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Mills Township
Zoning Ordinance No 82

The Township of Mills, Midland County, Michigan, pursuant to the authority vested in it by Act No. 110 of Public Acts of the State of Michigan for 2006, as amended, hereby adopts the following Zoning Ordinance of Mills Township.

Article One: Title, Preamble, Enacting Clause and Short Title

- 1.01 Title – An ordinance enacted pursuant to the authority contained in Act 100 of the Public Acts of Michigan of 2006, as amended for the establishment of zoning districts in the unincorporated portions of Mills Township.
- 1.02 Preamble – In accordance with the authority and intent of Act 110 of the Public Acts of Michigan of 2006, as amended, Mills Township desires to regulate the land development and the establishment of districts in the portions of the township outside the limits of cities and villages which regulate the use of land and structures; to meet the needs of the State Citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service and other uses of the land; to ensure that the use of the land shall be situated in appropriate locations and relationships, to the limit the inappropriate over-crowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and to promote public health, safety and welfare.
- 1.03 Conflict with Other Laws – Should any provision of the Ordinance conflict with any other law, than the provisions of the more stringent requirements, regulations, restrictions, or limitations shall govern.
- 1.04 Enacting Clause – The Township of Mills, Midland County, Michigan hereby ordains.
- 1.05 Short Title – This Ordinance shall be known as the Mills Township Zoning Ordinance.

Article Two: Construction of Language and Definitions.

- 2.01 Construction of Language
 1. The particular shall control the general.
 2. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
 5. A “building” or structure includes any part thereof.
 6. The phrase “use for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
 7. The words “person” includes an individual, a corporation, a partnership, an incorporated association”, or any similar entity.
 8. the word “occupied” and the word “used” shall be considered as though followed by the words, “or intended, arranged, or designed to be use or occupied”.
 9. Unless the context clearly indicates the contrary where a regulation involves two or more items, conditions, provision or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows:
 - a) “And” indicates that all the connected items, condition, provision or events shall apply.
 - b) “Or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
 10. Terms not herein defined shall have the meaning customarily assigned to them.
 11. Development standards imposed by the Ordinance are minimums, which shall be met. These standards may be exceeded at the discretion of the developer.
- 2.02 Definitions – For the purpose of this Ordinance, certain terms used are herewith defined. When not inconsistent with the context, word uses in the plural number include the singular number.
1. Accessory Building – Any structure which is subordinate to and serves a principal building or use and located on the same lot with the principal building.
 2. Accessory Use – Any use customarily found with and incidental to the principal use.
 3. Access Easement of Records – Any private or dedicated public way other than a street, highway, road, or thoroughfare, providing a secondary means of access to a property, which is shown on a plat or deed recorded in the office of the Register of Deeds of Midland County prior to the effective date of this Ordinance. Any access easement established thereafter shall be approved in accordance with the rules and regulations of the Midland County Road Commission prior to acceptance as a dedicated public way.
 4. Adjacent Property Owners – Persons owning property which borders another property, including the opposite side of the public thoroughfare.
 5. Agriculture – See item number 17 “Farm”.

6. Altered – A change in the usage, location, construction, square footage, or height of a building or structure.
7. Basement – That portion of a building which is partly below and partly above grade and having one-half of more of its height above grade.
8. Building – A structure, either temporary or permanent, having a roof supported by columns or walls and intended for the shelter or enclosure of person, animals, or possessions.
9. Building Envelope – The three-dimensional space within which a structure is permitted to be built and that is defined by the dimensional requirements of this Ordinance.
10. Building height – The vertical distance measured from grade to the highest point on the roof for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs.
11. Cellar – That portion of a building, which is partly or completely below grade, and having at least one-half of its height below grade.
12. Condominium Act – Act 59 of the Public Acts of the State of Michigan, being MCL 559.101 et. seq., as amended.
13. Condominium Unit – That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
14. Driveway – The route providing a means of ingress and egress from a public thoroughfare to a single lot, structure, dwelling, use or unit.
15. Dwelling Area – The dwelling area of a dwelling unit is livable space composed of sleeping rooms, kitchen, dining room, bathrooms and living rooms.
16. Dwelling, Single Family – A building used exclusively for residence purposes for one family only.
17. Dwelling, Multiple Family – A building used exclusively for residence purposes for two or more families, living independently of each other.
18. Erected – Built, constructed, altered, reconstructed, moved to, or any physical operations on the premises, which are required for construction, excavation, fill, or draining.
19. Established Grade – Shall mean the elevation of the nearest roadway or curb.
20. Family – One or two persons with their direct lineal descendants and/or adopted children (including the domestic employees thereof) together with not more than three persons not so related, living together and comprising a single housekeeping unit.
21. Farm – A parcel of land used to produce field or tree crops, livestock, poultry, or dairy products.
22. Farm Buildings – Any detached accessory buildings or structures used for the storage or housing of farm implements, produce or farm animals.
23. Fences or Walls – An upright structure or barrier of wood, stone, brick, posts, wire mesh, which is designed to enclose, protect, divide, confine, or define a boundary.

24. Foster Care Homes/Assisted Living homes – An establishment, or distinct part of an establishment, which provides supervision, assistance, protection, or personal care, in addition to room and board.
25. Garage, Private – An accessory building which is primarily used for the storage of passenger vehicles, either attached or unattached to the principal building.
26. Grade – The lowest point of elevation of the finished surface of the ground between any exterior wall of a building and a point five feet distance from said wall, or the lowest point of elevation of the finished surface of the ground between any exterior wall or a building and property line, if it is less than five feet distance from said wall.
27. Greenway – A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.
28. Junkyard – A place, structure, parcel use of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels and containers, are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperable machines, used lumber yards, house establishment for sale, purchase or storage of savaged machinery, and the processing of used, discarded, or salvaged materials.
29. Kennel – Any building used for the boarding, breeding or sale of four or more dogs, cats or other domestic pets or any combination thereof, for specified compensation.
30. Lot – Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance.
31. Lot, Corner – A lot where the interior angle of the two adjacent sides at the intersection of two thoroughfares is less than 135 degrees. A lot abutting a curved thoroughfare shall be considered a corner lot if the arc is of less radius than 15 feet and the tangents to the curve, at the two points where the lot lines meet to the curve or the straight-line extended form an interior angle of less than 135 degrees.
32. Lot of Record – A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the Office of the Register of Deeds of Midland County, or a lot described by metes and bounds, the deed to which has been recorded in said office.
33. Mobile Home – A structure transportable in one or more sections, which is built on a chassis and designed to be used as a single-family dwelling with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, and electrical systems contained in the structure.
34. Mobile Home Park – A parcel of land upon which three or more mobile 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.
35. N/A – Non applicable.

36. Non-Conforming building - A building, structure or part thereof, lawfully existing at the effective date of this Ordinance which does not now comply with this Ordinance.
37. Non-Conforming Lot – A lot of record at the effective date of this Ordinance which does not now comply with this Ordinance.
38. Non-Conforming Use – A use lawfully existing at the effective date of this Ordinance which does not now comply with this Ordinance.
39. Nursing Homes – An establishment or institution, other than hospital, having as one of its functions the rendering of healing, curing, or nursing care.
40. Off-Street Parking Area – A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.
41. Open Space Preservation Development – A development consisting of residential dwelling units and open space made up on a single parcel of land or specific combined parcels of land whereby a portion of the specified parcel (s) is devoted to permanent location of dwelling units at a density greater than otherwise permitted by this Ordinance and a portion is devoted to open space dedicated to remaining in an undeveloped state.
42. Parking Space – One unit of parking area provided for the parking of an automobile. This space shall have an area of not less than two hundred (200) square feet, and shall be exclusive of drives, driveways, aisles or entrances giving access thereto and shall be fully accessible for the storage or parking of permitted vehicles.
43. Pets – Any domesticated dog, cat, or other animal commonly kept for companionship, protection, or hunting purposes.
44. Recreational Vehicle – A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle or used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers.
45. Right-of-Way Line – The established right of way line, or in the event there is no established right of way line, said right of way line shall be 33 feet from the center of the public thoroughfare.
46. Setback – The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.
47. Sign – The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as to show an individual firm, profession, business, product or message and which are visible to the general public.
48. Sign Area – Shall be measured as a total area of a sign included within the rectangle, triangle, or circle caused by encompassing the outermost portions of the sign or around the outermost edges of a sign formed of letters, or symbols only including the area within any illuminated

order. An area so created shall include all solid surfaces as well as opening and shall include all sides serving as a sign surface. For ground signs, the sign area shall include the entire area on which copy, lettering, drawings, or photographs could be placed, excluding necessary uprights or supports.

