

Rome Township

Zoning Ordinance

April, 2012

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ZONING ORDINANCE - ROME TOWNSHIP LENAWEE COUNTY, MICHIGAN

AN ORDINANCE to establish zoning districts and provisions governing Rome Township, Lenawee County, Michigan, in accordance with the provisions of P.A. 110 of 2006; to provide for nonconforming uses, amendments, a Board of Appeals, and for the administration of the Ordinance.

ARTICLE ONE - PURPOSE AND LIMITATIONS

Section 1.05 TITLE

This Ordinance shall be known as the Rome Township Zoning Ordinance.

Section 1.10 PURPOSE

The fundamental purpose of this Ordinance is to promote the public health, safety, peace, morals, convenience and general welfare.

Section 1.15 SCOPE

Every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building, 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 building, structure, or lot is 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 this Ordinance. The adoption of this Ordinance shall not limit the construction of any building or structure for which a certificate of approval had 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 this Ordinance.

The lawful use of any buildings or structures and of any land or premise existing

prior to the effective date of this Ordinance may be continued. No non-conforming use of any building, structure or any land or premise shall be undertaken following the effective date of the Ordinance. Non-conforming uses may be extended by not more than twenty percent of the area utilized by such nonconforming use at the effective date of this Ordinance and one non-conforming use may be substituted in place of another non-conforming use if such substitution results in a use of the same or a more restricted classification under this Ordinance.

If the non-conforming use of any building, structure, land or premise is changed to a conforming use, such use shall not hereafter be reverted to any non-conforming use.

If the nonconforming use of any building, structure, land or premise, or part thereof, is abandoned for a continuous period of six (6) months, then any future use of said building, structure, land or premise shall conform in its entirety, to the provisions of this Ordinance. (eff. October 2, 1975)

When district boundaries shall hereafter be changed and the location of any non-conforming use be shifted to another kind of district, then said non-conforming use may be still continued subject to all other provisions of this section.

Section 1.20 CONFLICTING LAWS, ORDINANCES, REGULATIONS AND RESTRICTIONS

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements adopted for promoting the public health, morals, safety and general welfare. Whenever the requirements of this Ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, or with existing easements, covenants, or other agreements between parties, the requirements imposing the higher standards shall govern.

ARTICLE TWO - ZONING DISTRICTS

Section 2.05 CLASSIFICATION OF DISTRICTS

To achieve the purposes set forth in the Preamble, Rome Township is hereby divided into the following zoning districts:

- Agricultural District, AG
- Agricultural Estates, AE
- Residential District, R-1
- Residential District, R-2
- Residential District, RM-1
- Mobile Home Park Districts, RMH
- Local Commercial District, C-1
- General Commercial District, C-2
- Industrial Districts, I

Section 2.10 LOCATION OF DISTRICTS

The location of said zoning districts are bounded and defined on a map entitled "Official

Zoning Map, Rome Township, Lenawee County, Michigan", which is hereby made a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Clerk. Unless otherwise clearly indicated, the boundary lines of said districts shall be interpreted as following along section line or customary division lines of sections such as quarter and eighth lines, or the center lines of roads, highwaymen and waterways, or railroad right-of-way lines, or the boundary lines of recorded plats or subdivisions, or property lines existent on the date of enactment of this Ordinance and on record at the office of the County Register of Deeds, or the projection of any said lines. All questions concerning the exact location of any boundary line not clearly shown on the map shall be determined by the Zoning Board of Appeals on written request, consistent with the purpose of this Ordinance. (eff. August 7, 1975)

ARTICLE THREE - AGRICULTURAL DISTRICTS, AG

Section 3.05 PURPOSE

Although the predominant land uses in the Agricultural Districts, AG, are primarily agricultural in character, and it is the intent of this Ordinance to conserve this character, the provisions of this Article recognize the gradual increase in non-farm residence and other developments taking place in the District, and the desirability of both protecting existing developments and establishing desirable standards governing future developments. Since various property uses are generally accepted as compatible with agricultural and rural residential developments, if property integrated, the inclusion of such uses is provided by special approval.

The following provisions shall apply to all Agricultural District, AG:

Section 3.10 PROPERTY USES

Except as provided by Section 1.15, the use of all land and premises, and the erection and use of all buildings or structures shall hereafter be limited to the following:

A. Primary Uses (eff. October 2, 1975)

1. One-family dwellings
2. State-licensed residential facilities as defined in Section 15.135.
3. Farming or land areas of not less than five acres, including the raising, harvesting, or maintaining of, but not limited to, all field crops, fruit, dairy, poultry, pasture and domestic livestock, such as horses, cattle, goats, sheep or swine, including farm ponds and farm forestry.
4. Sale of agricultural products raised or grown on premises including roadside stands subject to documentation of all appropriate approvals shall be received from applicable state and county road agencies.
5. Plant nurseries and greenhouses
6. All accessory farm buildings and structures customarily utilized in any permitted farming operations,
7. Conservation and/or recreation, areas including forest preserves, game

refuges, nature reservations, hunt clubs, and similar areas of low intensity use.

8. Primary and secondary schools
9. Churches and related religious buildings and facilities customarily incidental thereto, but not including tents or other temporary structures.
10. Accessory buildings, structures and uses customarily incidental to any primary or approved uses which do not alter the primary character of the district.
11. Uses and structures similar in nature to the above permitted uses and structures.

B. Uses by Special Approval, as provided by Section 11.25: (eff. Oct, 2, 1975)

1. Hospitals, clinics, sanitarium, convalescent homes, and similar facilities for human care, but not including for the care of feeble-minded or of delinquent persons.
2. Veterinary services and hospitals, including kennels.
3. Migratory labor camps for use as temporary housing when limited to occupancy to the season the occupants are employed in planting, harvesting or processing crops or in other essential agriculturally-related activity, provided that no such facility shall be located less than one thousand (1,000) feet from any dwelling.
4. Golf courses, driving ranges, gun clubs.
5. Personal landing strips.
6. Cemeteries.
7. Community-center and publicly-owned buildings.
8. Agencies for sale of farm machinery, fertilizers and other farm supplies including repair shops.
9. Group or organized camps, camping grounds, and general or specialized resorts, travel trailer parks.

10. Riding academies and stables.
11. Sand and gravel pits, quarries.
12. Animal sales yards.
13. Sod farms.
14. Storage lot for unoccupied recreational vehicles (eff. December 1, 1977).
15. Home occupations/Cottage Industries as defined in Section 15.05.
16. Two-family dwellings
17. Single-family dwellings incorporating the minimum lot area, lot width and frontage requirements of the Agricultural Estates (AE) Zoning District as a Use by Special Approval in the Agricultural (AG) Zoning District.
18. Communication towers.

Section 3.15 MINIMUM LOT AREA: DWELLINGS

Every one-family dwelling hereafter erected shall be located on a lot or premises not less than two and one half (2-1/2) acres in area and having a lot width of not less than two hundred and sixty four (264) feet and having frontage on a public street. Except for site condominium developments, all lots shall have frontage on a public street. (Amended December 1, 1977)

For all other uses, the minimum lot area shall be five (5) acres with a minimum lot width of four hundred (400) feet.

Section 3.20 MINIMUM YARD REQUIREMENTS

A. Front Yards

The front line of every building hereafter erected shall be located not less than fifty (50) feet from the right-of-way highway line.

B. Side Yards (eff. August 7, 1975)

1. Dwellings - Every dwelling hereafter erected shall have side yards on each side not less than twenty-five (25) feet in width.

2. Buildings Other than Dwellings - Every building other than a dwelling hereafter erected shall have side yards on each side not less than twenty-five (25) feet in width.

C. Rear Yards

All buildings shall be set back a minimum of fifty (50) feet from the rear property line.

Section 3.25 MINIMUM FLOOR AREA: DWELLINGS

Every dwelling hereafter erected shall contain not less than nine hundred (900) square feet of floor area, outside measurement, exclusive of garages, breezeways, porches, or basements. (eff. September 24, 1996)

Section 3.30 MAXIMUM BUILDING HEIGHT

No building shall be constructed to a height greater than thirty-five (35) feet.

ARTICLE FOUR - AGRICULTURAL ESTATES DISTRICT, AE

Section 4.05 PURPOSE

The purpose of the Agricultural Estates (AE) District is to permit the development of those lands in rural areas that may be generally less suitable for agricultural purposes with uses and densities that preserve the rural nature of the area and discourage urban sprawl.

Section 4.10 PROPERTY USES

Except as provided by Section 1.15, the use of all land and premises, and the erection and use of all buildings or structures shall hereafter be limited to the following:

A. Primary Uses

1. One-family dwellings.
2. State-licensed residential facilities as defined in Section 15.135.
3. Churches and other buildings for religious worship and facilities customarily incidental thereto but not including tents or other temporary structures.
4. Government or community buildings.
5. Accessory uses or structures.
6. Essential services, but not including warehouses, depots, buildings or towers.

B. Uses by Special Approval, as provided by Section 11.25.

1. Clinics, convalescent homes and similar facilities for human care.
2. Veterinary services and hospitals including kennels.
3. Golf courses, country clubs, driving ranges, gun clubs.
4. Cemeteries.
5. Home occupations/Cottage Industries as defined in Section 15.05.

6. Two-family dwellings.
7. Public and private nursery schools or day care and primary and secondary schools.
8. General farming, farm dwellings, including nurseries and greenhouses provided hereafter that any parcel of land in such use shall not be less than five (5) acres in area and any building in which farm animals are kept shall be located not less than seventy-five (75) feet from every lot line. The term "general farming" shall include the keeping of not more than two (2) animals not generally considered a domestic household pet, such as horses, cows, sheep, goats, buffalo, llamas, pot-bellied pigs or other swine, ostriches or similar livestock or wildlife.
9. Bed and Breakfast Facility.
10. Cluster Development or Planned Unit Development.

Section 4.15 MINIMUM LOT AREA

Every building or use hereafter erected shall be located on a lot or premises not less than two and one-half (2/1/2) acres in area and having a lot width of not less than two hundred sixty-four (264) feet and having frontage on a public or private road. However, if certified for conventional on-site septic system by the Lenawee County Health Department, minimum lot area may be reduced to one (1) acre with a minimum lot width of two hundred twenty (220) feet and having frontage on a public street.

In the case of a cluster development, planned unit development, platted subdivision development or site condominium development proposed to be developed for a minimum of four (4) single family residential dwellings and approved for on-site septic disposal system by the Lenawee County Health Department, minimum lot width may be further reduced to one hundred sixty-five (165) feet and frontage may be located on a private street or road built to standards approved by the Township, recording of a private road maintenance agreement approved by the Township and subject to construction and performance bonds established by the Township. Any required open space established in such a development shall be perpetually maintained in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land.

Section 4.20 MINIMUM YARD REQUIREMENTS

A. Front Yards

The front line of every building hereafter erected shall be located not less than thirty-five (35) feet from the right-of-way highway line.

B. Side Yards

Dwellings - Every dwelling hereafter erected shall have side yards on each side not less than twenty-five (25) feet in width.

Buildings other than dwellings - Every building other than a dwelling hereafter erected shall have side yards on each side not less than twenty-five (25) feet in width.

C. Rear Yards

All buildings shall be set back a minimum of thirty-five (35) feet from the rear property line.

Section 4.25 MINIMUM FLOOR AREA: DWELLINGS

Every dwelling hereafter erected shall contain not less than nine hundred (900) square feet of floor area, outside measurement, exclusive of garages, breezeways, porches or basements.

Section 4.30 MAXIMUM BUILDING HEIGHT

No Building shall be constructed to a height greater than thirty-five (35) feet.

ARTICLE FIVE - RESIDENTIAL DISTRICTS, R

The following provisions shall apply to all Residential Districts, R:

Section 5.05 PURPOSE

The purpose of creating Residential Districts, R, is to provide areas primarily dedicated to residential use, with each dwelling located on an individual lot or premises adequate in size to limit spread of fires, and provide for safe water supplies and safe sewage disposal facilities, and set back from the public thoroughfare to provide safe exit from and entrance to the premises.

Each district is established in conformity with existing developments, including areas in which it appears desirable that such developments presently take place. Since certain property uses are generally accepted as compatible with residential developments, if properly integrated, the inclusion of such uses is provided by special approval.

Section 5.10 PROPERTY USES

Except as provided by Section 1.15 the use of all land and premises, and the erection and use of all buildings and structures shall hereafter be limited to the following:

A. Primary Uses (eff. October 2, 1975)

1. One-family dwellings.
2. State-licensed residential facilities as defined in Section 15.135.
3. Publicly-owned and operated parks, playgrounds, and recreational facilities, libraries, museums.
4. Primary and secondary schools.
5. Keeping of household pets, provided that no more than three (3) dogs of four (4) months of age shall be kept and provided further that no such animals shall include domestic animals such as horses, cattle, goats, sheep or swine. Poultry adequate to meet ordinary household food needs may be kept, provided they are suitably confined and enclosed, and maintained under good sanitary standards. No animals raised or maintained under good sanitary standards shall be operated on a

commercial basis, nor constitute a nuisance or health hazard to neighboring properties by reason of noise, odor, sanitary conditions, or trespass.

6. Accessory buildings, structures and uses customarily incidental to any primary or approved uses which do not alter the primary character of the district.
7. Uses and structures similar in nature to the above permitted uses and structures.

B. Uses by Special Approval, as provided by Section 11.25 (eff. Oct. 2, 1975)

1. Convalescent homes, adult foster care homes, hospitals, sanitariums, orphanages, housing for the elderly (as a planned development).
2. Nursery schools.
3. Cemeteries.
4. Churches and related religious buildings and facilities customarily incidental thereto, but not including tents or other temporary structures.
5. Golf courses.
6. Home occupations/Cottage Industries as defined in Section 15.05.

Section 5.15 MINIMUM LOT AREA (eff. August 7, 1975)

In the R-1, Residential District, every one-family and two-family dwelling hereafter erected shall be located on a lot or premises not less than one (1) acre in area and having a lot width of not less than one hundred fifty (150) feet and having frontage on a public or private road.

In the R-2, Residential District, every one-family dwelling hereafter erected shall be located on a lot or premises not less than thirty-thousand (30,000) square feet in area and having a lot width of not less than one hundred fifty (150) feet. Every two-family dwelling hereafter erected in the R-2, Residential District, shall be located on a lot or premises not less than one (1) acre in area and having a lot width of not less than one hundred fifty (150) feet.

Section 5.20 MINIMUM YARD REQUIREMENTS

A. Front Yards

The front line of every building hereafter erected shall be located not less than fifty (50) feet from the right-of-way line. All lots shall have frontage on a public or private road.

B. Side Yards

1. Dwellings - Every dwelling hereafter erected shall have side yards on each side not less than twenty-five (25) feet in width.
2. Principal Buildings Other Than Dwellings - Every principal building other than a dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width, provided that where a building exceeds sixteen (16) feet in height at the eave line the width of the side yards shall be increased one (1) foot for each one (1) foot in excess thereof up to a maximum of twenty-four (24) feet.

