and Approval
 - a. Public utility buildings and structures, including poles, towers, and telephone repeater buildings.
 - b. Telecommunication facilities and associated structures provided that site review of such projects may not be waived by the Township Building Inspector or Zoning Officer.
6. Approval Timeline. The Township will follow the approval timeline specified in Section 3514(8) of the Michigan Zoning Enabling Act (MCL 125.3514(8)).
7. The Colocation of new Facilities on Existing Towers (*per the requirements of Section 3514 of the Michigan Zoning Enabling Act (MCL 125.3514)*).
 - a. Permitted principal use. A new wireless communications facility proposed for collocation on an existing tower in compliance with this section that meets the following standards is a permitted principal use:
 1. The tower height will not be increased more than twenty (20) feet or ten percent (10%), whichever is greater
 2. The width of the tower is not increased by more than the width necessary to permit collocation
 3. The total size of the equipment compound will not exceed 2,500 square feet.
 4. The collocation complies with the terms and conditions of any previous approval of the existing tower and wireless communications equipment.
 - b. Permitted use after special approval.
 1. A new wireless communications facility proposed for collocation on an existing tower but which does not comply with one or more of the conditions listed above in Subsection 4.30(6)(a) is a permitted use after special approval if it:
 2. A site plan, as required in Section 4.15 and addressing the various pertinent standards located in Section 4.30, must be submitted with an application for

special approval.

3. The Township will follow the approval timeline and standard for approval specified in Sections 3514(4 thru 7) of the Michigan Zoning Enabling Act (MCL 125.3514(4) *et. seq.*).
- b. A site plan, as required in Section 4.15, must be submitted with an application for special approval, along with the information specified in Sec. 513(3) of the Michigan Zoning Enabling Act (MCL 125.3513(3)).
- c. The standards upon which special approval is based are limited to those specified in Sec. 513(5) of the Michigan Zoning Enabling Act (MCL 125.3513(5)):

SECTION 4.31 - SITING OF WIND ENERGY SYSTEMS (WES)

1. Purpose. The purpose of this Ordinance is to ensure that the placement, construction and modification of a Wind Energy System (WES) facility is consistent with the township's land use policies, to minimize the impact of WES facilities, to establish a fair and efficient process for review and approval of applications, to assure a comprehensive review of environmental impacts of such facilities and to protect the health, safety, and welfare of the township's citizens.
2. Federal and State Requirements. All WES facilities shall meet or exceed standards and regulations of the Federal Aviation Administration and Michigan state statutes and any other agency of the federal or state government with the authority to regulate WES facilities.
3. Definitions
 - a. Board. The Rollin Township Board of Trustees.
 - b. Construction. Any clearing of land, excavation, or other action that would adversely affect the natural environment of the site or route but does not include changes needed for temporary use of sites or routes for non-utility purposes, or uses in securing surveyor geological data, including necessary borings to ascertain foundation conditions.
 - c. High Voltage. Transmission Line-A conductor of electric energy and associated facilities.
 - d. Large Wind Energy System or LWES. All WES facilities excluding Small Wind Energy Systems.
 - e. Person. An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, consumers power district, or any other entity, public or private, however organized.

- f. Route. The location of a high voltage transmission line between two end points. The route may have a variable width of up to 1.25 miles.
- g. Small Wind Energy Systems or SWES. A WES facility with a single tower height of less than seventy-five (75) feet used primarily for on-site consumption of power.
- h. Tower Height. The height above grade of the fixed portion of the tower, excluding the wind turbine itself.
- i. System Height. The height above grade of the tallest point of the WES, including the rotor radius.
- j. Turbine. The parts of the WES including the blades, generator and tail.
- k. Utility. Any person engaged in the generation, transmission or distribution of electric energy in this state including, but not limited to, a private investor owned utility, a cooperatively owned utility, a Consumers Energy district and a public or municipal utility.
- l. Wind Energy System or WES. A commonly owned and/or managed integrated system that converts wind movement into electricity. All of the following are encompassed in this definition of system:
 - (1) Tower or multiple towers, including foundations;
 - (2) Generator(s);
 - (3) Blades;
 - (4) Power collection systems, including padmount transformers;
 - (5) Access roads, meteorological towers, on-site substation, control building, and other ancillary equipment and facilities; and
 - (6) Electric interconnection systems or portion thereof dedicated to the WES.
- m. MET Tower. It shall mean a meteorological tower used for measurements of wind speed.

4. Requirements for Siting Small Wind Energy Systems

- a. Standards. A Small Wind Energy System shall be a permitted use in all zoning districts subject to the following requirements:
 - (1) Setbacks. The minimum setback distance between each wind turbine tower

and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substation, and public roads shall be equal to no less than one point one (1.1) times the system height.

- (2) Access. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access, and the tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for minimum height of eight (8) feet above the ground.
- (3) Lighting. A SWES shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (4) Noise. SWES facilities shall not exceed fifty-five (55) dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages or wind storms.
- (5) Appearance, Color, Finish. The SWES shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.
- (6) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a SWES visible from any public road shall be prohibited.
- (7) Code Compliance. A SWES shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (8) Utility notification. No SWES shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (9) Automatic Overspeed Controls. All wind energy conversion systems shall be equipped with manual and automatic overspeed controls to limit the blade rotation speed to within the design limits of the wind energy conversion system.
- (10) Guy Wires. All guy wires reaching the ground must have a permanent reflective jacket extending to at least seven (7) feet from the grade.

b. Permit Requirements

- (1) Building Permit. A building permit shall be required for the installation of a SWES.
- (2) The building permit shall be accompanied by a plot plan which includes the

following:

- (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions, and types of existing major structures on the property;
 - (c) Location of the proposed SWES;
 - (d) The right of way of any public road that is contiguous with tile property;
 - (e) Any overhead utility lines;
 - (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, and tower type (monopole, lattice, guyed);
 - (g) Tower foundation blueprints or drawings;
 - (h) Tower blueprint or drawing;
 - (i) Proof of notification to the utility in the service territory in which the SWES is to be erected consistent with the provisions of Section 4.31.4.a.(8).
- (3) Expiration. A permit issued pursuant to this Ordinance shall expire if:
- (a) The SWES is not installed and functioning within twenty-four (24) months from the date the permit is issued.
- c. Violations. It is unlawful for any person to construct, install, or operate a SWES that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. SWES facilities installed prior to the adoption of this Ordinance are exempt.

5. Requirements for Siting Large Wind Energy Systems

- a. Large wind energy systems shall be permitted in agricultural districts only, subject to the following requirements:
 - (1) Mitigation Measures
 - (a) Site Clearance. The permittees shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the LWES.
 - (b) Topsoil Protection. The permittees shall implement measures to pro-

tect and segregate topsoil from subsoil in cultivated lands unless otherwise negotiated with the affected landowner.

- (c) **Compaction.** The permittees shall implement measures to minimize compaction of all lands during all phases of the project's life and shall confine compaction to as small an area as practicable.
- (d) **Livestock Protection.** The permittees shall take precautions to protect livestock on the LWES site from project operations during all phases of the project's life.
- (e) **Fences.** The permittees shall promptly replace or repair all fences and gates removed or damaged by any project operations during all phases of the project's life unless otherwise negotiated with the fence owner.
- (f) **Roads.**
 - (1) **Public Roads.** Prior to commencement of construction, permittees shall identify all state, county or township "haul roads" that will be used for the WES project and shall notify the state, county or township governing body having jurisdiction over the roads to determine if tile haul roads identified are acceptable. The governmental body shall be given adequate time to inspect the haul roads prior to use of these haul roads. Where practicable, existing roadways shall be used for all activities associated with the WES. Where practicable, all-weather roads shall be used to deliver concrete, turbines, towers, assemble nacelles and all other heavy components to and from the turbine sites. The permittees shall, prior to use of approved haul roads, make satisfactory arrangements with the appropriate state, county or township governmental body having jurisdiction over approved haul roads for construction of the WES for the maintenance and repair of the haul roads that will be subject to extra wear and tear due to transportation of equipment and WES components.
 - (2) **Turbine Access Roads.** Construction of turbine access roads shall be minimized. Access roads shall be low profile roads so that farming equipment can cross them and shall be covered with MDOT 22a road aggregate or similar material. Access roads shall avoid crossing streams and drainage ways wherever possible. If access roads must be constructed across streams and drainage ways, the access roads shall be designed in a manner so runoff from the upper portions of the watershed can readily flow to the lower portion of the watershed.
 - (3) **Private Roads.** The permittees shall promptly repair private roads

or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner. (4) Control of Dust. The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.

(4) Dust Control. The permittees shall utilize all reasonable measures and practices of construction to control dust during construction.

- (g) Soil Erosion and Sediment Control Plan. The permittees shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the plan to the Lenawee County Drain Commissioner. The Soil Erosion and Sediment Control Plan shall address the erosion control measures for each project phase, and shall at a minimum identify plans for grading, construction and drainage of roads and turbine pads; necessary soil information: detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan that uses native plant species to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary project activities; and measures to minimize the area of surface disturbance. Other practices shall include containing excavated material, protecting exposed soil, stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material.
- (2) Setbacks LWES shall meet the following minimum spacing requirements.
- (a) Distance from currently occupied off-site residences, business and public buildings shall be not less than one thousand (1,000) feet. Distance from the residence of the landowner on whose property the tower(s) are erected shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater. For the purposes of this Section only, the term business does not include agricultural uses.
- (b) Distance from right-of way (ROW) of public roads shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater.
- (c) Distance from any property line shall be not less than five hundred (500) feet or one point one (1.1) times the system height, whichever is greater.
- (3) Electromagnetic Interference. The permittees shall not operate the LWES so as to cause microwave, television, radio or navigation interference contrary to Federal Communications Commission (FCC) regulation or other law. In the event such interference is caused by the LWES or its operation, the permittees

shall take the measures necessary to correct the problem.

- (4) **Lighting.** Towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the towers other than what is required by the FAA. This restriction shall not apply to infrared heating devices used to protect the monitoring equipment.
- (5) **Turbine Spacing.** The turbines shall be spaced no closer than is allowed by the turbine manufacturer in its approval of the turbine array for warranty purposes.
- (6) **Footprint Minimization.** The permittees shall design and construct the WES so as to minimize the amount of land that is impacted by the WES. Associated facilities in the vicinity of turbines such as electrical/electronic boxes, transformers and monitoring systems shall to the extent practicable be mounted on the foundations used for turbine towers or inside the towers unless otherwise allowed by the landowner on whose property the LWES is constructed.
- (7) **Electrical Cables.** The permittees shall place electrical lines, known as collectors, and communication cables underground when located on private property except when total distance of collectors from the substation require an overhead installation due to line loss of current from an underground installation. This paragraph does not apply to feeder lines.
- (8) **Feeder Lines.** The permittees shall place overhead electric lines known as feeders, on public rights-of-way if a public right-of-way exists or immediately adjacent to the public right-of-way on private property. Changes in routes may be made as long as feeders remain on public rights-of-way or immediately adjacent to the public right-of-way on private property and approval has been obtained from the governmental unit responsible for the affected right-of-way. If no public right-of-way exists, the permittees may place feeders on private property. When placing feeders on private property, the permittees shall place the feeder in accordance with the easement(s) negotiated. The permittees shall submit the site plan and engineering drawings for the feeder lines to the Board before commencing construction.
- (9) **Height from Ground Surface.** The minimum height of blade tips at their lowest possible point shall be twenty-five (25) feet above grade.
- (10) **Wind Turbine Tower Height (Total Height).** The total height of a large wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance of the turbine blade to the highest point. Generally the hub height should be limited to 275 feet from the existing grade unless the modification of this maximum height is approved in the site plans. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (PA 259 of 1959, MCL 259.481 *et seq.*), as amended, and FAA guidelines as part of the approval

process.

(11) Towers.

(a) Color and Finish. The finish of the exterior surface shall be non-reflective or matte.

(b) All towers shall be singular tubular design, unless approved by the Board.

(12) Noise. Noise level produced by the LWES shall not exceed 55 dBA, average A-weighted sound pressure at the perimeter of occupied residences existing at the time the permit application is filed, unless a signed waiver easement is obtained from the owner of residence.

(13) Shadow Flicker. Shadow flicker shall not fall on or in, any existing residential structure. Shadow flicker expected to fall on a roadway or a portion of a residentially zoned parcel may be acceptable if the flicker does not exceed thirty (30) hours per year; and the flicker will fall more than one hundred (100) feet from an existing residence; or the traffic volumes are less than five hundred (500) vehicles on the roadway.

b. Permit Expiration. The permit shall become void if no substantial construction has been completed within three (3) years of Issuance.

c. Required Information for Permit Application.

(1) Boundaries of the site proposed for LWES and associated facilities on United States Geological Survey Map or other map as appropriate.

(2) Map of easements for LWES.

(3) Map of occupied residential structures, business and public buildings within one half mile of the proposed LWES site boundaries.

(4) Preliminary map of sites for LWES, access roads and utility lines. Location of other LWES within five (5) miles of the proposed LWES site.

