

# ARTICLE XXI

## ZONING ADMINISTRATION

### SECTION 21.00 ZONING ADMINISTRATION

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

### SECTION 21.01 FEES

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

### SECTION 21.02 APPLICATIONS FOR PERMITS

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

### SECTION 21.03 BUILDING PERMITS

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

The building permit shall be valid for one (1) year from the date of issuance. A new permit is required before construction continues after an existing permit expires.

### SECTION 21.04 ERECTION OR ALTERATION

No building or structure excepting farm outbuildings shall hereafter be erected or altered and no land shall be used until a permit shall first have been obtained by the owner of said building or land to be improved.

## SECTION 21.05 CONFORMANCE

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

## SECTION 21.06 INSPECTION

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

## SECTION 21.07 RESPONSIBILITY

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

## SECTION 21.08 RECORDS

A complete record and copy of each application for each certificate or permit issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee at one dollar (\$1.00) for each copy.

## SECTION 21.09 CERTIFICATE OF OCCUPANCY

1. It shall be unlawful to use or permit the occupancy of any land, building, or structure for which a building permit is required, and to use any building or structure hereafter altered, extended, erected, repaired, or moved, until the Building Inspector shall have issued a certificate of occupancy stating that there has been compliance with this Ordinance.
2. Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
3. Certificates of occupancy may be issued for part of a building or structure prior to the occupancy of the entire building and prior to it being completed, to be in force not more than thirty (30) days, not more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
4. Buildings or street uses accessory to dwellings shall not require separate certificates of

occupancy but may be included in the certificate of occupancy for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.

5. Applications for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by the Township and said certificates shall be issued within seven (7) days after receipt, if it is found in compliance with paragraph one (1) above. If such certificates are refused for cause, the applicant shall be notified of such action and cause within the same seven (7) day period.

#### SECTION 21.10 ZONING MAP

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

#### SECTION 21.11 FINAL INSPECTION

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

#### SECTION 21.12 AMENDMENTS

1. The Township Board may, upon recommendation from the Planning Commission, amend, supplement or change the regulation or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk.
2. Fees: Any applicant desiring to have any change made in this ordinance shall, with his petition for such change, deposit the required fee of two hundred fifty dollars (\$250.00) with the Township Clerk at the time that the petition is filed to cover the publication and other miscellaneous cost for said change. No part of this fee is returnable.
3. Procedure: The procedure for making amendments of this Ordinance shall be as follows:
  - A. Each petition for amendment by one or more owners of property shall be submitted to the Township Clerk who shall refer the same for recommendation to the Planning Commission and shall report the receipt of a requested zoning change to the Township Board at its next meeting.
  - B. If after initial consideration, the Planning Commission tentatively determines to recommend the requested zoning change to the Township Board, the Planning Commission shall hold the public hearing as required by law.

- C. Notice of public hearings on any petition for amendment of this Ordinance which proposes to change Land Use Districts as shown on the zoning map within five hundred (500) feet of the boundary of adjacent townships or municipalities may be promoted.
- D. The petition, if approved by the Planning Commission, shall be submitted to the Lenawee County Planning Commission for review.
- E. Where an individual parcel of property has to be rezoned, notice of public hearing shall be given by the Township Clerk by first class mail to all property owners of property any part of which lies within five hundred (500) feet from the boundary of the property to be rezoned. Notice shall be addressed to the person whose name is shown as owner upon the tax rolls of the Township.

### SECTION 21.13 SPECIAL USE

1. General: Special Use Permits shall be required when special uses, special land uses or permitted uses after special approval, are defined under a district in the Rollin Township Zoning Ordinance. The special use is considered a temporary use of the land in the particular district and a Special Use Permit is issued for a specific period of time. If the landowner wishes to continue the special use after the expiration of the Special Use Permit, a renewal application shall be required.
2. Application for Special Use Permit: The applicant shall submit to the Township Planning Commission, through the Township Clerk, an application for a Special Use Permit on the form provided by the Clerk. The form shall be accompanied by a site plan, parcel survey, comment sheet on expected environmental impacts relating to noise, dust, traffic, operations, maintenance, restoration and esthetics as well as the fee established by the Township Board. No part of the fee shall be refundable. Ten (10) copies of the application shall be in the hands of the Clerk not less than 21 days prior to the meeting of the Planning Commission at which the request will be considered. The Clerk shall distribute the forms to the Supervisor, Clerk, Zoning Inspector, and each member of the Planning Commission at least ten (10) days prior to the regularly scheduled meeting of the Planning Commission.
3. Review Provoked by the Application Documents: The Planning Commission may request additional information to be submitted in support of the application, in which case the applicant shall submit the same to the Clerk in ten copies for distribution as stated above within ten (10) days of the meeting. The additional information will be considered together with the original documentation at the next Planning Commission meeting.
4. Notice and Hearing:
  - A. Planning Commission: Upon receipt of any application for a special use, the Planning Commission shall provide a notice that a request for special land use approval has been received which shall be sent by mail or personal delivery to the owners of the property for which approval is being

considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to not less than one occupant of each and every structure within 300 feet. The notice shall: (1) describe the nature of the special land use request; (2) indicate the property which is the subject of the special land use request; (3) state when and where the public hearing or special land use will be considered and (4) indicate when and where written comments will be received concerning the request. Notice shall be given not less than five (5) nor more than fifteen (15) days before the hearing date before the Planning Commission. Within thirty (30) days after the hearing date, the Planning Commission shall forward its recommendation, together with all written comments received, to the Township Board for final action. The Planning Commission's recommendation may be Approval, Disapproval or Approval with Conditions.

- B. Township Board: Upon receipt of an application for a special land use, one (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulated in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary in question, and to not less than one occupant of each and every structure within 300 feet. The notice shall: (1) describe the nature of the special land use request; (2) indicate the property which is the subject of the special land use request; (3) state when and where the public hearing by the township board on the special land use request will be considered; and (4) indicate when and where written comments will be received concerning the request. Notice shall be given not less than five (5) days nor more than fifteen (15) days before the hearing date before the Township Board. The Township Board may deny, approve, or approve with conditions a request for special land use approval. The decision on a special land use shall be incorporated in a statement containing the conclusions relative to the requested special land use which specifies the basis for the decision, and any conditions imposed.
  
- C. Standards for Decision: Decisions regarding applications for special land use shall be consistent with and promote the intent and purpose of the Rollin Township Zoning Ordinance; shall insure that the land use or activity is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use; and, that the land use or activity is consistent with the public health, safety, and welfare of the township.

5. Granting of Special Use Permit: Upon final approval or final approval with conditions, the Township Board shall issue a Special Use Permit to the applicant reflecting the conditions, if any. The Township Board shall forward a copy of the permit to the applicant, Clerk, Zoning Inspector, and Planning Commission. The conditions imposed with respect to the approval of a special land use or activity may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements: (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity and the community as a whole; (2) be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity; (3) be necessary to meet the intent and purpose of the Rollin Township Zoning Ordinance, be related to the standards established in the ordinance for land use or activity under consideration, and be necessary to insure compliance with these standards. The conditions imposed with respect to the approval of a land use or activity shall remain unchanged except upon mutual consent of the Township Board and landowner.
  
6. Voiding the Special Use Permit: Any Special Use Permit granted under this ordinance shall become null and void and the fees forfeited if any of the following conditions exist:
  - A. Construction and/or use has not commenced within ninety (90) days and completed with four hundred fifty-five (455) days of the granting of the permit.
  
  - B. A violation of any requirement, condition, safeguard or increase in substantial use as reflected by a change in floor space, parking, traffic or land area used for the activity or use, in excess of twenty(20) percent shall constitute a violation of the Special Use Permit and it shall be voided by the Township Board upon recommendation of the Planning Commission or Zoning Inspector.

The privileges of the Special Use Permit accrue to the land and the land owner together as long as the permit is in force. Should either the land or operation be sold, or the operation cease for a period of one (1) year, the permit shall be null and void.
  
7. Reapplying for a voided special use permit: Application for the same Special Use Permit that has been voided shall not be allowed for a period of three hundred sixty five (365) days following the action to void the permit by the Township Board.
  
8. Duration of Special Use Permit: The initial Special Use Permit shall be valid for a period of two (2) years from the date of approval by the Township Board. Subsequent applications shall be valid for a period of five (5) years.