C. Rear Yards

The rear line of every building hereafter erected shall be located not closer than thirty-five (35) feet to the rear property line.

Section 5.25 MINIMUM FLOOR AREA: DWELLINGS

Every one-family dwelling hereafter erected shall contain not less than nine hundred (900) square feet of floor area, outside measurement, exclusive of garages, breezeways, porches and basements. Every two-family dwelling hereafter erected shall contain not less than one thousand eight hundred (1,800) square feet floor area outside measurement, exclusive of garages, porches, and basements. (eff. August 7, 1975)

In the case of two-story dwellings, single-family dwelling units shall have a minimum floor area of seven hundred and fifty (750) square feet on the ground floor, and two hundred and fifty (250) square feet on the second floor. Attached two-family structures shall have a minimum floor area of one thousand five hundred (1,500) square feet on the ground floor, and five hundred (500) square feet on the second floor.

Section 5.30 MAXIMUM BUILDING HEIGHT

No building shall be constructed to a height greater than thirty-five (35) feet.

ARTICLE SIX - MOBILE HOME PARK DISTRICTS, RMH (eff. June 5, 1975)

The following provisions shall apply in all Mobile Home Park Districts, RMH:

Section 6.05 PURPOSE (eff. June 5, 1975)

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

Section 6.10 PROPERTY USES (eff. June 5, 1975)

Except as provided in Section 1.15, the use of all land and premises, and the erection and use of all buildings or structures shall hereafter be limited to the following:

A. Primary Uses

1. Mobile Home Parks, subject to the requirements as established and regulated by Act 96 of the Public Acts of 1987, as amended.
2. Accessory uses and buildings customarily incidental to the above Primary Uses.

B. Uses by Special Approval, as provided by Section 11.25

1. Nursery schools, day nurseries, child care centers (not including dormitories).
2. Golf courses.

Section 6.15 SITE PLAN REVIEW (eff. June 5, 1975)

For all uses permitted in an RMH, Mobile Home Park District, a site plan shall be submitted to the Zoning Board for review and approval in accordance with the requirements of Section 11.35.

ARTICLE SEVEN - MULTIPLE-FAMILY RESIDENTIAL DISTRICT, RM-1

Section 7.05 PURPOSE

This district is intended to permit a high density of population and a high intensity of land use in those areas which are served by a central sanitary sewage system and which abut or are adjacent to such other uses, amenities, and facilities which support, complement or serve such a density and intensity.

Section 7.10 PROPERTY USES

Except as provided by Section 1.15 the use of all land and premises, and the erection of and use of all buildings and structures shall hereinafter be limited to the following:

- A. Primary Uses
 - 1. Multiple-family dwellings.
 - 2. Two-family dwellings.
 - 3. Churches and their customary auxiliary buildings and uses.
 - 4. Public/parochial schools, museums, public buildings, libraries, etc.
 - 5. Accessory buildings and uses as defined herein.
 - 6. Service facilities as defined herein but not including overhead transmission towers, storage yards, warehouses, or substations provided however that overhead transmission towers and substations both outdoor and enclosed may be permitted, if approved by the Township Board after public hearing thereon.
 - 7. State-licensed residential facilities as defined in Section 15.135.
 - 8. Uses and structures similar in nature to the above permitted uses and structures.
- B. Uses by Special Approval, as provided by Section 11.25:
 - 1. Planned-unit residential dwellings.

2. Detached single-family dwellings.
3. Convalescent or nursing homes, hospitals, sanitariums and orphanages.
4. Bed and breakfast.
5. Family or group day care home or child care center.

Section 7.15 LOT REQUIREMENTS

A. Lot Area and Lot Width.

1. The minimum lot or land area in an RM-1 District for multiple-family dwellings shall be one-half ($\frac{1}{2}$) acre for the first three (3) units, and five thousand (5,000) square feet for each additional unit. The minimum lot or land area for detached single-family dwellings in an RM-1 District shall be one-quarter ($\frac{1}{4}$) acre, one-third ($\frac{1}{3}$) acre for duplexes, and one-half ($\frac{1}{2}$) acre for all other uses.
2. The minimum lot width of any lot or land area in the RM-1 District shall be one hundred (100) feet.

B. Yards.

1. Front Yards: Every lot except corner lots shall have a front yard of not less than forty (40) feet in depth, provided however that corner lots shall have yards of not less than forty (40) feet on both street sides.
2. Side Yards: Side yards shall be provided as follows:
 - a. Dwellings - Every dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width.
 - b. Principal buildings other than dwellings - Every principal building other than a dwelling hereafter erected shall have side yards on each side not less than ten (10) feet in width, provided that where a building exceeds sixteen (16) feet in height at the eave line the width of the side yards shall be increased one (1) foot for each one (1) foot in excess thereof up to a maximum of twenty-four (24) feet.
3. Rear Yards: A rear yard of not less than thirty (30) feet shall be provided.

C. Maximum Coverage of Lot.

The combined area occupied by all buildings, structures and accessory buildings shall not exceed thirty-five (35%) percent of the area of the lot.

D. Minimum Usable Floor Area.

The following minimum useable floor area of dwelling units shall be provided for multiple-family dwellings:

| | |
|--------------------|-------------------|
| 2 bedrooms or less | 900 square feet |
| 3 bedrooms | 1,100 square feet |
| 4 bedrooms | 1,100 square feet |
| 5 bedrooms | 1,200 square feet |

E. Minimum Unobstructed Open Space.

A minimum area of open recreation space of three hundred (300) square feet per family shall be provided on each lot.

F. Height Restriction.

No building or structure, or part thereof, shall be erected or altered to a height exceeding 2 ½ stories or thirty-five (35) feet.

G. Distance Between Grouped Buildings.

In addition to the required setback lines provided elsewhere in this ordinance, in group dwellings (including semi-detached and multiple dwellings) the following minimum distances shall be required between each of said dwelling:

1. Where buildings are front-to-front or front-to-rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
2. Where buildings are side-to-side, one (1) times the height of the taller building but not less than thirty (30) feet.
3. Where buildings are front-to-side, rear-to-side, or rear-to-rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

H. Signs.

1. One (1) only non-illuminated sign will be permitted. Such sign shall not be larger in area than two hundred eighty-eight (288) square inches, indicating thereon the name of the proprietor and the nature of the home occupation conducted therein. Public charitable or religious institutions may have an announcement sign or bulletin board, not larger than twelve (12) square feet in area, placed not closer to the street property lines than twenty (20) feet.
2. No billboard, ground sign, advertising sign or signboard except as above shall be permitted in this District.

ARTICLE EIGHT – LOCAL COMMERCIAL DISTRICT, C-1

Section 8.05 PURPOSE

The local commercial district is intended to encompass the retail, service, and administrative establishments that form the local business district, and which provide retail convenience and comparison goods and personal and professional services for a neighborhood commercial area.

Section 8.10 PROPERTY USES

The use of all land and premises, and the erection and use of all buildings and structures hereafter be limited to the following:

A. Primary Uses

1. Retail stores and shops offering chiefly new merchandise, but not excluding antique shops.
2. Personal service shops, such as beauty parlors, barber shops, dressmaking, tailoring, shoe repair, pressing and the like.
3. Business and professional offices. Banks. Studios.
4. Radio and TV repair shops. Photo shops. Plumbing shops.
5. Eating and drinking establishments but not including drive-ins for food or drink.
6. Funeral homes.
7. Public buildings. Private assembly halls. Clubs.
8. Accessory buildings, structures and uses' customarily incidental to any primary or approved uses which do not alter the primary character of the district.
9. Uses and structures similar in nature to the above permitted uses and structures.

B. Uses by Special Approval as provided by Section 11.25:

1. Self-service laundries. Dry-cleaning establishments.

2. Indoor recreation establishments for bowling, tennis, handball, swimming pools, gymnasiums, and health clubs.
3. Drive-in food, drink and other drive-in establishments.
4. Veterinary services and hospitals, including kennels.
5. Commercial parking lots.
6. Wholesale commercial establishments.
7. Indoor sale of farm supplies: fertilizer, feed and other facilities.
8. Dance halls, nightclubs, and similar establishments.
9. Car washes.

Section 8.15 MINIMUM YARD REQUIREMENTS

A. Front Yards

The front line of every building hereafter erected shall be located not less than fifty (50) feet from the right-of-way line. All lots shall have frontage on a public or private road.

B. Side Yards

Every building hereafter erected shall provide side yards on each side not less than twenty-five (25) feet in width provided, that if side walls are of solid masonry construction without openings, no side yard shall be required, provided further, that if the premises abut premises zoned for or occupied by an existing dwelling, the abutting side yard shall be not less than twelve (12) feet in width.

C. Rear Yards

Every building hereafter erected shall be provided with a rear yard not less than twelve (12) feet in depth, which shall be maintained open and accessible at all times for firefighting facilities.

Section 8.20 MAXIMUM BUILDING HEIGHT

No building shall be constructed to a height greater than thirty-five (35) feet.

ARTICLE NINE - GENERAL COMMERCIAL DISTRICT (C-2)

Section 9.05 PURPOSE

The general commercial district is intended to encourage planned and integrated groupings of retail, service, and administrative establishments which will retail convenience and comparison goods and provide personal and professional services for the entire area and to accommodate commercial establishments which cannot be practically provided in a neighborhood commercial area.

Section 9.10 PROPERTY USES

The use of all land and premises, and the erection and use of all buildings and structures hereafter shall be limited to the following:

A. Primary Uses

1. Any use permitted in the Local Commercial District.
2. Business schools, including dance schools, music schools, and art schools.
3. Indoor retail sales establishments.
4. Indoor commercial amusement and recreation services, including theaters, bowling alleys, and roller and ice-skating rinks.
5. Eating and drinking establishments, but not including drive-in types.
6. Clubs and lodges.
7. Funeral homes.
8. Printing establishments.
9. Accessory uses or structures.
10. Essential services and structures of a non-industrial character.

B. Uses by Special Approval

1. Automobile service stations.

2. Hotels or motels.
3. Small animal clinics.
4. Drive-in business services.
5. Churches and other buildings for religious worship.
6. Government- or community-owned buildings, but not including schools.
7. Public Warehouses or Self Service Storage Facilities.
8. Communication Tower.
9. Commercial Open Recreational Vehicle Storage.
10. Marina.
11. Sales, rental, and service of motor vehicles, trailers, and boats.
12. Automobile repair garages.
13. Drive-in theaters.
14. Ambulance Service.

Section 9.15 MINIMUMUM YARD REQUIRMENTS

A. Front Yards

The front line of every building hereafter erected shall be located not less than fifty (50) feet from the right-of-way line. All lots shall have frontage on a public or private road.

B. Side Yards

Every building hereafter erected shall provide side yards on each side not less than twenty-five (25) feet in width provided, that if side walls are of solid masonry construction without openings, no side yard shall be required, provided further, that if the premises abut premises zoned for or occupied by an existing dwelling, the abutting side yard shall be not less than twelve (12 feet) in width.

C. Rear Yards

Every building hereafter erected shall be provided with a rear yard not less than twelve (12) feet in depth, which shall be maintained open and accessible at all times for firefighting facilities.

D. Maximum Building Height

No building shall be constructed to a height greater than thirty-five (35)

ARTICLE TEN - INDUSTRIAL DISTRICTS, I

Section 10.05 PURPOSE (eff. October 1, 1975)

The intent of this district is to permit certain industries which are of a light manufacturing character to locate in planned areas of the Township. So that such uses may be integrated with nearby land uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations so as to avoid adverse effects. Certain commercial uses which are desirable to service the employees and visitors of the district are permitted.

Section 10.10 PROPERTY USES (eff, October 2, 1975)

Except as provided by Section 1.15, the use of all land and premises, and the erection and use of all buildings or structures shall hereafter be limited to the following:

A. Primary Uses

Any of the following uses when the manufacturing compounding or processing is conducted entirely within a completely enclosed building. That portion of the land used for storage facilities for materials or equipment used in the manufacturing, Compounding, final product storage or processing shall be totally obscured by a six (6) foot wall and/or barrier of suitable material on those sides abutting any residential district.

1. Wholesale and Warehousing: 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 commodity the manufacture of which is permitted in this district; truck terminals.
2. Industrial Establishments:
 - a. The assembly, fabrication, manufacture, packaging or treatment of such products as 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.

b. The assembly, fabrication, manufacture or treatment of such products from 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 yarns.

c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tool; manufacturing of tools, dies, jigs, and fixtures; publishing, printing, or forming of box, carton, and cardboard products.

d. Laboratories - research or testing.

3. Public Utility Uses: Electric transformer station and substation; electric transmission towers; municipal buildings and uses; gas regulator and municipal utility pumping stations.

4. Retail and Service Establishments:

a. 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.

b. Truck tractor and trailer sales, rental and repair.

c. Veterinary services and hospitals, including kennels.

d. Automobile service stations.

5. Accessory buildings, structures and uses customarily incidental to any primary or approved uses which do not alter the primary character of the district.

6. Uses and structures similar in nature to the above permitted uses and structures.

B. Uses by Special Approval, as provided by Section 11.25:

1. Junk yards, with the following conditions:

- a. There shall be maintained a solid, unpierced approved fence or wall at least seven (7) feet in height, and not less than the height of the materials on the lot on which the junk yard shall be operated, shall be erected and maintained in good repair on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, unpierced material. In no event shall any materials included in this Ordinance's definition of "junk yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and solid, unpierced fence or wall located on said lot.
 - b. All traffic ingress or egress shall be on major streets as defined by P.A. 51 of 1951 (as amended) and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
 - c. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads and nuisance caused by wind-borne dust.
2. The excavation, mining, stock-piling or removal of sand and/or gravel 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.
 3. Processing plants in connection with the washing, grading, or other similar processing excavated materials.
 4. Stock piles of sand/or gravel as the produce of an excavation operation.
 5. Sleeping quarters of a watchman or caretaker as an accessory use.
 6. Communication towers.

Section 10.15 INDUSTRIAL PERFORMANCE STANDARDS

All uses in the Industrial District shall meet the Industrial Performance Standards of Section 11.40.

Section 10.20 MINIMUM LOT AREA (eff. October 2, 1975)

Every building or structure hereafter erected in the I, Industrial District shall be located on a lot or premises not less than one (1) acre in area and having a lot width of not less than 150 feet

Section 10.25 MINIMUM YARD REQUIREMENTS (eff. October 2, 1975)

A. Front Yards

The front line of every building or structure hereafter erected in the I, Industrial Districts, shall be located not less than fifty (50) feet from the right-of-way line.