(5) Project-specific environmental and cultural concerns (e.g. native habitat, rare species, and migratory routes). This information shall be obtained by consulting with the following agencies:

(a) Michigan Department of Game Fish and Parks;

(b) US Fish and Wildlife Service;

- (c) Michigan State Historical Society
 - (6) Project schedule.
 - (7) Mitigation measures.
 - (8) Status of interconnection studies/agreements.
- d. Decommissioning
- (1) Cost Responsibility. The owner or operator of a LWES is responsible for decommissioning that facility and for all costs associated with decommissioning that facility and associated facilities. The decommissioning plan shall clearly identify the responsible party.
 - (2) Useful Life. A LWES is presumed to be at the end of its useful life if the facility generates no electricity for a continuous period of twelve (12) months. The presumption may be rebutted by submitting to the Board for approval of a plan outlining the steps and schedule for returning the LWES to service within twelve (12) months of the submission.
 - (3) Decommissioning Period. The facility owner or operator shall begin decommissioning a LWES facility within eight (8) months after the time the facility or turbine reaches the end of its useful life, as determined in (2) above. Decommissioning must be completed with eighteen (18) months after the facility or turbine reaches the end of its useful life.
 - (4) Decommissioning Requirements. Decommissioning and site restoration includes dismantling and removal of all towers, turbine generators, transformers, overhead and underground cables, foundations, buildings and ancillary equipment to a depth of forty-two (42) inches; and removal of surface road material and restoration of the roads and turbine sites to substantially the same physical condition that existed immediately before construction to the LWES. To the extent possible, the site must be restored and reclaimed to the topography and topsoil quality that existed just prior to the beginning of the construction of the commercial wind energy conversion facility or wind turbine. Disturbed earth must be graded and reseeded, unless the landowner requests in writing that the access road or other land surface areas be retained.
 - (5) Decommissioning Plan. Prior to commencement of operation of a LWES facility, the facility owner or operator shall file with the Board the estimated decommissioning cost per turbine, in current dollars at the time of the application, for the proposed facility and a decommissioning plan that describes how the facility owner will ensure that resources are available to pay for decommissioning the facility at the appropriate time. The Board shall review a plan

filed under this Section and shall approve or disapprove the plan within six (6) months after the decommissioning plan was filed. The Board may at any time require the owner or operator of a LWES to file a report describing how the LWES owner or operator is fulfilling this obligation.

(6) Financial Assurance. After the tenth (10th) year of operation of a LWES facility, the Board may require a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance that is acceptable to the Board to cover the anticipated costs of decommissioning the LWES facility.

(7) Failure to Decommission. If the LWES facility owner or operator does not complete decommissioning, the Board may take such action as may be necessary to complete decommissioning, including requiring forfeiture of the bond. The entry into a participating landowner agreement shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the Board may take such action as may be necessary to decommission a LWES facility and seek additional expenditures necessary to do so from the facility owner.

e. Pre-construction Filing. At least forty-five (45) days prior to commencement of construction, the applicant/permittee shall submit final maps depicting the approximate location of the proposed wind turbines, access roads and collector and feeder lines. Upon completion, the applicant shall also supply an "as-built" ALTA survey indicating that the proposed facilities are in compliance with the setbacks in the permit.

6. Requirements of Siting MET Tower

a. Maximum height of five hundred (500) feet.

b. Present a certified survey of property showing existing structures, large trees, roads, and utility easements.

c. The distance between the MET tower and property line shall be at least 1.1 times the height of the tower.

d. At the end of the designated wind site assessment period, which in no case shall exceed twelve (12) months, the MET tower and all related facilities shall be removed by the property owner or lessee within six (6) months. Failure to remove shall be grounds to remove the facilities and tower at the owner's expense. The Township Board will require a bond in an amount necessary to cover the cost of the removal.

SECTION 4.32 - OUTDOOR WOOD-FIRED BOILERS, STOVES AND FURNACES

1. Purpose. These Ordinance provisions are intended to promote the public health, safety, and welfare of the citizens of Rollin Township by regulating the use, installation and location of outdoor wood-fired boilers, stoves, or furnaces.

2. Applicability. This Ordinance applies to all outdoor wood-fired boilers, stoves, or furnaces within Rollin Township.
 - a. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling applications.
 - b. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
 - c. This Ordinance does not apply to use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities.
3. Reserved.
4. Definitions
 - a. Outdoor wood-fired boiler, stove, or furnace. A structure that:
 - (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure; and
 - (2) Operates by the burning of wood or other solid fuel; and
 - (3) Is not located within a structure used for human or animal habitation.
 - b. Refuse. Any waste material, garbage, animal carcasses, and trash or household materials except trees, logs, brush and stumps.
5. Requirements. The following provisions shall apply to outdoor wood-fired boilers, stoves, and furnaces in Rollin Township:
 - a. Outdoor wood-fired boilers, stoves or furnaces shall be prohibited on any land zone R-1 and in all platted subdivisions in Rollin Township
 - b. No outdoor wood fired boilers, stoves or furnaces shall be used, installed or located in Rollin Township without first obtaining building, electrical and mechanical inspections and a zoning permit as required per manufacturers specs.
 - c. The outdoor wood-fired boiler, stove or furnace shall not be used to burn refuse, leaves, green vegetative matter and noxious plants.
 - d. The outdoor wood-fired boiler, stove or furnace shall be located at least 120 feet from the nearest occupied dwelling which is not on the same property as the outdoor wood-fired boiler, stove or furnace.
 - e. The outdoor wood-fired boiler, stove or furnace shall be located at least 50 feet from

the side and rear lot lines of the property on which it is located and shall not be located within any front yard.

- f. The outdoor wood-fired boiler, stove or furnace shall have a chimney that extends at least 12 feet above the ground surface. If there are any residences within 300 feet, the chimney shall also extend at least as high above the ground surface as the peak of the roofs of all such residences. The Zoning Administrator may approve or require a lesser or greater height on a case-by-case basis if necessary:
 - (1) To comply with manufacturer's recommendations or
 - (2) To obtain a sufficient height to effectively disperse smoke or
 - (3) If the smoke from the lower chimney height does not create a nuisance for any neighbors within the surrounding 300 feet.
- g. Outdoor wood-fired boilers, stoves, or furnaces existing at the time of the adoption of this Ordinance but which are not in compliance with the provision of this Ordinance may continue but cannot be relocated, attached to new buildings, expanded or replaced with a new unit unless they are brought into compliance with the provisions of this Ordinance.
- h. Outdoor wood-fired boilers, stoves, or furnaces and any electrical, plumbing, mechanical or other apparatus or device in connection with an outdoor wood-fired boiler, stove, or furnace shall be installed, operated, and maintained in conformity with the manufacturer's specifications and recommendations and all local, state, and federal codes, laws, rules, and regulations and shall be inspected for compliance.
- i. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

SECTION 4.33 – BIOFUEL PRODUCTION FACILITIES (*per the requirements of Sec. 513 of the Michigan Zoning Enabling Act (MCL 125.3513)*)

- 1. Permitted principal use. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted principal use if it is:
 - a. Located on a farm;
 - b. Located at least 100 feet from the boundary of any contiguous property under different ownership;

- c. Meets all applicable setback requirements of the underlying zoning district; and
 - d. At least 75% of the feedstock for the facility is produced on the farm.
2. Permitted use after special approval.
- a. A biofuel production facility is a permitted use after special approval if it:
 - 1. Meets the standards set in Subsections 4.33(1)(a thru c), but not Subsection 4.33(1)(d); or
 - 2. Has an annual production capacity of more than 100,000 gallons, but not more than 500,000 gallons, and meets the standards set in Subsections 4.33(1)(a thru c).
 - b. A site plan, as required in Section 4.15, must be submitted with an application for special approval, along with the information specified in Sec. 513(3) of the Michigan Zoning Enabling Act (MCL 125.3513(3)).
 - c. The standards upon which special approval is based are limited to those specified in Sec. 513(5) of the Michigan Zoning Enabling Act (MCL 125.3513(5)):

ARTICLE V
NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND NON-CONFORMING
STRUCTURES AND NON-CONFORMING USE OF STRUCTURES AND PREMISES

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structures which were lawful prior to adoption of this Ordinance, they shall be termed non-conforming. It is the intent of this Ordinance to permit these non-conforming uses to continue until they are moved, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of non-conforming uses, including the addition of or to structures or uses prohibited elsewhere in the same district.

SECTION 5.00 - CERTIFICATE OF OCCUPANCY

1. At any time after the adoption of this Ordinance should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by registered letter or other recipient signed document of the provisions of this Section that his property constitutes a non-conforming use. Within thirty (30) days after receipt of this notice, the owner shall apply for a certificate of occupancy for the non-conforming use. The application shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the certificate of occupancy.

If the owner of a non-conforming use fails to apply for a certificate of occupancy within thirty (30) days after receipt of the foregoing notice, or the certificate is not granted, the use ceases to be non-conforming and is hereby declared to be in violation of this Ordinance. The Building Inspector and the Township Attorney shall take appropriate action to enjoin such violation.

2. If the Building Inspector shall find, upon reviewing the application for a certificate of occupancy, that the existing use is illegal or in violation of any other Ordinance or law, he shall not issue the certificate of occupancy but shall declare such use to be in violation of this Ordinance.
3. The certificate of occupancy issued by the Building Inspector for a non-conforming use shall state the use may be continued for a period of twelve (12) months. The certificate of occupancy may be renewed.

SECTION 5.01 - NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS)

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, 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.

If two or more lots or combinations of lots and portions of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be undivided parcel for the purposes of this resolu-

tion, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance, unless such divided portions are attached to the first adjacent lot on each side, in which case, the partial lot and adjacent whole lot shall be considered an undivided parcel subject to the limitations above.

SECTION 5.02 - NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance, by reason of the restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Zoning Board of Appeals.
2. Should such non-conforming structure or portion of structure sustain structural damage or be destroyed or removed by any means to an extent of more than fifty (50%) of the fair market value of the structure as it existed at the time of damage, destruction, or removal, it shall not be reconstructed except in conformity with the provisions of this Ordinance. If such damage, destruction or removal is more than twenty (20) percent but less than or equal to fifty (50) percent of the fair market value of the structure as it existed at the time of damage, destruction or removal, restoration shall be subject to the approval of the Zoning Board of Appeals.
3. Should such structure be moved for any reason whatever it shall hereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 5.03 - NON-CONFORMING USES OF LAND

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

1. No such non-conforming 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.
2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such non-conforming use of land except farming ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located. The continued farming of property that was lawfully farmed at the time of passage of this

Ordinance is exempt from this requirement provided that it is not replaced by a conforming land use.

4. Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
5. There shall be a specific exemption from the prohibitions in this Article against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a non-conforming use when such use is occupied as a commercial land use in a residential district. In this case, the owner or tenant of said commercial use shall make application to the Zoning Board of Appeals requesting an exemption from the aforesaid prohibitions. Proceedings under this Section shall follow the same procedure and be subject to the same applications to the Zoning Board of Appeals as an appeal under Article XXII. If the Zoning Board of Appeals, after a hearing upon such application and in accordance with the following standards, finds that the request is proper, the Zoning Board of Appeals may authorize the owner or tenant to rebuild, alter, improve, enlarge, extend, substitute or modify said commercial use. Prior to granting any such request under this Section, the Board of Appeals specifically shall make the following findings of fact and apply the following standards:
 - A. The use was originally established as a commercial use and has continuously been occupied as a commercial use.
 - B. The parcel is currently used for commercial purposes.
 - C. The use is adequately serviced by public utilities and public highways or roads.
 - D. The proposed changes will materially and substantially benefit the use as in commercial use and make the use more in conformity with the provisions of this zoning Ordinance.
 - E. The proposed changes will not have an adverse effect upon the general vicinity by creating new or different violations of this Ordinance.

SECTION 5.04 - NON-CONFORMING USES OF STRUCTURES

If lawful use involving individual structures or of structure and premises in combination with a fair market value of six hundred (600) dollars or more exists at the effective date of adoption of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any non-conforming use may be extended throughout any parts of a building which were

manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such buildings.

3. If no structural alterations are made, any non-conforming use of a structure or structure and premises may be changed to another non-conforming use provided that approval is secured from the Zoning Board of Appeals and that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not hereafter be changed to a nonconforming use.
4. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this Section is defined as structural damage to an extent of more than fifty (50) percent of fair market value at the time of destruction.
6. There shall be an exemption from the preceding prohibitions against rebuilding, altering, replacing, improving, enlarging, extending, substituting or modifying a non-conforming use, when such use is occupied as a dwelling unit. In this case, the owner or tenant of said dwelling place shall make application to the Zoning Board of Appeals requesting an exemption from the aforesaid prohibitions. Proceedings under this Section shall follow the same procedure and be subject to the same application fee as set forth for application to the Zoning Board of Appeals as an appeal under Article XXII. If the Zoning Board of Appeals, after a hearing upon such application, shall determine that for reasons of health sanitation, safety or the wellbeing of the occupants that the request is proper, then the Zoning Board of Appeals may authorize the owner or tenant to rebuild, alter, replace, improve, enlarge, extend, substitute or modify said dwelling place. Prior to granting any such request under this Section, the Zoning Board of Appeals specifically shall make the following findings of fact and apply the following standards:
 - A. The use was originally constructed as a dwelling place and had continuously been occupied as a dwelling place.
 - B. The use currently is occupied as a dwelling place.
 - C. By reason of original construction, current condition, or as part of the proposed changes, the use will have electrical and sanitation facilities meeting the requirements of this zoning Ordinance, and any applicable building codes.
 - D. By reason of original construction, current condition, or proposed change, the use will meet the building code requirements set forth by this Zoning Ordinance and any

building codes applicable to the type of use and type of use district.

- E. The use adequately is serviced by public highways or private highways or roads and public utilities.
 - F. The proposed changes will materially and substantially benefit the use as a dwelling place and or make the use more in conformity with the provisions of this Zoning Ordinance and any building codes.
 - G. The proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.
7. There shall be an exemption from the preceding prohibitions, against rebuilding, altering, replacing, improving, enlarging, extending, substituting, or modifying a non-conforming use of structure when such use of structure is occupied as a commercial business in a residentially zoned district. In this case, the owner or tenant of said commercial business shall make application to the Zoning Board of Appeals, requesting on exemption from the afore-said prohibitions. Proceedings under this Section shall follow the same procedure and be subject to the same applications to the Zoning Board of Appeals as an appeal under Article XXII. If the Zoning Board of Appeals, after a hearing upon such application and in accordance with the following standards, determines that the request is proper, the Zoning Board of Appeals may authorize the owner or tenant to rebuild, alter, replace, remove, enlarge, extend, substitute or modify said commercial structure. Prior to granting any such request under this Section, the Zoning Board of Appeals specifically shall make the following findings of fact and apply the following standards:
- A. The structure was originally constructed as a commercial structure and has continuously been occupied as a commercial business.
 - B. The structure currently is occupied as a commercial business.
 - C. By reason of original construction, current condition, or as part of the proposed changes, the structure will have electrical and sanitation facilities meeting the requirements of this Ordinance, and any applicable building codes.
 - D. By reason of original construction, current condition, or proposed change, the structure will meet the building code requirements set forth by this zoning Ordinance and any building codes applicable to the type of use and type of use district.
 - E. The use adequately is serviced by public utilities and public highways or roads.
 - F. The proposed changes will materially and substantially benefit the structure as a commercial business and/or make the use more in conformity with the provisions of this Ordinance and any building code.
 - G. The proposed changes will not have an adverse effect upon the uses in the general

vicinity by creating new or different violations of this Ordinance.

