

Ordinance 2008-001

Zoning Ordinance

Milan Township

Monroe County, Michigan

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MILAN TOWNSHIP ZONING ORDINANCE

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APRIL 2008

updated as of August 2018 and January 2022

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ARTICLE 1 - TITLE, PURPOSES AND LEGAL CLAUSES

1.00. TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Milan Township”.

1.01. REPEAL OF ORDINANCE

The Milan Township Zoning Ordinance adopted on June 10, 1981 and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

1.02. PURPOSES

The Milan Township Zoning Ordinance is based on the Milan Township Future Land Use Plan, adopted on May 13, 2004. This Ordinance has been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Encouraging the use of lands in accordance with their character and adaptability, and to limit the improper use of land;
3. Conserving natural resources and energy;
4. Meeting the needs of the state’s citizens for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
5. Insuring that use of the land shall be situated in appropriate locations and relationships;
6. Limiting the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
7. Facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
8. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
9. Conserving the taxable value of land, buildings, and structures throughout the Township;
10. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;

11. Creating a Board of Appeals and defining the powers and duties thereof;
12. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
13. Providing for the payment of fees for zoning permits; and
14. Providing penalties for the violation of this Ordinance.

1.03. VALIDITY AND SEVERABILITY CLAUSE

1. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provision of this Ordinance not specifically included in said ruling.
2. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot district, use, building or structure, such ruling shall not affect the application of said provision to any particular land, parcel, lot district, use, building, or structure not specifically included in said ruling.

1.04. CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

ARTICLE 2 - DEFINITIONS

2.00. INTERPRETATION

For the purpose of this Ordinance, certain term or word uses shall be interpreted as follows:

1. The word person includes a firm, association, organization, partnership, trust, corporation or company, as well as an individual.
2. The present tense includes the future tense; the singular number includes the plural and the plural number includes the singular.
3. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or occupied.
4. Any word or term not defined herein shall have the meaning of common or standard use which is reasonable for the context in which used herein.
5. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose decision may be appealed to the Zoning Board of Appeals.

2.01. DEFINITIONS

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

Accessory Buildings (or Accessory Structures). A structure detached from and located on the same lot as the principal building, the use of which is clearly subordinate and incidental to that of the principal building or the use of the land. Typical examples of accessory buildings include garages, storage sheds, or gazebos.

Adult Foster Care Family Home. A private residence, licensed by the State of Michigan, with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks.

Adult foster care large group home. A facility, licensed by the State of Michigan, with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Adult foster care small group home. A facility, licensed by the State of Michigan, with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in

addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

Agriculture. The science or art of cultivating the soil, producing crops, and the raising of field or tree-crops or animal husbandry as a principal means of livelihood.

Airports. A tract of land, either private or public, that is maintained for the landing and takeoff of aircraft.

Alley. A thoroughfare through the middle of a block giving access to the rear of lots or buildings, but not intended for general traffic circulation.

Alterations. Any change, addition or modification in construction or type of occupancy, and any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Amusement Park. A parcel of land used for swimming, boating, dancing, skating, merry-go-rounds, roller coasters, theaters, arcades, fun houses, carnivals and other similar uses and their facilities, but not shooting galleries, race tracks, zoos, stables, riding academies.

Animal. A non-human zoological species, classified for purposes of this Ordinance as follows:

1. Class I Animal: Domesticated household pets.
2. Class II Animal: An animal which is normally part of the livestock maintained on a farm including:
 - A. Bovine and like animals, such as cows.
 - B. Equine and like animals, such as horses.
 - C. Swine and like animals, such as pigs and hogs.
 - D. Ovis (ovine) and like animals, such as sheep and goats.
 - E. Other animals, similar to those listed above, weighing in excess of seventy-five (75) pounds, and not otherwise specifically classified herein.
3. Class III Animal: Rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as waterfowl, such as pheasant, quail, geese or grouse, and other animals weighing less than seventy-five (75) pounds not specifically classified herein.
4. Class IV Animal: Furbearing animals such as mink, chinchillas, muskrat, nutria, otter, skunk, and weasel.

Apartment. A residential structure containing three or more attached, one (1) family dwellings.

Apartment, Efficiency. A dwelling unit, consisting of not more than one (1) room in addition to kitchen and necessary sanitary facilities.

Ashes. Means the residue from the burning of wood, coal, coke or other combustible materials.

Automobile Body Shop. A business which provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.

Automobile Repair Station. A business which provides or offers for sale to the motoring public the items and materials and services normally obtainable in an automobile service station. In addition, the repair station provides vehicular rescue service and emergency road service, and may conduct major mechanical, electrical, cooling, exhaust, and power system and similar repairs. Minor body repairs may be made but operations such as bumping, welding, reshaping, resurfacing, sanding, and paint spraying to restore wrecked vehicles to serviceable condition are prohibited.

Automobile Service Station. Building and premises where gasoline, oil, grease, batteries, tires, car washing and automobile accessories are dispensed at retail cost and minor maintenance services may be provided. Uses permitted at an automobile service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in automobile service stations. An automobile service station is not a repair garage or body shop.

Automobile Wash Station (Car Wash). A building, or portion thereof, the primary purpose of which is that of washing and cleaning motor vehicles.

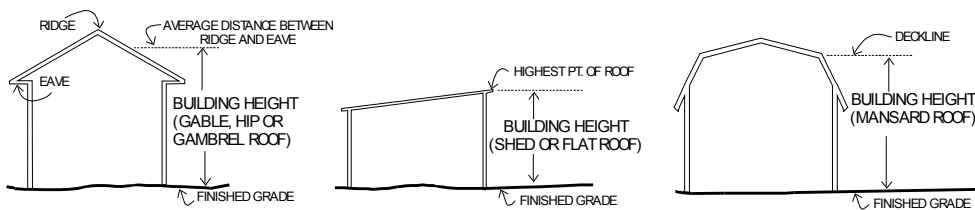
Basement. The portion of a building which is partly or wholly below grade but so located that the vertical distance from the average contact grade to the top surface of the basement floor is greater than or equal to the vertical distance above the average contact grade to the basement ceiling.

Bed and Breakfast Inn. A residence occupied by an owner-operator providing accommodation for compensation with no more than four guest rooms in which breakfast may be served to guests. Guests are people who lodge for stays of no more than 14 days in succession or a total of 60 days in any 12 month period.

Blight. A condition depreciating real property by reason of physical deterioration or otherwise, which condition may endanger the health, safety or welfare of either the occupants of the real property or of others in the community at large.

Building. An enclosed structure having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels.

Building Height. The vertical distance measured from the finished floor of the first story to the highest point of the roof for a flat roof, to the deck line of a mansard roof, or to the midpoint elevation between eaves and ridge for a gable, hip, or gambrel roof of a building. The first story shall be considered the lowest story of which the ceiling is four (4) feet or more above the average contact grade level at any exterior wall of the building.



BUILDING HEIGHT

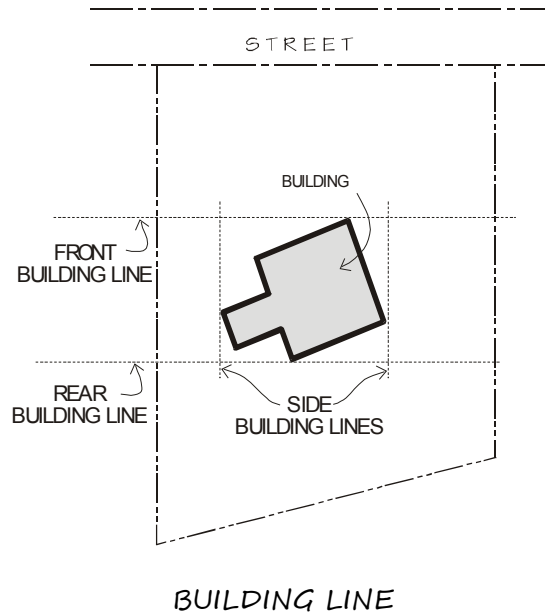
Building Inspector. This term shall refer to the Building Inspector of the Township of Milan, or his authorized representative.

Building Line.

Building Line, Front. A line parallel to the street line touching that part of the building closest to the street.

Building Line, Rear. A line parallel to the front building line touching that part of the building farthest from the front building line.

Building Line, Side. A line perpendicular to the front building line touching that part of the building extending closest to the side lot lines.



Building, Main or Principal. A building in which is conducted the principal use of the lot upon which it is situated.

Buildings, Municipal. Structures relating to the internal affairs of a political unit of self-government and including, but not limited to, such buildings as fire stations, Township or village halls, and libraries.

Building Permit. A building permit is the written authority issued by the Building Inspector of the Township of Milan permitting the construction, removal, repair, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

Campground . A parcel or tract of land that is established and maintained for the purpose of temporarily housing transient occupants in tents, motor homes, travel trailers or similar portable, non-permanent sleeping quarters.

Club. Buildings or facilities owned and operated by an organization of persons for social or recreational purposes for members and guests, but not operated for profit or to render a service customarily carried on as a business.

Commercial Use. The use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services or the maintenance of offices, or recreational or amusement enterprises.

Commercial Use, Agricultural Related. Commercial activities located on farms which are directly related to agricultural products and processes which are, for the most part, grown, raised or conducted on the farm site. Examples include: cider mills, farm markets, greenhouses, and nurseries.

Commission. This term, and the term “Planning Commission”, shall mean the Township of Milan Planning Commission.

Construction Facility. A structure situated on a construction site for a period of time not to exceed the duration of the construction project and to be used only as an office or headquarters and/or other related use, but not to be used as living quarters.

Curb. A raised concrete margin along a pavement edge used to control drainage, protect pedestrians and discourage traffic from crossing.

Density. The number of dwelling units developed on an acre of land.

District, Zoning. A portion of the unincorporated part of the Township of Milan, Monroe County, Michigan, within which, on a uniform basis, certain uses of land and buildings are permitted and certain other uses on land and buildings are prohibited as set forth in this Ordinance or within certain yards and other open spaces are required or within which certain lot areas are established or within a combination of such aforesaid conditions are applied.

Drive-In Establishments. A business establishment which provides sales or services to customers while said customers are situated in a motor vehicle rather than in a structure.

Driveway. A private strip of land, paved or unpaved, providing vehicular access to a parcel, parking space, or garage.

Dwelling Unit. One or more rooms connected together, constituting a separate, housekeeping unit dependent of any other dwelling unit for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom sleeping, and living facilities, and shall be designed for and occupied by one (1) family only.

Dwelling Unit, Mobile Home. A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile Home does not include a recreational vehicle.

Dwelling Unit, Single-Family Detached. A detached residential building, other than a mobile home, designed for and occupied as one (1) dwelling unit only.

Dwelling, Two-Family. A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

Dwelling, Multiple-Family. A building or portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

Erected. The word “Erected” includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collections, communication, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection with, but not including buildings, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety and welfare.

Extraction Operations. Any pit, excavation or mining operation for the purpose of searching for, or removing for commercial use, any earth, sand, gravel, clay, stone, or other non-metallic mineral in excess of fifty (50) cubic yards in any calendar year. The term shall not include an oil well or excavation preparatory to the construction of a building, structure, roadway, or pipeline.

Family. An individual or group of two (2) or more persons related by blood, marriage, or adoption, including domestic employees, together with not more than two (2) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit. For the purpose of this ordinance, a family shall also be defined as not more than four (4) persons living together as a single housekeeping unit, who are not related by blood, marriage, or adoption. A family is distinct from a boarding house, club, or fraternity.

Family Day Care Home. A private home, licensed by the State of Michigan, in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. Includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

Farm. A parcel or combination of parcels of land, operated as a single unit in which bona fide raising of crops, livestock, and animal husbandry is carried on directly by which owner/operator, manager or tenant/farmer, by his own labor or with assistance of members of his household or hired employees.

Farm Buildings. Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type for the pursuit of their agricultural activities. A “pole barn” or similar structure is not necessarily a farm building unless designed and built primarily for agricultural use.

Filling. Shall mean the depositing or dumping of any matter onto, or into the ground, except common household gardening and general farm care.

Flood. Flood shall mean an overflow of water onto lands, not normally covered by water, that are used or usable by man. Floods have two essential characteristics: the inundation of land is temporary; and, the land is adjacent to and inundated by overflow from a watercourse, or lake or other body of standing water.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency (FEMA) that includes flood profiles, flood boundary, floodway maps, and the water surface elevation of the base flood.

Flood Insurance Rate Map. The Flood Insurance Rate Maps for Milan Township, Monroe, Michigan, dated April 20, 2000, Panel Numbers 0010, 0020, 0030, 0035, 0040, 0045, 0175, 0180, and 0185.

Flood, 100-Year. A one-hundred (100) year flood shall mean a flood having an average frequency of occurrence in the order of once in one-hundred (100) years, although the flood may occur in any year.

Flood Plain. Flood plain shall mean the relatively flat area or low lands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by floodwater.

Floodway. Floodway shall mean the channel of any watercourse and those portions of the flood plain adjoining the channel which are reasonably required to carry and discharge flood water.

Floor Area. The floor area of a building shall be the sum of the gross horizontal floor areas of the several stories of a building as measured to the exterior face of the exterior walls, plus that area similarly measured of all other floors except basements, that are accessible by a fixed stairway, storage areas, recreation rooms, boiler rooms, and other areas within or contiguous to the structure, and the measurement shall include the floor area of all accessory buildings measured similarly.

Floor Area, Ground. The ground floor area of a building shall be the area covered by the footprint of the building, not including any porches or decks.

Garage, Commercial. Any garage other than a private garage available to the public, operated for gain and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Garage, Private. An accessory building used for parking or storage of vehicles.

Garbage. Means rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend

the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

Grade. Is deemed to mean a ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by determining the average elevation of the ground for each face of the building.

Grain Elevator. A central facility for the handling and storage of grain from many farms, and where the sale of seed, fertilizer and other related goods is carried on.

Greenbelt. A strip of land which is either landscaped in accordance with Planning Commission specifications that acts as a barrier to other land use or undeveloped as in agricultural districts that acts as a filtering agent for storm water runoff.

Ground Floor Area. (see *Floor Area, Ground*).

Group Day Care Home. A private home, licensed by the State of Michigan, in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. Includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.

Hazardous Materials or Substances. Hazardous Materials or Substances are those materials or substances that requires a State, Federal or local permit for use, storage, transportation or production. (Amended 04/08/10)

Highway. A public thoroughfare or street, except alleys, but including Federal, State, County and Township roads and those appearing upon plats recorded in the Office of Register of Deeds for Monroe County, Michigan.

Historic Sites. Areas usually limited in size, such as a building, structure, or parcel of land, established primarily to preserve objects of local, regional, state and/or national significance commemorating important persons, historic events or superlative examples of a particular style of construction or art form as listed in the National Register of Historic Sites, State of Michigan Historic Register, and/or the Monroe County Museum Register of Historic Sites.

Home Occupation. An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of dwelling unit for residential purposes, and subject to the provisions of *Section 3.08*, herein.

Hospital. An installation providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facilities.

Hotel. A building occupied as a more or less temporary abiding place for individuals, who are lodged in rooms occupied singly for hire, in which provision is not made for cooking. A hotel may include ancillary facilities such as restaurants, bars, conference and meeting rooms, and recreational facilities.

Industrial, Heavy. Uses, such as foundries, vehicle assembly plants, chemical processing plants, and the like, which due to their size, demand for public services, and nature of their process, need special sites and special care in the administration of their needs.

Industrial, Light. Uses such as Light Manufacturing, Warehousing and Terminal facilities, and intensive general service facilities which would not tax the Township for public services and subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent allowed.

Industrial Park. An area that is at a distance from the center of a city and that is designed especially for a community of industries and businesses.

Intensive Livestock Operation. An agricultural operation in which many livestock are bred and/or raised within a confined area, either inside or outside an enclosed building. While the density of confined livestock varies, it significantly exceeds that of traditional farming operations and includes both the number of livestock in the confinement area and the amount of land which serves as the waste disposal receiving area. Includes facilities such as feedlots, egg stations, fur farms, and concentrated animal feeding operations.

Junk Yards. An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles.

Kennel, Commercial. Any building, structure, enclosure or premises where five (5) or more dogs six (6) months of age or older, are kept for commercial purposes, including boarding, breeding, or sale, or the rendering of services for profit.

Kennel, Hobby. Any building, structure, enclosure or other premises where up to ten dogs six (6) months of age or older, and belonging to the occupant of the property, are kept, harbored or maintained:

1. For showing in recognized dog shows, obedience trails, or field trails.
2. For working and hunting.

3. For improving the variety or breed with a view to exhibition in shows and trials.
4. For household pets.
5. For sale and breeding.

Large Solar Energy System. A utility-scale solar energy system where the primary use of the land is to generate electric energy or other energy by converting sunlight, whether by Photovoltaic Devices or other conversion technology, for the sale, delivery or consumption of the generated energy with a capacity greater than one megawatt (MW).

Legal Holiday. The following days are termed Legal Holidays when said term is used in this Ordinance: New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.

Livestock. Any domestic animal produced or kept primarily for farm, ranch or market purposes.

Loading Space. An off-street space on the same or adjacent lot with a building or groups of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lot. A piece or parcel of land occupied or to be occupied by a building and its accessory buildings or by any other activity permitted thereon and including the open spaces required under this Ordinance and having its frontage upon a dedicated public street, road or highway. A lot may or may not be specifically designated as such on public records. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as the owner so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear and side lot lines thereof.

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

Lot Coverage. The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

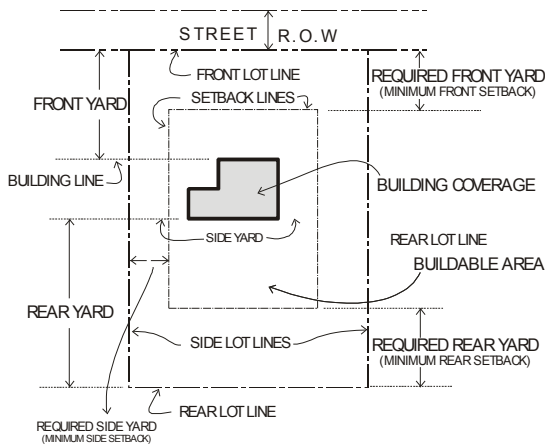
Lot Depth. The horizontal distance between the front and rear lot lines, measuring along the median between side lot lines.

Lot Lines. The lines bounding a lot as defined herein.

Lot Line, Front. In the case of an interior lot, the line separating said lot from the street right-of-way. In the case of a corner lot or double frontage lot, the line separating said lot from that street which is designated as the front street in the plat. For the purpose of this ordinance and for determining yards and setback requirements, the front lot line shall be the right-of-way line and is not necessarily the front property line, as described in the property description or deed.

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.

Lot Line, Side. Any lot lines other than front lot lines or rear lot lines.



LOT LINES

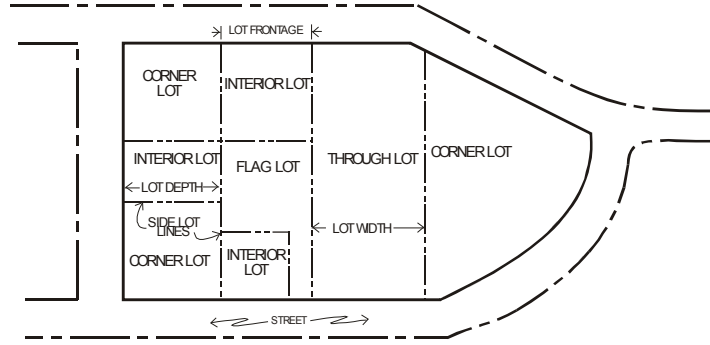
Lot Of Record: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Monroe County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to be a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Monroe County Register of Deeds.