B. Side Yards

Every building or structure hereafter erected in the I, Industrial Districts, shall have side yards on each side not less than twenty-five (25) feet in width, provided that where a building exceeds sixteen (16) feet in height at the eave line, the width of the side yards shall be increased one (1) foot in excess thereof, to a maximum height of twenty-four (24) feet.

C. Rear Yards

Every building or structure hereafter erected shall be provided with a rear yard of not less than fifty (50) feet which shall be maintained open and accessible at all times for firefighting facilities.

Section 10.30 MAXIMUM BUILDING HEIGHT

No building shall be constructed to a height greater than fifty (50) feet.

ARTICLE ELEVEN - SUPPLEMENTARY PROVISIONS

Section 11.05 SUPPLEMENTARY LAND & YARD REQUIREMENTS

A. Lots of Record

Every building hereafter erected shall be located on a lot or-parcel of land, the description of the boundaries of which is on record at the office of the County Register of Deeds, or, in case of a land contract, a description shall be on file with, and satisfactory to, the Zoning Administrator as adequate for identifying the location of the premises.

B. Lot Limitations

Except in site condominium developments, no more than one (1) dwelling shall be erected on any lot, and in conforming to land and yard requirements, no area shall be counted as accessory to more than one (1) dwelling.

C. Substandard Lots

If the width of any lot permitted for use as a dwelling is less than the required minimum, the width may be reduced no more than thirty-three and one-third (33 1/3) percent but shall be not less than one hundred (100) feet in frontage in any instance, except upon approval of the Zoning Board of Appeals.

D. Use of Yard Space

No yard encompassing a dwelling shall hereafter be used for the open-air storage, wrecking, parking, dismantling, otherwise of disused, discarded, or dismantled vehicles, machinery, apparatus, implements, furniture, appliances, junk or similar property. The provisions of Section 1.20 shall not apply in enforcement of this requirement.

E. Grading

No premises shall be so filled or graded as to discharge surface runoff on abutting premises in such manner as to cause ponding or surface accumulation of such runoff thereon.

F. Road and Highway Intersections

No structure, trees, shrubs or other plant material exceeding three (3) feet in height, except open fences through which there shall be clear vision, shall be erected, planted or maintained less than twenty-five (25) feet from the intersection of the right-of-way lines of any intersecting streets, roads or highways.

Section 11.10 NONCONFORMING USES

A Discontinuance (eff. July 5, 1973)

Any nonconforming use of land, building or structure which is discontinued through vacancy, lack of operation or otherwise for a period of more than six months shall be presumed to be abandonment of the nonconforming use, in the absence of clear and convincing evidence to the contrary, following which any further use thereof shall conform to this ordinance.

B Change

No nonconforming use shall be changed to other than a conforming use, nor shall any conforming use be reverted to a former nonconforming use after the use has been changed to a conforming use.

C Extension

Extension of a nonconforming use throughout a building or into a parcel of land incompletely occupied by such nonconforming use may be granted by the Zoning Board of Appeals when in accord with the provisions of Section 1.15, however, such expansion will be limited to property owned and of record at the time this Ordinance is adopted.

Section 11.15 NONCONFORMING BUILDINGS AND STRUCTURES

A Alterations (eff. July 5, 1973)

Where a lawful building or structure exists at the effective date of the adoption of this

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

1. No such nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, unless otherwise specified by the Board of Appeals.
2. Should such nonconforming building or structure or nonconforming portion of such building or structure be destroyed by any means to an extent of more than one hundred (100) percent of the State Equalized valuation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. Should such building or structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

B Repairs and Maintenance (eff. July 5, 1973)

1. On any nonconforming building or structure or portion of a building or structure containing a nonconforming use, including but not limited to nonconforming walls, fixtures, wiring, or plumbing, ordinary repairs may be made, provided that no such repair shall result in substantial change or enlargement of the nonconforming use.
2. If a nonconforming building or structure or portion of a building or structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical conditions, it shall not thereafter be restored, repaired, or rebuilt except in conformity with this Ordinance.
3. Nothing in this Ordinance shall be deemed to prevent the strengthening, repairing or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 11.20 WATER SUPPLIES AND SEWAGE DISPOSAL

Every building or structure hereafter erected or moved on any premises and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, and a method or system of sewage and waste disposal erected and maintained in accordance with the standards of material and installation recommended by the Lenawee County Health Department. Where soil conditions are inadequate to serve a safe septic tank system of sewage disposal, a special means shall be provided to safeguard health conditions. No Certificate of Approval for the erection and use of any buildings or structure intended or used for human occupancy shall be issued except upon written approval of the water supply system and sewage disposal system by the County Health Department, which approval shall be filed with the application for such Certificate. (Amended December 1, 1977).

Section 11.25 USES BY SPECIAL APPROVAL

A. General Requirements

Uses by special approval, where provided, shall be subject to the provisions of the zoning district wherein located in addition to the provisions of this section, to prevent conflict with or impairment of the primary uses thereof. Each such use shall be considered as an individual case.

B. Authority to Grant Permits

Subsequent to Planning Commission review and recommendation, the Rome Township Board, as hereinafter provided, shall have the authority to grant uses by special approval, subject to such conditions of design, operation, and safeguards as the Township Board and the Township Planning Commission may determine for all uses by special approval specified in the various district provisions of this Ordinance.

C. Application and Fee

Application for any use by special approval permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Rome Township Clerk by filing an official use by special approval application form; submitting a site plan in accordance with Section 11.35 and depositing the required fee as established by resolution of the Rome Township Board, except that no fee shall be required of any governmental body or agency. No part of such fee shall be returnable to the applicant.

D. Public Hearing

The Planning Commission shall hold a public hearing upon any application for a use by special approval in accordance with Section 12.15 of this ordinance.

E. Approval of Use by Special Approval

Upon review of the application and site plan in accordance with the standards established in Section 11.35, holding of public hearing in accordance with Section 12.15, and review of the requirements of other provisions of this Ordinance as they apply to the proposed use by special approval, the Planning Commission shall recommend approval, approval subject to conditions, or denial of the use by special approval permit within thirty (30) days following the public hearing. This time limit may be extended beyond the 30 day limit by the Planning Commission with good cause. At their next regularly scheduled meeting, or at a special meeting called before their next regularly scheduled meeting, the Township Board shall approve, approve with conditions, or deny, the application for use by special approval.

Upon approval of the use by special approval permit, a copy of the approved site plan shall be forwarded to the applicant, Clerk, Zoning Administrator, and Planning Commission along with full documentation regarding the findings of the review and approval or denial. In accordance with P.A. 110 of 2006, a statement of findings shall accompany the recommendation of the Planning Commission. The Zoning Administrator shall not issue a certificate of approval until he has received a copy of the approved site plan.

F. Voiding of Special Land Use Permit

Any use by special approval permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred seventy-five (575) days of the date of issuance. This period may be extended with the approval of the Planning Commission if extenuating circumstances exist that prevent compliance with the time table.

A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such use by special approval permit.

G. Specific Requirements

1. Written application addressed to the Planning Commission shall be made through the office of the Zoning Administrator, and shall include the following:
 - a. Name of applicant and owner of premises.
 - b. Legally recorded description of premises.
 - c. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation that the use may occasion.
 - d. Sketch drawn to approximate scale showing size of building or structure and location on premises.
 - e. Sewage and waste disposal and water supply facilities existent or proposed for installation.
 - f. Use of premises on all adjacent properties.
 - g. A statement by applicant appraising the effect of the proposed use on adjacent properties and the general development of the neighborhood.
2. The Board shall hold a public hearing upon the application. In reaching its determination, the Board shall consider the following, among other things: (eff. October 2, 1975)
 - a. Whether the sewage disposal facilities and water supply will be safe and adequate.
 - b. Whether the location, use, and the nature of the operation will be in conflict with the primary permitted uses of the district or neighborhood.
 - c. Whether the use will be more objectionable to adjacent and nearby properties than the operation of the primary uses of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste or sewage.
 - d. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

- e. Whether the use will create a major traffic problem or hazard.
- f. Whether the use is compatible with adjacent uses of land.
- g. Whether the use is consistent with, and promotes the intent and purpose of this ordinance.
- h. Whether the use is compatible with the natural environment.
- i. Whether the use is consistent with the capacities of public services and facilities affected by the proposed use.
- j. Whether the use protects the health, safety and welfare. (Eff. June 7, 1979)

Section 11.30 ESSENTIAL SERVICES

Essential services as hereinafter defined shall be permitted as authorized and regulated by law, it being the intention to exempt such services from the application of this Ordinance.

Section 11.35 SITE PLAN REVIEW (eff. October 2, 1975)

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 in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

A. Buildings, Structures and Uses Requiring Site Plan

The Zoning Administrator shall not issue a certificate of approval for the construction of the buildings and structures identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect. A site plan shall be required for the following buildings, structures and uses:

1. Any use for special approval including a PUD.

2. Any development in the Commercial or Industrial districts.
3. A multiple family building containing three (3) or more dwelling units.
4. More than one multiple family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
5. A mobile home park in accordance with the Mobile Home Commission Act.
6. An office building in any residential district.
7. Any gasoline service station abutting a residential district.

An intensive animal feeding operation in accordance with Generally Accepted Agricultural Management Practices.
8. Any site condominium development or subdivision plat.

B. Application and Fee for Site Plan Review

Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of Rome Township Board. As an integral part of said application, the applicant shall file seven (7) copies of the site plan along with any supporting data and exhibits.

C. Planning Commission Review of Site Plan

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall approve, approve with conditions, or disapprove such site plan, advising the applicant in writing via site plan certificate of its findings, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

D. Required Data for Site Plan

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

1. Every site plan submitted shall be drawn to a readable scale and shall include the following:
 - a. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 - b. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;
 - c. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 - d. The current zoning classifications on the subject property and all adjacent property.

2. Site plans submitted for the following uses shall be subject to the requirements of subsection 11.35 (D)(3).
 - a. The following special land uses:
 1. Quarries
 2. Travel trailer parks
 3. Mobile home parks
 4. Automobile service stations
 5. Hotels or motels
 6. Drive-in businesses
 7. Automobile repair garages
 8. Intensive animal feeding operation
 9. Planned Unit Development
 - b. A multiple family building containing three (3) or more dwelling units.
 - c. More than one multiple family building on a lot, parcel, or tract of land, or on a combination of lots under one ownership.
 - d. An office in any residential district.
 - e. Any gasoline service station abutting a residential district.

- f. Any development in the Commercial or Industrial districts.
3. Site plans submitted for the uses prescribed in Subsection 11.35 (D)(3) shall be submitted in accordance with the following requirements:
- 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 Zoning Board 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 the scale; north point; boundary dimensions; topography (at least two foot contour intervals): and natural features, such as, woods, lots, streams, rivers, lakes, drains, and similar features.
 - d. The site plan shall show existing man-made features, such as buildings; 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, 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 residential development shall include a density schedule showing the number of dwelling units per net acres, including a dwelling schedule showing the unit type and number of each unit type.
 - f. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, 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. All elevations shown on site plans shall be referenced to the U.S.G.S. datum.

4. All drawings and specifications for site improvements, and revisions thereto, shall be signed by a licensed professional engineer or architect and "as-built" drawings must also be signed by such an individual.

E. Standards for Site Plan Review

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Further, in consideration of such site plan, the Planning Commission shall find that provisions of this Ordinance, as well as the provisions of the zoning district in which said buildings, structures, and uses as indicated in the proposed site plan have been satisfactorily met by the applicant. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance. A site plan shall be approved if it contains the required information and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes. In addition, each of the following standards shall apply:

1. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The use shall not inappropriately change the essential character of the surrounding area.
3. The use shall not interfere with the general enjoyment of adjacent property.
4. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
5. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health,

safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.

6. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
7. The use shall not place demands on public services and facilities in excess of current capacity.
8. The use shall be consistent with the intent and purpose of this Ordinance.

F. Approval of Site Plan

Upon the Zoning Board approval of a site plan, the applicant shall file with the Clerk four (4) copies thereof. The Clerk shall, within ten (10) days, transmit to the Zoning Administrator one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined. If the site plan is disapproved by the Zoning Board, notification of such disapproval shall be given to the applicant within ten (10) days after such action. The Zoning Administrator shall not issue a certificate of approval and building permit until he has received a certified approved site plan. The site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a revision is approved and completed in compliance with this Ordinance.

G. Expiration of Site Plan Certificate

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Zoning Administrator has issued a certificate of approval for any proposed work authorized under a said site plan certificate.

H. Amendment, Revision of Site Plan

1. A site plan and site plan certificate, issued thereon, may be amended by the Zoning Board upon the request of the applicant. Such amendment shall be made in accordance with provisions set forth in this Ordinance.
2. Site plans amended in order to be brought into compliance with the requirements of governmental agencies of authority, other than Rome

Township, are subject to the provisions of this Section.

3. The Zoning Board shall have the authority to determine if a proposed change is substantive and therefore requires an amendment to the approved site plan.

I. Modification During Construction

Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Township Building Inspector shall not invalidate prior site plan approval.

J. Phasing of Development

Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures, roadways, drainage, utility lines, etc.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

K. Inspection

All sub-grade improvements such as utilities, sub-base and base installations for drives and parking lots, and similar improvements shall be inspected by the Building Inspector and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Township Board, the Building Inspector and the Planning Commission in writing, when a development for which a site plan was approved has passed inspection with respect to the approved site plan. The Zoning Administrator

shall notify the Building Inspector, the Township Board, and the Planning Commission, in writing, of any development for which a site plan was approved which does not pass inspection with respect to the approved site plan, and shall advise the Township Board and Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board and Planning Commission of progress towards compliance with the approved site plan, and when compliance is achieved.

L. Performance Guarantees

1. The Township may require that a guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond covering the estimated cost of improvements, be deposited with the Township Clerk. The guarantee shall be provided after a site plan is approved but prior to issuance of a certificate of approval for the property involved.

The guarantee shall cover site improvements as shown on the approved site plan, which will not be completed prior to issuance of a building permit. No certificate of occupancy shall be issued for any building constructed within area shown on the approved site plan until all site improvements have been completed, inspected and approved by the Township Engineer or other agent or employee of the Township, authorized to inspect and approve site improvements for compliance with the approved site plan and with all applicable laws and ordinances. Site improvements shall mean street and drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities and any other site improvements that may be unique to the development as determined by the Planning Commission.

2. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to amount by the Township Engineer. The form of the guarantee shall be approved by the Township Attorney.
3. If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township Board shall be entitled to enter upon the site and complete the improvements. The Township Board may defray the cost thereof from the deposited security or may require performance by the bonding company.
4. If a cash deposit or irrevocable bank letter of credit is used, rebate to the applicant shall be made in a reasonable proportion of the work completed

to the entire project as determined by the Township Engineer.