SECTION 5.05 - REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs or on the repair or replacement of non-bearing walls, fixtures, wiring or plumbing. Such repairs may not exceed seventy (70) percent of the current fair market value of the non-conforming structure or non-conforming portion of the structure as the case may be. Nor shall the cubic content existing when a structure or use becomes non-conforming be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

SECTION 5.06 - NON-CONFORMING USE-BUILDING DAMAGED BY FIRE OR OTHER CAUSES

Any non-conforming use or non-conforming building which has sustained structural damage, destruction or removal by any means to an extent of more than fifty (50) percent of the fair market value of the structure shall thereafter be made to conform with the provisions of this Ordinance. Where such damage, destruction, or removal has occurred, removal of the non-conforming use of a building also shall eliminate the non-conforming use status of the land on which said building is located. If such damage, destruction, or removal is more than twenty(20) percent but less than or equal to fifty (50) percent of the fair market value of the structure before such damage, destruction or removal occurred, then such structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, destruction, or removal, provided that such restoration shall be subject to the approval of the Zoning Board of Appeals, said restoration shall be commenced within one (1) year of the date of such partial destruction and shall be diligently carried on to the completion.

SECTION 5.07 - CHANGE OF TENANCY OR OWNERSHIP

There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE VI
OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION 6.00 - OFF-STREET PARKING REQUIREMENTS

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained and shall not be encroached upon by structures or other uses so long as the principal building, structure or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

SECTION 6.01 - PARKING PLANS

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation shall be submitted to the Planning Commission or designated appointee and the Zoning Officer for review at the time of application for a zoning compliance permit for the erection or enlargement of a building.

SECTION 6.02 - LOCATION OF OFF-STREET PARKING AREAS

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred-fifty (150) feet for single family and two family dwellings. The distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

SECTION 6.03 - PARKING IN RESIDENTIAL DISTRICTS

Parking of motor vehicles in residential districts shall be limited to passenger vehicles, and not more than one commercial vehicle of the light-delivery type, not to exceed one (1) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those vehicles that are accessory to the principal use parked on school or church property, is prohibited in a residential zone.

SECTION 6.04 - OFF-STREET COMMERCIAL/INDUSTRIAL PARKING AREA DESIGN

1. Each off-street parking space for automobiles shall be not less than two hundred (200) square feet in area, exclusive of access drives and aisles, and shall be of usable shape and condition.
2. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow unobstructed flow of vehicles.
3. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of the parking space. The minimum width of such aisles shall be:

- A. For ninety (90) degrees or perpendicular parking, aisle shall not be less than twenty-four (24) feet in width.
- B. For sixty (60) degree parking, the aisle shall not be less than eighteen (18) feet.
- C. For forty-five (45) degree parking, the aisle shall not be less than thirteen (13) feet in width.
- D. For parallel parking, the aisle shall not be less than twelve (12) feet in width.
- E. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
- F. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust free surface resistant to erosion.
- G. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
- H. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- I. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking area of one or two-family dwellings.

SECTION 6.05 - COLLECTIVE PARKING

Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.

SECTION 6.06 - DETERMINING PARKING REQUIREMENTS

For the purpose of determining off-street parking requirements the following units of measurement shall apply:

1. Floor areas: In cases where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor

area need not include any area used for parking within the principal building and need not include any area used for incidental service, storage, installation systems, and similar uses.

2. Places of Assembly: In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assemble area, requirements shall be computed separately for seating and floor area added together.
3. Fractions: When units of a measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

SECTION 6.07 - TABLE OF OFF-STREET PARKING REQUIREMENTS

The minimum required off-street parking spaces shall be set forth in the following table of off-street parking spaces. Where a use is not specifically mentioned, the parking requirements of a similar or related use shall apply.

USE	PARKING SPACE REQUIREMENT
Automobile or Machinery	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each employee.
Bank, Business and Professional Offices	One (1) space for each two hundred (200) square feet of gross floor area.
Barber shops and Beauty Parlors	One (1) space for each two hundred (200) square feet of gross floor area.
Bowling Alleys	Seven (7) spaces for each alley.
Churches, Auditoriums, Sports Arenas, Theaters, Dance Halls, Assembly Halls other than Schools	One (1) space for each four (4) seats or two hundred (200) square feet of floor area, whichever is greater.
Dwelling Unit	Two (2) spaces for each dwelling unit. Dwelling units on the upper floors of buildings in the various commercial districts only require one (1) space per unit.
Funeral Homes and Mortuaries	Four (4) spaces for each fifty (50) square feet of floor area plus one (1) space for each fleet vehicle.
Furniture, Appliance store, Household Equipment, and Furniture Repair Shops	One (1) space for each four hundred (400) square feet of floor area.
Hospitals	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.

(continued)

USE	PARKING SPACE REQUIREMENT
Hotels, Motels, Lodging Houses, Boarding Homes, and Bed and Breakfasts	One (1) space for each living unit plus one (1) space for each two employees.
Automobile Service Stations	One (1) space for each eight hundred (800) square feet of floor space plus one (1) space for each four (4) employees.
Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each employee.
Restaurants, Beer Parlors, Taverns and Night Clubs	One (1) space for each two (2) patrons of maximum seating capacity plus one (1) space for each two (2) employees.
Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and/or dry cleaning machines.
Nursery, Elementary, and Junior High Schools, Public or private	One (1) space for each employee normally engaged in or about the building and grounds plus one (1) space for each (30) students enrolled.
Senior High Schools, Institutions of Higher Learning, Private or Public	One (1) space for each employee in or about the building and or grounds plus (1) space for each four (4) students.
Supermarket, Self-Service Food and Discount Stores	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments, Warehouses, and Mini-Warehouses or Self-Storage Units.	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

SECTION 6.08 - EXCEPTIONS TO OFF-STREET PARKING REQUIREMENTS

The parking requirements for all uses proposed on a lot shall be cumulative, unless the Rollin Township Planning Commission shall find that the parking requirements of a particular land use occur at different hours from those of other continuous land uses, such that particular land use parking areas can be advantageously used during non-conflicting hours by the other continuous land uses, in which event the required parking for such particular land use may be reduced by the Rollin Township Planning Commission to a minimum of the greatest number of spaces required for any of such continuous land uses.

SECTION 6.09 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS

In connection with every building, structure, or use hereafter except single and two-family dwelling unit structure, which customarily receive and distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space.

1. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Planning Commission or its designated appointee at the time of application for zoning compliance permit.

2. Off-Street Loading Area Design:

- A. Each off-street loading and unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length and not less than fifteen (15) feet in height clearance.
- B. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting not less than six (6) feet in height.
- C. All off-street loading and unloading facilities that make it necessary to back out directly onto a public road shall be prohibited.

3. Off-Street Loading Area Space Requirements:

- A. In the case of mixed uses on one lot or parcel the total requirements of off-street loading-unloading facilities shall be the sum of the various uses computed separately.
- B. All retail sales facilities having over five thousand (5000) square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional twenty thousand (20,000) square feet of gross floor space, or fraction thereof, one additional loading-unloading space.
- C. All industrial and wholesale commercial land uses shall provide one (1) loading space for each ten thousand (10,000) square feet of floor space, with a minimum of not less than two (2) loading spaces.

ARTICLE VII
ZONING DISTRICT AND MAP

SECTION 7.00 - DISTRICT ESTABLISHED

Rollin Township is hereby divided into districts as shown on the official zoning Map and may include the following:

AG	Agricultural
RR	Rural Residential
R-1	Single Family Residential
R-2	Single Family Residential
LR	Lake Residential
RM	Multiple Family Residential
RMH	Manufactured Housing Park
C-1	Local Commercial
C-2	General Commercial
C-3	Highway Service Commercial
CR	Commercial Recreation
M-1	Industrial
M-2	Extractive Industrial

SECTION 7.01 - MAP

The boundaries of these districts are shown upon the official Zoning Map of Rollin Township and are made a part of this Ordinance. All notations, references and other information shown thereon are a part of this Ordinance and have the same force and effect as if the said zoning map and all such notations references and other information shown thereon were fully set forth or described herein.

SECTION 7.02 - INTERPRETATION OF DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of street, highways or alleys shall be construed as to follow the center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midpoint of the railway bed.

5. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of change in the shore lines shall be construed as moving with the actual shoreline.
6. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center line.
7. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
8. Where physical or cultural features existing on the ground are at a variance with those shown on the official Zoning Map or in other circumstances not covered by Subsections 1 through 6 above, the Zoning Board of Appeals shall interpret the district boundaries.

ARTICLE VIII
AGRICULTURAL DISTRICT: AG

SECTION 8.00 - INTENT

The intent of this district is to set aside land suitable for agricultural development and agricultural related uses in order that land containing agricultural value should be preserved because it is a vital resource; indiscriminate urbanizing of agricultural lands adversely affects the remaining owners of land pursuing agricultural endeavors by creating urban land values.

It is the intent of this Section to allow for intensive livestock and cropping operations while providing additional protection to the Township and neighboring land uses in order to minimize noise and odors and prevent surface water and groundwater contamination and further subject to the following conditions:

- A. The Michigan Right to Farm Act (PA 93 of 1981, MCL 286.471 *et seq.*), as amended, shall control minimum site area.
- B. There shall be adequate fencing, or other restraining devices, for the purpose of maintaining animals within a restricted area. For further information refer to the Michigan Right to Farm Act, Generally Accepted Agricultural Practices (GAAMPS).
- C. The refuse and wastes resulting from the feeding and maintenance of animals shall be controlled upon the premises, and shall be subject to the Michigan Right to Farm Act, Generally Accepted Agricultural Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.
- D. All feed and other materials used for the maintenance of animals shall be appropriately stored so as not to attract rats or mice, or other vermin.
- E. For the location of new or expanding intensive livestock operations refer to the following: The Michigan Right to Farm Act and Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities.

SECTION 8.01 - PERMITTED PRINCIPAL USES

The following uses are permitted in agricultural districts. Any use not expressly permitted is prohibited:

- 1. General and specialized farming and agricultural activities, including the raising or growing and storage or preservation of crops, sod, livestock and other farm animals and plants, trees, shrubs and nursery stock.
- 2. The sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.

3. Single family detached dwellings.
4. Home occupation, only in accordance with the regulations in Section 4.20.
5. Accessory uses and buildings customarily incidental to the above permitted principal uses.
6. Adult foster care family and small group homes.
7. Adult and child family day care homes.
8. Bed and breakfasts.

SECTION 8.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission:

1. The commercial breeding and/or raising of poultry for food or eggs. The commercial operation shall be located on a continuous parcel of land twenty (20) acres or more in area and meets current Generally Accepted Agricultural Management Practices (GAAMPS).
2. The raising of fur bearing animals subject to the following conditions:
 - A. The commercial raising of fur bearing animals including minks, chinchillas, rabbits, fox, guinea pigs and similar animals shall be located on a continuous parcel of land twenty (20) acres or more in area.
 - B. All outdoor runs or breeding areas shall be enclosed on all sides by an obscuring wall or fence not less than four (4) feet in height.
 - C. All such runs or breeding areas and shelter areas shall be set back from the front property line a minimum of one hundred (100) feet and not less than 300 feet from any dwelling on adjacent lots or parcels.
3. Reserved.
4. Kennels subject to the following conditions:
 - A. The commercial raising of dogs and other animals such as cats, mice, rats and similar animals shall be located on a parcel of land not less than ten (10) acres in area.
 - B. All outdoor runs and breeding areas shall be enclosed on all sides by an obscuring wall or fence that shall be set back from the front property line not less than one hundred (100) feet.

5. Golf courses which may or may not be operated for profit subject to the following conditions:
 - A. The site shall be so planned as to provide all ingress and egress directly onto a county Primary Road.
 - B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
6. Conservation and or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs.
7. Group or organized camps, camping grounds and general or specialized resorts including travel trailer parks (see Section 3.01.96) on sites of twenty (20) acres minimum in area.
8. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.11. These conditions do not apply to small family cemeteries. All cemeteries must meet any other state, county, or township regulations.
9. Public, parochial or other private educational facilities with a minimum site size of ten (10) acres.
10. Riding Academies and stables subject to the following conditions:
 - A. The minimum site size shall be ten (10) acres.
 - B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
11. Churches, subject to the requirements set forth in Section 4.17.
12. Animal hospitals and non-profit humane societies are subject to the following conditions:
 - A. Minimum site size of five (5) acres.
 - B. All outdoor runs.
 - C. All such runs shall be set back from the front property line a minimum of one hundred (100) feet.

- D. Development features including principal and accessory buildings and structures, including runs, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent property, and shall be not less than one hundred (100) feet from any property line of abutting residentially or commercially zoned lands.
13. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to Lenawee County. Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part to the airport, shall be so developed so as not to endanger safe flight conditions to and from an established airport. The maximum height provisions for structures in the vicinity of the Lenawee County Airport, included in the Lenawee County Air Safety Ordinance, would apply to all such facilities in the County.
14. Sanitary Landfills subject to the following conditions:
- A. Minimum site size shall be seventy-five (75) acres minimum.
 - B. Principal ingress and egress onto the site shall be directly onto a County Class A Primary Road.
 - C. Development features including the principal and accessory buildings and structures, including runs, shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property, and shall be not less than four hundred (400) feet from any property line of abutting residentially zoned lands and that the portion of the site which abuts a property line of residentially zoned lands shall be totally obscured by a six (6) foot wall, screen and/or natural or manmade barrier of suitable material.
 - D. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year, but such buildings shall not be used as a dwelling.
15. Group Child Care Home subject to the following requirements:
- A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child-care home.
 - 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 *et seq.*).
 - 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 *et seq.*).