Lot Types.

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

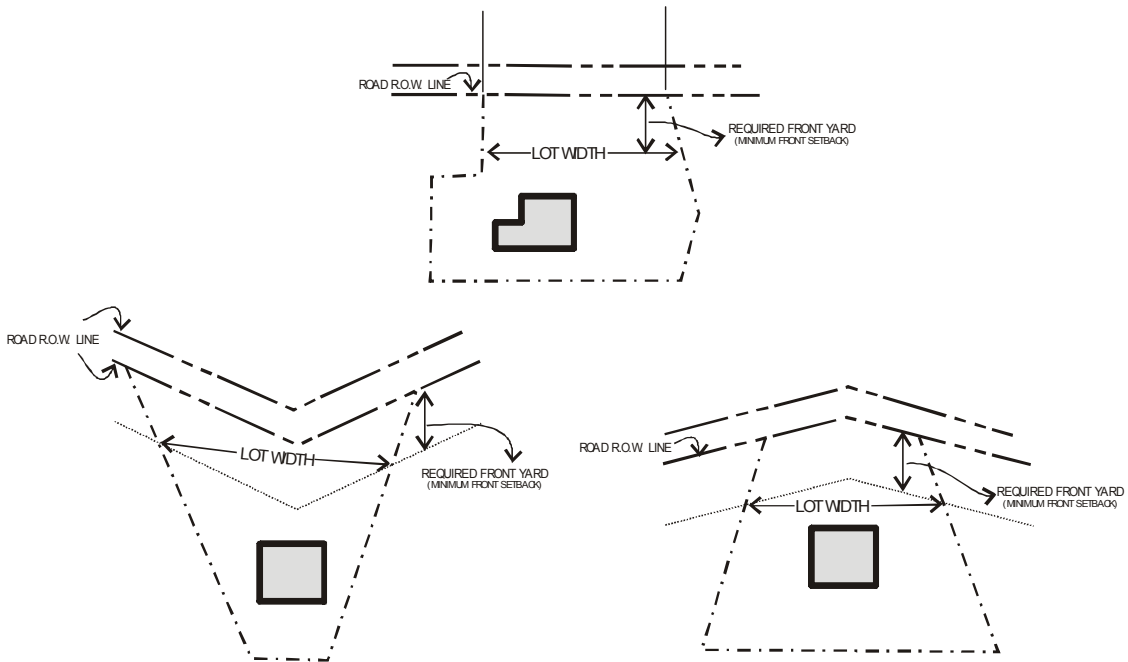
Lot, Interior. Any lot other than a corner lot.

Lot, Through or Double Frontage. Any interior lot having frontages on two (2) or more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street will be designated as the front street in the plat .



LOT TYPES

Lot Width. The horizontal distance between the side lot lines measured along a line parallel to the front lot line at the two (2) points where the minimum front yard setback line intersects the side lot lines.



LOT WIDTH

Master Plan. Is the comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the Township of Milan, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or Township Board.

Migratory Labor (Housing). Temporary facilities provided for the housing of workers who for seasonal purpose are employed in the planting, harvesting, or processing of crops, or for other essential but temporary employment.

Mini-Warehouse. (see Self-Service Storage Facility)

Mobile Home. See definition of Dwelling Unit, Mobile Home, herein.

Mobile Home Commission Act. Mobile Home Commission Act, Act 96 of 1987 .

Mobile Home Park. A parcel or tract of land under the control of a person upon which 3 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Mobile Home Site. A parcel of ground within a mobile home park designed for accommodating one (1) mobile home dwelling unit and meeting the requirement of this Ordinance for a mobile home dwelling unit and meeting the requirement of this Ordinance for a mobile home site.

Motor Home. A self-propelled, licensed vehicle prefabricated on its own chassis, intended only for recreation activities and temporary occupancy as a part of such activities.

Non-Conforming Lot. A lot which was lawful at the time this Ordinance or amendments thereto became effective but that does not conform to the area, dimensions, or location regulations of the district in which it is located.

Non-Conforming Structure or Building. A structure or part thereof lawfully constructed and existing at the effective date of this Ordinance, or amendments thereto, that does not conform to the area, placement and height regulations, and off-street parking and loading requirements of the district in which it is located.

Non-Conforming Use. A structure, lot, or other parcel of land lawfully occupied by a use at the effective date of this Ordinance or amendments thereto and which does not conform to the Use Regulations of the District in which it is located.

Nuisance. A nuisance consists in doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist which act or omission, condition or thing either:

- Annoys, injures or endangers the comfort, repose, health, or safety of others;
- Offends decency;
- Is offensive to the senses;
- Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passengers in any stream, public park, parkway, square, street or highway;
- In any way renders other persons insecure in life or the use of property;

- Obstructs the free use of property so as to essentially interfere with the reasonable and comfortable use thereof.
- Normal accepted practices of agriculture and mineral resource activities shall not be considered a nuisance unless the activity has a substantial adverse effect on the public health and safety.

Nursery (Plant Materials). A lot or structure or combination thereof for the storage, wholesale, sale, or retail sale of live trees, shrubs, and plants, and including as incidental sales, the sale of products used for gardening or landscaping. This definition of nursery does not include a roadside stand or temporary sales facility for Christmas trees.

Nursery Schools, Day Nurseries, Child Care Centers. A facility, other than a private residence, receiving six or more preschool or school-age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

Occupied. The word “occupied” includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

Off-Street Parking Area. A land surface providing vehicular parking spaces, along with adequate drives and aisles for maneuvering and access, for the parking of three (3) or more automobiles or trucks or other vehicles.

Open Air Business Uses. Open Air Business Uses shall include the following:

- Retail sale of trees, shrubbery, plants, flowers, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment;
- Retail sales of fruit and vegetables;
- Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, children’s amusement park and/or similar recreation uses;
- Bicycle, utility truck or trailer, motor vehicles, boats, or home equipment sale, rental or repair services;
- Outdoor display and sale of garages, swimming pools, motor homes, snowmobiles, farm implements, and similar products.

Open Front Store. A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

Open Space. Any area (open to the sky) on a lot not covered by a principal or accessory building.

Outdoor Storage. All outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Parcel. A parcel is a "**Lot**" as defined in this Article.

Parking Space. An area of definite length and width for the parking of one (1) vehicle only, said area to be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicle.

Photovoltaic Device. A system of components that generates electric energy from incident sunlight by means of the photovoltaic effect, whether or not the device is able to store the electric energy produced for later use.

Planning Commission. The Planning Commission of Milan Township as established under Act 168, Public Acts of 1959, as amended.

Pond. A body of water deeper than 2 feet and larger than 1,000 square feet, created by excavation, damming or like construction.

Public Utility. The person, firm or corporation, department, board or commission duly authorized to furnish gas, electricity, sewage disposal, communication, telegraph, transportation or water to the public under federal, state, and municipal regulations.

Quarry Excavation. See Extraction Operations.

Recreation, Commercial. A privately owned facility, including both buildings and developed on open sites, providing recreational opportunities to the public and operated for a profit.

Recreation, Public. A publicly owned facility, including both buildings and developed on open sites, providing recreational opportunities to the public and while perhaps charging fees, not operated for a profit.

Recreation Vehicle. A vehicle designed and intended for temporary occupancy during leisure time/recreation activities, either self-propelled or designed to be carried on the chassis of another vehicle or pulled by another vehicle.

Refuse. Means solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and solid industrial wastes.

Right-of-Way. A strip of land taken or dedicated for use as a public way. In addition to the roadway it normally incorporates the curbs, lawn

strips, shoulders, sidewalks, lighting, and drainage facilities. A right-of-way normally accommodates public infrastructure and utilities.

Right-of-Way Line. The line which normally determines the limit of public ownership of a street or highway. In general, the right-of-way line for county and township roads is 33 feet from either side of a street centerline.

Road. See definition of "**Street**" herein.

Roadside Stand. A structure operated only for the purpose of the retail sale of produce predominately raised or produced on the farm where situated. Its use shall not make a commercial district nor shall its use be deemed a commercial activity. Such use shall be seasonal in nature and shall not operate for more than nine (9) months out of any calendar year.

Rooming House. Is a building or part thereof, other than a hotel, where sleeping accommodations are provided for hire and where meals may be regularly furnished.

Row House. A two (2) story row of four (4) or more detached, one (1) family dwellings, not more than two (2) rooms deep, each unit of which extends from the basement to the roof.

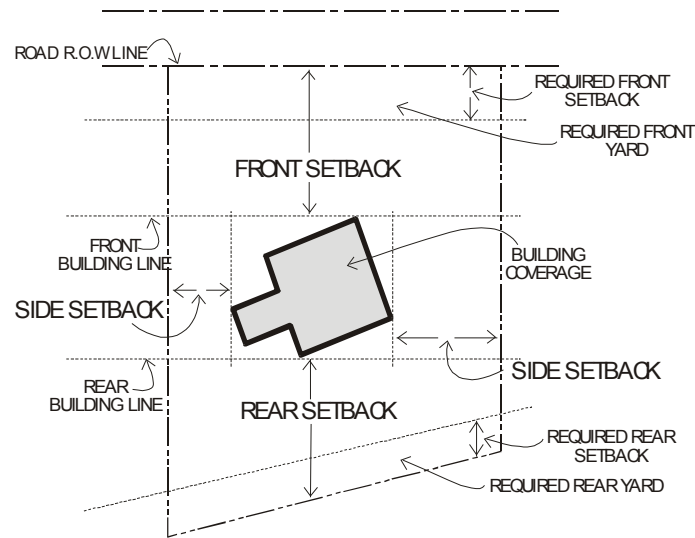
Rubbish. Means non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials or litter of any kind that will be a detriment to the public health and safety.

Screen. A visual shield to obscure from view an area, site, or use.

Self-Service Storage Facility. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of individual users.

Setback. The distance between a lot line and a building line.

Setback, Required or Minimum. The horizontal distance required to exist between a lot line or a right-of-way line and a parallel line at a distance equal to the minimum yard setback for a front, side, or rear yard.



SETBACKS

Sign. see *ARTICLE 15 - SIGNS, Section 15.01 - DEFINITIONS*

Solar Array. Any number of Photovoltaic Devices connected to provide a single output of electric energy or other energy.

Stable, Commercial. A stable for horses, mules, or donkeys which are rented, hired, used, or boarded on a commercial basis or for compensation.

Stable, Hobby. A stable for horses, mules, or donkeys which are used exclusively by the owners of the property.

Story. Is that part of a building included between the surface of one (1) floor and the surface of the next floor. A story thus defined shall not be counted a story when more than fifty percent (50%) of the height is below the established grade.

Story, Half. Is a story situated within a sloping roof, the area of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area in the story directly below it, and the height above at least two hundred (200) square feet of floor space is seven (7) feet, six (6) inches.

Street. A public thoroughfare which affords the principal means of access to abutting property.

Street Line. see *“Right-of-Way Line.”*

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures shall include buildings, mobile homes, walls, fences, billboards, and towers.

Structure Height. See *“Building Height.”*

Structural Alteration. Any change in the supporting elements of a building or structure such as, but not limited to, bearing walls or partitions, columns, beams or girders, or any substantial change in the roof.

Subdivision Ordinance. The Subdivision Ordinance of Milan Township, adopted pursuant to Act 228, Public Acts of 1967, as amended, and Act 168, Public Acts of 1959, as amended, where applicable.

Swimming Pool, Private. A structure designed to hold water for the purpose of swimming or bathing, either above or below grade, over 30 inches deep, owned and operated by the landowner of the parcel on which situated, for use only by the residents of the parcel and their guests.

Swimming Pool, Public. Is an artificial body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower and toilet rooms. Public swimming pools include but are not limited to, those which are for parks, schools, motels, camps, resorts, apartments, clubs, hotels, trailer coach parks, subdivisions and the like.

Temporary Building and Use. A structure or use permitted by the Board of Appeals to exist during periods of construction of the main use, or for special events.

Terrace. A row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one floor.

Thoroughfare. A public thoroughfare or street, except alleys, but including Federal, State, County or Township roads and those roads or streets appearing upon plats recorded in the Office of the Register of Deeds for Monroe County, Michigan. Specific building setbacks from such roads and other roads and streets in the Township shall be as established in *ARTICLE 6 - SCHEDULE OF REGULATIONS* based upon the objectives of the Milan Township Comprehensive Development Plan.

Time Limits. Time limits stated in this Ordinance shall mean calendar days, weeks, months, or years, whichever are applicable, unless otherwise specified herein.

Tourist Home. A dwelling in which overnight accommodations are provided or offered for transient guests for compensations, without provision for meals.

Township. The Township of Milan.

Township Board. Whenever in the Ordinance appear the words "Township Board" or "Board" it shall mean the Township Board of Milan Township.

Travel Trailer or Coach. A vehicle used or so constructed as to permit its being used as a licensed conveyance upon the public streets or highways (to include self-propelled Travel Coach). Such vehicles may be equipped with wheels, or other device, used for the purpose of transporting such from place to place by motive power or other means, whether the same is on blocks, posts or other type of foundation or support. This term shall exclude automobile trailers, trailer coaches and house trailers which are eight (8) feet or more in width and twenty-five (25) feet or more in length and which are used for purposes of day-to-day habitation.

Usable Floor Area. For the purposes of computing parking: Is that area used for or intended to be used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation of "Usable Floor Area".

Use. The purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

Variance. A modification of the literal provisions of the zoning ordinance.

Warehouse. An ancillary building of a business or industry, not necessarily situated on the same property, used for the storage of merchandise and not available to the general public.

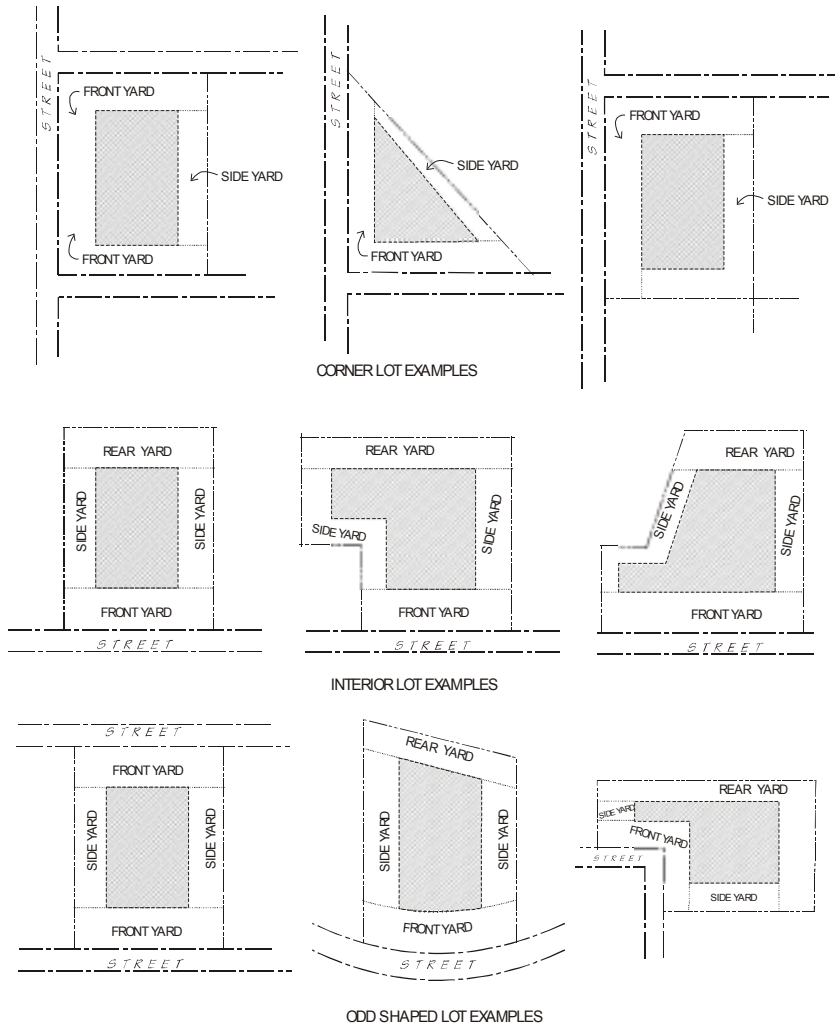
Yard. An open space on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

Yard, Front. A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.

Yard, Rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

Yard, Required. That portion of a yard which is located between the lot line and a parallel line at a distance equal to the minimum setback and within which no structure shall be located, except as provided in the zoning ordinance.

Yard, Side. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.



EXAMPLES OF REQUIRED YARDS

Zoning Administrator. The official appointed by Milan Township to administer, oversee and enforce the provisions of this ordinance and to perform other duties as herein provided. The Building Inspector of the Township of Milan shall serve as the Zoning Administrator unless another official is appointed to fulfill the duties of the Zoning Administrator.

ARTICLE 3 - GENERAL PROVISIONS

3.00. OFFICIAL ZONING MAP

1. For the purpose of this Ordinance, zoning districts as provided herein are bounded and defined as shown on a map entitled "Official Zoning Map of Milan Township". The official zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance.
2. Identification of **Official Zoning Map** - The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to Milan Township Zoning Ordinance" together with the effective date of this Ordinance.
3. Changes to **Official Zoning Map** - If, in accordance with the procedures of this Ordinance and Act 110 of the Public Acts of 2006, as amended, a change is made in the zoning district boundary, such change shall be entered onto the Official Zoning Map by the Township supervisor promptly after the Ordinance authorizing such change shall have been adopted and published, with any entry on the Official Zoning Map as follows: "On (date) by official action by the Milan Township Board, the following change(s) was made in the Official Zoning Map:" (brief description of change) which entry shall be signed by the Township Supervisor and attested to by the Township Clerk. No change in the Official Zoning Map of any other nature shall be made unless authorized by the Township Board. No change of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformance with the procedures set forth herein. Any unauthorized change of whatever kind by any persons or persons will be considered a violation of this Ordinance and punishable as provided in *ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT*.
4. Any change in corporate boundaries within the Township shall be recorded on the Official Zoning Map by the Township Supervisor with his signature and date and attestation by the Township Clerk attached thereto.
5. Authority of **Official Zoning Map** - Regardless of the existence of purported copies of the Official Zoning Map, which from time to time, may be made or published, the Official Zoning Map shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township. The Official Zoning Map shall be located in the Township Hall and shall be open to public inspection.

6. Replacement of **Official Zoning Map** - In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature and the number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the Official Zoning Map but such corrections shall not have the effect of amending the Zoning Ordinance or the prior Official Zoning Map.
7. The new Official Zoning Map shall be identified by signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of Milan Township under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Milan Township, adopted on (date) which replaces and supersedes the Official Zoning Map which was adopted on June 10, 1981." Unless the prior Official Zoning Map has been lost or has been totally destroyed the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.
8. Rules for Interpretation - Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map the following rules for interpretation shall govern:
 - A. A boundary indicated as approximately following the centerline of a highway, alley, or easement shall be construed as following such line.
 - B. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
 - C. A boundary indicated as approximately following a municipal boundary line of a city, village, or township shall be construed as following such line.
 - D. A boundary indicated as approximately following a railroad line shall be construed as being located midway in the right-of-way.
 - E. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in the shoreline shall be construed as following the shoreline existing at the time the interpretation is made.
 - F. The boundary indicated as following the centerline of a stream or river, canal, lake or other body of water shall be construed as following such centerline.