5. The Zoning Administrator may refuse to issue a certificate of approval until compliance with the approved site plan is achieved, or until adequate security is deposited as provided herein. Whenever required in a zoning district of this Ordinance, a site plan must be submitted to the Planning Commission showing all buildings, parking areas, and landscaping at a scale sufficient to permit study of all elements of the plan. Typical elevations and floor plans of the building must also be provided. In addition, the proposed site plan of the development shall show all adjacent properties, including existing buildings, located within two hundred (200) feet of the proposed site in the same block. The plans shall meet the required standards and design and indicate no adverse effects which cause injury to adjoining property or the Township as a whole. Plans so approved shall regulate the development on said premises, unless modified in the same manner as the plans were originally approved. Such review is necessary to secure proper relationships between parking areas, access drives, abutting public thoroughfares, landscaping, building, siting, and open space.

M. Statement of Environmental Impact

At the discretion of the Planning Commission, a statement of environmental impact may be required. This statement shall address itself to the probable impact the proposed development would have on the immediate environment and the community. It shall include data relating to any of the following points as considered appropriate by the Planning Commission:

1. Attendance at public schools;
2. Increases in vehicular traffic;
3. Changes in the number of legal residents;
4. Increases in municipal service costs;
5. Load on public utilities or future demands for them;
6. Public safety;
7. Changes in tax revenues;
8. Changes in surface drainage;

9. Increased consumption of ground water;
10. Increased refuse disposal;
11. Pollution of water or air;
12. Land erosion or loss of tree cover;
13. Disturbance to other aspects of the natural ecology;
14. Blocking of views;
15. Harmony with the character of surrounding development.

Section 11.40 INDUSTRIAL PERFORMANCE STANDARDS (eff. October 2, 1975)

Any use established or changed to, and any buildings, structure, or tract of 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.

Any use established in the I, Industrial Districts, 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 measures herein established which are hereby determined to be the maximum permissible hazard to humans or human activity.

- A. Hot forgings, steam, or board hammers - not permitted.
- B. 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 125 cycles per second.

- C. 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 all applicable State and County health laws as pertaining to air pollution and smoke abatement.
- D. Glare and heat: 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.
- E. 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 storage tanks of flammable, corrosive or otherwise hazardous liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.
- F. 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 10 cycles per second.

Section 11.45 SIGNS (eff. October 2, 1975)

All signs erected in any zoning district shall comply with the following regulations:

A. Signs, General

- 1. A building permit shall be required for the erection, construction or alteration of any sign, except as hereinafter provided, and all such signs shall be approved by the Building Inspector as to their conforming to the requirements of the zoning district wherein said sign or signs are to be located and the requirements of this section.
- 2. There shall be no flashing, oscillating or intermittent, red, blue or green illumination on any sign located in the same line of vision as a traffic control system, nor interference with vision clearance along any highway, street, or road at any intersection of two or more streets. All

illuminated signs shall be so placed as to prevent the rays and illumination there from being cast upon neighboring residences within a residential district and shall be located not less than one hundred (100) feet from such residential district.

3. No sign, except those placed and maintained by the Township, County or State shall be located in, overhead or encroach upon any public right-of-way.
4. Signs advertising real estate for sale, rent or lease are permitted in all districts when located on the building or land intended to be sold, rented or leased, provided they are used only during the construction of a building or buildings or the offering for sale, rent or lease of real estate. Temporary subdivision signs not exceeding one hundred (100) square feet in area may be permitted subject to their approval by the Zoning Board for a twelve (12) month period, subject to renewal, providing such signs conform to the conditions established by said Zoning Board to secure harmony with this Ordinance and there are building or home sales continuing in the subdivision being advertised.
5. No building permit shall be required for a sign described above, provided said sign is not larger than sixteen (16) square feet in area.

B. Signs in Agricultural and Residential districts are permitted as follows:

1. For each dwelling unit, one name plate sign displaying the street name and number and name of occupant, not exceeding one (1) square foot in area.
2. For permitted principal uses other than dwellings and for uses permitted after special approval, one bulletin or announcement board not exceeding thirty-two (32) square feet in area. No sign so permitted shall be located nearer to the front lot line than one-half the required front yard setback nor nearer the side lot line than the required side yard setback.
3. No sign shall be illuminated by other than continuous indirect white light, nor shall contain any visible moving parts.
4. A sign not over fifteen (15) square feet in area advertising the sale, rental or lease of the premises.

C. Signs in Commercial and Industrial districts are permitted as follows:

1. One on-site sign may be affixed flat against the wall of the building, or may project there from not more than forty-eight (48) inches. The total sign area shall not exceed one-half (1/2) square foot for each foot in length or height of the wall, whichever is greater.
2. One on-site freestanding 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. Freestanding signs are required to conform to the height maximum of the zoning district in which they are located.
3. One on-site freestanding identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) 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. Freestanding signs are required to conform to the height maximum of the zoning district in which they are located.

D. Off-Site Signs shall be regulated as follows:

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Industrial District under the following conditions:

1. 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.
2. Where two (2) or more off-site signs are along the frontage of a single street or highway, they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
3. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.
4. No off-site sign shall be erected on the roof of any building, nor have one

sign above another sign.

5. Off-site signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

E. Signs for Automobile Service Stations shall be regulated as follows:

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted 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.

SECTION 11.50 OUTDOOR STORAGE OF MATERIALS

A. The outdoor storage or parking of operable recreational vehicles such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks, and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than seventy-two (72) hours in all districts, except where expressly permitted by other provisions of this Ordinance, unless the following minimum conditions are met:

1. All such vehicles or equipment shall be placed behind the front face of the principal building.
2. Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.
3. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas.

B. The location or storage of abandoned, discarded, unused, unusable, or inoperative vehicles, appliances, furniture, equipment, or material shall be regulated as follows:

1. On any lot in any agricultural district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
2. On any lot in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials 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 a residential district, except that the parking of vehicles with currently valid registration plates on a driveway located on private property shall not be prohibited.
4. In any Mobile Home Residential District (MH-I), in conjunction with an established Mobile Home Park or Mobile Home Subdivision, temporary storage of materials and equipment, including unused mobile home (manufactured housing) units but excluding vehicles, may be located and stored within an area surrounded by a fence or wall at least six (6) feet in height and screened from view of neighboring properties and public roadways by means of a buffer of appropriate plantings and/or landscaping, and located not closer than one hundred (100) feet to any lot line.

FOR PURPOSES OF THIS SECTION THE FOLLOWING DEFINITIONS SHALL APPLY:

Motor vehicles are hereby defined as any wheeled vehicles that are self-propelled or intended to be self-propelled.

Inoperable motor vehicles are defined as motor vehicles that by reason of dismantling, lack of repair, or other cause are incapable of being propelled under their own power, including but not limited to any motor vehicle, watercraft, trailer or other item required to be registered for transport on a public street, road or highway in the State of Michigan that does not have currently valid registration plates issued under the laws of this or another state pertaining to the registration of motor vehicles, watercraft, trailers or other items of public transport.

Dismantled or partially dismantled motor vehicles are defined as motor vehicles, watercraft, trailers or other items required to be registered for transport on a public street, road or highway in the State of Michigan from which some part or parts that are ordinarily a component of such motor vehicle, watercraft, trailer or other item of transport has been removed or is missing.

**Section 11.55 OFF - STREET PARKING AND LOADING REQUIREMENTS
(eff. October 2, 1975)**

A. Parking Requirements

in all zoning districts, off-street parking facilities for the storage and parking of self-

propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

1. Area for Parking Space. For the purpose of this section three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.
2. Fractional Requirements. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including one-half shall be disregarded and

- fractions over one-half shall require one (1) parking space.
3. Location of Parking Space for One and Two-Family Dwellings. The off-street parking facilities required for one and two family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
 4. Location of Parking Space for Other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In the Industrial District, the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.
 5. Seating Capacity of Seats. Seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
 6. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.
 7. Existing Off-Street Parking at Effective Date of Ordinance. Off-street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.
 8. Collective Provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table under Section 11.55 (B).
 9. General Use Conditions. Except when land is used as a storage space in connection with the business of a repair or service garage or in long-term parking facilities, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking

space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or a nuisance in such areas.

10. Restriction on Parking on Private Property. It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use of said private property for vehicle storage, or use any portion of any private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessee, agent or trustee of such property.

11. Joint Use. Parking spaces already provided to meet off-street parking requirements for theater, stadium, auditoriums, and other places of public assembly, stores, office buildings and industrial establishments, lying within five hundred (500) feet of a church as measured along lines of public access, and that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking, may be used to meet not more than fifty (50) percent of the off-street parking requirements of a church.

B. Table of Off-Street Parking Requirements

The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this Section.

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|---|---|
| 1 Residential | |
| a. Residential, one-family and two-family | Two(2) for each dwelling |
| b. Residential, multiple-family | Two(2) for each dwelling unit |
| c. Housing for the elderly | One (1) for each two (2) units, and one (1) for each employee. Should units |

revert to general occupancy, then two (2) spaces per unit shall be provided.

- d. Trailer park and mobile home courts Two (2) for each trailer on mobile home site and one (1) for each employee of the trailer of mobile court. Plus one (1) for every four (4) sites adjacent to the recreation area.

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|---|--|
| e. Boarding house | One (1) for each sleeping room. |
| 2. Institutional and Large Gathering | |
| a. Churches, temples, synagogues | One (1) for each three (3) seats in the main unit of worship |
| b. Homes for the aged and convalescent homes | One (1) per six hundred (600) square feet gross floor area. |
| c. Elementary and junior high schools | One (1) for each one (1) teacher and administrator, in addition to the requirements of the auditorium |
| d. Senior high schools | One (1) for each one (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium. |
| e. Private clubs or lodge halls | One (1) for each three (3) persons allowed within the maximum occupancy load established by local, county, or state, fire building, or health codes. |
| f. Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses | One (1) for each two (2) member families or individuals. |
| g. Golf courses open to the general public, | Six (6) for each one (1) golf hole, one (1) for each employee. |

- except miniature or “par-3” courses
- h. Stadium, sports arena, speedway or similar place One (1) for each four (4) seats plus one (1) for each two (2) employees.
- i. Theaters and auditoriums (indoor) One (1) per each four (4) seats plus one (1) for each two (2) employees.
- j. Theaters (drive-in) One (1) per each vehicle plus a ten (10) percent reservoir of the total vehicle capacity.

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|--|--|
| 3. Business and Commercial | |
| a. Amusement parks and establishments | One (10 for each one hundred (100) feet of gross floor or lot area. |
| b. Auto Wash | One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity. |
| c. Beauty parlor or barber shop | Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair. |
| d. Bowling alleys | Five (5) for each one (1) bowling lane. |
| e. Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and | One (1) for each three (3) seats. |

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|---|--|
| assembly halls without fixed seats | |
| f. Drive-in establishments | One (1) for each forty (40) square feet of gross floor area, with a minimum of twenty-five (25) parking spaces. |
| g. Establishments for sale and consumption on the premises of beverages, food or refreshments | One (1) for each seventy-five (75) square feet of gross floor area. |
| h. Carry-out restaurant | One (1) for each one hundred and fifty (150) square feet of gross floor area. |
| i. Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician or similar trade, similar uses | One (1) for each one thousand (1,000) square feet of gross floor area. (For that floor area used in processing, one (1) each additional space shall be provided for each two (2) persons employed therein. |
| j. Automobile services stations | Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump. |
| k. Laundromats and coin operated dry cleaners | One (1) for each two (2) washing machines. |
| l. Miniature or "par-3" golf courses | Three (3) for each one (1) hole plus one (1) for each one (1) employee. |
| m. Mortuary establishments | One (1) for each one hundred (100) square feet of gross floor area. |
| n. Motel, hotel or other commercial lodging establishments | One (1) for each one (1) occupancy unit plus (1) for each one (1) employee, plus extra spaces for dining rooms, ball rooms, or meeting rooms. |
| o. Motor vehicles sales and service | One (1) for each four hundred (400) |

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|--|--|
| establishments, trailer sales and rental, boat showrooms | square feet of gross floor area of sales room. |
| p. Open air businesses | One (1) for each seven hundred (700) square feet of lot area. |
| q. Retail stores except as otherwise defined herein | One (1) for each two hundred (200) square feet or gross floor area. |
| r. Riding Stables or academies | Three (3) for each employee. |
| 4. Office | |
| a. Banks | One (1) for each two hundred (200) square feet of gross floor area. |
| b. Drive-in banks | Waiting space equivalent to six (6) spaces for each drive-in window. |
| c. Business offices or professional offices except as indicated in the following item. | One (1) for each four hundred (400) square feet of gross floor area. |
| d. Medical or dental clinics, professional offices of doctors, dentists or similar professions | One (1) for each two hundred (200) square feet of gross floor area. |
| 5. Industrial | |
| a. Industrial or research establishments | Five (5) plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction. |
| b. Wholesale establishments | Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every two thousand |

| USE | NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE |
|-----|--|
| | (2,000) square feet of gross floor are whichever is greater. |

C. Off-Street Loading Requirements

On the same premises with every building structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale, market, hotel, restaurant, hospital, convalescent home, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt of distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by fifty (50) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule:

| GROSS FLOOR AREA IN SQUARE FEET | REQUIRED IN TERMS OF SQUARE FEET OF GROSS FLOOR AREA |
|---------------------------------|--|
| 0-2,000 | None |
| 2,000-20,000 | One space |
| 20,000-100,000 | One space plus one space for each 20,000 square feet in excess of 100,00 square feet |

D. Off-Street Parking Construction and Operation

Wherever the off-street parking requirements above require the building of an off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards land regulations:

1. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted to the Building Inspector and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.

- Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements.

| Parking Pattern | Maneuvering Lane Width | Parking Space Width | Parking Space Length | Total Width of One Tier of Spaces Plus Maneuvering Lane | Total Width of Two Tiers of Spaces Plus Maneuvering Lane |
|----------------------|------------------------|---------------------|----------------------|---|--|
| 0°(parallel parking) | 12 feet | 8 feet | 23 feet | 20 feet | 28 feet |
| 30° to 53° | 12 feet | 9 feet | 20 feet | 32 feet | 52 feet |
| 54° to 74° | 18 feet | 9 feet | 21 feet | 39 feet | 60 feet |
| 75° to 90° | 25 feet | 9 feet | 19 feet | 44 feet | 63 feet |

- All such parking lots shall be dust free and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- All illumination for or on such parking lots shall be deflected away from adjacent residential areas and shall be installed in such a manner as to allow the reduction of the amount of light in other than normal parking hours each day. The source of illumination in all parking lots abutting a residential area shall not be more than thirteen (13) feet above the parking lot surface.
- Side yards shall be maintained in all districts for a space of not less than six (6) feet between the side lot lines of adjoining lots and the parking area.
- Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles.
- Wheel chocks shall be provided, so located as to prevent any vehicle from projecting over the lot line.
- Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential zone district or institutional premises, by a screening or evergreen hedge or other material approved by the Planning Commission.