4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - B. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
16. Adult day care group homes and day care centers.
 17. Adult foster care small group homes.
 18. Child foster family group homes.
 19. The following institutional uses: Hospitals, nursing homes, assisted living facilities, rehabilitation centers.
 20. Extractive operations.
 21. Utility structures.
 22. Wind farms and solar farms.

SECTION 8.03 - AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified shall be as provided in Article XX.

SECTION 8.04 - SITE PLAN

For all uses permitted in agricultural districts, a site plan shall be submitted to the Rollin Township Planning Commission, or its designated appointee, for review and approval in accordance with Section 4.16. Such submittal shall clearly show where and how Generally Accepted Agricultural Management Practices (GAAMPs) will be met as applicable. Dwellings and non-agricultural assessor buildings are subject to site plan submission in conformance to Section 4.13.3 I and J only.

ARTICLE IX
RURAL RESIDENTIAL DISTRICT: RR

SECTION 9.00 - INTENT

The intent of this district is to permit the urbanization of lands that have a lesser degree of agricultural value and which are not expected to have public utilities available to them for many years, to satisfy the demand for non-farm residences within a rural environment without unduly contributing to uneconomical urban sprawl conditions and to encourage acreage zoning as a means of preventing erosion and sedimentation in certain areas of the Township where topographical conditions are such that the removal of vegetation cover would constitute a pollution problem.

SECTION 9.01 - PERMITTED PRINCIPAL USES

The following are uses permitted in rural residential districts. Any use not expressly permitted is prohibited:

1. Single Family detached dwellings.
2. Bed and Breakfasts
3. The raising of small animals such as chickens or rabbits, not to exceed ten in number, for personal use only.
4. The raising of vegetables fruit, flowers and nursery stock.
5. Sales at a roadside stand of items grown on the parcel only.
6. Home occupations in accordance with the regulations in Section 4.20.
7. Adult foster care, family and small group homes.
8. Adult and child family day care homes.
9. Accessory buildings incidental to the permitted use. No more than two accessory buildings shall be permitted on a single parcel. No accessory buildings are allowed on a parcel without an owner occupied dwelling except as permitted in Section 4.02.2.
10. The raising or maintenance of two horses are permitted on parcels of five acres or more, provided they are not used for stud or breeding purposes, and the GAAMPs for the particular operation are followed. On parcels of 20 acres or more, the operation must be certified GAAMP compliant within six months of housing horses by the Michigan Department of Agriculture.

SECTION 9.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Rollin Township Planning Commission:

1. Nursery schools, day nurseries and child care centers, provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred-fifty (150) square feet of outdoor play area. Such play area shall have a total minimum area of at least five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. The minimum lot size shall be twenty thousand (20,000) square feet with not less than one hundred (100) feet of frontage.
2. Cemeteries, provided that the principal access shall be directly to a county primary road. Minimum lot size shall be ten (10) acres and the perimeter shall be fenced as designated in Section 4.11. These conditions do not apply to small family cemeteries. All cemeteries must meet any other state, county, or township regulations.
3. Churches, subject to the requirements set forth in Section 4.17.
4. Public utility buildings and uses, but not including service and storage yards, when operation requirements necessitate locating within the District to serve the immediate vicinity.
5. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year but such building shall not be used as a dwelling.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - A. The site shall be so planned as to provide all ingress and egress directly onto a County Primary road.
 - B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
7. Home Occupations in accordance with Section 4.20.
8. Group Child Care Home subject to the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child-care home.

2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 et seq.).
 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 et seq.).
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
9. Adult day care group homes and day care centers, per the requirements of the Michigan Zoning Enabling Act.
 10. Adult foster care small group homes, per the requirements of the Michigan Zoning Enabling Act.
 11. Child foster family group homes, per the requirements of the Michigan Zoning Enabling Act.
 12. Kennels on parcels of 10 acres or more.
 13. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum size of ten (10) acres.

SECTION 9.03 - AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article XX.

SECTION 9.04 - SITE PLAN REVIEW

For all uses permitted in a rural residential district, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE X
SINGLE FAMILY RESIDENTIAL DISTRICTS: R-1 AND R-2

SECTION 10.00 - INTENT

The single family residential districts are established as districts in which the principal use of land is for single family dwellings. In promoting the general purpose of this Ordinance, the specific intent is to encourage the construction of, and the continued use of the land for single family dwellings; to prohibit business, commercial or industrial use of the land, and agricultural operations, and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the district; to encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance; to discourage any land use which would generate traffic on minor streets other than normal traffic to serve the residences on those streets; and to discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewerage, substantially in excess of such requirements and costs if this district were developed solely for single family dwellings.

SECTION 10.01 - PERMITTED PRINCIPAL USES

The following provisions apply in all single family residential districts. Any use not expressly permitted is prohibited:

1. Single family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, play fields, playgrounds, recreation facilities and conservation areas.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum size of ten (10) acres.
4. Accessory uses and buildings incidental to the above Permitted Uses.
5. Adult foster care family and small group homes.
6. Adult and child family day care homes.

SECTION 10.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission:

1. Nursery schools, day nurseries and child care centers provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred- fifty (150) square feet of outdoor play area. Such play area shall be screened from any adjoining lot in any residential district.

2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.11.
3. Churches, subject to the requirements set forth in Section 4.17.
4. Public Utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
5. Temporary building for use incidental to construction work for a period not to exceed one (1) year but such building shall not be used as a dwelling.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - A. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
 - B. Development features including the principal and accessory buildings and structure shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal and/or accessory buildings shall not be less than two hundred (200) feet from any property of abutting residentially zoned lands.
7. Home occupation in accordance with Section 4.20.
8. Group Child Care Home subject to the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child-care home.
 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 *et seq.*).
 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 *et seq.*).
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - B. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.

- C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- 9. Adult day care group homes and day care centers, per the requirements of the Michigan Zoning Enabling Act.
 - 10. Adult foster care small group homes, per the requirements of the Michigan Zoning Enabling Act.
 - 11. Child foster family group homes, per the requirements of the Michigan Zoning Enabling Act.

SECTION 10.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XX.

SECTION 10.04 - SITE PLAN REVIEW

For all uses permitted in single family residential districts, a site plan shall be submitted to the Planning Commission, or its designated appointee, for review and approval in accordance with Section 4.16 except contours, wood lots and underground structures not crossing the lot or parcel need not be shown.

ARTICLE Xa
LAKE RESIDENTIAL DISTRICT (LR)

SECTION 10a.00 - INTENT

This district is designed to preserve and enhance areas which are suitable for lakefront residential development, principally single family dwellings at moderate densities with consideration to protecting the lake waters from potential pollutants; including Devils Lake, Round Lake, Horseshoe Lake, Little Round Lake, and the Posey Lakes.

This district is composed of those identified areas of the Township which are located on a lake front, have deeded lake access, or are first tier back lots. The lake side of the property, excluding channels, shall be considered the front of the property for those houses located adjacent to a lake; for all other properties the street side will be considered the front of the property.

SECTION 10a.01 - PERMITTED PRINCIPAL USES

The following provisions apply in all single family residential districts. Any use not expressly permitted is prohibited:

1. Single family detached dwellings.
2. Publicly owned and operated museums, libraries, parks, play fields, playgrounds, recreation facilities and conservation areas.
3. Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education, not operated for profit, with a minimum size of ten (10) acres.
4. Accessory uses and buildings customarily incidental to the above Permitted Uses.
5. Adult foster care family and small group homes.
6. Adult and child family day care homes.

SECTION 10a.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Township Board with the recommendation of the Planning Commission:

1. Nursery schools, day nurseries and child care centers provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred- fifty (150) square feet of outdoor play area. Such play area shall be screened from any adjoining lot in any residential district.

2. Cemeteries, provided that the principal access shall be directly to a County Primary Road. Minimum site size shall be ten (10) acres and the perimeter of the site shall be fenced as designated in Section 4.11.
3. Churches, subject to the requirements set forth in Section 4.17.
4. Public Utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.
5. Temporary building for use incidental to construction work for a period not to exceed one (1) year but such building shall not be used as a dwelling.
6. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - A. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road.
 - B. Development features including the principal and accessory buildings and structure shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal and/or accessory buildings shall not be less than two hundred (200) feet from any property of abutting residentially zoned lands.
7. Home occupation in accordance with Section 4.20.
8. Group Child Care Home: Subject to the following requirements:
 - A. Is located not closer than 1,500 feet to any of the following:
 1. Another licensed group child-care home.
 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 *et seq.*).
 3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 *et seq.*).
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
 - B. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.

- C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
- 9. Adult day care group homes and day care centers, per the requirements of the Michigan Zoning Enabling Act.
 - 10. Adult foster care small group homes, per the requirements of the Michigan Zoning Enabling Act.
 - 11. Child foster family group homes, per the requirements of the Michigan Zoning Enabling Act.

SECTION 10a.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XX.

SECTION 10a.04 - SITE PLAN REVIEW

For all uses permitted in lake residential districts, a site plan shall be submitted to the Planning Commission, or its designated appointee, for review and approval in accordance with Section 4.16 except contours, wood lots and underground structures not crossing the lot or parcel need not be shown.

SECTION 10a.05 - ADDITIONAL STANDARDS

- 1. The Site Plan shall demonstrate that erosion and sedimentation shall be prevented to the maximum extent possible and practicable and shall follow all local, state and federal requirements.
- 2. Site development shall be fitted to the topography and soil so as to create the least potential for vegetation loss and site disturbance.
- 3. The Site Plan shall demonstrate that the natural character and aesthetic values of the shoreline is maintained by minimizing the visual impact of the development.
- 4. All structures shall be located to maintain an open and unobstructed view to the waterfront from adjacent properties, roadways and pedestrian ways, to the maximum extent possible.

SECTION 10a.06 - FENCES

See Section 4.11

SECTION 10a.07 - FUNNELING

See Section 4.27

SECTION 10a.08 - DECKS

See Section 4.28.

ARTICLE XI
MULTIPLE FAMILY RESIDENTIAL DISTRICT: RM

SECTION 11.00 - INTENT

The multiple family residential district is designed to permit a more intensive residential use of land with various types of attached single family houses, two-family dwellings, townhouses, condominiums, and garden apartments. These areas would be located near county primary roads for good accessibility and between single family residential areas and other non-residential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the Township.

SECTION 11.01 - PERMITTED PRINCIPAL USES

The following provisions apply in multiple family residential districts. Any use not expressly permitted is prohibited:

1. All permitted principal uses in the R-1 and R-2 districts subject to the terms and conditions provided therein.
2. Two family dwelling units.
3. Multiple family dwelling units including townhouses (single family attached dwellings) condominiums, apartments and row or terrace dwellings.
4. Rooming houses and boarding houses, limited to a maximum four (4) boarders.
5. Accessory use or structures in accordance with Section 4.02.
6. Adult foster care family and small group homes.
7. Adult and child family day care homes.

SECTION 11.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission:

1. Hospital, provided the following conditions are met:
 - A. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - B. The proposed site shall have at least one property line abutting a County Primary road. All ingress and egress to the off-street parking area, for guest, employees, staff as well as any other uses of the facilities, shall be directly onto the County Primary

road.

- C. In the event one or more boundaries of the proposed site lies opposite or contiguous to a residential district, the minimum distances between any hospital structure or accessory use and the residential district boundary shall be at least one hundred (100) feet for buildings containing two (2) stories or less. For buildings above two (2) stories, the building shall be set back from the initial one hundred (100) feet setback an additional one (1) foot for each five feet of height above two (2) stories.
 - D. The minimum distance from any street line shall not be less than forty (40) feet for buildings containing two (2) stories or less, while buildings above two (2) stories shall be set back an additional one (1) foot for each five (5) feet of height above two (2) stories.
 - E. The minimum distance from any non-residential lot line shall not be less than twenty-five (25) feet.
 - F. Ambulance and delivery areas shall be obscured from all residential view with a wall at least six (6) feet in height.
 - G. Development plan shall show any future construction and projected maximum patient census.
2. Convalescent and/or nursing homes or adult care facilities when the following conditions are met:
- A. The site shall be developed so as to create a land to building ratio on the parcel whereby for each one (1) bed in the facility there shall be provided not less than fifteen hundred (1,500) square feet of land area.
 - B. No building shall be closer than forty (40) feet from any property line.
3. Churches, subject to the requirements set forth in Section 4.17.
4. Home occupations in accordance with Section 4.20.
5. Group Child Care Home: Subject to the following requirements:
- A. Is located not closer than 1,500 feet to any of the following:
 - 1. Another licensed group child-care home.
 - 2. An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.701 *et seq.*).

3. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code (PA 368 of 1978, MCL 333.6101 *et seq.*).
 4. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. Has appropriate fencing for the safety of the children in the child day-care home as determined by the Township.
 - C. Maintains the property consistent with the visible characteristics of the neighborhood.
 - D. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
6. Adult day care group homes and day care centers.
 7. Adult foster care small group homes.
 8. Child foster family group homes

SECTION 11.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article XX.

SECTION 11.04 - SITE PLAN REVIEW

For all permitted uses in multiple family residential district, a site plan shall be submitted to the Planning Commission or its designated appointee, for review and approval in accordance with Section 4.16.

ARTICLE XII
MANUFACTURED HOUSING PARK DISTRICT: RMH

SECTION 12.00 - INTENT

The intent of the Manufactured Housing Park District is to encourage a suitable environment for persons and families that by preference choose to live in a manufactured home rather than a conventional single-family structure. In keeping with the occupancy characteristics of the contemporary manufactured homes, this Article establishes low density standards and permitted uses that reflect the needs of residents in the District.

SECTION 12.01 - PERMITTED PRINCIPAL USES

The following provisions apply in the RMH, Manufactured Housing Park District. Any use not expressly permitted is prohibited.

