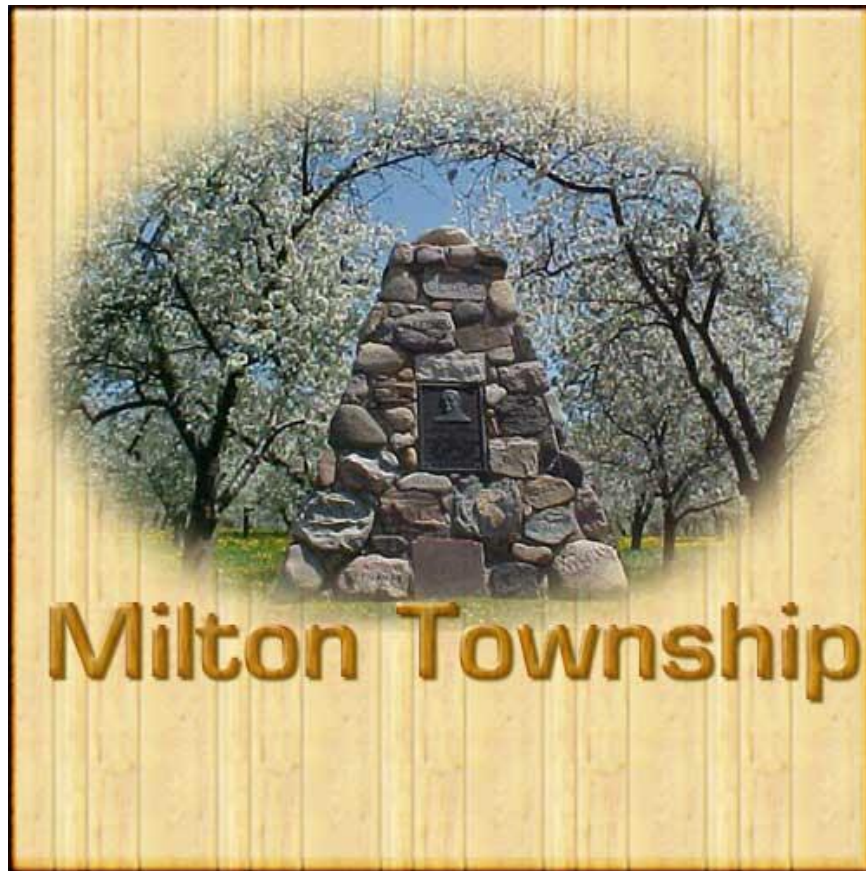


Milton Township

Antrim County

Zoning Ordinance



**Recommended by the Planning Commission
June 12, 2012**

**Adopted by the Township Board
August 13, 2012**

**Effective Date:
August 23, 2012**

MILTON TOWNSHIP ZONING ORDINANCE

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AMENDMENTS

ZONING AMENDMENT NUMBER	EFFECTIVE DATE	AMENDED CHAPTER OR SECTION OR MAP
Ordinance Revised	August 23, 2012	Ordinance Revised
2015-01	August 27, 2015	See Black Books
2015-02	August 27, 2015	Sec.117.220 "T", Sec.117.223 "W", Sec.117.603, C 10A Sec.117.1002, C16 Sec.117.1621
2015-03	August 27, 2015	Sec.117.211"K", 117.219"S", Sec.117.603, C 9AR Sec.117.902, C10A Sec. 117.1001 C 10A Sec. 117.1002
2015-04	August 27, 2015	Sec. 117.215 "O", C 12"M" Sec.117.1205 D, C 6, Sec. 117.603B/Note 13
2015-05	August 27, 2015	Zoning Map/Hemlock Shores rezone from Rezone Environmental to R-1
2016-07	December 1, 2016	Zoning Map/rezone parcel 05-12-535-005-00 From AG to Light Manufacturing & Processing
2017-01	March 30, 2017	Recreation Vehicle Seasonal Park 117.1605
2018-01	March 29, 2018	Zoning Map/rezone parcel 05-12-535-006-00 From AG to Light Manufacturing & Processing.
2018-02	March 29, 2018	117.302 Waterfront Property and Boat Dockage Regulations
2018-03	March 29, 2018	117.321 Residential Waterfront Access Restrictions
2018-04	March 29, 2018	117.215 "O" Outside Sales and Display
2018-05	February 17, 2018	Municipal Civil Infraction/Policing ordinance
2018-06		113.000 Vacation Rental/Policing Ordinance
2018-07		117.170B General Rules & Regulations Regarding Signs
2018-08		Chapter 2 Definitions Earth Change/ Pervious / Pervious Surface
2018-09	November 29, 2018	Remove Section 117.305 (A) 4. Special Use required for accessory structure
2018-11	November 29, 2018	Zoning Map/rezone 0512-219-005-10/20/30/40/45 219-006-00/007-00/008-00 AG to R-1
2019-01	January 30, 2019	Move "Public Assembly Building, Small" from Permitted Uses to Special Land Use in Section 117.702, 117.902, 117.1002, 117.1102
2019-02	January 30, 2019	Amend Sec.117.1605 Recreational Vehicle Seasonal Park.

ZONING ORDINANCE

Ordinance No. ____

MILTON TOWNSHIP, ANTRIM COUNTY, MICHIGAN, HEREBY ORDAINS AS FOLLOWS:

CHAPTER 1

TITLE, PURPOSE AND INTENT

Adopted:_____. This Ordinance replaces zoning Ordinance No. 20 dated June 17, 1975, as amended.

117.100 Preamble.

An Ordinance to provide for the establishment and maintenance of zoning districts within Milton Township, Antrim County, Michigan in accordance with provisions of the Zoning Enabling Act. This Ordinance has been created based on provisions of the 2006 Milton Township Master Plan as established with input from citizens, recommended by the Milton Township Planning Commission, and adopted by the Milton Township Board.

117.101 Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

117.102 Repealer.

Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict, including Ordinance # 20 dated June 17, 1975, as amended which Ordinance is hereby repealed in its entirety, except as provided herein.

117.103 Title.

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

117.104 Purpose.

The fundamental purpose of this Ordinance is to promote the health, safety, and welfare of the inhabitants of the Township by:

- A. Promoting the orderly development of the Township by following the policies and general goals developed in the Milton Township Master Plan;
- B. Encouraging the use of land and resources in the Township in accordance with their suitability;
- C. Promoting the economic progress of the Township and to help protect and enhance the property values thereof;
- D. Reducing the hazards to life and property, promoting traffic safety, and providing protection from the spread of fire and other hazards;

-
- E.
 - F. Conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township; and,
 - G. Insuring that plans for development within Milton Township proposed under the provision of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, shall be reviewed with the objective and intent of achieving the same characteristics and land use result as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288, of the Public Acts of 1967, as amended, including without limitation, conformance with all the requirements of the Milton Township Zoning Ordinance, as amended.

CHAPTER 2
DEFINITIONS

117.200 Interpretation of Words and Terms.

For the purposes of this Ordinance:

- A. Words used in the present tense shall include the future tense.
- B. Words in the singular number shall include the plural and words in the plural shall include the singular, unless the context clearly indicates otherwise.
- C. Where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and" or "or":
 - 1. "And" indicates that all of the connected items, conditions, provision or events shall apply.
 - 2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply singularly or in combination.
- D. The word "may" is permissive.
- E. The words "shall" and "must" are mandatory and not discretionary.
- F. The words "use" or "used" shall include the words "intended, arranged or designed for use" or "intended, arranged or designed to be used" or "intend, arrange or design for use".
- G. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization. Unless otherwise specified herein, the terms in this Ordinance shall be defined as follows:

117.201 "A"

Accessory Building: A building on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, occupied by or devoted to an accessory use. Examples of accessory buildings include, but are not limited to, garages, pole barns and storage sheds.

Accessory Structure: A structure on the same lot, with, and of nature customarily incidental and subordinate to, the principal structure. Accessory structures shall be construed to include, but not be limited to, playground equipment, sports courts, children's play houses, dog houses or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbecue stoves, parking lots, decks, loading docks and radio and television antennas, but shall not include fences or elements related to septic systems.

Accessory Use: A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Adult Bookstore or Adult Video Store: a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs, film, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

-
- B. Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

An Adult Bookstore or Adult Video Store commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and may still be categorized as Adult Bookstore or Adult Video Store. The sale or rental of those items described in Subparagraphs A. and B. above shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

Adult Day Care Facility: For adults eighteen (18) years of age or older, who are mentally ill, aged (60 years or over), developmentally disabled, or physically handicapped and require supervision or care on an ongoing basis for periods of less than twenty-four (24) hours a day. It does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

- A. **Adult Family Day Care Home:** An Adult Day Care Facility in a private home in which six (6) or less adults is cared for.
- B. **Adult Group Day Care Home:** An Adult Day Care Facility in a private home in which more than six (6) but not more than twelve (12) adults are cared for.
- C. **Adult Day Care Center:** An Adult Day Care Facility, other than a private residence, receiving one or more persons.

Adult Entertainment Establishment: a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Adult Escort: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Adult Escort Agency: A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Adult Foster Care Facility: Facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Persons are provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. It does not include convalescent or nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, a county infirmary, or other facilities exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act.

- A. **Adult Foster Care Family Home:** An Adult Foster Care Facility that is a private residence with the approved capacity to receive six (6) or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence. This also includes a state licensed residential facility.
- B. **Adult Foster Care Small Group Home:** An Adult Foster Care Facility located in an owner-occupied facility with the approved capacity to receive twelve (12) or fewer adults.
- C. **Adult Foster Care Large Group Home:** An Adult Foster Care Facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults.

Adult Mini-Theater: a commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions or description of "specified sexual activities" or "specified anatomical areas."

Adult Motel: a hotel, motel or similar commercial establishment which;

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes,- slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of the adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than eighteen (18) hours.

Adult Motion Picture Theater: a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Agricultural Warehouse and Processing Plant: A facility engaged in storage, distribution, wholesale or processing of agricultural products produced on the premises or within the surrounding agricultural area.

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animal Unit: An equivalency unit used to measure the impact of livestock on land uses and natural features.

Antenna: Any exterior transmitting and/or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Automotive and Commercial Truck Repair: General repair, rebuilding, painting, or reconditioning of engines, vehicle bodies and vehicle frames for heavy machinery equipment, dump trucks, tractor and trailer rigs, and similar vehicles not ordinarily used for personal transportation.

Automotive, Off-road Vehicle or Small Engine Sales and Repair: Any business establishment that sells or leases new or used engines or vehicles used primarily for off-road or recreational use, including service and repair.

117.202 "B"

Backhaul Network: The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Bank: A business establishment, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.

Barber and Beauty Shop: A fixed place of business where barbering is practiced; cosmetology services are provided, including hair care, nail care, and skin care; on a regular basis for compensation.

Basement or Cellar: That portion of a building which has at least one-half (1/2) its height below grade.

Bed and Breakfast Establishment: An owner-occupied single family dwelling containing one (1) or more rooms which are provided for gain, for the traveling or vacationing public as temporary accommodation.

Block: Land within the Village zoning district bounded on at least three sides by streets or other transportation or utility rights-of-way, or by physical barriers such as bodies of water or public open spaces.

**Figure 2.1
Block**

Boat: A vehicle used or capable of being used as a means of transportation on water.

Boat Hoist: (See Shore Station.)

Boat Storage Facility: A structure or parcel area used or intended to be used as a storage area for boats.

Building: Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing persons, animals or chattels or carrying on business activities or other similar uses.

Building Envelope: The area within a lot, parcel or condominium lot upon which structures may be constructed; the area not restricted by the required minimum setbacks. (See Figure 2.6)

Business and Professional Office: A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

Business College: An institution other than a trade school that provides full-time or part-time education beyond high school.

117.203 “C”

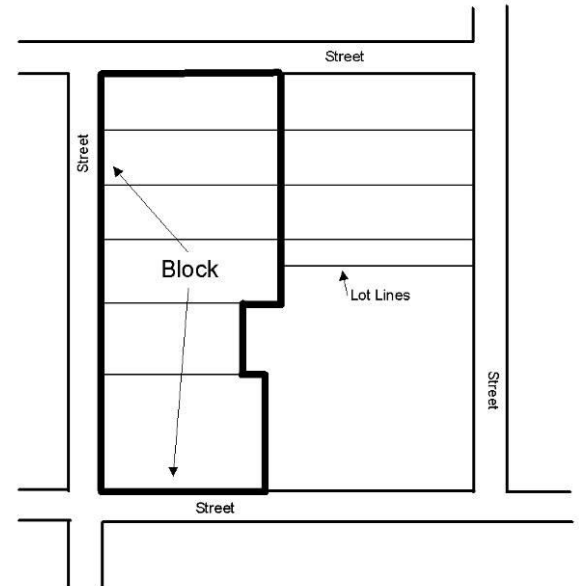
Cellar: See Basement.

Car Wash Facility: A site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Cemetery: Grounds and facilities for the permanent disposition of human remains, including any one or a combination of more than one of the following: a burial ground for earth interment, a mausoleum for crypt entombment; a crematory for the cremation of remains, a columbarium for the deposit of cremated remains.

Child Day Care Home: A private residence where children are received for care and supervision for periods greater than one (1) hour but less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

- A. **Child Family Day Care Home:** A Child Day Care Home in which one (1) but not more than six (6) minor children are received.
- B. **Child Group Day Care Home:** A Child Day Care Home in which seven (7) but not more than twelve (12) children are received.



-
- C. **Child Day Care Center:** A Child Day Care Home, other than a private residence, receiving one (1) or more children, and where the parents or guardians are not immediately available to the child.

Child Foster Family Facility: A private home where children who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

- A. **Foster Family Home:** A Child Foster Family Facility where one (1) but not more than four (4) minor children are given care and supervision.
- B. **Foster Family Group Home:** A Child Foster Family Facility where more than four (4) but fewer than seven (7) minor children are given care and supervision.

Churches and Accessory Religious Facilities: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory uses customarily associated with such primary purpose.

Cidery: See Winery

Clerk: The Clerk of Milton Township, Antrim County.

Clothes Cleaning, Dry Cleaning: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer or where articles are dropped off, sorted, and picked up; but where laundering or cleaning is done elsewhere. Additionally, a facility where patrons wash and dry clothing or other fabrics in machines operated by the patron.

Commercial Building (more than 10,000 square feet): A building or structure housing one or more businesses; with a total cumulative floor area greater than 10,000 square feet.

Commercial Building (up to 10,000 square feet): A building or structure housing one or more businesses; with a total cumulative floor area of 10,000 square feet or less.

Commercial Recreation Facility: Any establishment whose main purpose is to provide the general public with a sport or recreational activity and where tickets are sold or fees are collected for the activity, including but not limited to, skating rinks, miniature golf, driving ranges, arcades, bowling alleys, billiard halls, go-cart tracks, tennis clubs, and similar uses.

Condominium: A form of ownership that includes ownership of a unit of land or a portion of a building in a multi-unit building or development, and ownership of a proportionate interest in the common elements of the development. Condominium owners generally pay a monthly maintenance fee or charge for the cost of administering and maintaining the common elements. Condominiums are established and approved in conformance with the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended.

Condominium Act: Michigan Public Act 59 of 1978, as amended.

Condominium Association: The persons, firm, corporation, partnership, association, trust, or other legal entity designated as co-owners in the condominium documents to administer the condominium project.

Condominium Bylaws: The required set of bylaws for the condominium project attached to the master deed.

Condominium Common Elements: The portions of the condominium project other than the

condominium units.

- A. **General Common Elements:** The common elements other than the limited common elements.
- B. **Limited Common Elements:** The portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium Consolidating Master Deed: The final amended master deed for a contractible condominium project, an expandable condominium project or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.

Condominium, Conversion: A condominium project containing condominium units, some of which or all of which were occupied before the establishment of the condominium project.

Condominium, Convertible Area: One or more condominium units or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium Documents: A set of documents consisting of a master deed, recorded pursuant to the Condominium Act, any other instruments referred to in the master deed or bylaws which affect the rights and obligations of a co-owner in the condominium project.

Condominium, Expandable: A condominium project to which additional land may be added pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium Lot(s): That portion(s) of a single-family detached condominium project designed and intended for separate ownership interest and/or exclusive use, to function similarly to a platted subdivision lot for the purposes of determining minimum yard setback requirements and other requirements set forth within this Ordinance. The condominium lot may include the condominium unit and additional limited common element, but does not include any general common elements, including easements for roadways. (See also “condominium unit.”)

Condominium Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project.

Condominium Manufactured Housing Project: a condominium project in which manufactured homes are intended to be located upon separate sites, which constitute individual condominium units.

Condominium Subdivision Plan: The site, survey and utility plans; floodplain plans; floor plans and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land; the size, location, area, vertical boundaries, and volume for each unit comprised of enclosed air space; the number assigned to each condominium unit and the nature, location and approximate size of common elements.

Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, business, industrial, recreational use, as a time-share unit, or any other type of use.

Construction or Building Contractor Facility: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

Convenience Store: Any retail establishment offering for sale such items as prepackaged food products, household items, newspapers and magazines, sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

117.204 “D”

dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Deck: An unenclosed platform, commonly constructed of wood, which is typically attached to or adjacent to a dwelling and which is typically used for outdoor leisure activities.

Dock: A platform or fixture extending from the shore or bottomlands into a lake, stream or river.

Docked or Docking: Tethering of a watercraft directly to a pier, platform, pole, dock, bulkhead, boat house or mooring; and also the placement of a watercraft in an off-shore boat hoist, or the regular or overnight beaching of a watercraft.

Drive-in or Drive-through Facility: A principal or accessory use of an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway: A roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Drug Store: An establishment engaged in the retail sale of prescription drugs, and which may offer for retail sale nonprescription medicines, cosmetics, and related supplies.

Dry Cleaning Plant: A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling, Multiple Family: A building containing three (3) or more dwelling units.

Dwelling, One-Family (or Single Family): A building containing one (1) dwelling unit.

Dwelling, Two-Family: A building containing two (2) dwelling units occupied exclusively by two (2) families living independently of each other.

Dwelling Unit: A group of rooms located within a building and forming a single habitable unit having facilities which are used or intended to be used for sleeping, cooking, and sanitation purposes.

117.205 “E”

Earth Change: a human-made change in the current land cover or topography of land, including cut and fill activities

Erected: The building, construction, alteration, reconstruction, or moving of a structure upon a premises or lot.

Essential Services: Essential services shall mean the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, and hydrants reasonably necessary for the furnishing of utility service.

Excavation Contractor: A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources and materials used by excavation, restoration and paving professionals. Such facilities typically will include outdoor storage, assembly or staging areas.

Excavation of Mineral Resources: The process of altering the grade elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated. For the purposes of this ordinance, Excavation of Mineral Resources generally refers to an operation for gain whereby excavation activities take place on a land area greater than 10,890 square feet or result in extraction or removal of materials from land in an amount more than 400 cubic yards.

Exotic Animal: Any member of a species of animal, reptile, or bird that is not indigenous to the environs of the Township and which is not considered a pet as defined herein or livestock employed in customary commercial agriculture in the region.

117.206 “F”

Family: An Individual or two (2) or more persons related by blood or marriage or law, or a group of not more than five (5) persons who need not be related by blood, marriage, or law living together as a single housekeeping unit in a dwelling.

Farm: The land, plants, animals, buildings, structures, including ponds used for agricultural or agricultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Farm Market: A place or an area where transactions between a farm market operator and customers take place, including a farm stand as defined herein.

Farmers’ Market: The offering for sale of fresh agricultural products directly to the consumer at an open air market, usually by groups of individual sellers.

Farm Stand: The offering for sale of fresh agricultural products grown on-site directly to the consumer.

Fish and Wild Game Hatchery: An establishment or place devoted to hatching, rearing or raising fish and game that are customarily hunted for sport.

Floor Area: The total area of floor space within the outside walls of a building excluding porches, breezeways, garages, attics, basements, cellars, or crawl spaces.

Food Stores: Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Forest Preserve/Farm Wood Lot: A tract or contiguous tracts of trees protected from the encroachment of development; or land that is a part of a forest unit that is actively engaged in the commercial growing of trees.

Foundation: A structural system for transferring the loads from a structure to the earth, with the lowermost portion resting on the earth and the uppermost portion supporting the walls of a structure.

Funeral Home and Mortuary: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services.

117.207 “G”

Garage, Private: A detached accessory building or portion of a main, building used primarily for the parking or storage of motor vehicles used by the occupants of the premises.

Garage Sale: All general sales, open to the public, conducted from or on residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled “garage,” “lawn,” “yard,” “attic,” “porch,” “room,” “backyard,” “patio,” “flea market,” or “rummage” sale. The sale of personal property that is conducted on premises within a residential district upon which a dwelling is located.

Gas Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and convenience items; and which may include as an accessory use the servicing and minor repair of automobiles and the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Golf Course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

Grade, Finished: The final elevation of the ground surface after man-made alterations, such as grading, grubbing, filling, or excavating, have been made on the ground surface.

Grade, Natural: The elevation of the ground surface prior to excavation, filling, grading, or any man-made alterations.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an aesthetic enhancement, an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

Greenhouse: A building with roof and sides made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

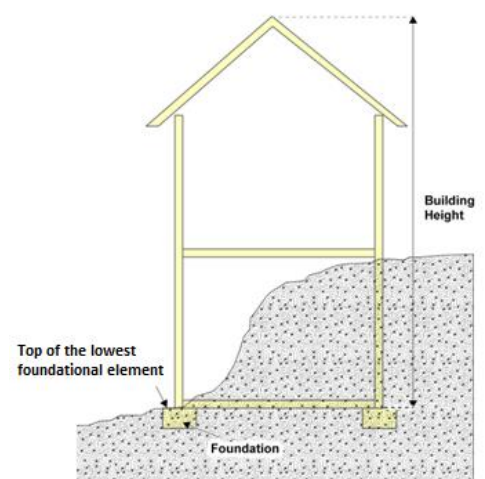
117.208 “H”

Hardware Store: A retail store where the primary business function is the sale of items such as tools, building products, plumbing, heating and electrical supplies, sporting goods, home improvement supplies, and paints.

Health Department: The Health Department of Northwest Michigan.

Height: When referring to a tower or other structure in connection with wireless communication systems regulations, “height” shall be the distance measured from the finished grade of the parcel to the highest

Figure 2.2 Foundation and Building Height



point on the tower or other structure, including the base pad and any antenna.

Height, Building: The vertical dimension of a building measured from the top of the lowest foundational element to the highest point of the roof, parapet wall, or other uppermost part. (See figure 2.2)

Home Occupation: An activity, profession or use carried out for gain by a resident, and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling or accessory building, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

Home Occupation - Major: A home occupation as defined herein, that may be evident to neighbors.

Home Occupation - Minor: A home occupation as defined herein involving activities which do not affect the residential character of the neighborhood and which, under normal circumstances, would not be detectable by neighbors.

Hospital, Medical Clinic: An institution providing health services primarily for human inpatient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are integral parts of the facilities.

117.209 "I"

RESERVED

117.210 "J"

Junk: Any manufactured good, appliance, fixture, furniture, machinery, boat, or personal property or any part of the preceding things or any thing, whether of value or valueless, that is demolished, discarded, completely or partially dismantled, dilapidated, wrecked, scrapped, ruined, junked, or so worn, deteriorated, or in such a condition as to be generally unusable or inoperable in its existing state.

Junkyard: Any place fixed in location within the Township where used metal, including brass, copper, tin, and iron, used paper and rags, or used machinery including automobiles, is brought or bought for resale, or for dismantling and stripping for resale of parts or as scrap.

117.211 "K"

Kennel, Commercial – A premises used for the sale, boarding, breeding or training of dogs for remuneration.

117.212 "L"

Landscaping, Lawn Service Contractor: A business principally engaged in the decorative and functional alteration, planting, and maintenance of grounds; and which may also offer tree services and snow plowing.

Light Manufacturing or Processing Operation: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products.

Living Area: The portion of the floor area within a dwelling used or intended to be used for permanent habitation.

Lot, or Parcel: A distinct piece of land, individually recorded in the records of the Antrim County Register

of Deeds by description on a recorded plat, condominium subdivision or by metes and bounds description. The word "lot" includes the words "plot," "tract" and "parcel."

Lot Area: The total horizontal area within the lot lines of a lot.

Lot, Corner: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Zoning Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage: The percentage of the lot area covered by all buildings and building projections such as bay windows, eave overhangs, and decks, including accessory buildings, on the lot.

Lot Depth: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the rear most point of the lot where there is no rear lot line.

Lot, Divided: A lot that is bisected by a street or private street.

Lot, Interior: Any lot other than a corner lot or a through lot.

Lot Lines: The lines bounding a lot herein described.

A. **Lot Line, Front:**

1. **Lot Not Fronting on a Lake, River or Stream:**
The lot line which contains the right-of-way line of the principal road or right-of-way providing access to a lot.

In the case of an interior lot, the lot line dividing the lot from the street or right-of-way.

In the case of a corner lot or a through lot, the lot line separating the lot from the street right-of-way which is designated as the front street in the plat and/or in the request for a building permit.

2. **Lot Fronting on a Lake, River or Stream (Waterfront Lot):** The lot line along the waterfront where the lot line is submerged, the front lot line shall be deemed to be the shoreline as defined herein. In the case of two (2) lots lines abutting a surface water body, the front lot line shall be the one abutting the larger water body.

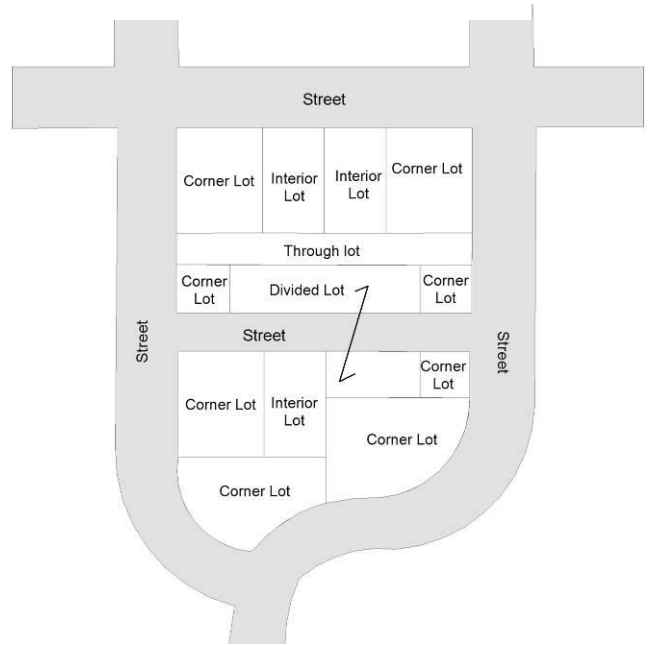
- B. **Lot Line, Rear:** The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

- C. **Lot Line, Side:** Any lot line other than a front lot line or a rear lot line.

Lot of Record: A lot of record in the office of the Antrim County-Register of Deeds, or which is part of a subdivision on record in said office, on the effective date of this Ordinance.

Lot, Through: A lot that fronts on two nominally parallel roads or that fronts on two roads that do not

Figure 2.3 Lot Types



intersect at the boundaries of the lot.

Lot, Waterfront. A lot that abuts one or more surface water body, as defined herein.

Lot Width. The horizontal distance between the side lot lines measured along the shortest distance between said side lot lines.

Lot, Zoning: Two (2) or more parcels or lots of record or platted lots, when contiguous and held in common proprietorship, as defined by Public Act 288 of 1967, shall be treated together as one (1) lot for the purposes of this Ordinance.

LP Gas Storage and Distribution: Mains, services, equipment, and appurtenant facilities which carry or control the supply of gas.

117.213 “M”

Machine Shop: Shops where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

Manufactured Home: A dwelling which is transportable in one (1) or more sections, that is built on a permanent 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 therein and is installed by a Michigan Licensed Manufactured Housing dealer or Michigan Licensed Manufactured Housing installer as required by Michigan statute, and administrative rules promulgated thereunder.

Manufactured Housing Community: A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

Marine Sales, Service and Repair: Establishments whose business is offering the sale or rental of boats and marine sporting equipment including motors, and servicing, repair and storage of the same.

MDEQ: Michigan Department of Environmental Quality or any successor agency.

MDNRE: Michigan Department of Natural Resources or any successor agency.

Mobile Home: (see Manufactured Home) -

Migrant Workers’ Facility: Any living quarters maintained exclusively for farm employees and their families.

Mooring: A space for a single watercraft at or adjacent to a dock, in an offshore boat hoist, an overnight anchoring offshore, or a beaching location.

Motel: An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

117.214 “N”

Nonconforming: The status or condition of a use, building or lot, or any combination thereof, which does

not conform to one (1) or more of the provisions of this Ordinance for the zoning district or districts in which such use, building or lot is located.

Non-resident Employee: Includes an employee, business partner, co-owner, subcontractor, or other person affiliated with the home business, who does not reside at the site, but who works on site as part of the home business. Two (2) one-half time nonresident employees are considered one (1) nonresident employee.

Nudity or State of Nudity: The exposure of specified anatomical areas.

Nursery: An enterprise that conducts the retail and/or wholesale of plants grown on the premises, as well as accessory items (but not power equipment, such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance.

Nursing Home: A home licensed by the State for aged, chronically ill, or incurably ill persons, in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

117.215 "O"

Occupied: As used in this Ordinance, meaning either: (1) location on the ground; or (2) active use of a residential or nonresidential structure.

On Site Use Wind Energy Systems (OSUWES): A Wind Energy System intended to primarily serve the needs of the consumer located on the site with the Wind Energy System.

Outdoor Storage: A use/activity performed by a commercial or manufacturing entity that includes the storage of merchandise, equipment or materials outside of an enclosed building, excluding equipment and materials used for agricultural operations.

Outside Sales and Display: A commercial land use or activity that displays goods for sale or rent on an open-air lot or yard visible from the public right-of-way.

Overlay Zone: An area with modifications to the underlying zone based on specific conditions or requirements established within this Ordinance.

117.216 "P"

Parking Lot: An off-street, ground-level open area for the temporary storage of motor vehicles.

Permittee: A person to whom a permit has been issued.

Person: An individual, proprietorship, partnership, firm, limited liability company, corporation, association, or other legal entity.

Pervious: Able to be penetrated; permeable

Pervious Surface: Provides a surface suitable for pedestrian and/or vehicular traffic, while allowing rainwater to infiltrate through the surface and into underlying layers.

Pet: An ordinary domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure of companionship.

Pet Grooming Service: Any place or establishment, public or private, where animals are bathed,

clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Pet Shop: A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

Physical Fitness or Athletic Center: Any facility where members or nonmembers use equipment or space for the purpose of physical exercise, typically referred to as a gym.