- G. A boundary indicated as parallel to, or an extension of, features in paragraphs A-F preceding shall be so construed.
- H. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- I. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map or any other circumstances not covered by A-H preceding, the Board of Zoning Appeals shall interpret the location of the zoning district boundary.

3.01. NUMBER OF RESIDENCES ON A LOT

Not more than one single-family dwelling unit shall be located on a lot, nor shall a single-family dwelling unit be located on the same lot with any other principal building or structure use, except as permitted on farms for seasonal agricultural workers or as permitted under *Section 3.02 - NON-CONFORMING USES*.

3.02. NON-CONFORMING USES

1. **NON-CONFORMANCE REGULATED.** Any lawful use of the land or buildings existing at the date of passage of this Ordinance and located in a district in which it would not be permitted as a new use under the regulations of this Ordinance, is hereby declared to be a “non-conforming use” and not in violation of this Ordinance, provided however, that a non-conforming use shall be subject to, and the owner comply with, the regulations in this Section.
2. **NON-CONFORMING USES OF LAND.** Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawfully provided:
 - A. No such non-conforming use shall be enlarged or increased, nor extended to use a greater area of land than was utilized for that non-conforming use at the effective date of adoption or amendment of this Ordinance.
 - B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - C. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
3. **NON-CONFORMING USES OF STRUCTURES.** If lawful use involving individual structures exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. If any such non-conforming use of a structure ceases for any reason for a period of more than twelve (12) months, such use shall conform to the regulations specified in this Ordinance for the district in which such use is located.
- C. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

With special approval from the Township Board and if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district. The term "equally appropriate" shall mean uses allowed in the same zoning district as the previous use. (*Amended 12/9/10; Amended 4/8/10 also ref. Art 5.*)

In C-1, C-2, I-1 or I-2 zoning districts, allow under Special Approval the residential use of existing single-family dwellings that are located on property that is being used for Permitted or Special Uses in these districts. (*amended 11/9/17*)

4. **NON-CONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage,

height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No such non-conforming structure may be enlarged or altered, except by special approval of the Township Board, in a way which increases its non-conformity, but, with approval of the building inspector, any structure or portion thereof may be altered to decrease its non-conformity.

Amended 12/09/10.

B. If any non-conforming structure ceases being used for any reason for a period of more than twelve (12) months, any subsequent use of such structure shall conform to the regulations specified by this Ordinance for the district in which such structure is located.

5. **NON-CONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lots fail to meet requirements for area or width, or both, that are generally applicable in the district; provided that regulations for minimum front, rear, and side yard setbacks are maintained as specified to *ARTICLE 6 - SCHEDULE OF REGULATIONS*. And further provided that a potable water supply and waste water disposal system is approved by the Monroe County Health Department.
6. **REPAIRS AND MAINTENANCE.** On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty-five (25) percent of the current State Equalized Valuation multiplied by a factor of two (2) of the non-conforming structure or non-conforming portion of the structure as the case may be provided that the cubic content existing when it became non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

7. **RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.** Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of public enemy, subsequent to the effective date of this Ordinance, provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who may be attracted to the premises. Non-conforming residential buildings damaged to the extent that they are declared non-livable may be rebuilt **up to 125% of the original footprint and** per this section by the current owner. However, if there is a change in ownership of the property in which such damaged non-conforming residential buildings are located, the new owner may be allowed to rebuild up to 125% of the original footprint. *Amended 12/09/10 and 11/9/17.*
8. **MOVING.** No non-conforming building or structure shall be moved in whole or in part to another location unless such building or structure and the off-street parking spaces, yard and other open spaces provided are made to conform to regulations of the district in which such building or structure is to be located.
9. **CHANGE OF TENANCY OR OWNERSHIP.** There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.
10. **CERTIFICATE OF OCCUPANCY.**
 - A. At any time after the adoption of this Ordinance should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Zoning Administrator of the provisions of this Section, and that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. The application for such Certificate shall designate the location, nature, and extent of the non-

conforming use and such other details as may be necessary for the issuance of the Certificate of Occupancy.

- B. If the Zoning Administrator shall find, upon reviewing the application for a Certificate of Occupancy, that the existing use is illegal or in violation of any other ordinance or law or, if he finds that the building for which the Certificate is requested has been constructed or altered for the existing use or any other use without full compliance with the Building Code or the Zoning Ordinance in effect at the time of construction or alteration, he shall not issue, the Certificate of Occupancy but shall declare such use to be in violation of this Ordinance.
 - C. After the adoption of this Ordinance, or any amendments thereto, the Zoning Administrator shall prepare a record of all known non-conforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of such ordinance or amendment. Such records shall contain the names and addresses of the owners of record of such non-conforming use and of any occupant, other than the owner, the legal description of the land, and the nature and extent of use. Such list shall be available at all times, in the office of the Township Clerk.
11. **PLANS ALREADY FILED.** In any case where plans and specifications for a building structure have been filed, which would conform with the zoning regulations of this Ordinance, and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one (1) year of said date.

3.03. TEMPORARY STRUCTURES

1. TEMPORARY DWELLING

- A. No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except as provided in this Section.
- B. During the period of construction of a new residential dwelling, or if a dwelling is destroyed or is damaged by a natural or manmade event, such as fire, flood, windstorm or tornado, to an extent that it is uninhabitable or a period of time, a temporary dwelling, including a mobile home, approved by the Building Inspector, may be moved onto the lot, after obtaining a permit therefore from the

Building Inspector for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling. The temporary dwelling shall be placed so as to conform to all yard requirements of the zoning district in which it is located, and shall be connected to a private water supply and sewage disposal systems approved by the County Health Department or to public water supply and sewage disposal systems.

- C. The Building Inspector shall establish a reasonable date for removal of the temporary dwelling, said date not to exceed six (6) months from the date of issuance of said permit which shall be subject to renewal for one additional six (6) month period for reasonable cause. The temporary dwelling shall be removed from the lot within two (2) weeks of the date of occupancy of the replaced or repaired dwelling with the date of occupancy to be listed on the certificate of occupancy. A performance bond in the amount of one thousand (1,000) dollars shall be provided to insure removal of the temporary dwelling in accordance with the first extension of said permit. The Building Inspector shall provide a written statement setting forth the conditions of permission granted under this Section to the residents so dislodged and shall retain a copy in his files.
- D. The Building Inspector shall notify the Township Board and Planning Commission in writing of each such permission granted under this Section.

2. **TEMPORARY CONSTRUCTION STRUCTURES.**

- A. Temporary buildings and/or structures may be used as construction facilities provided that a permit is obtained for such use from the Building Inspector.
- B. The Building Inspector shall in each case establish a definite time limit on the use and the removal of such facilities, said time limit for removal not to exceed thirty (30) days from issuance of an occupancy permit.

3.04. RESIDENTIAL DESIGN REQUIREMENTS

Purpose: The purpose of this section is to establish standards governing the design and appearance of all residential structures, including mobile homes and manufactured housing, when developed on individual lots or home sites in Milan Township. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods. The standards herein are intended to prevent incompatible dwellings which would: adversely affect the value of

dwelling in the surrounding area; adversely affect the desirability of an area to existing or prospective homeowners; impair the stability of the environment; prevent the most appropriate use of real estate; and, lessen the opportunity to realize the development pattern envisioned in the Milan Township Future Land Use Plan.

Any residential structure shall be erected or constructed only if in compliance with the following residential design standards. All proposed dwelling units shall be reviewed by the Building Inspector, or his designee, and shall comply with all of the following prior to issuance of a building permit:

1. **Code Compliance:** Dwelling units shall conform to all applicable township codes and ordinances. Any such local requirements are not intended to abridge applicable state or federal requirements with respect to the construction of the dwelling. Dwelling units shall be constructed to the requirements of the Michigan Construction Code Act of 1972 (Act 230, P.A. 1972, as amended). If the dwelling unit is a manufactured home, the manufactured home must be certified by the manufacturer as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development and the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.
2. **Area and Bulk Requirements:** The setbacks, gross floor area and lot coverage of any proposed single family dwelling unit shall comply with the standards set forth in *ARTICLE 6 - SCHEDULE OF REGULATIONS*.
3. **Foundation:** Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the adopted building code of the Township. In the case of a mobile home, it shall be securely anchored to its foundation, according to manufacturer's set up requirements, in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances, shall be removed before attaching a mobile home to its permanent foundation. The foundation shall fully enclose the undercarriage and chassis.
4. **Exterior Materials:** Dwelling units shall be provided with exterior finish materials that are generally acceptable for housing, provided that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction in the Township.

5. **Roof:** The main roof of dwelling units shall have a minimum 4:12 pitch. Dwellings shall be designed with a minimum 12 inch minimum roof overhang on all eaves and an eave with a roof drainage system that will collect and concentrate the roof discharge of storm water away from the sides of the dwelling. The roof shall be constructed of approved materials for roofing and meet the snow load standards for this portion of the State of Michigan, as specified by the applicable Michigan construction code requirements.
6. **Placement:** Dwelling units in R-1 and R-2 districts shall be oriented toward the public right-of-way such that the facade that faces the street is manifestly designed as a front facade containing a door, windows and other architectural features customary of the front facade of a residence.
7. **Exterior Doors:** There shall be a minimum of two (2) exterior doors which shall not be located on the same side of the dwelling.
8. **Storage:** Each such dwelling unit shall contain a storage area equal to 10% of the square footage of the dwelling or 120 square feet, whichever shall be less. This storage area shall consist of a basement, attic, closet areas or attached garage.
9. **Manufactured Housing Compliance:** The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used as a temporary residence as otherwise provided in this Ordinance.

3.05. COMPLETION OF CONSTRUCTION

1. Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Ordinance or later amendment which may apply. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of

effect three hundred and sixty-five (365) days following the effective date of adoption or amendment of this Ordinance, unless a permit for the actual construction of a new building has been issued by the Building Inspector.

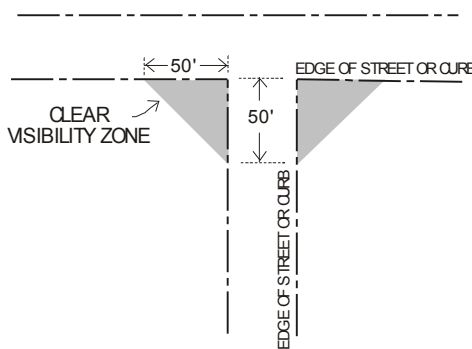
2. Where a building permit has been issued in accordance with the law within three hundred and sixty-five (365) days of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit was issued and further, may upon completion be occupied by the use for which it was originally designed.

3.06. ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and by the ordinances of Milan Township, it being the intention thereof to exempt such essential services from this Ordinance.

3.07. VISIBILITY AT INTERSECTIONS

On a corner lot in any zoning district, no fence, wall, hedge, screen, structure or planting shall be placed in such manner to materially impede the vision between the height of two and one-half (2½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the edge of the street or curb lines of such corner lots and the line joining points along said street lines fifty (50) feet from their point of intersection as measured along the edge of the street line.



VISIBILITY AT INTERSECTIONS

3.08. HOME OCCUPATIONS

A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

1. Not more than one (1) person outside the family residing on the premises shall be engaged in such operation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty (20) percent of the floor area of the dwelling unit may be used for the purposes of the home occupation.
3. A home occupation shall be conducted within the dwelling unit or within building accessory thereto.
4. There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore shall be no external or internal alterations not customary in residential areas.
5. No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
6. Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two (2) spaces. Such spaces shall be provided on the premises, off-street, subject to all regulations in *ARTICLE 14 - OFF-STREET PARKING AND LOADING REGULATIONS*, and provided the parking spaces shall not be located in the required front yard.
7. Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.
8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which are nuisances to persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited. All home occupations which use hazardous materials must meet all applicable safety and National Fire Protection Agency standards.
9. Signs not customarily found in residential areas shall be prohibited, provided except however, that one (1) non-illuminated name plate, not more than two (2) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
10. Must have a potable water supply and waste water disposal system approved by the Monroe County Health Department.

3.09. TRANSIENT AND AMUSEMENT ENTERPRISES

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary gatherings of people, may be permitted in any zoning district upon approval of the Township Board as permitted in Act 246, P.A. 1945, as amended. Such enterprises may be permitted only on the finding by the Township Board that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare; and meets the criteria outlined in Ordinance #15 - The Circus, Carnival and Musical Concert Ordinance of Milan Township.

3.10. ACCESS TO STREETS

1. All lots shall adjoin a public street or shall adjoin a private street which has been approved as to design and construction by the Milan Township Board and the Monroe County Road Commission. All lots shall comply with the minimum lot width requirements of *ARTICLE 6 - SCHEDULE OF REGULATIONS*.
2. Lots of record existing at the date of adoption of this ordinance which lack access to streets shall be required to obtain an easement of at least sixty-six (66) feet in width prior to the placement of any new structure.
3. Every building and structure constructed or relocated after the effective date of adoption or amendment of this Ordinance shall be so located on lots as to provide safe and convenient access for fire protection vehicles and required off-street parking and loading area.

3.11. ACCESSORY BUILDINGS

1. Where the accessory is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance, applicable to main buildings.
2. Accessory buildings shall comply with the requirements of *Sec. 6.02 - SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS*.

ARTICLE 4 - ZONING DISTRICTS

4.00. ESTABLISHMENT OF DISTRICTS

Milan Township is hereby divided into the following zoning districts to be known as, and having the following names and symbols:

AG-1, Primary Agricultural District
AG-2, Secondary Agricultural District
R-1, Single-Family Rural Residential District
R-2, Single-Family Urban Residential District
RM, Multiple Family Residential District
MHC, Manufactured Housing Community District
C-1, Local Commercial District
C-2, Regional Commercial District
I-1, Light Industrial District
I-2, Heavy Industrial District
FP, Flood Plain Overlay District
PDD, Planned Development District

4.01. AGRICULTURAL DISTRICTS

AG-1 Prime Agricultural and AG-2 Secondary Agricultural

The AG-1, Prime Agricultural District and AG-2, Secondary Agricultural District are established to preserve agricultural lands and to protect agricultural enterprises from encroachment by suburban and urban uses and developments.

It is the purpose of the Agricultural Districts to insure that land areas within Milan Township which are uniquely suited for the production of food are retained for agricultural production, unimpeded by the establishment of incompatible uses of land which would hinder agricultural practices and irretrievably deplete essential agricultural lands and productivity.

The **AG-1 Prime Agricultural District** is intended to preserve and protect farmland and the rural heritage of Milan Township and to promote the continued viability of agricultural uses in an exclusive agricultural area.

The **AG-2 Secondary Agricultural District** is intended for those areas of Milan Township which are not necessarily considered as the prime agricultural areas, but for which it is still desirable to preserve farmland and open space, rural character, and smaller minimum lot sizes than in the AG-1 district.

4.02. RESIDENTIAL DISTRICTS

R-1 Rural Residential, R-2 Urban Residential, and RM Multiple Family Residential

The purpose of the Residential Districts is to provide an area of the Township for the aggregation of single-family and multiple-family non-farm residential development in those areas of the Township which are adequately served by public improvements and which have either public utilities or are in areas with adequate groundwater and soil conditions for safe water supply.

The **R-1, Rural Residential District** has been established to provide areas for the aggregation of single-family, non-farm residential development within a rural environment of lots of sufficient size to permit the use of approved on-site sanitary treatment systems (septic tanks and drainfields) and the use of on-site wells of safe water quality. This district is designed to provide a rural residential character and is intended to be used in those parts of the Township where soils are suitable and where public sanitary sewer and water facilities are not planned to be extended. By providing a rural residential district, pressure for developing single-family residences in prime agricultural areas is reduced.

The **R-2, Urban Residential District** is established to provide for development of single-family residences at a higher density than that provided in other areas of the township. This district is designed to reflect the more urban-like environment upon which it borders and from which growth pressures may occur. It also will allow for the orderly and efficient extension of services, such as sanitary sewers and water into these areas. In pursuit of this purpose, an initial minimum lot size of one (1) acre per residence is designated. This will allow for use of approved on-site sanitary treatment systems and water supply while guaranteeing public health and safety. Pressures for development within the district which cannot be accommodated by the minimum lot size will signal the need for sanitary sewers and water lines. Introduction of these services would allow a higher density of development, which would be permitted through amendment of this Ordinance once the practice of on-site disposal and water supply are no longer required. The provisions of this district will absorb the pressures of growth in such a way that development will occur in an orderly and efficient manner.

The **RM, Multiple-Family Residential District** is established to provide for more intensive residential use of land. A variety of dwelling types are accommodated including: townhouses, duplexes, row houses, terrace and garden apartments, and condominiums. By providing for higher intensity development through a multiple-family residential district, open space and

natural features can be preserved for visual relief and enhancement.

The **MHC, Manufactured Housing Community** district is intended to encourage the appropriate location and suitable development of manufactured housing communities and establishes density standards and permitted uses that reflect the basic needs of potential residents.

4.03. COMMERCIAL DISTRICTS

C-1 Local Commercial and C-2 Regional Commercial

The purpose of the Commercial Districts is to provide areas of the township to promote commerce, retail sale of goods and services, and to provide a setting for offices and similar uses. It is the intent of this district to encourage consolidation of commercial uses, to lessen traffic congestion, reducing the number of driveways, and to ensure the efficient use of public utilities and services. This district is to be used principally in those areas of the Township which can feasibly be served by public water and sanitary sewer facilities, and where storm drainage is sufficient to handle an intense level of development

The **C-1, Local Commercial District** is designed solely for the convenience shopping of persons residing in adjacent residential areas, to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the comparative center.

The **C-2, Regional Commercial District** is designed to cater to the needs of a larger consumer population than served by the restricted C-1, Local Commercial District and for transient motoring traffic. This District is intended to be located near freeway interchanges and other major road intersections, as designated on the Milan Township Land Use Plan. Furthermore, these uses should be concentrated so as to avoid undue congestion on feeder streets by reducing the number of entrances and exits onto major thoroughfares to promote smooth traffic flow at freeway interchanges and major road intersections, the protection of adjacent properties in other zones from the adverse influence of traffic, and to avoid strip commercial development.

4.04. INDUSTRIAL DISTRICTS

I-1 Light Industrial and I-2 Heavy Industrial

The Industrial Districts are established to provide for various industrial uses. Provisions of this District ensure that these essential industrial facilities are kept from encroaching in areas or districts where they would be incompatible. All activities carried on

within the Industrial District shall be subject to limitations placed upon the amount of noise, smoke, glare, traffic and industrial effluent which shall be produced as a result of that activity.

The **I-1 Light Industrial District** is intended to permit light manufacturing and other limited industrial uses and wholesale commercial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways.

The **I-2 Heavy Industrial District** is designed to provide the location and space for all manner of industrial uses, and industrial storage facilities. It is the purpose of these regulations to permit the development of certain functions; to protect the abutting residential and commercial properties from incompatible industrial activities; to restrict the intrusion of non-related uses such as residential, retail business.

4.05. OTHER DISTRICTS

MHC Manufactured Housing Community - see *ARTICLE 7 - MANUFACTURED HOUSING COMMUNITY DISTRICT (MHC)*

FP Flood Plain Overlay District - see *ARTICLE 8 - FLOOD PLAIN OVERLAY DISTRICT*

PDD Planned Development District - see *ARTICLE 9 - PLANNED DEVELOPMENT DISTRICT (PDD)*

ARTICLE 5 - TABLE OF PERMITTED USES

P = Permitted Use – use permitted by right in the zoning district

S = Special Use – use permitted when approved under the provisions of *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL*

A = Accessory Use – use permitted when incidental and subordinate to a permitted or special use located on the same premises as said use

Supplementary Regulations = Due to the potential impact of certain land uses, there may be supplementary requirements in addition to the normal requirements of the district.