9. All required parking areas shall be paved with concrete or bituminous material in accordance with plans approved by the Building Inspector. Paving of parking areas may be phased with the approval of the Township Board. All parking paving shall be complete within a period of 12 months after site plan approval.

Section 11.60 SWIMMING POOLS (eff. October 2, 1975)

All permanent 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 plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures deemed necessary by the Building Inspector.
2. Pool Location. Minimum side yard setback shall comply with the requirements in the district in which the pool is located. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the outside wall of the pool and the rear property line or less than the established easement width at the rear property line or less than four (4) feet between the pool wall and any building on the lot.

Section 11.65 TEMPORARY MOBILE HOME PERMITS

Except as otherwise provided in the Rome Township Zoning Ordinance as amended, the Township may issue a temporary permit to maintain a mobile home in the agricultural or residential or commercial zones under the following circumstances only:

1. When an existing residence has been damaged or destroyed by fire, windstorm, flood, explosion, vandalism or other such disaster and the residents of said premises have applied for and obtained all necessary local and state permits to repair or rebuild.
2. Then the property owner may have a permit to maintain a mobile home on a temporary basis for a period not to exceed 18 months and after 18 months the permit shall not be extended and the mobile home must be removed at the owner's expense. The temporary permit may be extended for a period not to exceed one (1) year with the permission of the Zoning Board of Appeals.

3. Fees for such permits shall be established from time to time by the Township Board.
4. Violation of this provision shall be a misdemeanor with penalties as set out in Section 14.15 of the Ordinance, as amended.
5. The Township, in its discretion may enforce this section by seeking civil relief in the Circuit Court.

Section 11.70 SITE CONDOMINIUMS

A. Purpose

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plats must be approved by the Rome Township Zoning Board. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

B. Definitions

The following definitions shall apply in the construction and application of this section:

1. Area Line

Front Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.

Rear Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.

Side Yard Area Line - A line located at the outer edge of a limited common area associated with a particular building envelope. The side yard area lines are those area lines which are neither front nor rear yard area lines.

2. Building Envelope - The principal structure intended for a building site, together with any attached accessory structures, e.g. in a residential development, the building envelope would refer to the house and any

attached garage.

3. 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.
4. Condominium Plan - The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.
5. Condominium Unit - The portion of a condominium project designed and Intended for separate ownership and use, as described in the master deed.
6. Contractible Condominium - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
7. Convertible Condominium - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
8. Expandable Condominium - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. Lot - The same as "Condominium Lot".
10. Master Deed - The condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved by-laws for the project and the approved condominium subdivision plan for the project.
11. Setback:

Front Yard Setback - The distance between the front yard area line and the nearest portion of the condominium dwelling.

Rear Yard Setback - The distance between the rear yard area line and the nearest portion of the condominium dwelling.

Side Yard Setback - The distance between the side yard area line and the nearest portion of the condominium dwelling.

C. Condominium Plans - Requires Contents

1. All condominium plans shall include the information required by Section 66 of the

Condominium Act and the following:

- a. A survey plan of the condominium subdivision.
- b. A flood plain plan, when appropriate.
- c. A site plan showing the location, size, shape, area and width of all condominium units.
- d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to Rome Township for installation, repair and maintenance of all utilities.
- e. A street construction, paving and maintenance plan for all private roads within the proposed condominium subdivision.
- f. A storm drainage and storm water management plan, including all lines, swales, basins, and other facilities.

2. Easements for Utilities

The condominium plan shall include all necessary easements granted to Rome Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

3. Private Roads

If a condominium development is proposed to have private roads, they shall be constructed in accordance with the standards in Section 11.85 of this ordinance.

4. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by-laws and recorded as part of the master deed.

5. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by-laws and recorded as part of the master deed.

6. Subdivision of Condominium Units

All individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the by-laws and recorded as part of the master deed.

7. Condominium Subdivision Layout, Design and Approval

All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; design layout and improvements standards of Section 7.09 (Site Plan Review and Approval) of the Rome Township Zoning Ordinance. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with Rome Township if required by the Township Board to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.

D. Condominium Subdivision Approval – Additional Regulations

The following regulations shall apply to all condominium projects within Rome Township:

1. Initial Information

Concurrently with notice required to be given Rome Township pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation

intending to develop a condominium project shall provide the following information with respect to the project:

a The name, address and telephone number of:

1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example; fee owner, optionee, or land contract vendee).
2. All engineers, attorneys, architects or registered land surveyors associated with the project.
3. The developer or proprietor of the condominium project.

b. The legal description of the land on which the condominium project will be developed together with the appropriate tax identification numbers.

c. The acreage content of the land on which the condominium project will be developed.

d. The purpose of the project (for example; residential, commercial, industrial, etc.).

e. Approximate number of condominium units to be developed in the subject parcel.

2. Information to be Kept Current

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Rome Township Zoning Ordinance.

3. Site Plans - New Projects, Master Deed and Engineering and Inspections

Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (MCL 559, 108), the condominium project shall undergo site review and approval pursuant to Section 11.35 of the Rome Township Zoning Ordinance. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy.

4. Site Plans - Expandable or Convertible Projects

Prior to expansion or conversion of a condominium project to additional land the new phase of the project shall undergo site plan review and approval pursuant to Section 7.09 of the Rome Township Zoning Ordinance.

5. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished

The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey". The "as built survey" shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for this review shall be established by resolution of the Township Board.

6. Monuments Required - Site Condominium Projects

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection:

- a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project, if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- b. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
- c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the

intersection of the lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.

- d. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- f. All required monuments shall be placed flush with the final ground elevation where practicable.
- g. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter or other approved markers.
- h. The Rome Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit turning to Rome Township, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

7. Monuments Required - All Condominium Projects

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section 11.70(D) (6), above.

8. State and County Approval

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the

fresh water system for the proposed project and with regard to the waste water disposal system for the proposed project.

9. Temporary Occupancy

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to Rome Township.

10. Single Family Detached Condominiums

Single family detached condominiums shall be subject to all requirements and standards of the applicable Zoning Districts including minimum floor area requirements and minimum lot size. Densities shall not exceed those normally found in the zoning district in which the development is to occur.

There shall be maintained a minimum distance of seventy (70) feet from the center of one (1) residential dwelling unit to the center of another residential dwelling unit. This seventy (70) foot requirement shall be computed along the front building line. In addition, building envelopes shall be depicted on the site plan to assure that the minimum twenty-five (25) foot front yard, thirty-five (35) foot rear yard, and eight (8) foot side yard can be met. This distance shall be measured from the outside limits of a building envelope to the outside limits of its constituent limited common area.

11. Multiple Family, Commercial and Industrial Condominiums

Two-family, multiple-family, commercial and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.

12. Site Plan

After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish to the Township a copy of the site plan on a

photographic hard copy, laminated photostatic copy or mylar sheet of at least twelve by sixteen (12 x 16) inches with an image not to exceed ten and one-half by fourteen (10-1/2 x 14) inches.

Section 11.75 COMMUNICATION TOWER

A. The following site and development al requirements shall apply:

1. A minimum site of five (5) acres and four hundred (400) feet of road frontage shall be required unless the tower is to be built one thousand three hundred and twenty (1320) feet off the road from the road right-of-way, in which case the road frontage is waived and a thirty five (35) foot easement is required for access.
2. The appropriateness of guy wires shall be considered when the property abuts a residential zoning district or use.
3. The base of the tower and guy wire supports shall be fenced with a minimum six (6) foot high fence.

B. The following special performance standards shall apply to communication towers:

1. Communication towers must be set back from all property lines a distance equal to its height and twenty five (25) feet.
2. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the minimum front yard requirement for the appropriate zoning district.
3. Accessory structures shall not exceed six hundred (600) square of gross building area.
4. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
5. The plans of the tower shall be certified by a registered structural engineer.
6. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

7. All towers must meet the standards of the Federal Communications Commission and The Federal Aviation Administration.
8. Communications towers in excess of one hundred (100) feet in height above grade level shall be prohibited within a two (2) mile radius of a public airport or ½ (one-half) mile of a helipad.
9. No part of any communications tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located within thirty (30) feet of a property line.
10. Metal towers shall be constructed of, or treated with, corrosive-resistant material.
11. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electric wiring and connections with all applicable local statutes, regulations and standards.
12. Towers with antennae shall be designed to withstand a uniform wind loading in accordance with state building code.
13. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
14. Towers shall be located so that they do not interfere with reception in nearby residential areas.
15. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
16. The base of the tower shall occupy no more than five hundred (500) square feet.
17. Minimum spacing between tower locations shall be two (2) miles, including towers within or outside the borders of the Township, in order to prevent a concentration of towers in one area.
18. Height of the tower shall not exceed two hundred (200) feet from grade

within a commercial zoning district, and three hundred (300) feet from grade within an industrial or agricultural district.

19. Towers shall not be artificially lighted except as required by the Federal Aviation Administration.
20. Existing on-site vegetation shall be preserved to the maximum extent practicable.
21. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
22. There shall be no employees located on the site on a permanent basis to service or maintain the communications tower. Occasional or temporary repair and service activities are excluded from this restriction.
23. Where the property adjoins a residentially zoned property or residential land use, the developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5) feet on twenty (20) foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any nearer than ten (10) feet to any structure.
24. The policy of the community is to minimize the number of communication towers in the Township. Therefore, the Township shall require the collocation of

communication towers. Pursuant to this policy, the following standards apply to communication towers:
 - a. All new and modified communication towers shall be designed and constructed to accommodate collocation.
 - b. A special use permit for the construction and use of a new communication tower shall not be granted unless and until the applicant provides a written and notarized statement from available tower owners that a feasible co-location is not available for the coverage area and capacity needs. The number of antennas, transmitters, and receivers shall be stated on the notarized statement being asked for co-location.
25. Annual emissions monitoring will be required on all transmitters by independent licensed RF engineers. This report must be submitted to the Township Clerk by October 1st of each year. The tower company will be

required to pay for the annual monitoring.

26. The tower shall meet the height requirements of the Lenawee County Air Safety Ordinance.

C. The following information shall be submitted prior to Township approval to construct a communication tower:

1. Site plan in accordance with Section 11.35(D) (3).
2. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed communication tower. Such plan shall be designed to ensure the long-term continuous maintenance to a reasonably prudent standard.
3. The application shall include a description of security to be posted at the time of receiving a building permit for the communication tower to ensure removal of the facility when it has been abandoned or is no longer needed. In this regard, the Township Zoning Board shall specify the form of security as approved by the township attorney and recordable at the office of the County Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The security shall be adjusted on an annual basis according to the U.S. Bureau of Labor Statistics' Consumer Price Index annual average for United States cities in the North Central Region of the United States.
4. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

Section 11.80 BED AND BREAKFAST FACILITY:

A. Bed and Breakfast Facilities shall be a special approval use in any Agricultural, Residential or Commercial Zoning District provided the applicant shall demonstrate that all the following requirements have been met.

1. The structure shall have at least two (2) exit doors from the premises to the outdoors and such exit doors shall be located on different walls of the premises.

2. Rooms utilized as sleeping rooms shall have a minimum of 100 square feet for two (2) occupants and an additional 30 square feet per each additional occupant. There shall be no more than four (4) occupants per sleeping room.
3. The structure utilized for a Bed and Breakfast Facility shall be the principal residence operator/owner and said operator/owner shall live and be in residence on the premises when the Bed and Breakfast services are being provided the public.
4. The structure shall remain a residential structure for all purposes and appearances. However, the kitchen may be remodeled into a commercial kitchen if the premises is approved for the appropriate food service license by the Lenawee County Health Department.
5. A continental breakfast only (coffee, juice and commercially prepared sweet rolls) shall be served or provided to overnight guests and patrons of the establishment. No food service whatsoever shall be provided to any person other than a resident or overnight guest or patron. Notwithstanding the foregoing, if the premises is licensed by the Lenawee County Health Department, the proprietor may engage in any public food service allowed under such license.
6. The operator shall maintain a register of the names and addresses of all residents, guests and patrons of the Bed and Breakfast Facility and shall keep such register available for inspection by persons designated by the Township Board.
7. The maximum length of stay of any guest or patron of the Bed and Breakfast establishment shall be fourteen (14) consecutive days.
8. There shall be no separate cooking facilities for residential use and Bed and Breakfast Facility use unless the premises is subject to a food service license issued by the Lenawee County Health Department.
9. Site illumination shall be kept to a safe minimum and shall be approved by the Township Zoning Inspector.
10. Each sleeping room and each hall area shall be equipped with a working smoke detector the design and placement of which has received approval of the Fire Chief of the Fire Department serving the Township. In addition, each Bed and Breakfast Facility shall be equipped with an emergency

lighting system reasonably calculated to illuminate the anticipated pathway from sleeping areas to the emergency exits. The placement and design of such emergency lighting system shall also be subject to prior approval of the Fire Department serving the Township.

11. There shall be available two (2) off-street parking spaces, plus one additional off-street parking space per room available for occupancy. However, if licensed for public food service, additional off-street parking shall be provided, equal to one and one-half (1½) spaces for each four-person table setting in excess of meal seating available for resident guests.

12. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.

B. Applicants for a Special Approval Use Permit hereunder shall pay the fee therefore as established by the Township Board.

C. A Bed and Breakfast Facility shall be available at all times for inspection by any agent of the Township appointed by the Township Board to perform such inspection.

D. Any Special Approval Use Permit issued hereunder shall be subject to immediate revocation upon violation of any of the terms or conditions of this Ordinance, or upon violation of any other Rome Township Ordinance, or any State or Federal law or regulation.

Section 11.85 PRIVATE ROADS

A. Intent

Unobstructed, safe, and continuous access to lots is necessary to promote and protect the public health, safety, and welfare and ensure that police, fire and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to permit access to the interior of certain sections within Rome Township by private roads which permit unobstructed, safe and continuous vehicle access. It is further the intent of this Ordinance to ensure that private roads are maintained and repaired by the private property owners who own and use the road.

The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.

B. Definitions

1. Building. An enclosed structure used or intended for use for the housing, enclosure or shelter of people, animals or chattels.
2. County Road Commission. The Road Commission of Lenawee County, Michigan.
3. Easement. The right of an owner of property by reason of such ownership, to use the property of another for purposes of ingress, egress, utilities, drainage and similar uses. In the context of this Ordinance, private road easements shall be designated for purposes of vehicle ingress and egress.
4. Lot. A parcel of land and/or site condominium building site; real estate.
5. Permit. A Special Approval Use Permit issued pursuant to this Ordinance.
6. Private Road. An area of land which is privately owned, has not been dedicated to public use other than access by emergency and public safety vehicles, is maintained by its private owners, and provides vehicular access to more than one parcel of property.
7. Public Street or Right-of-Way. A public or dedicated right-of-way, which affords the principal means of vehicular access to abutting property, and which is under public ownership or control.
8. Township Board. The Board of Rome Township.
9. Township Clerk. The Clerk of Rome Township.
10. Township Engineer. An engineer appointed by the Township Board to the position of Township Engineer or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this Ordinance.