1. Manufactured homes.
2. Manufactured Housing Parks, subject to the requirements as set forth by the Home Commission Act (PA 96 of 1987, MCL 125.2301 *et seq.*), as amended, shall also conform to the following requirements:
 - A. Set Back Requirements
 - (1) Manufactured homes, permanent park buildings and facilities and other structures shall not be located closer than ten feet from the property boundary line of the park.
 - (2) If manufactured homes, permanent park buildings and facilities and other structures abut a public right of way, they shall not be located closer than 25 feet from the park boundary line. This rule does not apply to internal park roads if dedicated for public use, providing the roads do not present a nuisance or safety hazard to the park tenants.
 - B. Site Dimensions: A manufactured home shall be in compliance with the following minimum distances:
 - (1) Twenty (20) feet from any part or attached structure of another manufactured home which is used for living purposes.
 - (2) Ten (10) feet from either of the following:
 - i. An on-site parking space of an adjacent manufactured home site.
 - ii. An attached or detached structure or accessory which is not used for living purposes.

- (3) Fifty (50) feet from a permanent building.
 - (4) One hundred (100) feet from a baseball or softball field.
 - C. Any part or structure that belongs to a manufactured home shall be set back the following minimum distances:
 - (1) Ten (10) feet from the edge of an internal road and seven and one-half (7-1/2) feet from a parking bay.
 - (2) Seven (7) feet from a common pedestrian walkway.
 - (3) Ten (10) feet from a natural or man-made lake, object or waterway.
 - D. A manufactured home site length may vary depending on park design and layout and the manufactured home to be installed; however, the minimum standards pertaining to distance between manufactured homes shall be complied with.
 - E. Site dimensions may be computed to include the space requirements for manufactured homes which may contain expando rooms or in anticipation of the attachment of expansions such as add-a-rooms.
3. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

SECTION 12.02 - GENERAL MANUFACTURED HOUSING PARK SITE AND DEVELOPMENT STANDARDS

1. **Manufactured Home Size:** The minimum manufactured home size in a manufactured housing park shall be ten (10) feet by fifty (50) feet.
2. **Internal Roads: General Requirements:**
 - A. An internal road is subject to approval by the Michigan Department of Commerce and shall comply with the following general requirements.
 - (1) The road shall be hard surfaced.
 - (2) The road shall have access to public thoroughfare or be connected to a public thoroughfare by a permanent easement, recorded prior to approval by the department. Sole access by an alley is prohibited.
 - (3) A dead-end road shall terminate with an adequate turning area. A blunt end road is prohibited.
 - (4) An adequate safe-sight distance shall be provided at intersections.

- (5) An offset at an intersection and an intersection of more than two (2) streets is prohibited.
 - (6) An intersection of roads shall be clearly marked with appropriate traffic signs.
 - (7) A road shall be named and so identified by street signs located at all road intersections.
 - (8) A name for an internal road shall be approved by the municipality.
 - (9) A road shall have a driving surface of not less than the following:
 - i. One way, with no parking13 feet
 - ii. Two way, with no parking.....21 feet
 - iii. At access points where general traffic enters the park, the widths shall be sufficient to permit free movement from or to the stream of traffic on the public roads.
- B. Local conditions, such as heavy snowfall, may dictate the need for wider roads to provide for free flow of vehicular and pedestrian traffic, parking, and to facilitate removal without blocking access to the manufactured home site.
3. Internal roads; alignment and gradient. The alignment and gradient of an internal road shall be adapted to the topography and shall be graded for its full width to drain surface water. When grading roads in length, the finish grade of the street shall not be greater than eight (8) percent and not less than 0.4 percent of the length. Short lengths with a maximum grade of twelve (12) percent may be permitted, provided traffic safety is assured.
4. Internal roads; construction materials.
- A. An internal road shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), 1974 edition, adopted herein by reference. Copies are available from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001, or from the Department of Commerce, Corporations and Securities Bureau, Mobile Home Section, P.O. Box 30222, Lansing, Michigan 48909.
 - B. The park developer may use other suitable materials of equal quality, if approved by the department.
5. Internal roads; curbing. Curbing may be installed on all internal roads. If curbing is used, it shall be constructed as follows:

- A. Curbing shall be concrete with the exception of the integral valley curb and gutter (gravity drains), which may be either concrete or asphalt.
 - B. If integral valley curbing and gutter or mountable curb and gutter is used, the height of the curb measured from the gutter line shall be between three (3) and five (5) inches.
 - C. Crosswalks shall conform to Act No. 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws.
6. On-site vehicle parking. If on-site vehicle parking is provided, it shall be in compliance with the following:
- A. Each manufactured home site shall have two (2) parking spaces either in tandem or side-by-side. If in tandem, the width shall not be less than ten (10) feet and the combined length shall not be less than forty (40) feet. If side-by-side, the combined width of the two (2) parking spaces shall not be less than nineteen (19) feet and the length shall be twenty (20) feet. In either method, the length shall be measured from the curb or inner walkway edge.
 - B. A parking space shall be hard surface and constructed in compliance with Act No. 8 of the Public Acts of 1973, being Section 125.1361 et seq. of the Michigan Compiled Laws.
 - C. If off-site vehicle parking is provided, the parking spaces shall be adjacent to the manufactured home site and shall comply with Rules 926 and 926 of Michigan's Manufactured housing Rules (R 125.1925 and R 125).
7. Pedestrian circulation system. A pedestrian circulation system shall be designed, constructed and maintained for safe and convenient movement from all manufactured home sites to principal destinations within the park and connection to the public pedestrian circulation system outside the park, if such a system exists. A pedestrian circulation system shall satisfy the following requirements:
- A. Internal roads may be used as pedestrian ways except where concentrations of either pedestrian or vehicular traffic are likely to lead to congestion or hazards.
 - B. Separate pedestrian ways shall be provided in locations where pedestrian traffic is concentrated, if use of the roads creates a hazard because of concentrations of either pedestrian or vehicular traffic.
 - C. Separate pedestrian ways shall be provided at points where use of roads would lead to unduly circuitous pedestrian routes to principal destinations. If possible, walks shall be through interior areas away from heavy or fast moving traffic.

- D. Where steps are installed, they shall rise no steeper than five (5) feet vertically and ten (10) feet horizontally. Handrails shall be installed in compliance with the Michigan Building Code.
 - E. Where steps are installed along common pedestrian walkways, ramps shall be installed in compliance with the Michigan Building Code.
 - F. A common pedestrian walkway shall have a minimum width of three (3) feet.
 - G. An individual pedestrian walkway shall connect to a common pedestrian walkway, or to a road where common walkways do not exist to individual driveways or parking spaces and the manufactured home foundation. An individual pedestrian walkway shall be not less than three (3) feet in width.
8. Vehicular and pedestrian circulation systems; Illumination levels. All vehicular and pedestrian circulation systems within a manufactured housing park shall be illuminated as follows:
- A. Access points to public thoroughfares shall be lighted. If the public thoroughfare is lighted, the illumination level shall not exceed the average illumination level of an adjacent illuminated thoroughfare.
 - B. At all street intersections and designated Pedestrian crosswalks, the minimum illumination shall be not less than .25 foot-candles.
 - C. Roads, parking bays, and pedestrian walkways shall be illuminated at no less than .15 foot-candles.
 - D. If a central park mail box area or park directories, or both, are provided, they shall be illuminated at not less than 10 horizontal foot-candles on any box or any entry on the directory.
 - E. Outdoor recreational facilities shall be adequately lighted, when in use.
9. Utilities and other services:
- A. All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of the Michigan State Health Department and the Department of Natural Resources.
 - B. All electrical, telephone and other lines from supply poles to each manufactured home site shall be underground. When meters are installed they shall be uniformly located.
 - C. Central fuel oil and gas storage shall be centrally located in underground tanks, at a safe distance away from any manufactured home lot. All fuel lines leading to manufactured home lots shall be underground and so designated as to conform with the

Rollin Township building code and any applicable state code. When separate meters are installed, each shall be located in a uniform manner.

10. Skirting, Canopies and Awnings:

- A. Manufactured home parks shall require each manufactured home to be skirted within ninety (90) days after establishment in a manufactured housing park.
- B. Manufactured home skirting shall be vented. Louvered or similar vents shall be at a minimum of six hundred (600) square inches per one thousand (1,000) square feet of living space. A minimum of one (1) vent shall be placed at the front and rear of the manufactured home and two to each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the manufactured home shall be installed. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer.
- C. Skirting shall be installed in a manner so as to resist damage under normal weather conditions to include, but not limited to, damage caused by freezing and frost, wind, snow and rain.

11. Installation:

- A. For all new manufactured homes sold in Michigan, the manufacturer shall provide express written instructions for the installation specifying the location and required minimum imposed load capacity of pillars and the location and the required minimum imposed load capacity of any other recommended stabilizing devices.
- B. The installation of manufactured homes shall, at a minimum, comply with the following specifications:
 - (1) Pillars shall be installed directly under each main frame beam. If the distance between the main frame beams does not conform to the pad or pillars that are permanently installed on the manufactured home site, cross beams shall be used. These cross beams may be of steel, or pressure-treated wood which resists decay, and has an imposed load capacity of three thousand (3,000) pounds per square foot (PSF). The cross beam shall extend a minimum of six (6) inches beyond each main frame beam, but shall not extend beyond the sides of the manufactured home. A wood beam shall not rest on the ground, but shall rest on the cap. If the cross beam interferes with a utility to the manufactured home, the cross beam placement may be between blocks. If a cross beam is used between blocks, it shall be a minimum of six (6) inches by eight (8) inches.
 - (2) Pillars shall be placed on ten (10) foot centers along the length of each main frame beam, but may be placed at less than ten (10) foot centers. If the pillars interfere with the axle area, they may be placed to a maximum of thirteen (13) foot centers, but the pillar placement shall not be less in number than if

placed on ten (10) foot centers.

- (3) The pillars nearest each end of the manufactured home shall be within three (3) feet of either end.
 - (4) All grass and organic material shall be removed and the pillar or platform shall be placed on stable soil.
 - (5) Pillars shall be constructed of solid concrete, cored concrete blocks unless other cored concrete blocks are supplied by the consumer, or a heavy metal screw column which bears on both frame and foundation or other acceptable design and construction meeting manufactured housing industry standards.
 - (6) Concrete block pillars shall be constructed of regular eight (8) inch by eight (8) inch by sixteen (16) inch blocks and placed on the pillar platform. The blocks shall be placed with the open cells vertical and the blocking of the pillar shall be single tiered. A cap shall be placed on top of the pillar. A wood plate one (1) inch by eight (8) inches by sixteen (16) inches may be placed on top of the cap for leveling. Shims may be fitted and driven tight between the wood plate or cap and the main frame and shall not take up more than one (1) inch of vertical height.
 - (7) Pillars shall be installed perpendicular to the main frame of the manufactured home.
- C. Solid concrete pillars may be of cone or pyramid design with a minimum sixteen (16) inch base tapered to a minimum nine (9) in top. Shimming shall be the same as for the concrete block pillar.
 - D. All pillars shall have a minimum imposed load capacity of three thousand (3,000) pounds.
 - E. If the manufacturer's recommended installation specifications exceed the minimum specifications stated in these rules, the manufacturers specifications shall in all cases be complied with.
 - F. Manufactured homes may be installed on a basement or crawl space-type foundation, provided the foundation complies with local building codes and Ordinances, and meets the manufacturer's specifications for pillar placement and imposed load capacity.
12. Storage Areas: No personal property shall be stored outside or under any manufactured home. Storage sheds may be used to store property but need not be supplied by the owner of the manufactured housing development.
 13. Open Space Requirements:

- A. A manufactured housing park that contains fifty (50) or more manufactured home sites shall have at least one (1) easily accessible open space area containing not less than twenty-five thousand (25,000) square feet.
- B. The total of the land dedicated for open space shall not be less than two (2) percent of the park's gross acreage that is approved for construction pursuant to a permit to construct, but not less than twenty-five thousand (25,000) square feet.

14. Optional Improvements:

- A. Optional improvements such as swimming pools, recreational buildings, children's playgrounds, picnic areas, game field and courts or similar areas or facilities shall be considered as fulfilling part or all of the total open space requirement.
- B. Optional improvements such as laundries, swimming pools, buildings and other structures, service facilities, and areas for recreational or service use shall comply with current state building codes pertinent to construction.
- C. If optional improvements are provided, they may be consolidated into a single facility.

SECTION 12.03 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject to the review and approval of the Planning Commission:

- 1. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- 2. Nursery schools, day nurseries and child care centers (not including dormitories): provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred fifty (150) square feet of outdoor play space, shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district. The minimum lot size shall be twenty thousand (20,000) square feet with a minimum of one hundred (100) feet of frontage.
- 3. Temporary buildings for use incidental to construction work for a period not to exceed one year. Such buildings shall not be used for residences.
- 4. Golf courses, which may or may not be operated for profit, subject to the following conditions:
 - A. The site shall be so planned as to provide all ingress and egress onto a County Primary Road.
 - B. Development features including the principal and accessory buildings and structures

shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than two hundred (200) feet from any property line of abutting residentially zoned lands.

SECTION 12.04 - SITE PLAN REVIEW

For all uses permitted in manufactured housing park districts, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE XIII
LOCAL COMMERCIAL DISTRICT: C-1

SECTION 13.00 - INTENT

The local commercial district is intended to permit retail business and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy traffic. The intent of this district is also to encourage the concentration of local business areas to the mutual advantage of both the consumers and merchants and thereby to promote the best of land at certain strategic locations and to avoid encouraging marginal strip, business development along heavily traveled roads.

SECTION 13.01 - PERMITTED PRINCIPAL USES

The following uses are permitted in the local commercial district. All uses not expressly permitted are prohibited:

1. Medical and dental clinics, including medical or dental laboratories.
2. Funeral homes.
3. Office buildings used to house any following occupations: executive, administrative, professional, legal, accounting, insurance, real estate, and uses of similar nature.
4. Private Service clubs, fraternal organizations and lodge halls.
5. Personal service establishments performing services on the premises, such as barber shops, beauty salons, dry cleaners, tailors, and Laundromats.
6. Business services, including banks and loan offices.
7. Retail sale of foods, pharmaceuticals, flowers, hardware, notions, books, and similar convenience goods.
8. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments with a character of a drive-in or open front store are prohibited.
9. Government or community owned buildings, but not including schools or storage yards, or buildings of an industrial character and use.
10. Dwellings on the upper floors of buildings.
11. Bed and Breakfasts.
12. Accessory buildings and uses customarily incidental to any of the permitted principal uses.