9. **Renewal of Permit:** Existing valid permits that are about to expire may be renewed by the original applicant at no fee upon submittal of a new application, and if any changes have been made, by supporting documents as defined above. Reapplication should be in the Clerk's office not more than ninety (90) or less than thirty (30) days before the permit expires. The applicant is advised to be at the Planning commission meeting when renewal is considered.
10. **Authority to Renew Special Use Permits:** The Planning Commission shall have the authority to recommend re-issuance of Special Use Permits to the Township Board. The planning commission shall submit copies of its recommendations to the Supervisor, Clerk and the Zoning Inspector.
11. **Access to Property to Inspect and Recommend Non-issuance or Revocation:** The members of the Planning Commission shall have the authority to enter private property for the purpose of inspecting the site of the application for special use and to determine if and how the conditions, if any, imposed on the permittee are being met. The Planning Commission or the Zoning Inspector shall have authority to recommend revocation of the Special Use Permit by the Township Board at any time any condition, requirement or activity is in violation.
12. **Conditions to revoke or deny a special use permit:** The following conditions and requirements must be met to continue a special use permit in force:
  - A. Preparatory work on the project or activity must begin within ninety (90) days of the issuance of a permit and must be completed within four hundred forty five (445) days.
  - B. Conditions imposed by the Township Board must be addressed within ten (10) days of the permit issuance, and completed within forty five (45) days of the issuance of the permit.
  - C. Access to the property must not be denied authorized township officials during reasonable hours. Failure to permit access to the site for inspection will result in revocation of the permit.
  - D. Thoroughness and truthfulness are of the utmost importance throughout the application process. Falsifying any information in the application documents will result in denial of the permit, or if discovered after the permit is issued, immediate revocation.
  - E. Failure to provide a valid power of attorney or corporate documents if the application is signed by a business or an individual other than the land owner.

## SECTION 21.14 CONDITIONAL USE AND TEMPORARY CONDITIONAL USE

1. **General:** This ordinance is based on the division of Rollin Township into districts in each of which are permitted specific uses which are mutually compatible, including special uses as specified in each district. In addition to such permitted compatible uses however, other conditional uses may be necessary or desirable in certain locations in certain districts, but because of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the Township of Rollin. Such uses, because of their peculiar location, need or nature of the service offered, may have to be established in a district in which they cannot be reasonable allowed as a permitted use or a special use.
2. **Authority to Grant Permits:** The Planning Commission shall have the authority to recommend to the Rollin Township Board to grant a Conditional Use Permit, subject to the conditions of design, operation and safeguards as recommended by the Planning Commission to the Township Board. If granted, the conditional use shall remain with the parcel or portion of a parcel for which it is granted until revoked by the Township Board.
3. **Application and Fee:** Application for any conditional use permit sought under the provisions of this ordinance shall be made to the Planning Commission through the Rollin Township Clerk by completing a conditional use permit applications form, submitting required data, information and exhibits as determined by the Planning Commission, and depositing the fee established by the Township Board. No part of the fee shall be refundable. The application and all supporting documents shall be submitted to the Township Clerk in sufficient quantity, and the Clerk shall provide one copy each to the Township Supervisor, members of the Planning Commission, the Township Zoning Inspector and the Clerk's file. The application will not be considered at the next scheduled Planning Commission meeting unless the documents are in the hands of the Planning Commission members ten (10) days prior to the said meeting.
4. **Consideration of the Application:** The Planning Commission shall consider the application at a regularly scheduled meeting and shall review the material submitted by the applicant. The Planning Commission may request more information or clarification of the information submitted by the applicant. The applicant shall submit the requested information in writing to the Township Clerk within fourteen (14) calendar days and in the same number of copies as the original, and the Clerk shall distribute the additional information as indicated above. Upon receipt of all requested information the Planning Commission shall set a hearing date.
5. **Notice and hearing: Planning Commission:** Upon receipt of any application for a conditional use, the Planning Commission shall provide a notice that a request for conditional land use approval has been received which shall be sent by mail or personal delivery to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to not less than one occupant of each and every structure within 300 feet. The notice shall: (1) describe the nature of the conditional land use request; (2) indicate the property which is the subject of the conditional land use request; (3) state when and where the public hearing or conditional land use will be considered and; (4) indicate when and where written comments will be received concerning the request. Notice shall be given not less than five (5) days nor more than (15) days before the hearing date before the Planning Commission. Within thirty (30) days after the hearing date, the Planning Commission shall

forward its recommendation, together with all written comments received, to the Township Board for final action. The Planning Commission's recommendation may be Approval, Disapproval or Approval with conditions.