49. Sign, Driveway Entrance – A sign on a major thoroughfare serving as the entrance marker to a residential development.
50. Sign, Ground – A free standing sign not attached to any building and supported by uprights or braces for some object on the ground. A ground sign is a sign less than ten (10) inches of clearance between the bottom of the sign and the established grade.
51. Sign, illuminated – A sign that is illuminated by direct or indirect source of light.
52. Sign, Political – A sign relating to the election of a person to public office, relating to a political party, an issue of public concern or to matter to be voted upon at an election called by a public body.
53. Sign, Real Estate – A sign placed upon a property advertising that particular property is for sale, rent or lease.
54. Sign, Real Estate Development – A temporary sign placed on the premises of a subdivision or other real estate development to indicate a proposed start or to inform relative to availability.
55. Sign, Temporary- A sign with or without letters or numerals such as a subdivision opening, construction signs, seasonal events or public functions. Such signs are ground-mounted and constructed of permanent footings as opposed to attached to a building. Time limited as allowed by Mills Township Board.
56. Sign, Wall – A sign erected or fastened to the wall of a building with the exposed face of the sign in a plan approximately parallel to the plane of such wall and not to extend more than twelve (12) inches beyond the surface of the portion of the building wall on which erected or fastened. Wall sign shall include a sign painted directly on an exterior building wall or door surface, exclusive of window and door glass.
57. Site Plan Condominium – A condominium development pursuant to the Condominium Act characterized by individual ownership of condominium units comprised of building envelopes within the development upon which individually constructed and owned buildings are intended to be constructed, each of the condominium units sharing common elements for ingress, egress, utilities and other essential services.
58. Special Land Use – For a use of land or a building permitted in a particular zoning district when certain standards stated in the zoning ordinance have been met. These standards help ensure that the proposed use is compatible with adjacent uses of land or buildings.
59. Story – That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it then the space between floor and the ceiling next above it.

60. Thoroughfare – A road, street, or passage through which one can fare or travel, that is, a street or highway affording an unobstructed exit at each end into another street or public passage.
61. Township Board – The Mills Township Board is the Governing Body of Mills Township, Midland County, Michigan and shall hereinafter be referred to as the Township board.
62. Undeveloped state – A natural state preserving natural resources, natural features, or scenic or wooded conditions, agricultural use, open space or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway or linear park. Land in an undeveloped state maybe, but not required to be, dedicated to the use of the public.
63. Use – The purpose for which land or a building is arranged, designed, or intended or for which land or a building may be occupied or for which the land or building is in fact used.
64. Variance – A modification of the specific regulations of this Ordinance granted by resolution by the Zoning Board of Appeals in accordance wit the terms of this Ordinance and the Michigan Compiled Laws and Acts which apply.
65. Yards – The open spaces of the same lot with a principal building, unoccupied and unobstructed, from the ground upward, except as provided in this Ordinance, and as herein defined.

Front Yard – An open space extending the full width of the lot, the depth of which Is the minimum horizontal distance between the front lot line and the nearest point of the principal building on said lot.

Back Yard – An open space extending the full width of the lot, the depth of which is the minimum horizontal distance been the back lot line and the nearest point of the principal building on said lot.

Side Yard – An open space between a principal building and the side lot line extending between the front and back yards, the width of which is the minimum horizontal distance from the nearest point of the side lot line to the nearest point of the principal building on said lot.
66. Zoning Enabling Act – Act 110 of the Public Acts of the State of Michigan for 2006, as same may be amended, including zoning enabling legislation of the State of Michigan that may repeal or replace Act 110 of the Public Acts of the State of Michigan, as amended.
67. Zoning Official – An official appointed by the Mills Township Board who shall be responsible for the administration and enforcement of this Ordinance.

Article Three: Zoning Districts and Maps

- 3.01 Establishment of Districts – For the purposes of this Ordinance, all unincorporated portions of Mills Township are hereby divided into the following zoning Districts.:
 1. Residential Districts (A)
 2. Residential Districts (B)
 3. Recreational/Conservation Districts/Public (RC)
 4. Agricultural Districts (AG)

- 5. Commercial Districts (C)
- 6. Industrial districts (I)

3.01 Zoning Map – For the purpose of this Ordinance, said districts are bounded and defined as shown on a map entitled “Official Zoning Map of Mills Township” which accompanies this Ordinance and which, with all explanatory matter thereon is hereby made a part of this Ordinance.

- A. The official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and including the following words: “This is to certify that this is the Official Zoning Map referred to in Article Three of the Zoning Ordinance of the Township of Mills, Midland County, Michigan”, together with the date of the adoption of this Ordinance.
- B. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until after such change has been made on said map. No changes of any nature shall be made in the official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Ordinance.
- C. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map which shall be in the office of the Zoning Administrator shall be the final authority as to the current zoning stature of the land and water areas, buildings, and other structures in the Township.
- D. if the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and including the following words: This is to certify that this official Zoning Map supersedes and replaces the Official Zoning Map adopted in 1975 as a part of the Zoning Ordinance of the Township of Mills, Midland County, Michigan.

3.03 District Boundaries and Interpretation of Zoning Map – The boundaries of these zoning districts are hereby established as shown on the map entitled “Zoning District map of Mills Township”. This map is hereby made a part of this Ordinance.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated, as approximately following the centerlines of roads or highways shall be construed to follow such centerlines.

- B. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as following shorelines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
- D. Boundaries indicated as parallel to, or extensions of, features indicated in Sections 3.10A to 3.03C above, shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- E. Where physical or cultural features existing on the ground are art variance with those shown on the Official Zoning Map, or in other circumstances, are not covered by Section 3.03A to 3.03D above, the Board of Appeals shall interpret the district boundaries.

Article Four: Residential Districts (A)

- 4.01** Purpose – A district designed primarily for the establishment of a single-family residential neighborhood in rural areas.
- 4.02** Permitted Uses – Single Family dwellings; gardening.
- 4.03** Uses by Special Permit – Multiple-family dwellings, basement dwellings, schools, churches, public parks or recreation areas, foster care homes, public fire stations, community buildings, site plan condominium developments and open space preservation developments. (refer to Section 12.06)
- 4.04** Accessory Uses – any accessory use customarily found with an incidental to a principal use in this district such as, but not limited to: private garages, carports, breezeways, patios, steps, walks, driveways, antennas, parking lots, swimming pools, fences or walls, utility or storage sheds.
- 4.05** Special Requirements for this District
 - A. height of dwelling – not building shall exceed a height of 35 feet (two and one-half stories)
 - B. Area of dwelling – A building shall have a minimum of 720 square feet for a one-bedroom dwelling unit, 840 square feet for a two-bedroom unit, 980 square feet for a three-bedroom unit and 1200 square feet for a four-bedroom unit of livable space.
 - C. Area of Lot – The minimum lot area shall be one acre. No lot shall contain more than one single family dwelling.
 - D. Lot Width – there shall be a minimum of 132 feet fronting the public thoroughfare.
 - E. Front Yard – There shall be a setback of at least 50 feet from the right of way line of the public thoroughfare fronting the premises.
 - F. Back Yard – There shall be a back yard with a minimum of 25 feet.

- G. Side Yard – There shall be a side yard on each side of the dwelling of at least 25 feet.
- H. Each dwelling shall meet all Lot and Yard requirements.