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
AGRICULTURAL AND SIMILAR USES											
General farming	P	P									<i>Sec. 13.24 - RAISING OF ANIMALS</i>
Farm buildings & greenhouses	P	A									<i>Farm buildings in the AG-2 district require a residence as principal use. See also Sec. 6.02 - SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS</i>
Tree and shrub nurseries	P	P						S	S	S	<i>Approved 9/12/19</i>
Truck gardening	P	P									<i>Approved 9/12/19</i>
Cemeteries, non-township owned	P										<i>Min. lot size: 10 acres</i>
Livestock transport facilities	P										
Agricultural product research and testing	S	S									
Intensive livestock operations	S										<i>Sec. 13.18 - INTENSIVE LIVESTOCK OPERATIONS</i>
Veterinarian services for livestock as a home occupation	A	A	A								<i>Sec. 3.08 - HOME OCCUPATIONS</i>

MILAN TOWNSHIP ZONING ORDINANCE - FINAL DRAFT

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
Roadside stands	A	A	A	A							Sec. 13.17 - ROADSIDE STANDS, Approved 9/12/19
Agricultural Related Commercial Uses	S	S									Sec. 13.19 - AGRICULTURAL RELATED COMMERCIAL USES
Campgrounds	S										Sec. 13.07- PRIVATE RECREATION
Stables, Hobby	A	A	A								Sec. 13.24 - RAISING OF ANIMALS
Stables, Commercial	S	S									Sec. 13.24 - RAISING OF ANIMALS
Kennel, Hobby	A	A	A								Sec. 13.24 - RAISING OF ANIMALS
Kennel, Commercial	S	S						S			Sec. 13.24 - RAISING OF ANIMALS
Commercial slaughtery	S										Sec 13.21 - SLAUGHTERHOUSES
Furbearing animals, raising	S										Sec. 13.24 - RAISING OF ANIMALS
Migratory labor camps	S										Sec. 13.22 - MIGRATORY LABOR CAMPS
Golf courses	S	S									Sec. 13.07- PRIVATE RECREATION
Gun clubs, shooting ranges	S										Sec. 13.07- PRIVATE RECREATION
Airfields, airstrips, airports, runways, and accessory uses	S										Sec. 13.12 - AIRPORTS
Drag strips and race tracks	S										Sec. 13.13 - DRAG STRIPS AND RACE TRACKS
Outdoor theaters	S							S			Sec. 13.11 - OUTDOOR THEATERS, Approved 9/12/19

ARTICLE 5 - TABLE OF PERMITTED USES

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
RESIDENTIAL AND SIMILAR USES											
Single family detached dwellings	P	P	P	P			S	S	S	S	Sec.3.04 - RESIDENTIAL DESIGN REQUIREMENTS Sec. 0 – Non-Conforming Use of Structures (amended 4/8/10) (amended 11/9/17)
Family Day Care Homes, State Licensed - 1 to 6 persons	P	P	P	P	P	P					Approved 9/12/19
Multiple family dwellings					P		S				Permitted as a special use on upper levels of existing commercial uses in the C-1 district.
Manufactured housing community developments						P					ARTICLE 7 - MANUFACTURED HOUSING COMMUNITY DISTRICT (MHC)
Bed and Breakfast Inns	S	S	S	S							Sec. 13.25 - BED AND BREAKFAST INNS
Schools - Public, parochial and private elementary, intermediate schools and high schools	S	S	S	S	S						Sec. 13.10 - CHURCHES AND SCHOOLS
Two-family dwellings (converted one-family)	S P	S P	S P	S P							Sec. 13.26 - TWO FAMILY DWELLINGS (CONVERTED ONE-FAMILY), Approved 9/12/19
Churches and places of worship	S	S	S	S	S		S	S			Sec. 13.10 - CHURCHES AND SCHOOLS (amended 3/16/17)
Commercial recreation areas - private	S	S					S	S			Sec. 13.07- PRIVATE RECREATION, Approved 9/12/19
<u>Non-commercial recreational areas</u> Parks (non-commercial), open space and recreational areas	S	S	S	S	S	S	S	S	S	S	Min. lot size: 10 acres, Approved 9/12/19
Group Day Care Homes, State Licensed (7-12 persons)	S	S	S	S							Sec. 13.20 - STATE LICENSED RESIDENTIAL CARE FACILITIES

MILAN TOWNSHIP ZONING ORDINANCE - FINAL DRAFT

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
Nursery schools, day nurseries and child care centers	S	S	S	S	S						Minimum of 100 square feet of outdoor play area per child; total minimum area of 1,000 s.f.; play area shall be screened from any adjoining lot in any residential district by a Type B buffer (see Sec. 16.01)
Convalescent and nursing homes (<i>assisted living and elderly care centers</i>)	S	S	S		S						Minimum lot size – 5 acres, Approved 9/12/19
Private swimming pools, exclusively for the use of residents or guests	A	A	A	A	A	A					Sec. 13.06 - SWIMMING POOLS,
Home occupations	A	A	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	Sec. 3.08 - HOME OCCUPATIONS, Approved 9/12/19

ARTICLE 5 - TABLE OF PERMITTED USES

		AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
COMMERCIAL AND SIMILAR USES												
Retail sales establishments which provide goods such as groceries, meats, dairy products, baked goods, or other foods, pharmaceuticals, dry goods, clothing, notions or hardware, furniture, home improvement supplies, books, musical instruments, electronics, auto parts and similar establishments not specifically addressed elsewhere	Uses up to 4,000 sq. feet gross floor area							P	P			
	Uses from 4,000 to 30,000 s.f.							S	P			
	Uses over 30,000 s.f. gross floor area								S			
Personal service establishments such as shoe repair, tailor shops, beauty parlors, barber shops, laundry, banks, video rental and real estate offices								P	P			
Eating and drinking establishments - without drive through service								P	P			
Eating and drinking establishments - with drive through service								S	P			(Amended 9/11/14)
Hotels/Motels									P			

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	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
Professional establishments such as medical, dental, optical, architectural, governmental, engineering, legal, insurance, accounting, administrative or similar or allied professions							P	P			
Research, computer technology and design centers including the development of pilot, experimental, or prototype planning.									P	P	
Office/Showroom or Workshop - electrician, carpenter, plumber, decorator, dressmaker, tailor, shoemaker, printer, upholsterer, repair, reproduction or similar retail or service uses where light fabrication, assembly or repair work is conducted.							S P	P	P	P	Approved 9/12/19
Mortuary establishments, funeral homes							S	P	P	P	
Car wash – self serve or drive through							S	P			
Automobiles sales - new cars								P			Auto repair and used car sales are permitted when accessory to new car sales
Bus passenger stations								P			
Theaters							S	P			
Hospitals or clinics					S		S	S			
Automobile service stations and repair, including body shops								S P	P	P	Sec. 13.02 - AUTOMOBILE SERVICE STATIONS, REPAIR AND BODY SHOPS, Approved 9/12/19
Used car sales								P			(Amended 9/11/14)

ARTICLE 5 - TABLE OF PERMITTED USES

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
Outdoor storage and sales of new or used boats, recreational vehicles, trailers							S	S	S	S	Approved 9/12/19
Drive-in or open front store, so called								S			
Open air business uses – plant material not grown on-site, lawn furniture, playground equip., garden supplies, lumber yards								S			Material may not be stored within required setbacks
Adult entertainment; Sexually oriented businesses								S			Sec. 13.15 – REGULATION OF SEXUALLY ORIENTED BUSINESSES
Grain elevator and farm supply business	S							S			
Outdoor theaters – combined with item on pg 38								S			Sec. 13.11 - OUTDOOR THEATERS, Approved 9/12/19
Large Solar Energy System	S	S							S	S	Approved 08/13/2020

MILAN TOWNSHIP ZONING ORDINANCE - FINAL DRAFT

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
INDUSTRIAL AND SIMILAR USES											
Any manufacturing use involving assembly, treatment, compounding, processing and/or manufacturing									P	P	<i>Food or chemical manufacturing or processing requires special approval</i>
Warehousing and wholesale distribution facilities which may combine therewith retail related activities that do not exceed twenty-five (25) percent of gross volume sales							S		P	P	<i>Approved 9/12/19</i>
Wholesale and retail building supplies such as lumber and lawn and garden materials							S		P	P	
Self-service storage facilities, mini-warehouses	S						S		P	P	<i>No outdoor storage except as an accessory use and when completely screened from view from public rights-of-way. Approved 9/12/19</i>
Indoor sports such as bowling alleys, batting cages, basketball courts, bingo parlors, casinos, and indoor gun ranges								P	P	P	
Outdoor sports such as go-kart tracks, miniature golf courses, driving ranges, amusement parks								P	P	P	
Recreational vehicle storage, truck/trailer rental								S	P	P	<i>Approved 9/12/19</i>
Heavy equipment sales, service and rental									P	P	
Tool, die, gauge and machine shops									P	P	

ARTICLE 5 - TABLE OF PERMITTED USES

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
Outdoor storage as an accessory use associated with permitted uses								S	A	A	Shall be contained within a fenced area outside of required setbacks. Allowed in C2 under Special Approval provided that items that are not intended for sale shall be completely screened from view from the public right-of-way. (Amended 4/8/10)
Outdoor storage for construction contractors								S	S	S	Shall be contained within a fenced area outside of required setbacks, Approved 9/12/19
Storage of non-agricultural materials	S	S									(Amended 4/8/10)
Metal plating operations										S	
Extractive operations	S									S	Sec. 13.05 - EXTRACTION OPERATIONS
Solid waste recycling, processing, composting										S	(deletion approved 4/8/10)
Junk yards										S	Sec. 13.03 - JUNK YARDS
Bulk petroleum storage										S	
Heating and electric power generating plants and all accessory uses; coal, coke, and fuel yards and water supply and waste-treatment facilities, in accordance with applicable State and Federal Regulations.										S	
Cartage business (amended 9/11/08)									P	P	

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	I-1	I-2	Supplementary Regulations
MUNICIPAL AND SIMILAR USES											
Publicly owned and operated libraries, parks, recreational facilities	P	P	P	P	P	P	P	P	P	P	See Section 6.01.E
Municipal buildings and uses	P	P	P	P	P	P	P	P	P	P	See Section 6.01.E outdoor storage not permitted
Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations	S	S	S	S	S	S	S	S	S	S	See Section 6.01.E Permitted when operation requirements necessitate the locating within the district in order to serve the immediate vicinity
Telecommunication towers	S	S							S	S	Sec. 13.14 - TELECOMMUNICATION TOWERS
ACCESSORY USES											
Accessory buildings	A	A	A	A	A	A	A	A	A	A	Sec. 3.11 - ACCESSORY BUILDINGS, Sec. 6.02 - SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS
Temporary buildings for construction purposes	A	A	A	A	A	A	A	A	A	A	Sec. 3.03 - TEMPORARY STRUCTURES
Ponds or Lakes	A	A	A	A	A	A	A	A	A	A	Sec. 13.16 - PONDS OR LAKES - Special Approval required if over 1 acre (Amended 01/12/12)
Cropland, forest, open space	A	A	A	A	A	A	A	A	A	A	
Electric substations, collector lines and interconnection transmission or distribution lines	A	A	A	A	A	A	A	A	A	A	Sec. 13.27 – Large Solar Energy Systems (Approved 08/13/2020)

ARTICLE 6 - SCHEDULE OF REGULATIONS

6.00. TABLE OF AREA, HEIGHT, SETBACK, AND DENSITY REQUIREMENTS

ZONING USE DISTRICTS	LOT SIZE (E)		MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS (FT)	MINIMUM YARD SETBACK (FEET) (A) (B) (E) (I)				MINIMUM FLOOR AREA OF PRINCIPAL BUILDINGS (PER UNIT) (SQ. FT.)	MAXIMUM LOT COVERAGE (PERCENT) (E)
	MINIMUM AREA	MINIMUM WIDTH (FT)		FRONT	SIDES (K)		REAR		
					LEAST 1	TOTAL OF 2			
AG-1 Prime Agricultural	40 acres	660	35 (D)	50	25	50	50	1,200	35
Lots created under the provisions of Section 6.03	62,500 s.f. (J)	250 (J)	25	50	25	50	50	1,200	35
AG-2 Secondary Agricultural District	1 ½ acres	250	35 (D)	50	25	50	50	1,200	35
R-1 Single-Family Rural Residential District	62,500 s.f.	200	25	50 (C)	25	50	50	1,200	35
R-2 Single-Family Urban Residential District	1 ½ acre	150	25	50 (C)	10	20	35	1,000	35
Without sewer	20,000 s.f.	80							
With sewer			25	50 (C)	10	20	35	1,000	35
RM Multiple Family Residential District	2 acres	250	25	50 (C)	10	20	35	450 (efficiency) 600 (1 bdrm) 800 (2 bdrm) 1000 (3 bdrm)	35

MILAN TOWNSHIP ZONING ORDINANCE - FINAL DRAFT

ZONING USE DISTRICTS	LOT SIZE (E)		MAXIMUM HEIGHT OF PRINCIPAL BUILDINGS (FT)	MINIMUM YARD SETBACK (FEET) (A) (B) (E) (I)			MINIMUM FLOOR AREA OF PRINCIPAL BUILDINGS (PER UNIT) (SQ. FT.)	MAXIMUM LOT COVERAGE (PERCENT) (E)	
	MINIMUM AREA	MINIMUM WIDTH (FT)		FRONT	SIDES (K)				REAR
					LEAST 1	TOTAL OF 2			
C-1 Local Commercial without sewer service	1 ½ acre	200	25 (D)	25	25 (F)	50(F)	35 (G)	35	
with sewer service	20,000 sf	80	25 (D)	25	10	20	35 (G)		
C-2 Regional Commercial	1 ½ acres	200	40 (D)	75	40	80	35 50 (G)	35	
I-1 Light Industrial	2 acres	200	40 (D)	50 100	30 40	60 80	30 50	35	
I-2 Heavy Industrial	3 acres	200	40 (D)	100	40	80	50 100	35	
PDD Planned Development District	see ARTICLE 9 - PLANNED DEVELOPMENT DISTRICT (PDD)								
FP Flood Plain	(H) see ARTICLE 8 - FLOOD PLAIN OVERLAY DISTRICT (FP)								
MHC Manufactured Housing Community	see ARTICLE 7 - MANUFACTURED HOUSING COMMUNITY DISTRICT (MHC)								

(Amended 9/11/2014; 10/14/2021)

6.01. FOOTNOTES TO SCHEDULE OF

- A. The minimum yard setback is that distance between the lot line and a parallel line at a distance equal to the minimum yard setback. For parcels adjacent to a public road, such distance shall be measured to the right-of-way line.
- B. All accessory buildings and farm buildings shall comply with the size, placement and setback requirements of *Sec. 6.02 - SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS.*
- C. In all residential districts, the required front yard shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives.
- D. Maximum height of non-residential farm buildings, commercial, or industrial structures shall not exceed forty (40) feet, except those structures such as: silos, grain legs, and storage bins, which may not exceed one hundred twenty-five (125) feet.
- E. All publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations necessary to provide essential services to the area by governmental

REGULATIONS

- units or public utilities will be permitted on lots in any district having the minimum yard setback, and maximum lot coverage (in percent) requirements set forth in the R-2 District of this Ordinance and with a minimum lot size (in area) of one acre.
- F. Side yards are not required along interior side lot lines if all walls abutting or facing such lot lines are of fireproof masonry construction and entirely without windows or other openings.
- G. No rear yard is required in the C-1 or C-2 District where the rear property line abuts upon a twenty (20) foot alley.
- H. Height, bulk and area requirements cannot be adequately specified in the *SCHEDULE OF REGULATIONS* for the Flood Plain District because of the variety of uses which are permitted upon special approval in the district.
- I. Corner lots adjacent to 2 roads shall have at least the minimum front setbacks from each road.
- J. See *Section 6.03.8*
- K. Note that a greenbelt or buffer zone may be required in accordance with *Sec. 16.01 - GREENBELTS, LANDSCAPE MATERIALS AND SCREENING.*

6.02. SCHEDULE OF REGULATIONS FOR ACCESSORY BUILDINGS

District	AG-1	AG-2	R-1, R-2	C-1, C-2, I-1, I-2, RM
Location Required Front Yard (A)	Not permitted			
Front Yard (A)	Permitted	Permitted, except on lots less than 10 acres	Not Permitted	Not Permitted
Side yard, Rear Yard, or Required Rear Yard (B)	Permitted			
Principal Building, Property Lines	Not permitted closer than 10 feet to any principal building or any property line			
Height (C)	Shall not exceed 40 feet.	Shall not exceed 14 feet in height.		
Size (total of all accessory buildings) Lot size 40.0 or more acres:	No limit	No limit	10,000 s.f. No Limit*	No limit
Lot size 10.0 – 39.9 acres:	5,000 s.f. No Limit*			No limit
Lot size 5.0 – 9.9 acres:	3,500 s.f. No Limit*			No limit
Lot size 2.5 – 4.9 acres:	2,500 s.f. No Limit*			No limit
Lot size 20,000 s.f – 2.4 acres:	1,500 s.f. No Limit*			1,500 s.f. No Limit*
Lot area coverage (total of all accessory buildings)	Not more than 25% of a required rear yard may be covered by accessory buildings. Not more than 40% percent of any non-required rear yard may be covered by accessory buildings. No more than 35% of the total lot area may be covered by buildings and structures.			
Specialized farm buildings	See Sec. 13.17 - ROADSIDE STANDS, Sec. 13.18 - INTENSIVE LIVESTOCK OPERATIONS, Sec. 13.24 - RAISING OF ANIMALS			

A. The required front yard is that portion of a yard which is located between the lot line and a parallel line at a distance equal to the minimum setback (see definition: **Yard, Required**). The front yard includes the required front yard as well as the non-required front yard (the area between the front building line and the front setback line) (see definition: **Yard, Front**).

B. On a corner lot, both the front yard and the street-side side yard shall be treated as front yards for the purpose of the placement of accessory buildings.

C. See 6.01.D.

* Ordinance changes approved on August 13, 2020.

6.03. LAND DIVISION PROVISIONS

1. **Purpose.** The purpose of the Land Division Provisions is to allow for a small but reasonable amount of residential development in the Prime Agricultural district, while maintaining the overwhelming majority of the land for continued and permanent agricultural production. It is recognized that residential development in the Prime Agricultural district has the potential to create land use conflicts, take prime farmland out of production, and impact the viability of an exclusively agricultural area.
2. **Applicability.** Only parcels which are completely within the AG-1 Prime Agricultural district and greater than 10 acres are eligible for lot splits under this section.
3. **Compliance with Other Land Division Requirements.** No lots shall be created which are not in compliance with the state Land Division Act (PA 591 of 1996) or the Township's Land Division Ordinance and any amendments thereto.
4. **Permitted Lot Splits.** Any lot of record existing at the time of adoption of this ordinance (parent parcel) may split off up

to 15% of the total lot area to create additional parcels for residential development. Lots created under the provisions of this section shall be within a contiguous area of the site and clustered together, unless doing so would result in practical hardship. **Once the 15% is split from the parent parcel, no further lot splits off of the parent parcel shall be permitted.** Once a parent lot has been split, a declaration must be attached to the parent's deed and to each of the resulting deeds stating: "This parcel was created from a land division per Milan Township Zoning Ordinance 6.03. It is advisable that prior to ownership transfer, the prospective buyer should review the property records and the Milan Township Zoning Ordinances to verify if this property can be split. *(Amended 4/8/10)*

5. **Reduction below Minimum Lot Size.** Any parcel existing at the time of adoption of this ordinance, may be split in accordance with the provisions of this section, even if such splits reduce the original farm below the 40 acre minimum lot size. Once all the permitted splits are taken, the remaining parcel may be used only for those uses

permitted in the AG-1 district, including farm dwellings and farming activities.