13. Bait Shops.

SECTION 13.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission:

1. Churches and other buildings for religious worship subject to the requirements set forth in Section 4.17.
2. Planned shopping center based upon the following criteria:
 - A. Reserved.
 - B. A planting strip at least ten (10) feet wide shall be provided around the entire perimeter of the site except for driveways onto the public street system. A wall or barrier of suitable material not less than six (6) feet in height shall be constructed along those property lines which abut a residential district.
 - C. No main or accessory building shall be situated less than fifty (50) feet from any perimeter property line.
 - D. A landscape plan which includes the entire site shall be submitted for approval to determine compliance with screening and planting strips.
 - E. All signs shall be affixed to the face of the building and shall be a uniform design throughout except for one ground pole sign advertising the name of the shopping center.
 - F. Because of the nature of the parking and ingress and egress to shopping centers, carry-out restaurants shall be permitted.
 - G. All off-street parking shall be within its own area, as specified in Article VI, and an internal system of roads and walks which will effectively separate pedestrian and vehicular traffic.
3. Child day care center.

SECTION 13.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified, are as provided in Article XX.

SECTION 13.04 - SITE PLAN REVIEW

For all uses permitted in a local commercial district, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE XIV
GENERAL COMMERCIAL DISTRICT: C-2

SECTION 14.00 - INTENT

The general commercial district is intended to permit a wider range of business and entertainment activities than permitted in the local commercial district. The permitted uses would not only serve nearby residential areas, but also customers farther away for types of businesses and services usually found in community shopping centers. These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate such a district with adjacent residential areas. Such a district reflects existing shopping concentrations, other commercial uses along major highways, and desired future centers which are needed to serve adequately the future population of the Township.

SECTION 14.01 - PERMITTED PRINCIPAL USES

The following uses are permitted in the general commercial district. All uses not expressly permitted are prohibited:

1. Any use permitted in the local commercial district subject to the terms and conditions provided therein.
2. Business schools, including dance schools, music schools, and art schools.
3. Indoor retail sales establishments excluding outdoor storage yards.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, roller and ice skating rinks, gymnasiums, reducing salons, masseurs and steam baths.
5. Printing establishments.
6. Fast food establishments.
7. Dwellings on the upper floors of buildings.
8. Bed and Breakfasts.
9. Accessory buildings and uses customarily incidental to any of the permitted principal uses.

SECTION 14.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Township Board with the recommendation of the Planning Commission:

1. Automobile Service Stations subject to the requirements of Section 4.15.

2. Churches and other buildings for religious worship subject to the requirements set forth in Section 4.17.
3. Hotels and motels subject to the following conditions:
 - A. Minimum site size shall be one (1) acre.
 - B. Off-street parking shall be provided in accordance with the requirements of Article VI.
4. Child day care center.

SECTION 14.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article XX.

SECTION 14.04 - SITE PLAN REVIEW

For all uses permitted in a general commercial district, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE XV
HIGHWAY SERVICE COMMERCIAL DISTRICT: C-3

SECTION 15.00 - INTENT

The highway service commercial district is intended to be that district which permits an extensive business use along heavily traveled highways. The permitted uses would require large parcels of property and would serve the general needs of all local residents. The purpose of this district is to provide a development pattern along designated major highways which will not create unsafe conditions by allowing numerous curb cuts along the highway. Access onto the major highway should be limited to permit more extensive use of the property without substantially contributing to traffic hazards along the highway.

SECTION 15.01 - PERMITTED PRINCIPAL USES

The following uses are permitted in the highway service commercial district. All uses not expressly permitted are prohibited:

1. All permitted principal uses in the general commercial district subject to the terms and conditions provided therein.
2. Sales, rental, and service of motor driven vehicles, trailers, manufactured homes, boats, and similar vehicles but not including automobiles or trucks, on lots of at least one (1) acre in area.
3. Sales, rental, and service of automobiles and trucks on lots of at least one (1) acre in area.
4. Drive-in retail and service establishment, except drive-in theaters.
5. Motels and hotels.
6. Indoor and outdoor commercial amusements.
7. Passenger bus stations.
8. Dwellings on the upper floors of buildings.
9. Bed and Breakfast establishments.
10. Accessory uses and buildings customarily incidental to the above permitted principal uses.
11. Sexually oriented businesses located not less than 1,300 feet from another sexually oriented business, a church, a school, a public park, an adult or child day care facility, or a residentially zoned district.

SECTION 15.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission:

1. Automobile repair garages subject to the conditions of Section 4.15.
2. Automobile car wash establishments when completely enclosed within a building, including steam-cleaning, but no rust proofing; provided further that off-street storage space for at least ten (10) cars waiting to be washed per car wash lane is provided for manual or self-serve establishments and at least twenty-five (25) storage spaces for automatic establishments.
3. Open air business uses as follows in conformance with Section 4.18.
 - A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other garden supplies and equipment.
 - B. Retail sale of fruits and vegetables.
 - C. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children's amusement park, or similar recreation uses.
 - D. Outdoor display and sale of lumber, building materials, garages, swimming pools and similar uses.
4. Drive-in theaters, subject to the following conditions:
 - A. The site is adjacent to a county primary road.
 - B. No vehicular access to any residential street.
 - C. Suitable screening is provided to insure that there shall be no highlight or other illumination directed upon any residentially zoned or developed property and so that the picture is not visible from a major thoroughfare.
 - D. The drive-in theater shall be located no closer than one thousand (1,000) feet to any residentially zoned or developed property.
5. Self-service storage facility, subject to the following conditions:
 - A. The site is adjacent to a county primary road.
 - B. No vehicular access to any residential street.
 - C. Suitable screening/fencing shall be provided. Illumination shall be so as not to in-

trude upon adjacent residentially zoned or developed property.

- D. Signing should be compatible with adjacent residential character.
- E. Setbacks must take into consideration vehicular ingress and egress and firefighting equipment.

6. Child day care center.

SECTION 15.03 - AREA, HEIGHT, AND PLACEMENT REGULATIONS

Area, height, and placement requirements, unless otherwise specified are provided in Article XX.

SECTION 15.04 - SITE PLAN REVIEW

For all uses permitted in highway service commercial districts, a site plan shall be submitted to the Planning Commission, or its designated appointee, for review and approval in accordance with Section 4.16.

ARTICLE XVI
COMMERCIAL RECREATION DISTRICT: CR

SECTION 16.00 - INTENT

The commercial recreation district is intended for those areas oriented towards outdoor recreation uses and at the same time interested in the preservation of the natural features of the land. The uses permitted in this district are very often seasonal in nature and serve large numbers of people. As a result, good accessibility is necessary as is adequate space on the site for off-street parking facilities.

SECTION 16.01 - PERMITTED PRINCIPAL USES

The following provisions apply in the commercial recreation district. Any uses not expressly permitted are prohibited.

1. Boat launching facilities, marinas, including the sale and leasing of boats, the sale of gasoline, oils and accessory parts, service of boats and motors, docking and berthing space and supporting facilities to dry dock and store boats and motors when not in use.
2. Public and private parks, playgrounds, picnic areas and beaches.
3. Establishments containing indoor tennis courts, handball courts, swimming pools, gymnasiums, and health clubs.
4. Indoor ice skating and roller skating rinks.
5. Public or private forest preserves and botanical gardens.
6. Public and private conservation area and structure for the development, protection, and conservation of open space, watersheds, water, soil, forest, and wildlife resources.
7. Golf courses and country clubs which may or may not be operated for profit, subject to the following requirements:
 - A. The site shall be so planned as to provide all ingress and egress directly onto a county primary road.
 - B. Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.
8. Dwellings on the upper floors of buildings.
9. Bed and Breakfast establishments.

10. Accessory uses and buildings customarily incidental to the above permitted principal uses.

SECTION 16.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

1. Skeet shooting ranges and gun clubs on sites of a minimum of twenty (20) acres with back stops sufficient to provide safety to the surrounding areas in compliance with applicable state and county regulations.
2. Archery ranges on a minimum site size of five (5) acres.
3. Establishments selling campers, snowmobiles, motorcycles, all-terrain vehicles, bait, fishing and hunting equipment, or recreation oriented merchandise which is oriented to the recreational activity which is being conducted at the site.
4. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of recreational vehicles.
5. Stables with a minimum of ten (10) acres; riding academies with a minimum of ten (10) acres.
6. Campgrounds, travel trailer parks and tent sites subject to the following requirements:
 - A. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
 - B. Public rest stations, housed in all-weather structures, containing adequate water outlet, toilet, waste container and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) sites.
 - C. No commercial enterprises shall be permitted to operate on the lot, except that a camp store may be provided on a lot containing more than eighty (80) sites.
 - D. Each lot shall provide vehicle parking area for site occupant and guest parking. This parking area shall be treated in a manner to minimize the occurrence of dust. Further, such parking area shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designed only for tent camping).
 - E. Each site shall contain a minimum of fifteen hundred (1,500) square feet, except that the minimum size for sites specifically designed for tents shall be five hundred (500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.

- F. A minimum distance of fifteen (15) feet shall be provided between all travel trailers and tents.
7. Horse, dog, automobile or vehicle race track and drag strips subject to the following requirements:
- A. Minimum site size shall be twenty (20) acres.
 - B. The site shall have direct access to a county primary road.
 - C. There shall be provided at least a one hundred (100) foot setback from the property line that abuts a road.
 - D. Such use shall be located at least three hundred (300) feet from any property line of abutting residentially zoned lands.
8. Amusement parks, fairgrounds, and zoological parks, subject to the following conditions:
- A. The lot size shall be a minimum of ten (10) acres.
 - B. The site shall be so planned as to provide all ingress and egress directly onto a county primary road.
 - C. There shall be provided at least a one hundred (100) foot setback from the property line abutting the county primary road.
 - D. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.
9. Miniature golf courses, arcades, go-cart tracks, private museums, and other recreation enterprises of similar nature, subject to the following requirements:
- A. Lot size shall be a minimum of one (1) acre.
 - B. The site shall be so planned as to provide all ingress and egress directly onto a county primary road.

SECTION 16.03 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements shall, unless otherwise specified be as provided in Article XX.

SECTION 16.04 - SITE PLAN REVIEW

For all uses permitted in the commercial recreation district, a site plan shall be submitted to the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE XVII
INDUSTRIAL DISTRICT: M-1

SECTION 17.00 - INTENT

The industrial district is intended to provide desirable areas in the Township to be primarily used for a manufacturing, assembling and fabrication operation, including large scale or specialized industrial operations requiring good access by road and/or railroad, and needing special sites or public and utility services. Reasonable regulations apply to users in this district so as to permit the location of industries which will not cause adverse effects on residential and commercial areas in the Township.

SECTION 17.01 - PERMITTED PRINCIPAL USES

1. The sale at wholesale or warehousing of automotive equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine, and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any other commodity the manufacture of which is permitted in this district.
2. Truck terminals.
3. The assembly, fabrication, manufacture, packaging or treatment of such products but not limited to food products (excluding butchering, animal slaughtering), candy, drugs, cosmetics and toiletries, musical instruments, optical goods, toys, novelties, electrical instruments and appliances; radio and phonographs; pottery and figurines or other ceramic products using only previously pulverized clay.
4. The assembly, fabrication, manufacture or treatment of such products but not limited to the following previously prepared materials; bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet-metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planing mills) and yards.
5. Tool and die shops and metal working machine shops involving the use of grinding or cutting tools, manufacturing of tools, dies, jigs, and fixtures.
6. Publishing, printing or forming of box, carton, and cardboard products.
7. Laboratories - research or testing.
8. Central dry cleaning plants and laundries.
9. Public Utility Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.

10. Retail and Service Establishments:
 - A. Eating and drinking establishments when food or beverage is consumed within a completely enclosed building. Establishments having drive-in or open front store are prohibited.
 - B. Truck tractor and trailer sales, rental and repair.
 - C. Dog kennels.
 - D. Automobile service stations in accordance with Section 4.15.
11. Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

SECTION 17.02 - PERMITTED USES AFTER SPECIAL APPROVAL

The following uses shall be permitted after there has been a review of preliminary site and building plans by the Township Planning Commission if the Commission finds that the proposed use will constitute a desirable and stable development which will be in harmony with development in adjacent areas; will not cause traffic congestion on public streets; and will not be contrary to the spirit and purpose of this Ordinance.

1. The assembly and or manufacture of automobiles, automobile bodies, parts and accessories, cigar and cigarettes, electrical fixtures, batteries and other electrical apparatus and hardware, treatment and/or manufacture of chemicals.
2. Processing, refining, or storage of food and food stuffs.
3. Breweries, distilleries, machine shops, metal buffing, plastering and polishing shops, mill-work lumber and planing mills, painting and sheet metal shops, and welding shops.
4. Automobile bump shops, tire vulcanizing and recapping shops.
5. Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel, or lumber subject to the following conditions:
 - A. Such uses shall be located at least two hundred (200) feet from any residential district.
 - B. If it is deemed essential by the Planning Commission to prevent loose materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material.
 - C. No required yard spaces shall be used for the storage of equipment or material.
6. Junk yards, subject to the regulations of the Township Junk Yard Ordinance.

7. Accessory buildings and uses customarily incidental to the above permitted principal uses, including living quarters of a watchman or caretaker.

SECTION 17.03 - INDUSTRIAL PERFORMANCE STANDARDS

All uses permitted in an industrial district shall comply with all applicable industrial performance standards as set forth in Article XIX of this Ordinance.

SECTION 17.04 - AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified as are provided in Article XX.

SECTION 17.05 - SITE PLAN REVIEW

For all uses permitted in an industrial district, a site plan shall be submitted to the Planning Commission or to a designated appointee of the Planning Commission for review and approval in accordance with Section 4.16.