Planned Residential Development (PRD): A tract of land developed as a unit under single ownership or unified control, which includes one or more principal buildings or uses and is processed under the planned residential development provisions of this Ordinance. Also, a parcel of land planned as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional siting regulations (such as side yards, setbacks, and height limitations). The greater flexibility in locating buildings is intended to achieve certain economics in construction, innovation in design, as well as the preservation of open space and the inclusion of many amenities.

Planned Residential Development Open Space: A portion of land that is preserved from future development.

Planned Residential Development Open Space, Common: A portion of land reasonably accessible to all residents of the PRD.

Planned Residential Development Open Space, Limited: A portion of land with specific restrictions to its accessibility.

Planned Residential Development Open Space, Public: A portion of land reasonably accessible to the general public.

Planning Commission: The Planning Commission of Milton Township.

Planning Commission, County: The Planning Commission of Antrim County.

Preexisting Towers and Preexisting Antennas: Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this Ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Principal Building or Structure: A building in which the primary use of the lot on which the building is located is conducted.

Principal Use: The primary and predominant use or intended use of the premises according to the zone requirements or the actual use of the premises.

Private Air Strip or Private Landing Strip: An airstrip restricted, except for aircraft emergencies, to use by the owner, and on an infrequent and occasional basis, by invited guests and by commercial aviation activities in connection with permitted uses of the land.

Private Road: Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Private Waterfront Access: A privately-owned way or means of approach to provide physical entrance to a water body.

Public Assembly Building: A building or portion thereof in which facilities are provided for civic, educational, political, social, religious or fraternal purposes, including theaters, libraries, art galleries, museums, churches and auditoriums.

Public Assembly Building, Large: A public assembly building as defined herein with either a seating capacity of more than 120 persons in the largest room or building footprint of at least 2,000 square feet.

Public Assembly Building, Small: A public assembly building as defined herein with a seating capacity up to 120 persons in the largest room and a building footprint of less than 2,000 square feet.

Public Park, Playground, or Community Center: A public facility, or natural or landscaped area, provided by a unit of government or residential neighborhood association, to meet the active or passive recreational, cultural, social, and sporting needs of residents.

117.217 “Q”

RESERVED

117.218 “R”

Recreational Vehicle: A vehicle or vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor power, or is mounted on or drawn by another vehicle which is self-powered. Recreational units shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers.

Recreational Vehicle Seasonal Park: Land under a single ownership and management providing temporary hook-ups for recreational vehicles (not including tents, mobile homes, manufactured homes, or other structures) for recreational or educational purpose.

Required: Mandated by the provisions of this Ordinance.

Research and Office Building: Research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing, or sale of products.

Restaurant: A business in which the principal use is the preparation and sale of food and beverages primarily for consumption on site.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

117.219 “S”

SCADA/MET Tower: A freestanding tower containing instrumentation such as anemometers or meteorological devices designed to provide present wind data for use by the supervisory control and data acquisition (SCADA) system.

School: A private, public or parochial educational facility offering instruction at the elementary, junior and/or senior high levels in the branches of learning and study required to be taught in the public schools of Michigan.

Seasonal Camp or Similar Recreation Enterprise: Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles, Manufactured Housing or

mobile homes) for recreational or educational purposes.

Service Stations and Auto Repair: A facility providing minor vehicle servicing, minor repairs, and maintenance, and may provide engine rebuilding but not reconditioning of motor vehicles, collision services such as body, frame, or fender straightening and repair, or overall painting of automobiles.

Setbacks: (also “yard, required”). The minimum required distance by which any building or structure must be separated from a street right-of-way or lot line.

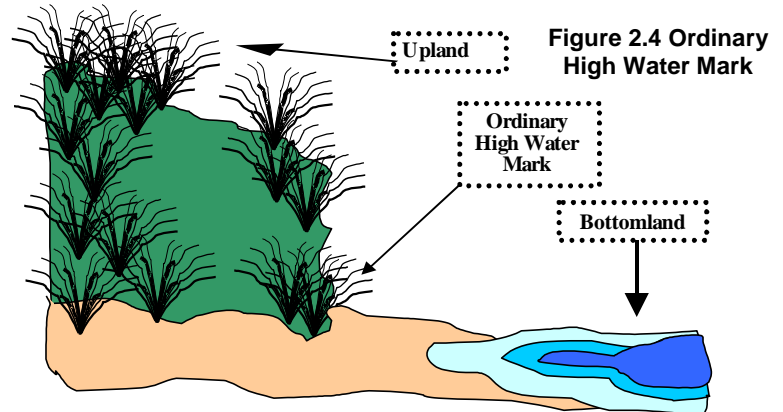
Sexually Oriented Business: An adult bookstore or video store, adult entertainment establishment, adult mini-theater, adult motel, adult motion picture theater, adult escort or adult escort agency.

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

Shore Station: A floating or fixed structure used to dock and secure a watercraft to protect it from the elements and which may include equipment to lift a watercraft out of water.

Shoreline: For the purposes of this Ordinance, shoreline shall be the same as the ordinary high water mark elevation. The shoreline shall be designated by one of the following:

- A. For Lake Michigan, five hundred seventy-nine point eight (579.8) feet per the State of Michigan Natural Resources And Environmental Protection Act 451 of 1994, Section 324.32502, or as determined from court action, or appropriate State of Michigan action.
- B. For Elk Lake, Skegemog Lake, Torch lake, Elk River and Torch River, five hundred ninety point eight (590.8) feet per the Elk Rapids Dam Gauge.
- C. For other inland waters, the line, as determined by the Zoning Administrator, between upland and bottomland, which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.



Shoreline Protection Strip: A strip of primarily natural vegetation extending inland at least twenty-five (25) feet from the shoreline of any lake, river, or stream abutting or traversing the property for the purpose of filtering runoff, providing shade and wildlife cover and bank stabilization.

Site Condominium (also Condominium Subdivision): Any division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act (Act 288 of 1976, as amended), but which is subject to the requirements and provisions of the Condominium Act (Act 59 of 1978, as amended).

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

-
- A. **Sign, Construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.
 - B. **Sign, Directional:** Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as “one-way,” “entrance,” and “exit.”
 - C. **Sign, Electronic Message Board:** A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.
 - D. **Sign, Ground:** Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.
 - E. **Sign, Off Premise.** A sign that directs attention to a business, commodity, services or entertainment conducted, offered or sold at a location other than the premises on which the sign is located.
 - F. **Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.
 - G. **Sign, Political:** A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.
 - H. **Sign, Portable:** A sign that is not permanent, nor affixed to a building, structure, or the ground, such as an A-frame sign.
 - I. **Sign, Real Estate:** A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
 - J. **Sign, Temporary:** A sign designed for use for a limited period of time to announce special events.
 - K. **Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.
 - L. **Sign, Window:** A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.
 - M. **Sign, Yard:** A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

Sign Area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Single-Family Home: (see “dwelling, one family”).

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Special Land Use: Land uses which are permitted in a zoning district only after review and approval by the Planning Commission following procedures outlined in Chapter 16 of this Ordinance.

Specified Anatomical Areas includes:

- A. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities includes:

- A. Acts of masturbation, sexual intercourse, or sodomy;
- B. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
- C. Human genitalia in a state of sexual stimulation or arousal.

Stable, Commercial – A premises used for the sale, leasing, boarding, riding, breeding or training of horses for remuneration.

Story: That portion of a building included between the surface of any floor and the floor or ceiling next above it having a usable floor area of fifty (50) percent or more of the usable floor area of the floor immediately below it. A top floor area under a sloping roof with less than fifty (50) percent of the usable floor area is a half story.

For the purpose of this Ordinance, a basement or cellar shall not be counted as a story. However, a walk-out basement shall be counted as a half-story.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Subdivision: As defined in Act 288 of 1967, a use of land involving the partitioning or splitting of a parcel or tract of land by the proprietor thereof for the purpose of sale or lease or of building development that results in one or more parcels of less than 40 acres. This definition includes so-called site condominiums, or condominium subdivisions.

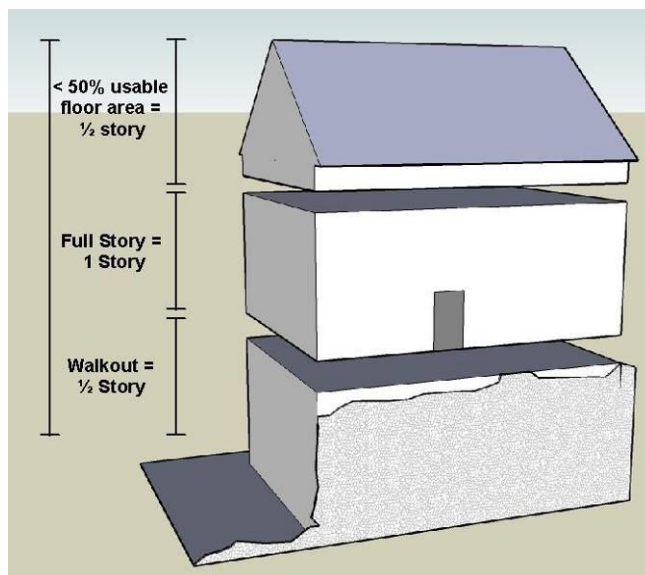
Surface Water Body: Any one or more of the following lakes, streams or rivers: Torch Lake, Elk Lake, Lake Michigan, Skegemog Lake, Mud Lake, Maplehurst Lake, Torch River, McGuire Creek, Mitchell Creek, Paradine Creek, Campbell Creek, Maplehurst Creek, Elk Tip Creek or other perennially flowing creeks.

117.220 “T”

Tasting Room: A room in conjunction with a winery and/or cidery where tasting of wine, fruit wine, agricultural wines, cider, and non-alcoholic fruit juices takes place at a charge or no charge to the individual.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting the turbine and rotor of a wind energy system or one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, or monopole towers. The term includes

Figure 2.5 Story



radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. The terms specifically exclude guyed towers.

Township: Township of Milton, Antrim County, Michigan.

117.221 “U”

Utility Grid Wind Energy Systems (UGWES): A Wind Energy System designed and built to provide electricity to the electric utility grid.

117.222 “V”

Variance: A deviation from the terms of this Ordinance granted by the Zoning Board of Appeals.

Variance, Dimensional or Area: An authorization by the Zoning Board of Appeals permitting modification to dimensional regulations and standards of this Ordinance.

Veterinary Hospitals and Clinics: Any building or portion of a building designed or used for the care, observation, or treatment of injured or diseased animals.

117.223 “W”

Warehouses, including Mini-Warehousing: An establishment engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment; and also including an enclosed storage facility containing independent, fully enclosed bays that are leased to individuals exclusively for long-term storage of their household goods or personal property.

Watercraft: Any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having a propulsion of six (6) horsepower or more, or any vessel regardless of propulsion stored on a boat hoist or mooring, but does not include canoes, kayaks, paddle boats, rowboats (without an engine), or other human-powered craft, or beached sailboards and sailboats.

Watercraft Spaces: An area allotted for the overnight mooring and/or docking of a watercraft.

Wetland: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Business: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. This is not considered a general commercial use.

Winery and Cidery: A State licensed facility where agricultural fruit production is maintained; juice agricultural products are processed into wine and/or cider, stored in bulk, packaged, and sold at retail or wholesale to the public. The site and building are used principally for the production of wine and/or cider and related beverages.

Wind Energy System: A wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, rotor, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

117.224 “X”

RESERVED

117.225 “Y”

Yards: The open areas that lie between the building(s) and the nearest lot line.

- A. Front Yard:** An open area extending the full width of the lot, the depth of which is the least horizontal distance between the front lot line and the nearest point of the building.
- B. Rear Yard:** An open area extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the building. Corner lots shall be considered to have no rear yard
- C. Side Yard:** An open area between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the building.
- D. Yards, Required:** (also “setback”). The minimum required distance by which any building or structure must be separated from a street right-of-way or lot line.

117.226 “Z”

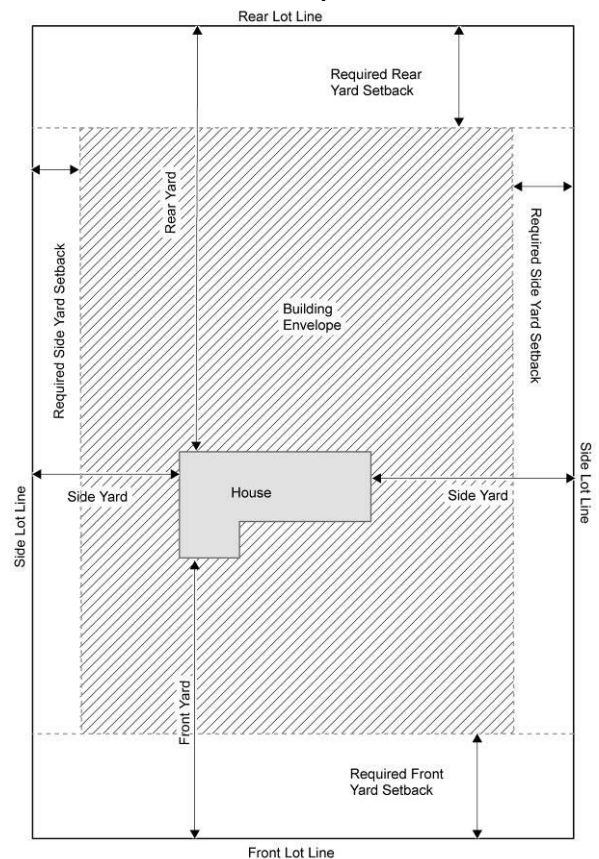
Zoning Administrator: The Zoning Administrator of Milton Township.

Zoning Board of Appeals (ZBA): The Zoning Board of Appeals of Milton Township

Zoning Enabling Act: The Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended.

Zoning Permit: Official sanction or approval of a defined activity, land use, development as provided in this Ordinance.

Figure 2.6 Yards, Setback and Building Envelope



CHAPTER 3
GENERAL PROVISIONS

117.300 Use of Land and Erection or Alteration of Structures

Except and as hereinafter specified, no building, structure, premises, or piece and parcel of land in and throughout the Township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations and provisions herein specified for the zoning district in which it is located.

117.301 Grade Changes.

Where changes to the natural grade are made on any parcel in the Township, the final grade shall provide for retention of storm water on the same parcel and shall otherwise not impact the neighboring properties through uncontrolled soil erosion. Because Milton Township is not a Municipal Enforcing Agency under Section 9106 of Act 451 of 1994, this regulation is not intended to supersede the authority of the Antrim County Soil Erosion Control office, but to apply to properties where a soil erosion permit is not required under the Antrim County Soil Erosion and Sedimentation and Stormwater Runoff Control Ordinance.

117.302 Basement Dwellings Prohibited.

Basement dwellings are prohibited in the Township.

117.303 Standards for Lots, Yards, and Single Family Dwellings

A. Lots and Yards.

1. Lot area shall be considered the entire horizontal area within the lot lines, excluding any portions of the lot which may include the road right-of-way.
2. Lot width. The minimum lot width shall be a continuous dimension measured in a straight line. For interior lots or through lots not adjoining cul-de-sacs, lot width shall be measured as the shortest distance between the side lot lines and in all cases shall not be less than the required minimum throughout the lot. For a corner lot, lot width shall be measured as the shortest distance between each front lot line and the side lot lines most directly opposite and in all cases shall not be less than the required minimum. In the case of a lot adjoining a cul-de-sac, the required minimum lot width dimension shall be achieved along a straight line between the points where the minimum required front setback intersects the side lot lines, and it shall be met for all points on the interior of the lot.
3. Required Yards. Required yards (setbacks) shall be an imaginary line parallel to the respective lot line and measured from the lot line toward the interior portion of the lot. Front and rear required yards shall extend the width of the lot and side required yards shall extend between the required minimum front and rear yards.
4. Measuring Setback.
 - a. Architectural features, such as eaves, overhangs, fixed canopies, chimneys and unenclosed roof structures may not extend or project into any required yard and all required yards shall be measured from the lot line to the nearest point of the building, whether such point is at grade, elevated above grade, or below grade. Fences, ground level patios, walkways and similar structures for pedestrian movement may be

constructed in any yard setback area.

- b. The Zoning Administrator will determine compliance acceptability and can approve specific requests which are consistent with the Ordinance intent but where interpretation questions arise because of uneven terrain and/or safety issues. In no case can an accessory structure or architectural feature projecting into the setback area result in drainage to an adjacent property or into any surface water body.
- B. Front Yard Setback Averaging. In the event a site plan is submitted in the Village District for a proposed commercial building or improvement in an area where at least 40% of the existing commercial buildings, within the same block and zoning district, do not meet the front yard setback requirements of this Ordinance, the Zoning Administrator, at the request of the applicant, shall establish the minimum front yard setback for such proposed building or improvement by averaging all existing front yard setback dimensions on all lots in the block and on the same side of the street. At the discretion of the Zoning Administrator the minimum front yard setback established pursuant to this Section may be based on a survey of all properties incorporated in said average to be provided at the Applicant's expense. Provided, however, that the front yard averaging provisions of this paragraph shall not apply to front yards on waterfront lots.
- C. Single Family Dwellings. Any single family dwelling including a manufactured home may be used in any zoning district in which a single family dwelling is permitted, provided the following standards applying to any single family structure are met:
1. The dwelling shall comply in all respects to the minimum height, bulk, density, area, square footage and width requirements as set forth in Chapter VI, Section 117.603B of this Ordinance. Where a dwelling is required by law to comply with any federal or state standard or regulation for construction different from those imposed by the building code, then and in that event, such federal or state standard or regulation shall apply.
 2. The dwelling shall be firmly and permanently attached to a permanent foundation constructed on the site in accord with the building code in effect, and shall have a foundation wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein located outside a licensed manufactured housing community, such dwelling shall be installed pursuant to the manufacturer's setup instructions except that the above requirement for permanent attachment to a permanent foundation and perimeter wall shall supersede the anchoring system or device rules and regulations of the Michigan Manufactured Housing Commission.
 3. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis.
 4. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Health Department.
 5. The dwelling shall comply with all pertinent building and fire codes. In the case of a Manufactured Home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the Manufactured Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 32 80, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
 6. The foregoing standards shall not apply to a Manufactured Home located in a licensed manufactured housing community except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

7. All construction required herein shall be commenced only after a Building permit has been obtained in accordance with the applicable building code provisions and requirements.
8. Single-Family Dwellings not located within a Manufactured Housing Community shall meet the minimum floor area requirements of this Ordinance and shall have minimum exterior dimensions of at least twenty (20) feet. For the purposes of this section, the minimum exterior dimension shall be measured along two adjoining sides of a rectangle containing the structure, including the sum of all wall segments with essentially the same general orientation (as illustrated in Figure 3.1), but excluding minor extensions such as bay windows, "bump-outs," "expandos" or similar extensions with a floor area of less than one hundred (100) square feet.

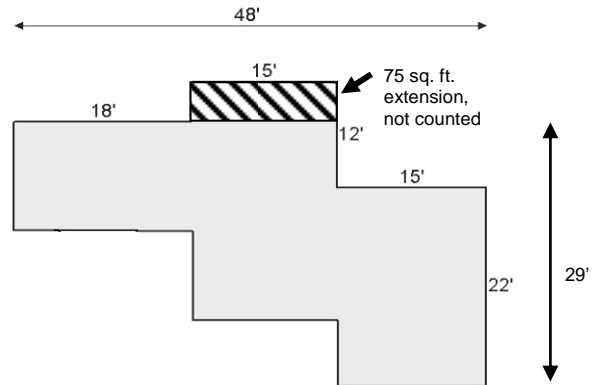


Figure 3.1 Minimum Exterior Dimensions

117.304 Temporary Dwellings.

No cabin, garage, basement, tent, or other temporary structure shall be used in whole or in part for dwelling purposes in any zoning district provided that such structure may be used for a temporary dwelling for a period not to exceed six (6) months upon application to and approval of a permit for such occupancy issued by the Zoning Administrator upon determination that the following conditions exist and are met:

- A. The permanent dwelling of the resident applicant has become uninhabitable due to damage caused by fire, wind or other natural calamity or emergency.
- B. Due to undue hardship, the applicant is unable to obtain another dwelling unit as a temporary residence.
- C. Adequate Health Department provisions are made for temporary public or private water supply and sewage disposal to and from said structure.
- D. The structure is constructed so as to meet the minimum requirements for the health, safety and welfare of those occupants and the surrounding neighborhood.
- E. The applicant shall establish an escrow fund, letter of credit or other surety acceptable to the Zoning Administrator to assure that the temporary dwelling shall be removed upon expiration of the six month period.

117.305 Accessory Buildings and Structures and Uses

- A. Accessory Building without a Principal Building Structure. An accessory building structure shall only exist or be constructed where there exists a principal building or structure on the same parcel. The following are exceptions to this restriction:
 1. Where the demolition or land division of a parcel is proposed which would result in an accessory building structure without a principal building or structure, the demolition or land division shall be conditioned on a performance bond ensuring removal of the accessory building structure in two years, if no principal building or structure has been constructed, or if no satisfactory progress in the construction of a principal building or structure has occurred.

2. Accessory building structure without a principal building or structure may be established in the following cases:
 - a. The parcel is devoted to a farm as defined herein; and
 - b. Such agricultural use is the primary use on the parcel; and
 - c. The parcel is located in the Agricultural zoning district.
 - d. With the approval of the Zoning Administrator, garages may be located on a lot to serve dwellings located on a contiguous parcel, provided the two parcels are held in common ownership, and provided further that a recorded deed restriction prevents the separate sale or conveyance of the parcels where such conveyance would result in an accessory building without a principal building.
 3. Accessory buildings shall be located on the lot in conformance with the yard, setback and building height requirements of the respective zoning district.
- B. Accessory structures, which are not accessory buildings, shall be located on the lot in conformance with the yard, setback and height requirements of the respective zoning district.
- C. Accessory Uses, as defined herein, may be established in conjunction with any permitted use or any special land use, provided the Zoning Administrator finds that such accessory use is customarily found with the principal use and is incidental and subordinate to the principal use.
- D. On Site Use Wind Energy Systems (OSUWES). OSUWES shall be a permitted use in all zoning districts and shall be considered accessory structures and subject to a zoning permit. OSUWES with no tower and with towers of up to sixty-five (65) feet in height shall not require a site plan, if erected in accord with this section. OSUWES with a tower higher than sixty-five (65) feet shall require a site plan review. Prior to the installation of a tower higher than 65 feet, an application shall be filed with Milton Township that will meet the requirements of Chapter 21 and include documentation that sound pressure level, construction code, tower, interconnection (if applicable), safety requirements have been met; as well as proof of the applicant's public liability insurance. OSUWES shall meet the following standards and requirements:
1. Property Set-back: The distance between an OSUWES tower and the owner's property lines shall be at least one and one half times the height of the wind energy system tower including the top of the rotor in its vertical position.
 2. Sound Pressure Level: OSUWES shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 3. Vibrations: Under no circumstances shall an OSUWES produce vibrations humanly perceptible beyond the site property boundaries.
 4. Construction Codes, Towers, & Interconnection Standards: OSUWES including towers shall comply with all applicable State Of Michigan construction and electrical codes and local building permit requirements. OSUWES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected OSUWES shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 5. Safety: An OSUWES shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. Written shut down procedures for emergency personnel must be submitted to the Milton Township Fire Department. All wind towers shall have lightning protection. The minimum vertical rotor tip clearance from grade shall be 20 feet

for a wind energy system employing a horizontal axis rotor. The tower shall be freestanding and not require guyed supports or stabilization.

117.306 Storage of Vehicles and Equipment.

No outdoor area shall be used for the dismantling, accumulation, or abandonment of dismantled, disabled, wrecked or discarded motor vehicles or boats, or machinery, fixtures, appliances, junk or any part thereof; except in accord with this Ordinance.

117.307 Essential Service Facilities

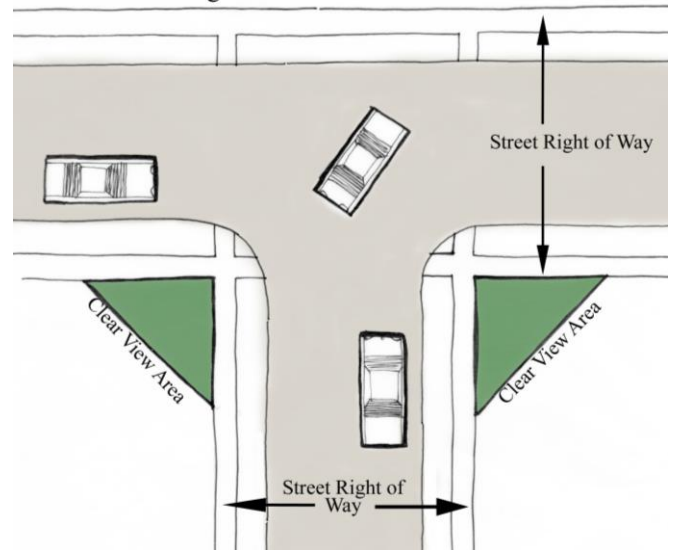
- A. Intent. It is the intent of this Section to permit routine essential service facilities in any zoning district because routine essential service facilities are likely to have a minimal adverse impact on surrounding properties. Major Essential Service Facilities are those utility-type public service facilities which, because of their size or nature, are more likely to have an adverse impact on surrounding properties. Depending on their size, nature, and potential adverse impact on surrounding properties, Major Essential Service Facilities may be allowed in the A, A-R and M zoning districts, and subject to the provisions of this Ordinance. All Major Essential Services Facilities shall be subject to site plan and Special Land Use review in accordance with Chapter XVI of this Ordinance.
- B. Relationship to Franchise. Essential services shall be permitted as authorized under any franchise in effect within the Township, subject to regulation as provided in any law of the State of Michigan, or in any Ordinance of the Township. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this Zoning Ordinance, wherever such conformity shall not conflict with the specific requirements of such franchise, state legislation, or Township Ordinance. In the absence of any conflict, the Zoning Ordinance shall prevail.
- C. Routine Essential Service Facilities. The following are considered routine essential service facilities and are permitted in all zoning districts:
1. Underground utility facilities such as water mains, sewer mains and lift stations, electrical, gas, telephone, and cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided that are designed to serve primarily Milton Township and any adjacent community, subject to any franchise agreement with the Township.
 2. Above ground utility facilities and equipment buildings or cabinets that occupy no more than 200 square feet and are no more than twelve (12) feet in height.
 3. Overhead pole-mounted electrical, telephone, cable television and broadband distribution lines and transformers, switches, utility boxes and other equipment associated with the services provided designed to primarily serve Milton Township and any adjacent community, subject to any franchise agreement with the Township, and providing the height above grade of such facilities does not exceed fifty (50) feet. With new developments, utility easements will be approved as part of a subdivision plat, condominium, or site plan.
 4. Any other facilities similar in scale and scope to the above, as determined by the Zoning Administrator, shall be considered routine essential service facilities.
 5. Essential Service Facilities other than those described in subparagraphs a through d of this section shall be considered Major Essential Service Facilities, subject to the provisions of Section 117.1613.
- D. Routine Essential Service Facilities Review and Approval. Installation of new Routine Essential Service Facilities shall be subject to review and approval of the Zoning Administrator and issuance of a zoning permit pursuant to Section 117.2300. Replacement facilities and regular maintenance shall not require issuance of a new land use permit.

117.308 Clear View Area.

No building or structure shall be erected within the following required clear view areas.

- A. At the intersection of any State Trunkline Highway and any County Primary Road, the triangle formed by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of one hundred (100) feet from the point of intersection.
- B. At the intersection of any County Local Road with any State Trunkline Highway or County Primary or Local Road the triangle formed by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of fifty (50) feet from the point of intersection.

Figure 3.2 Clear View Area



117.309 Animals

It shall be unlawful to keep animals other than pets as defined herein on any premises in an AR, R-1, R-3, V, C or M zoning district, except in connection with an approved veterinary clinic, or as provided in this Section. The keeping of exotic animals shall be prohibited in all districts.

- A. In the R-1 & AR Districts on parcels of not less than 5 acres, the animals listed below, other than pets, may be kept in an area where a completely fenced enclosure is provided, subject to the limitations of subparagraph B below.
- B. The combined number of individual animals permitted shall not exceed one (1) Animal Unit per acre within the completely fenced enclosure which shall be determined from the following equivalency table:

Types of Animals	Animal Units per Individual Animal	Types of Animals	Animal Units per Individual Animal
Cattle (dairy or beef)	1.00	Horses	1.00
Swine	.50	Sheep, Goats, Alpaca	.50
Chickens	.20	Turkeys, Geese, Ducks	.40

117.310 Home Occupations.

- A. Purpose. These are special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The intent of the regulations of this chapter is to establish standards for all home occupations rather than to limit the allowed uses to a specific list. The regulations are intended to ensure that the home occupations remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood.
- B. Minor Home Occupation: A minor-home occupation is a home occupation as defined herein, which would normally not be apparent to neighbors living in the vicinity, such as providing piano

lessons to one student at a time. A minor home occupation shall be permitted in the R-1, R-3, A-R, A, E and V districts, subject to the following conditions:

1. The minor home occupation must be conducted entirely within a residential building and must not be evident in any way from the street or from any neighboring premises.
 2. The minor home occupation must not change the character of the building in which it is conducted and must not constitute, create or increase a nuisance.
 3. The minor home occupation must be carried on only by the inhabitants of the building plus not more than one non-resident employee.
 4. The minor home occupation must employ only mechanical equipment which is similar in power and type used for household purposes and hobbies.
 5. The minor home occupation must not generate noise, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the minor home occupation shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.
 6. The minor home occupation must provide sufficient solid waste receptacles sufficiently screened and maintain the property free of debris.
 7. The minor home occupation must not devote more than twenty-five (25) percent of the principal building to such home occupation.
 8. The minor home occupation must not require parking spaces in excess two (2) spaces, located in the driveway or on the street directly adjacent to the property.
 9. The minor home occupation must not generate vehicle trips in excess of six (6) round-trips per day, and only between the hours of 8:00 am and 9:00 pm.
 10. On-site sale of merchandise shall be by appointment only.
 11. For the purposes of this section, multiple home occupations or combined home occupations shall be regarded as, and comply with the requirements of a single home occupation.
 12. Signage for a minor home occupation shall be limited to one (1) non-illuminated sign of color and style compatible with the residence mounted to the residence or to a pole immediately adjacent to the residence, with an area not to exceed seventy-two (72) square inches.
- C. Prohibited uses. Under no circumstances shall the following be considered a minor home occupation:
1. Warehousing and rental of storage space for gain.
 2. Junkyards
 3. Sexually Oriented Business
 4. Bed and Breakfast
- D. Major Home Occupations. A major home occupation shall be a home occupation that cannot meet the requirements of this Section. Such major home occupation shall be regulated pursuant to Section 117.1612 Home Occupation, Major of this Ordinance.