C. General Access and Permit Requirements

1. For purpose of this Ordinance, private roads shall be further defined and classified as follows:

- a. Class A private roads shall be paved and meet one or more of the following criteria:
 1. Serves ten (10) or more single-family residential lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of ten (10) or more single-family residential lots. The potential shall be based upon the amount of acreage serviced and the potential buildable parcels.
 2. Connects with, or has a reasonably foreseeable potential to be extended at a future time to connect with another public or private road.
 3. Has a reasonable probability of dedication as a public road at a future time.
 4. Has a length of more than one thousand (1,000) feet, measured on the roadway centerline from the right-of-way of the public road it intersects to either another intersecting roadway or center of a cul-de-sac.
 5. Serves one or more non-residential uses, not including farm uses and farm buildings.
 - b. Class B private roads are those which do not meet the criteria for Class A roads as defined above, but which do exceed the criteria for Class C roads as defined below.
 - c. Class C private roads are those that will serve no more than two (2) lots or parcels provided that ~~a.~~ the lots or parcels are located no greater distance than one thousand (1,000) feet from the centerline of a public street.
2. Every lot in Rome Township that is improved with a building shall:
 - a. Either abut a road dedicated to the public or private road which meets the requirements of this Ordinance, and
 - b. Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public or private road.

3. No lot shall be improved with a building subsequent to the date of adoption of this Ordinance, unless a Permit in accordance with this Ordinance has been issued.
4. No person shall construct, alter, or extend a private road without compliance with this Ordinance and obtaining a Permit as hereinafter provided.
5. All lots which have been improved with a building prior to the date of adoption of this Ordinance shall comply with the provisions of this Ordinance, if the structure or use of the lot is thereafter enlarged, expanded and/or extended, and if the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes set forth in Section 11.85(A), herein.

D. Application For Permit: Requirements

Private Roads shall be a Use by Special Approval in all Zoning Districts in Rome Township. Application for Special Approval Use Permits shall be made in accordance with the terms of Section 11.25 and shall consist of the following information:

1. Class A or B Private Road. Each application for a Class A or B private road shall be accompanied by completed plans prepared and sealed by a civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class A or B road shall include the following information:

- a. The names and addresses of the lot or parcel owners to be served by the private road.
- b. A vicinity map of a minimum scale of one inch equals one thousand feet (1" = 1,000') , showing the location of the private road in the Township, any access roads and cross streets, road names, a scale and a north arrow.

- c. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.
 - d. Proposed improvements (including but not limited to, roads, sewers and ditches) shown in plan and profile indicating all materials, grades, dimensions and bearings in compliance with the standards set forth in 11.85(E). The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
 - e. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
 - f. The location of existing buildings on the lots or parcels being served or intended to be served by the private road as well as any existing building or structures in or adjacent to any proposed road easement.
 - g. The existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
 - h. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Lenawee County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications if this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement that runs with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Lenawee County Road Commission.
2. Class C Private Road. Each application for a Class C private road shall be accompanied by completed plans prepared and sealed by civil engineer or land surveyor registered in the State of Michigan, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

The application and plans for a Class C Road shall include the following information:

- a. The names and addresses of the lot or parcel owners to be served by the private road.
- b. A vicinity map of a minimum scale of one inch equals one thousand feet (1" = 1,000') showing the location of the private road in the Township, any access roads and cross streets, road names, and a north arrow.
- c. The location of existing buildings with existing and proposed grades in sufficient detail to depict drainage patterns. Existing storm drains, ditches, and swales crossing the road easement or adjacent to the easement shall be shown on the sketch plan.
- d. The relationship of the proposed road to an existing public roadway right-of-way which will serve as access for the private road.
- e. The location of the proposed road and turn around within the easement together with proposed drainage and grading.
- f. The proposed roadway materials, thickness, and width and the type of underlying soil.
- g. A complete statement of all the terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said maintenance agreements shall be in such form as to be recordable with the Lenawee County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this article, including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement that runs with the land, shall also inform subsequent purchases that the road is private and may never be maintained or accepted by the Lenawee County Road Commission.

E. Design Standards

1. In addition to the standards and specifications set forth in 11.85(E),
Schedule of

Minimum Requirements and Specifications, all private roads shall meet the following additional minimum requirements and specifications:

- a. The roadway surface and cul-de-sac area shall be centered in the right-of-way.
- b. The connection between the private road and the public road shall conform to the standards and specifications of the Lenawee County Road Commission. Where a Class B road connects to a paved Lenawee County road, the Class B road shall have a paved approach. The applicant shall obtain a road permit issued by the Lenawee Road Commission prior to approval by the Township Board.
- c. Underground crossroad drainage shall be provided where the proposed road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Lenawee County Road Commission and/or Lenawee County Drain Commissioner.
- d. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall be conveyed to existing watercourses or water bodies. The discharged water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal agricultural rate. Connection to county drains shall be approved by the Lenawee County Drain Commissioner prior to the issuance of permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.
- e. Private road signs shall be designated with the word "private" and shall be erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.
- f. The road easement shall provide for ingress, egress, drainage, and installation and maintenance of public and private utilities.
- g. The private road shall be subject to all other Township, County and State permits and regulations.

- 2 The following Schedule of Minimum Requirements and Specifications for Private Streets and Roads shall apply:

**MINIMUM REQUIREMENTS AND SPECIFICATIONS
FOR PRIVATE STREETS AND ROADS**

| | CLASS A PRIVATE STREETS AND ROADS | CLASS B PRIVATE STREETS AND ROADS | CLASS C PRIVATE STREETS AND ROADS |
|---|--|--|---|
| Easement Width: | 66 feet | 66 feet | 33 feet-for 2 parcels |
| Sub-base | Depth will vary depending upon native soil types. Spread to a minimum width sufficient to extend to the front slope of the roadside ditch. | Same as Class A | Same as Class A |
| Base: | | | |
| For gravel surface | Not permitted. | Same as Class A, except 22A or 23A processed road gravel shall be used in lieu of 21A and width shall be 22 feet wide. | Same as Class B except 16 feet wide. |
| For paved surface(Paving is required for Class A, Optional for Class B and C) | 8 inches of crushed limestone; slag or processed road gravel (MDOT 21A) in two equal courses, each compacted 32 feet wide. | Same as for Class A, except width of base shall be 30 feet. | Same as for Class A, except width of base shall be 22 feet. |
| Pavement: (Paving is required for Class A, Optional for Class B & C) | 2 ½ inches bituminous aggregate, #1100 mix, 24 feet wide. | 2 1/2 inches bituminous aggregate, #1100 mix, 22 feet wide. | 1 1/2 inches bituminous aggregate, #1100 mix, 16 feet wide. |
| Turnaround area | | | |
| Cul-de-sac: | 75 foot radius right-of- | Same as Class A | Same as Class A |

| | CLASS A PRIVATE STREETS AND ROADS | CLASS B PRIVATE STREETS AND ROADS | CLASS C PRIVATE STREETS AND ROADS |
|--|--|--|--|
| | way, 50 foot radius roadway surface | | |
| T Type: | Not permitted | May be substituted for cul-de-sac if applicant can show that it will function as well as the required turning circle. | Same as Class B |
| Ditches: | | | |
| Minimum grade 0.5%-4.0%, grades 4.1% and steeper; and grades front/back slopes | 0.5% sod or otherwise stabilize rip-rap ¹ on 4 | Same as Class A | Ditches shall be of sufficient width, depth, and grades to provide for adequate and positive drainage. |
| Roadway grades | | | |
| Minimum | 0.5% | 0.5% | 0.5% |
| Maximum | 6.0% | 6.0% | 6.0% |
| Roadway curves | | | |
| Horizontal- minimum | 230 foot radius | Same as Class A | Same as Class A |
| Vertical-minimum | 100 feet long for changes in gradient of 2% or more | Same as Class A | Same as Class A |
| Curb & Gutter | | | |
| May be required by Township Engineer in consideration of narrow lot width, and road grade | | | |

F. Permit Approval Procedure

1. Upon receipt of an application, the Township Clerk shall refer the application to the Township Planning Commission at its next regular meeting. The Planning Commission shall proceed on the application in accordance with Section 11.25.

2. The Township Engineer shall report in writing to the Planning Commission as to whether or not the proposed private road conforms to the standards and specifications of this Ordinance. Said report may include any suggested conditions to be attached to the Special Approval Use Permit which, in the Township Engineer's judgment, are necessary to achieve the intent of this Ordinance.
3. The Planning Commission shall consider the application, the Township Engineer's report and all other relevant information in determining whether to recommend the Permit application with or without conditions to the Township Board for final approval. If the information submitted by the applicant does not establish that the proposed private road will conform to the standards and specifications of this Ordinance, the Planning Commission shall not recommend and the Township Board shall not grant the Permit. The Township Board shall impose such conditions on the approval of the Permit as it deems necessary to achieve the intent and objectives of this Ordinance, which may include, but need not be limited to, conditions suggested by the Township Engineer. The breach of any such condition proposed by the Township Board shall automatically invalidate the Permit.
4. As a condition to the granting of any Permit under this Ordinance, the Township Board shall require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit and approved construction, including the payment of required fees. Upon completion of all improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant.
5. Upon receipt of the required deposit and predetermined fees and approval, of the applicant by the Township Board, the Township Zoning Administrator shall issue the Permit pursuant to the terms established by the Township Board approving the application.
6. Only the Township Board shall have the authority to approve or deny applications for permits. No other permit issued by any Township Official or other governmental body or official shall be a substitute for a Permit.

G. Inspection

All required improvements shall be inspected by the Township and Road Commission Engineer at various stages of construction. At a minimum the applicant shall request inspection upon completion of the road base, road surfacing and completion of the project. The Township Engineer and the Lenawee County Road Commission shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Board in writing. The applicant's engineer shall certify to the Township Engineer, before the final inspection and report thereon are made, that the required improvements were made in accordance with this Ordinance and all approved plans. A letter of completion by the Township Engineer shall be delivered to the Township Clerk, and the applicant. These costs of inspection, including compensation of the Township Engineer, shall be paid by the applicant prior to the issuance of the certificate of completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Clerk, and the balance, if any, shall be returned to the applicant.

H. Expiration of Approval of Permits

A Permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Board. If the required improvements have not been completed upon the expiration of the one year or the longer period of time, then the Permit shall be void and of no force and effort and all deposits shall be forfeited to Rome Township.

I. Recording of Easements

The easement, including all agreements as identified herein, shall be recorded in the office of the Register of Deeds for Lenawee County prior to the issuance of the certificate of completion.

J. Certificates of Occupancy

No certificate of occupancy shall be issued for any building on a lot subject to the provisions of this Ordinance until all work is completed. A certificate of occupancy may be issued prior to the issuance of a certificate of completion, upon recommendation by the Township Engineer, and upon deposit with the Township Clerk of a sum of money, certified check, or bank letter of credit in an amount sufficient to guarantee completion of the remaining required improvements.

Section 11.90 OPEN SPACE CLUSTER DEVELOPMENT

Notwithstanding the generally applicable minimum lot frontage/lot width and minimum lot area per dwelling unit requirements of this Ordinance, land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units that could otherwise be developed on the land under existing ordinances, laws, and rules, on not more than 50% of the land, if all of the following apply:

A. Requirements:

1. The land is zoned at a density equivalent to 2 or fewer dwelling units per acre; or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.
2. Not less than 50% of the land area will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the development option provided by this provision would also depend upon such an extension
4. The development option provided pursuant to this section has not previously been exercised with respect to the subject property.

B. The development of land under this section is subject to all other applicable ordinances, laws, and rules, including but not limited to:

1. The provisions of the Zoning Ordinance and Subdivision Control Ordinance that are not in conflict with and preempted by the Michigan Zoning Enabling Act (P.A. 110 of 2006).
2. The Land Division Act (formerly the Subdivision Control Act, MCL 560.101, et seq.).
3. Any ordinance regulating the division of land, the platting of land into subdivisions, or the creation of a site condominium.

4. Rules relating to suitability of groundwater for on-site water supply for land not served by public water.
 5. Rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.
- C. As used in this section, the term "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. This term does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park.

SECTION 11.95 – PERSONAL WIND GENERATION ORDINANCE

A. Purpose. The purpose of this ordinance is to:

1. Oversee the permitting of small wind energy systems
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system.

B. Definitions

1. Administrator means the Township of Rome Zoning Administrator or any authorized officer, agent, employee or representative of The Township of Rome.

2. Owner shall mean the individual(s) or entity that intends to own and operate the small wind energy system in accordance with this ordinance.

3. Rotor diameter means the cross sectional dimension of the circle swept by the rotating blades.

4. Small wind energy system means a wind energy system that:

- a. Is used to generate electricity
- b. Has a nameplate capacity of 100 kilowatts or less; and
- c. Has a total height of 170 feet or less.

5. Total Height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

6. Tower means the monopole, freestanding, or guyed structure that supports a wind generator.

7. Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade(s), foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component(s) used in the system.

8. Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

C. Standards

A small wind energy system shall be permitted by special use in all zoning districts subject to the following requirements:

1. Setbacks

A wind tower for a small wind system shall be set back a distance equal to its total height from:

- a. Any public road right of way, unless written permission is granted by the Lenawee County Road Commission or Michigan Department of Transportation.
- b. Any overhead utility lines, unless written permission is granted by the affected utility. (Electric, cable, telephone, etc.)
- c. All property lines.

2. Access

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

3. Electrical Wires

All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

4. Lighting

A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

5. Appearance, Color, and Finish

The wind generator and tower will be painted or finished in a color recommended by the manufacturer.

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 small wind energy system shall be prohibited.

7. Code Compliance

A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electric Code.

8. Guy Wire Protection

All guy wires reaching the ground must have a permanent reflective jacket extending to at least 5 feet from grade.

- |9. Ground Clearance
 - |Clearance from ground to blade tip in its lowest position shall be a minimum of twenty (20) feet.

D. Permit Requirements

- |1. Building Permit
 - |A building permit shall be required for the installation of a small wind energy system.
- |2. Electrical Permit
 - |An electrical permit shall be required for the installation of a small wind energy system.
- |3. Special Use Permit
 - |A special use permit shall be required for the installation of a small wind energy system with a tower height greater than thirty-five (35) feet above grade.
- |4. Documents
 - |The special use permit application shall be accompanied by a site plan in accordance with Section 11.35 of the Rome Township Zoning Ordinance.
 - |In addition to the requirements of Section 11.35 the site plan shall also include the following:
 - a. Location of proposed wind system tower.
 - b. The right-of-way of any public road that is contiguous with the property;
 - c. Any overhead utility lines
 - d. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type.
 - e. Tower foundation blueprints or drawings
 - f. Tower blueprint or drawing
 - g. Any additional requirements deemed necessary by either The Rome Township Planning Commission or Rome Township Zoning Administrator.
- |5. Fees
 - |The application for all permits for a small wind energy system must be accompanied by the fee required.
- |6. Expiration
 - |A permit issued pursuant to this ordinance shall expire if;
 - a. The small wind energy system is not installed and functioning within 12 months from the date the permit is issued; or,
 - b. The small wind energy system is out of service or otherwise unused for a continuous 6-month period.