Article Five: Residential District (B)

- 5.01 Purpose – To establish and maintain an alternative low density rural residential environment for a single-family dwelling in areas free from small lot residential sub-divisions, which would also allow for other rural-type activities.
- 5.02 Permitted Uses – Single-family dwellings, gardening, general farming, fruit farms, animal farms, schools, churches, public fire stations, public parks, or recreational areas, community buildings.
- 5.03 Uses by Special Permit – multiple-family dwellings, site plan condominium developments, open space preservation development, nurseries, commercial greenhouses, kennels, riding stables, cemeteries, foster care homes, mobile home parks, home occupations such as but not limited to, crafts and hobby shops, barber shops, beauty shops, radio and TV repair shops and similar small-scale uses conducted within closed buildings (refer to Section 12.06).
- 5.04 Accessory uses – Any accessory use customarily found with and incidental to a principal use in this district such as, but not limited to: private garages, carports, breezeways, patios, steps, walks, driveways, antennas, parking lots, swimming pools, fences or walls, utility or storage sheds, stables, barns, silos, granaries and other customary farm buildings.
- 5.05 Special Requirements for this District
 - A. Height of dwelling – No building shall exceed a height of 35 feet (two and one-half stories).
 - B. Area of dwelling – A building shall have a minimum of 720 square feet for a one-bedroom dwelling unit, 840 square feet for a two-bedroom unit, 980 square feet for a three-bedroom unit and 1200 square feet for a four-bedroom unit of livable space.
 - C. Area of Lot – The minimum lot area shall be one acre. No lot shall contain more than one single family dwelling.
 - D. Lot Width – there shall be a minimum of 132 feet fronting the public thoroughfare.
 - E. Front Yard – There shall be a setback of at least 50 feet from the right of way line of the public thoroughfare fronting the premises.
 - F. Back Yard – There shall be a back yard with a minimum of 25 feet.
 - G. Side Yard – There shall be a side yard on each side of the dwelling of at least 25 feet.
 - H. Height of building other than dwelling – No building shall exceed a height of 60 feet.
 - I. All farming activities, riding stables and mobile home parks shall have a minimum of five (5) acres.
 - J. no livestock manure or contaminated animal bedding shall be permitted to be stored or stockpiled within 100 feet of an existing adjacent dwelling nor within 65 feet of any property line.

- K. no accessory building or structure customarily necessary to farming shall be erected or moved to within 100 feet of an existing adjacent dwelling, nor within 75 feet of any property line.
- L. Each dwelling shall meet all Lot and Yard requirements.

Article Six: Recreational Conservation Districts (RC)

- 6.01 Purpose – A district designed primarily for conserving natural resources and to provide recreational areas.
- 6.02 Permitted Uses – conservation areas for the preservation of natural resources, wildlife, and their habitat, forestry operations, public parks or recreational areas, community buildings, scout camps, private clubs, fraternal lodges, and similar civic or social organization, when not operated as a commercial enterprise, riding stables and similar commercial uses which are related to the recreational use.
- 6.03 Uses by Special Permit – Cemeteries, large recreational gathers such as festivals, campgrounds for travel and recreational vehicles, snowmobile and bike trails, gun clubs and archery (refer to Section 12.06).
- 6.04 Accessory Uses - Any accessory use customarily found with and incidental to a principal use in this district such as, but not limited to: private garages, carports, breezeways, patios, steps, walks, driveways, antennas, parking lots, swimming pools, fences or walls, utility or storage sheds.
- 6.05 Special Requirement for this District:
 - A. Height of dwelling – No building shall exceed a height of 35 feet (two and one/half stories).
 - B. Area of Building – A principal building shall have a minimum of 1,000 square feet of area.
 - C. Area of Lot – The minimum lot area shall be one acre.
 - D. Lot Width – there shall be a minimum of 132 feet fronting the public thoroughfare.
 - E. Front Yard – There shall be a setback of at least 50 feet from the right of way line of the public thoroughfare fronting the premises.
 - F. Back Yard – There shall be a back yard with a minimum of 25 feet.
 - G. Side Yard – There shall be a side yard on each side of the dwelling of at least 25 feet.
 - H. Gun clubs, riding stables, snowmobile and bike trails, large recreational gatherings, campgrounds for travel and recreational vehicles, shall have a minimum of five acres.

Article Seven: Agricultural Districts (AG)

- 7.01 Purpose – To maintain for agricultural purposes those lands which because of their soil characteristics, drainage and other factors are especially suited for farming, dairy, forestry operations, and other similar agriculture operations, and to ensure that uses within this district are retained for agricultural purposes.
- 7.02 Permitted Uses – Agricultural production, including the growing or raising of forage and sod crops, grains, and feed crops, dairy product, poultry and livestock, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities. Single-family dwellings which serve as the principal residence for the owner, operator and employees of the farm and their immediate family. Sale of produce grown on the farm.
- 7.03 Uses by Special Permit – Sales and services of machinery used for agricultural production, facilities for bulk storage and retail sales for products essential for agricultural production, veterinary facilities and services, feedlots, kennels and fur farms, facilities used for testing and research of agricultural products and techniques (refer to Section 12.06).
- 7.04 Accessory Uses - Any accessory use customarily found with and incidental to a principal use in this district such as, but not limited to: private garages, carports, breezeways, patios, steps, walks, driveways, antennas, parking lots, swimming pools, fences or walls, utility or storage sheds, stables, barns, silos, granaries, and other customary farm buildings.
- 7.05 Special Requirement for this District:
- A. Height of dwelling – No building shall exceed a height of 35 feet (two and one-half stories).
 - B. Area of Building – A building shall have a minimum of 720 square feet for a one-bedroom dwelling unit, 840 square feet for a two-bedroom unit, 980 square feet for a three-bedroom unit and 1200 square feet for a four-bedroom unit of livable space.
 - C. Area of Lot – The minimum lot area shall be one acre.
 - D. Lot Width – there shall be a minimum of 132 feet fronting the public thoroughfare.
 - E. Front Yard – There shall be a setback of at least 50 feet from the right of way line of the public thoroughfare fronting the premises.
 - F. Back Yard – There shall be a back yard with a minimum of 25 feet.
 - G. Side Yard – There shall be a side yard on each side of the dwelling of at least 25 feet.
 - H. Commercial fur farms and kennels shall be no closer than 700 feet to any residence not within that district.
 - I. Minimum district size shall be 20 acres.
 - J. No livestock manure or contaminated bedding shall be permitted to be stored or stockpiled within 100 feet of an existing adjacent dwelling, not within 75 feet of any property line.
 - K. All feedlots shall be located at least 1000 feet from any other district and no less than 1000 feet from any property line.

- L. No accessory building or structure customarily necessary to farming shall be erected or moved to within 100 feet of any existing adjacent dwelling, nor within 75 feet of any property line.
- M. Each dwelling shall meet all Lot and Yard Requirements.

Article Eight: Commercial Districts (C)

- 8.01 Purpose – A district designed primarily for general commercial areas, which serve the surrounding rural areas.
- 8.02 Permitted Uses – “General” stores, grocery stores, gas stations, motel, nightclubs, taverns, restaurants, bowling alleys, real estate sales, roller rinks, kennels, animal hospitals, medical clinics and offices, nursing homes, greenhouses, floral shops, sale of new or used auto parts, body shops, beauty shops, lumber yards, crafts and hobby shops, barber shops, beauty shops, radio and TV repair shops, laundromats, and similar commercial uses, and family dwelling existing prior to the effective date of this Ordinance.
- 8.03 Uses by Special Permit – Junkyards and sawmills (refer to Section 12.06)
- 8.04 Accessory Uses – Any accessory uses customarily found with or incidental to principal use in this district such as, but not limited to, walks driveways, parking lots, fences or walls.
- 8.05 Special Requirements for this District
 - A. Height of building – No building shall exceed a height of 35 feet (two and one-half stories).
 - B. Area of Building – A principal building shall have a minimum of 1,000 square feet of area.
 - C. Area of Lot – The minimum lot area shall be one acre.
 - D. Lot Width – there shall be a minimum of 132 feet fronting the public thoroughfare.
 - E. Front Yard – There shall be a setback of at least 50 feet from the right of way line of the public thoroughfare fronting the premises.
 - F. Back Yard – There shall be a back yard with a minimum of 35 feet.
 - G. Side Yard – There shall be a side yard not less than 25 feet in width except when abutting other districts. Then side yard shall be not less than 100 feet width.
 - H. Each dwelling shall meet all Lot and Yard Requirements.