117.311 Greenbelts and Landscaping.

- A. When Required. A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential or agricultural use. If waived in writing by the adjacent residential or agricultural property owners, the greenbelt may be omitted or a fence substituted for the greenbelt if the Planning Commission finds that there would be no adverse effects resulting from the waiver or omission.

- B. Standards. A greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart, and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and which grow at least five (5) feet or more in height after one (1) full growing season. The above must be planted and maintained in a healthy growing condition by the property owner. The Planning Commission may require additional greenbelt area or plantings or a particular type of planting, such as evergreens trees, to ensure adequate buffering.
- C. The Planning Commission may waive or modify any requirement of this section as not applicable to particular development circumstances and providing that such waiver does not detract from the aesthetics or quality of the natural environment of the Township.

117.312 Continued Conformance with Regulations.

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

117.313 Recreational Vehicles.

The parking of recreational vehicles, as well as other such vehicles or craft (including, but not limited to boats, all-terrain vehicles, personal watercraft, etc.) in a residential zoning district is permissible if the following standards are met:

- A. The vehicle must be owned by the land owner or occupant of the land upon which it is stored; and
- B. The vehicle may be used in an accessory use for up to thirty (30) days on said parcel in any twelve (12) month period; and
- C. Provided that such storage or use shall not under any circumstances be undertaken on a commercial or rental basis; and
- D. The vehicle shall be parked at least five (5) feet from the property line and access to all sides of the building for emergency purposes shall be maintained.

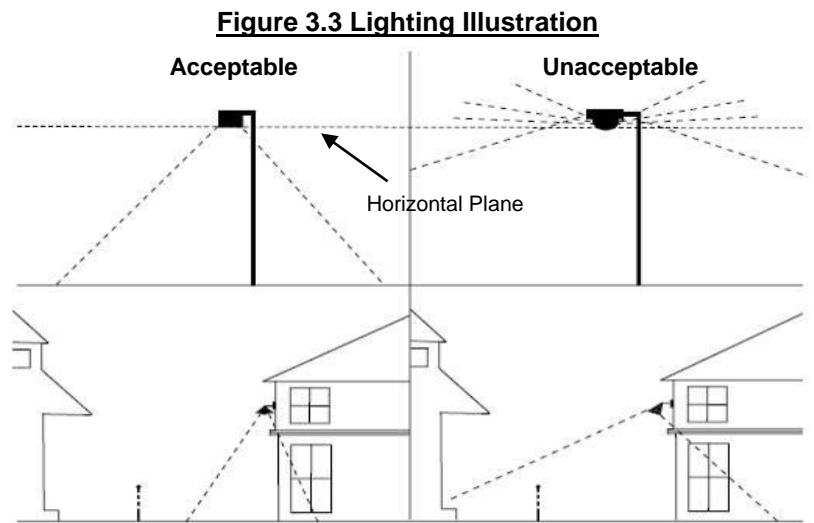
117.314 Lighting Standards.

- A. Intent and Purpose. To maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow," and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.
- B. General Provisions.
 - 1. Exempted areas and types. The following types of outdoor lighting shall not be covered by this Ordinance:
 - a. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.

- b. Sign lighting as regulated by Chapter 17, Signs.
 - c. Lighting associated with detached single family housing and agricultural operations.
2. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
- a. Parking lot lighting and site lighting for commercial, industrial, institutional and other non-residential developments.
 - b. Lighting for multiple-family developments or uses, including parking lot lighting and site lighting.
 - c. Publicly and privately owned roadway lighting.
 - d. Building facade lighting.
 - e. Other forms of outdoor lighting which, in the judgment of the Planning Commission or Zoning Administrator is similar in character, luminosity and/or glare to the foregoing.
 - f. All forms of neon lighting.

3. Standards. Lighting shall be designed and constructed in such as manner to:

- a. Ensure that direct or directly reflected light is confined to the development site.
- b. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
- c. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
- d. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane (see Figure 3.3). No light fixture shall be mounted higher than twenty (20) feet above the average grade of the site.
- e. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
- g. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.



117.315 Reserved.

117.316 Condominium Regulations.

- A. Intent. The purpose of this Section is to regulate the creation and use of condominium developments within the Township and to promote and protect the health, safety and general welfare of the public. Should a conflict exist between the standards and provisions of this section and State or federal laws, the State or federal laws shall supersede
- B. Legal Authority. These regulations are enacted by authority of the Zoning Enabling Act and the Condominium Act, P.A. 59 of 1978, as amended, whereby all developments utilizing any form of condominium subdivision of land shall be reviewed and approved or disapproved by the Planning Commission.
- C. General Requirements.
 - 1. Compliance with Federal, State and Local Laws: All condominium projects shall comply with all applicable Federal, State and local laws and Ordinances.
 - 2. Zoning and Design Standards: All condominium projects shall be located within the appropriate Zoning District that permits the proposed use and shall comply with all zoning standards. Condominium projects proposed to include uses pursuant to Chapter 16 or Chapter 13 shall be considered under the provisions of this section and such other applicable sections. A condominium subdivision shall be designed and laid out in accord with the design requirements of the Milton Township Subdivision Control Ordinance.
 - 3. Required Review and Approval: Prior to recording of the condominium subdivision plan with the Antrim County Register of Deeds, required by Section 66 Of the Condominium Act, the condominium development shall undergo site plan review and approval by the Planning Commission in accordance with Chapter 20 of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand or convert a condominium project in Milton Township.
 - 4. Compliance of Condominium Lot: For the purposes of these Regulations, each condominium lot in a condominium subdivision shall be considered as a single lot and shall comply with all regulations of the Zoning District in which it is located. In a condominium development containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal- structure or use. Required yards shall be measured from boundaries of a condominium lot.
 - 5. Easements for Utilities. Road rights-of-way shall be parcels separate from individual condominium units or lots and deemed as common elements. The rights-of -way shall be for roadway purposes and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called public structures, for the purpose of providing public utilities, including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.
 - 6. Procedure for Required Plan Review and Approval.
 - a. Required Information.
 - i. All condominium site plans shall include the information required in Section 66 of the Condominium Act and Section 117.2103 all other information required under regulations pertaining to the Zoning District in which the condominium development is

proposed or located.

- ii. In the case of single-family detached dwelling units, location and dimensions of condominium units and condominium lots rather than individual buildings and required yards shall be shown on the site plan.

b. Site Plan Review.

- i. An application for site plan approval shall be filed for review as per the requirements of Chapter 20 of this Ordinance. All procedures and standards of Chapter 20 shall apply to condominium projects.
- ii. The application for site plan review shall also include a copy of the proposed Master Deed to be recorded with the County Register of Deeds, for review and approval by the Planning Commission.
- iii. The Master Deed shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to, preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, maintenance of landscaping in common areas in the project and maintenance of sewage disposal facilities. Also, the Master Deed shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate by the Condominium Association.

D. Performance Guarantees. As a condition of approval of the site plan, the Planning Commission may require a surety bond (see Section 117.2008) by the developer to make improvements shown upon the site plan and to insure completion of filing requirements. Upon fulfillment of all requirements, the developer shall apply to the Township Clerk for release of performance guarantees.

E. Manufactured Housing Condominium Project. Manufactured Housing condominium developments shall conform to the requirements of this Ordinance and in accordance with the Condominium Act, and other applicable Local and State laws, Ordinances and regulations.

F. Additional Filings Required. Subsequent to the recording of the Master Deed, Bylaws and Deed Restrictions, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

- 1. One (1) mylar copy and five (5) prints of the as-built Condominium Subdivision plans.
- 2. Two (2) of the recorded Master Deed, Bylaws and Deed Restrictions with all pertinent attachments.
- 3. Written certification from the developer's licensed Professional Engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

117.317 Dwelling Unit Rentals.

In Milton Township, any dwelling unit may be leased or rented provided:

- A. The zoning district permits single-family dwellings.
- B. All other requirements and standards of this Ordinance including signs are met.
- C. The minimum length of stay is seven (7) days.
- D. Availability of a weekly rental unit to the public shall not be advertised on site.

117.318 Unclassified Uses.

While not specifically classified in this Ordinance as a permitted use, it is recognized that some uses may be sufficiently similar to uses listed as permitted by right. In those instances, the Planning Commission may consider such unlisted uses as being of a similar character and warranting similar regulation as uses expressly permitted. In such event, the terms of this section shall be applied.

- A. The Planning Commission shall consider an unclassified use sufficiently similar to a classified permitted use when it finds that such unclassified use will be similar in character and impact to a classified use in terms of:
 - 1. The generation of traffic and congestion;
 - 2. The production of noise;
 - 3. The production of fumes or odors;
 - 4. Potential aesthetic impacts on the vicinity;
 - 5. The production of dust or other debris; and,
 - 6. The consistency with the intent of the district in which it is located.
- B. Where the Planning Commission finds that such impacts will be similar to a classified permitted use, such unclassified use may be treated as if it were a classified use. If the Planning Commission does not find a sufficient degree of similarity, the unclassified use shall be prohibited.

117.319 Open Space Preservation.

The terms of this section are intended to offer an optional open space preservation approach.

- A. Land zoned for residential development equivalent to 2 (two) or fewer dwelling units per acre, or if the land is served by a public sewer system, 3 (three) or fewer units per acre, may be developed, at the option of the land owner, with the same number of dwelling units on a portion of the land as allowed by the zoning district. The form of development may be by metes and bounds description, subdivision or condominium subdivision, subject to site plan approval pursuant to Chapter 21.
- B. A percentage of the land area not less than 50% of the parcel, excluding a fixed percentage for street right-of-way purposes, 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. Such permanent open space shall be determined through the preparation and submittal of a detailed site analysis which shall identify native soils, water features, wetlands, topography, vegetation, wildlife corridors, views to water and prominent meadows from off site, steep slopes (in excess of 20%) and other unique or aesthetic features.
 - 1. Based on the site analysis, the applicant shall identify the portion of the parcel to be maintained in the perpetually undeveloped state, incorporating features in the following order of priority, to the greatest extent possible:
 - a. Surface water (lakes, streams). Provided, however, that common open space in a development located along a lakeshore shall include shoreline areas preserved in a perpetually undisturbed state and any with access to water limited to nothing more intense than walk-in use.
 - b. Regulated wetlands
 - c. Hardwood forests
 - d. Unregulated wetlands
 - e. Viewsheds to lakes
 - f. Viewsheds to prominent meadows or woodlands
 - g. Slopes in excess of 20%

2. Lands running parallel to an existing public road adjoining the parcel to a depth of not less than thirty (30) feet shall be included within the preserved open lands and shall be maintained as natural woodlands. If such lands do not include existing forest, the applicant shall commit to a reforestation plan sufficient to provide visual screening to the development, within not more than ten (10) years.
 3. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the require 50% provided in this section.
 4. Lands to be included within permanently dedicated open space may not include areas containing or impacted by gas or oil wells, personal wireless communication facilities, electrical transmission lines, surface mines or similar elements; but may include detention or retention facilities if designed to reflect a natural wetland.
- C. The maximum number of lots that may be approved shall be computed by subtracting from the project's total gross acreage a fixed percentage of 15% for street right-of-way purposes, and multiplying the remaining area by the maximum dwelling unit density available for the district.
- D. Lot area may be reduced up to 50% of the required lot size and lot width may be reduced up to 33% of the required lot width in the district.

117.320 Waterfront Property and Boat Dockage Regulations.

- A. Intent and Purpose: To provide reasonable regulations for shoreline, watercraft and dock usage within Milton Township in order to:
1. Retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes, streams and rivers.
 2. Preserve and protect the quality and safety of lakes, streams, rivers and shorelines.
 3. Preserve and protect the rights of riparian owners and users as well as other township residents.
 4. Promote the health, safety and welfare of persons making use of lakes, streams, rivers and adjacent properties.
- B. Scope and Application.
- The terms and provisions of this section shall be interpreted and applied as standards and requirements for:
1. Promotion and protection of public health, safety, welfare and public peace.
 2. Preservation of natural resources and public and private resources within the Township.
- C. General Regulations.
1. Number of Watercraft Spaces per Lot Width. No watercraft shall be utilized or docked on or adjacent to each "water frontage" except as allocated in the following chart.

Lot width (per the most recent of Township tax roll or County GIS)	Number of spaces^{1, 2} (See Chart Notes)
1-33	1
34-67	2
68-133	3
134-167	4
168-200	5
201-233	6
234-267	7
268-300	8
301-333	9
334-367	10
368-400	11

Chart Notes:

¹ A jet ski (personal watercraft) shall be counted as one-half (1/2) of a space.

² One (1) additional watercraft space for each thirty-three (33) feet of frontage beyond four hundred (400) feet.

2. **Number of Docks.** One (1) dock shall be allowed, used, or installed for each lot, and one (1) additional dock will be allowed for each one hundred (100) feet of frontage beyond the first one hundred (100) feet of frontage.
3. **Dock Length.** No dock shall extend more than eighty (80) feet into a body of water, measured perpendicularly from the shoreline, unless necessary to reach water with a depth of four (4) feet, and then no further than necessary to reach such depth. Docks on a river shall conform to DEQ requirements.
4. **Common Docks.** Two (2) adjoining lots or parcels which have frontage directly on a lake may share one (1) common dock with no more than the sum of each parcel's allocated moorings being utilized in total for both parcels. No other docks shall be allowed for the two (2) lots or parcels except the one (1) common dock.
5. **Marine sewage pump-out facility.** Any dock facility providing dockage for four (4) or more boats with Marine sewage holding tanks on board shall provide a marine sewage pump-out service to a Health Department approved sewage disposal facility.

D. Restrictions applicable to property abutting lakes, rivers or continually flowing streams.

Many lands within the Township are connected to, adjoin or abut surface water bodies, as defined herein. In the interest of protecting the water quality and the natural setting of the shoreline, the following provisions shall be applicable:

1. **Groins.** No permanent groin wall structure, as defined by the Michigan Department of Environmental Quality (DEQ), shall be installed as a shore land erosion control device on any inland lakes and streams.
2. **Docks and piers.** Man-made extensions from the shoreline into or over said surface water bodies shall have an open sub-structure construction so as to allow the free and unrestricted' movement of the inland waters littoral current.⁴
3. **Shoreline Protection Strip.** A shoreline protection strip, as defined herein, shall be provided on all waterfront lots, in accord with the following provisions.

- a. Permit Required. Prior to undertaking any earth change or removal of vegetation within the Shoreline Protection Strip, the property owner shall obtain a permit for such work from Milton Township and all applicable permits from the State of Michigan and/or Antrim County.
 - i. The applicant shall prepare a complete sketch plan detailing the proposed tree and vegetation removal, soil erosion control and restoration activity. Such sketch plans shall meet the requirements of Section 117.2102 of this Zoning Ordinance and shall include the location of any structures, including decks, patios, steps or paths. The location and elevation of the shoreline as defined herein, shall be indicated. Such sketch plan shall include existing topographic contours at one (1) foot intervals if the slope within any portion of the Shoreline Protection Strip is 1:12 or greater and proposed topographic contours regardless of existing slope. Such sketch plan shall also illustrate existing and proposed vegetation by location and species.
 - ii. Site plan review for single family dwellings on individual lots shall be conducted by the Zoning Administrator. The Zoning Administrator may seek the assistance of a planning commissioner and/or other qualified individuals as he/she deems necessary. Projects exceeding two thousand (2000) square feet are to be reviewed by a Planning Commission Committee and may draw on the expertise of others like engineers, planners, environmental organizations, etc. An escrow account may be required by the Township to offset the Township's cost for professional assistance
 - iii. If a Shoreline Protection Strip does not currently exist, new plantings are required to establish a Shoreline Protection Strip. New vegetation must be native to the Great Lakes region. Lawn grasses shall not qualify as natural vegetative cover.
 - iv. The Shoreline Protection strip shall not be less than twenty-five (25) feet in depth and extend to not less than 80% of the width of the shoreline property. Existing conditions at or within twenty-five (25) feet of the shoreline may limit the dimensions of and the area coverage of the Shoreline Protection Strip as determined by the Zoning Administrator or Planning Commission. Public parks and recreational areas are exempt from this provision.

b. Sketch Plan Approval Standards

- i. The following standards shall be considered by the Zoning Administrator or Planning Commission when reviewing the sketch plan submission:
 - a) The sketch plan shall demonstrate that the natural or restored habitat minimizes the impact to fish, wildlife and general water quality by providing natural ground cover within a shoreline protection strip.

b) Natural shrubbery, trees and other vegetation shall be preserved as far as practicable, and where removed shall be replaced with other vegetation that is native to the Great Lakes region and equally effective in retarding and filtering runoff and preventing soil erosion. The Shoreline Protection Strip area (including under trees) shall primarily consist of a dense covering of low-growing plants and shrubs. Shrubs and plants shall be spaced so that coverage is complete within a two (2) year period.

c) The sketch plan shall demonstrate that erosion and sedimentation runoff shall be prevented and shall comply with part 91 of Public Act 451 of 1994 as amended, and any applicable local Soil Erosion Sedimentation and/or Storm Water Runoff Control Ordinances.

d) Location of existing vegetation showing the species and location of trees, shrubs and ground cover within the proposed disturbance area to be saved, moved, or removed; proposed means of protecting existing plant materials during construction.

e) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing.

f) Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.

g) Such additional information as the Zoning Administrator or Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.

c. Permit Exemptions without a waiver from the Township Zoning Administrator. The following activities shall not require a permit under Section 117.320, D, 3, a.(Permit required): (The exemptions listed below do not apply if the activity results in sediment flowing into lakes or streams.)

i. Planting of native trees, shrubs or other plants.

ii. Post holes for fencing, decks, utility posts, mailboxes or similar applications, if no additional grading or earth change occurs for the use of the post holes.

iii. Removal of dead, diseased, unsafe or fallen trees, or trees of less than nine (9) inches in circumference (measured at a height of four (4) feet) and noxious plants and shrubs, including poison ivy, poison sumac and poison oak. Tree stumps shall not be removed so shoreline stability is retained, except as provided in Section 117.320, D, 3, b. (Boat Access) and c. (Deck, Patio or Steps)

iv. Seawall repair/maintenance, provided the area to be repaired/maintained does not exceed one hundred (100) square feet. If a seawall on an inland lake requires repair/maintenance of more than one hundred (100) square feet, the parcel owner shall establish a Shoreline Protection Strip above the sea wall and seek a permit per Section 117.320, D, 3, a. (Permit Required).

d. Permit Exemption with a waiver from the Township Zoning Administrator. The following activities shall not require a permit under Section 117.320, D, 3, a. (Permit required)

i. Earth changes necessary for the proper installation of MDEQ approved measures to mitigate shoreline erosion caused by wave action and /or to prevent ice damage to the shoreline.

e. Boat Access. Excavation for a boat ramp may be constructed to the water's edge to a maximum width of twenty (20) feet, at its widest point. Said excavation shall have a pervious horizontal surface. One boat access is permitted per one hundred (100) foot parcel. Parcels of over one hundred ninety-nine (199) feet of frontage shall be limited to one boat access on each one hundred (100) foot section of frontage.

f. Deck, Patio or Steps. Within the Shoreline Protection Strip, a ground level deck, patio or steps not greater in width than twenty (20) feet width by fifteen (15) feet in depth may be constructed in lieu of excavation for boat access provided under Section 117.320, D, 3, d. (Boat Access). The deck or patio must be constructed of pervious surfaces and have ten (10) feet of vegetation effective in retarding and filtering run-off and preventing soil erosion between said structure and the shoreline. When the Michigan Building Code requires railings, they shall not exceed minimum Building Code requirements. Impervious surfaces more than four (4) feet wide must be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60.

4. Requirements and Recommendations for the upland area. In the area between the upper border of the twenty-five (25) foot Shoreline Protection Strip and fifty (50) feet upland from the shoreline.

a) A patio placed in this area shall be constructed of pervious surfaces. Impervious surfaces for steps shall not exceed four (4) feet in width and shall be graded to shed water runoff away from the shoreline, at a slope of not less than 1:60. The water runoff shall be further directed to promote filtration such as by retention in rain gardens, swales or other methods of retarding runoff.

b) French drains and any other enclosed pipes used for redirecting surface water shall not flow directly into water bodies, but shall be directed to areas of water retention and filtration.

c) Native trees, shrubs, plants and tall grasses are recommended for planting in this area to further protect water quality, preserve sensitive wildlife habitat and reduce soil erosion and sedimentation run-off.

d.) Methods for slowing, spreading and retaining storm water (surface water) such as swales berms and vegetated protection strips and rain gardens are recommended.

e.) It is recommended that no fertilizers, herbicides or pesticides be applied within this area.

117.321 Residential Waterfront Access Restrictions

Residential development(s) shall not include common waterfront access for dwelling units that are not located on a parcel or condominium unit with direct water frontage, unless such common waterfront access area includes at least one hundred (100) feet of frontage for each dwelling unit entitled to such common waterfront access.

117.322 Height Provisions and Exceptions.

- A. Access to all buildings and structures by the Township Fire Department must be reasonably assured by design at time of construction if the eave height at the road or fire access side will be greater than thirty (30) feet. Church steeples are excluded from this restriction.
- B. Barns, silos and other agriculturally-related structures shall not exceed ninety (90) feet in height.

117.323 Architectural Appurtenances and Structures

- A. Architectural features such as eaves, overhangs, fixed canopies, chimneys, and unenclosed roof structures may not extend or project into any required side, rear or front yard setback area. Likewise, raised decks, steps and similar accessory buildings or structures may not extend into a required setback area. Fences, ground level patios, walkways and similar structures for pedestrian movement may be constructed in any yard setback area, except as further restricted by the requirements of Section 117.320, D pertaining to the shoreline protection strip.
- B. The Zoning Administrator will determine compliance acceptability and can approve specific requests which are consistent with the Ordinance intent but where interpretation questions arise because of uneven terrain and/or safety issues. In no case can an accessory structure or architectural feature projecting into the setback area result in drainage to an adjacent property or into any lake, river or stream.

117.324 Private Garage Sales

Private garage or yard sales for the sale of personal property belonging to the owner or occupant of such property shall be permitted, if limited to no more than two (2) such sales per calendar year with each sale not to exceed three (3) days. Further, one (1) sign of no more than four (4) square feet in area is permitted. The sign cannot be illuminated or animated.

117.325 Farm Markets

Farm Markets shall be permitted by right in the A and A-R districts and may be conducted in a physical structure or in the open and are considered part of a farm operation. At least fifty (50) percent of the products marketed and offered for sale at a farm market (measured as an average over a five [5] year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. The farm market may operate seasonally or year-round, and may include marketing activities to attract customers and facilitate retail trade business transactions.

Chapter 4

Reserved

CHAPTER 5

NONCONFORMING LOTS, USES OF LAND AND STRUCTURES

117.500 Intent.

It is the intent of this Ordinance to permit the continuation of legal nonconforming lots, structures, or uses until they are removed, but not to encourage their survival. These regulations are intended to encourage the elimination of nonconformities wherever possible. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, and shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except as provided herein.

117.501 Nonconforming Use of Land.

- A. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
- C. No additional structure shall be erected in connection with a nonconforming use of land.
- D. No nonconforming use shall be changed to any other nonconforming use, and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.
- E. Any nonconforming use, or nonconforming use of structure and land in combination, shall be considered abandoned, and such use shall not be resumed thereafter if any of the following conditions apply:
 1. When the owner declares or otherwise makes evident his intent to discontinue such use as existed at the time of adoption of this Ordinance or an amendment to this Ordinance.
 2. When the nonconforming use, or nonconforming use of structure and land in combination, has been replaced by a conforming structure or use.
 3. The cessation of the nonconforming use, or nonconforming use of structure and land in combination, for a period of twelve (12) consecutive months shall result in a rebuttable presumption of the owner's and any lawful occupant's intent to permanently discontinue and abandon the nonconforming use, or nonconforming use of structure and land in combination. At any time after said twelve (12) consecutive month period, the Zoning Administrator may notify the owner and any occupants in writing of said presumption and such writing shall provide the owner and any occupants at least thirty (30) days to rebut the presumption in a writing addressed and delivered to the Zoning Administrator by certified mail with a return receipt. If the owner and occupants fail to provide written evidence rebutting the presumption within said thirty (30) day period, the owner's and occupant's intent to discontinue and abandon the nonconforming use, or nonconforming use of structure and land in combination, shall thereby be established. The notice from the Zoning Administrator shall be sent by certified mail, with a return receipt, to the owner and any occupants at the mailing address of the owner listed on the Township tax rolls and at the street address of the property in question if a building with an address exists at said location.

117.502 Nonconforming Structures.

- A. A nonconforming structure containing a conforming or nonconforming use may be repaired as may be necessary in the interest of public safety or to secure the continued advantageous use of

such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend any structure or nonconforming use.

- B. A nonconforming structure in a conforming use may be repaired, altered or enlarged provided such changes do not further the manner in which it fails to conform.
1. Any enlargement shall be wholly located within the setbacks for the zoning district, shall not exceed the height limitations for the zoning district, and shall in no way increase any nonconformity on the site.
 2. In altering a nonconforming structure, any nonconforming wall or building section removed from a nonconforming building must be reconstructed in full compliance with the provisions of this Ordinance. Provided, however, that a flat roof on a nonconforming portion of a structure may be replaced with a sloped roof, so long as no additional living space is created within the nonconforming portion of the structure.
 3. A nonconforming foundation and structure may be expanded only if the expansion is in conformity with the provisions of this Ordinance and where the expansion in no way increases any nonconformity on the site.
 4. An existing structure which is nonconforming by virtue of its location within one or more of the required yards may be demolished and replaced with a new structure provided the Zoning Board of Appeals finds that such new structure is, at the least, no more non-conforming than the structure it replaced. It shall be the duty of the Zoning Board of Appeals to consider the extent of the change and the possibility of bringing the nonconforming status of the property more into conformance with the Ordinance in considering an application to restore a nonconforming structure.
 5. Any restoration must be completed within one (1) year following the granting of the appeal, unless otherwise authorized by the Zoning Board of Appeals.

117.503 Nonconforming Lots of Record.

- A. Purpose and Applicability. Certain lots in platted subdivisions predate the Zoning Ordinance and fail to meet the minimum lot area and/or minimum lot width requirements of the districts in which they are located. The purpose of this Section is to establish modified dimensional standards related to lot area, building envelope size, and restoration requirements for such lots so as to allow their efficient and economical use.
- B. In General. A lot legally created prior to June 12, 1975 which fails to meet one or more of the dimensional requirements of the respective zoning district in which it is located may be used for any principal use permitted in said district, subject to all required yards (setback) standards. Where the imposition of the required yard standards of this Ordinance results in a building envelope area of less than nine hundred sixty (960) square feet, or a minimum building depth of less than twenty-four (24) feet, a lot may be used for single family dwellings and accessory buildings, in accordance with this section.
- C. Building Envelope Adjustments. For nonconforming lots of record created prior to June 12, 1975 which fail to meet one or more of the dimensional requirements of the respective zoning district in which it is located, the building envelope, as defined herein, shall be no less than seven hundred twenty (720) square feet and no greater than thirteen hundred fifty (1,350) square feet in area, with a modified dimensional depth of no more than twenty-four (24) feet. All structures shall be located within such building envelope, including accessory structures and eave overhangs, except for an uncovered deck or porch not to exceed four (4) feet from the main structure, or five (5) feet measured parallel to the structure and not located in the ten (10) foot required side yard. Steps, if necessary, may be added to the five (5) foot length, but shall not be located in the ten (10) foot required side yard.
- D. Minimum Dwelling Floor Area Adjustments. Where the area of the building envelope as defined

herein is adjusted pursuant to paragraph 117.503, C, the minimum dwelling floor area may be reduced, but not below seven hundred twenty (720) square feet.

- E. Setback Adjustments. For nonconforming lots of record created prior to June 12, 1975, in order to achieve the building envelope adjustments permitted pursuant to paragraph 117.503, C, the following adjusted setback standards shall be applied in the order presented:
1. The minimum required rear yard dimension (setback) may be reduced, but not to less than fifteen (15) feet. If this adjustment does not result in a building envelope meeting the minimum area requirements of subparagraph C of this section, then the minimum required front yard dimension (setback) may be reduced, but not to less than twenty-five (25) feet.
 2. Under no circumstances shall the minimum required side yard dimension (setback) be reduced.
 3. If the adjustments provided in this section do not result in a viable building envelope, as determined by the Zoning Administrator, then the limited parcel area, shape or depth shall be considered an extraordinary condition which may entitle the parcel to a variance pursuant to Section 117.2205.
 4. Except as specifically modified in this Section 117.503, all other requirements of this Ordinance shall apply to lots legally created prior to June 12, 1975.

117.504 Waterfront Restoration.

If the Waterfront yard setback is adjusted under the provisions of Section 117.503, soil erosion control and restoration measures shall be undertaken to restore a twenty-five (25) foot strip of natural vegetation from the ordinary high water mark as defined herein.

- A. Soil erosion control and restoration measures shall be detailed on a Site Sketch (front and side views) to include:
1. property address, full tax identification number, a north arrow, and map scale; and
 2. placement of all deck patio, steps outdoor lighting and extent of the Shoreline Protection Strip including the average high water mark; and
 3. topography and drainage; and
 4. vegetation.
- B. The Zoning Administrator shall review and approve the plan if he/she finds that the soil erosion restoration as proposed is not intended to avoid compliance with this Ordinance, but rather to improve a situation that is dangerous to the general public or harmful to water quality because of unchecked or potential shoreline erosion, sediment runoff, or water pollution.

117.505 Lots of Record in Common Ownership.

Two or more contiguous parcels of property owned by the same person shall be considered as being one parcel if one or more are nonconforming in size and the resulting parcel does not contain two principal buildings.

CHAPTER 6
ZONING DISTRICTS

117.600 Zoning Districts.

To carry out the purposes of this Ordinance, Milton Township shall be divided into the following zoning districts:

- R-1 Residential Zoning District
- R-3 Manufactured Housing District
- A-R Agricultural Residential
- A Agricultural Zoning District
- V Village Zoning District
- M Light Manufacturing and Processing Zoning District
- E Environmental Zoning District

117.601 Zoning Map

The boundaries of such zoning districts, shown upon the map attached hereto, which is incorporated herein by reference, and made a part hereof are hereby established, said map being designated as Zoning Map of the Township of Milton, Antrim County, Michigan, effective as of _____, 2012. Said map and all the notations, references and other information thereon shall be as much a part of this Ordinance as if the matters and information set forth by said map were all fully described herein. Where possible, zoning district boundaries are intended to follow parcel lines or rights-of-way lines. In the case of certain deep parcels with frontage on Elk Lake, an area extending 300 feet inland from the shoreline is incorporated in the R-1 District whereas the balance of the parcel is incorporated in the Agriculture District.