ARTICLE XVIII
RESERVED

ARTICLE XIX
INDUSTRIAL PERFORMANCE STANDARDS

SECTION 19.00 - SCOPE

After the effective date of this Ordinance, any use established or changed to, and any buildings, structure, or tract or land developed, constructed or used for, any permitted or permissible principal or accessory use shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the district involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

SECTION 19.01 - STANDARDS FOR INDUSTRIAL DISTRICTS

Any use established in the M-1, industrial district, shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the following measures which are hereby determined to be the maximum permissible hazard to humans or human activity:

1. Hot forgings, steam or board hammers: Not permitted.
2. Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed eighty (80) decibels with a center frequency of one hundred twenty-five (125) cycles per second.
3. Gases, smoke, dust, dirt and fly ash: The emission of gases, smoke, dust, dirt and fly ash shall in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with, or cleaner than, all applicable State and County health laws as pertaining to air pollution and smoke abatement.
4. Glare and heat: Other than for normal maintenance and/or construction of principal and accessory buildings and structures, arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.
5. Fire and safety hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all above ground storage tanks for flammable, corrosive, or otherwise hazardous liquid materials shall be located not less than one hundred fifty (150) feet from all property lines, and shall be located in an impervious structure designed to retain 1.2 times the maximum storage volume of tanks plus enough freeboard to prevent overtopping in the event of a sudden release.

6. Vibration: Machines or operations which cause vibration shall be permitted, but no operation shall cause a displacement exceeding .003 of one (1) inch as measured at the property line with a frequency of ten (10) cycles per second. Vibration damping mountings are required.

ARTICLE XX
SECTION 20.00 - SCHEDULE OF REGULATIONS

	Lot Requirements			Minimum Yard Requirements (A)(B)			Maximum	Minimum
	Minimum		Maximum					
	Lot Area	Lot Width (P)	Lot Cover	Front (C)	Side (D)	Rear (C)	Building Height	Floor Area Per Dwelling Unit (E)
AG Agricultural	5 acres (F)	300 ft.	10%	60 ft. (G)	60 ft. 120 ft. total (G)	60 ft. (G)	35 ft.	720 sq. ft.
RR Rural Residential	1 acre	150 ft.	20%	40 ft. (G)	20 ft. 40 ft. total (G)	50 ft. (G)	35 ft.	720 sq. ft.
R-1 Single-Family Residential (O)	10,000 sq. ft.	70 ft.	30%	35 ft.	10 ft. 20 ft. total	40 ft.	35 ft.	720 sq. ft.
R-2 Single-Family Residential (O)	15,000 sq. ft.	100 ft.	30%	35 ft.	10 ft. 20 ft. total	50 ft.	35 ft.	720 sq. ft.
LR Lake Residential (H)	6,000 sq. ft.	50 ft.	35%	50 ft. (H).	10 ft. 20 ft. total	20 ft. (H)	35 ft.	720 sq. ft.
RM Multiple Family Residential	(J)	--	30%	35 ft.	20 ft. 40 ft. total (G)	35 ft.	35 ft.	(K).
C-1 Local Commercial	--	--	--	30 ft. (L)	(M)	30 ft.	35 ft.	720 sq. ft.
C-2 General Commercial	--	--	--	40 ft. (L)	(M)	30 ft.	35 ft.	720 sq. ft.
C-3 Highway Service Commercial	--	--	--	50 ft. (L)	(M)	40 ft.	35 ft.	720 sq. ft.
CR Commercial Recreation	--	--	--	50 ft. (L)	20 ft. 40 ft. total	50 ft.	35 ft.	720 sq. ft.
M-1 Industrial	--	--	--	50 ft. (L)	20 ft. 40 ft. total	50 ft.	35 ft.	720 sq. ft.

SECTION 20.01 - FOOTNOTES TO SCHEDULE OF REGULATIONS

- A. In all residential and industrial districts, the required front yard (setback) shall not be used for off-street parking, loading or unloading and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or

vehicle access drives. All yards abutting upon a public street shall be considered front yards for setback purposes. In all commercial districts, the same requirement shall apply except that only the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.

- B. In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- C. Minimum front and rear yard setbacks shall be maintained unless existing dwellings immediately adjacent to the lot are located less than or more than the required front or rear yard setback in which case the dwelling may be erected so as to conform to the setbacks of the existing dwellings. This provision shall not apply to side yard requirements.
- D. In all residential subdivisions, the width of side yards, which abut upon a street or road on the same side or on the opposite side of the block, upon which other residential lots front, shall not be less than the required front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side yard may be reduced to ten (10) feet.
- E. Required minimum floor area for each dwelling unit shall not include area of basement, utility rooms, breezeways, porches or attached garages.
- F. Single family detached dwelling units require minimum lot size of five (5) acres or as specified in Article VIII.
- G. All accessory farm buildings for uses other than those usually incidental to the dwelling shall be located not less than one hundred (100) feet from any dwelling and not less than twenty-five (25) feet from any lot line or property boundary with the exception that the main barn building shall not be less than one hundred fifty (150) feet from the property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.
- H. On lake front lots, the front yard setback requirement shall be increased to a minimum of fifty (50) feet. For the purposes of this Ordinance, the lake frontage end shall be considered the front yard and the road frontage end shall be considered the back. Permanent accessory buildings shall not be located in the required front yard.
- I. Reserved.

J. Minimum land area required for each dwelling unit in the RM district shall be:

Dwelling Unit Size	Apartment	Townhouse
One bedroom unit	4,200 sq. ft.	5,400 sq. ft.
Two bedroom unit	5,400 sq. ft.	7,200 sq. ft.
Three bedroom unit	7,200 sq. ft.	7,200 sq. ft.

K. Required minimum floor area for each dwelling unit in the RM district shall be:

Dwelling Unit Size	Apartment	Townhouse
One bedroom unit	720 sq. ft.	720 sq. ft.
Two bedroom unit	750 sq. ft.	800 sq. ft.
Three bedroom unit	950 sq. ft.	1,000 sq. ft.

L. Loading space shall be provided in the side or rear yard, except that this regulation shall not be applicable to loading space provided totally within a building or structure which has door enclosures facing other than the front property lines.

M. In any commercial district, except the commercial recreation district, side yards are not required except where a commercial district borders on a side street and a residential district exists in the same block there shall be provided a setback of twenty (20) feet for all buildings, parking and loading areas. Where a residential district exists adjacent to a business district and on the same side of the street, there shall be provided a setback of twenty (20) feet for all buildings, parking and loading areas.

N. Reserved.

O. Minimum side yard setback on platted lots less than fifty (50) feet in width shall be reduced from those shown in the Schedule of Regulations in all R-1 and R-2 residential districts. The reduction shall be one (1) foot for each three (3) feet or part thereof that is less than fifty (50) feet in width, provided that no structure shall be located closer than ten (10) feet to any adjacent structure.

P. Designated minimum lot width is minimum road frontage.

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ARTICLE XXI
ZONING ADMINISTRATION

SECTION 21.00 - ZONING ADMINISTRATION

It is hereby provided that the provisions of this Ordinance shall be administered and enforced by the Township Building Inspector, Township zoning official or other person so designated by the Township Board or deputies of same being delegated to enforce the provisions of this Ordinance.

SECTION 21.01 - FEES

Except as may be provided otherwise in this Ordinance, the Township Board shall, by resolution, determine and set the fees to be charged for all permits, certificates and copies thereof, and fees for appeals to the Zoning Board of Appeals. The Township Board may revise these fees from time to time by resolution, provided, however, that a public notice of any such revision shall be published in the newspaper having general circulation in the Township at least thirty (30) days in advance of the effective date thereof. Such fees shall be collected by the Township Clerk or Building Inspector ~~or~~ prior to issuance of said permit or certificate.

SECTION 21.02 - APPLICATIONS FOR PERMITS

Applications for zoning permits shall be filed in quadruplicate with the Zoning Officer upon forms furnished and approved by the Township Board and the application shall be printed in ink or typewritten and shall furnish a general description of the contemplated construction and definite information as to area of the lot on which the building is to be constructed and its location thereon. These applications shall be accompanied with funds as herein required payable to the Township Treasurer (see Section 4.16).

SECTION 21.03 - BUILDING PERMITS

If the Zoning Officer finds the application conforms to the requirements of this Ordinance and the statutes, he shall mark all copies of the application approved over his signature, one copy of which shall be retained by him, one copy shall be filed with the Township Supervisor, and the other copy shall be returned to the applicant together with construction card signed by the Building Inspector stating the extent of the work authorized. The approval of the application and the issuance of construction card by the Building Inspector shall not be binding upon the Township Board or the Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

The building permit shall be valid for three hundred sixty-five (365) days from the date of issuance. A new permit is required before construction continues after an existing permit expires. A building permit shall be renewable upon reapplication, subject to the provisions of all pertinent ordinances in effect at the time of renewal.

SECTION 21.04 - ERECTION OR ALTERATION

No building or structure excepting farm outbuildings in AG and RR zoning districts shall hereafter be erected or altered and no land shall be used until a zoning compliance and building permit shall first have been obtained by the owner of said building or land to be improved. A zoning compliance permit shall be required for all farm outbuildings in the above said districts. A building permit shall be required for all farm outbuildings not used entirely for farm operations in the above said districts.

SECTION 21.05 - CONFORMANCE

No building permit shall be issued to erect or alter a building or structure or make a use of land or make any changes in use thereof unless the same shall be in conformity with the provisions of this Ordinance. The Building Inspector and or Zoning Officer shall record all non-conforming uses existing at the effective date of this Ordinance.

SECTION 21.06 - INSPECTION

The Building Inspector shall have the power to issue permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or any permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance.

SECTION 21.07 - RESPONSIBILITY

It shall be the duty of all architects, contractors, sub-contractors, builders, and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, before beginning or undertaking any such work to see that a proper building permit has been granted therefore and that such work and land use is in conformity with the provisions of this Ordinance.

SECTION 21.08 - RECORDS

A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest upon payment to the Township Clerk of the fee set by the Township Board.

SECTION 21.09 - CERTIFICATE OF OCCUPANCY

1. It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a building permit is required, and to use any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a certificate of occupancy stating that there has been compliance with this Ordinance.

2. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
3. Certificates of occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, not more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
4. Buildings or street uses accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.
5. Applications for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within fourteen (14) days after receipt, if it is found in compliance with paragraph one (1) above. If such certificates are refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

SECTION 21.10 - ZONING MAP

The official zoning map may be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. One copy of the official zoning map and above-mentioned record shall be maintained and kept up-to-date by the Township Clerk, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in the Township.

SECTION 21.11 - FINAL INSPECTION

The recipient of any building permit for the erection, construction, alteration, repair and moving of any building, structure, or part thereof, shall notify the Building Inspector immediately upon the completion at the work authorized by such permit for a final inspection.

SECTION 21.12 - AMENDMENTS

1. The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act (PA. 110 of 2006, MCL 125.3101, *et seq.*), as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk.
2. Fees: Any applicant desiring to have any change made in this Ordinance shall, with his petition for such change, deposit the required fee, set from time-to-time by the Township

Board, with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous cost for said change. No part of this fee is returnable.

3. Procedure: The procedure for making amendments of this Ordinance shall be as follows:
 - A. Each petition for amendment by one or more owners of property shall be submitted to the Township Clerk who shall refer the same for recommendation to the Planning Commission and shall report the receipt of a requested zoning change to the Township Board at its next meeting.
 - B. If after initial consideration, the Planning Commission tentatively determines to recommend the requested zoning change to the Township Board, the Planning Commission shall hold the public hearing as required by law.
 - C. Notice of public hearings on any petition for amendment of this Ordinance which proposes to change Land Use Districts as shown on the zoning map within five hundred (500) feet of the boundary of adjacent townships or municipalities may be promoted.
 - D. The petition, if approved by the Planning Commission, shall be transmitted to the Lenawee County Planning Commission for further review and comment prior to its submission to the Township Board for final action. The Board shall take the recommendations and comments submitted by the planning commissions into consideration when it makes its decision.
 - E. Where an individual parcel of property has to be rezoned, notice of public hearing shall be given by the Township Clerk by first class mail to all property owners of property any part of which lies within five hundred (500) feet from the boundary of the property to be rezoned. Notice shall be addressed to the person whose name is shown as owner upon the tax rolls of the Township.

SECTION 21.13 - PERMITTED USE AFTER SPECIAL APPROVAL

1. General: This Ordinance is based on the division of Rollin Township into districts in each of which are permitted specific uses which are mutually compatible, including special uses as specified in each district. In addition to such permitted compatible uses however, other permitted uses after special approval may be necessary or desirable in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township of Rollin. Such uses, because of their peculiar location, need or nature of the service offered, may have to be established in a district in which they cannot be reasonably allowed as a permitted use or a special use.
2. Authority to Grant Permits: The Planning Commission shall have the authority to recommend to the Rollin Township Board to grant a permitted use after special approval permit, subject to the conditions of design, operation and safeguards as recommended by the

Planning Commission to the Township Board. If granted, the permitted use after special approval permit shall remain with the parcel or portion of a parcel for which it is granted until revoked by the Township Board.

3. **Application and Fee:** Application for any permitted use after special approval permit sought under the provisions of this Ordinance shall be made to the Planning Commission through the Rollin Township Clerk by completing a permitted use after special approval permit application form; submitting the required data, information and exhibits as determined by the Planning Commission; and depositing the fee established by the Township Board. No part of the fee shall be refundable. The application and all supporting documents shall be submitted to the Township Clerk in sufficient quantity, and the Clerk shall provide one copy each to the Township Supervisor, members of the Planning Commission, the Township Zoning Officer and the Clerk's file. The application will not be considered at the next scheduled Planning Commission meeting unless the documents are in the hands of the Planning Commission members fourteen (14) days prior to the said meeting.
4. **Consideration of the Application:** The Planning Commission shall consider the application at a regularly scheduled meeting and shall review the material submitted by the applicant. The Planning Commission may request more information or clarification of the information submitted by the applicant. The applicant shall submit the requested information in writing to the Township Clerk within fourteen (14) calendar days and in the same number of copies as the original, and the Clerk shall distribute the additional information as indicated above. Upon receipt of all requested information the Planning Commission shall set a hearing date.
5. **Notice and hearing:**
 - A. **Planning Commission:** Upon receipt of any application for a permitted use after special approval permit, the Planning Commission shall establish a public hearing and prepare a notice of that hearing. Notice shall be delivered in accordance with Section 21.14 of this Ordinance. The Planning Commission's recommendation may be Approval, Disapproval or Approval with conditions.
 - B. **Township Board:** Upon receipt of an application for a permitted use after special approval permit the Township Board may also establish a public hearing (which must be noticed in accordance with Section 21.14 of this Ordinance). The decision on a permitted use after special approval shall be incorporated in a statement containing the conclusions relative to the requested conditional land use which specifies the basis for the decision, and any conditions imposed.
 - C. **Standards for Decision:** Decisions regarding applications for a permitted use after special approval permit shall be consistent with and promote the intent and purpose of the Rollin Township Zoning Ordinance; shall insure that the land use or activity is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use; and, that the land use or activity is consistent with the public health, safety, and welfare of the township.