E. Abandonment

1. A small wind energy system that is out-of-service for a continuous 6-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator or the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

F. Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building, electrical or special use permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

G. Administration and Enforcement

1. This ordinance shall be administered by the Administrator or other official as designated.
2. The Administrator may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Administrator may issue orders to abate any violation of this ordinance.
4. The Administrator may issue a citation for any violation of this ordinance.
5. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

G. Penalties

Any person who fails to comply with any provision of this ordinance or permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 14.15 of the Rome Township Zoning Ordinance.

SECTION 11.100 – WIND ENERGY CONVERSION SYSTEM

A. Purpose

Rome Township promotes the effective and efficient use of Wind Energy Conversion Systems with the minimum regulations on the siting, design, and installation of conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized.

B. Definitions

1. Wind Energy Conversion System (WECS) shall mean any device such as wind charger, windmill, or wind turbine that converts wind energy to a form of usable energy.
 - a. Commercial WECS shall mean any WECS that is designed and built to provide electricity to the electric utility's power grid.
 - b. Personal Wind Generator shall mean any WECS that is located on the same lot, and is designed and built to serve the needs of the principal use.
 - c. Has a nameplate capacity of 100 kilowatts or more; and
 - d. Has a total height of 170 feet or more.
2. Manual and Automatic Controls give protection to power grids and limit rotation of a WECS' blades to below the designed limits of the conversion system.
3. An Authorized Factory Representative shall mean an individual with technical training of a WECS who has received factory installation instructions and is certified in writing by the manufacturer of the WECS.
4. A Professional Engineer ("PE") shall mean any licensed engineer registered in the State of Michigan.
5. A Utility Scale wind farm shall mean all wind farms that produce greater than 100 kilowatts of energy.
6. Facility Abandonment shall mean out of production for a period of time not less than one (1) year.
7. Survival Wind Speed shall mean the maximum wind speed, as designated by the WECS manufacturer, at which a WECS in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
8. WECS Height shall mean the distance between the ground (at normal grade) and the highest point of the WECS, as measured from the ground (at normal grade), plus the length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the

rotor and blades (normally, the tower). Or put another way, the distance between the ground (at normal grade) and the highest point of the WECS (being the tip of the blade, when the blade is in the full vertical position).

9. A WECS Testing Facility or Testing Facility shall mean structure and equipment used to determine the potential for the placement of a WECS.
10. Applicant means the person, firm, corporation, company, limited liability corporation (“LLC”) or other entity which applies for Township approval under this section, as well as the applicant’s successor(s), assign(s) and/or transferee(s) as to any approved WECS or Testing Facility. An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the WECS or Testing Facility. The duties and obligations regarding a zoning approval for any approved WECS or Testing Facility shall be with the owner of the WECS or Testing Facility, and jointly and severally with the owner and operator or lessee of the WECS or Testing Facility if different than the owner.
11. Tower means the monopole, freestanding, or guyed structure that supports a WECS, turbine or other wind generating components.
12. Administrator means the Township of Rome Zoning Administrator or any authorized officer, agent, employee or representative of The Township of Rome.

C. Permit Requirements

1. A Building Permit shall be required for the installation of a WECS.
2. An Electrical Permit shall be required for the installation of a WECS.
3. A Special Use Permit shall be required for the installation of a WECS.
4. The Special Use application shall be accompanied by a site plan in accordance with Section 11.35 of the Rome Township Zoning Ordinance. In addition to the requirements of Section 11.35 the site plan shall also include the following:
 - a. Location, elevation and height of proposed WECS.
 - b. The right-of-way of any public road that is contiguous with the property.
 - c. Location and dimensions (including height) of all existing structures located on the proposed WECS site;
 - d. Location and design of all roads intended to be constructed for access to the WECS site.
 - e. Current land use and zoning classification for all adjacent parcels;

- f. Location and height of any tree, pole, antennae, or similar structure over thirty-five (35) feet in height within 500 feet of any proposed tower location.
 - g. Any additional requirements deemed necessary by the Planning Commission.
5. The applicant shall submit an Impact Analysis as part of the Special Use application, prepared by a registered structural engineer, evaluating the likely impacts of the proposed facility regarding:
 - a. Anticipated noise and vibration levels at all property lines;
 - b. Potential impacts on wildlife, including native and migrating birds;
 - c. "Shadow Flicker" and glare impacts on all adjacent properties;
 - d. Radio and/or television interference;
 - e. Aesthetic impacts of the WECS, especially on adjacent properties.
 6. Detail Drawings of the structural components of the large WECS, including structures, tower, base, and footings. A registered structural engineer shall certify the drawings and any necessary calculations that the system complies with all applicable local and state building and electrical codes.
 7. The owner or operator of the WECS shall maintain a current insurance policy with a bond rating acceptable to the Township to cover installation and operation of the WECS project. The amount of the policy shall be established as a condition of the Special Use Permit.
 8. The WECS must contain a Decommissioning Plan to ensure it is properly decommissioned upon the end of the project life or facility abatement. (See **Section H** for more on Decommissioning Plan.)

D. Principal/ Accessory Use

WECS' may be considered as either a principal or accessory use. An existing use on the same parcel(s) shall not preclude the installation of a large WECS.

E. Site and Development Requirements

1. WECS' shall maintain a minimum setback of at least one and a half (1.5) times the tower and blade height from any public road right-of-way line or property line.
2. WECS' shall maintain a minimum distance of at least the combined tower and blade height from any habitable structure.
3. WECS' shall be constructed such that the minimum height of the lowest position of the blades is at least thirty (30) feet above the ground.
4. WECS' shall be exempt from the height restrictions in the zoning district in which it is located.

5. WECS' and supporting structures shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted and maintain a neutral color intended to reduce visual obtrusiveness to the greatest extent feasible.
6. WECS' shall meet the standards of the FAA, the FCC, and any other agency of the State of Michigan or Federal Government with authority to regulate towers and tall structures. The applicant shall submit statements, permits and/or licenses from the applicable agencies attesting to compliance with the applicable standards prior to the issuance of any permits.
7. The towers and other structures associated with a WECS' shall not be artificially lighted by any means or in any fashion unless required by the FAA.
8. No advertising or identification may be displayed on any tower, structure, or other component of a WECS except for safety/ emergency purposes as required.

F. Safety Measures

1. The WECS shall be designed and certified by a registered engineer to withstand wind loading and other conditions experienced in severe weather, as required by the Michigan Building Code.
2. A registered engineer shall certify that the WECS is equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
3. All components of a WECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the Michigan Building Code and Michigan Electrical Code.
4. A registered engineer shall certify that the large WECS is designed and constructed to not cause radio and/or television interference.
5. All WECS facilities shall be equipped with anti-climbing devices and features. No tower climbing apparatus shall be permitted to be located within twelve (12) feet of the ground.
6. The base of all WECS' facilities, including towers, wire cable supports, and accessory buildings shall be enclosed by a locked protective chain link fence a minimum of six (6) feet in height. The Planning Commission may specify additional fencing requirements relative to the height and type of fencing as deemed necessary.
7. All WECS structures shall be posted with at least one (1) safety/warning sign. The Zoning Administrator shall determine the location and placement of the signs. Each sign shall not exceed two (2) square feet in size, and shall contain the following information:

- a. "WARNING: High Voltage."
- b. Manufacturer's name.
- c. Operators name.
- d. Emergency phone number.
- e. Emergency shutdown procedure

8. Every WECS must be inspected annually by an Authorized Factory Representative or Professional Engineer to certify that it is in good working condition and not a hazard to the public. Such records shall be submitted to Rome Township and considered a part of the special use permit.

G. Abandonment

1. Any time a WECS remains non-functional or inoperative for a period of at least one (1) year; the owner shall notify the zoning administrator and supply him/her with a written plan for the future usage and future maintenance of the WECS.
2. Upon failure of the owner to supply the Zoning Administrator with an acceptable plan for the future maintenance and/ or future use of the WECS, the Zoning Administrator shall determine the WECS to be a public nuisance and require the demolition/ removal of the WECS along with restoration of the grounds to the condition which existed prior to the construction of the WECS.
3. If the WECS is determined to be abandoned, the owner of the WECS shall remove the wind generator and the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator or the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

H. Decommissioning Plan

Decommissioning shall include: removal of all structures (including transmission equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment.

The decommissioning plan shall state how the facility will be decommissioned, the Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the escrow agent with which the resources shall be deposited. The decommissioning plan shall also include an agreement between the applicant and the Township that:

1. The financial resources for decommissioning shall be in the form of a surety bond, or shall be deposited in an escrow account with an escrow agent acceptable to Rome Township.
2. The Township shall have access to the escrow account funds for the expressed purpose of completing decommissioning if decommissioning is not completed by the applicant within six (6) months of the end of the project life or facility abandonment.
3. The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
4. The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as Township's right to seek reimbursement from applicant or applicant successor for decommissioning costs in excess of the amount deposited in escrow and to file a lien against any real estate owned by applicant or applicants successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien. Financial provisions shall not be so onerous as to make wind power projects unfeasible.

I. Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building, electrical or special use permit issued pursuant to this ordinance. Wind energy conversion systems installed prior to the adoption of this ordinance are exempt.

J. Administration and Enforcement

1. This ordinance shall be administered by the Administrator or other official as designated.
2. The Administrator may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Administrator may issue orders to abate any violation of this ordinance.
4. The Administrator may issue a citation for any violation of this ordinance.
5. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

K. Penalties

Any person who fails to comply with any provision of this ordinance or permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 14.15 of the Rome Township Zoning Ordinance.

SECTION 11.105 – OUTDOOR WOOD FIRED BOILER ORDINANCE

A. Purpose

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Rome Township by regulating the air pollution and fire hazards associated with the operation of outdoor wood fired boilers.

B. Applicability

This ordinance applies to all outdoor wood fired boilers in the Township of Rome.

This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

C. Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

D. Definitions

1. Mechanical Inspector means an inspector recognized by the State of Michigan

in Mechanical Inspection.

2. Municipality means a county, township, city, or village.

3. Outdoor burning means burning in an outdoor wood-fired boiler.

4. Outdoor wood-fired boiler means a wood-fired boiler, stove or furnace that is

not located within a building intended for habitation by humans or domestic animals.

5. Refuse means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

E. Outdoor Wood - Fired Boilers

1. Outdoor wood-fired boilers shall be installed and used only in an area zoned

for agricultural use.

2. Outdoor wood-fired boilers shall not be used to burn refuse.

3. Outdoor wood-fired boilers shall be located at least 300 feet from the nearest dwelling which is not on the same property as the outdoor wood-fired boiler.

4. Outdoor wood-fired boilers shall have a chimney that extends to a height that is in compliance with the manufacturer's recommendation and is at a height such that the smoke from the lower chimney does not create an undue nuisance for neighbors.

Any variation from this section will require a special use permit from Rome Township.

F. Liability

A person utilizing an outdoor wood fired boiler shall be responsible for all fire suppression costs and any other liability resulting from damage caused by fire attributable to the use of an outdoor wood fired boiler.

G. Right of Entry and Inspection

The Mechanical Inspector or any authorized officer, agent, employee or representative of the Township of Rome who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

H. Penalties

Any person who fails to comply with any provision of this ordinance or permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 14.15 of the Rome Township Zoning Ordinance.

ARTICLE TWELVE - ADMINISTRATION

Section 12.05 ZONING ADMINISTRATOR

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board deems desirable to carry out the provisions of the Ordinance. He shall hold office at the pleasure of the Township Board, and receive such compensation as shall be determined by the Township Board. For the purpose of this Ordinance, he shall have the power of a police officer.

Section 12.10 CERTIFICATE OF APPROVAL

A. Application for Certificate

Before proceeding with the erection, moving or use of any building, structure or premises subject to the provisions of this Ordinance, the owner of the premises shall first apply for a Certificate of Approval from the Zoning Administrator. Application shall be made in duplicate upon forms provided by the Township, and shall be accompanied by an acceptable description of the location of the premises, by evidence of ownership of all property to be covered by the Certificate, and by a blueprint or pen-and-ink sketch to approximate scale showing:

1. The shape, area, dimensions and intended use of the premises.
2. The kind, dimensions, height, and location of the building or structure to be erected or moved on the premises, including all yard dimensions, and accessory buildings if any.
3. The location and type of sewage disposal system and water supply facilities.

B. Issuance and Limitation of Certificate

1. If the Zoning Administrator finds the application conforms to the requirements of the Ordinance and other applicable law, he shall mark both copies approved over his signature, including the date. One copy shall be filed with the Township Clerk. The other copy shall be delivered to the applicant together with a card stating the terms of the Certificate, which card will be valid for a period of Two (2) years and shall be displayed and remain on the premises during the progress of any construction authorized.

2. Any certificate under which no work has been done within One (1) year of issue shall expire by limitation, but shall be renewable upon reapplication and payment of one half (1/2) of the original fee, subject, however, to the provisions of any provisions or Ordinance then in effect.
3. The Zoning Administrator shall have the power to revoke or cancel any Certificate in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or representations made in the application. The owner shall be given reasonable notice of liability for voiding action before revocation, which shall be in writing.

C. Inspection

The erection of every building or structure shall be subject to two (2) inspections: (1) when excavation for foundation is completed, and building lines established, and (2) on completion of the construction, The property owner shall notify the Zoning Administrator in writing when the construction is ready for inspection and each inspection shall be made within two (2) working days following receipt of notification. Failure to give proper notification shall automatically cancel the Certificate and require issuance of a new Certificate before construction may proceed or occupancy be permitted. Following final, inspection, the Zoning Administrator shall issue the property owner a Certificate of Compliance if he finds the building or structure and intended use in conformity with the Ordinance.

D. Fees

For each Certificate of Approval a fee shall be paid to the Township Treasurer who shall place the same in a Township Zoning Fund which shall be used solely for the costs of administering this Ordinance, as directed by the Township Board. No Certificate of Approval shall be valid until the required fee is paid. No fee shall be required for a Certificate of Compliance. The schedule for all required fees shall be established from time to time by the Township Board.

Section 12.15 PUBLIC HEARINGS

All applicants for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section with regard to public notification.

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

B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. 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 a tax identification number, identifying the nearest cross street, or including a map showing the location of the property. No street address must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. 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 Rome Township. If the name of 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 spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice.