117.602 Erection, Alteration and Use of Structures.

Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than as permitted in the zoning district in which such building or premises is located.

117.603 Summary Tables of Uses and Dimensional Standards

- A. **Table 117.603 - A**, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.
- B. **Table 117.603 - B**, The Schedule of Regulations and Dimensions provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance. In the event of a discrepancy between the table and the text of the Ordinance, the text shall prevail.

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NEW ZONING MAP

117.603, A -- Uses Table.

The following table summarizes the land uses permitted by right (P) or by special use (S) permit within the zoning districts of the Township of Milton.

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
1	Adult Family Day Care Home	P	P	P		P	P	
2	Adult Group Day Care Home					S		
3	Adult Day Care Center					S		
4	Adult Foster Care Family Home	P	P	P	P	P	P	
5	Adult Foster Care Small Group Home		S	S		S		
6	Adult Foster Care Large Group Home					S		
7	Agricultural Warehouse and Processing Plant	P	P					S
8	Automotive, Commercial Truck Repair							S
9	Automotive, ORV or Small Engine Sales & Repair					S		S
10	Banks					S		
11	Barber & Beauty Shops (4 or fewer chairs)					P		
12	Barber & Beauty Shops (5 or more chairs)					S		
13	Bed & Breakfast Establishments	S	S	S		S	S	
14	Boat Storage Facility					S		P
15	Business College					S		
16	Business & Professional Office					S		P
17	Car Wash Facility					S		
18	Child Family Day Care Home	P	P	P	P	P	P	
19	Child Group Day Care Home		S	S		S		
20	Child Day Care Center					S		

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
21	Clothes Cleaning, Dry Cleaning					S		
22	Commercial Recreation Facility					S		
23	Construction or Building Contractor Facility	S						S
24	Convenience Store					S		
25	Drive-In or Drive-Through Facilities					S		
26	Drug Stores					S		
27	Dry Cleaning Plant							S
28	Dwellings, Multi-Family					S		
29	Dwellings, One-Family	P	P	P		P	P	
30	Dwellings, Two-Family					P		
31	Essential Service Facility, Major	S	S					S
32	Excavation Contractor		S					S
33	Excavation of Mineral Resources							S
34	Farm Market	P	P					
35	Farmers' Market					S		
36	Farm Stand	P	P	P		P	P	
37	Farm	P	P				P	
38	Fish and Wild Game Hatcheries	S	S					
39	Food Store					S		
40	Forest Preserves/Farm Wood Lots	P	P					
41	Foster Family Home	P	P	P		P	P	
42	Foster Family Group Home					S		
43	Funeral Home and Mortuary					S		
44	Gas Station					S		S

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
45	Golf Courses		P				S	
46	Greenhouse	P	P					
47	Hardware Store					S		
48	Harvesting Wild Crops and Timber	P	P				P	
49	Home Occupation, Major	S	S			S		
50	Home Occupation, Minor	P	P	P	P	P	P	
51	Hospital, Medical Clinic					S		
52	Kennels, Commercial	S	S					
53	Landscaping, Lawn Service Contractor		S			S		S
54	Libraries, Museums and Art Galleries					P		
55	Light Manufacturing or Processing Operation							S
56	Lp Gas Storage and Distribution							S
57	Machine Shop							S
58	Manufactured Housing Community				P			
59	Marine Sales, Service and Repair					S		S
60	Migrant Workers' Facilities	P	P					
61	Motels (more than 10 units)					S		
62	Motels (up to 10 units)					P		
63	Multi-Tenant Comm'l. Building					S		
64	Nurseries	P	P			S		
65	Nursing Homes					S		
66	On Site Wind Energy System (OSUWES)	P	P	P	P	P	P	P
67	Outdoor Storage	S	S					S
68	Outside Sales and Display					S		

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
69	Parks & Playgrounds	P	P	P	P	P	S	
70	Pet Grooming Service					S		
71	Pet Shop					S		
72	Physical Fitness or Athletic Center					S		
73	Planned Residential Development (PRD)	S	S	S		S	S	
74	Private Air Strip or Private Landing Strip	S	S					
75	Private Cemeteries	S	S					
76	Public Assembly Buildings, Large		S			S		
77	Public Assembly Buildings, Small	S	S	S		S		
78	Recreational Vehicle Seasonal Park					S		
79	Research & Office Building					S		S
80	Restaurants					S		
81	Retail Businesses					S		
82	Schools (public, private, parochial)		S					
83	Seasonal Camp or Similar Recreation Enterprise		S				S	
84	Service Stations including Auto Repair					S		
85	Sexually Oriented Business					S		S
86	Stable, Commercial	P	S					
87	Subdivisions		S	P	P	P	S	P
88	Utility Grid Wind Energy Systems	S	S					
89	Veterinary Hospitals and Clinics	S	S			S		
90	Warehouses, including Mini-Warehouses							S
91	Wineries/Cideries with Tasting room	S						
92	Wholesale Business					S		S

USE		ZONING DISTRICTS						
		A	A-R	R-1	R-3	V	E	M
93	Wireless Communication Towers	S	S					S

117.603, B -- Schedule of Regulations and Dimensions. The dimension requirements in the following table shall apply to each district as noted.

Lot Dimensions				Setbacks (Feet)			Building Standards				
	Minimum Lot Area (sq ft)	Minimum Lot Width ⁶ (ft)	Maximum Lot Coverage ¹ (percent)	Front ^{8, 9}	Side ¹⁰	Rear	Building Height (Lesser of) ¹²		Minimum Dwelling Floor Area (sq ft)	Minimum Exterior Dwelling Dimension ² (ft)	Minimum Setback From Waterfront ¹¹ (ft)
							(Stories)	(ft)			
R-1, Residential	25,000	100	40	50	10	35	3	40	960	20	50
A, Agricultural	87,120	200	30	50	10	35	3	40	960	20	50
A-R, Agricultural Residential	43,560	150	30	50	10	35	3	40	960	20	50
V, Village	20,000	100	40	40 ³	10 ^{4 13}	25 ^{5 13}	3	40	960 ⁷	20	50
E, Environmental	43,560	150	30	50	10	35	3	40	960	20	50
M, Manufacturing	40,000	200	NA	40 ¹³	10 ¹³	25 ¹³	3	40	-	-	50
R-3, Manufactured Housing	The requirements of the Manufactured Housing Commission and the requirements of Chapter 8 hereof shall govern development standards in this district.										

Notes:

1. Maximum coverage permitted on the parcel by all buildings including decks and any other accessory structures.
2. The minimum exterior dimension shall be measured along two adjoining sides of a rectangle containing the structure including the sum of all wall segments with essentially the same general orientation, but excluding minor extensions, per Section 117.303, C, 9.
3. Subject to front yard averaging option provided at 117.303, B.
4. Required side yard setbacks may be waived between commercial buildings.
5. For commercial use only where the rear of the lot abuts either a Residential or Agricultural use, a 25-foot setback shall be required, otherwise the rear setback shall be 10 feet.

6. Minimum lot width shall be met throughout the length of the lot, except for lots fronting on a cul-de-sac, where the width of the portion of the parcel between the street right-of-way line and the required front setback line may fall below the required minimum.
7. Minimum 480 sq. ft. dwelling floor living area per unit for multiple unit dwellings.
8. For lakefront lots, front yard setbacks shall be measured from the shoreline as defined herein, and rear yard setback shall be measured from the roadway or access easement.
9. On corner lots, a front yard setback shall be measured along both rights-of-way, unless a lesser setback is specifically permitted herein and a 10-foot setback shall apply to all other lot lines. Setbacks shall be measured from any recorded access easements or any right-of-way adjacent to or traversing a parcel, whether the easement or right-of-way is developed or unimproved, and even when not serving as the primary access.
10. When any public road ends at the shoreline of a body of water and the side yard adjoins the road right-of-way, then the side yard setback shall be twenty (20) feet.
11. This setback shall be measured from shoreline, as defined herein
12. Barns, silos and other agriculturally related structures shall not exceed ninety (90) feet in height
13. In addition to required side and rear setback, where a manufacturing or commercial use abuts a residential or agricultural land use, the provisions of Section 117.311, Greenbelts shall apply, provided that such greenbelt may be located within the required side and rear yards and need not be in addition to those yards. If, outdoor Storage is included as a use in the Manufacturing Zone, the provisions of Section 117.1205 D. shall apply.

CHAPTER 7

R-1, Residential One-Family Zoning District

CHAPTER 7

R-1, Residential One-Family Zoning District

117.700 Purpose

The R-1 District is intended to provide for relatively low-density, single-family residential neighborhoods. Neighborhoods will generally be quiet, free of unrelated traffic, scaled for both the automobile and pedestrians, and designed to enable residents to enjoy the natural features of the area. Additional low-impact land uses that are related to single-family neighborhoods may be permitted, as described below. Except where topographic and other constraints preclude such connectivity, streets and developments within the R-1 District should be interconnected to ease maneuverability within neighborhoods. The R-1 District is predominantly meant to accommodate homes for families in traditional subdivisions.

117.701 PERMITTED USES. The following land uses shall be permitted in the R-1 district, subject to the provisions of this Ordinance.

- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Child Family Day Care Home
- ◆ Dwellings, one-family
- ◆ Farm Stand
- ◆ Home Occupation, Minor
- ◆ On-Site Use Wind Energy System
- ◆ Parks and playgrounds
- ◆ Subdivisions

117.702 SPECIAL LAND USES. The following land uses shall be permitted in the R-1 district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

- ◆ Adult Foster Care Small Group Home
- ◆ Bed and Breakfast establishments
- ◆ Child Group Day Care Home
- ◆ Planned Residential Development
- ◆ Public Assembly Building, Small

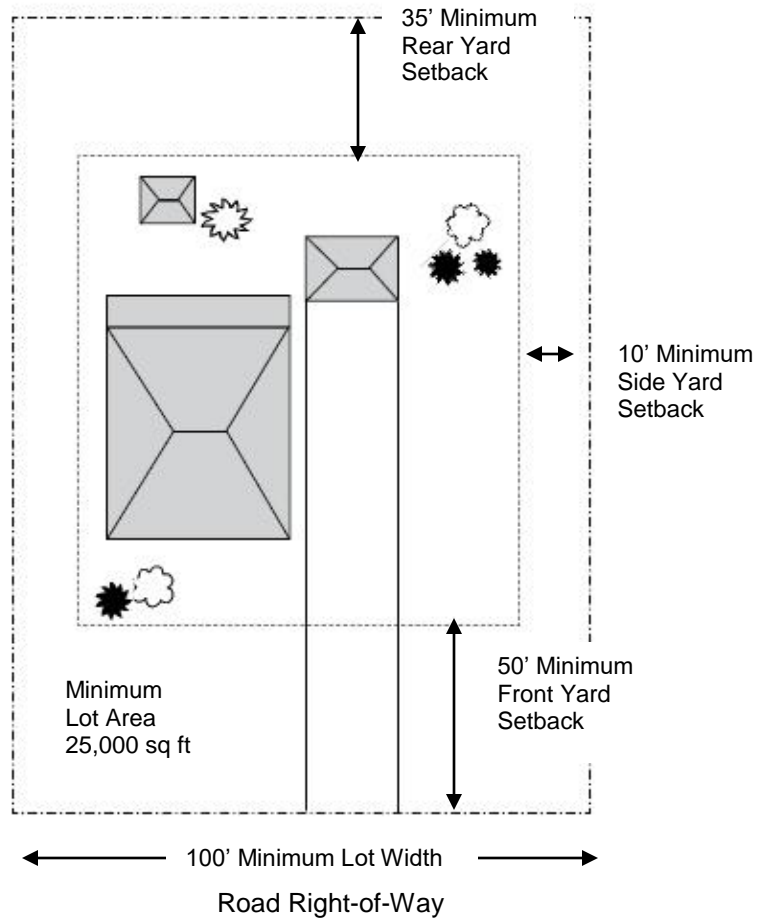
117.703 ADDITIONAL STANDARDS MAY APPLY

- ◆ Site plan requirements subject to Chapter 21
- ◆ Special land use standards subject to Chapter 16
- ◆ Parking requirements subject to Chapter 18
- ◆ Sign requirements subject to Chapter 17
- ◆ Lighting requirements subject to Section 117.314
- ◆ Landscape requirements subject to Section 117.311

117.704 DISTRICT REGULATIONS

Minimum Lot Area	25,000 sq ft	Minimum Lot Width	100 ft
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Minimum Building Setbacks		Maximum Building Height	3 stories, 40 ft
Front	50 ft	Maximum Lot Coverage	40%
Side	10 ft (each side)	Minimum Dwelling Unit Width	20 ft
Rear	35 ft	Minimum Floor Area	960 sq ft
		Minimum Waterfront Setback	50 ft



117.705 Additional restrictions and use regulations.

- A. Lots for one-family dwellings may be derived from platted subdivisions, Township approved lot splits per the Michigan Land Division Act, units from a Site Condominium Development, or a Planned Residential Development. Any development proposal which exceeds the number of individual units or lots available through standard land division procedures shall be subject to the site plan review process as detailed in Chapter 21, Site Plan Review.
- B. Parking requirements for all permitted uses other than a Bed and Breakfast Establishment shall be governed by Chapter 18.

CHAPTER 8

R-3, Manufactured Housing Zoning District

CHAPTER 8

R-3, Manufactured Housing Zoning District

117.800 Purpose

The Manufactured Housing Community District is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in Milton Township. This district shall be located in areas where it will be compatible with adjacent land uses. It is further the intent of this district to prohibit multiple-family, office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development, or continued use, of the land for manufactured housing communities in the district.

Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes and sites without the road and utility infrastructure to support a high density living environment are not found to be suitable for the development of a manufactured housing community. In light of these parameters, the absence of a detailed resource inventory in the Township, coupled with the limited availability of public sewer and water facilities, the Township has selected to allow this zoning district to “float” placing the responsibility for the site analysis on the applicant for the placement of the district. The Township and residents shall rely on the Township Master Plan to determine future use and to judge and evaluate rezoning requests.

117.801 REZONING APPLICATION.

Applications to amend this Zoning Ordinance to establish a Manufactured Housing Community district shall be evaluated in accordance with the following standards:

- A. Consistency with the Milton Township Master Plan by location within an area designated for higher density residential future land uses.
- B. Availability of public water and wastewater service or properly permitted private water and wastewater services.
- C. Absence of significant areas of mature hardwood forests, significant areas of regulated wetlands and/or significant areas of slopes in excess of 10% on the proposed site.
- D. Location on and improved access to an all-season road.
- E. Location within not more than one and one-half (1½) miles of commercial land uses and community services such as schools and churches.

117.802 MICHIGAN MANUFACTURED HOUSING COMMISSION RULES.

The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules, and this Chapter shall govern all manufactured housing communities in the Township. If any portion of the regulations in this Article exceed the state law or the Rules of the Michigan Manufactured Housing Commission, the higher standards are intended to insure that manufactured housing communities meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of Township’s residents. It is not the intent of this Article to exclude from Milton Township manufactured homes or persons who engage in any aspect pertaining to the business of manufactured housing.

117.803 Permitted Uses.

Land uses in the Manufactured Housing District shall be limited to the following:

- ◆ Child Family Day Care Home
- ◆ Foster Family Home
- ◆ Home Occupation, Minor
- ◆ Manufactured Housing Communities
- ◆ On Site Wind Energy Systems
- ◆ Parks and Playgrounds
- ◆ Subdivisions

117.804 Special Land Uses

None. This district is structured to accommodate Manufactured Housing Communities and, given the intense nature of such use, additional special land uses are likely to result in land use conflicts.

117.805 Site Design Standards

The requirements of the Manufactured Housing Commission shall govern the layout and design of manufactured housing in this district; provided however, that a landscaped buffer not less than twenty (20) feet in depth shall be installed along the perimeter of a manufactured housing community to create an aesthetic buffer between the residents within the community and the neighboring land uses. Such landscaped buffer shall consist of a combination of evergreen and deciduous vegetation of sufficient height and concentration to provide an effective visual screen year round.

CHAPTER 9

A-R, Agricultural-Residential Zoning District

CHAPTER 9

A-R, Agricultural-Residential Zoning District

117.900 Purpose

The purpose of the Agricultural-Residential District is to recognize the shifting character of rural living and commercial agriculture. This district is intended to serve as a transition between large-scale commercial agriculture and the more densely developed suburban-scale residential areas of the community. Land uses may include both agricultural and agriculture-related facilities including specialty crops, hobby farms and large open areas that preserve the rural character of the area. In addition, this district is intended to accommodate those that seek large lot single-family residential environments which may include areas for companion livestock, and less than commercial scale crop production. The A-R District is intended to preserve open space and scenic vistas, protect natural resources and sensitive lands, even while recognizing the desire for very low density living environments in a rural setting.

117.901 PERMITTED USES. The following land uses shall be permitted in the A-R district, subject to the provisions of this Ordinance.

- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Agricultural warehouse and processing plant
- ◆ Child Family Day Care Home
- ◆ Dwellings, one-family
- ◆ Farm
- ◆ Farm Market
- ◆ Farm Stand
- ◆ Forest preserves/farm wood lots
- ◆ Golf courses
- ◆ Greenhouses
- ◆ Harvesting Wild Crops and Timber
- ◆ Home Occupation, Minor
- ◆ Migrant worker facilities
- ◆ Nurseries
- ◆ On Site Wind Energy Systems
- ◆ Parks and Playgrounds

117.902 SPECIAL LAND USES. The following land uses shall be permitted in the A-R district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

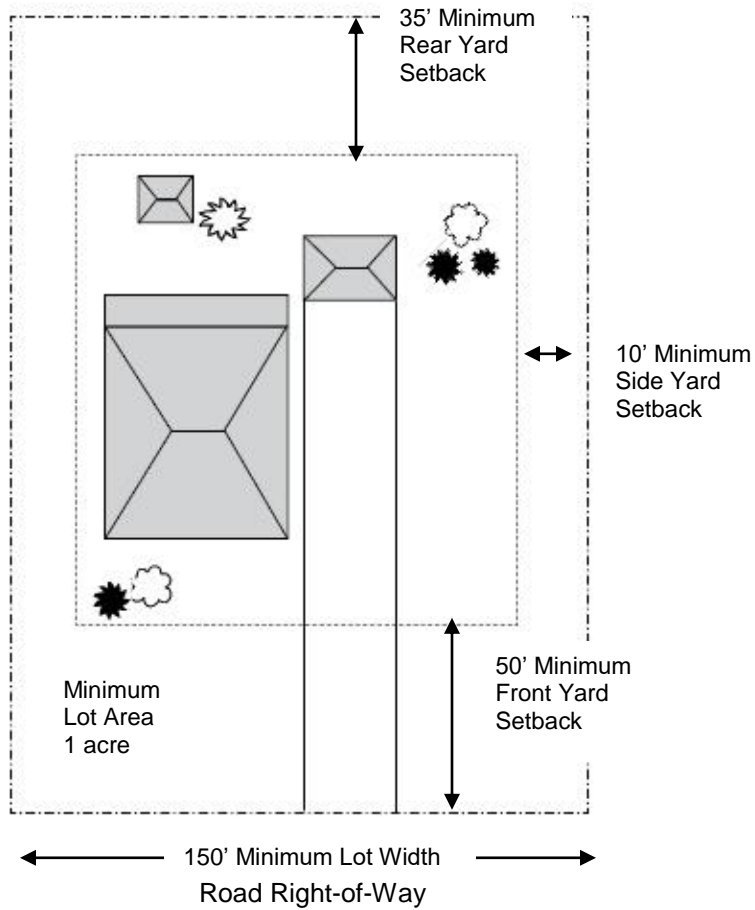
- ◆ Adult Foster Care Small Group Home
- ◆ Bed and Breakfast Establishment
- ◆ Child Group Day Care Home
- ◆ Essential Service Facility, Major
- ◆ Excavation Contractor
- ◆ Fish and wild game hatcheries
- ◆ Home Occupation, Major
- ◆ Kennel, Commercial
- ◆ Landscaping, Lawn Service Contractor
- ◆ Outdoor storage
- ◆ Planned Residential Development
- ◆ Private air strips or private landing strips
- ◆ Private cemeteries
- ◆ Public Assembly Buildings, Large
- ◆ Schools
- ◆ Seasonal Camps
- ◆ Stable , Commercial
- ◆ Subdivisions
- ◆ Veterinary Hospitals and Clinics
- ◆ Utility Grid Wind Energy Systems
- ◆ Wireless Communication Towers
- ◆ Public Assembly Building, Small

117.903 ADDITIONAL STANDARDS MAY APPLY

- ◆ Site plan requirements subject to Chapter 21
- ◆ Parking requirements subject to Chapter 18
- ◆ Lighting requirements subject to Section 117.314
- ◆ Special land use standards per to Chapter 16
- ◆ Sign requirements subject to Chapter 17
- ◆ Landscape requirements subject to Section 117.311

117.904 DISTRICT REGULATIONS

Minimum Lot Area	43,560 sq ft	Minimum Lot Width	150 ft
		Maximum Non-Farm Bldg. Height	3 stories, 40 ft
		Maximum Farm Bldg. Height	90 ft.
Minimum Building Setbacks		Maximum Lot Coverage	30%
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	10 ft (each side)	Minimum Floor Area	960 sq ft
Rear	35 ft	Minimum Waterfront Setback	50 ft



CHAPTER 10

A, Agriculture Zoning District

CHAPTER 10

A, Agricultural Zoning District

117.1000 Purpose

The purpose of the A District is to accommodate farms and farm-related enterprise in the Township and to maintain the open and rural character of the community. The A District is intended to provide area for agricultural activities, preserve open space and scenic vistas, protect natural resources and sensitive lands, and encourage the continuation of farm operations. This zoning district recognizes the historic, economic and cultural contribution of agriculture to the region and the need to maintain unique and productive farmland to sustain the food production needs of the broader population.

117.1001 PERMITTED USES. The following land uses shall be permitted in the A district, subject to the provisions of this Ordinance.

- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Child Family Day Care Home
- ◆ Agricultural warehouse and processing plant
- ◆ Dwellings, one-family
- ◆ Farm
- ◆ Farm Market
- ◆ Farmers' Market
- ◆ Farm Stand
- ◆ Forest preserves/farm wood lots
- ◆ Greenhouses
- ◆ Harvesting Wild Crops and Timber
- ◆ Home Occupation, Minor
- ◆ Migrant worker facilities
- ◆ Nurseries
- ◆ On Site Wind Energy Systems
- ◆ Parks and Playgrounds
- ◆ Stable, Commercial

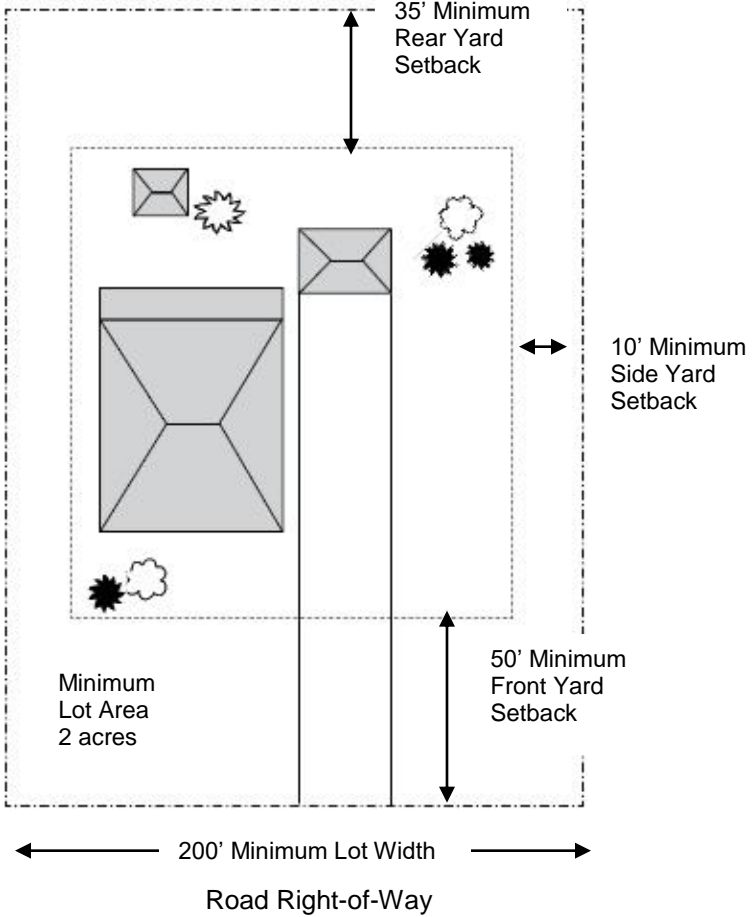
117.1002 SPECIAL LAND USES. The following land uses shall be permitted in the A district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

- ◆ Bed and Breakfast Establishment
- ◆ Construction or Building Contractor Facility
- ◆ Essential Service Facility, Major
- ◆ Fish and Wild Game Hatcheries
- ◆ Home Occupation, Major
- ◆ Kennel, Commercial
- ◆ Outdoor storage
- ◆ Planned Residential Development
- ◆ Private air strips or private landing strips
- ◆ Private cemeteries
- ◆ Utility Grid Wind Energy Systems
- ◆ Wineries/Cideries with Tasting Room
- ◆ Wireless Communication Towers
- ◆ Veterinary Hospitals and Clinics
- ◆ Public Assembly Building, Small

117.1003 ADDITIONAL STANDARDS MAY APPLY

- ◆ Site plan requirements subject to Chapter 21
- ◆ Parking requirements subject to Chapter 18
- ◆ Lighting requirements subject to Section 117.314
- ◆ Special land use standards per Chapter 16
- ◆ Sign requirements subject to Chapter 17
- ◆ Landscape requirements per Section 117. 311

117.1004 DISTRICT REGULATIONS			
Minimum Lot Area	87,120 sq ft	Minimum Lot Width	200 ft
		Maximum Non-Farm Bldg. Height	3 stories, 40 ft
		Maximum Farm Bldg. Height	90 ft.
Minimum Building Setbacks		Maximum Lot Coverage	30%
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	10 ft (each side)	Minimum Floor Area	960 sq ft
Rear	35 ft	Minimum Waterfront Setback	50 ft



117.1005 Additional restrictions and use regulations.

- A. Additional dwellings may be permitted on any farm for the use of farm or domestic employees of the owner or lessees, provided there not more than one (1) such tenant house shall be permitted for each ten (10) acres of farm land, and provided that each such tenant house shall be sited on the property with sufficient land to provide a future separate lot meeting the minimum lot area and width requirements of the A district.
- B. Migrant workers' facilities shall be approved and maintained in accordance with state law at all times.

CHAPTER 11

V, Village Zoning District

CHAPTER 11

V, Village Zoning District

117.1100 Purpose

The purpose of the V District is to offer pedestrian-oriented, mixed-use buildings that boast architecture complementary of the unique and cherished small-town character of Milton Township. Development within the V District will provide areas where people can live in close proximity to establishments offering commercial goods and professional and business services that serve the needs of the community and are designed to foster sense of community and walkability. A balanced mix of uses will generate low-impact retail activity as permitted in this District, while also providing for residential uses in upper stories of buildings or adjacent. The intent of the V District is to build upon the existing infrastructure of the Kewadin and Torch River Village communities while accommodating new development of a main street character. Heavy traffic-generating commercial enterprises are offered in nearby communities and, due to the limited road network locally, are not encouraged.

117.1101 PERMITTED USES. The following land uses shall be permitted in the V district, subject to the provisions of this Ordinance.