Article Nine: Industrial Districts (I)

- 9.01 Purpose – A district designed primarily for industrial activities and not intended for residential use.
- 9.02 Permitted Uses – Warehouses, public utility buildings, storage yards, product recycling facilities, sawmills, laundromats, junkyards, and other related structures.

- 9.03 Uses by Special Permit – Water or sewage treatment plants, reservoirs, multi-industrial complexes, sand and gravel processing facilities (refer to Section 12.06).
- 9.04 Accessory Uses – Any accessory uses customarily found with and incidental to principal use in this district such as, but not limited to, walks, driveways, parking lots, fences or walls.
- 9.05 Special Requirements for this District
 - A. All uses shall comply with State and Federal regulations, were applicable.
 - B. Height of building – No building shall exceed a height of 60 feet.
 - C. Area of Building – A principal building shall have a minimum of 1,000 square feet of area.
 - D. Area of Lot – The minimum lot area for permitted uses shall be five acres.
 - E. Setbacks – There should be a setback of at least 100 feet from the right-of-way line of any public thoroughfare and from any property line.
 - F. That portion of land used for opening storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a fence or wall on those sides abutting A, B, RC, AG, or C Districts and on any sides abutting a public thoroughfare. The extent of said fence shall be high enough to totally screen from vehicular traffic any view of the portion of the land, and that is be screened high enough to totally exclude it view from a distance of at least twenty feet away from the fence.

Article Ten: General Regulations

- 10.01 Effect of Zoning – Except as specified herein, no building, structure or premises shall hereafter be used or occupied; and no building structure or part thereof shall be erected, moved to, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified for the zoned district in which regulations herein specified for the zoned district in which said building, structure or par thereof is located.
- 10.02 Requirements for Erecting – All buildings, structures or parts thereof, hereafter being erected, moved to, reconstructed, extended, enlarged, or altered shall conform with the Mills Township Building Code. Prior to construction or moving, a building permit shall be obtained for the Zoning official upon review of a Site Plan. (See Article Twelve: Permits and Fee Sections 12.02 and 12.03, and Article Thirteen: Site Plan)
- 10.03 Prohibited Uses – Throughout this Ordinance, those uses not designated as being permitted are prohibited.
- 10.04 Required Spaces or Areas – No lot shall be divided or reduced to make the required area or dimensions less than the minimum required by this Ordinance.
- 10.05 Drainage – All surface water runoff from a site shall be drained to established or maintained public drainage ways or a properly designated private drainage retention basin on or accessible to the site.

- 10.06 Fences – Fences or walls be erected within the required right-of-way of a public thoroughfare.
- 10.07 Corner Clearance – In all districts where yards are required adjacent to the intersection of two thoroughfares, no structures, plantings, fences or walls shall be erected or maintained which are higher than three feet for 50 feet, measured from the intersection centerline.
- 10.08 Lot Accessibility – No building or structure shall be built on a lot unless the lot abuts a public thoroughfare which is constructed to Midland County Road Commission standards, maintained accepted by and under the jurisdiction of the Midland County Road Commission or which otherwise complies with the Mills Township Private Road Ordinance.
- 10.09 Water Supply and Sewage Disposal Facilities – Septic tanks, drain fields, and similar buried wastewater disposal facilities shall be permitted with the approval of the Midland County Health Department.
- 10.10 Essential Services – essential services such as electric, gas and phone lines or rights-of-way shall be permitted as authorized and regulated by Mills Township.
- 10.11 Driveways – All driveways hereafter installed or replaced shall connect directly to a public thoroughfare which is constructed to Midland County Road Commission standards, maintained, accepted by and under the jurisdiction of the Midland County Road Commission or which otherwise complies with the Mills Township Private Road Ordinance. All driveways shall be a minimum of 15 feet in width and vegetation trimmed back 3 feet or more on both sides and overhead vegetation cleared to a minimum height of 10 feet with a 40-foot minimum inside radius for all turns or bends.
- 11.12 Accessory Buildings or Structures – All accessory buildings or structures attached to the principal building shall be considered a part of said building and shall comply in all respects with the requirements applicable to said building. All accessory buildings or structures not so attached shall be located no less than 25 feet from the side boundary line and no less than 50 feet from the right of way line of the public thoroughfare fronting the premises.

Except as provided in this section, no accessory building shall be constructed or maintained upon a lot or parcel of land which does not have an established permitted principal building or use. Within the Residential (A), (B) and Recreational Conservation District (RC) zoning districts, a single storage building, not exceeding the accessory building size and height limitations of the applicable district may be constructed and maintained on a lot or parcel of land which lacks other principal building or principal use on the parcel. Such storage building shall be set back the applicable accessory building minimum distances. Use of the storage building shall be limited to only such non-commercial use as would otherwise be accessory use to permitted principal building or use in the applicable district, e.g., storage of seasonal lawn maintenance equipment, sporting goods, personal boats, personal vehicles and equipment and materials used in construction of the principal building on the parcel. No such storage building may be used for dwelling, residential or lodging purposes or for home occupation.

- 10.13 Animal Housing and Shelters – No building or structure intended for use as housing or shelter for animals, other than those animals commonly known as “pets” shall be erected or moved to within 100 feet of a property line; nor shall a dwelling be erected or moved to within 100 feet of

a building or structure intended for use as housing or shelter for animals, other than those animals commonly known as “pets”.

- 10.14 Oil, Gas and Other Drilling Activity – Operations of oil, gas or brine wells, including drilling completion, storage, or any other type of related operation, and any other well drilled for oil or gas exploration purposes shall be controlled exclusively by the supervisor of wells of the State of Michigan as provided in Act 61 of the Public Acts of 193, amended, being Section 319.1 through 319.27 of the Michigan Compiled Laws.
- 10.15 Towers, Derricks, Steeples – Towers and Derricks such as used for television, radio, transmitting and receiving, windmills, steeples on churches and similar uses shall be permitted in all districts, provided that said tower or derrick shall comply with all applicable rules and regulations of the Mills township Ordinances and of the Federal Aviation Administration.
- 10.16 Dilapidated and Unsafe Buildings – No building or structure, or part thereof, shall be left in a dangerous or hazardous condition by virtue of disrepair, depreciation, damage, collapse, an act of God; or by defects in the drainage, plumbing, lighting, on construction, or by reason of the existence of a nuisance likely to cause sickness among the occupants thereof; or by virtue of any other cause. Whenever a building, structure, or part thereof is dangerous or detrimental to life or health in the opinion of the Zoning Official, the same may be declared a public nuisance and an order may be issued to the owner or occupant thereof to repair, alter, rehabilitate, abate, remove, to otherwise improve, as the order specifies.
- If said building or structure is occupied as a dwelling, the Zoning Official may issue an order requiring all persons therein to vacate it within not less than 24 hours or more than 10 days. Whenever the Zoning Official is satisfied that the danger has ceased to exist and that said building or structures is fit for human habitation, said order may be revoked.
- 10.17 Mobile Homes – The following provisions are applicable to dwellings which are constructed as mobile homes:
- A. Foundations – Such dwellings shall have an adequate foundation consisting of a minimum of a four-inch slab.
 - B. Such dwellings shall have a skirting which is erected of building material and shall be completely installed within 45 days of moving said dwelling home onto the premises.
 - C. Square footage of such dwelling does not include tongue footage.
- 10.18 Soil Erosion and Sedimentation Control Act of 1972, as amended, shall apply to all land uses, premises and earth changes as defined and regulated in said Act.