6. **Exempt Splits.** A lot split which results in two or more parcels, all of which are 40 acres or more, is exempt from the provisions of this section and such splits shall not be considered against future splits permissible under this section.
7. **Alternative Lot Split Provision.** As an alternative to splitting off 15% of an existing parcel's area for residential development, any parcel eligible for splitting which has not previously been split under the provisions of this section may be split one time, provided that neither of the resulting parcels are less than 62,500 square feet . No further lot splits shall be permitted on either parcel which has been created under this provision. *(Amended 4/8/10)*
8. **Residential Lot Area Requirements.** The minimum lot size for a residential parcel created under the provisions of this section shall be 62,500 square feet with a minimum width of 250 feet. Lots under 250 feet wide will be considered if it will further the purpose of maintaining the viability of and preserving farmland. In no case shall lots be less than 200 feet wide or less than 62,500 square feet.

9. **Preexisting Lots of Record.** Parcels which were in existence at the date of adoption of this ordinance shall be considered buildable parcels for residential purposes under the provisions of *Section 3.02.5*.
10. **Application Procedure.** For any lot split request, the applicant shall submit a Land Division Application to the Township Clerk with all required information. *(Amended 4/8/10)*
11. **Approval Required.** The Milan Township Board shall either approve or deny all proposed splits created under the provisions of this section. Approval shall be granted if the request meets all requirements of this section and this ordinance, as well as other applicable requirements, including state or local land division ordinances.

6.04. MONITORING LOT SPLITS.

Milan Township recognizes that proper administration of these Land Division Provisions is important in meeting the intent of this Ordinance. The following procedures have been established to help ensure proper monitoring of lot splits.

1. Concurrent with the adoption of this Ordinance, an official map indicating existing lots, parcel numbers, and land

ownership shall be established along with an official register containing this information.

2. An allotment of land eligible to be split under this Ordinance shall be made for each parcel in the AG-1 District.
 3. As allotments are used up, the official map and register shall be updated to reflect these changes.
 4. The official map and register shall be maintained by the Township Clerk and made available for inspection by the public.
 5. The Milan Township Board will be permitted to charge an administrative fee for monitoring this ordinance.
4. The Assessor will update the BSA software. Information to be included will be:
 - A. Each split will identify the parent that it was split from and the date or split;
 - B. The Parent parcel will list each split, the date of the approval to split, the date that the splits occurred, the number of acres left to split.
 5. The Township Clerk will update the Current Property map book. The changes will be signed by the Township Clerk and Supervisor, and the assessor will be notified.
 6. A new Property map book will be requested from the County after 20 parents parcels have been split or 5 years.

6.05. ADMINISTRATIVE PROCESS

1. Property owner will submit a Land Division Provision Application and Plan, per *Sec. 6.03.10* to the Township Clerk.
2. The Zoning Administrator will conduct a review of the land division plan and make an approve/deny recommendation to the Township Board. **(amended 9/11/08)**
3. The Township Board will approve or deny the Land Division request.

ARTICLE 7 - MANUFACTURED HOUSING COMMUNITY DISTRICT (MHC)

(Note: This article approved by the Michigan Manufactured Housing Commission, April 28, 2004)

7.00. PURPOSE

The Manufactured Housing Community district is intended to encourage the appropriate location and suitable development of manufactured housing communities. In keeping with the occupancy characteristics of contemporary manufactured homes, this article establishes density standards and permitted uses that reflect the basic needs of potential residents.

7.01. USES PERMITTED

No structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following:

1. Manufactured housing developments subject to all minimum requirements and standards established in the Mobile Home Commission Act, Act 96 of 1987 as amended, and all rules promulgated pursuant to Act 96, as may be amended, unless otherwise provided herein.
2. Accessory uses and structures, such as manager's offices, laundry facilities, tool or storage sheds, and other services for the residents of the park. Adequate parking for such services shall be provided, as required by the Manufactured Housing Commission rules, as amended. The sale of new or pre-owned manufactured homes is only permitted within the manufactured housing community on sites approved for permanent occupancy and as accessory to the use of the park for dwelling purposes.

7.02. USES PERMITTED ON SPECIAL APPROVAL

1. Home Occupations.
2. Institutional or Public Uses.
3. Essential public services when operation necessitates locating within the district.

7.03. PLAN REVIEW

Prior to the establishment of a new manufactured housing community, an expansion of a manufactured housing community, or construction of any building within the community not previously approved, a plan shall be presented to the Planning Commission for review and approval. Provided, however, that

detailed construction plans shall not be required to be submitted to the Township.

1. All plans submitted to the Planning Commission for review under this section shall contain the following information:
 - A. The date, north arrow and scale. The scale shall not be less than one inch equals fifty feet for property under three acres and at least one inch equals one hundred feet for those three acres or more.
 - B. Property lines are to be shown in dimension.
 - C. The location and height of all existing and proposed structures on and within one hundred feet of the subject property.
 - D. The location of all existing and proposed internal drives, sidewalks, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, community buildings, open space and recreation areas.
 - E. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
 - F. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firms responsible for the preparation of the site plan.
 - G. The name and address of the property owner and developer.
 - H. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
 - I. Location of all fire hydrants, if applicable.
 - J. The number of manufactured housing sites proposed.
 - K. The submittal shall contain a narrative of the arrangements to be made for water supply and sewage disposal service, including approximate capacity, source of water supply, discharge points for sewage disposal, and description of stormwater management facilities.
 - L. Existing utility and other easements.
 - M. Existing wetlands.
 - N. All typical required setbacks and separation distances.
2. Fees. Fees for the review of a manufactured housing community shall be established by resolution of the Township Board.

3. Decision. The plan shall be reviewed by the Planning Commission for compliance with the design standards for manufactured housing communities contained in this chapter, and the regulations of the State Manufactured Housing Commission. If it is determined that the manufactured housing community complies with this section of the Ordinance and regulations, it shall be approved. The plan shall be approved, approved with conditions, or denied within sixty (60) days after receipt by the Township, unless the applicant consents to allow a longer period of review.

7.04. AREA, HEIGHT, AND PLACEMENT REGULATIONS

All manufactured housing communities shall comply with the following requirements:

1. Minimum Lot Size. The manufactured housing community shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code, and *Section 7.06.4* of this ordinance.
2. Floor Space. A manufactured home within a community shall not contain less than 890 square feet of area, as measured by its outside dimensions, nor have an outside width of less than 13 feet.
3. Internal Yard Setbacks
 - A. A home shall be in compliance with all of the following minimum distances, as measured from the wall/support line or foundation line, whichever provides the greater distance:
 - (1) For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
 - (2) For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.

- (3) Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - (4) Fifty feet from permanent community-owned structures, such as either of the following:
 - a. Clubhouses.
 - b. Maintenance and storage facilities.
 - (5) One hundred feet from a baseball or softball field.
 - (6) Twenty-five feet from the fence of a swimming pool.
 - (7) Attached or detached structures or accessories that are not be used for living purposes for the entire year shall be a minimum distance of 10 feet from an adjacent home or its adjacent attached or detached structures.
- B. A home, including an accessory, shall be set back all the following minimum distances, where applicable:
- (1) Seven feet from the edge of the back of the curb or the edge of an internal road paving surface.
 - (2) Seven feet from a parking space on an adjacent home site or parking bay off a home site.
 - (3) Seven feet from a common sidewalk.
 - (4) Twenty-five feet from a natural or man-made lake or waterway.
- C. A carport shall be in compliance with both of the following setbacks if it is completely open, at a minimum, on the 2 long sides and the entrance side:
- (1) Support pillars that are installed adjacent to the edge of an internal road shall be set back 4 feet or more from the closest edge of the internal road and 2 feet or more from the closest edge of a common sidewalk, if provided.
 - (2) Roof overhang shall be set back 2 feet or more from the edge of the internal road.
- D. Steps and their attachments shall not encroach into parking areas more than 3 1/2 feet.
- E. A home sited on one side of the dividing line between a community constructed under a previous act and an expansion of the community constructed in compliance with the requirements of the act shall be a minimum of 13 feet from a home sited on the other side of the dividing line.

4. Height. The maximum heights of any community or similar building shall not exceed thirty-five feet, or two stories in height, whichever is less. Storage or service buildings shall not exceed fifteen feet, or one story in height.

7.05. DEVELOPMENT STANDARDS

1. Minimum Site Size: A manufactured housing community shall be located on a parcel of land not less than fifteen (15) acres in size.
2. Setbacks from property lines.
 - A. Homes, permanent buildings and facilities, and other structures shall not be located closer than 20 feet from the property boundary line of the community.
 - B. No manufactured home or any structure within a manufactured home park (other than an identification sign) shall be located closer than fifty (50) feet to any public road right-of-way.
3. Access to Public Roads. Internal roads shall have access to a public thoroughfare or shall be connected to a public thoroughfare by a permanent easement. All entrances shall be a minimum of 33 feet in width. The entrance shall consist of an ingress lane and a left and right egress turning lane at the point of intersection between a public road and the community's internal road. Two access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.
4. Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of AASHTO Specifications referenced in Rule 922 of the (Michigan) Manufactured Housing Commission rules.
5. Parking.
 - A. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking areas may be allowed to encroach into sidewalk areas.
 - B. All home sites shall be provided with 2 parking spaces.
 - C. If vehicle parking is provided on the home site, it shall be in compliance with both of the following provisions:

- (1) The parking space shall be constructed of concrete or bituminous asphalt and supported by a suitable subgrade in compliance with the standards of AASHTO.
 - (2) The parking spaces may be either in tandem or side by side. If spaces are in tandem, then the width shall not be less than 10 feet and the combined length shall not be less than 40 feet. If spaces are side by side, then the combined width of the 2 parking spaces shall not be less than 20 feet and the length shall not be less than 20 feet.
- D. If the two resident vehicle parking spaces are provided off the home site, then the parking spaces shall be within 30 feet of the home site and each space adjacent to the home site and shall have a clear parking width of 10 feet and a clear length of 20 feet.
- E. If parking bays are provided, then they shall contain individual spaces that have a clear parking width of 10 feet and a clear length of 20 feet.
- F. Visitor Parking.
- (1) A minimum of 1 parking space for every 3 home sites shall be provided for visitor parking.
 - (2) Visitor parking shall be located within 500 feet of the home sites the parking is intended to serve.
6. Sidewalks.
- A. Sidewalks shall be constructed in the community and maintained for safe and convenient movement from all home sites to principal destinations within the community and connection to the public sidewalks outside the community. Sidewalks shall be installed along one side of all internal collector streets within the community and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and recreation areas.
- B. All sidewalks shall be constructed in compliance with all of the following requirements:
- (1) Sidewalks shall have a minimum width of 4 feet and shall be constructed in compliance with Act 8 of 1973 (MCL 125.1361) which regulates the construction of sidewalks for use by persons with physical disabilities.
 - (2) All sidewalks shall meet the standards established in Rule 928 of the Manufactured Housing Commission rules and AASHTO standards.

7. Utilities.
 - A. All electrical, telephone, cable television, natural gas, and other utility service shall be underground and specifically designed in conformance with the applicable standards established in the Rules of the Manufactured Housing Commission.
 - B. The use of independent bottled gas service for individual manufactured homes is prohibited. All heating systems shall be designed and installed in accordance with the Rules of the Manufactured Housing Commission.
 - C. Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Manufactured Home Commission as to the adequacy of illumination. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Manufactured Housing Commission rules.
 - D. All manufactured home sites and all other buildings within the park shall be connected to the water system of the Township, if it is available to the park, or to another state approved system. The park water systems shall conform to parts 2-4 of the Michigan Department of Environmental Quality (MDPH) Mobile Home Park Standards.
 - E. All manufactured home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the Township, if it is available to the park, or to other state approved systems. The park sanitary sewerage system shall conform to MDEQ Mobile Home Park Standards.
 - F. All storm sewers shall be constructed in accordance with parts of 2-4 of the MDEQ Mobile Home Park Standards by the developer.
 - G. Fire hydrants shall be installed in all communities for which public water systems are available and shall be in compliance with the requirements and provisions of the fire code. There shall be no more than 500 feet between hydrants as measured along adjacent roadways within the community.
8. Skirting. Skirting shall be installed around all manufactured homes. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a

temporary certificate of occupancy may be issued for a period not to extend ninety (90) days. All skirting shall meet the specifications established by the Manufactured Housing Commission rules. Individual manufactured homes shall be skirted around the perimeter of the manufactured home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

9. Storage of Personal Property:
 - A. Except as otherwise noted in this ordinance, no personal property, including tires, shall be stored outside or under any manufactured home, or within carports which are open on any side. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.
 - B. Bicycles and motorcycles may be parked in carports.
 - C. Storage sheds with a maximum area of one hundred forty-four (144) square feet may be placed upon any individual manufactured home site for the storage of personal property.
10. RV Storage: If boats, boat trailers and utility trailers are permitted to be parked within the manufactured home development, adequate parking spaces for such vehicles in a central or collective parking area shall be provided. This area shall be in addition to the automobile parking requirements of this ordinance and shall be adequately locked, fenced and permanently buffered.
11. Installation. The installation of manufactured housing on each site within the community shall conform with the requirements of Rule 602 and Rule 602a of the Manufactured Housing Commission Rules. All utility connections to homes shall be performed in accordance with Rule 603 of the Manufactured Housing Commission Rules.
12. Compliance with Regulations. The design, layout, construction and use of a manufactured housing community shall in all other respects comply with the regulations on the design, construction and use of manufactured housing communities, the sale and leasing of manufactured housing lots, and all other aspects of the construction and use of manufactured housing communities, as set forth in the rules of the Michigan

Manufactured Housing Commission, as amended from time to time.

7.06. LANDSCAPING, GROUND COVER, AND OPEN SPACE

1. Exposed ground surfaces in all parts of the manufactured housing community shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing community shall be graded and equipped to drain all surface water in a safe, efficient manner.
2. If a manufactured home development abuts an existing residential development, the development shall be required to provide screening along the boundary abutting the residential development.
 - A. If the development abuts a non-residential development, it need not provide screening.
 - B. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
3. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing community as effectively as the required landscaping described above.
4. A community that contains 50 or more sites shall have not less than 2% of the community's gross acreage dedicated to designated open space, but not less than 25,000 square feet.
5. At least one-half of the required open space, up to two acres, shall be dedicated to community recreation uses, such as, but not limited to, picnic areas, athletic fields, playgrounds, walking trails, shuffleboard courts and lawn game areas.

7.07. PUBLIC HEALTH AND SAFETY

1. Street Naming and Numbering. An orderly street naming system and unit address numbering system shall be established by the community owner and the plan of such system shall be approved in accordance with the Monroe County Street and Road Naming and Numbering Ordinance. The display of road names and unit address numbers shall be in accordance with said ordinance.
2. Pets. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the park.

3. Fires. Outdoor appliances such as cooking shelters, barbecue pits, fireplaces, and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on the neighboring property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
4. Outside structures. Outside structures such as individual fuel oil, petroleum, or other fuel tanks shall not be permitted to be stored in or under any manufactured home unit in a manufactured housing community.
5. Garbage. Each manufactured home space shall have its own individual garbage containers. The containers shall be kept in a sanitary condition at all times. It shall be the responsibility of the manufactured housing community operator to ensure that garbage containers do not overflow and to ensure that all exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.
6. Fire extinguishers. Every home in the community shall be equipped with fire extinguishing equipment in good working order, with type, size, and number and so located as to be in compliance with the applicable regulations of Rule 702a of the Manufactured Housing Commission. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with regulations of the State Police Fire Marshal Division.

7.08. MISCELLANEOUS PROVISIONS

1. Removal of Towing Mechanisms: Towing mechanisms shall be removed from the manufactured home dwelling at the time of dwelling installation and stored so as not to be visible from the exterior of the manufactured housing community.
2. Maintenance. The owner or operator of any community shall be responsible for all street construction and street maintenance within the confines of the manufactured housing community and shall be responsible for all snow removal within the confines of the community and shall be responsible for picking up trash and garbage within the confines of the community.
3. Single Family Dwellings. A manufactured home shall be used only as a single family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured housing community.

4. Inspection. No manufactured home shall be occupied for dwelling purposes unless the manufactured home is placed on a site or lot and connected to water, sanitary sewer, electrical, and other facilities as may be necessary or prior to Building Inspector inspection and permit approval.
5. Fences. Fences, if provided on individual home sites, shall be uniform in height, not to exceed 36 inches, and shall be constructed in such a manner as to provide firemen an access to at least two gates.
6. Signs. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the manufactured housing community. Such signs shall be located outside of the right-of-way and may be lighted from the street a distance equal to the setbacks established in Rule 944(2) of the Manufactured Home Commission Rules and may be lighted, provided that the source of light is not visible and not of the flashing or intermittent type. One sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the park. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first.
7. Expandable Units. Expandable units on manufactured homes may be utilized, provided that the minimum spacing between manufactured homes as herein provided is maintained.

7.09. SITE CONSTRUCTED BUILDINGS AND DWELLINGS

1. Site constructed buildings within the manufactured housing community, such as community buildings or laundries, but not including manufactured homes and their accessory storage buildings shall be reviewed by the Township at the time of submittal for a building permit, per the requirements of applicable building codes and required Manufactured Home Commission setbacks.
2. Site built single-family dwellings maybe located in a manufactured housing community as follows:
 - A. One single-family dwelling may be permitted for the exclusive use of the manufactured housing community owner or manager in a park of thirty acres.
 - B. Two single-family dwellings may be permitted for the exclusive use of the park owner, manager, or caretaker in a park in excess of thirty acres.
 - C. Any such dwellings shall comply in all respects with the requirements for single-family dwellings.

ARTICLE 8 - FLOOD PLAIN OVERLAY DISTRICT (FP)

8.00. INTENT

It is the purpose of these regulations to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township of Milan and to comply with the provisions and requirements of the National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency (FEMA), as published in the Federal Register, Volume 41, No. 207, Tuesday, October 26, 1976, and redesignated as 44 CFR 31177, May 31, 1979.

8.01. THE OBJECTIVES OF FLOOD PLAIN OVERLAY ZONE

1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding; and
6. To preserve the ability of flood plains to carry and discharge a base flood.

8.02. DELINEATION OF THE FLOOD PLAIN OVERLAY ZONE

The flood plain overlay zone shall overlay existing zoning districts delineated on the official Milan Township Zoning Map. The boundaries of the flood plain area zone shall coincide with the boundaries of the area indicated as within the limits of the of the 100 year flood as shown on the Flood Insurance Rate Maps for the Township of Milan, Michigan (Monroe County), dated April 20, 2000, being panel numbers 26115C0010D, 26115C0020D, 26115C0030D, 26115C0035D, 26115C0040D, 26115C0045D, 26115C0175D, 26115C0180D, 26115C0185D, and as may be amended. The Flood Insurance Rate Maps are adopted by reference, appended, and declared to be a part of this Ordinance.