- ◆ Adult Family Day Care Home
- ◆ Adult Foster Care Family Home
- ◆ Barber & Beauty Shop (up to 4 chairs)
- ◆ Child Family Day Care Home
- ◆ Dwelling, one-family
- ◆ Dwelling, two-family
- ◆ Farm Stand
- ◆ Home Occupation, Minor
- ◆ Libraries, museums and art galleries
- ◆ Motel (up to 10 units)
- ◆ On Site Wind Energy System
- ◆ Parks and playgrounds
- ◆ Subdivisions

117.1102 SPECIAL LAND USES. The following land uses shall be permitted in the V district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

- ◆ Adult Group Day Care Home
- ◆ Adult Day Care Center
- ◆ Adult Foster Care Group Home, Small or Large
- ◆ Automotive, ORV or Small Engine Sales & Repair
- ◆ Bank
- ◆ Barber & Beauty Shop (5 or more chairs)
- ◆ Bed and breakfast establishments
- ◆ Boat Storage Facility
- ◆ Business College
- ◆ Business and Professional Office

- ◆ Car Wash
- ◆ Child Group Day Care Home
- ◆ Child Day Care Center
- ◆ Clothes Cleaning, Dry Cleaning
- ◆ Commercial Recreation Facility
- ◆ Convenience Store
- ◆ Drive-in or Drive-Through Facilities
- ◆ Drug Store
- ◆ Dwellings, multiple-family
- ◆ Farmers' market
- ◆ Food Store
- ◆ Foster Family Group Home
- ◆ Funeral Home, Mortuary
- ◆ Gas Station
- ◆ Hardware Store
- ◆ Home Occupation, Major
- ◆ Hospital, Medical Clinic
- ◆ Landscaping, Lawn Service Contractor
- ◆ Marine Sales, Service and Repair
- ◆ Motel (more than 10 units)
- ◆ Multi-Tenant Commercial Buildings
- ◆ Nursery
- ◆ Nursing Home
- ◆ Outside Sales and Display
- ◆ Pet Grooming Service
- ◆ Pet Shop
- ◆ Physical Fitness or Athletic Center
- ◆ Planned Residential Development
- ◆ Public Assembly Building, Large
- ◆ Recreational Vehicle Seasonal Park
- ◆ Research & Office Building
- ◆ Restaurants
- ◆ Retail Business
- ◆ Service stations including auto repair
- ◆ Sexually Oriented Business
- ◆ Veterinary hospitals and clinics
- ◆ Wholesale Business
- ◆ Public Assembly Building, Small

117.1103 ADDITIONAL STANDARDS MAY APPLY

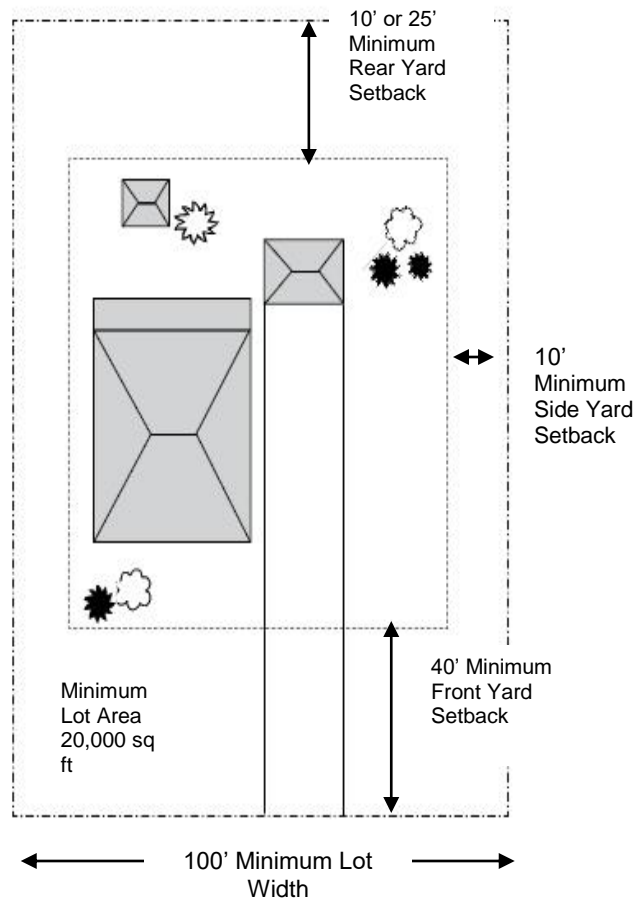
- ◆ Site plan requirements subject to Chapter 21
- ◆ Sign requirements subject to Chapter 17
- ◆ Special land use standards subject to Chapter 16
- ◆ Lighting requirements per Section 117.314
- ◆ Landscape requirements subject to Section 117.311
- ◆ Parking requirements subject to Chapter 18

117.1104 DISTRICT REGULATIONS

Minimum Lot Area	20,000 sq ft	Minimum Lot Width	100 ft
		Maximum Building Height	3 stories, 40 ft
Minimum Building Setbacks		Maximum Lot Coverage	40%
Front	40 ft, subject to Sect. 303, B	Minimum Dwelling Unit Width	20 ft
Side	10 ft *	Minimum Floor Area	960 sq ft/480 sq ft mult. fam.
Rear	25 ft **	Maximum Floor Area	per Sect. 117.1105, C
		Minimum Waterfront Setback	50 ft

*Required side yard may be waived by the Planning Commission for commercial buildings

** For commercial use abutting residential or agricultural use, otherwise 10 ft.



Road Right-of-Way

117.1105 Additional restrictions and use regulations.

- A. A greenbelt, as defined herein, shall be required for any retail or office use that abuts an existing residential land use or residentially zoned lands.
- B. Outside sales and displays of merchandise may be undertaken in conjunction with a business permitted by Special Land Use in the Village district, provided the Planning Commission determines that such outdoor sales and displays shall not pose a safety risk for either pedestrian or automotive traffic.
- C. In keeping with the small town, rural character of the Township and the Village district, commercial land uses that exceed the average floor area for similar existing uses in the district by more than 50% are found to be out of character and shall be prohibited.
- D. The required side yard in the Village District may be waived by the Planning Commission pursuant to site plan approval to permit common wall construction with no side yard setback.

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CHAPTER 12

M, Light Manufacturing and Processing District

CHAPTER 12

M, Light Manufacturing and Processing Zoning District

117.1200 Purpose

The purpose of the M District is to accommodate industrial-type uses that are unsuited to other districts, as well as wholesale activities, warehouses, and light manufacturing and assembly operations whose external, physical effects are restricted to the area of the district and are well-matched to the surrounding uses. The M District is designed to permit, along with specific uses, the manufacturing, compounding, processing, assembly, packaging and treatment of finished or semi-finished products from previously prepared material. It is further intended that activities involving the processing of raw material be entirely enclosed and that all uses conform to the performance standards of this Ordinance. Generally, uses within the M District will generate employment for the community.

117.1201 PERMITTED USES. The following land uses shall be permitted in the M district, subject to the provisions of this Ordinance.

- ◆ Boat Storage Facility
- ◆ Business and Professional Offices
- ◆ On Site Wind Energy Systems
- ◆ Subdivisions

117.1202 SPECIAL LAND USES. The following land uses shall be permitted in the M district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

- ◆ Agricultural Warehouse & Processing Plant
- ◆ Automotive, commercial truck repair
- ◆ Automotive, ORV or Small Engine Sales & Repair
- ◆ Construction and Building Contractor Facility
- ◆ Dry Cleaning Plant
- ◆ Essential service facility, major
- ◆ Excavation contractor
- ◆ Excavation of Mineral Resources
- ◆ Gas Station
- ◆ Landscaping and Lawn Service Contractor
- ◆ Light manufacturing or processing operation
- ◆ Lp. gas storage and distribution
- ◆ Machine shop
- ◆ Marine sales, service and repair
- ◆ Outdoor storage
- ◆ Research and office building
- ◆ Sexually Oriented Businesses
- ◆ Warehouse, including Mini-Warehouse
- ◆ Wholesale business
- ◆ Wireless Communication Towers

117.1203 ADDITIONAL STANDARDS MAY APPLY

- ◆ Site plan requirements subject to Chapter 21
- ◆ Special land use standards subject to Chapter 16
- ◆ Parking requirements subject to Chapter 18
- ◆ Sign requirements subject to Chapter 17
- ◆ Lighting requirements subject to Section 117.314
- ◆ Landscape requirements subject to Section 117.311

117.1204 DISTRICT REGULATIONS			
Minimum Lot Area	40,000 sq ft	Minimum Lot Width	200 ft
Minimum Building Setbacks		Maximum Building Height	3 stories, 40 ft
Front	40 ft	Maximum Lot Coverage	NA
Side	10 ft*	Minimum Shoreline Setback	50 ft
Rear	25 ft*		

* In addition to required side and rear setback, where an industrial use abuts a residential or agricultural land use, the provisions of Section 117.311, Greenbelts shall apply. Provided that such greenbelt may be located within the required side and rear yards and need not be in addition to those yards.

117.1205 Additional Restrictions and Use Regulations

- A. Application for special land uses under this Chapter shall set forth in writing the effects of the proposed operations on traffic; on water and air pollution; on noise and glare conditions; on fire and safety hazards; on emissions of dangerous or obnoxious matter; or other probable off-site impacts. The application shall describe in detail the proposed treatment of any such conditions to maintain the same within the limitations of the Ordinance. The site plan shall detail the plans for disposal of sewage and all industrial wastes. Further, it shall specify any fuels to be used, and measures for smoke and pollution control.
- B. All manufacturing and processing operations shall be conducted within enclosed structures.
- C. No use shall discharge any produced dust, smoke, or odorous matter or toxic fumes; physical vibrations; or heat or glare beyond the boundaries of the premises. No noise created from any use shall be allowed that would cause a nuisance to an adjacent R-1, A-R, A, E or V Zoning District.
- D. Any outdoor storage shall be screened from view from any point outside of the manufacturing zone.- Such screening shall be accomplished by a solid uniformly finished and maintained wood or masonry wall or fence of durable material, or a well maintained greenbelt, each of which shall be no less in height than the materials stored.
- E. No parking of vehicles will be allowed within 20 feet of the front lot line.

CHAPTER 13

E, Environmental Zoning District

CHAPTER 13

E, Environmental Zoning District

117.1300 Purpose

The purpose of the E District is to protect and preserve specific areas of the Township where elements of recognized environmental significance exist. Milton Township's cultural heritage is rooted in the presence of substantial shoreline, lakes, rivers, and streams. Land adjoining these features typically includes a high-water table or the land is wholly or partly submerged. Aquatic or other vegetation has naturally formed on these lands and provides natural habitat for wildlife; environmental, health and economic benefits for society; and scenic beauty. The provisions of this chapter are intended to restrict the alteration of these areas, except where such alterations contribute to overall use and enjoyment of natural features and do not result in deleterious effects to those features.

117.1301 PERMITTED USES. The following land uses shall be permitted in the E district, subject to the provisions of this Ordinance.

- ◆ Adult Family Day Care Home*
- ◆ Adult Foster Care Family Home*
- ◆ Child Family Day Care Home*
- ◆ Dwelling, one-family*
- ◆ Farm
- ◆ Farm Stand
- ◆ Harvesting wild crops and timber
- ◆ Home Occupation, Minor*
- ◆ On-site Use Wind Energy System

* Indicate uses subject to additional review pursuant to Section 117.1305 hereof.

117.1302 SPECIAL LAND USES. The following land uses shall be permitted in the E district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

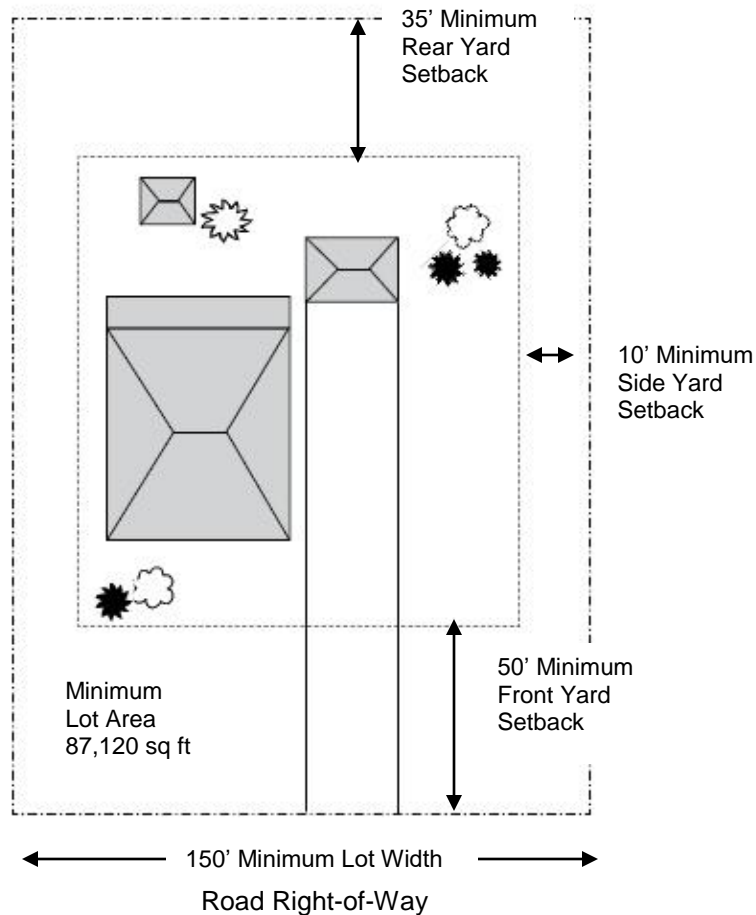
- ◆ Bed & Breakfast Establishments
- ◆ Golf Course
- ◆ Parks and playgrounds
- ◆ Planned Residential Development
- ◆ Seasonal Camp or Similar Rec. Facility
- ◆ Subdivisions

117.1303 ADDITIONAL STANDARDS MAY APPLY. The following land uses shall be permitted in the E district only as special land uses subject to the provisions of Chapter 16, subject to the provisions of this Ordinance.

- ◆ Site plan requirements subject to Chapter 21
- ◆ Parking requirements subject to Chapter 18
- ◆ Sign requirements subject to Chapter 17
- ◆ Lighting requirements subject to Section 117.314
- ◆ Landscape requirements subject to Section 117.311
- ◆ Land conservancy protection standards of Section 117.1306

117.1304 DISTRICT REGULATIONS

Minimum Lot Area	43,560 sq ft	Minimum Lot Width	150 ft
		Maximum Non-Farm Bldg. Height	3 stories, 40 f
		Maximum Farm Bldg. Height	90 ft.
Minimum Building Setbacks		Maximum Lot Coverage	30%
Front	50 ft	Minimum Dwelling Unit Width	20 ft
Side	10 ft (each side)	Minimum Floor Area	960 sq ft
Rear	35 ft	Minimum Waterfront Setback	50 ft



117.1305 Additional restrictions and use regulations.

A. The requirements of this section shall apply to any use proposed as a Special Land Use in the E district and the following permitted uses: Adult Family Day Care Home, Adult Foster Care Family Home, One Family Dwelling, Foster Family Home, Child Family Day Care Home and Minor Home Occupation. Such uses shall be subject to prior application and special approval by the Planning Commission or the Environmental Zoning District Review Committee as detailed below:

1. The Planning Commission may form an Environmental Zoning District Review Committee

which shall be made up of the Zoning Administrator and two (2) members of the Planning Commission to evaluate a proposed permitted use subject to the provisions of this section or a special land use application in the E district. The Committee shall review the proposed use in terms of its potential impact on the district and surrounding land use and present its recommendation to the Planning Commission for approval, approval with conditions or denial. Such committee shall be empowered to meet with applicants to discuss potential impacts and possible adjustments to the application, however, such committee shall not be empowered to commit the Planning Commission nor shall such committee process substitute for the required special land use procedures set forth in Chapter 16.

2. Upon receipt of the recommendations of the Environmental Zoning District Review Committee pertaining to special land uses (when applicable) the Planning Commission shall proceed to consider the special land use application in accordance with the requirements of Chapter 16.
3. Nothing in this Section 117.1305 shall be interpreted as requiring formation of an Environmental Zoning District Review Committee.

B. Under no circumstances shall a zoning compliance permit be issued for a proposal in the E district without any required Antrim County Soil Erosion or Health Department approvals in place.

117.1306 Effect of conservation easements. Many locales within the Environmental District exhibit unique features or habitat which may be the subject of recorded conservation easements that restrict development or land use on such sites. It is the policy of Milton Township to respect the terms of any such bona fide and recorded conservation easement made known to the Township and which may result in land use or development restrictions that are more limiting than the standards of this Chapter. Provided, however, that this section shall not be interpreted to impose on the Township any responsibility or obligation to independently discover any such easement or to enforce its terms if the Township is not a party to the easement.

Chapter 14

Reserved

Chapter 15

Reserved

CHAPTER 16 - SPECIFIC STANDARDS AND REQUIREMENTS FOR SPECIAL LAND USES

117.1600 Special Land Uses

A Special Land Use is a use that may be permitted within a specified zoning district after meeting specific requirements listed in this Chapter 16. It is the purpose of this Chapter to set forth the procedures that will apply to the consideration, review and evaluation of special land uses. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

117.1601 Special Land Use Procedures

A Special Land Use application shall be submitted and processed according to the following procedures:

- A. Submission of Application An application for a special land use shall be submitted to the Zoning Administrator on a Special Land Use Permit Application form. Upon receipt of a complete application, the Zoning Administrator shall place the request on the agenda for the Planning Commission scheduled not less than thirty (30) days hence. A complete application under this Section shall be one that specifically addresses the items set forth in this Section.
- B. Data Required A Special Land Use Application shall include the following information:
 1. A complete Special Land Use Application including the following information:
 - a. Name and address of applicant.
 - b. Legal description, property parcel number and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - d. Present zoning classification on parcel.
 - e. Present and proposed land use.
 - f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns, and local traffic volumes.
 - g. Any additional material information necessary to consider the impact of the project upon adjacent properties, regulated wetlands, streams, lakes and the general public as may be required by the Township Zoning Administrator or the Planning Commission.
 2. A complete Site Plan containing all the applicable data required by Chapter 21, Site Plan Review.
 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for evaluating Special Land Use Applications as provided in Section 117.1602. In addition, supporting statements, evidence, data, information and exhibits that address any Specific Review Standards for the particular special land uses sought, as provided in this Chapter.
 4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by

officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.

- e. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the application.
- C. Special Land Use Review Procedures. An application for Special Land Use Approval shall be processed as follows:
1. Planning Commission Review. A complete application for special land use approval shall be submitted not less than thirty (30) days prior to the date on which the Planning Commission shall first consider it. The Zoning Administrator shall determine whether the application is complete and, if it is determined to be complete, shall schedule a public hearing. An applicant may request an advisory sketch plan review with the Planning Commission in accordance with Section 117.2102, prior to development and submittal of a complete special use application.
 2. Public Hearing Procedures. Once the Zoning Administrator has determined that a complete Special Land Use Application has been received, the Zoning Administrator shall schedule a public hearing according to Section 117.2304, Hearing Notice Procedures.
 3. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Land Use Application, the Planning Commission may deny, approve, or approve with conditions the Special Land Use Application. Except as provided in Section 117.1616, E, the decision of the Planning Commission shall be final. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Land Use which specifies the findings of fact as the basis for the decision and any conditions imposed.
 4. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Land Use do not establish by preponderance of the evidence that the standards and requirements set forth in the Article can and will be met by the proposed Special Land Use, the Planning Commission shall deny the Special Land Use Application.
 5. Attachment of Conditions. The Planning Commission may recommend additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.
 6. Required Approval of Special Land Use. A request for approval of a Special Land Use Application which is in compliance with all the standards of this Ordinance, other applicable Ordinances, and state and federal statutes shall be approved.
- D. Issuance of a Zoning Permit. A Zoning Permit shall be issued by the Zoning Administrator in accordance with Section 117.2300 upon approval of the Special Land Use by the Planning Commission. The Zoning Permit shall list all the conditions of approval stipulated by the Planning Commission. A Site Plan submitted as an attachment to a Special Land Use application may be considered and reviewed in conjunction with said Special Land Use application and shall be processed according to the procedures of Chapter 21.
- E. Appeals. No decision or condition related to a Special Land Use Application shall be taken to the Zoning Board of Appeals. An appeal of a Special Land Use decision or condition may be taken to the Circuit Court.
- F. Expiration of Special Land Use Permits, and Extensions

1. Except as provided in Section 117.1616, E, an approved Special Land Use Permit shall expire two (2) years following approval by the Planning Commission. Upon written request stating the reasons therefore, the Planning Commission shall extend a Special Land User Permit for an additional one (1) year period if the evidence shows the following:
 - a. The conditions necessitating the delay in the construction and completion of the project are reasonably beyond the control of the applicant.
 - b. The requirements and standards, including those of the zoning Ordinance that are reasonably related to the development, have not changed.
 - c. Development or redevelopment in the proximity of the approved Special Land Use Permit has not resulted in changed conditions impacting the site.
 - d. There has not been a change in state or federal law, local charter, or other local Ordinance prohibiting the construction or further construction of the approved project.
2. An application for an extension of a Special Land Use Permit must be filed at least 60 (sixty) days prior to the expiration of the original Special Land Use Permit or the expiration of any extension previously approved by the township, whichever is applicable. The application form for requesting an extension shall be provided by the Township and can be obtained from the Zoning Administrator. An application fee for an extension is required and shall be non-refundable. The Township Board shall by resolution, establish the amount of the application fee for the renewal. The renewal is only applicable to the property subject to the originally approved Special Land Use Permit.
3. Any such application for an extension is subject to reasonable conditions established by the Planning Commission, including, if necessary, the implementation of a new or additional performance guarantee requirement pursuant to Section 117.2109.
4. If a Special Land Use Permit expires pursuant to subsection 1 above, no work pursuant to a Special Land Use Permit may be undertaken until a new Special Land Use Permit is obtained following the procedures contained in the Zoning Ordinance for a new Special Land Use Permit.

117.1602 Special Land Use Review Standards.

- A. General Review Standards. The Planning Commission, before acting on a Special Land Use Application, shall employ and be guided by standards of this Chapter and the intent and purpose of this Zoning Ordinance, and the Milton Township Master Plan. The Planning Commission shall review each application and shall approve such Special Land Use only if it finds that such Special Land Use application meets each of the following standards, together with any and all Special Land Use standards reflected for the zoning district, and any and all applicable specific review standards found in this Article. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:
 - a. The proposed use shall be consistent with the adopted Township Master Plan.
 - b. The proposed use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
 - c. The proposed use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
 - d. The proposed use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.

- e. The proposed use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
 - f. The proposed use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
 - g. The proposed use shall ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
 - h. The proposed use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
- B. **Specific Review Standards.** Certain Special Land Uses may generate objectionable off-site impacts which may be effectively mitigated with appropriate design measures. To address such impacts, in addition to the general review standards set forth in Section 117.1602, 1, of this Chapter, the Planning Commission, shall apply the applicable specific review standards set forth in this Chapter 16 for any such named Special Land Use.

117.1603 Reserved

117.1604 Bed and Breakfast

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed Bed and Breakfast shall meet the following specific Special Land Use standards.

- A. **Basic Standards.** It is the intent to establish reasonable standards for Bed and Breakfast Establishments to assure that:
 - 1. The property is suitable for transient lodging facilities.
 - 2. The proposed use shall be compatible with other allowed uses in the vicinity.
 - 3. Lands in these districts shall not be subject to increased trespass.
 - 4. The impact of the establishment shall be no greater than that of a private home with house guests.
 - 5. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.
 - 6. Landscaping and Buffering shall be provided in accordance with Section 117.311 of this Zoning Ordinance.
- B. **Specific Standards.** The following requirements together with any other applicable requirements of this Ordinance shall be complied with:
 - 1. The minimum lot size shall be one (1) acre except in the Village zoning district where the minimum lot area shall be consistent with the District minimum for Single Family Dwellings.
 - 2. Not less than one (1) parking space per rental sleeping room shall be provided plus one (1) per owner occupant. Parking areas shall be screened from view from all off-site locations.
 - 3. One (1) non-illuminated sign identifying the establishment not to exceed four (4) square feet in area located not closer, than ten (10) feet from the right-of-way shall be allowed.
 - 4. The establishment shall have at least two (2) door exits to the outdoors.
 - 5. The establishment shall be limited to no more than three (3) guest rooms and be the principal dwelling unit on the property and shall be owner-occupied at all times.
 - 6. The on-site wastewater treatment system shall be approved by the Health Department for the

proposed use and occupancy.

7. Guest stays shall not exceed seven (7) nights.
8. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
9. The guest rooms shall have a minimum floor area of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room.
10. Special land use approval shall not be granted if the essential character of the lot, or structure, or neighborhood in terms of traffic generation, ~~or~~ appearance, or activity will be changed substantially.
11. The site plan shall incorporate a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 16' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.

117.1605 Recreational Vehicle Seasonal Park

In addition to the standards of 117.1602.A., the Planning Commission shall find that a proposed recreational vehicle park shall meet the following specific Special Land Use standards.

- A. Recreational vehicle sites shall occupy at least 3 acres and no more than 10 acres of a parcel that may be more than 10 acres.
- B. There shall be no more than an average of eight (8) sites per acre up to a maximum of 80 sites.
- C. The size of a site shall be a minimum of 2,600 square feet.
- D. There shall be at least 20 feet between each recreational vehicle.
- E. There shall be no permanent accessory structures allowed on site.
- F. There shall be at least 20 feet of road frontage on each site to allow for ingress and egress.
- G. There shall be no more than one (1) recreational vehicle per site
- H. A gate activated by codes/cards provided by park management to residents shall control access to the recreational vehicle park.
- I. There shall be no more than six (6) people residing at a site overnight and no more than four (4) registered guests at a site during the daylight hours. All guests of a site lessee must be registered.
- J. Sites will not be sub-let.
- K. Twenty percent of the acreage of a recreational vehicle park shall be a common area that may include community use facilities such as showers and restrooms and shall include recreational facilities such playground equipment, basketball courts, etc.
- L. The recreational vehicle park shall be seasonal and be open for occupation from April 1 to November 1 of each year. All utilities shall be disconnected during the off-season by the park owner/manager.

- M. The recreational vehicle park will be licensed by the State of Michigan Public Health Code (Act 368, Article 12, Part 125, 333.12506)
- N. Before approval by the Milton Township Planning Commission the applicant must provide a construction plan approved by the State of Michigan.
 - 1. All specifications regarding water supply, wastewater treatment, and electrical services shall meet standards in State of Michigan Public Health Code (Act 368, Article 12, Part 125, 333.12506) and Antrim County Public Health and Building codes/standards.
 - 2. All roads internal to the recreational vehicle park shall comply with State of Michigan Public Health Code (Act 368, Article 12, Part 125, 333.1558)
- O. All storm water shall be retained on the recreational vehicle park parcel.
- P. The owner of the recreational vehicle park shall be responsible for having a manager or security personnel available 24 hours per day, seven days a week and residing onsite.
- Q. The park boundary line abutting the entry access road shall have a minimum of 50% screening; all other park boundary lines shall be fully screened per 117.311 of the Township zoning ordinance.

117.1606 Seasonal Camp or Similar Recreation Enterprise

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed seasonal camp, campground or similar recreational facility shall meet the following specific Special Land Use standards.

- A. Camps and campgrounds shall only be placed on parcels of 40 acres or greater.
- B. Individual camp sites, accessory buildings and similar features shall be isolated from surrounding single-family residential uses or similar camps and campground uses by screening, distance or other means satisfactory to the Planning Commission to protect the quiet enjoyment and aesthetic values of adjoining properties.
- C. Camps and campgrounds shall comply with site design standards set forth by the Michigan Department of Natural Resources.
- D. As part of a submittal for special land use approval for a seasonal camps or campground, the applicant shall present a detailed management plan for the facility. Such management shall include, but not be limited to the following information and the continued compliance with the terms of the management plan shall be a condition of any approval granted under this section:
 - 1. The total number of campsites proposed
 - 2. The maximum permitted duration of residency
 - 3. The general nature of camping shelters, recreation vehicles and related equipment anticipated on site
 - 4. The nature of services and facilities to be offered to facility users
 - 5. Policies and enforcement procedures to deal with noise, rowdy behavior, and similar nuisance activities
 - 6. The hours and seasons the facility will operate
 - 7. Any other information determined by the Zoning Administrator or Planning Commission to be necessary to properly evaluate the proposed request.
- E. Campgrounds shall obtain and maintain any required state licensing at all times and failure to

maintain such licensing shall be grounds for revocation of any special land use approval under this Ordinance.

- F. When applicable, camps and campgrounds shall comply with all requirements of the Health Department.
- G. A seasonal camp shall have twenty-four (24) hour on site management during all times of operation.

117.1607 Construction or Building Contractor Facility

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that the operation of a proposed Construction or Building Contractor's Facility shall meet the following specific Special Land Use standards.

- A. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located. Within the Village district, the Planning Commission may require that outdoor storage be screened with fencing or landscaping to mitigate impacts on neighboring residential properties in existence at the time of application.
- B. Applications shall document measures to assure that the use will produce no detectable objectionable dust, fumes, or odors at any property line.
- C. All travel surfaces shall be paved or otherwise provided with a dust-free surface.
- D. All exterior lighting shall be in accordance with Section 117.314 hereof.
- E. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.
- F. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the Antrim County Soil Erosion Control office's requirements.
- G. Noise generated on site from any source shall not exceed 60 dBA measured at any property line.
- H. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
- I. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with any applicable State or Federal requirements.

117.1608 Reserved

117.1609 Drive-In and Drive-Through Facilities

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed facility which shall include drive-in or drive-through services shall meet the following specific Special Land Use standards.

- A. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns and shall be clearly illustrated on the site plan.
- B. Pedestrian areas and areas for personnel serving drive-in customers shall be separated from on-site traffic patterns, clearly marked and illustrated on the site plan.
- C. All drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle, including appropriate overhead clearance and safe turning radii.
- D. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian

areas on site.

- E. All parking areas shall comply with the provisions of Chapter 18 and stacking areas for drive-through service shall not be regarded as required off-street parking. Where both inside and drive-in service is provided, parking spaces for drive-in service may be regarded as a part of the required off-street parking.
- F. Applications shall document measures to assure that the use will produce no detectable objectionable dust, fumes, or odors at any property line.
- G. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
- H. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

117.1610 Excavation of Mineral Resources

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposal for the commercial Excavation of Mineral Resources shall meet the following specific Special Land Use standards of this section.

- A. Small Pit Exemption. Operations involving the intermittent or infrequent excavation of mineral resources generally for the use of the land owner and not for commercial sale and involving an open area of less than 2 acres, or the removal of not more than 500 cubic yards annually, shall be exempt from the requirements of this Section.
- B. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" = 100' and said plan shall include the following information:
 - 1. Name and address of owner(s) of land which removal will take place.
 - 2. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - 3. Location, size and legal description of the total site area to be mined.
 - 4. The means and routing of access and egress from the site to local, county and state roads.
 - 5. Surface water drainage and containment provisions.
 - 6. The location and size of any structures on the site
 - 7. A current aerial photograph displaying the area and all lands within 1,320 feet of the site. The aerial map shall show the uses of the lands on the aerial map and the location of the various types and extent of existing natural features, such as soils, vegetation, and water bodies. Appropriate overlays at the scale of the aerial photograph may be used to depict topography, slope hazards, soils, vegetation, wildlife habitat, or any other information required to assess the environmental impact of the proposed extraction activity and restoration plan.
 - 8. A description of the various types and extent of existing major ground vegetation, particularly tree species, and endangered species found within the area proposed for mineral removal.
 - 9. A detailed description of any known, anticipated or likely adverse or detrimental effect upon any aspect of the community or element of the natural and built environment, with respect to both the site of the mineral removal and the surrounding area.
 - 10. A description of the type, quality, and amount of the mineral material at this site and of the current and potential market for the mineral material to be removed.
 - 11. A plan for material extraction for the total project which shall include:
 - a. Pre-mining soil survey indicating soil depths and types for future reclamation of the site.

- b. Surface overburden and topsoil stripping and stockpiling plans indicating erosion and runoff control measures, distance from property lines, length of storage time, and pile heights.
 - c. Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - d. The estimated quantity of product in place and to be mined, an overall phasing plan and an approximate timetable for the facility.
 - e. The location and types of noise and vibration mitigation including earth berms, fences, vegetation in the within the required setbacks and other features.
 - f. The location and types of dust mitigation tools.
 - g. Phasing plan illustrating the portions of the site to be worked and an approximate schedule for opening, operation and closing of each phase.
 - h. The portions of the site (if any) that may be used for on-going operations, such as equipment staging, crew areas or other uses.
12. A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located, including the following information:
- a. A narrative description of proposed land uses at the conclusion of mining activity, such uses shall be consistent with the zoning district and the Master Plan.
 - b. A site plan illustrating a conceptual layout of the site with a conceptual plan for internal vehicular circulation on the site (if any), any areas of open water anticipated, the nature of vegetation to be established.
13. A detailed description of the proposed operator's past experience in conducting safe and efficient mineral extraction operations including the names of local government officials that may be contacted to seek comment about the nature of such past experience.
- C. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All excavation shall be either to a water-producing depth or shall be graded or backfilled to ensure that the excavated area will not retain or collect stagnant stormwater. For the purposes of this subsection, a water-producing depth shall be defined as not less than ten (10) feet below the average summer level of groundwater in the excavation. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to slopes which shall not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than fifteen (15) acres of the site shall be open at any time.
- 1. In the event filling of the mined area is necessary in the course of reclamation, the fill material shall not consist of or contain any organic waste, hazardous materials, toxic materials, radioactive materials, agricultural waste, industrial waste, building demolition debris, sludges or sewage residues, whether or not compounded, mixed, combined, bound or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion, and, moreover, such fill material shall not contain any machinery or equipment of parts thereof, or any material which will, or is likely to impair or harm the air water and natural resources, and public trust therein, and/or the public health and safety. Only material which will settle firmly without pockets shall be used.
 - 2. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water consistent with soil makeup depths from pre-excavation samples.
 - 3. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize

erosion.