Article Eleven: Non-conforming Uses

- 11.01 Continuance of Existing Non-Conforming Uses – A non-conforming use of land, building or structure existing prior to the effective date of this ordinance may be continued even though such use does not conform to the provisions of this Ordinance, if there is no increase or enlargement of the degree or manner of non-conformance.

- 11.02 Utilization of Non-conforming Existing Lots – Lots created and recorded prior to the effective date of this Ordinance may be used even though said lots do not comply with the minimum of their zoned district.
- 11.03 Replacement, Enlargement of Non-conforming Structures – Non-conforming buildings or structures shall not be replaced or enlarged in their non-conforming condition in any districts after damage or destruction if the estimated expense of construction exceeds 75 percent of the appraised replacement cost of the entire building or structure is non-conforming due only to its having an insufficient setback or due to it being located on a site having a size, width or both, less than is required in the applicable sections of this Ordinance, it may be replaced or enlarged provided there is not increase of the degree of non-conformance and if variance is obtained.
- 11.04 Estimating Reconstruction Expenses – The estimated expense of reconstruction of a non-conforming building or structure shall be determined by the Zoning official. The determination of the zoning Official may be appealed to the Zoning Board of Appeals.
- 11.05 Non-Conforming Uses Discontinued – If a non-conforming use of land, building, or structure is discontinued for a continuous period of six months, then any future use of said land, building, or structure shall conform in its entirety to the provisions of this Ordinance.
- 11.06 Plans Already filed – Any use for which a permit has been issued prior t the effective date of this Ordinance may be completed and used in accordance with the plans and specifications for which said permit was issued, subject to the conditions of this article and provided construction is commenced within 60 day after the issuance of said permit and diligently pursued to completion.

Article Twelve: Permits and Fees

- 12.01 Purpose – The purpose of permits is to determine that the intended use is within the proper district and that there has been full compliance with the use requirements specific for the respective district.
- 12.02 Building Permits – No building, structure, or part thereof shall be erected, moved to, reconstructed or enlarged within first applying for and obtaining a building permit from the Zoning Official. No building, structure, or land shall be used or occupied in non-conformance with the provisions of this Ordinance except that an accessory building or portable structure of less than 10 feet x 12 feet shall not require a building permit if the placement of said building or structure conforms wit the setbacks and height requirements of the district in which it is located.
- 12.03 Application of Building Permit – An application and Site Plan, filled out in triplicate, shall be submitted to the Zoning Official. Each application shall be accompanied by a fee, in accordance with the schedule of fees as established by the Township Board, to defray costs of processing the application. One copy of each application and plan shall be returned to the applicant together with permit upon approval by the Zoning Official.

Where sewage disposal is a requirement, the permit for sewage disposal system shall be applied for from the Midland County health Department prior to issuing a building permit.

A person, firm, or corporation undertaking the commencement of construction or the commencing a use with first obtaining the proper permit is subject to all penalties provided for in this Ordinance. In lieu of commencing prosecution pursuant to the provisions of the previous sentence, the Zoning Official shall have the option to issue a building permit and fees for this permit, shall be doubled to defray extra costs involved.

Where the Soil Erosion and Sedimentation Control Act applies, a written statement from the Midland County Enforcing Agency given approval of the proposed soil erosion and sedimentation control measures shall be obtained by the building permit applicant prior to the building permit being issued by the Zoning Official.

- 12.04 Fees – A fee, as set by the Township Board and subject to annual review, to defray the cost of administration and inspection, shall be paid prior to the issuance of any permit.

The Township Board shall establish fees for the following:

- A. Building Permits
- B. Special Use Permits
- C. Re-zoning Requests/Amendments
- D. Variance Requests
- E. Appeals

Additional fees for special public hearings or meetings of the Planning Commission that requested by applicants for the re-zoning or special use requests shall be charged to defray the costs of required notices and membership per diem for the public hearing or meetings.

All fees shall be credited to the general revenue fund of Mills Township.

- 12.05 Special Use Permits – uses requiring special permits are those uses which are essentially incompatible with the uses permitted in zoning districts but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area and adjacent uses of land.

Prior to approval of special use permit, the Planning commission shall ensure that the standards specified in this Article, as well as standards established elsewhere in this Ordinance shall be satisfied.

Special permit uses may be permitted only in those zoning districts where they are designated by this Ordinance. They may be permitted only when specifically approved by the Township Board with recommendation from the Planning Commission in accordance with the provisions of this Ordinance (as follows)

- 12.06 Special Use Standards – All uses by special permit shall comply with the following standards:
- A. All special uses shall, at a minimum, comply with the general regulation for buildings, structures, uses, lots, yards contained in the Ordinance; as well as specific requirements for building, structures, uses lots, yards, in specified zoning district.
 - B. The special use shall not diminish the values of the land, buildings or structures in the district; and shall represent an improvement to the property under consideration.

- C. The nature, location and size of the special use shall not change the essential character of the surrounding area, nor disrupt the orderly and proper development of the district. The use shall not conflict with or discourage the principal permitted uses of the adjacent lands or buildings.
- D. The special use shall not increase traffic hazards or cause congestion on the public thoroughfares of the area. Adequate access to the parcel shall be furnished.
- E. The water supply and sewage disposal system shall be adequate for the proposed special use; however, the use shall not overburden any existing services or facilities.
- F. Uses by special use shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, flashing lights, or disposal of waste than the operation of any principal permitted uses; nor shall the use increase hazards from fire or other dangers to either the property or adjacent property.
- G. The special use shall be consistent with the intent and purpose of this Ordinance and in conformance with the intent of the Mills Township Master Plan, shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.
- H. Site Plan Condominium and Open Space Preservation Developments – All site plan condominium and open space preservation developments shall comply with the following:
 - 1. All site plan condominium and open space preservation developments shall have immediate and direct access to an adjoining publicly dedicated and accepted road and each lot or condominium unit within the development shall have internal vehicle access from and to that public road. All public or private roads within such developments shall be located up on rights of way of at least 66 feet in width, whether publicly dedicated. There shall be submitted with the application for special use permit the condominium master deed, by-laws or reciprocal easements, satisfactory to the township, evidencing the required access and road requirements.
 - 2. In an open space preservation development there may be developed on specified portions of the parcel(s) included within the development, not to exceed 50% of the total area of the development parcels(s), the same number of dwelling units available under this Ordinance to the entire parcel(s) area in the residential zoning district wherein the development is located. Provided however, that not less than 50% of the area of the entire open space preservation development parcel(s) shall remain perpetually in an undeveloped state by means of a conservation easement as defined in section 2140 of the Natural Resources and Environmental Protection Act 1994 PA 451 as amended, plat dedications, restrictive covenant, or other legal means that run with the land.
 - 3. In no event shall dwelling units, condominium units, lots or building site sizes in a site plan condominium or open space preservation development be less than necessary for proper and sanitary water quality and sanitary or waste discharge. All development applications and accompanying site plans shall be accompanied with the certification of licensed engineer that the design and construction of all proposed systems of water supply and sanitary or waste discharge shall meet or exceed the minimum requirements of the Midland County health Department and/or the Michigan Department of Environmental Quality.