- A. Township Board: Upon receipt of an application for a conditional land use, one (1) notice that a request for conditional land use approval has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary in question, and to not less than one occupant of each and every structure within 300 feet. The notice shall: (1) describe the nature of the conditional land use request; (2) indicate the property which is the subject of the conditional land use request; (3) state when and where the public hearing by the township board on the conditional land use request will be considered; and, (4) indicate when and where written comments will be received concerning the request. Notice shall be given not less than five (5) days nor more than fifteen (15) days before the hearing date before the Township Board. The township board may deny, approve, or approve with conditions a request for conditional land use approval. The decision on a conditional land use shall be incorporated in a statement containing the conclusions relative to the requested conditional land use which specifies the basis for the decision, and any conditions imposed.
  - B. Standards for Decision: Decisions regarding applications for conditional land use shall be consistent with and promote the intent and purpose of the Rollin Township Zoning Ordinance; shall insure that the land use or activity is compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities affected by the land use; and, that the land use or activity is consistent with the public health, safety, and welfare of the township.
6. Granting of Conditional Use Permit: Upon final approval or final approval with conditions, the township board shall issue a conditional use permit to the applicant reflecting the conditions, if any. The township board shall issue a conditional use permit to the applicant, Clerk, zoning inspector, and planning commission. The conditions imposed with respect to the approval of a conditional land use or activity may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements: (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity and the community as a whole. (2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity; (3) be necessary to meet the intent and purpose of the Rollin Township Zoning Ordinance, be related to the standards established in the ordinance for land use or activity under consideration, and be

necessary to insure compliance with these standards. The conditions imposed with respect to the approval of a land use or activity shall remain unchanged except upon mutual consent of the Township Board and the landowner.

7. Voiding the Conditional Use Permit: Any conditional use permit granted under this ordinance shall become null and void and the fees forfeited if any of the following conditions exist:
  - A. Construction and/or use has not commenced within ninety(90) days and completed within four hundred fifty five (455) days of the granting of the permit.
  - B. A violation of any requirement, condition, safeguard or increase in substantial use as reflected by a change in floor space, parking, traffic or land area used for the activity or use, in excess of twenty (20) percent shall constitute a violation of the conditional use permit and it shall be voided by the township board upon recommendation of the planning commission or zoning inspector.
8. Reapplying for a voided conditional use permit: Application for the same conditional use permit that has been voided shall not be allowed for a period of three hundred sixty five (365) days following the action to void the permit by the township board.
9. Uses requiring a conditional use permit: Conditional uses are uses not specifically mentioned in a district as permitted uses, special uses or activities, or permitted uses after special approval. Such uses include, but are not limited to: quarries, sand and gravel pits, junk yards, salvage yards, drive-in operations for restaurants, banks, etc., day or overnight camping facilities, private clubs cluster development, assisted living facilities, nursing homes, correctional facilities, medical care facilities, airports, public golf courses, adult foster care facilities, parks, recreational facilities and public utility structures excluding communication towers.
10. Temporary conditional use permit: Application for a temporary conditional use permit shall be made to the township clerk, and reviewed by the supervisor and the planning commission. A fee shall be set for a temporary conditional use permit by the township board.
11. Uses requiring a temporary conditional use permit: Any activity not normally conducted at site that is not a permitted use for that site's district and lasting no longer than fourteen (14) consecutive days shall require a temporary conditional use permit. Activities included, but not limited to temporary conditional use permits are the following: circuses, festivals, outdoor group gatherings for businesses or private clubs, outdoor entertainment activities including music rests, temporary camping and outdoor promotional activities. Activities for which 25 or more persons are expected to gather in one place shall be required to obtain a permit under this provision. Activities excluded from requiring a permit, regardless of size include family reunions, daily vacation Bible schools and other church activities, garage and yard sales, auctions, government activities and functions and lake association events.
12. Security bond: The township board may require a security bond to the benefit of the

township of Rollin with any conditional use permit or temporary conditional use permit for the purpose that the site will be restored to a “before use condition” when the permit expires. Such bonds shall be required for all extractive operations, circuses, festivals or other activity for which there may be an environmental impact on public or contiguous private property. Bonds shall be sufficient to fund the restoration by the Township if the landowner or permit holder does not clean up or restore the property. The minimum security bond shall be set by the Township Board from time to time.

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