4. Within twelve (12) months of cessation of mining operations, all plant structures, buildings, stockpiles and equipment shall be removed, provided, however, that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which the property is located may be retained.

D. Site Development Requirements:

1. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - a. Excavation below the existing grade of adjacent roads or property lines shall not take place within fifty (50) feet of any adjacent property line or road right-of-way.
 - b. No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
2. Fencing: If fencing is required, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
3. Stockpiles of earth materials shall be limited to a height determined by the Planning Commission. Stockpiles shall not be located in any required yard area, unless by approval of the Planning Commission.
4. Interior access roads, stockpiles, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.
5. Hours of operation shall be established by the Planning Commission as part of the special use approval.
6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 65-dBA at any property line.
7. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

E. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the County and/or State.

F. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.

G. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the Township Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or a performance bond with the Township named as the principal. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

H. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If

an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities and such successor is found by the Planning Commission to have experience and credentials substantially equivalent to those of the original applicant. At that time, the Special Use permit may be transferred.

- I. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend for a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
- J. Annual Reports. Each year, the applicant shall provide an annual report to the Zoning Administrator indicating progress in implementation of the material extraction plan as outlined in subsection 117.1610, A, 11. In the event the Zoning Administrator determines that progress on the site is not proceeding in general conformance with the material extraction plan or the Zoning Administrator finds that the operations on the site have departed in a material way from the approved Special Use permit, the Zoning Administrator shall require that the applicant submit, within ninety (90) days of being so notified, an amended special land use application pursuant to this Section which shall be reviewed by the Planning Commission as if it were a new application. No more frequently than every five (5) years, the Zoning Administrator may require that the applicant provide at its own expense, an independent certification by a licensed surveyor or engineer, of the quantity of materials removed in the period since the last certification, the quantity of materials imported (if any) and their location on the site, the quantity of materials stockpiled and their location on site, the approximate quantity remaining on site but not yet extracted, the condition of any areas previously mined and reclaimed and the approximate remaining life of the facility.
- K. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
 - 1. Modification of the plan is necessary so that it will conform to the existing laws.
 - 2. It is found that the previously approved plan is clearly impractical to implement and maintain.
 - 3. The approved plan is obviously not accomplishing the intent of the Ordinance.

117.1611 Reserved

117.1612 Home Occupation, Major

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed Major Home Occupation shall meet the following specific Special Land Use standards.

- A. A Major Home Occupation shall be a Home Occupation which does not meet the requirements of Section 117.310.
- B. A Major Home Occupation shall be subject to the following-standards:
 - 1. In addition to the occupants of the residence and not more than one (1) non-resident employee on site, a Major Home Occupation may employ other persons, provided their work activities are generally undertaken at locations other than the location of the dwelling.
 - 2. The dwelling and site shall remain residential in appearance and characteristics. The applicant shall disclose the nature, size and number of any vehicles or other equipment associated with the Major Home Occupation and the Planning Commission may establish limits on the outdoor storage and parking of such equipment or vehicles to preserve the

essential character of the neighborhood. Any outdoor storage of materials or scrap shall be effectively screened from view from neighboring properties.

3. All business activities on site shall be in a completely enclosed dwelling and/or accessory structures.
 4. The Major Home Occupation shall not generate vehicle trips in excess of six (6) round trips per day, and only between the hours of 8:00AM and 9:00PM.
 5. On-site sales of merchandise shall be by appointment only.
 6. The property must have direct access to and utilize a public road.
 7. For the purposes of this section, multiple home occupations or combinations of home occupations shall be regarded as, and comply with the requirements of, a single home occupation, in terms of the numbers of employees, hours of operation, signage and other impacts on the vicinity.
 8. The Major Home Occupation shall not generate noise in excess of sixty (60) dBA, vibrations, smoke, dust, odor, heat, or glare which are detectable beyond the property lines. Furthermore, the Major Home Occupation shall not create an electrical interference with the transmission of television, cellular wireless service, or radio in the area which exceeds that which is normally produced by a dwelling unit in the district.
 9. Signage shall be limited to one (1) non-illuminated sign of color and style compatible with the residence, mounted to the residence or to a pole immediately adjacent to the entrance of the residence, with an area not to exceed seventy-two square inches.
 10. The operator of a proposed Major Home Occupation shall attach an operational plan for the Major Home Occupation to the application for a special land use approval for the Major Home Occupation. The operational plan shall provide the following information:
 - a. The hours the Major Home Occupation will operate.
 - b. A description of employee parking and workforce staging plans.
 - c. A site plan in accord with Chapter 21 indicating the location of any storage of materials, vehicles and equipment as well as any employee or customer parking.
 - d. A description of the shipping and delivery requirements of the Major Home Occupation.
 - e. A description of any material used in the Major Home Occupation which will be stored on the premises.
 11. The Planning Commission shall review the application for a Major Home Occupation and take action to approve it, if it finds that the proposed Major Home Occupation shall meet the requirements of this Section and Section 117.1602, hereof.
 12. Any change or alteration in the nature or activities of a Major Home Occupation shall be regarded as a new Major Home Occupation and shall require a new application hereunder.
 13. A failure to fulfill the terms of the Major Home Occupation, the site plan and its attachments shall be grounds for revocation of Planning Commission approval of a Major Home Occupation.
- C. Prohibited Home Occupations. Under no circumstances shall the following be considered a Major Home Occupation:
1. Warehousing and rental of storage space for gain
 2. Junkyards
 3. Sexually Oriented Businesses, of any kind.
 4. Bed and Breakfast, which shall be regulated pursuant to Section 117.1604.

117.1613 Major Essential Service Facilities

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed Major Essential Service Facility shall meet the following specific Special Land Use standards.

- A. A Major Essential Service Facility shall be an Essential Service Facility which does not meet the requirements of Section 117.307.
- B. A Major Essential Service Facility shall be subject to the following additional standards:
 - 1. Any above ground major essential service facility shall be fully secured from unauthorized entry either by construction of the facility itself or through fencing which meets the requirements of this Ordinance.
 - 2. As a condition of approval of a special land use permit, the Planning Commission may require remote monitoring of major essential service facilities that may be vulnerable to damage or disruption.
 - 3. Major essential service facilities located out-of-doors shall be screened from view from adjoining properties and from public road rights-of-way with evergreen plantings planted at such intervals as to provide an opaque screen within one-year of planting. Equipment buildings intended to house major essential service facilities, such as well houses, pump buildings or equipment shelters, shall be constructed of face brick, decorative masonry, cement board or wood lap siding designed to resemble nearby structures. Provided, that a side of such equipment building that is not visible from a public right-of-way, may be constructed of common cement block or metal panels, if further screened with evergreen landscaping.
 - 4. All above ground major essential service facilities shall be located in conformance with the yard, lot width and lot area standards of this Ordinance. With the exception of elevated water storage facilities, major essential service facilities shall not exceed the maximum height requirements of the zoning district in which they are located.
 - 5. A major essential service facility shall be considered an accessory use to any other permitted or special land use, if it occupies no more than ten (10) percent of the parcel which is shared with the principal use. A major essential service facility located on an otherwise vacant parcel shall be considered the principal use of that parcel.
 - 6. An above ground major essential service facility which is fenced or which is housed in an equipment building shall include a sign placard of not more than two square feet which shall indicate the owner or operator's name, address and emergency contact information. In addition, such facilities may include any required hazard warning signage.

117.1614 Reserved

117.1615 Outside Sales and Display

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed facility which shall incorporate outside sales and display activities shall meet the following specific Special Land Use standards.

- A. Outside sales and display activities shall be conducted entirely on the parcel and not on any public road right-of-way. No outside sales or display shall be located in any required yard area and no item or items displayed outdoors shall exceed the height limits of the zoning district.
- B. The Planning Commission may establish, as a condition of approval, hours of operation for the Outside Sales and Display.
- C. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may

be in addition to the Landscaping and Screening standards of Section 117.311 of this Ordinance to mitigate the visual impact of an Outside Sales and Display.

- D. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
- E. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 dBA at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- F. The outdoor sales area shall be paved, or otherwise provided with a dust-free surface. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.
- G. All off-street parking shall be in compliance with Chapter 18 and any outside sales and displays shall not displace any parking area required under this Ordinance.

117.1616 Planned Residential Development

A. Intent. The provisions of this Section provide standards for the submission, design, review and approval of planned residential development (PRD) projects subject to the Special Land Use provisions of Section 117.1602. The application of these planned residential development regulations are intended to:

- Conserve natural features;
- Encourage the use of land in accordance with its character and adaptability;
- Encourage creation of a meaningful greenway system for a habitat;
- Encourage innovation in land use planning;
- Provide enhanced housing, employment, traffic circulation and recreational opportunities for the people of Milton Township; bring about a greater compatibility of design and use between neighboring properties; and
- Encourage retention of agricultural uses and green spaces.

The provisions of this Section are intended to result in land development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Section to insure appropriate, fair and consistent decision-making. The PRD process may permit flexibility in the regulation of land development, and encourage innovation and variety in land use and design.

B. Planned Residential Development Design Standards. A PRD project shall be consistent with the following standards.

1. Permitted Uses. Land uses permitted within a PRD shall be limited to those permitted by right or by special land use in the underlying zoning district.
2. Open Space. The minimum open space for any PRD shall be fifty percent (50%) of the development. Open space may be any combination of common open space, limited open space, or public open space. Wherever practical, proposed open space should connect to open space provided in adjacent developments. Open space provided should relate to the creation of a greenway system to preserve a water/wetland system, a topographic formation, choice woodlots that extend into adjacent parcels, or a known habitat of native wildlife.
3. Base Residential Density. Except as provided in Subparagraph 4 of this section, the

maximum number of residential dwellings permitted in a PRD shall be equal to the gross buildable site area divided by the minimum lot size required in the underlying zoning district. For the purposes of this Section, the gross buildable site area shall be the entire parcel area less any portion of the site comprised of surface water, wetlands, slopes in excess of 90%, and up to fifteen percent (15%) for roadways.

4. Potential Density Increases. The Planning Commission may approve an increase in residential density of fifteen percent (15%) for the first minimum allotment of open space (fifty percent [50%]). An increase in density shall accrue at the rate of fifteen percent (15%) for each ten percent (10%) of additional open space provided above the minimum required. Fractional units shall be rounded up if five-tenths (.5) or greater and rounded down if less than five-tenths (.5). Potential density increases shall not exceed forty-five percent (45%) over and above base residential density.
5. Interior Setbacks and Lot Area. The front and rear setback requirements of the underlying zoning district(s) may be modified within the PRD project. Side yard and waterfront setbacks shall not be modified. The minimum area of lots or condominium lots in the underlying zoning district may be modified within the PRD.
6. Perimeter Setbacks and Buffering. A perimeter setback of up to one hundred (100) feet may be required by the Planning Commission. The perimeter setback area would include naturalized landscaping or a natural vegetative strip to provide a buffer for adjacent properties where found to be necessary by the Planning Commission. The perimeter setback and landscaping need not be uniform at all points along the property boundary. The perimeter setback and landscaping requirements would be determined in consideration of the existing and planned adjacent land uses. The Planning Commission may require a natural buffer area along any roadway when important to retain the character of the area along the roadway by preserving the existing meadow, field or woodlot.
7. Recreational Uses. Improvements associated with public and private uses, including but not limited to, riding stables, swim clubs and tennis clubs (including accessory structures and uses) must be located within the developed portion of the PRD project and shall not be included in any areas set aside as open space calculations. Provided, however, that golf courses fairways and greens, equestrian riding paths or similar areas without significant developed improvements may be included within such open space areas.
8. Site Infrastructure. Road, drainage and utility design shall meet or exceed the applicable Township and/or County requirements. Drainage structures (detention/retention ponds, swales) shall be designed to blend with the PRD project's built and/or landscaped features and the site's natural features. Multi-User Septic systems, roads in the A-R zones, and drainage structures may be located in the required open space areas.
9. Project Phasing. Each development phase shall be designed to stand alone as a feasible and appropriate development such that if the remaining phases are not implemented, the community is left with a viable project or neighborhood. Each phase shall be designed to provide at a minimum a proportional share of the common open space requirement for the entire project.
10. Open Space Conveyance. The open space may be conveyed to an individual, a conservancy, or other entity via an irrevocable conveyance. An irrevocable conveyance shall include recorded deed restrictions (or protective covenants or conservation easements as appropriate) to insure that dedicated open space shall be permanently protected from further development.
11. Agricultural Use. Continuation of agricultural uses is encouraged on a PRD project and the area to remain in agricultural use may comprise up one hundred percent (100%) of the required open space.
12. Night Sky Protection. Outdoor lighting for the development shall be designed per section 117.314.

13. Any portion of the open space with a least dimension of less than fifty (50) feet shall not be considered a part of the open space for the purpose of determining the required fifty percent (50%) provided in this section.
14. Planned Residential Developments which abut or include a surface water body shall incorporate design features, homeowner association standards or other measures satisfactory to the Planning Commission to protect surface water quality and the natural character of the shoreline. Any such development with one or more areas to enable access to a surface water body for swimming, boating, fishing or for any other purpose, shall include measures satisfactory to the Planning Commission to limit such access to the residents and guests of no more than one dwelling unit for each 100 feet of shoreline included or abutting the Planned Residential Development.

C. Application, Review and Approval Procedure.

1. PRD Application. In addition to the requirements of Section 117.1601.B, a PRD application shall include the information as detailed below.
 - a. Development Plan Overview including a narrative description of the overall purpose and intent of the PRD including detail on the nature of the uses anticipated, and design standards to be applied and development restrictions proposed. This will also include the following general information:
 - i. Total site acreage and percent of total project in various uses, such as residential, agricultural, developed and undeveloped open space, and any active/passive recreation areas.
 - ii. Percent of ground area and/or lots covered by structure.
 - iii. Acreage and number of single-family lots, multiple family dwellings and area committed to other uses to be included in each development phase.
 - iv. A detailed description of the site, including illustrated overlays of any important or significant natural or archaeological features and an explanation of how such features will be protected and/or incorporated into the PRD design.
 - v. A description of mechanisms to protect and maintain any open space, and detail on any conveyance mechanism to enable such protection.
 - b. Phasing plan providing detailed information of the timing and nature of each phase of the proposed development including tabulations of the area of each phase.
 - c. A statement of proposed modifications from the Ordinance standards which are sought to implement the PRD.

D. Planning Commission Review of Proposal.

1. Upon receipt of a completed application from the Zoning Administrator, at a regularly scheduled meeting the Planning Commission shall refer it to a subcommittee of the Planning Commission for review and recommendation.
2. The subcommittee shall review the submittal and prepare a recommendation for approval, denial or approval with conditions, which may include recommended alterations to better conform with the intent of this Section. The recommendations of the Subcommittee shall be prepared and forwarded to the Planning Commission for consideration at a public hearing to be scheduled in accord with Section 117.2304.
3. Following the public hearing, the Planning Commission may approve, approve with conditions or deny the application.
4. As part of a decision to approve or approve with conditions, the Planning Commission shall reach an affirmative finding on the Special Land Use standards of Section 117.1602.A, and on the following Planned Residential Development Standards:

- a. Provisions have been made to provide for financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured.
 - b. Resources to support the cost of installing all streets and necessary utilities have been assured.
 - c. All phases are in conformity with the overall comprehensive plan of the entire development.
 - d. The proposed Planned Residential Development constitutes a viable development in keeping with the intent of this section and the Township Master Plan.
5. In the event of a decision to deny the application, the Planning Commission shall prepare written findings of fact describing how the proposal fails to meet the requirements of Section 117.1602.A and of 117.1616.D.4.
- E. PRD Commencement Period. At least one (1) residence of the planned residential development shall be completed within a period of twenty-four (24) months from the date of approval. Upon written application by the developer, the Planning Commission may extend this commencement time period for no more than two (2) successive one (1)-year time periods. No additional extensions may be granted beyond a maximum of two (2) years.
 - F. Permits. Following approval of a final planned residential development the developer may receive zoning permits to begin construction, subject to the conditions included in the approval.
 - G. Modifications to Approved Planned Residential Development. Any modification to the planned residential development must be reviewed by the developer with the Township Zoning Administrator who will determine if the modification will require a formal amendment request with approval by the Planning Commission. The Zoning Administrator may not approve amendments to a PRD proposal that would result in an increase in the gross density or development intensity of the PRD, or result in a reduction of the area set aside for common open space, and such amendments shall require a new planned residential development application.
 - H. Appeals. No decision or condition related to a PRD submittal shall be taken to the Zoning Board of Appeals.

117.1617 Reserved

117.1618 Public Assembly Buildings, Large

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed large public assembly building shall meet the following specific Special Land Use standards.

- A. A place of public assembly determined to be a large facility under this Ordinance shall be located so as to have its primary access directly onto one or more of the following roadways: US-31, Quarterline Road, Cherry Avenue or Cairn Highway.
- B. A place of public assembly determined to be a large facility under this Ordinance shall be located on a parcel of land with a minimum area of five (5) acres. Provided, however, that such facility shall meet the maximum lot coverage requirements of this Ordinance.
- C. For a place of public assembly determined to be a large facility, the Planning Commission may require the completion of a traffic impact study under the terms of Section 227 of this Zoning Ordinance.
- D. The Planning Commission may establish limits on hours of operation.
- E. Noise generated on site from any source shall not exceed 55 dBA measured at any property line.

117.1619 Sexually Oriented Businesses

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that a proposed Sexually Oriented Business shall meet the following specific Special Land Use standards.

- A. Purpose and Intent. It is the intent of this chapter to provide regulations and requirements applicable to any sexually oriented business within the Village or Manufacturing Zoning District. Sexually-Oriented Businesses require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such business as well as the citizens of the communities where they are located. There is convincing documented evidence that sexually oriented businesses, because of their nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and, downgrading of property values.

It is recognized that sexually oriented businesses, due to their nature have serious objectionable characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area.

The Township of Milton desires to prevent these adverse affects and thereby protect the health, safety, and welfare of the citizenry; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight.

It is not the intent of this Ordinance to suppress any activity protected by the First Amendment of the United States Constitution or the Michigan Constitution, but to enact a content neutral Ordinance which addresses the adverse secondary effects of sexually oriented businesses. It is not the intent of the Township of Milton to condone or legitimize the distribution of the obscene materials and the Township of Milton recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities within the Township of Milton.

It is the purpose of this Ordinance to regulate sexually oriented businesses and related activities to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented" businesses within the Township. The provisions of this Ordinance do not have the purpose of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is not the intent of this Ordinance to restrict or deny access by an adult to sexually oriented materials protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent of this Ordinance to condone or legitimize the distribution of obscene materials.

- B. Permit and/or License Required. It shall be unlawful for a person to operate a sexually oriented business without a valid permit issued by the Zoning Administrator pursuant to the Milton Township Sexually Oriented Business Licensing and Permitting Ordinance.
1. An application for a Special Land Use permit to site and operate a Sexually Oriented Business must be accompanied by documentation that the owner and operator are in possession of a valid Sexually Oriented Business Permit.
 2. Any application for a special land use permit for a Sexually Oriented Business which is submitted without documentation that the owner and operator are in possession of a valid Sexually Oriented Business Permit shall be considered incomplete and shall not be processed.
- C. Location Restrictions.
1. Isolation from Sensitive Land Uses. A Special Land Use Permit for a Sexually Oriented Business shall not be issued for a site located within 750 feet of:
 - a. A church, synagogue or regular place of religious worship;

- b. A public or private elementary or secondary school;
 - c. A boundary of any residential zoning district or any residential structure;
 - d. A public park;
 - e. A licensed day-care center; and/or
 - f. Another sexually oriented business.
2. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business, regardless of the distance between the uses.
 3. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business, church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential Zoning District, or residential lot or licensed day-care center.
 4. The distance between any two sexually oriented business uses shall be made from the closest roof line of the structure in which each business is located.
- D. Regulations Pertaining To Sexually Oriented Businesses. A person who operates or causes to be operated a sexually oriented business which presents live entertainment for the enjoyment of an audience which has paid or promised to pay an admission fee and which depicts specified sexual activities or displays specified anatomical areas, shall comply with the following requirements:
1. Upon application for special land use permit for a sexually oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures (indicating the type of illumination intensity of each such fixture) and designating any portion of the premises in exceed thirty (30) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required, however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level. The premises shall meet all barrier free requirements and building code requirements imposed by the County Building and Inspections Department.
 2. The application shall be sworn to be true and correct by the applicant.
 3. No alteration in the configuration or location of a manager's station may be made without the prior approval the Township Zoning Administrator.
 4. The special land use application shall be accompanied with an operational plan for the facility which shall include the following requirements, at a minimum:

- a. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - b. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in subsection 5 remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection A of this section.
 - c. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - d. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
 - e. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented business regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - i. A valid operator's commercial operators or chauffeurs license; or
 - ii. A valid personal identification certificate reflecting that such person is eighteen (18) years of age or older.
 - f. Entrances to the proposed sexually oriented business will be posted on both the exterior and interior walls, clearly visible to the public, indicating in lettering no less than one and one-half inches in height that:
 - i. No one under the age of eighteen is permitted to enter the premises and
 - ii. No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.
- E. Exterior Portions of Sexually Oriented Businesses. The Planning Commission shall find that the proposed special land use will fully comply with the following standards:
- 1. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
 - 2. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion to the sexually oriented business to have any words, lettering, photographs, silhouettes, drawing, or pictorial representations of a sexual or explicit manner except to the extent otherwise permitted by the provisions of this Ordinance.
 - 3. Proposed signage shall not include animated or flashing illumination of any type and shall otherwise conform to the requirements of Chapter 17 of this Ordinance Sections. Proposed signage may contain only the name of the sexually oriented business and shall not include photographs, silhouettes, drawings, or pictorial representations of any type.
 - 4. All off-street parking areas shall be illuminated during all hours of operation in accordance with section 117.314 and shall otherwise be open to view from the adjacent roadway.

5. A sexually oriented business may not have outside speakers on the exterior of any buildings or anywhere on the outside of their property.

F. General and Specific Requirements.

1. General requirements. In reviewing an application for special use permit for a sexually oriented business, the Planning Commission shall determine whether the following general standards have been met:
 - a. That the applicant may legally apply for site plan review.
 - b. That all required information has been provided.
 - c. That the proposed use conforms to all specific density and setback regulations, etc. of the Manufacturing Zoning District in which it is located.
 - d. That the plan for the proposed use meets all applicable written and duly promulgated requirements of Milton Township for fire and police enforcement protection, water supply, sewage disposal or treatment, storm drainage and other public facilities and services.
 - e. That the submitted Landscape Plan complies with the requirements of the Township Ordinance.
 - f. That parking layout will not adversely affect the flow of traffic within the site, or to and from the adjacent streets.
 - g. That the outdoor storage of garbage and refuse is contained, screened from view and located so as not to be visible from neighboring properties or the adjacent roadways.
 2. Specific requirements. The Planning Commission shall find that all of the following requirements shall be met prior to the approval, or approval with conditions, of a special land use permit to operate a sexually oriented business
 - a. Hours of operation shall be limited to 12:00 noon to 12:00 a.m. (Midnight).
 - b. The proposed business will not have a detrimental impact upon the property values of properties located within 750 feet of such a proposed sexually oriented business, as determined by an independent appraisal on behalf of the Township at the applicant's expense.
 - c. The proposed sexually oriented business owner/operator shall have provided an exterior maintenance program and operational plan to the Township Zoning Administrator, together with its special use permit Application, which program shall provide for routine clearing of trash and rubbish from all parking areas and other portions of the premises not less than once-per-week. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special use permit pursuant- to this section.
 - d. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effect reasonably documented to emanate from sexually oriented businesses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Ordinance will be observed. The breach of any condition, safeguard or requirement shall serve as grounds for revocation of the permit/ after written notice and an opportunity to be heard.
- G. Exemption. It is a defense to prosecution under this Ordinance that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school, licensed by the State of Michigan, a college, junior college, or university supported entirely or partly by taxation;
 2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
- H. Notices. Any notice required or permitted to be given by the Township or other agency under this Ordinance to any applicant, operator or owner of an establishment may be given either by prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit that has been received by the Township, or any notice of address change .that has been received by the Township. Notices mailed as above shall be deemed given upon their deposit in the United States Mail. In the event that any notice given by mail is returned by the postal service, the Township shall cause it to be posted at the principal entrance to the establishment. Any notice required or permitted to be given to the Township by any person under this Ordinance shall not be deemed given until and unless it is received in the principal office of the Township. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Township in writing of any change of a residence or mailing address.
- I. Injunction. A person who operates or causes to be operated a sexually oriented business without a valid permit and/or license or otherwise violates this Ordinance shall be subject to a suit for injunctive relief and/or revocation of the sexually oriented business permit, as well as fines or other penalties as provided by the Township Zoning Ordinance.

117.1620 Subdivisions in the A-R District.

In addition to the standards of the Township's subdivision control ordinance, Section 117.316 and Section 117.1602, A, the Planning Commission shall find that a subdivision, plat or condominium subdivision proposed in the A-R district shall meet the following requirements:

- A. The Township Master Plan sets forth the policies of the Township regarding the preservation and enhancement of the community's natural character. In those parts of the Township that include prime or unique agricultural lands and/or are characterized by important natural features, development that fails to properly recognize those features or incorporate measures to protect and preserve them are hereby found to be generally at odds with the policies of the Master Plan. Therefore, in the A-R district, the subdivision and development of property for residential uses shall be undertaken primarily through exempt splits or divisions not subject to the platting requirements of the Land Division Act or the Condominium Act, or through the Open Space Preservation Development standards of Section 117.319 or the PRD standards of 117.1616 of this ordinance. It is understood that there may be areas of the Township within the A-R district where those provisions may not be appropriate, or there may be particular development forms that do not include significant areas of open space but which nevertheless do substantially support the policies of the Master Plan. The purpose of this section is to provide standards and conditions to address those areas of the Township and those development forms as Special Land Uses. Subdivisions and condominium subdivisions proposed to be implemented consistent with Sections 117.319 or 117.1616, shall be regulated by those sections and the provisions of this Section 117.1620 shall not apply.
- B. An application to undertake a conventional subdivision which does not include provisions for the protection of open space in the A-R district shall include a written narrative demonstrating why the particular parcel is a poor site for an Open Space Preservation development pursuant to Section 117.319 or a PRD pursuant to Section 117.1616. Reasons why a property may be a poor site for application of those standards include:
 1. A lack of any identified significant natural features; and/or
 2. A lack of prime or unique agricultural soils; and/or

3. A predominant pattern of development adjacent to and in the immediate vicinity of the site which would make the protection of agricultural lands on the parcel of little value; and/or
 4. The concealed location of the site which would preclude any open space on the site from contributing to the rural character of the community; and/or
 5. A demonstration that the proposed residential subdivision would be more in keeping with the goals and objectives of the Township Master Plan than other feasible forms of development.
- C. The Planning Commission shall conduct a detailed inquiry of any proposal to undertake a conventional Subdivision in the A-R district and carefully apply the standards of this section. The Planning Commission may seek additional detail of the applicant to determine whether the parcel may be used for agricultural or other permitted purposes or be developed under Section 117.1616 with minor reconfiguration or adjustment. The possible or alleged impact of open space preservation development form on the marketability of the property or the lots or parcels to be developed is considered to be speculative and shall not be a consideration of the Planning Commission.
- D. Where a proposed Residential Subdivision in the A-R district will abut an existing residentially zoned and improved parcel, the Planning Commission may require buffering, screening, setbacks and/or other elements that are greater than those otherwise required by this ordinance to assure an attractive and harmonious transition from existing development patterns to the proposed development.
- E. **Perimeter Setbacks and Buffering.** A perimeter setback of up to one hundred (100) feet may be required by the Planning Commission where the planned Residential Subdivision abuts an Agricultural Zone. The perimeter setback area would include naturalized landscaping or a natural vegetative strip to provide a buffer for adjacent properties where found to be necessary by the Planning Commission. The perimeter setback and landscaping need not be uniform at all points along the property boundary. The perimeter setback and landscaping requirements would be determined in consideration of the existing and planned adjacent land uses.

117.1621 Wineries and Cideries with Tasting Rooms

In addition to the standards of Section 117.1602, A, the Planning Commission shall find that proposed Wineries and Cideries with tasting rooms shall meet the following specific Special Land Use standards:

- A. The winery and/or cidery must be properly licensed by all relevant local, state and federal regulatory agencies.
- B. The parcel area is at least twenty (20) acres.
- C. The parcel shall have a minimum of ten (10) planted acres of farm crops that are used in the production of products produced by the licensee.
- D. Tasting rooms for retail sales and food service are permitted and recognized as accessory operations to the production of wine and cider by the State of Michigan. Sales of wine and cider by the bottle are allowed for off-premise consumption pursuant to the requirements of the Michigan Liquor Control Commission (MLCC). The sale of wine and cider for consumption on-premises is allowed pursuant to the requirements of the MLCC. The MLCC and the Michigan Department of Agriculture shall control licenses and compliance.
- E. Tasting rooms are subject to the following conditions;
 1. The operator of the tasting room shall be the owner or operator of the winery.
 2. Only beverages produced by the facility may be sold on premises in accordance with the requirements of the MLCC.
 3. The tasting room, including retail sales and food service, shall not occupy more than 1,000 square feet.