The term flood hazard area as used in this ordinance shall mean the flood hazard overlay zone.

Where there are disputes as to the location of a flood hazard overlay zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with *Section 18.03*.

In addition to other requirements of this ordinance applicable to development in the underlying zoning districts, compliance with the requirements of this section shall be necessary for all development occurring within the flood plain overlay zone. Conflicts between the requirements of this section and other requirements of this ordinance or any other ordinance shall be resolved in favor of this section, except where the conflicting requirement is more stringent and would further the objectives of this section to a greater extent than the requirements of this section. In such cases, the more stringent requirements shall be applied.

8.03. SUMMARY OF DISTRICT LAND USES

The following are the uses permitted within the flood plain overlay district:

1. Grazing and agriculture, pasture land and animal grazing.
2. Harvesting of a native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds.
3. Harvesting of trees.
4. Parks, picnic areas, playgrounds, play fields, athletic fields, golf courses, bridle paths, nature paths and trails.
5. Wildlife preserves.
6. Fishing, trapping and hunting in compliance with current laws and regulations.
7. Historic sites and structures.
8. Swimming beaches, fishing and boating docks in accord with the provisions of the Inland Lakes and Streams Act of 1972.
9. Required open space or lot area for structural uses that are landward of the overlay zone.
10. Off-street parking, streets, roads, bridges, outdoor play equipment, sheds and garages, boathouses, boat hoists, utility lines, pump houses, bleachers, bank protection structures, signs, fences, gazebos and similar outdoor equipment and appurtenances
11. The above uses are permitted only when accessory to a principal use and when the following requirements are met:

- A. The structure would not cause an increase in water surface elevation, obstruct flow or reduce the impoundment capacity of the flood plain.
- B. All equipment and structures shall be anchored to prevent flotation and lateral movement.
- C. Compliance with these requirements is certified by an engineering finding by an engineer registered in the State of Michigan.

8.04. ACCESSORY STRUCTURES AND USES

The following accessory structures and uses are permitted: off-street parking, streets, roads, and bridges; outdoor play equipment, sheds and garages; boathouses, boat hoists, utility lines, and pumphouses; bleachers; bank protection structures; signs; fences; gazebos; and similar outdoor equipment and appurtenances, provided each of the following requirements are met:

1. The building or structure would not cause an increase in water surface elevation, obstruct flow, or reduce the impoundment capacity of the floodplain.
2. All equipment, buildings and structures shall be anchored to prevent flotation and lateral movement.
3. Compliance with these requirements is certified by an engineering finding by a registered engineer.

8.05. FILLING AND DUMPING

Dredging and filling and/or dumping or backfilling with any material in any manner is prohibited unless through compensating excavation and shaping of the flood plain, the flow and impoundment capacity of the flood plain will be maintained or improved, and unless all applicable state regulations are met including but not limited to approvals pursuant to the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, being MCL 324.101 - 324.99904.

8.06. GENERAL STANDARDS FOR FLOOD PLAIN REDUCTION

1. No building or structure shall be erected, converted or substantially improved or placed, and no land filled or structure used in a flood plain district unless an approved site plan, or variance from the Zoning Board of Appeals, is obtained, which approval shall not be granted until a permit from the Department of Environmental Quality, under authority of Part 31, Water Resources Protection, of the

Natural Resources and Environmental Protection Act, PA 451 of 1994, has been obtained.

2. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
3. The Building Inspector, or their representative, shall review development proposals to determine compliance with the standards in this section.
4. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
5. The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
6. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

8.07. DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this Article shall not be considered a guarantee or warranty of safety from flood damage.

This ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This ordinance does not create liability on the part of the Township of Milan, or any officer or employee thereof, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8.08. AREA AND BULK REQUIREMENTS

Height, bulk and area requirements cannot be adequately specified for the Flood Plain District because of the variety of uses which may be permitted upon special approval in the district. However, consideration of appropriate height, bulk and area regulations is required for approval of the uses as specified in *Section 8.03* of this Ordinance.

ARTICLE 9 - PLANNED DEVELOPMENT DISTRICT (PDD)

9.00. STATEMENT OF PURPOSE

The PDD District is intended to permit the coordinated development on larger sites, protect significant natural features, to provide the opportunity to mix compatible uses or residential types, or allow clustering of residential units to preserve common open space and natural features. Development under this PDD District shall be substantially in accord with the goals and objectives of the Milan Township Future Land Use Plan. It is the intent of this Article to offer an alternative to conventional development through the use of Planned Unit Development legislation, as authorized by Section 503 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended) for the purpose of:

1. Encouraging the use of land in accordance with its character and adaptability;
2. Permit flexibility in the regulation of land development allowing for higher quality of design through innovation in land use, variety in design, layout, and type of structures constructed.
3. Ensure compatibility of design and function between neighboring properties.
4. Protect and preserve natural resources, natural features, agriculture, open space, and historical or significant architectural features.
5. Promote efficient provision of public services, utilities and transportation facilities and ensure the necessary infrastructure is in place to support new development.
6. Utilizing clustered development as a means to more efficiently and cost effectively provide and maintain streets, utilities, and public services;
7. Provide convenient vehicular access throughout the development and minimizing adverse traffic impacts and ensuring that the condition of public roads is sufficient to support proposed development.
8. Provide complete non-motorized circulation to, from, and within developments.
9. Provide adequate housing and employment.
10. Encourage development of convenient recreational facilities as an integral part of residential developments.

11. Ensure that various land uses and building bulk will relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.
12. Encourage development that is consistent with the goals stated within the *Milan Township Future Land Use Plan*.

9.01. ELIGIBILITY CRITERIA

To be eligible for consideration as a PDD District, the applicant must present a proposal for residential development or a mixed use development that meets each of the following:

1. **Recognizable Benefits.** A PDD shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. The benefits can be provided through site design elements in excess of the requirements of this Ordinance, such as high quality architectural design, extensive landscaping, provision of buffers, unique site design features, preservation of woodlands and open space, particularly along major thoroughfares, buffering development from streams and wetlands, provision of community recreational facilities or mitigation to offset community impacts.
2. **Qualification Requirements.** The proposed development shall provide one (1) or more of the following benefits, as determined by the Township Board:
 - A. **Preservation of Natural Features.** The site contains significant natural assets such as woodlands, significant views, woodlands along roadways, natural drainage ways, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve and which might be negatively impacted by conventional residential development.
 - B. **Recreation Facilities.** If the site lacks natural features, it can qualify if the development will preserve existing or provide new recreation facilities and open spaces to which all residents of the development will have reasonable access. Such facilities include areas such as a neighborhood parks, plazas, passive recreational facilities, soccer fields, ball fields, pathways or similar facilities. Golf courses shall not count towards open space requirements. The design and development of recreational facilities shall not adversely impact natural features, with the intent to place a higher priority on natural features preservation.

- C. **Mixed Use.** Provide for mixed use development with mixture of compatible uses integrated into a cohesive plan for a site. PDD's may include a mixture of residential and non-residential uses. Such mixture of uses shall be integrated into a cohesive, pedestrian scale neighborhood.
- D. **Agriculture.** A site can qualify if the development will preserve the required open space for agricultural and agricultural buffering purposes.
3. **Guarantee of Open Space.** Usable open space shall be provided and the applicant shall guarantee that all open space portions of the development will be maintained in the manner approved, as required herein. Documents shall be provided that bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the plan.
4. **Cohesive Neighborhood.** The proposed development shall be designed to create cohesive community neighborhoods through a network of spaces such as parks and common open space areas for passive or active recreation and resident interaction.
5. **Availability and Capacity of Public Services.** Public water and sanitary sewer shall be available or shall be provided by the developer as part of the site development. The proposed type and density of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities or shall provide the necessary public facility improvements.
6. **Impacts Mitigated.** The proposed type and density of use shall not result in an unreasonable increase in the need for or impact to public services, facilities, roads, and utilities and shall not place an unreasonable impact to the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. The Township may require that the applicant prepare an impact statement documenting the significance of any environmental, traffic, public service, fiscal or socio-economic impact resulting from the development. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the planned development community plan to assist in making this determination (such as an overlay of

conceptual development plans, on a natural features map, illustrating other site development options to demonstrate that the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the planned development community.

7. **Unified Control.** The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
8. **Future Land Use Plan.** The proposed development shall be consistent with and further the implementation of the goals, objectives and future land use map of the *Milan Township Future Land Use Plan*.

9.02. PERMITTED USES AND DWELLING DENSITY

1. **PDD Concept Plan:** The applicant and the Township Board shall establish a list of permitted uses for each component of a PDD, based upon the recommendation of the Planning Commission. The Planning Commission shall make a finding that uses permitted shall be of a nature and design to have minimal external impacts to surrounding land uses and natural features. A PDD concept plan shall be prepared for the PDD that divides the PDD into components for various uses. Each component of the PDD shall be designated as corresponding to one of the PDD districts listed in *Section 9.02.1*. The concept plan may provide for a mixture of uses, including a vertical mixture of uses, such as office or residential above commercial. Such list of permitted uses shall be documented in the PDD Agreement required under *Section Section 9.09* below.
2. **Residential Density Determination:** The total number of dwelling units permitted within a PPD shall be based upon the Concept Plan, according to the following schedule:

<u>Concept Plan PDD District</u>	<u>permitted density</u>
Conservation/Open Space	na
Agricultural	1 unit per 10 acres
Rural Estates	1 unit per 1 acre
Low Density Single Family Residential	1 unit per 30,000 square feet

Medium Density Single Family Residential	1 unit per 20,000 square feet
High Density Single Family Residential	1 unit per 10,000 square feet
Multiple Family Residential	1 unit per 4,000 square feet
Mixed Use	1 unit per 4,000 square feet
Commercial	na
Light Industrial	na

For the purposes of density determination, all areas of the site which consist of open water, flood hazard zones, existing road easements and existing drain easements shall be considered Conservation/Open Space on the Conceptual Plan.

9.03. AREA AND BULK REGULATIONS

1. Lot size, road frontage, lot coverage, building height, setback requirements, and floor area requirements shall be guided by the requirements of *ARTICLE 6 - SCHEDULE OF REGULATIONS* for the existing zoning district which, according to a determination by the Planning Commission, is most similar to the proposed development, or portion of the proposed development.
2. To encourage flexibility and creativity consistent with the purpose of the PDD District, the Township may permit specific departures from these requirements. Deviations shall only be approved through a finding by the Township that the deviation will result in a higher quality of development than would be possible using these standards. Only those deviations consistent with the intent of this District shall be considered. Modification to these requirements may be approved by the Township Board, upon recommendation from the Planning Commission, upon making the determination that other setbacks would be more appropriate because of the topography, existing trees and other vegetation, proposed grading and landscaping, or other existing or proposed site features.

9.04. OPEN SPACE REQUIREMENTS

1. **Common Open Space:** All land within a development that is not devoted to a residential unit, commercial, agriculture or industrial use or road right-of-way shall be set aside as common land for neighborhood use, public use, recreation, conservation or agriculture. The applicant and subsequent owners of the open space shall have the option to dedicate

open space areas to the Township or other governmental agencies for recreational or other public use.

2. **Amount of Open Space:** An area of the PDD shall be dedicated to common open space. The total amount of open space shall be calculated based on the table below of the area of land in the Conceptual PDD plan which is contained within the various PDD Conceptual Plan Districts. At least twenty-five percent (25%) of the total required open space shall be developed with active recreational areas such as neighborhood parks, common greens, recreational facilities, community buildings or similar facilities that provide a neighborhood amenity, gathering place, focal point or serve a community need. The remaining common open space areas may be nature preserves, passive recreational areas, landscape buffers, and greenbelts, wetlands or storm water detention/retention ponds.

<u>Concept Plan PDD District</u>	<u>required open space</u>
Agricultural	0%
Rural Estates	25%
Low Density Single Family Residential	30%
Medium Density Single Family Residential	35%
High Density Single Family Residential	40%
Multiple Family Residential	50%
Mixed Use	50%
Commercial	25%
Light Industrial	25%

3. **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of meeting the requirements of *Section 9.04.2*:
 - A. Area proposed as single family residential or site condominium lots.
 - B. Area proposed to be occupied by multiple family dwellings, including the minimum required setbacks around buildings.
 - C. The area of any road right-of-way or private road easement except where right-of-way beyond sixty-six (66) feet wide is being dedicated and will include landscaping, the additional right-of-way width may be credited towards open space requirements.
 - D. Fifty percent (50%) of any submerged land area of a pond, lake, stream, wetlands or storm water detention ponds that are designed to appear and function similar to a natural wetland or pond may not be counted as open space.

- E. Sixty-five percent (65%) of golf course area may not be counted towards the open space requirement. Such areas shall not account for more than 35% of the minimum required open space.
4. **Open Space Location:** Common open space shall be planned in locations visible and accessible to all in the PDD. The common open space may either be centrally located, along the road frontage of the development, located to preserve natural features, located to buffer adjacent farmland or located to connect open spaces throughout the development, provided the following areas shall be included within the open space area:
- A. Open space greenbelts shall be provided along major public roads, either landscaped or preserved in a natural wooded condition, as follows:
- (1) In residential areas where lots or dwellings back to the major road, as designated by the Planning Commission, a greenbelt with an average depth of seventy five (75) feet shall be provided along the major road.
 - (2) Industrial sites, including research and development office parks, shall provide a minimum fifty (50) foot wide greenbelt along the property boundaries.
 - (3) For all sites along US 23, a minimum fifty (50) foot wide greenbelt shall be provided.
 - (4) For retail uses and shopping centers, a minimum twenty (20) foot wide greenbelt shall be provided along the property boundaries.
 - (5) For sites that have principal pedestrian access to the front sidewalk and no front yard parking, the Township may waive the greenbelt requirement; provided, pedestrian plazas, street trees and other landscaping shall be provided along the sidewalk and road.
- B. Open space shall be situated to maximize the preservation of any existing site woodlands.
- C. A minimum one-hundred (100) foot wide undisturbed open space setback shall be maintained from the edge of any stream or wetland; provided that the Township may permit trails, boardwalks, observation platforms or other similar structures that enhance passive enjoyment of the site's natural amenities within the setback. The Township may permit grading within the setback where it will be re-landscaped. Within areas of a site designated for mixed-use, this setback may be reduced by the Township;

provided that continuous pedestrian access is maintained along the waterway.

- D. A minimum one-hundred fifty (150) foot wide open space buffer shall be maintained between residential lots and any adjacent parcel occupied by an agricultural use, except where the adjacent farmland is under the same ownership as the PDD.
 - E. Where adjacent land includes open space, public land or existing or planned bike paths, open space connections shall be provided between the site and adjacent open space. Trails between adjoining open space development shall be constructed to allow future interconnection between neighborhoods.
5. **Open Space Protection:** The dedicated open space shall be set aside in perpetuity by the developer through a conservation easement that is found acceptable to the Township. The conservation easement shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The conservation easement shall provide the following:
- A. Allowable use(s) of the dedicated open space shall be indicated. The Township may require the inclusion of open space restrictions that prohibit the following:
 - (1) Dumping or storing of any material or refuse;
 - (2) Activity that may cause risk of soil erosion or threaten any living plant material;
 - (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - (4) Use of motorized off road vehicles;
 - (5) Cutting, filling or removal of vegetation from wetland areas;
 - (6) Use of pesticides, herbicides or fertilizers within 100 feet of wetlands.
 - B. Require that the dedicated open space shall be maintained by parties who have an ownership interest in the open space. Standards for scheduled maintenance of the open space shall be provided. The conservation easement shall provide for maintenance to be undertaken by the Township in the event that the open space is not adequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the owners of the open space.

- C. The dedicated open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited. Any change in use of the open space from what is shown on the approved site plan shall require Township Board approval, based upon a recommendation by the Planning Commission, and shall not diminish compliance with the requirements of this Article.
- D. Nothing herein shall prevent the conveyance of open space to a public agency or other non-profit entity for recreational or conservation use.

9.05. NATURAL FEATURES

- 1. **Limits of Tree Clearing:** The development shall be designed so as to preserve natural resources. The limits of tree clearing and grading shall be clearly shown on the preliminary site plan or plat.
- 2. **Animal or Plant Habitats:** If animal or plant habitats that are characteristic of pre-settlement habitat exist on the site, the Township, as a condition of approval, may require that the site plan preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas.

9.06. LANDSCAPING

The following landscaping requirements shall be met in addition to other landscaping requirements contained in this ordinance:

- 1. **Street Trees:** Both sides of all internal roads shall be landscaped with street trees. For road frontages of individual lots or condominium sites, a minimum of two (2) canopy trees shall be provided per dwelling. For sections of road that do not abut lots or condominium sites, one (1) canopy tree shall be provided on each side for every forty (40) feet of road. Existing trees preserved within ten (10) feet of the road right-of-way or easement may be credited towards meeting this requirement.
- 2. **Frontage Greenbelt: Frontage Greenbelt:** The open space greenbelts required under *Section 9.04.4.A* shall be landscaped as follows:
 - A. Greenbelts for residential sites, industrial sites and along US 23 shall be landscaped at a rate of one (1) deciduous tree every (40) forty feet, one (1) evergreen tree every thirty (30) feet and one (1) shrub every ten (10) feet of greenbelt length.

- B. Retail and shopping center greenbelts shall be landscaped at a rate of one (1) deciduous tree every forty (40) feet and one (1) shrub every ten (10) feet of greenbelt length.
3. **Parking Lots:** All parking lots shall be landscaped with a minimum of one (1) deciduous tree for every ten (10) parking spaces. Parking lot landscaping may be located within internal landscape islands and surrounding the parking lot within ten (10) feet of the edge of the parking lot, provided a minimum of one-third (1/3) of the required trees shall be located within internal landscape islands with a minimum dimension of two hundred (200) square feet.
 4. **Stormwater Detention Ponds:** All ponds and stormwater management facilities shall be designed to fit into the natural landscape and provide a natural appearance. Landscaping shall be provided around the perimeter of the pond to create the appearance of a natural pond or wetland. Landscaping shall include a combination of canopy trees, shrubs and grasses that are adapted to saturated soil conditions. Canopy trees may be dispersed around the perimeter, but should provide greater clusters in locations that will provide shade and minimize the heating effect of the sun on the stormwater detention pond. Storm water detention ponds shall be designed with shallow side slopes that do not require security fencing. For ponds not dedicated to the Monroe County Drain Commission, the development agreement shall provide for long term maintenance of the stormwater detention pond by the homeowners association.

9.07. ROADWAYS, DRIVEWAY ACCESS AND CIRCULATION.

Any non-residential use in a PDD must meet the following standards:

1. Access shall be limited to one (1) major entrance along any arterial road. Additional access points shall only be considered if spaced at least three hundred fifty (350) feet apart. Proposed access points shall be spaced a minimum of three hundred fifty (350) feet from any existing access points on the same side or opposing sides of the road and from any intersection.
2. Main access points shall be spaced from existing signalized intersections to ensure proper spacing and progression if the main access point is signalized in the future.
3. Additional right-of-way shall be provided to accommodate improvements to the existing arterial roadway system that are planned or required to mitigate traffic associated with the PDD.

4. All roads shall be designed to meet the requirements of the Monroe County Road Commission.
5. A continuous sidewalk system shall be provided through the development along both sides of all internal streets, unless an alternative pathway system is approved by the Planning Commission.