6. Granting of Permitted Use after Special Approval Permit: Upon final approval or final approval with conditions, the township board shall issue a permitted use after special approval permit to the applicant reflecting the conditions, if any. The Township Board shall issue a permitted use after special approval permit to the applicant, Clerk, zoning officer, and planning commission. The conditions imposed with respect to the approval of a conditional land use or activity may include conditions necessary to insure 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, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - A. Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity;
 - C. Be necessary to meet the intent and purpose of the Rollin Township Zoning Ordinance, be related to the standards established in the Ordinance for land use or activity under consideration, and be necessary to insure compliance with these standards. The conditions imposed with respect to the approval of a land use or activity shall remain unchanged except upon mutual consent of the Township Board and the landowner.
7. Voiding the Permitted Use after Special Approval Permit: Any permitted use after special approval permit granted under this Ordinance shall become null and void and the fees forfeited if any of the following conditions exist:
 - A. Construction and/or use has not commenced within ninety (90) days and completed within four hundred fifty five (455) days of the granting of the permit.
 - B. A violation of any requirement, condition, safeguard or increase in substantial use as reflected by a change in floor space, parking, traffic or land area used for the activity or use, in excess of twenty (20) percent shall constitute a violation of the permitted use after special approval permit and it shall be voided by the township board upon recommendation of the planning commission or zoning inspector.
8. Reapplying for a voided Permitted Use after Special Approval Permit: Application for the same permitted use after special approval permit that has been voided shall not be allowed for a period of three hundred sixty five (365) days following the action to void the permit by the township board.
9. Uses requiring a Permitted Use after Special Approval Permit: Permitted uses after special

approval are uses not specifically mentioned in a district as permitted uses, special uses or activities, or permitted uses after special approval. Such uses include, but are not limited to: quarries, sand and gravel pits, junk yards, salvage yards, drive-in operations for restaurants, banks, etc., day or overnight camping facilities, private clubs cluster development, assisted living facilities, nursing homes, correctional facilities, medical care facilities, airports, public golf courses, adult foster care facilities, parks, recreational facilities and public utility structures excluding communication towers.

10. Temporary Permitted Use after Special Approval Permit: Application for a temporary permitted use after special approval permit shall be made to the township clerk, and reviewed by the supervisor and the planning commission. A fee shall be set for a temporary permitted use after special approval permit by the Township Board.
11. Uses requiring a Temporary Permitted Use after Special Approval Permit: Any activity not normally conducted at site that is not a permitted use for that site's district and lasting longer than fourteen (14) consecutive days shall require a temporary permitted use after special approval permit. Those activities include, but are not limited to, the following: circuses, festivals, outdoor group gatherings for businesses or private clubs, music events, temporary camping, and outdoor promotional activities. Outdoor entertainment activities in which five (5) or more persons are expected to gather in one place shall be required to obtain a permit. Activities for which 200 or more persons are expected to gather in one place shall be required to obtain a permit under this provision. Activities excluded from requiring a permit, regardless of size include family gatherings, reunions, daily vacation Bible schools and other church activities, garage and yard sales, auctions, government activities and functions, private clubs and local nonprofit organizations.
12. Security bond: The township board may require a security bond to the benefit of the township of Rollin with any permitted use after special approval permit or temporary permitted use after special approval permit for the purpose that the site will be restored to a "before use condition" when the permit expires. Such bonds shall be required for all extractive operations, circuses, festivals or other activity for which there may be an environmental impact on public or contiguous private property. Bonds shall be sufficient to fund the restoration by the Township if the landowner or permit holder does not clean up or restore the property. The minimum security bond shall be set by the Township Board from time to time.

SECTION 21.14 - PUBLIC NOTIFICATION

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125 3101 *et seq.*), as amended, and the other provisions of this Section with regard to public notification.

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

2. Content: All mail, personal and newspaper notices for public hearings shall:
 - a. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 - c. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
3. Personal and Mailed Notice:
 - a. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 1. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 2. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Rollin Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure

- who shall be requested to post the notice at the primary entrance to the structure.
3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 21.15 (3), Registration to Receive Notice By Mail.
 4. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
- b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Rollin Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered. This list should be substantiated by a certificate of mailing from the Post Office.
4. Timing of Notice. Unless otherwise provided in the Michigan Zoning Enabling Act (PA. 110 of 2006, MCL 215.3101 *et seq.*), as amended,, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 - b. For any other public hearing required by this Ordinance: not less than five (5) days before said hearing.
 5. Registration to Receive Notice by Mail
 - a. Any neighborhood organization, public utility company, railroad or any other person may register with the Rollin Township Clerk to receive written notice of all applications for development approval pursuant to Section 21.15(3), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Rollin Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board.
 - b. The requesting party must provide the Rollin Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

SECTION 21.15 - ENFORCEMENT AND PENALTIES

- a. Authority to enforce this Ordinance is hereby given to the Zoning Administrator; the Rollin Township Supervisor in the Zoning Administrator's absence or in the event of a conflict of interest; or

any officer, agent, employee, or representative to whom such authority has been delegated by the Rollin Township Board of Trustees in the event of absence or conflict involving both.

- b. If violations of any provision of this Ordinance shall be found, a written notice, stating the nature of the violation, shall be sent by first class mail to the person or persons apparently guilty of the violation. This notice shall be deemed sufficient in the event of violation by a person to whom property within the Township is assessed for taxes, if sent to the address of that person as shown in the tax rolls. With respect to all other persons, this notice shall be deemed sufficient if sent to the last known address of said persons. Further, if the violation appears to be occurring upon private property within the system service area, a copy of said notice shall likewise be posted upon said property. The notice shall, in all cases, set forth a time limit (thirty days) during which all noted violations shall cease and be abated, and appropriate corrective action taken, and if the violator shall not thus comply the provisions of the following paragraph shall then apply.
- c. Any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of the provisions of this Ordinance or conditions of the Township Board adopted pursuant thereto will be treated in accordance with Section 23.03.

ARTICLE XXIIa
CONDITIONAL REZONINGS

SECTION 21a.01 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 Township Zoning Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

SECTION 21A.02 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 land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this 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 Zoning 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 ac-

tion 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.

SECTION 21A.03 PLANNING COMMISSION REVIEW

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 21 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.

SECTION 21A.04 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 for rezoning set forth in the Township's Zoning Plan. 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 of the Township Zoning Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board or proceed with or without the recommendation of the Planning Commission in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

SECTION 21A.05 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 Register of Deeds of Lenawee County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the 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 Lenawee County.
 - F. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon 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 Lenawee County. 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.

SECTION 21a.06 COMPLIANCE WITH CONDITIONS

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this 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.

SECTION 21A.07 TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the 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 zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

SECTION 21A.08 REVERSION OF ZONING

1. If approved, and development and/or use of the rezoned land does not occur within the time frame specified under Section 21a.07 above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2).
2. If the land is not used for a period of six months a conditionally rezoned, the land shall revert to its former zoning classification.

SECTION 21a.09 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 Section 21a.08 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 Lenawee County a notice that the Statement of Conditions is no longer in effect.

SECTION 21A.10 AMENDMENT OF CONDITIONS

1. During the time period for commencement of an approved development or use specified pursuant to Section 21a.07 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.

SECTION 21A.11 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 Township Zoning Act (MCL 125.3201 et seq.),

SECTION 21A.12 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.

ARTICLE XXII
BOARD OF APPEALS

SECTION 22.00 - CREATION OF ZONING BOARD OF APPEALS

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 *et seq.*), as amended, in such a way that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured and substantial justice done.

SECTION 22.01 - MEMBERSHIP OF THE ZONING BOARD OF APPEALS

1. The Zoning Board of Appeals shall consist of five (5) members.
2. The members of the Board of Appeals shall be appointed as follows:
 - A. The first member shall be a member of the Planning Commission.
 - B. The second member shall be a member of the Township Board, appointed by the Township Board, for the period of his or her term of office.
 - C. The third (3), fourth (4), and fifth (5) members shall be selected and appointed by the Township Board from among the qualified electors residing in the unincorporated areas of the Township. Members of the Zoning Board of Appeals shall serve staggered three-year terms. Up to two (2) alternate members may be appointed at the discretion of the Township Board.
 - D. Members of the Zoning Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing by the Township Board.

SECTION 22.02 - MEETING

All special meetings of the Zoning Board of Appeals shall be held at the call of the chairman, and regular meetings at such times as the Township Board may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

SECTION 22.03 - APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation or by an officer, department, board or bureau affected by a decision of the Zoning Officer. Such appeal shall be taken, within such time as shall be prescribed by the Township Board by resolution, by filing with the Zoning Officer a notice of appeal, specifying the ground for the appeal and by paying the fee established

by the Township Board for appeal. The Zoning Officer shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action was taken. The filing of a notice of appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer presents to the Zoning Board of Appeals, with a verified statement setting forth facts to support his opinion that a stay would cause imminent peril to life or property. In the event that the Zoning Officer files such a statement, the proceedings shall not be stayed other than by a restraining order which may be granted by the Circuit Court on application, on notice to the Zoning Officer and on due cause shown. The power or authority to alter or change the Zoning Ordinance or zoning map is reserved to the Township board, as is provided by law.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

SECTION 22.04 - NOTICE OF HEARING

Notice of the hearing of the appeal shall be given by the Township Clerk in accordance with applicable portions of Section 21.15 of this Ordinance.

SECTION 22.05 - POWERS OF ZONING BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES

The Zoning Board of Appeals as herein created, is a body of limited powers. The Zoning Board of Appeals shall have the following specific powers and duties:

1. Purpose: To hear and decide appeals where it is alleged there is an error of law in any order, requirement, decision or determination made by Township Officials in the enforcement of this Ordinance, and to hear and decide appeals where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.
2. Authorization: In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to grant such variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured, and substantial justice done, including the following:
 - A. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map after recommendation from the Planning Commission.
 - B. Permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any zoning district to a

greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

- C. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements, after recommendation from the Planning Commission.
 - D. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Zoning Board of Appeals determines that the same are necessary in order to render a decision, it may require the appellant to submit a topographical survey or the results of percolation test certified by a registered engineer or land surveyor.
3. Conditions: The Zoning Board of Appeals, by majority vote, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the Zoning Officer from whom the appeal is taken.

SECTION 22.06 - STANDARDS

In considering appeals for variances, the Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards so that the proposed variance or new land use:

- 1. Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district, subject to the following:
 - A. The existence of nonconforming dwellings, lots of record, structures, uses, or sites on neighboring lands in the same zoning district or other zoning districts shall not be considered grounds for a variance.
 - B. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant.

2. Literal interpretation of this Ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
3. Granting the variance requested would not confer upon the applicant any special privilege that is denied by the Ordinance to other lands, structures, or buildings in the same district.
4. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure. The Board of Appeals may consider lesser variances than that requested by an applicant.
5. The variance granted shall be in harmony with the intent of this Ordinance and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

SECTION 22.07 - ZONING BOARD OF APPEALS APPROVAL

The Zoning Board of Appeals may require the appellant to submit all necessary surveys, plans, or other information necessary for the Zoning Board of Appeals to investigate thoroughly the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

SECTION 22.08 - APPROVAL PERIODS

No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE XXIII

REPEAL, INTERPRETATION, SEVERABILITY, PENALTIES, RIGHTS AND REMEDIES, GENERAL RESPONSIBILITY, AND ENACTMENT AND EFFECTIVE DATE

SECTION 23.00 - REPEAL OF PRIOR ORDINANCES

The Zoning Ordinance previously adopted by Rollin Township, and all amendments thereto, are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinances and their amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 23.01 - INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance other than the above-described Zoning Ordinances, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 23.02 - SEVERABILITY

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

SECTION 23.03 - VIOLATION-PENALTY

Any person, firm or corporation, including but not by way of limitation, builders and contractors who shall violate, neglect, or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Zoning Board of Appeals or Township Board adopted pursuant thereto, on conviction thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) and costs of prosecution, or by being imprisoned in the county jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance, uses of land, and dwellings,

buildings, or structures, including tents, trailer coaches and manufactured homes, used, erected, altered, razed, or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, manufactured home, or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

SECTION 23.04 - RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 23.05 - GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and the Board is hereby empowered, in the name of Rollin Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the circuit court of Lenawee County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation. It is further provided that any person aggrieved or adversely affected by such a non-compliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

SECTION 23.06 - ENACTMENT AND EFFECTIVE DATE

The foregoing Zoning Ordinance and zoning map were adopted at a regular meeting of the Rollin Township Board, held at the Rollin Township Hall in said Township after approval of the same by the Rollin Township Planning Commission, following a public hearing on September 27, 1973. Said Ordinance was published in the "Bi-County Herald" newspaper having general circulation in Rollin Township, Lenawee County, Michigan, pursuant to the requirements of Act 191 of the Public Acts of Michigan for the year 1939, as amended. The Ordinance became effective thirty (30) days after the date of that publication. A major amendment of the foregoing Zoning Ordinance was adopted at a regular meeting of the Rollin Township Board on _____, _____, according to Section 21.12 and the procedure set forth in the Michigan Zoning Enabling Act (PA. 110 of 2006, MCL 125.3101, *et seq.*), as amended.