4. Wineries and Cideries may provide food service operations subject to the following:
 - a. Must be licensed to prepare and/or to serve food by Antrim County and the Michigan Department of Agriculture.
 - b. Except as provided in (f.) below, food shall not be sold, shall be served only as an adjunct to wine/cider tasting and shall be limited to hors d'oeuvres and snacks.
 - c. Food service shall be completed by 10:00 PM.
 - d. Carry-out and deli type food are prohibited.
 - e. Food trucks, food kiosks, and catered food are prohibited.
 - f. Food in addition to hors d'oeuvres and snacks may be served to individuals and groups attending a marketing/education event:
 1. Attendance at the event shall be prearranged.
 2. Attendance shall be limited to 20 guests.
 3. Charges for food shall be to the extent of cost recovery only.
- F. All winery buildings used for tasting or other public use and parking areas shall be setback at least 200 feet from any lot line.
- G. To encourage the preservation and use of existing buildings, especially those with significance, set back requirements may be reduced subject to a site plan review.
- H. Parking shall meet the requirements of Chapter 18.
- I. Lighting shall meet the requirements of Chapter 3.
- J. Signage shall meet the requirements of Chapter 17
- K. Greenbelts shall meet the requirements of Chapter 3.

117.1622 Utility Grid Wind Energy Systems

- A. Purpose. It is the intent of this section to accommodate the installation of Utility Grid Wind Energy Systems (UGWES) as special land uses subject to the standards of Section 117.1602, A, while protecting the public health, safety, and general welfare of the community. Regulations shall facilitate the installation of Wind Energy Systems in a manner that will minimize adverse visual and audio effects of structures through careful design and siting standards and avoid the potential hazard to adjacent properties of Wind Energy System failure through structural standards and setback requirements.
- B. SCADA Towers. Installation of SCADA towers shall be considered a part of Special Land Use approval for a UGWES. Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the Township. The application shall meet the requirements of this Chapter and include a copy of that portion of the applicant's lease with the land owner granting authority to install the SCADA tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, as well as proof of the applicant's public liability insurance. The distance from the center of a SCADA tower and the property lines between the leased property and the non-leased property shall be at least one and one half times the height of the SCADA tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.
- C. Allowable Locations. UGWES shall be considered a Special Land Use allowed only in Section 23 T30NR.9W and Section 36 T30NR.9W of Milton Township. The high elevation, most favorable wind conditions, and large parcels of agricultural land make these sections most appropriate for a UGWES and to meet the purpose statement of this section.
- D. Supplemental Information. An application for a Special Land Use permit for a UGWES shall meet the requirements of this Chapter and include the following supplemental information:
 1. Sound Pressure Level: Copy of the modeling and analysis report.

2. Visual Impact: Visual simulations of how the completed project will look from four viewable angles.
 3. Environmental Impact: Copy of the Environmental Impact analysis.
 4. Avian and Wildlife Impact: Copy of the Avian and Wildlife Impact analysis.
 5. Shadow Flicker: Copy of the Shadow Flicker analysis.
 6. Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
 7. Decommissioning: Copy of the decommissioning plan.
- E. Siting and Operating Requirements. The UGWES project shall meet the following standards and requirements:
1. Property Set-Back: The distance between UGWES and the property lines of adjacent non-leased properties including public rights of way shall be at least one and one half times the height of the UGWES tower including the top of the rotor in its vertical position. Where property is leased on both sides of a public right of way, UGWES may be placed no closer than one and one half times the height of the tower from the closest edge of the right of way. Leased property can include more than one piece of property and the requirement shall apply to the combined properties. The rotor shall be located such that the minimum blade clearance above ground shall be twenty feet.
 2. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
 3. Sound Pressure Level: The sound pressure level generated by UGWES shall not exceed 55 dB(A) measured at the property lines between leased and non-leased property. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A). As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that UGWES will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISO 9613. After installation of the UGWES, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to Milton Township within 60 days of the commercial operation of the project.
 4. Construction Codes, Towers, and Interconnection Standards: UGWES including towers shall comply with all applicable State of Michigan construction and electrical codes and local building permit requirements. UGWES including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. UGWES shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. The height of the tower shall not exceed 199 feet measured from the average grade level to the top of the pod/tower not including the rotor.
 5. Safety: All UGWES shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all

times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the UGWES. Each UGWES or SCADA tower shall have one sign, not to exceed four (4) square feet in an area posted at the base of the tower. There shall be no display of advertising of any kind placed on the UGWES, SCADA tower or site plan property. The minimum vertical rotor tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor. Each UGWES tower shall be equipped with both a manual and automatic braking device capable of stopping the UGWES operation in high winds (40 miles per hour or greater).

6. Hazard Prevention Plan: An application for a UGWES shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
 - a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
 - b. The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. The following shall be submitted with the application for a special use permit for a wind turbine generator:
 - i. A listing of any hazardous fluids that may be used on site shall be provided.
 - ii. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
 - iii. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
 - iv. A Hazardous Materials Waste Plan shall be provided.
7. Visual Impact: UGWES projects shall use tubular towers and all UGWES in a project shall be finished in a single, non-reflective matte finished color. A project shall be constructed using UGWES of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or rotor. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan.
8. Wind Access Buffer: For any newly proposed UGWES or SCADA tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off site UGWES or SCADA tower, based on the average rotor diameter between the existing and proposed UGWES or SCADA tower.
9. Environmental Impact Analysis: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
10. Avian and Wildlife Impact: The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large

numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should comply with the Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) published standards to prevent avian mortality.

11. **Electromagnetic Interference:** No UGWES shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the UGWES. No UGWES shall be installed in any location within the line of sight of an existing microwave communications link where operation of the UGWES is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
12. **Vibrations:** Under no circumstances shall a UGWES or SCADA tower produce vibrations humanly perceptible beyond the property boundaries.
13. **Shadow Flicker Analysis:** The applicant shall conduct an analysis on potential shadow flicker at occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sun-set over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.
14. **Removal of Abandoned UGWES:** Any UGWES or SCADA tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such UGWES or SCADA tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the UGWES or SCADA tower, the owner shall restore the site of the UGWES or SCADA tower to its original condition prior to location of the UGWES or SCADA tower, subject to reasonable wear and tear. Any foundation associated with UGWES or SCADA tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove a UGWES or SCADA tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the UGWES or SCADA tower at owner's expense. The Planning Commission shall require the applicant to post a performance guarantee pursuant to Section 117.2109 equal to the reasonable cost (including adjustment for inflation) or removing the UGWES or SCADA tower and attendant accessory structures as a condition of a Special Land Use permit given pursuant to this section.

117.1623 Wireless Communication Towers.

- A. **Intent and Purpose.** The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas as special land uses subject to the standards of Section 117.1602, A. The goals of this ordinance are to:
 1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
 2. Encourage the location of towers in non-residential areas;
 3. Minimize the total number of towers throughout the community;

4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
 5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
 7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
 8. Consider the public health and safety of communication towers; and
 9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
- B. Applicability. All new towers or antennas in Milton Township shall be subject to the requirements of this section, except for:
1. Amateur Radio Station Operators/Receive Only Antennas. This section shall not govern any tower, or the installation of any antenna, that is under thirty five (35) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas.
 2. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of Sections 117.1623, C, 6 and 7.
 3. AM Array. For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.
- C. General Requirements.
1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation, of an antenna or tower on such lot.
 2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with Zoning District development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
 3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Milton Township or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of Milton Township provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 4. Aesthetics. Towers and antennas shall meet the following requirements:
 - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

- b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
5. Lighting. Towers shall not be artificially lighted, unless, required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
6. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this section shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal/of the tower or antenna at the owner's expense.
7. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Township of Milton concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
8. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Milton Township irrespective of municipal and county jurisdictional boundaries.
9. Not Essential Services. Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
10. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in Milton Township have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
11. Public Notice. For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 117.1623, E, 9, b, Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
12. Signs. No signs shall be allowed on an antenna or tower.
13. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 117.1623, F.
14. Multiple Antenna/Tower Plan. Milton Township encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

15. Tower Height. Towers including all attachments shall be limited to 199 feet in height.
 16. Colocated antennas on an existing tower is a permitted use.
- D. Special Use Permits Applications. Applications for special use permits under this Section shall be subject to the procedures and requirements of 117.1601 and 117.1602 and the following requirements.
1. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in Section 117.1623, E,9, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
 2. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 3. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 117.1623, E, 9, shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 4. A landscape plan showing specific landscape materials.
 5. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 6. A description of compliance with the requirements and standards of this section and all applicable federal, state or local laws.
 7. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 8. Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 9. A description of the suitability of the use of alternate existing towers, other existing towers or structures or alternative technology not requiring the use of towers or structures to provide the .services to be provided through the use of the proposed new tower. No new tower shall be permitted unless The Applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or Alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing, tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
10. A description of the feasible location(s) of future towers or antennas within the Township of Milton based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 11. Setbacks. Accessory buildings must satisfy the minimum zoning district setback requirements.
- E. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Section 1602, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:
1. Height of the proposed tower;
 2. Proximity of the tower to residential structures and residential Zoning District boundaries;
 3. Nature of uses on adjacent and nearby properties;
 4. Surrounding topography;
 5. Surrounding tree coverage and foliage.
 6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 7. Proposed ingress and egress; and
 8. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
 9. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
 - a. Separation distance between towers and property lines. The distance between a tower and the owner's property lines shall be at least one and one-half (1½) times the height of the tower, including the top of a rotor in its vertical position, an antenna, or any other object located on the tower.
 - b. Separation distances between towers. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between

the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown below.

Separation Distance Between Towers

Proposed Tower	Preexisting Towers - Types			
	Lattice	Guyed	Monopole 75 Ft In Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000ft	Not Permitted	1500ft	750ft
Guyed	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Monopole: 75 Ff in Height or Greater	1500ft	Not Permitted	1500ft	750ft
Monopole: Less Than 75 Ft in Height	750ft	Not-Permitted	750ft	750ft

- 10. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements, as it deems appropriate.
- 11. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

F. Buildings or Other Equipment Storage.

- 1. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 - a. The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than thirty five (35) feet above ground level. In addition, for buildings and structures which are less than thirty five (35) feet in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area or thirty five feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - b. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten (10) percent of the roof area.
 - c. Equipment storage buildings or cabinets shall comply with all applicable building codes.

2. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
 - a. In residential Zoning Districts, the equipment cabinet or structure may be located:
 - i. In a front or side yard provided the cabinet or structure is no greater than six (6) feet in height or ten (10) square feet of gross floor area and the cabinet/structure shall comply with all setback requirements within the specific Zoning District. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
 - ii. In a rear yard, provided the cabinet or structure is no greater than six (6) feet in height or ten (10) square feet in gross floor area. The cabinet/structure shall comply with all setback requirements within the specific Zoning District and be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
 - b. In commercial or industrial Zoning Districts the equipment cabinet or structure shall be no greater than six (6) feet in height or ten (10) square feet in gross floor area. The structure or cabinet shall comply with all setback requirements within the specific Zoning District and be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
 - c. In all other Zoning Districts, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six 36 inches.
 3. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than one hundred and seventy six (176) square feet of gross floor area or be more than ten (10) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
 4. Modification of Building Size Requirements. The requirements of this section may be modified by the Planning Commission in the case of uses permitted by special use to encourage collocation.
- G. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township of Milton notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. A performance guarantee may be required pursuant to Section 117.2109 in order to effectuate the terms and conditions of this ordinance.
- H. Nonconforming Uses.
1. Preexisting towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
 2. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Subparagraph G of this Section, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in this Section 117.1623. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from

the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subparagraph G hereof.

Chapter 17 - Signs

117.1700 Purpose and Intent.

The purpose of regulating signs is to promote traffic safety, public safety, public health and welfare through the application of reasonable standards governing the use, size, and placement of signs and to assist in maintaining the rural character and environment of the Township.

117.1701 General Rules and Regulations Regarding Signs.

The following rules and regulations apply to all signs, whether allowed without a permit or requiring a permit.

- A. Sign area. The area of a sign shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing, or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces and uprights of the sign.
- B. No sign may project above nor be located within ten (10) feet from the highway right of way except for identification designating the house number and/or the name of the resident.
- C. No sign may obstruct the view of traffic entering the highway
- D. Freestanding sign shall be no greater than fifteen (15) feet in height above the centerline of the adjacent roadway.
- E. No sign shall be of a design that imitates, or which may be confused with, legitimate traffic controls.
- F. Illuminated signs. Signs with external or internal illumination are permitted in the Village Zone only. Said signs shall comply with the following illumination standards:
 1. A sign intended to be internally illuminated shall consist of a dark background with contrasting light lettering and/or symbols so as to minimize the intensity of the internal light source.
 2. All externally lighted signs shall be illuminated from the top downward and have full-cutoff shielding to direct the light on the sign and to shield the light source from view of vehicular and pedestrian traffic and adjacent property.
 3. No signs with external or internal illumination, including electronic message boards, shall have lighting of a blinking, flashing, or fluttering nature; including, changes to intensity, brightness or color in a blinking, flashing or fluttering manner.
 4. Signs with external or internal illumination shall be turned off at 10:00 pm or the close of business, whichever is later.
 5. All signs with external or internal illumination shall be required to have an electrical permit from the Antrim County Building Inspectors Office, Electrical Division for the sign under construction.
 6. Maintenance of sign. The owner of any sign as defined and regulated by this Ordinance shall be required to maintain the sign to prevent deterioration thereof.

117.1702 Signs Allowed Without A Permit.

The following signs are permitted within any zone and may be erected therein without obtaining a permit as hereinafter provided:

- A. Directional or other official signs, including but not limited to, signs pertaining to natural wonders, scenic and historic attractions, which are required or authorized by law.
- B. Identification sign designating, house number and/or the name of the resident shall not exceed a total of six (6) square feet in sign area.
- C. Temporary sign advertising the sale or lease of the premises, not exceeding five (5) square feet in sign area and located on the premises.
- D. A temporary sign advertising a new plat may be erected on the platted property not exceeding fifty (50) square feet in sign area, provided that the same shall be removed within three (3) years or when seventy-five (75) percent of the platted lots are sold, whichever occurs first. The three (3) year period may be extended in one year intervals by the Zoning Administrator if:
 - 1. 75% of the lots have not been sold; and,
 - 2. The sign is found to be in good condition.
- E. Not more than two (2) signs may be erected to advertise a new plat where two (2) or more drives provide ingress and egress to and from the plat onto a public highway. Each of said signs shall not exceed fifty (50) square feet in sign area and shall be removed within three (3) years or when seventy-five (75) percent of the platted lots are sold, whichever occurs first. The three (3) year period may be extended in one year intervals by the Zoning Administrator if:
 - 1. 75% of the lots have not been sold; and,
 - 2. The signs are found to be in good condition.
- F. Temporary building construction sign listing the architect, engineer, and/or contractor with a sign area not exceeding six (6) square feet and located on the premises. Each subcontractor may post a temporary sign not exceeding five (5) square feet in sign area while working on the premises.
- G. Temporary non-profit community event signs not exceeding five (5) square feet in sign area.
- H. Garage/yard sale signs are allowed on premise but may not exceed five (5) square feet in sign area.
- I. Agricultural sign advertising local produce for sale is allowed on premise and shall not exceed twelve (12) square feet in sign area.
- J. Political Signs.

117.1703 Prohibited Signs

The following signs shall be prohibited.

- A. Availability of a weekly rental unit to the public shall not be advertised on site.
- B. Signs which are obsolete and do not pertain to the existing business, products or services on site.

- C. Signs that are not clean and in good repair.
- D. Signs which are prohibited under State or County or local laws, rules or regulations or which are deemed by appropriate authority to constitute a hazard to traffic.
- E. Off-premise signs

117.1704 Signs Requiring A Permit

Business and institution identification, advertising signs and displays shall meet the following requirements and conditions:

- A. Sign erection permits. No person shall erect or relocate or cause to be erected or relocated any sign under the provisions of this Chapter 17 without first obtaining a sign erection permit nor shall any person repair or alter, or cause to be repaired or altered, any sign or advertising structure permitted by this Ordinance to more than two-thirds (2/3) of the replacement value of said sign without obtaining a sign erection permit.
- B. On-premises business and institution identification, advertising and display signs shall meet the following standards and requirements:
 - 1. Sign(s) shall pertain only to the use permitted on the premises.
 - 2. Sign(s) shall be either attached flat against the building or securely affixed to a free-standing pole or monument located not less than ten (10) feet from the highway right-of-way.
 - 3. The total combined area of all signs shall not exceed fifty (50) square feet.
 - 4. No more than one (1) free-standing ground sign or pole sign shall be allowed for any parcel, regardless of the number of business that may occupy a property.
 - 5. Sign(s) shall not project above the height of the building.
 - 6. The applicant shall present written permission for the placement of the sign from the property owner.
 - 7. A permanent subdivision identification sign shall not exceed twenty (20) square feet in sign area.
 - 8. An institutional information sign, such as a bulletin board for churches, schools, libraries, hospitals, museums or other public buildings, shall not exceed twenty (20) square feet in sign area.
- C. Procedure to obtain permit. Application for a sign erection permit shall be made upon forms provided by the Zoning Administrator and shall contain the following:
 - 1. Name, address, and telephone number of the applicant.
 - 2. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
 - 3. Position of the sign or other advertising structure in relation to nearby buildings, structures, signs, public rights-of-way.
 - 4. Two (2) prints or drawings of the plans and specifications including the sign area, method of construction and means of attachment to the building, or in the ground.
 - 5. Name of person, firm, corporation, or association erecting the structure.
 - 6. Written consent of the owner of the building, structure, or land to which or on which the

structure is to be erected.

- 7. Any electrical permit required and issued for said sign.
- 8. Certificate of Insurance as required by Section 117.1704, I.

- D. Issuance of Permit. It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign erection permit to examine the plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure and if it shall appear that the proposed structure is in compliance with the requirements of this Ordinance, the remaining provisions of the County Building Code and State law, he shall then issue the erection permit. If the work authorized under a sign erection permit has not been completed within six (6) months of the date of issuance, the permit shall become null and void.
- E. Permit fees. Every applicant, before being granted a permit for any sign requiring a permit other than a temporary sign, shall pay to the Township Treasurer a fee as established by the Township Board.
- F. Information to be included on sign. Every sign or other advertising structure hereafter shall have located in a conspicuous place thereon in letters not less than one (1) inch in height, the date of erection, the permit number and the voltage of any electrical apparatus used in connection therewith.
- G. Insurance requirements. Every applicant for a sign erection permit shall file with the application for permit a Certificate of Insurance, certifying that the applicant is insured against bodily injury and for property damage arising out of the erection, maintenance, repair, and replacement of the sign, in the following amounts:

Bodily injury:	\$100,000 each person
	\$300,000 each accident
Property damage:	\$5,000

Each applicant, if the permit is granted, shall be required to maintain said insurance and keep a Certificate of Insurance currently effective on file with the Township so long as the sign or signs are in existence. Said Certificate shall provide that the Township shall receive ten (10) days written notice in case of cancellation of the policy. Any sign which is maintained in violation of the insurance requirements of this section shall be removed immediately and the cost of such removal shall be charged against the owner of the sign.

CHAPTER 18 - PARKING

117.1800 Requirements for Parking Areas

- A. Each off-street parking space per vehicle shall have an area of not less than two hundred (200) square feet, exclusive of access drives or aisles, and shall be a minimum of ten (10) feet in width.
- B. All driveways and parking areas serving commercial, industrial, institutional or multiple-family residential uses shall have surfaces consisting of gravel, asphalt or portland cement binder and so graded and drained to dispose of all surface water accumulated within the area.
- C. If the parking area adjoins a residential Zoning District, a greenbelt shall be provided and maintained between the parking area and the adjoining residential area.
- D. All parking areas shall conform to the requirements of the Americans with Disabilities Act and any other accessibility requirements in effect.

117.1801 Parking Area Defined. Parking area shall include access drives within the actual parking areas and shall be located on the same tract of land with the building.

117.1802 Residential Off-street Parking.

- A. Single-family and two-family dwellings. One (1) parking space located behind the building setback line shall be provided for each dwelling unit.
- B. Multiple-family dwellings. Two (2) off-street parking spaces shall be provided for each dwelling unit.

117.1803 Non-residential Parking. In the case of mixed uses occupying the same building or structure, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses when occurring during simultaneous periods of usage.

117.1804 Required Off-street Loading and Unloading Space. In all Zoning Districts, unless otherwise provided as a condition to the granting of a variance or modification pursuant to Section 117.1616, every building or part thereof occupied for a use requiring the receipt or distribution of vehicles, materials, or merchandise, shall provide and maintain, on the same premises with such building, off-street loading space as follows:

- A. One (1) space for each twenty thousand (20,000) square feet of floor area of building
- B. Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length and sufficient not to block vehicle traffic and fourteen (14) feet in height.
- C. No off-street loading space shall be located closer than fifty (50) feet to any lot of any residential area unless wholly within a completely enclosed building or enclosed on all sides by a solid wall not less than six (6) feet in height.
- D. All such off-street loading space shall be located to the side or rear of any building.

117.1805 Non-residential Parking Chart

- A. Minimum parking requirements shall be the sum of parking requirements for employees and any other units of measure as set forth in the following table:

Parking Spaces Per:				
TYPE OF USE	Employees	Unit of Measure	Ratio (spaces per unit)	Other
Auto Repair Shop	1:1	Repair or Service Bays	1:1	Plus additional required spaces for any retail or other use
Banks & Business Office	1:1	Square footage ⁽¹⁾	1:300	
Bar, Cocktail Lounge, Restaurant	1:1	Seating capacity	1:2	
Barber or Beauty Shop	1:1	Square footage ⁽¹⁾	1:200	
Bowling Alley	1:1	Bowling lanes	4:1	Plus 50% of required spaces for any additional services on site
Business college, Trade school, Training/fitness/athletic center, Dance/music/or other studio	1:1	Students	1:2	
Exhibition hall w/o seats, Skating rink	1:1	Square footage ⁽¹⁾	1:400	
Funeral Home/Mortuary	1:1	Square footage ⁽¹⁾	1:100	
Hospital	1:1	Patient beds	5:1	
Manufacturer	1:1	Square footage ⁽¹⁾	1:1,000	
Marina	1:1	Berths	1:2	Plus additional required spaces for any retail or other use
Marine/Small Engine repair/services	1:1	Square footage ⁽¹⁾	1:500	
Mini-warehousing	1:1	Gross storage area sq. ft.	1:1,000	
Motel	1:1	Motel unit	1:1	Plus 50% of required spaces for any additional services on site
Nursing Home	1:1	Resident beds	1:2	
Offices - Medical	1:1	Gross floor area sq. ft.	1:300	
Public assembly buildings (including: civic, social, and fraternal facilities, theaters, churches, auditoriums)	1:1	The greater of: Square footage ⁽¹⁾ -- Or -- Seats	1:100 1:4	
Retail	1:1	Square footage ⁽¹⁾	1:300	
Schools, High School	1:1	Students	1:6	
Schools, Pre-school/ Elementary/Junior High	1:1	Students	1:10	

Parking Spaces Per:				
TYPE OF USE	Employees	Unit of Measure	Ratio (spaces per unit)	Other
Service business (except as otherwise listed)	1:1	Square footage ⁽¹⁾	1:800	
Shopping Center	1:1	Square footage ⁽¹⁾	1:200	
Swimming Pool		Square footage of water surface	1:100	
Warehousing, general	1:1	Gross storage area sq. ft.	1:2,000	

¹ Unless otherwise noted, square footage measurement refers to floor area dedicated to customer service and does not include storage or non public areas.

- B. For uses not specifically listed, off-street parking shall be provided as required for the most similar use, as determined by the Zoning Administrator. The Zoning Administrator may reference industry standards to establish such requirements, such as the published standards of the Institute of Transportation Engineers, or other similar objective standards.

CHAPTER 19 PRIVATE ROADS

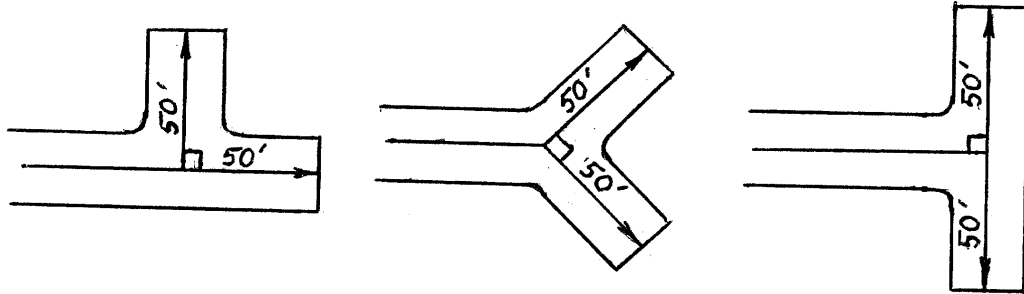
117.1900 Purpose. The purpose of this Chapter is to provide specific requirements applicable to private roads within Milton Township.

117.1901 Minimum Requirements. When private road development occurs in the Township of Milton and is not subject to the standards established under the Subdivision Control Act P.A. 288 of 1967, MCLA 560.101 et seq., (as amended) and the requirements of the Milton Township Subdivision Control Ordinance, the following minimum private road standards shall apply. No person, firm, or corporation shall hereafter divide any land as hereinafter described without providing for public or permanent private easements for access to such divided lands with said private easements to conform to the following minimum requirements.

- A. All lots must be on a public or private road frontage and meet all Ordinance requirements, and with access to the road to provide safe, convenient access for serving fire protection and any required off-street parking. No resultant lot from any land division shall have road frontage less than that required for the zoning district it is located in.
- B. All private roads constructed in Milton Township shall be accessible, usable, and constructed in a good and workmanlike manner upon and parallel to and centered with the centerline of a permanent right-of-way easement duly recorded with the Antrim County Register of Deeds. Rights-of-way or easements while not required to be dedicated, will be reserved for future dedication and preclude any development within the designated area. All plans as submitted for approval must show the private road easement including a legal description, the grades for the roads, and any drainage facilities and structures.
- C. All private roads shall have names approved by the Milton Township Board, be consistent with the County address numbering system and the County Road Commission requirements.
- D. There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the two points extending along such lines a distance of twenty-five (25) feet from the point of intersection, and within which area no obstruction to vision shall be permitted. This section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of permitted traffic, anticipated traffic violations, or geographic conditions.
- E. All private road easements shall meet the following requirements:
 1. Unless otherwise specified in the Ordinance and the Milton Township Subdivision Control Ordinance, easements shall be a minimum of sixty-six (66) feet wide. The Township of Milton Planning Commission or its designated agent may require additional width to the right-of-way easement to allow for adequate construction where deemed necessary.
 2. The right-of-way easement width on curved portions of roads shall be the same as for the straight portions of the road.
- F. A drainage plan shall be submitted on a topographic map, with a minimum of two (2) foot contour intervals, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be diverted beyond the limits of that private road onto adjacent roads or property unless appropriate easements are provided.
- G. All roads constructed in Milton Township shall be constructed so as to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion and shall have all required storm water and soil erosion control permits. No runoff shall be discharged to lakes, streams, or wetlands without adequate best management practices.

- H. A private road serving two (2) or less lots, parcels, or condominium units shall be considered private driveways and not be subject to the requirements of this section.
- I. A private road serving or to serve a minimum of three (3) lots, parcels or condominium units and a maximum six (6) lots, parcels or condominium units shall at a minimum meet the following design standards:
1. Shall be located on a right-of-way easement a minimum of forty (40) feet wide.
 2. Have a granular soil base of not less than twelve (12) inches in depth of which- the top six (6) inches in depth shall be at minimum road grade processed gravel.
 3. Have a roadbed not less than sixteen (16) feet wide, with two (2) foot-shoulders on each side.
 4. Be constructed over adequate culverts where necessary.
 5. No portion of the road grades shall exceed seven (7) percent. (If the road grade is paved with proper curbing, road grade up to ten (10) percent may be permitted).
 6. Where cul-de-sacs shall be employed, the minimum radius shall be fifty (50) feet. Hammer head, wye, or other road end configurations require fifty (50) feet of roadway measured from the intersection of the centerlines. (see Figure 18.1 below)

Figure 18.1



- J. A private road serving or to serve a minimum of seven (7) and a maximum to twelve (12) lots, parcels, or condominium units shall at a minimum meet the following design standards:
1. Shall be located on a right-of-way easement a minimum of sixty-six (66) feet wide.
 2. Have a granular soil base of not less than twelve (12) inches in depth of which- the top six (6) inches in depth shall be at minimum road grade processed gravel.
 3. Have a roadbed not less than twenty (20) feet wide, with two (2) foot-shoulders on each side.
 4. Be constructed over adequate culverts where necessary.
 5. No portion of the road grades shall exceed seven (7) percent. (If the road grade is paved with proper curbing, road grade up to ten (10) percent may be permitted).
 6. Where cul-de-sacs shall be employed, the minimum radius shall be fifty (50) feet. Hammer head, wye, or other road end configurations require fifty (50) feet of roadway measured from the intersection of the centerlines. (see Figure 18.1).
- K. A private road serving or to serve more than twelve (12) lots, parcels, or condominium, units and a maximum of twenty five (25) Lots, parcels, or condominium units shall meet the following design standards:

1. Shall be located on a right-of-way easement a minimum of sixty-six (66) feet wide.
 2. Have a granular soil base of not less than twelve (12) inches in depth of which- the top six (6) inches in depth shall be at minimum road grade processed gravel.
 3. Have a roadbed not less than twenty four (24) feet wide, with two (2) foot-shoulders on each side.
 4. Be constructed over adequate culverts where necessary.
 5. No portion of the road grades shall exceed seven (7) percent. (If the road grade is paved with proper curbing, road grade up to ten (10) percent may be permitted).
 6. Where cul-de-sacs shall be employed, the minimum radius shall be fifty (50) feet. Hammer head, wye, or other road end configurations require fifty (50) feet of roadway measured from the intersection of the centerlines. (See Figure 18.1)
- L. If more than twenty-five (25) lots, parcels or condominium units have access, to a private road, then a second means of access meeting the requirements of the Ordinance (either a public road or an approved private road) shall be provided. Developments of twenty-five (25) or more lots, parcels or condominium units must include roads which meet Antrim County Road Commission subdivision street specifications.

117.1902 Permits. Construction permits from the Antrim County Road Commission are required for connection to County roads. Permits are required from the Antrim County Soil Erosion Control Officer under the Soil Erosion and Sedimentation Control Act P.A. 347 of 1974, MCLA 282.101, et seq., when applicable. No zoning permits shall be issued on any private road until such private road county permits are reviewed and approved by the Milton Township Zoning Administrator.