9.08. DESIGN STANDARDS

1. **Non-residential Architecture.** Non-residential buildings shall provide distinct and prominent architectural features that create a positive visual landmark. Walls facing the street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or other decorative finish materials. The exterior building walls, exclusive of doors and windows, shall be at least 75% brick. On industrial buildings the Planning Commission may allow other high-quality masonry material such as split face block as the primary building material. Blank walls shall not face the street. Single story buildings shall have pitched roofs. Flat roofs shall be allowed on non residential two story buildings, provided the roof is enclosed by parapets and a decorative cornice.
2. **Site Elements.** Signage, lighting, landscaping, building architecture and materials, and other features of the project, shall be designed to achieve an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.

9.09. DEVELOPMENT AGREEMENT

The applicant shall submit a Development Agreement to the Planning Commission prior to Township Board approval addressing the following items::

1. A survey of the acreage comprising the proposed development.
2. The manner of ownership of the developed land.
3. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
4. Provision assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose. The Township may require conveyances or other documents to accomplish this.

5. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for roadway improvements, open space areas and common areas, including walkways, signs, lighting and landscaping, and that maintenance of such improvements is assured by a means satisfactory to the Township Board. The Township may require an escrow to accomplish this.
6. The cost of installing and maintaining all streets necessary to serve the development and the necessary utilities (including public water, wastewater collection and treatment) has been assured by a means satisfactory to the Township Board. In the case of phased PDD's this requirement shall be reviewed at the time of any final site plan approval.
7. Provisions to ensure adequate protection of natural features.
8. The preliminary site plan shall be incorporated by reference and attached as an exhibit.
9. Set forth the conditions upon which the approval is based, with reference to the approved Site Plan or Plat Plan and Impact Statement and a description of all deviations from Township regulations that have been requested and approved.
10. Assure that trees and woodlands will be preserved as shown on the site plan, or replaced on a caliper for caliper basis.
11. Address any other concerns of the Township regarding construction and maintenance.

9.10. APPROVAL PROCESS

The approval of a planned development application shall require an amendment to the Zoning Ordinance to revise the zoning map and designate the subject property as "PDD -Planned Development District". Approval granted under this Article, including all aspects of the final plan and conditions imposed on it, shall constitute an inseparable part of the zoning amendment.

- 1. Process for rezoning to appropriate PDD designation, Conceptual PDD Site Plan approval and PDD Agreement:**
 - A. An optional pre-application workshop with the Planning Commission may be requested by the applicant to discuss the appropriateness of the PDD concept, solicit feedback and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the Planning Commission agenda.
 - B. The applicant shall prepare and submit to the Township Clerk a request for rezoning to the appropriate PDD designation. The application shall include all Conceptual

Submittal items listed in *Section 9.10.5* and shall be submitted in accordance with the procedures and requirements set by resolution of the Township Board.

- C. The Planning Commission shall review the rezoning request, the Conceptual PDD Site Plan, and PDD Agreement, conduct a public hearing, and make a recommendation to the Township Board to approve, deny or approve with a list of conditions, based on the review standards of *Section 9.10.6*.
 - (1) The Planning Commission may request professional review of the conceptual plans by appropriate agencies or consultants, such as the Township Planner and Township Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.
 - (2) The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Township Clerk to provide sufficient time for review prior to the Township Board meeting.
- D. Within thirty (30) days following receipt of a recommendation from the Planning Commission, the Monroe County Planning Commission shall review the requested PDD rezoning and make a recommendation for approval or denial to the Township Board.
- E. The township board may hold additional hearings if the township board considers it necessary. Notice of a public hearing shall be in accordance with the provisions of *Section 17.12 - PUBLIC NOTICE AND HEARING PROCEDURES*.
- F. Following receipt of a recommendation from the Milan Township Planning Commission and Monroe County Planning Commission, the Township Board shall either approve, deny, or approve with a list of conditions the requested PDD rezoning, Conceptual PDD Site Plan and PDD Agreement. The Township Board may require a submittal of an updated application reflecting the conditions for approval. The Township Board may hold additional hearings if the Township Board considers it necessary.

2. **Expiration:** Approval of the Conceptual PDD Site Plan by the Township Board shall confer upon the owner the right to proceed through the subsequent planning phase for a period not to exceed one (1) year from date of approval. If application for Final PDD Site Plan approval is not requested within this time period, resubmittal of a new PDD concept plan and application shall be required. The Township Board may extend the period up to an additional one (1) year, if requested in writing by the applicant prior to the expiration date.
3. **State and County Notification**
 - A. The following agencies shall be notified of a planned development project prior to final site plan approval:
 - (1) The Monroe County Road Commission and, if any part of the project includes or abuts a state highway or includes streets or roads that connect with or lie within the right-of-way of a state highway, the Michigan Department of Transportation;
 - (2) The Monroe County Drain Commissioner; and
 - (3) The Monroe County Health Department and the State of Michigan Department of Environmental Quality.
 - B. In the event that negative comments are received from any of these agencies, the Planning Commission and Township Board shall consider the nature of such comments with respect to Ordinance requirements, conditions on the site, response from the applicant, and other factual data related to the issue or concern. Negative comments shall not automatically result in denial of the plan, but every effort shall be made to resolve any issues or concerns cited by these agencies prior to taking action on the plan.
 - C. In addition to the specific required approvals, all planned development project site plans shall have been submitted to the Michigan Department of Environmental Quality, each of the public utilities serving the site, and any other state agency designated by the Planning Commission, for informational purposes. The Planning Commission and Township Board shall consider any comments made by these agencies prior to final site plan approval.
4. **Process for Final PDD Site Plan(s)**
 - A. The applicant shall submit the required copies of all necessary information meeting the requirements of *Section 9.10.7* of this ordinance to the Township Clerk at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request. If the PDD involves a platted subdivision, the Final

Site Plan may be processed concurrently as a Preliminary Plat.

- B. Upon submission of all required materials and fees, the Planning Commission shall review the Final PDD Plan, the Impact Statement, and PDD Agreement and make a recommendation to approve, deny or approve with a list of conditions to the Township Board based on the review standards of *Section 9.10.8*.
 - C. The Planning Commission may request professional review of the final plans by appropriate agencies or consultants, such as the Township Planner and Township Engineer. If such review is requested, the designated agencies or consultants shall prepare and transmit reports to the Planning Commission stating their findings and conclusions and any recommended changes or revisions. The Township shall require the applicant to pay the cost of any such review fees.
 - D. The applicant shall make any revisions to incorporate conditions noted by the Planning Commission and submit the required copies to the Township Clerk to provide sufficient time for review prior to the Township Board meeting. Following receipt of a recommendation from the Planning Commission, the Township Board shall conduct a public hearing on the requested Final PDD Site Plan.
 - E. **Conditions.** A Final PDD may be approved with reasonable conditions to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources, ensuring compatibility with adjacent uses of land, promoting the use of land in a socially and economically desirable manner, and further the implementation of the ***Milan Township Future Land Use Plan***. If the Final PDD Site Plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator prior to the issuance of any building permits.
5. **Conceptual PDD Site Plan Submittal.** The purpose of the conceptual review is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project in order to prepare final site engineering and architecture plans, and to execute necessary agreements between the applicant and the Township. The required number

of copies of each of the following items shall be submitted by the applicant or as required by the Township.

The PDD concept plan submittal shall include all of the following information:

Existing Site Conditions:

- A. An overall area map at a scale of not less than one inch equals two thousand feet (1"=2000') showing the relationship of the PDD to its surroundings such as section lines and/or major streets or collector streets.
- B. Physical development plan prepared at a minimum scale of one inch equals one hundred feet (1"=100').
- C. Boundaries of proposed PDD, section or corporation lines within or adjacent to the tract, and overall property dimensions.
- D. Zoning and current land use of subject property.
- E. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the PDD site, including those of areas across abutting roads.
- F. All properties within the proposed development which are subject to Act 116 Farmland Preservation agreements or deed restrictions regarding development rights.
- G. Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the PDD site, including those located across abutting roads.
- H. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the PDD site.
- I. Topography drawn as contours with a two (2) foot contour interval. Topography to be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the PDD boundaries.
- J. Existing rights-of-way and easements.
- K. Significant natural and historical features.
- L. Existing buildings and structures.
- M. Surface water features.
- N. Floodplain areas.
- O. Wetlands over 2 acres in size.
- P. The limits of major stands of trees and a tree survey indication the location, species and diameter of all trees

with a diameter of over eight (8) inches measured four feet above grade.

Proposed Development Features:

- Q. Proposed land uses and densities for each component of the PDD, with each component designated as a specific zoning district.
- R. Layout of streets indicating proposed street names, right-of-way widths, and connections with adjoining roads, and also the widths and location of easements, and public walkways.
- S. Layout, numbers, and dimensions of one-family lots, including building setback lines.
- T. Layout of proposed multiple-family dwellings, including setbacks, buildings, drives, parking spaces, walkway systems, and landscaping.
- U. Location and definition of function of both developed and undeveloped open spaces. Layout of facilities to be included on developed open spaces.
- V. Depiction of major wooded areas and description of means to be employed to preserve them.
- W. An indication of ownership, and existing and proposed use of any parcels identified as "excepted".
- X. An indication of the proposed sewage and water supply systems, including documentation from a qualified engineer indicating the feasibility of implementing such systems.
- Y. Storm water and drainage systems. If county drains are involved, the proposed drainage shall be acceptable to the Monroe County Drain Commissioner. Storm drainage must be provided to an approved outlet or retention.
- Z. Conceptual site grading plan and conceptual landscaping plan, including pedestrian circulation system.
- AA. Depiction of proposed development phases.
- BB. Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.
- CC. If a multi-phased PDD is proposed, identification of the areas included in each phase. For residential uses, identify the number, type, and density proposed by phase.

Tabulations:

- DD. Total site acreage and percent of total project in various uses, including developed and undeveloped open space.
- EE. Total site density and density of one-family and multiple-family dwellings and percent of ground area covered by buildings.
- FF. Acreage and numbers of single-family lots and multiple-family dwellings to be included in development phases.

Impact Assessments:

- GG. An assessment of the traffic impact of the proposed development on existing and proposed streets.
- HH. An assessment of the fiscal impact (costs and revenues) of the proposed development on the Township and the affected school districts.
- II. An hydrologic impact assessment describing the existing ground and surface water resources including, but not limited to, a description of the water table, direction of groundwater flow, recharge and discharge areas, lake levels, surface drainage, floodplains, and water quality as well as the projected impact of the proposed development on such resources, in particular impacts associated with water supply development, wastewater disposal, and storm water management.

Supporting Materials:

- JJ. Legal description of the total site.
- KK. The name, professional seal and license number of architect, engineer, surveyor, or landscape architect preparing submitted materials.
- LL. Draft of the Development Agreement required by Section 9.09
- MM. Statement of developer's interest in the land proposed for development.
- NN. Statement regarding the manner in which open space is to be maintained.
- OO. Statement regarding the developers intentions regarding sale and/or lease of all or portions of the PDD, including land areas, units, and recreational facilities.
- PP. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the use of the land and structures.

- QQ. Statement and table of all requested regulatory deviations and modifications which are otherwise applicable to the site under conventional zoning.
- RR. Schedule indicating the time within which applications for final approval of each phase of the PDD are intended to be filed.
- SS. Any other information deemed appropriate by the Township to conduct the necessary reviews.
6. **Standards for Conceptual PDD Approval:** Following the public hearing the Commission shall review the PDD concept plan, the parallel plan, and the PDD agreement and make a recommendation to the Board for approval, denial, or approval with conditions, based upon the following:
- A. The PDD shall satisfy the eligibility criteria of *Section 9.01*.
 - B. The PDD shall comply with the requirements of this article other applicable sections of this Ordinance and the subdivision or condominium standards of the Township, as applicable.
 - C. The PDD shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area.
 - D. The proposed PDD shall be adequately served by essential public facilities and services, such as roads, pedestrian or bicycle facilities, police and fire protection, drainage systems, water supply and sewage facilities. The design shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation, access location and design, circulation, roadway capacity, traffic operations at proposed access points and nearby intersections.
 - E. The proposed PDD shall not have an unacceptable significant adverse effect on the quality of the natural environment, on water resources, and on the public health, safety and welfare in comparison to the impacts associated with a conventional development.
7. **Requirements for Final Review:** In addition to the requirements for Site Plan Review contained within this ordinance and applicable information specified on the Site Plan checklist, the following information shall be included on, or attached to, all planned development plans submitted for final review:
- A. All information required for conceptual and preliminary review as specified in *Section 9.10.5*, previously.

- B. Detailed site plans for all buildings and uses which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed site plans for each facility or phase, in accordance with Site Plan Review procedures.
 - C. Detailed engineering plans for all portions of the project which the applicant intends to begin construction on immediately upon final planned development approval. Where construction is not proposed to begin immediately, or where a project is proposed for construction in phases, the Planning Commission may recommend that final approval be granted subject to subsequent review and approval of detailed engineering plans for each facility or phase. Such plans shall be prepared in accordance with the Township engineering standards, and shall at minimum include the following:
 - (1) Engineering plans for all roads, drive aisles, and paved areas,
 - (2) Site drainage plans, including retention and/or detention areas,
 - (3) Engineering plans for proposed utility systems, including sanitary sewerage and water systems.
 - (4) Plans for controlling soil erosion and sedimentation during construction.
 - D. Following approval of a planned development proposal and an amendment to the Zoning Ordinance, final site plan and engineering review and approval shall be required prior to obtaining a building permit and commencement of construction for each facility or phase.
 - E. A final planned development agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the planned development proposal will be based.
8. **Standards for Final Review and Approval:** In considering any application for approval of a planned development plan, the Planning Commission and Township Board shall make their determinations on the basis of the standards for site plan approval set forth in this ordinance, as well as the following standards and requirements:

- A. **Conformance with the Planned Development Concept.** The overall design and all uses proposed in connection with a planned development shall be consistent with and promote the intent of the planned development concept, as well as with specific project design standards set forth herein.
- B. **Compatibility with Adjacent Uses.** The proposed planned development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features to assure the compatibility and harmony in the land use relationships with the development of surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to:
- (1) The bulk, placement, and materials of construction of proposed structures.
 - (2) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - (3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - (4) The hours of operation of the proposed uses.
 - (5) The provision of landscaping and other site amenities.
- C. **Public Services.** The proposed planned development shall not exceed the capacity of existing and available public services, including but not necessarily limited to utilities, public roads, police and fire protection services, and educational services, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned development is completed.
- D. **Impact of Traffic.** The planned development shall be designed to minimize the impact of traffic generated by the proposed development on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
- (1) Access to major thoroughfares.
 - (2) Estimated traffic to be generated by the proposed development.
 - (3) Proximity and relation to intersections.
 - (4) Adequacy of driver site distances.

- (5) Location of and access to off-street parking.
- (6) Required vehicular turning movements.
- (7) Provisions for pedestrian traffic.

- E. **Protection of Natural Environment.** The proposed planned development shall be protective of the natural environment, and shall be in compliance with all applicable environmental protection laws and regulations. An impact assessment shall be prepared in accordance with the requirements of *Section 9.10.5.GG - II* of this Ordinance. If the State of Michigan Department of Environmental Quality or the United States Environmental Protection Agency has required preparation of an impact assessment report in accordance with the requirements of either of those agencies, the Planning Commission and Township Board may agree to accept that report as a reasonable substitute for the information otherwise required by this article.
- F. **Compatibility with the Township Future Land Use Plan.** The proposed planned development shall be consistent with the general principles and objectives of the adopted Milan Township Future Land Use Plan.
- G. **Compliance with Applicable Regulations.** The proposed planned development shall be in compliance with all applicable Federal, state, and local laws and regulations.

9.11. SCHEDULE OF CONSTRUCTION

1. Final site plan approval of an PDD, PDD phase or a building within an PDD shall be effective for a period of one (1) year. Further submittals under the PDD procedures shall be accepted for review upon a showing of substantial progress in development of previously approved phases, or upon a showing of good cause for not having made such progress.
2. In the development of an PDD, the percentage of one-family dwelling units under construction, or lots sold, shall be at least in the same proportion to the percentage of multiple family dwelling units under construction at any one time, provided that this Section shall be applied only if one-family dwelling units comprise twenty-five (25%) percent or more of the total housing stock proposed for the PDD. Non-residential structures designed to serve the PDD residents shall not be built until the PDD has enough dwelling units built to support such non-residential use. The Planning Commission may modify this requirement in their conceptual or final submittal review process.

9.12. PHASING

1. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned development and the residents of the surrounding area.
2. Construction of any facility may commence at any time following site plan approval provided that construction shall be commenced for each phase of the project within one (1) year of the scheduled date set forth on the phasing schedule in the planned development agreement. However, the applicant may submit a revised phasing plan for review and approval by the Planning Commission. The applicant shall also submit a statement indicating the conditions which made the previous phasing plan unachievable. Once construction of a planned development has commenced, approval of a revised phasing plan shall not be unreasonably withheld or denied, provided that the revised phasing does not materially change the integrity of the approved planned development proposal.
3. In the event that construction has not commenced within the required time period and a revised phasing plan has not been submitted, the Township may initiate proceedings to amend the zoning classification of the undeveloped portion of the site.

9.13. APPEALS AND VIOLATIONS

1. **Zoning Board of Appeals:** The Zoning Board of Appeals shall have the authority to hear and decide appeal requests by individual lot owners for variances from the Milan Township Zoning Ordinance following final approval of the PDD. However, the Zoning Board of Appeals shall not have the authority to reverse the decision of the Township Board on a PDD concept, or final site plan, change any conditions placed by the Planning Commission, or Township Board or grant variances to the PDD site plan, written PDD agreement or the requirements of this article.
2. **Violations:** A violation of the PDD plan or agreement shall be considered a violation of this Ordinance.

9.14. AMENDMENTS & DEVIATIONS FROM APPROVED FINAL PDD SITE PLAN

1. **Deviations following approval:** Deviations following approval of the Final PDD Site Plan may occur only when an

applicant or property owner who was granted Final PDD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received and approved prior to initiation of any construction in conflict with the approved Final PDD Site Plan.

2. **Procedure:** Within fourteen (14) days of receipt of a written request to amend the Final PDD Site Plan, the Zoning Administrator shall review the requested change, and present the request, with the Zoning Administrator's recommendation, to the Township Board for a determination whether the change is major, warranting formal review and process, or minor, allowing administrative approval, as noted below.
3. **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Township Board. The Zoning Administrator shall consider the following when determining a change to be minor:
 - A. For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
 - B. Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
 - C. Floor plans may be changed if consistent with the character of the use.
 - D. Horizontal and/or vertical elevations may be altered by up to five percent (5%).
 - E. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
 - F. Designated "Areas not to be disturbed" may be increased.
 - G. Plantings approved in the Final PDD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
 - H. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.

- I. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
 - J. Slight modification of sign placement or reduction of size.
 - K. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
 - L. Changes required or requested by the Township, County or state for safety reasons.
4. **Major Changes:** Where the Township Board fails to make a determination that the requested amendment to the approved Final PDD site plan is minor, or makes a determination that the requested amendment is major, a revised conceptual PDD Site Plan shall be submitted according to the procedures outlined in *Section 9.10*. Illustrating the modifications shall be required.

ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL

10.00. STATEMENT OF PURPOSE

This section provides a set of procedures and standards for special uses of land or structures which, because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

The regulations and standards, herein, are designed to allow, on one hand, practical latitude for the investor or developer, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community.