2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States Mail, first class, properly addressed, postage paid. The 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.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, conditional 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.
2. For any other public hearing required by this Ordinance: not less than five (5) days before the date the application will be considered for approval.

E. Registration to Receive Notice by Mail:

1. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to

receive written notice of all applications for development approval, or written notice of all applications for development approval within the zoning district in which they are located. The 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.

2. Requirements: The requesting party must provide the 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.

ARTICLE THIRTEEN - ZONING BOARD OF APPEALS

Section 13.05 CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals of Three (3) members as provided by the Michigan Zoning Enabling Act.

Section 13.10 POWERS

The duties and powers of the Zoning Board of Appeals shall include the following:

A. Review

Hear and decide upon appeals made from determinations of the Zoning Administrator or other administrative agent acting under the terms of the Ordinance. The Zoning Board of Appeals shall not consider requests for variances regarding uses that are not permitted in a given zoning district.

B. Interpret

Hear and decide upon requests for interpretation of the provisions of the Ordinance.

C. Variances

Grant variances on appeal respecting any provision of this Ordinance if the same cause practical difficulties in conforming to the strict letter of the Ordinance, to the end that the spirit of the Ordinance is observed, equity achieved, and substantial justice done, provided, however, that this provision will not be construed as permitting the Zoning Board of Appeals to amend the Ordinance or change any use of property under guise of a variance.

Section 13.15 PROCEDURES

A. Adoption

The Zoning Board of Appeals shall adopt proceedings in accordance with the provisions of the Michigan Zoning Enabling Act. The Zoning Board of Appeals shall hold a public hearing in accordance with Section 12.15 of this ordinance.

B. Written Requests

All requests for variances appeals or special exceptions shall be filed with the Township Clerk, and be accompanied by a fee to be deposited in the Zoning Ordinance Fund of the Township to assist in defraying the cost of processing applications; the schedule of all required fees shall be established from time to time by the Township Board.

C. Limitations

All appeals shall be made to the Zoning Board of Appeals within thirty (30) days after the date of any decision constituting the basis for appeal. The Zoning Board of Appeals shall return a decision within thirty (30) days after closing of the public hearing. If additional time is required prior to a decision by the Zoning Board of Appeals, a hearing may be continued for an additional thirty (30) days.

D. Resubmissions

No application for variances or special exceptions which have been denied shall be resubmitted except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

ARTICLE FOURTEEN - VIOLATIONS AND ENFORCEMENTS

Section 14.05 VIOLATIONS

Buildings and structures erected, altered, moved or converted, or any use of land or premises carried on in violation of any provisions of this Ordinance are declared to be a nuisance per se, The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

Section 14.10 CORRECTION

All violations may be corrected within Thirty (30) days following issuance of written notice to correct. If not corrected, they shall be remanded to the local justice court or the Township Board for prosecution.

Section 14.15 PENALTIES

- A. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$50.00 nor more than \$500.00 for the first offense and not less than \$100.00 nor more than \$2,500.00 for subsequent offenses, in the discretion of the Court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.
- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also instate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, place,

reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

- E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- F. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

Section 14.20 PROCEEDINGS

The Zoning Administrator, the Township Board, the Zoning Board of Appeals or any owner of real estate may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance, use or violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

ARTICLE FIFTEEN - DEFINITIONS

For the purpose of this Ordinance, the following terms are herewith defined:

Section 15.05 ACCESSORY BUILDING OR STRUCTURE

A supplemental building or structure on the same premises as the main building occupied by, or devoted exclusively to an accessory use, but not including for dwelling, lodging or sleeping purposes. All accessory buildings, attached to the main building, including garages and breezeways, shall be considered a part of the main building in determining yard requirements.

Section 15.10 AUTOMOBILE SERVICE STATION

A structure and premises used or designed to be used primarily for the retail sale of fuels, lubricants, and other commodities for motor vehicles; including space and facilities for the installation of such commodities, or servicing (such as polishing, washing, cleaning, and/or greasing). Bumping, painting, or refinishing are specifically excluded.

Section 15.15 BED AND BREAKFAST FACILITY

A dwelling unit in which the principal use is that of a single-family dwelling that contains, as a subordinate use, rooms in which transient guests are lodged and boarded in return for payment.

Section 15.20 COMMUNICATION TOWER

A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular or television signals. This definition shall not include dishes, antennas, aerials or similar reception or transmission structures used for non-commercial purposes, serving a single residential or business premises, such as a two-way communication and/or dispatch system for internal business or family use, and that does not exceed the height limitations for the appropriate zoning district.

Section 15.25 DWELLING (eff. June 5, 1975)

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 900 square feet.

- B. The principal structure shall have a minimum width along any exterior side elevation of 20 feet.
- C. Firmly attached to a solid foundation construction on the site in accordance with the State Building Code.
- 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 shall be connected to a public sewer and water supply or to such private facilities as are approved by the county health department.
- F. The dwelling must contain storage area either in a basement located under said dwelling, in an attic area, in closet areas, or in a separate fully enclosed structure on the site of standard construction similar to or better quality than the principal dwelling, which space shall be not less than 15% of the interior living area of the dwelling.
- G. The dwelling must be aesthetically compatible in design and appearance to conventionally constructed homes, with 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, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.
- H. The dwelling must contain no additions of rooms or other areas which are not constructed with similar materials and with similar quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structure.
- I. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park or a licensed mobile home subdivision except to the extent required by State Law or otherwise specifically required in the Ordinance of Rome Township.
- J. The dwelling shall be in conformity with all applicable building, plumbing, electrical Codes and other applicable ordinances.

Dwelling - Single-Family:

A detached building designed for or occupied by one (1) family only.

Dwelling - Two-Family:

A building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.

Dwelling - Multiple-Family

A building designed for or occupied by three or more families living independently of each other with separate housekeeping and cooking facilities for each.

Section 15.30 ESSENTIAL SERVICES

The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, communication, steam or water transmission or distribution systems, collection, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or safety or general welfare.

Section 15.35 ERECTED

Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for any building or structure. Excavation, fill, drainage, land clearing, and general property improvement shall not be considered as an erection.

Section 15.40 FARM

All of the unplatted, contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner or operator., manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees provided, however, that land to be considered as farm hereunder shall include a contiguous, unplatted parcel of not less than Five (5) acres in area; provided further that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but establishments keeping or operating fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries or commercial sand and gravel pits shall not be considered as farms

hereunder; nor shall premises operated for the purpose of stripping top soil, as fertilizer works, bone yards, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

Section 15.45 FRONTAGE

The length of any one property line of a premises, which property line abuts a legally accessible street right-of-way. Frontage is not the same as lot width.

Section 15.50 HIGHWAY

Any public thoroughfare including roads and streets but not alleys.

Section 15.55 HOME OCCUPATION/COTTAGE INDUSTRY

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use.

A. Home Occupations

1. Home occupations are a Special Approval Use in all zoning districts in which single-family dwellings are permitted as a matter of right. A Special Approval Use Permit is required.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building. The Home Occupation shall occupy no more than the equivalent of twenty-five percent (25%) of the dwelling's ground floor area.
3. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence. No non-resident persons shall be employed to assist with the business either on-site or off-site.
4. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.

5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
9. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building. However this provision would not prohibit home based catalogue and similar sales that do not involve the use of a product showroom or permanent product display and that does not traditionally generate traffic or parking demands beyond that customarily found in residential areas.
10. There shall be no parking permitted within any setback areas.
11. No hazardous chemicals shall be stored on site.
12. No process, chemicals, or materials shall be used which are contrary to any applicable State or Federal laws.
13. There shall be no exterior evidence of the Home Occupation other than one non-illuminated incidental sign not exceeding two hundred and eighty-eight (288) square inches in area may be attached flat on the front wall of the dwelling to advertise the home occupation.

B. Cottage Industries

1. Cottage industries may be allowed as a Special Approval Use on a lot with an area of ten (10) acres or more in any zoning district in which single-

family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to by the property owner/occupant. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry other than a nameplate not exceeding four (4) square feet in area.
3. A cottage industry shall occupy not more than one building. The floor area of such building shall not exceed twenty four hundred (2400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road right-of-ways. If required, the type of screening shall be determined at the discretion of the Planning Commission.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to a total of two additional employees or assistants whether employed on-site or off-site.
8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.

9. Hours of operation shall be approved by the Planning Commission.

C. Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
2. Any home occupation or cottage industry shall be subject to periodic review by the Zoning Administrator.
3. In the event any home business shall be complained of as creating or causing a nuisance or conducting a manner of business not customarily carried on as a home business, then the Zoning Administrator may order the operator of such home business to appear before the Planning Commission for a review of the use.
4. If the Planning Commission finds, following a hearing on the home business, the requirements of the Zoning Ordinance are not being met by the operator of the home business, then the Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
5. Proposed revisions or additions to a Home Occupation or Cottage Industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

D Continuation of Nonconforming Uses

Any existing use that would constitute a Home Occupation or Cottage Industry under this definition and any use that has otherwise previously been approved as a special use on or before June 30, 1998, whether such use was or is specifically designated as a special use in the Zoning District in which it is located is hereby deemed an allowable nonconforming use. Provided, however, that such use may not hereafter be enlarged or changed except as set out in Section 11.10 of this Ordinance unless such change and/or enlargement is approved as a special use under Section 11.25 or a variance has been granted under Section 13.15.

Section 15.60 JUNK

Any personal or scrapped property which is or may be salvaged for reuse resale, reduction or similar use or disposition, or which is possessed, transported, owned, accumulated, dismantled or assorted for any such reason. Without limiting the definition of junk, the term shall include used/or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber and similar articles, and unlicensed motor vehicles which are parked, deposited, employed, or possessed for the purpose of dismantling or salvaging any part thereof or for any reason whatever.

Section 15.65 JUNKYARD

Any place at which a person engages in buying, exchanging, accumulating, receiving, storing, sale or disposition of any article which may reasonably be defined as junk, except this definition shall not apply to retail merchants who possess their own merchandise sold on a title-retaining contract or chattel-mortgage basis.

Section 15.70 KENNEL

Any lot or premises on which a total of 3 or more dogs, and/or other domestic pets, four months old or more, are confined either permanently or temporarily regardless of whether such activity is conducted for profit provided that such use shall be subject to all the terms and conditions of the MCL 287.261 et. seq. being the Michigan Dog Law of 1919 as amended and specifically section 287.270 thereof as well as Lenawee County Ordinance No. 4 and any and all applicable rules and regulations of the Michigan Department of Agriculture.

Section 15.80 LOT OR PREMISES

The parcel of land occupied or to be occupied by a building and its accessory building and structures together with such open spaces, minimum area and width required by this Ordinance for the District in which located, and having its frontage upon a public thoroughfare but not necessarily located in a subdivision,

Section 15.85 LOT WIDTH

The horizontal distance between side lot lines, measured at the required front setback line. Lot width is not the same as frontage.

Section 15.90 PROFESSIONAL OFFICES

The office of physician, surgeon, doctor, dentist, attorney, engineer, architect and similar recognized professional activity when practiced only by the resident within his dwelling and not in an accessory building or structure on the premises nor with the assistance of more than One (1) non-residing employee. Such use shall not occupy more than Fifty (50%) percent of the floor space exclusive of attic or basement, and shall show no external evidence of such use or any change in the appearance of the building or premises from a dwelling. One (1) non-illuminated or illuminated, non-flashing incidental sign not exceeding Eight Hundred and Sixty Four (864) square inches in area may be attached flat on the front wall of the dwelling to advertise the profession. Off street parking space for the use of clients and patients appropriate to the nature and size of the proposed use shall be prescribed by the Zoning Administrator.

Section 15.95 STRUCTURE

Anything constructed, the use of which requires permanent location on the ground or attachment to an object having permanent location on the ground. The term shall include fences, advertising devices, tents, trailer coaches, and similar structures.

Section 15.100 SWIMMING POOL (eff. October 2, 1975)

Any structure or container located above and/or below grade designed to hold water to a depth greater than twenty-four (24) inches intended for swimming or bathing and as otherwise defined and regulated by the STILLE-DEROSSETT-HALE SINGLE STATE CONSTRUCTION CODE ACT being MCLA 125.1501 et. seq., as amended, and any rules and regulations promulgated thereunder.

Section 15.105 TRAVEL TRAILER (MOBILE HOME) (eff. June 5, 1975)

A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Section 15.110 YARD

A space open to the sky between a building and the lot or property lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

Section 15.115 YARD, FRONT

A yard across the full width of the lot or parcel of land extending from the front line of the principal building to the front lot line or highway right-of-way line, as the case may be.

Section 15.120 YARD, REAR

A yard extending across the full width of the lot or parcel of land extending from the rear line of the principal building to the rear lot line.

Section 15.125 YARD, SIDE

A yard extending between the side lot line and the nearest side line of the building and the front line and rear line of the building.

Section 15.130 SELF-SERVICE STORAGE FACILITY

Any building or structure available to the public, operated for gain and that is used primarily for the storage of goods, wares, merchandise and/or other personal property of any kind or nature whatsoever. This does not include wholesale merchandise or storage warehouses that are primarily used for the storage needs of a particular business or that are incidental to a primary business use conducted on the property. However, storage of flammable or hazardous chemicals, explosives, items that are noxious or offensive because of odors, dust, noise or fumes, and illegal substances are prohibited. The facility owner may hold two (2) auctions or sales per calendar year for the purpose of collection of delinquent fees or disposing of abandoned property.

Section 15.135 STATE LICENSED RESIDENTIAL FACILITY

A structure constructed for residential purposes that is licensed by the state under the Adult Foster Care Facility Licensing Act, as amended, 1979 PA 218, MCL 400.701 et. seq. or Child Care Organizations, as amended, 1973 PA 116, MCL 722.111 et. seq. and provides residential services for 6 or fewer persons under 24-hour supervision or care.

ARTICLE SIXTEEN - AMENDMENTS

Amendments or supplements to this Ordinance may be adopted from time to time in the same manner as provided by the Michigan Zoning Enabling Act for the enactment of the original Ordinance.

Section 16.05 PROCEDURES

A. Initiation

Proposals for amendment of supplements may originate with the Township Board, the Planning Commission or by application after payment of a fee set by ordinance by the Rome Township Board.

B. Action of the Planning Commission

All amendments or supplements shall be referred to the Planning Commission for study, recommendation and such action as provided by the Michigan Zoning Enabling Act. A public hearing shall be held in accordance with Section 12.15 of this ordinance. Only the Township Board shall have the power to amend or supplement any provisions of this Ordinance.

C. Publication

It shall be necessary to publish only the section or sections to be amended in or added to the Zoning Ordinance.

The Provisions of this Ordinance are hereby declared to be necessary for the welfare, health, peace, safety and morals of the inhabitants of Rome Township, and shall be in effect on and after September 24, 1996.

Enacted by the Township Board of Rome Township, Lenawee County, Michigan, on
September 24, 1996.