117.1903 Site Plan. The applicant/developer shall prepare a general property development plan and a site plan complying with the requirements of Chapter 21 of this Ordinance, as amended (see standards and submittal requirements of the Township Parcel Division Application Form). Prior to review by the Milton Township Zoning Administrator, the applicant will prepare and provide three (3) sets of:

- A. Engineered road construction plans.
- B. Drainage plan.
- C. Road maintenance agreement and deed restrictions satisfactory to the Milton Township Attorney, signed by applicant/owner, providing for:
 1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and stable condition.
 2. A workable method of apportioning the costs of maintenance and improvements to current and future users. Including, a method for reapportioning costs for improvements and maintenance to the road in the event that land divisions occur on the road.
 3. A notice that no public funds of Milton Township are to be used to initially build, thereafter repair, or maintain the private road
 4. Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 5. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress

and use by any of the other owners. Normal ingress and egress and use shall include use by family members, guests, invitees, vendors, trade persons, delivery persons, and others bound to or returning from any of the properties having a need to use the road

6. The agreement must address how capital costs will be paid when those costs are required because of the addition of new lots on the road.

117.1904 Other Requirements

- A. A Licensed Civil Engineer shall be retained by the Township with professional fees paid through the developer's applicant escrow account. When the Zoning Administrator has approved the private road plans, a zoning permit will be issued by the Zoning Administrator. The Engineer will inspect and review the road during construction. Upon completion of construction of the road, a site inspection of the road will be made by the Engineer who shall forward his/her recommendation to the Township Zoning Administrator who shall then grant a final approval.
- B. All private roads shall be designated as such and have a sign and name approved by the Milton Township Board which meets county sign standards, be approved by the Antrim County Road Commission, and be erected by the property owner. In addition to road identification, private road signs shall also include the wording Private Road in a minimum of four (4) inch letters and Not Maintained by the Antrim County Road Commission in a minimum of two (2) inch high letters.
- C. An application fee is to be established by the Milton Township Board. Before final approval, the cost of review of plans and inspections by the Township Zoning Administrator of the private road and drainage shall be paid for by the Applicant/Developer.
- D. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the Seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent____(insert size of easement) foot easement which is a matter of record and a part of the deed. This notice is to make the Purchaser aware that this parcel of land has ingress and egress over this easement only."

"Seller advises Purchaser that said parcel of land abuts a private road that has not been accepted for maintenance by the Antrim County Road Commission or any other public body."

117.1905 Exceptions. Exception to the standard and provisions of this section may be granted as follows:

- A. A land division shall be approved on an existing substandard easement width provided:
 1. The private road was legally created prior to the adoption of this Section;
 2. The road surface width and shoulders meet all requirements of this Ordinance;
 3. There are twenty-five (25) or fewer lots, parcels or condominium/units served exclusively by the private road;
 4. The easement width is not less than forty (40) feet;
 5. The proposed land division meets all other dimensional standards of the zoning district in which it is located;
 6. All other requirements of this Section are met.

- B. The Planning Commission may allow relaxation of the standards relating to easement width, roadway width and surface grade, radius, or other standards in this Section for a private road, provided the Planning Commission makes the following findings (all conditions where applicable to the request under consideration):
1. The proposed relaxation of standards will allow preservation of significant trees, prevent excessive grading, or otherwise preserve natural features and rural character.
 2. The private road maintenance agreement and deed restrictions specify that the road will serve no more than twenty-five (25) lots, parcels, or condominium units or when there are more than twenty-five (25) lots, parcels or condominium units served exclusively by the private road and the private road paved roadbed meets or exceeds Antrim County Road Commission subdivision street specifications and any cul-da-sac must have a paved minimum radius as deemed adequate for emergency vehicle use as determined by the Township Fire Department.
 3. Future connection to other existing or future roadways is not anticipated.
 4. The Township Fire Department provides written approval of the proposed relaxation.

Chapter 20

Reserved

CHAPTER 21 SITE PLAN REVIEW

117.2100 Purpose. The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission in order that the developer may accomplish his/her objectives in the utilization of his/her land within the regulations of this Zoning Ordinance and with minimum adverse effect on existing land and infrastructure uses, and consistent with the allowed uses in the surrounding zoning districts in the immediate area.

The plan shall be consistent with the intent and purpose of zoning to:

- A. Promote the public health, safety and general welfare.
- B. Encourage the use of lands in accordance with their character and adaptability.
- C. Avoid the overcrowding of population.
- D. Lessen congestion on the public roads and streets.
- E. Reduce hazards to life and property.
- F. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
- G. Conserve the expenditure of funds for public improvements and services to conform to the most advantageous uses of land, resources and property.
- H. Conserve natural resources.
- I. Give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses, and the general and appropriate trend and character of land, building and population development.

117.2101 Scope. The Zoning Administrator shall not issue a permit for any construction or uses until a site plan or sketch plan as provided in this Chapter, has been reviewed and approved by the Planning Commission. Provided, however, that plans for the following land uses may be reviewed and approved by the Zoning Administrator.

- A. One-family or two-family dwelling or accessory building, on an individual lot, except as otherwise provided in this Ordinance.
- B. Interior building changes requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all Zoning Ordinance requirements.

117.2102 Sketch Plan Review

- A. **Optional Sketch Plan Review.** Preliminary sketches may be submitted to the Planning Commission for a non-binding review. The Planning Commission shall not be bound by any tentative approval given at this time. The purpose of such procedure is to allow discussion to better inform the developer of the acceptability of his/her proposed plans prior to incurring unnecessary costs which might be required for final site plan approval. Such sketch plans shall include as a minimum the following:
 - 1. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.
 - 2. A legal description of the property and the tax number for each parcel thereof.
 - 3. Sketch plans showing tentative site and development plans.
- B. **Directed Sketch Plan Review.** On very simple sites or projects that present few design challenges, the Zoning Administrator may approve the preparation of a sketch plan as opposed to

a full site plan as specified in Section 117.2103, B. Such a sketch plan shall include the following detail:

1. The name and address of the owner and applicant or developer, including the names of any officers of a corporation or partners of a partnership.
2. A legal description of the property and the tax number for each parcel thereof.
3. A drawing to scale showing the location of existing and proposed site improvements, including roads, driveways buildings, significant natural features and other proposed improvements.
4. Location of wells and septic systems.
5. Required yard setbacks.

117.2103 Application Procedure. Requests for site plan approval shall be made by filing with the Township Zoning Administrator a complete application accompanied by seven (7) copies of a detailed site plan that shall contain all information required in this Ordinance. The fees as established in the Milton Township Fee Resolution Schedule must accompany the application.

A. At a minimum, the application shall include the following information:

1. The applicant's full name, address and phone number including area code.
2. Proof of property ownership, and whether there are any options on the property, or liens against it.
3. A signed statement that the applicant is the owner of the property or officially acting on the owners behalf and authorizing reasonable entry onto the property by the Zoning Administrator, Planning Commission and other Township representatives for the purpose of administering their responsibilities under this ordinance.
4. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
5. The address and parcel (Tax Roll) number of each parcel contained in the proposed site plan.
6. The name and address of the developer (if different from applicant).
7. Name and address of the licensed professional engineer; architect; landscape architect; surveyor or planner who prepared the plan.
8. Project title.
9. An overall project description.
10. A vicinity map drawn at 1" = 2,000' with north point indicated.
11. The gross and net acreage of all parcels in the project.
12. Current land use, zoning classification and existing structures on the subject parcel and adjoining parcels.
13. Project development phases and completion schedule.
14. A written statement relative to project impacts on existing infrastructure (including traffic capacity of street, schools and existing utilities) and on the natural environment of the site and adjoining lands and as it is related to the Milton Township Zoning Ordinance. Detailed requirements will vary depending on the project size and impact to the Township and the Planning Commission may request additional information.

B. The site plan shall consist of accurate drawings at a scale of not less than 1" = 100' or as recommended by the Planning Commission and/or Zoning Administrator, showing the site and all

land within one hundred and fifty (150) feet of the site. If multiple sheets are used, each shall be labeled and preparer identified. Each site plan shall depict the following, unless waived by the Planning Commission as irrelevant to the proposal under consideration.

1. Location of proposed and existing property lines, dimensions, legal descriptions, easements, setback lines and monument locations.
2. Existing topographic elevations at two (2) foot intervals, proposed grades and directional drainage flows.
3. The location and type of existing soils on the site.
4. Location and type of existing vegetation and wetlands, and how they are proposed to be preserved and managed.
5. Location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, floodplain and wetlands, as identified by the DNRE in an official determination request or by a specialist approved by the DNRE.
6. Location of existing and proposed buildings and intended use thereof as well as the length, width and height of each building, and typical elevation views of proposed structures.
7. Proposed location of accessory structures, buildings and uses; including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where required.
8. Location of existing public roads, rights-of-way and private easements of record and abutting streets.
9. Location and dimensions of proposed streets, drives, curb cuts and access easements, as well as acceleration, deceleration and passing lanes serving the development. Details of entry way and sign locations shall be separately depicted with an elevation view.
10. Location, design and dimensions of existing and/or proposed curbing, barrier-free access, carports, parking areas (including indication of all spaces and methods of surfacing) fire lanes and all lighting thereof.
11. Location, size and characteristics of all loading and unloading areas.
12. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
13. Location or layout of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention and detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
14. Location or layout of all other utilities on the site including but not limited to natural gas, electric, cable TV, telephone and stream.
15. Proposed location, dimensions and details of common open spaces and any common facilities such as community buildings and swimming pools, if applicable.
16. Locations, size and specifications of all signs and advertising features showing all views.
17. Exterior lighting locations with areas of illumination illustrated as well as the type of fixtures and shielding to be used.
18. Location and specifications for all fences, walls and other screening features with cross-sections.
19. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting must be indicated. All vegetation to be removed or retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

20. Location, size and specifications for screening of all trash receptacles and other solid waste disposal facilities.
21. Location and specification for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
22. Identification of any significant site amenities or unique natural features.
23. Identification of any significant views onto or from the site to or from adjoining areas.
24. North arrow, scale and date of original submission and last revision.
25. A seal is required of a licensed, professional engineer; architect; landscape architect; surveyor or planner who prepared the plan.

117.2104 Action on Application and Site Plans.

- A. Upon receipt of the application and site plans, the Zoning Administrator shall check application for completeness. After the application is found complete, the date of the application shall be recorded. The Zoning Administrator shall transmit one (1) copy to each member of the Planning Commission; one copy to the Township Consultant and retain one copy for the Township's file.
- B. The Planning Commission shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in this Ordinance. Any conditions required by the Planning Commission shall be stated in writing, together with the reasons and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application. Any conditions imposed on the application and site plan shall:
 1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of the land use or activity under consideration, residents, and landowners 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 Ordinance, and be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- C. Two copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each of the copies shall be signed and dated by the Chairperson of the Planning Commission and the applicant, identifying the same as the Official Finally Approved Site Plan for the Project Title. If any variances from the Zoning Ordinance have been granted or other action taken by the Zoning Board of Appeals pursuant to the project, the minutes concerning the same, duly signed, shall also be filed with the Township records as part of the site plan and a copy delivered to the applicant for his/her information and direction.

117.2105 Criteria for Review. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

- A. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
- B. The buildings, structures and entryway thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects there from upon owners and occupants of adjacent properties and the neighborhood.

- C. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D. That the adverse effects of the proposed development and activities emanating there from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
- E. That all provisions of the Township Zoning Ordinance are complied with unless the Zoning Board of Appeals has granted a prior variance.
- F. That all buildings and structures are accessible to emergency vehicles.

117.2106 Required Variances Any proposed development submitted for site plan review that will require an approved variance shall be deemed incomplete and will not be processed until such variance has been granted by the Zoning Board of Appeals in accordance with Chapter 22 hereof.

117.2107 Conformity to Approved Site Plan. Property, which is the subject of site plan approval, must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If the development is to be carried out in stages, each stage shall be constructed in the order designated on the development plan as approved. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his/her last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proposed application of the developer, approve a modification of the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance. In all cases, a copy of the built plans shall be submitted to the Township for its files.

117.2108 Expiration of Site Plan. Approval of the site plan shall be valid for a period of two (2) years after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said two years, the site plan approval shall become void and a new application for site plan approval shall be required, and new approval shall be required and obtained before any construction or earth change is commenced upon the site. The Planning Commission pursuant to any approval shall process any such new application for site plan approval as a completely new request, requiring new fees, new copies of all information and plans, and full and complete review. Not more than one (1) extension of up to two (2) years may be granted if a written request for an extension is given to the Zoning Administrator prior to the expiration of an approved site plan at least 30 days prior to a regularly scheduled Planning Commission meeting.

117.2109 Performance Guarantee Required. In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the Township of Milton residents and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit or otherwise provide for a performance guarantee as set forth, herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.

- A. For the purpose of executing any performance guarantee, the date of such execution shall be established by the Planning Commission in their site plan approval by establishing the required completion date of such improvements, 180 days after which the Township shall execute the performance guarantee.

- B. Performance guarantee as used herein shall mean a surety bond in the amount of the estimated cost of improvements to be made as determined by the applicant and verified by the Township Consultant, made payable to Milton Township.
- C. The Zoning Administrator shall not issue a zoning permit until the Township Clerk receives the required performance guarantee.
- D. If the specified improvements have been completed within the timeframe specified, the Zoning Administrator will return the performance guarantee to the applicant upon approval.
- E. In the event the applicant defaults in making the improvements for which the performance guarantee was required, the Milton Township Board shall have the right to execute the performance bond to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance bond is not sufficient to cover the costs incurred by the Township in completing the improvements, the applicant shall be required to pay Milton Township the amounts by which the costs of completing the improvements exceeded the amount of the performance bond.

117.2110 Appeals Of Site Plan. Persons aggrieved by a decision of the Planning Commission in granting or denying approval of a site plan may appeal the decision to the Zoning Board of Appeals. The appeal must be filed within seven (7) days of the decision and shall state the factual basis for the appeal. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

- A. The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented.
- B. The Zoning Board of Appeals shall approve the site plan if the requirements of this Section and other applicable Ordinance requirements are met.
- C. The Zoning Board of Appeals shall make written findings in support of its opinion on the appeal.
- D. This Section shall not apply to the site plan submitted with a PUD application. Decisions on such site plan may not be appealed to the Zoning Board of Appeals.

117.2111 Land Clearing. No person shall undertake or carry out such activities, or uses, including any grading, clearing, cutting, filling and excavating, or tree removal associated therewith for which site plan approval is first required by this Ordinance. Nor shall activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetland permits or flood plain permits. Any violation of this provision is subject to the fines and penalties prescribed in Sec. 117.2306 of this Ordinance for each day of the violation from the day of discovery of the incident until an approved restoration plan, or an approved site plan is granted.

CHAPTER 22 ZONING BOARD OF APPEALS

117.2200 Intent. This Chapter is intended to describe the creation, membership, rules and duties of the Zoning Board of Appeals. The standards for approving variances from the strict adherence to the Zoning Ordinance are included in this Chapter.

117.2201 Members, Appointments, Tenure, Per Diem Expenses and Removal. There is hereby created a Zoning Board of Appeals of seven (7) members.

A. Membership.

1. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission, appointed by the Township Board,
2. The second member may be a member of the Township Board appointed by the Township Board, and
3. The remaining members shall be selected by the Township Board from among the electors residing in the unincorporated areas of the Township;
4. However, no elected officer of the Township Board or any employee of the Township Board may serve simultaneously as one of the additional members of the Zoning Board of Appeals (after the first or second member) or as an employee of the Zoning Board of Appeals.

B. Tenure. Members shall serve for a period of three (3) years. They shall continue in office until their successors are selected and qualified, appointed to staggered terms, each beginning on the first day of a calendar year.

C. Per Diem Expenses. The total amount allowed such Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall be a reasonable sum which shall be provided annually by the Township Board.

D. Removal. A member of the Zoning Board of Appeals may be removed by the Township Board for just cause, including misfeasance, malfeasance and nonfeasance.

117.2202 Officers. The Zoning Board of Appeals shall elect from its membership a Chairperson, Vice-chairperson and Secretary. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An officer of the Zoning Board of Appeals shall have a term of one (1) year and until the officer's successor is elected and qualifies. An officer may be reelected. An alternate member of the Zoning Board of Appeals shall not be eligible for election as an officer of the Zoning Board of Appeals.

117.2203 Rules of Procedures. The Zoning Board of Appeals shall adopt rules of procedures. These rules shall be available for public inspection at the Office of the Township Clerk. These rules shall include at least the following:

A. Meeting Schedule. The Zoning Board of Appeals shall annually establish a regular schedule of Zoning Board of Appeals meetings and the time and place of each. The schedule shall be posted within ten (10) days of setting the schedule as required under the Open Meetings Act, P.A. 267 of 1976, as amended. All such meetings and hearings shall be open to the public.

B. Quorum. The presence of four (4) members shall constitute a quorum. The Zoning Board of Appeals shall act by resolution. The concurring vote of four (4) members of said Board, as recorded by a roll-call vote, shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass by this Zoning Ordinance, or to grant variations from the requirements of this Zoning Ordinance.

C. Meeting Minutes. The Zoning Board of Appeals shall keep minutes of its proceedings, all of which shall be filed promptly with the Township Clerk and shall be a public record, showing:

The action decision of the Zoning Board of Appeals, and

The reasons and findings of fact, if any, on which it bases each decision, its action, and

The vote of each member upon each decision question, or, if absent or failing to vote, indicating such fact, and

Other official action.

- D. Transmittal of Resolutions. A copy of each resolution passed upon by the Zoning Board of Appeals shall be submitted to the Clerk of the Township and to the Secretary of the Planning Commission.

117.2204 Jurisdiction. The Zoning Board of Appeals, in conformity with the provisions of this Zoning Ordinance, shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including:

- A. The Zoning Board of Appeals shall make interpretations of zoning maps and the Zoning Ordinance as to carrying out its intent and purpose.
- B. The Zoning Board of Appeals shall not grant a use variance or take any action that would effectively grant a use variance. Further, the Zoning Board of Appeals shall not otherwise allow a use that is not in keeping with the spirit of the Ordinance or with the zoning district in question.
- C. The Zoning Board of Appeals shall hear and decide all appeals from and review any order, requirements, decisions or determination made by the Zoning Administrator or other administrative officers charged with the enforcement of the provisions of this Zoning Ordinance, where it is alleged that there is error or misinterpretation of this Zoning Ordinance. This shall not apply where the Zoning Board of Appeals is specifically prohibited from acting on an appeal by the terms of this Ordinance.
- D. The Zoning Board of Appeals shall have the power to authorize specific variance or departures from this Zoning Ordinance when all conditions of Section 117.2205 are found to be met. By reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this Zoning Ordinance, or by reason of exceptional topographic conditions, or other extraordinary conditions of land, buildings or structures, or of the development of property immediately adjacent to the property in question, the literal enforcement of the requirements of this Zoning Ordinance would involve practical difficulties, and all conditions of Section 117.2205 are found to be met.
- E. The Zoning Board of Appeals shall also hear and decide any other matters referred to it or which it is required to pass under this Zoning Ordinance.

117.2205 Variances. No variance in the provisions or requirements of this Zoning Ordinance shall be granted or authorized unless the Zoning Board of Appeals makes findings, based upon competent material, and substantial evidence on the whole record that a practical difficulty exists that prevents compliance with the requirements of this ordinance. In reaching such a finding, the Zoning Board of Appeals must find that all of the following standards are met:

- A. That strict compliance with area, setbacks, frontage, height, bulk or density requirements of this ordinance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome;
- B. That the requested variance, or a lesser variance, would do substantial justice to the applicant as well as to other property owners in the district and give substantial relief and be more consistent with justice to others; provided, however, that existing non-conforming conditions on nearby properties shall not be regarded as a basis for granting a variance that would not otherwise meet the requirements of this section;
- C. That the need for the variance is due to unique circumstances characteristic of the property;

- D. That the need for the variance is not occasioned by the actions of the current and/or previous owners, and
- E. That the granting of the requested variance, or a lesser variance will insure that the spirit of the Ordinance is observed and public safety secured.

117.2206 Conditions of Approval. The Zoning Board of Appeals may impose conditions upon the granting of a variance to insure that public services and facilities affected by the granting of the variance will be capable of accommodating increased service and facility loads caused by the granting of the variance, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent and nearby uses of land, to promote the use of the land in a socially and economically desirable manner, to ensure that the spirit of this Ordinance is observed, public safety is secured and substantial justice done. The conditions shall be designed to protect natural resources, public health, safety, and welfare, as well as the social and economic well-being, of those who will use the land on which the variance is granted, residents and landowners immediately adjacent to said land, and the community as a whole, and shall be related to the valid exercise of the police power and matters which are affected by the variance. The conditions may also include approval of a lesser variance from the standards of this Ordinance if necessary to achieve the findings of Section 117.2205.

117.2207 Time Limitations on Variances. Any variance granted by the Zoning Board of Appeals shall automatically become null and void after a period of twelve (12) months from the date granted unless the owner or his agent shall have taken substantial steps toward effecting the variance as granted by the Zoning Board of Appeals. The Zoning Board of Appeals determines whether substantial steps have been taken.

117.2208 Procedure. The following procedure shall be required:

- A. An appeal for variance from, or review of, any ruling of the Zoning Administrator or other administrative office administering any portion of this Zoning Ordinance may be taken by any person or any governmental department affected or aggrieved.
- B. Fees. Each application for variance or review shall be accompanied by a filing fee as set by the Township Board. Additionally, if the applicant requests that a special meeting of the Zoning Board of Appeals be called for the purpose of hearing a request, the application shall be accompanied by a special meeting fee as set by the Township Board. Said fees are in addition to the zoning permit fees.
- C. When a complete application or appeal has been filed in proper form and with required data supplied and fees paid, the Zoning Administrator, Chairperson or Secretary of the Zoning Board of Appeals shall immediately place the said application or appeal upon the calendar for hearing and cause notices to be served in accord with Section 117.2304.

117.2209 Decisions of the Zoning Board of Appeals. The following shall apply to the decisions of the Zoning Board of Appeals:

- A. The Zoning Board of Appeals shall decide all applications and appeals within forty-five (45) days after the final hearing thereon.
- B. A copy of the Zoning Board of Appeals decisions shall be transmitted to the applicant or appellant and to the Zoning Administrator within five (5) business days of such decision.
- C. Such decision shall be binding upon the Zoning Administrator and all observed by him, and he shall incorporate the terms and conditions thereof in any permit conveyed to the applicant or appellant.
- D. A decision of the Zoning Board of Appeals shall not become final until the expiration of five (5) days from the date such decision is made unless the Zoning Board of Appeals shall have found the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

117.2210 Stay of Proceedings. An application for an appeal shall immediately stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his the Zoning Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

CHAPTER 23 ADMINISTRATION

117.2300 Zoning Permit Required. It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in or to a building or structure without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Zoning Ordinance and any required zoning permit fees paid. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

117.2301 Administration Officials. Except as otherwise provided in this Zoning Ordinance, the Zoning Administrator shall administer and enforce this Ordinance including the receiving of applications, the inspection of premises, the issuing of zoning permits, and the institution of proceedings for enforcement of the provisions of this Zoning Ordinance. Relative to the issuance of a permit, any decision rendered by the Zoning Board of Appeals, Planning Commission, or Township Board on a matter required to be reviewed by that body shall be binding on the Zoning Administrator.

117.2302 Permits. Every application for a zoning permit shall be made as required by the Zoning Ordinance and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any, to occupy it. The application shall be accompanied by two (2) prints or photostat copies of the drawings, drawn to scale, showing the actual boundary lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining property as may be required by the Zoning Administrator. One (1) copy of both plans and specifications shall be filed in and retained by the Office of the Zoning Administrator, and the other shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit. In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance.

- A. Any permit required by this Zoning Ordinance of the Township shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest roadway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued, is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation.
- B. Every permit granted under this section shall become null and void unless the excavation, construction, alteration, erection or extension shall have been commenced within twelve (12) months from the date of issuance of the permit; and every permit so granted shall further become null and void unless all exterior aspects of the construction, alteration, erection or extension shall have been completed within eighteen (18) months from the date of issuance of the permit. However, an extension of time for the commencement of construction or for the completion of construction can be granted by the Zoning Administrator upon proof that an extension of time is justified.

117.2303 Enforcement. All premises affected by this Zoning Ordinance shall be subject to inspection by the Zoning Administrator and the Administrator may collect such investigative data as he deems necessary for the enforcement of this Ordinance. No person shall refuse to permit the Administrator to inspect any premises at reasonable times, nor shall any person molest or resist the Administrator in the discharge of his duties.

117.2304 Hearing Notice and Procedures. Except as stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Zoning Enabling Act notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least fifteen (15) days before the date of public hearing, in a newspaper of general circulation in the Township.
- B. For applications involving the rezoning of ten (10) or fewer adjacent properties, for applications to the Zoning Board of Appeals involving a specific parcel of land, for all planned residential development and special land use applications, and for other applications as to which a public hearing is required under this Ordinance or the Zoning Enabling Act, a notice of public hearing shall be given in the manner set forth in Section 103 (MCL 125.3103) of the Zoning Enabling Act to
 1. The applicant and the owner of the subject property, if different from the applicant;
 2. All persons to whom real property is assessed for property taxes within three hundred (300) feet of the property that is the subject of the application regardless of whether the property or structure is in the Township;
 3. One occupant of each dwelling unit or spatial area in each building that contains four (4) or fewer dwelling units and is located within three hundred (300) feet of the subject property regardless of whether the property or structure is in the Township; and
 4. The owner or manager of a building containing more than four (4) dwelling units, who shall be requested in writing to post the notices at the primary entrance of the building, but failure of such posting, shall not constitute a lack of notice to the owners or occupants of such dwelling units.
 5. If the above-described three hundred (300) foot radius extends outside the Township's boundaries, the notice shall nevertheless be provided outside of the Township's boundaries, within the three hundred (300) foot radius, to all persons stated above in this subsection.
- C. The notice of public hearing shall include the following information:
 1. A description of the application or request.
 2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
 3. The date and time when the application or request will be considered; the location of the public hearing.
 4. The location or address where written comments concerning the application or request will be received; the period of time within which such written comments may be submitted.
 5. Any other information required under the Zoning Enabling Act, as amended.

117.2305 Required Fees and Applicant's Escrow Accounts.

- A. Fees. The Township Board may from time to time establish a schedule of fees for zoning permits, variances, special land uses, subdivisions, private roads and other applications. Any required fee shall be paid to the Township Treasurer before any action shall be taken on the application. Said fee shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. The Township Board at any regular meeting may change scheduled fees. Said change shall be effective thirty (30) days from the date of publication of such change.
- B. Applicant Escrow Deposits. In connection with any application for a special permit, site plan approval, zoning amendment, PUD review, appeal, or similar application, the Township Board

may establish from time to time requirements for applicants to pay in advance into an escrow fund established to cover the reasonable costs of reviewing such application. Such costs may include staff costs or consultant fees covering planning, engineering, environmental analysis, wetland delineation, legal review, and other professional and technical services required for a proper and thorough review of the application. No permit shall be issued until all costs have been paid and all processing, including public hearings, shall be suspended if any applicant escrow deposit account balance is insufficient to support the probable costs of processing. The Township shall account for the expenditure of all such funds and shall promptly refund any unexpended funds within sixty (60) days of final action by the reviewing board or official.

117.2306 Violations and Penalty.

- A. Nuisance per se. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is here by declared to be a nuisance per se. The Township Board may institute proceedings in an appropriate court to enjoin, abate, and remove said nuisance.
- B. Municipal Civil Infraction. Unless otherwise specifically provided, the violation of any provision, section, rule or regulation or order adopted or issued in pursuance thereof, of this Zoning Ordinance, shall be a municipal civil infraction. Persons determined responsible for a municipal civil infraction shall be punished in accordance with this Section.
 - 1. Penalty. A municipal civil infraction shall be punished by a fine of not less than fifty dollars (\$50.00) or more than twenty-five hundred dollars (\$2,500.00) and the costs of prosecution of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00).
 - 2. Separate Offense. Each act of violation and every day during which a violation continues shall be deemed a separate offense.
 - 3. Additional Penalties. The penalty provided by this section shall be in addition to the abatement of the violating condition, any injunctive relief or revocation or any permit or license provided pursuant to this, or any other ordinance of Milton Township.
 - 4. Compliance Required. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance.
 - 5. Relief. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

117.2307 Planning Commission Re-establishment, Roles and Responsibilities

The Milton Township Planning Commission is hereby re-established in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended. While the Planning Commission has lawfully existed and exercised its duties pursuant to the Township Rural Zoning Act for decades, an ordinance establishing or reestablishing the Planning Commission is required under the provisions of the Michigan Planning Enabling Act and this Section is therefore incorporated into the Zoning Ordinance to comply with said Act.

- A. Membership. The Planning Commission shall consist of seven (7) members, or such other number determined by the Township Board and authorized by law. The Planning Commission membership shall generally be representative of the Township. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. One (1) member of the Township Board shall be a member of the Planning Commission. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with affirmative majority vote of the members of the Township Board.
- B. Removal. The Township Board may by majority vote of the Township Board, remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written

charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.

- C. Terms. The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
- D. Officers. The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting. The Commission may by majority vote establish other officers in its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- E. Bylaws and Record-Keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- F. Meetings
 - 1. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
 - 2. The Commission shall hold at least 4 meetings each year.
 - 3. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
 - 4. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
- G. Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:
 - 1. To prepare, consider and approve or recommend approval of the Township's Master Plan.
 - 2. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.
 - 3. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
 - 4. To promote understanding of and interest in the Master Plan and this Ordinance.
 - 5. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.

6. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
7. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
8. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
9. To carry out other duties and responsibilities provided by law.

CHAPTER 24

RESERVED

CHAPTER 25 AMENDMENTS

117.2500 Amendments. Any interested person may request, and the Township may approve or disapprove, an amendment to this Ordinance and/or zoning map.

117.2501 Application Procedure.

- A. An amendment to the text of the Ordinance shall be submitted for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act. A description of the request, reference to the text proposed for amendment, proposed new text, as well as justification for the request shall be included in the petition.
- B. An amendment to the zoning map shall be submitted in writing for consideration by the Planning Commission and Township Board in accordance with the Zoning Enabling Act. A description of the request, map of the location of the subject property or properties, description of existing and proposed zoning, as well as justification for the request shall be included in the petition.
- C. Applicable Factors. When reviewing an amendment request, the Township may consider, but shall not be limited to:
 1. Whether the proposed change is in accordance with the Township's Master Plan.
 2. Whether the proposed change is a reasonable alternative to the Master Plan because it will promote land use policies of the Master Plan and will not conflict with present policies.
 3. Although representing a change in the Master Plan for Future Land Use, whether the proposed district:
 - a. would be compatible with existing or future uses in the area.
 - b. would not have a negative impact on the policies of the Master Plan.
 - c. would further the objectives, goals or policies of the Master Plan.
 - d. would preserve an existing, unique natural area.
 4. Other factors set forth in the Zoning Enabling Act
- D. Notice. Public notice of an amendment to this Ordinance shall follow the process set forth in Section 117.2304.