4. All site plan condominium and open space preservation developments shall provide for necessary and proper erosion, storm water and run off management as necessary to comply with applicable governmental regulations and prevent run off or impact upon other properties.
5. Except as authorized herein for open space preservation development density, all condominium units, lots dwelling units, buildings and structures within a site plan condominium or open space preservation development shall meet the minimum lot or unit area, building floor area, yard and setback requirements height limitations, other building and structure requirements and use regulations of this Ordinance.
6. All open space preservation developments shall comply with all provision of the Public Act 288 of 1967, the Land Division act, or Public Act 59 of 1978, the Condominium Act.
7. No condominium unit, lot or parcel of land included within an open space preservation development shall be utilized, included or its area calculated within any other such development.
8. Special use permit approval shall be given, as provided herein, prior to the recording of a master deed and exhibits for a new site plan condominium project or for the conversion or expansion of an existing site plan condominium development.
9. With the application for stie plan condominium development special use permit there shall be submitted the condominium subdivision plan as defined in and required by the "condominium Act and all site plan condominium developments shall be developed and comply with the Condominium Act.
10. All site plan condominium and open space developments shall provide for the dedication of easements to the appropriate public agencies and/or condominium units and lots within the development for the purposes of construction, operation, maintenance, inspection, repair, alterations, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement and excavation and refilling of ditches and trenches necessary for the location of such installations.
11. All roads, vehicle or pedestrian access, utilities, easements and common areas required for maintained for the benefit of properties within a site plan condominium or open space preservation development shall be constructed improved and maintained by the owners of properties within the development. Costs associated with this construction, improvement and maintenance shall be made a lien and assessment against the properties within the development. There shall be submitted with the application for special use permit the condominium master deed, by-laws or other contractual agreement, satisfactory to the Township, evidencing the lien, assessment and collection obligations among the properties.
12. Approval of special use permit for a site plan condominium or open space preservation development under this ordinance shall not be deemed approval as may be required under any other law or regulations.

- I. Mobile home parks must meet and be operated at all times in compliance with all State Codes and Standards.
 - J. Junkyards – all junkyards shall be licensed under the provisions of Act 12 of the Public Acts of Michigan of 1929 and Compiled Laws as amended. Said junkyards shall comply further as follows:
 - 1. A solid fence or wall of eight (8) feet in height shall be surrounding the site to screen said site from the public thoroughfare and from adjacent property. Said fence or wall shall be of sound construction, and shall be painted, or otherwise finished neatly.
 - 2. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that moveable equipment used on the site may exceed the height of said fence and wall. No equipment or material shall be used or stored outside the enclosed area.
 - K. All permits issued must meet Sate Codes and Standards.
- 12.07 Conditions and Terms of Special Use Permits – Any Special Use Permit approved by the Township Board pursuant to the provisions of this Ordinance shall be binding between the parties and said use shall not be modified, altered, expanded or otherwise changed, unless the Special Use Permit holder obtains a new or amended Special use permit in accordance with the provision of this Article. Further, Special Use Permits and all conditions or limitations therein shall run with the land and shall be binding on the landowners, his successors, heirs and assigns. If at any time during the existence of a permitted special use the land, lot parcel or structures thereon are used contrary to the conditions and provisions of the permit, said use shall be deemed a violation of the Special Use Permit and this Ordinance, the permit may be revoked by the Township Board and the previously permitted special use shall cease. In all events, if the use established by Special Use Permit shall be discontinued for a period of one (1) year, the Special Use Permit shall expire and any further use requiring a Special use Permit shall be commenced or continued only after new application and issuance of a subsequent Special use Permit.
- 12.08 Special Use Procedures – Ann application for permission to establish a special use shall be submitted and acted upon in accordance with the following procedures:
- A. Application – an application and Site Plan, filled out in triplicate, shall be submitted through the Township Clerk to the Planning Commission. Each application shall be accompanied by a fee, in accordance with the schedule of fees as established by the Township Board.

One copy of said application and plan shall be returned to the applicant together with permit upon approval by the Township Board, through the Township Clerk.

Special use permits may be reviewed annually in January by Zoning Official to ensure compliance. Where compliance is found, the permit is automatically continued. A fee may be imposed by the Township Board to offset this cost of review.
 - B. Hearing and Notice – The planning commission shall hold a public hearing on the special use request. Notice of the hearing shall be provided as required by the Zoning Enabling Act. The Township Board may deny, approve, or approve with conditions, a request for special land use

approval. The decision on a special land use shall be incorporated in any statement containing the conclusions relative to the special land use under consideration, which specifies the basis for the decision and any conditions imposed.

- C. Action on request – A notice shall be sent to applicant signed by the Chairman or Clerk of the Township Board, informing him/her of the decision made by the Township Board. A copy of this notice shall be filed with the Township Clerk and a copy to the Planning Commission.

The reasons for approval or disapproval will be given in writing.

- D. Appeals – if the request for special use is denied, then applicant may appeal the decision of the Township Board within 30 days of said decision to the Zoning Board of Appeals. Upon filing of an appeal, the applications, all relevant documents, testimony, findings and decisions of the Township Board and Planning Commission shall be made available to the Zoning Board of Appeals.

- 12.09 Re-zoning and Amendment Procedures – The procedure for re-zoning of property or amendments, including public hearing and notice shall be the same as for special uses, except the following:

- A. The Township Planning Commission after reviewing the request, shall send its recommendation, along with all pertaining material and a copy of minutes of the Public hearing to the Midland County Planning Commission and a copy to the Mills Township Board.
- B. The Midland County Planning Commission shall then have 30 days within which to make its recommendations to the Township Board, who shall then act on the request at their next meeting.

- 12.10 Financial guarantees – To ensure compliance with this Ordinance and any conditions imposed upon approval of a special use permit, the Township Board may require that a cash deposit certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements necessary to satisfy conditions imposed be deposited with the Clerk of the Township.

Article Thirteen: Site Plans

- 13.01 Purpose – An approved Site Plan is necessary to ensure that the proposed land use or activity follows this Ordinance. The Site Plan shall be required prior to receiving zoning approval for use, erection, or enlargement of any building or structure.

- 13.02 Class “A” Site Plan Requirements – A Class “A” Site Plan shall be required for the following buildings or structure; Single and multiple-family dwellings, basement dwellings, special use and any customary accessory use; and any other non-residential buildings or structures which are like residential uses when considering floor area, solid waste loads, water use, traffic congestion, noise, smoke, odor and construction costs.

This Site Plan shall include a sketch plan with accurate dimensions showing:

1. Legal descriptions of the lot, the name, address and telephone number of the owner of said lot.

2. The boundary lines of the lot, including an arrow pointing North.
3. The shape, size, location and height of all existing and proposed buildings and structures.
4. Existing public thoroughfares and right of ways, driveways, parking areas, public or private utility systems, sewage systems and wells or water supply sources.
5. Existing natural or man-made features such as woods, streams, rivers, lakes and ponds.
6. A description of adjacent uses.
7. The current zoning classifications.
8. Any other information necessary to establish compliance with this Ordinance.

13.03 Class “B” Site Plan Requirements – A Class “B” Site Plan shall be required for all site plan condominium and open space preservation developments, other non-residential uses, buildings, or structures including churches, public buildings, commercial uses and industrial uses.

This Site Plan shall be legible and contain the following:

1. Legal descriptions of the lot, the name, address and telephone number of the owners, developers and/or designers.
2. The boundary lines of the area, including angles, dimensions and reference to a section corner, quarter section corner, or point on a recorded plat; an arrow pointing North, and the lot area of the land included in the Site Plan.
3. The shape, size, location and height of all existing and proposed buildings and structures.
4. Natural features such as woods, streams, rivers, lakes or ponds; with indication as to which are to be retained and which are to be removed or altered.
5. Existing and proposed thoroughfare, driveways, parking lots, loading spaces and sidewalks.
6. The size and location of all existing and proposed public or private utilities including sewage disposal systems, wells or water sources.
7. A description of adjacent uses.
8. The current zoning classification.
9. Any other information necessary to establish compliance with this Ordinance. And shall comply with State and Federal regulations.

13.04 Review Procedures – Upon receipt of a Class “A” Site Plan (except for the special uses) the Zoning Official shall review said plan to determine whether it is proper form, contains all the required information and shows compliance with this Ordinance. Upon request by the applicant, the Zoning Official shall, within ten business days, approve or deny the Site Plan giving his response in writing.

Class “A” Site Plans, when being used for a special use permit, all Class “B” Site Plans shall go through the Zoning Official to the Township Board for review.

A denial of any Site Plan shall set forth in detail the reasons, which shall be limited to any defect in form or required information any violation or inadequacy of any utility, facility or structure. The applicant may appeal any denial to the Zoning Board of Appeals.

13.05 Financial guarantees - To ensure compliance with this Ordinance and any conditions imposed upon Site Plan approval, the Zoning Official or the Township Board may require that a cash

deposit certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements necessary to satisfy conditions imposed be deposited with the Clerk of the Township.

Article Fourteen: Parking

14.0 Purpose – Every property owner shall provide and maintain an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated thereto for all occupants, employees and patrons of said property.

14.02 General Requirements

- A. All off-street parking areas that make it necessary for vehicles to back out directly onto a public thoroughfare shall be prohibited, except for off-street parking areas of residential dwellings.
- B. Space for all necessary loading and unloading operations for any commercial, industrial, or other use shall be provided in addition to the required off-street parking space. All loading and unloading operations shall be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

14.03 Minimum Required Parking Spaces

- A. Single and Multiple-Family dwellings – Two parking spaces per family unit.
- B. Retail stores, grocery stores and personal service shops – One parking space for each 100 square feet of floor area.
- C. Bowling alleys – Three parking spaces per alley.
- D. Motels – One parking space for each separate unit.
- E. Churches – One parking space for each four seats.
- F. Assembly halls and Public Buildings – One parking space for each 100 square feet of floor area.
- G. Restaurants and Nightclubs – One parking space for each 100 square feet of floor area.
- H. Schools – One parking space for each employee normally engaged in or about the building or grounds.
- I. Other uses not specifically mentioned – In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for use which is so mentioned, and to which said use is similar in terms of parking demand shall apply.
- J. Mixed uses in the same building – In the case of buildings having mixed uses in the same building, the amount of parking space for each use specified shall be provided, and the space for use shall not be considered as proving required space for any other use.
- K. follow state law for handicap/disabled space parking.

- 14.04 Changes in Requirements – The Zoning Board of appeals shall have authority to grant a variance from the foregoing where it is satisfied under the circumstances, prevailing that the requirements for off-street parking are unnecessarily too large for the particular development.

Article Fifteen: Signs

- 15.01 Purpose – The purpose of regulating outdoor advertising and signs is to enhance the health, safety and general welfare, to preserve scenic and natural beauty, and to make the Township a more enjoyable and pleasing community.
- 15.02 Permit Required – No person shall alter, relocate, erect, or construct a sign, not exempt under this Ordinance, unless a permit for same has been issued by the Mills Township Board pursuant to the procedure hereinafter set out.
- 15.03 Application for Permit – Written application shall be made on forms provided therefore by the Township. All applications shall include the following information:
- A. Height of the sign above the ground.
 - B. Surface of the sign, material color and dimensions.
 - C. Area of sign surface.
 - D. Lettering of sign drawn as it will appear on the erected sign.
 - E. Method and color of illumination, if any.
 - F. Logos, emblems, or additional features.
 - G. Such additional information as the Planning Commission or Mills Township board deems necessary and/or pertinent to the application.
 - H. A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale.

Copies of the application and all plans and supplemental statements of information required therewith shall be filed and the Mills Township Board together with the fee therefore as shall be established by Mills Township board. The fees shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Township.

- 15.04 Granting and Issuance of Permit – upon receipt of all necessary submissions required by this Ordinance, the Mills Township board shall review the application for conformity with the requirements of this Ordinance. The Mills Township board shall either approve or deny the application within reasonable time. A permit shall be issued for a sign that meets the requirements set forth in this Article. Approval may be conditioned upon compliance with reasonable regulations or limitations having regard to the character of the sign, the surroundings in which it is to be displayed, and the purpose of this Ordinance. A permit may be for a limited amount of time for a temporary sign. A permit issued hereunder shall not be assigned or transferred to any manner whatsoever if the sign or signs covered by the permit are to be altered.

- 15.05 Suspension – Any permit may be suspended by the Mills Township Board whenever:
- A. Any provision of this Ordinance is being violated.
 - B. Any condition of the permit is not being observed.
 - C. It is necessary to preserve or protect public health, safety or welfare.
- 15.06 Exemptions from Permit Requirement – The following non-illuminated signs shall be permitted in all districts without obtaining a permit prior to installation:
- A. Regulatory and street signs.
 - B. Special decorative displays for holidays, civic welfare or charitable purposes when authorized by the Mills Township Board on which there is not advertising material.
 - C. Municipal signs as installed or approved by the Township Board. This may include legal notices, emergency signs, other signs as sanctioned by the mills Township Board such as for community events.
 - D. Flags bearing the official design of the United States, State of Michigan, a public education institution. No more than three (3) flags will be permitted on any single lot of record. In residential districts, flats are limited to maximum size of 35 square feet.
 - E. Institutional bulletin boards not over sixteen (16) square feet in sign area for public, charitable, educational or religious institutions when the bulletin board is located on the premises of said institutions at least twenty (20) feet from any property line.
 - F. Real estate signs.
 - G. Political signs are subject to the following:
 - 1. Signs related to an election shall not be erected more than 60 days before the date of the election to which the sign pertains and shall be removed no later than 7 days after an election.
 - 2. Signs shall be located outside of the public right of way and shall in no way create a traffic hazard due to reduced vision of motorists or pedestrians.
 - 3. In residential districts, political signs shall be limited to a maximum total sign area of 36 square feet for all signs and 6 square feet for any individual sign. Political signs shall be ground mounted.
- 15.07 Signs in Residential Districts. – Only the following types of signs are allowed within the residential districts (Residential A, Residential B and Residential Conservations, RC):
- A. Signs exempted from the permit requirements of this Article.
 - B. Real Estate Development signs as temporary signs limited to one sign per entrance to the development. Such sign shall not exceed 30 square feet in sign area per side and shall not exceed 7 feet in height.

- C. Ground signs in residential districts are allowed only by Special Use Permit. There shall be no more than one ground sign located upon any one residentially zoned lot. Permitted ground signs shall have no more than two faces, each with a maximum exterior dimension of 2 foot by 3 foot.
- 15.08 Signs in Agricultural, commercial and Industrial Districts – Only the following types of signs are allowed within the Agricultural, Commercial and Industrial districts:
- A. Signs exempted from the permit requirements of this Article.
 - B. No signs, except those established by the Mills Township, Midland County or State or Federal governments shall be in, project into or overhang a public right of way or dedicated public easement.
 - C. Driveway entrance signs shall not exceed 60 square feet in sign area.
 - D. Real Estate Development signs as temporary signs limited to one sign per entrance to the development. Such sign shall not exceed 30 square feet in sign area per side and shall not exceed 6 feet in height.
 - E. Wall signs, subject to the following standards:
 1. Wall signs must be installed at least 8 feet above the ground level or sidewalk, whichever is higher, and shall not extend higher than the roofline. If a sign is proposed to be mounted to a mansard roof, the centerline of the wall sign shall correspond with the centerline of the mansard roof.
 2. Wall signs mounted on a building shall not project above the highest point used to measure the height of the building.
 3. A wall sign shall only be used to display the name of the firm, the address or a symbol on the front of the building unless otherwise approved by the Township Board.
 - F. Ground Signs, subject to the following standards.
 1. Ground signs may not be located between a driveway and the closest property line.
 2. Ground signs may not be located closer than 50 feet from any adjacent residentially zoned property and shall not inhibit the vision of the motorists and pedestrians. All ground signs must maintain a triangular clear vision area measured 25 feet back from the intersection of public right of way lines. In no case shall a ground sign be located within a right of way or within 10 feet of any right of way.
 3. The height of a ground sign is measured by the distance from the level of the ground at the nearest property line to the highest point of the sign structure, including any supportive or decorative appendages.
 - G. Sign illumination for exterior signage.
 1. Electrical requirements pertaining to signs shall be as prescribed in the current building code of the township.

2. If illuminated, signs shall be illuminated only by the following means.

a. By a steady, stationery light of reasonable intensity, shielded and directed solely at the sign.

b. By interior light with no visible exposed neon tubing.

C. Light source to illuminate signs shall be shielded from all adjacent residential districts, buildings and streets and shall not be of such brightness as to cause glare that is hazardous to pedestrians or auto drivers or to create a nuisance to adjacent residential districts. For internal florescent lighting transformers shall not exceed 800 milliamps and for neon lighting, transformers shall not exceed 30 milliamps.

15.09 Appeals and Variances – Any person aggrieved by grant, denial, conditions, notice or order of the Mills Township board, issued in connection with the provisions of this Article on signs may file a petition wit the Zoning Board of Appeals. Any petition shall be filed within 30 days after the Board certifies its decision in writing or approves the minutes of its decision.

15.10 Abandoned signs – If the mills Township Board finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Mills Township Board shall issue a written order to the sign owner and occupant of the premises stating the nature of the violation and requiring the sign to be repaired or removed within 30 days of the date of the notification Order/Letter. In cases of emergency, the Mills Township Board may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as provided by the Township Board.

Article Sixteen: Zoning Board of Appeals

16.01 Appointment – In accordance with the Zoning Enabling Act, the Township Board shall appoint a Zoning Board of Appeals consisting of five (5) members. One member of the said Board shall be a member of the Township Board, and one member of the Planning Commission. The remaining members hall be selected from the electors of the township residing within the unincorporated potions of the township. An elected officer of the township shall not serve as Chairman.

Zoning Board of appeals members may be removed from office by the township Board for non-performance of duty or misconduct in office upon written charges and after a Public hearing. A member shall disqualify himself from voting in which he has a Conflict of Interest.

Members shall be compensated on a per diem basis and as expenses are incurred in the discharge of t heir duties in such amounts as shall be determined by the Township Board.

16.02 Functions – The functions of the Zoning Board of Appeals is to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Official. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. It may further grant variances from this Ordinance where there is practical difficulty or unnecessary hardship in conforming to this Ordinance so that the spirit of this Ordinance shall still be observed, public safety secured, and substantial justice done.

16.03 Meetings – Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and shall be open to the public. The Chairman may administer Oaths and compel the attendance of witnesses. Said Board shall maintain a record of its proceedings, which shall be public record on file with the Township Clerk.

16.04 Variance Requests and Procedures – A variance from the terms of this Ordinance may be requested by any property owner or by an officer, department, board or bureau of the Township.

Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible in said district under the terms of this Ordinance.

- A. Filing Procedure – A written application for a variance shall be submitted to the Zoning Official, accompanied by a fee, in accordance with the schedule of fees as established by the Township Board, to defray costs of processing the application. The application shall demonstrate the following:
1. That special conditions and circumstances exist which are peculiar to the land, building or structure involved and which are not applicable to other lands, buildings, or structures in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Ordinance to other lands, buildings, or structures in the same district.
 4. That the granting of the variance would eliminate or alleviate a practical difficulty or unnecessary hardship in conforming with this Ordinance so that the spirit of the Ordinance would still be observed, public safety secured, and substantial justice done.
- B. Procedures of the Zoning Board of Appeals – The Zoning official shall forward the variance request application, along with copies of all pertinent information to the Township Clerk. The Township Clerk will then forward the variance request, along with copies of all pertinent information, to the Zoning Board of Appeals. The said Board shall then initiate hearing procedures. The Zoning Board of Appeals shall be the authority to determine that the applicant for a variance has met the requirements of this Ordinance. Said Board shall further determine:
1. That the reasons set forth in the application for a variance justify the granting of the variance and that said variance is the minimum variance that will make possible the use of the land, building, or structure.
 2. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- C. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of said conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance and punishable as herein provided in this Ordinance.

16.05 Voiding of and Reapplication for Variance – The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such variance is commenced within 90 days after granting of said variance, and
 - 2. Construction is pursued diligently to completion.
 - B. No application for a variance which has been denied wholly, or in part, by the Zoning Board of Appeals shall be resubmitted for a period of 365 days from such denial, except on grounds of new evidence or proof of changed conditions found by said Board to be valid.
- 16.06 Appeal Requests and Procedures -An appeal may be made by any property owner, or by an officer, department, board, or bureau of the township. An appeal may be made against any order, requirement, decision, grant, or refusal made by the Zoning Official or Township Board.
- A. Filing Procedure – In filing an appeal, the procedure shall be as follows:
 - 1. The application for an appeal shall be filed with the Township Clerk within 30 days of the action being appealed and shall state the grounds for the appeal.
 - 2. Except where the applicant is a public agency, a fee, as set by the Township Board, to defray costs of publishing, hearing and recording the matter shall accompany the filing of the applications.
 - 3. A copy of the appeal application shall be served upon the Zoning Official or Township Board and shall also be submitted to the Zoning Board of Appeals.
 - 4. Upon notification of appeal application, the Zoning Official shall immediately forward copies of all papers and information pertinent to the matter to the Zoning Board of Appeals.
 - B. The Zoning Board of Appeals shall then institute hearing procedures.
 - C. An appeal shall stay all proceedings, in furtherance of the action appealed from; unless the Zoning Official certifies to the Zoning Board of Appeals that, by reasons of acts stated to the Zoning Board of Appeals that, by reasons of facts stated in the certificate, a stay, would in his/her 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 said Board after notice to the Zoning Official.
- 16.07 Hearing Procedures (Appeals and Variance Applications) - When the Board of Appeals receives notification of an appeal being filed, or a request for a variance, it shall hold a public hearing. Notice of the hearing shall be provided as required by the Zoning Enabling Act.
- 16.08 Decisions
- A. The Zoning Board of Appeals shall make its decision upon an appeal or variance request within 15 days after the last hearing thereof.
 - B. The decision shall include the reason(s) for the decision.

- C. A copy of the decision shall be filed with the Township Clerk, with the Zoning Official, with the Planning Commission and with each involved party.
 - D. A decision on an appeal shall be final unless any person having an interest affected by such Ordinance shall exercise his/her right to appeal to the Circuit Court. Appeals to the Circuit Court shall be filed in accordance with the Zoning Enabling Act.
- 16.09 Financial guarantees – To ensure compliance with this Ordinance and any conditions imposed upon approval of a special use permit, the Township Board may require that a cash deposit certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements necessary to satisfy conditions imposed be deposited with the Clerk of the Township.

Article Seventeen: Amendments

- 17.01 Amendments or Supplements – Amendments or supplements to this Ordinance may be made in the manner provided by the Zoning Enabling Act, the same manner as the enactment of the original Ordinance.

Article Eighteen: Enforcement and Penalties

- 18.01 Administration – The Township of Mills shall appoint a Zoning Official to act as its officer to effect proper administration of this Ordinance. The term of appointment, rate of compensation and any other conditions of appointment shall be established by the Township Board.
- 18.02 Enforcement – For the purpose of this Ordinance, the Zoning Official may enter at all reasonable times in or upon any private or public property for the purpose of inspecting or investigating the conditions and practices which may be a violation of this Ordinance. A written notice shall be sent to any person, firm or corporation who is deemed to be in violation.
- 18.03 Violations and Penalties – Any person or other entity who violates any provision of this Ordinance or any part thereof is responsible for municipal civil infraction as defined by Michigan law and subject to civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In not case, however, shall costs be less than \$9.00 or more than \$500.00 is ordered. In addition, all violations of this Ordinance or any part thereof are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

Article Nineteen: Repealing Clause and Severance Clause

- 19.01 Repealing Clause – This Ordinance shall repeal any zoning ordinance dated prior to the effective date of this ordinance. The repeal of existing ordinances shall not however, affect, impede or prevent any pending or future prosecution of, or action to abate any violations of the exiting ordinances if the use or property in violation is in violation of the provisions of this Ordinance.
- 19.02 Severance Clause – Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, clause, or provision hereof be declared by any Court to be unconstitutional

or invalid, such holdings shall not affect the validity of this Ordinance as a whole, or any part hereof, other than the part so declared to be unconstitutional or invalid.

Article Twenty: Effective Date

20.1 This ordinance shall become effective on the 9th day following publication thereof.

Adopted by the Township Board, Township of Mills, Midland County, Michigan at a meeting of the Township Board.

Dated: _____

Dan Bloom, Supervisor

Maxine Brink, Township Clerk