10.01. SPECIAL APPROVAL PROCEDURES

The application for a Special Approval Use shall be submitted and processed under the following procedure:

1. In the event the allowance of a desired use requires both a rezoning and permission for a Special Approval Use, both requests may be submitted jointly, subject to the following:
 - A. The Ordinance procedures for each shall be followed as specified.
 - B. The application together with all required data shall be transmitted to the Township Board for their review and recommendation.
2. An application shall be submitted through the Township Clerk on an application form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board.
3. The following is required for all Special Approval Uses:
 - A. The application form shall be completed in full by the applicant including a statement by the applicant that the standards in *Section 10.02* can be complied with.
 - B. A conceptual site plan, containing at least the data as specified in *Section 11.03.1*, describing in detail the proposed land use and development.
4. The Township Board shall hold a public hearing. In such cases the notice requirements for public hearings shall follow the provisions of *Section 17.12 - PUBLIC NOTICE AND HEARING PROCEDURES*.
5. The Township Board may deny, approve, or approve with conditions a request for special land use approval, based on

the standards of *Section 10.02*. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

6. A Special Approval Use granted pursuant to this Article shall be valid for one (1) year from the date of approval. If construction has not commenced and proceeded meaningfully toward completion by the end of this one (1) year period, the Building Inspector shall notify the applicant in writing that the expiration of the permit for the Special Approval Use may terminate following determination by the Township Board.
7. The Township Board shall have the authority to revoke any Special Approval Use after the applicant has failed to comply with any of the applicable requirements of this *ARTICLE* or any other applicable sections of this Ordinance.
8. A special use application that has been denied shall not be resubmitted for a period of 180 days from the date of denial except on grounds of new evidence or proof of changed conditions found by the Township Board to be valid.
9. Subsequent to the Township Board's approval of the Special Use, the applicant shall complete the site plan approval process as specified in *ARTICLE 11 - SITE PLAN REVIEW*.

10.02. SPECIAL APPROVAL STANDARDS

Before formulating recommendations for a Special Approval Use, the Township Board shall require that the following general standards, in addition to those specific standards established for each use, shall be satisfied:

1. The Township Board shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that the size, location and character of each use on the proposed site will:
 - A. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance, 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.
 - B. Be served adequately and will not place unreasonable burdens on essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

- C. Not create excessive additional requirements at public costs for public facilities and services.
 - D. The proposed use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
 - E. Not involve uses, activities, processes, materials and equipment or conditions or operation that will be detrimental to any persons, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
 - F. Be consistent with the intent and purpose of the Zoning District in which it is proposed to locate such use and with the Milan Township Future Land Use Plan.
2. Reasonable conditions may be required with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
3. Conditions imposed on the special approval shall meet all of the following requirements:
- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - C. Be necessary to meet the intent and purpose of the zoning ordinance, 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.
4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Township Board and the landowner. The

Township shall maintain a record of conditions which are changed.

5. All applicable licensing ordinances shall be complied with.
6. The Township Board may require impact studies in order to determine environmental, economic, traffic or other effects.
(Amended 01/12/12)

ARTICLE 11 - SITE PLAN REVIEW

11.00. STATEMENT OF PURPOSE

Prior to construction or structural alteration of any building, structure, or use listed in *Section 11.01* the following site plan review procedures are instituted to provide an opportunity for the Milan Township Planning Commission and the Milan Township Board to review the proposed use of a site in relation to drainage, pedestrian and vehicular circulation, parking, structural relationships, public utilities, landscaping, accessibility and other site design elements which may have adverse effect upon the public health, safety and general welfare.

11.01. BUILDINGS, STRUCTURES AND USES REQUIRING A SITE PLAN

The following buildings, structures, and uses require site plan review:

1. Any principal non-residential building or structure permitted in residential districts. Any building or structure in flood plains. Any principal non-residential non-farm structure in agricultural districts.
2. All uses requiring Special Approval under *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL* or requiring Conditional Approval under *ARTICLE 12 - CONDITIONAL REZONING*.
3. Any building or use of property in a Commercial, Industrial, or Multiple Family district. Any alterations or additions to existing buildings which result in an increase of more than 10 % or five hundred (500) square feet. Any changes in use for buildings or property in the above districts. **(Amended 01/12/12)**
4. Public utility buildings and structures.
5. Any use that requires a new, modified or expanded parking lot.
6. Any condominium development.
7. Any Planned Development District.

11.02. SITE PLAN REVIEW PROCESS

1. Site plans shall be reviewed in conformance with the following process:
 - A. Applicant initiates site plan review process by submitting the following information to the Township Clerk:
 - (1) Twelve (12) copies of the completed site plan application form, and site plan. A site plan submitted to

the Township Clerk for preliminary site plan review by the Planning Commission must contain all of the information set forth in *Section 11.03 - REQUIRED INFORMATION FOR SITE PLANS*.

(2) Payment of all applicable fees.

- B. Township Clerk distributes complete application and site plan to Planning Commission, engineering consultant and planning consultant for their review. The Planning Commission may require review by other agencies to insure compliance with applicable standards and requirements.
- C. When the completed application and site plan has been reviewed by the planning and engineering consultants, the application will be placed on the Planning Commission agenda. The applicant will be notified of the date, time and place of the meeting at which the application will be considered.
- D. The Planning Commission will conduct a preliminary site plan review to determine compliance with applicable ordinance requirements. The Planning Commission will consider all letters, reports and any other information that may be presented concerning the application. The preliminary review by the Planning Commission shall follow the criteria set forth in *Sec. 11.04 - REVIEW CRITERIA AND CONDITIONS FOR APPROVAL*. Within sixty (60) days after submittal of the site plan to the Township Clerk by the applicant, the Township Planning Commission shall either recommend approval, disapproval, or request modifications in the site plan.
- E. Upon determination by the Planning Commission that a preliminary site plan is in compliance with the Zoning Ordinance, as amended, and other applicable standards and requirements, the applicant may then proceed to the final site plan review process. Where a preliminary site plan is in compliance except for required revisions to meet applicable standards and requirements, the required changes shall be stated in writing and the applicant shall revise the site plan and resubmit the site plan for final site plan review by the Township Board.
- F. The applicant initiates final site plan review by submitting twelve (12) updated copies of the site plan to the Township Clerk. The final site plan shall address all preliminary plan review comments, modifications and requested information.

- G. The final site plan will be placed on the Township Board's agenda after completion of reviews and receipt of recommendations by the Township planning and engineering consultants (if required). The Township Board shall take no action on the site plan until it receives a written recommendation in connection with the site plan from the Planning Commission.
 - H. Within forty-five (45) days after submittal of a recommendation to the Township Board by the Planning Commission, along with a list of requested modifications, the Township Board shall either approve, disapprove, or approve with modifications the final site plan. A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed pursuant to the ordinance, other township planning documents, other applicable ordinances, and state and federal statutes.
 - I. Upon approval of the final site plan by the Township Board, such approval shall be indicated on the plan.
 - J. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an amended plan, the same procedure as outlined above beginning with submittal of final site plans for the Township Board review shall be followed.
 - K. When all conditions of approval have been met by the applicant, the Township Clerk shall stamp the final site plans "Approved" and shall transmit copies to the Applicant, Zoning Administrator and Building Inspector.
 - L. The applicant shall apply for building permits.
2. Application fees may be utilized by the Township Board to obtain the services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable Township Ordinances, policies, and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission. Such consultants should report to the Planning Commission as promptly as possible. Additional reasonable fees may be charged for any expenses incurred during the site plan process.
 3. Applicants are encouraged to meet informally with the Township Building Inspector, Zoning Administrator, and/or Planning Commission Chairman for a pre-preliminary review of the proposed site plan. This review is intended to

give the applicant general and unofficial information regarding the compatibility of the proposed site plan with applicable Township regulations and approval criteria.

4. When an applicant receives final site plan approval, the site must be developed exactly as approved by the Township Board. The site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Township Board.
5. Site development may require permits from the Drain Commission, Road Commission, and Health Department and an approved site plan may require modifications from these, or other, agencies. Changes required by other local, state or federal agencies do not supersede the need for site plan review and approval, or for the approval of modified site plans.
6. Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, or if said development is not completed within one (1) year. In either case the Township Board shall give the applicant notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Township Board. After conclusion of such review, the Township Board may revoke its approval of the development, or extend the period of validity of the approved site plan upon evidence of intent to complete by the developer in accordance with the approved site plan.

11.03. REQUIRED INFORMATION FOR SITE PLANS

1. Site Plan Application Form Contents:
 - A. The name and address of the property owner and applicant.
 - B. Name of proposed development.
 - C. A legal description of the property under consideration.
 - D. Land acreage and frontage on public roads or rights-of-way.
 - E. Detailed description of the proposed use of the land.
 - F. The name and address of the firm(s) or individual(s) who prepared the site plan(s).
 - G. Signature of applicant and legal owner(s) of the property.

2. Preliminary Site Plan Submission / Data Requirements

The following items shall be contained in the Site Plan, except where the Planning Commission determines that certain information is not necessary or applicable to the review:

- A. A legal description of the property under consideration.
- B. The name and address of the property owner and applicant.
- C. The seal of the licensed engineer, architect, or landscape architect preparing the plans.
- D. A map indicating the gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development.
- E. A fully dimensioned map of the land showing existing or proposed topographic information at a contour interval of two (2) feet or less.
- F. A vicinity map showing the location of the area in relation to surrounding properties, streets, freeways, school sites and other significant features of the community where appropriate.
- G. A site development plan with at least the following details shown to scale and dimension:
 - (1) The date, north arrow, and scale. The scale shall not be less than 1" = 20', for property under three (3) acres and at least 1" = 100', for those three (3) acres or more.
 - (2) Statistical data including number of dwelling units, size of dwelling units, if any, and total gross acreage involved.
 - (3) The location and height of all existing and proposed structures on and within 100' of the subject property's boundary.
 - (4) All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
 - (5) The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas.

- (6) Vehicular traffic and pedestrian circulation features within and without the site.
- (7) The location of all proposed landscaping, fences or walls, it should include any topographic alterations or changes in natural terrain.
- (8) Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- (9) The location and pavement width and right-of-way width of all abutting roads, streets, alleys or easements.
- (10) The location and size of all existing and proposed surface water drainage facilities.
- (11) The plan shall show areas of marsh, swamp and flood plains together with any other feature that is of significance to the use and to the site.
- (12) The location of all free standing signs.
- (13) The location of any outdoor storage materials and refuse collection areas and the manner in which they shall be screened or covered.
- (14) A lighting plan, indicating the location, height, type, and intensity of all proposed lighting in order to assure compliance with the provisions of *Section 13.09.9 - Exterior Lighting and Glare*.
- (15) Elevation drawings assuring compliance with the architectural requirements of *Sec. 16.00 - MULTI-FAMILY, COMMERCIAL, OFFICE & INDUSTRIAL ARCHITECTURE*.
- (16) Density calculations. Proposed number and types of units (if applicable), and floor area per habitable space, the location and height of all existing and proposed structures on and within 100' of the subject property's boundary.
- (17) If portions of the project are to be completed in stages, a detailed statement of staging will be required to be submitted. A less detailed plan of future stages will suffice initially, provided no building permit will be issued until said future stage final site plan is approved in accordance with the procedures set forth in this ordinance.
- (18) Other information as may be reasonably required in order to evaluate the proposed development.

11.04. REVIEW CRITERIA AND CONDITIONS FOR APPROVAL

In the process of reviewing a site plan, either preliminary or final, the Planning Commission and Township Board shall consider the following criteria and assure that these conditions are met to the extent practicable:

1. That there is a proper relationship between existing streets and highways and proposed deceleration lanes, service drives, ingress and egress drives, parking areas, and sidewalks to assure the safety and convenience of pedestrian and vehicular traffic.
2. That structures, parking areas, outdoor storage areas, utility areas, lighting, and screening are so designed and located to minimize the adverse effects of such uses on the occupants of the development and adjacent properties.
3. That the proposed development meets the requirements and standards of, or has been approved by the appropriate local, county, or state agencies for grading, surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, sanitary sewers and other improvements.
4. That the requirements of this ordinance are complied with, including the following sections: *ARTICLE 13 - SUPPLEMENTARY DISTRICT REGULATIONS, ARTICLE 14 - OFF-STREET PARKING AND LOADING REGULATIONS, ARTICLE 15 - SIGNS, and ARTICLE 16 - SITE DEVELOPMENT REGULATIONS.*
5. That natural landscape features are retained as possible, particularly where they provide a barrier or buffer between the development and adjoining properties used for a dissimilar purposes and where they assist in presenting the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
6. That all structures or groups of structures are arranged to permit emergency vehicle access to all portions of the site and all sides of structures.
7. That the storage of hazardous materials or waste, fuels, salt, or chemicals is designed to prevent spills and discharges to the surface of the ground, groundwater or nearby water bodies.
8. That the design of structures, landscaping, and signs shall be appropriate and consistent with good design standards for the size and shape of the lot and the development shall provide an aesthetic improvement to the general area or neighborhood in which it is proposed to be located.

9. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
10. The Planning Commission may submit plans to other local agencies or departments or hire expert consultants, at the applicant's expense, so that they might comment on any problems the plans might pose. All outside comments will be received within the provided review periods.

ARTICLE 12 - CONDITIONAL REZONING

12.00. INTENT.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Article to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

12.01. APPLICATION AND OFFER OF CONDITIONS.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the

terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

12.02. PLANNING COMMISSION REVIEW.

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in *Section 17.11 - CHANGES AND AMENDMENTS* of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

12.03. TOWNSHIP BOARD REVIEW.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in *Section 17.11 - CHANGES AND AMENDMENTS* of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the Michigan Zoning Enabling Act (MCL125.3405), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

12.04. APPROVAL.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be

incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:
 - A. Be in a form recordable with the Monroe County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - B. Contain a legal description of the land to which it pertains.
 - C. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - D. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - E. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Monroe County Register of Deeds.
 - F. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating

use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

12.05. COMPLIANCE WITH CONDITIONS.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

12.06. TIME PERIOD FOR ESTABLISHING DEVELOPMENT OR USE.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

12.07. REVERSION OF ZONING.

If approved development and/or use of the rezoned land does not occur within the time frame specified under *Section 12.06* above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

12.08. SUBSEQUENT REZONING OF LAND.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to *Section 12.07* above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

12.09. AMENDMENT OF CONDITIONS.

1. During the time period for commencement of an approved development or use specified pursuant to *Section 12.06* above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

12.10. TOWNSHIP RIGHT TO REZONE.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (P.A. 110 of 2006).

12.11. FAILURE TO OFFER CONDITIONS.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 13 - SUPPLEMENTARY DISTRICT REGULATIONS

Any use permitted by this Ordinance must comply with the requirements in *Sec. 13.09 - PERFORMANCE STANDARDS* and with the applicable requirements of this Article.

13.00. STORAGE OF MATERIALS

The following provisions shall apply:

1. Garbage, ashes, rubbish and similar refuse to be stored outside a building other than a single-family residential dwelling or a farm building shall be stored within approved containers and said containers shall be stored within a screened enclosure constructed in compliance with the requirements of *Sec. 16.06 - DUMPSTERS AND WASTE RECEPTACLES*.
2. The location or storage of abandoned, discarded or inoperative appliances, furniture, equipment or materials, (but not including inoperative vehicles or agricultural equipment), shall be regulated as follows (except for junk yards, in which case the regulations set forth in *Section 13.03*, herein, apply): On any lot or parcel within the Township, the owner or tenant shall locate and store such materials so as to not create a condition of blight. Such storage shall be for future transfer to other premises.
3. No hazardous soil excavation or removal, no filling of land, and no creation or alteration of hazardous materials shall be permitted within the Township unless said operations are in compliance with the current standards of the State of Michigan and its agencies.
4. Hazardous Materials
 - A. Activities which use, store or generate hazardous materials are not allowed in Residential Districts: R1, R2, RM or MHC. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes. **(Amended 04/08/10)**
 - B. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances shall:
 - obtain the appropriate permits or approval from the State of Michigan, and/or other designated enforcing agencies;

- file copies of such permits with the Township Clerk **(Amended 04/08/10)**
- obtain Special Approval for such activities from the Township Board. **(Amended 04/08/10)**
- Farming operations which are utilizing approved farming practices as defined by the Michigan Right to Farm Act are exempt from obtaining the special approval or filing copies of the permits with the Township Clerk. **(Amended 01/12/12)**

13.01. PRESERVATION OF ENVIRONMENTAL QUALITY

The following shall apply:

1. In any zoning district, no river, stream, watercourse or drainage way, whether filled or partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with County, State and Federal laws and standards.
2. No person shall alter, change, transform, or otherwise vary the edge, bank or shore or any lake, river or stream except as provided in the Inland Lakes and Streams Act, Act 291 of the Public Acts of 1965, as amended.
3. No person shall drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp or wetland except after receiving approval of a site plan from the Soil Erosion Officer in accordance with the Soil Erosion and Sedimentation Act, Act 374, P.A. of 1972, and from the Planning Commission in accordance with *ARTICLE 11 - SITE PLAN REVIEW*, herein. Any alterations shall conform to the requirements of applicable State and Federal agencies and in accordance with *ARTICLE 8 - FLOOD PLAIN OVERLAY DISTRICT (FP)* regulations.

13.02. AUTOMOBILE SERVICE STATIONS, REPAIR AND BODY SHOPS

In addition to other regulations set forth in this Ordinance, all automobile gasoline service and repair stations and other automotive service and repair facilities shall conform to the following requirements:

1. Sidewalks shall be separated from vehicular parking or circulation areas by curbs, wheel stops, or traffic islands. The portion of the property used for vehicular traffic shall be separated from landscaped areas by a curb, except where driveways cross.
2. The entire area used for vehicle service shall be paved.

3. Hydraulic hoists, service pits, lubricating, greasing, washing and repair equipment and operations shall be located within a completely enclosed structure.
4. The maximum widths of all driveways at the right-of-way line shall be no more than thirty (30) feet.
5. The angle of a driveway intersection with the street from the curb line to lot line shall be not less than sixty (60) degrees.
6. The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall conform to specifications of the Monroe County Road Commission.
7. Outdoor storage of trash, including new or discarded vehicle parts, shall be contained within a solid, unpierced enclosure.
8. Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard. Such storage shall not occur in front of the building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.
9. Sales of used cars and other motorized vehicles shall be prohibited.
10. Minimum lot area shall be ten thousand (10,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait.
11. Automobile service stations shall not be located nearer than five hundred (500) feet to a school, church, public park or auditorium.

13.03. JUNK YARDS AND SOLID WASTE RECYCLING FACILITIES

In addition to other regulations set forth in this Ordinance, all facilities shall conform to the following requirements:

1. The facility shall be located on a county primary road as defined by the Monroe County Road Commission.
2. Travel routes for trucks entering and leaving the facility shall be shown on a map of the Township at the time of application for the special approval use permit. Such routes except arterial streets or their equivalent shall not pass through residential areas.

3. A site plan shall be provided at the time of a special approval use permit application and shall meet all requirements of *ARTICLE 11 - SITE PLAN REVIEW*, herein. The site plan shall also contain a description of the location and nature of any materials processing operations to be conducted within the facility, and the location and nature of equipment for such operations.
4. Materials shall be stored in organized rows with open intervals at least twenty (20) feet wide between rows for purposes of fire protection access and visitor safety.
5. Materials shall not be stored in piles higher than the top of the fence surrounding the facility. Automobiles, trucks, and other vehicles shall not be stacked so as to prohibit fire protection and to protect the safety of visitors.
6. The facility shall be maintained in such a manner as to prevent the breeding or harboring of rats, insects or other vermin.
7. The facility, when established and located within one thousand (1,000) feet of any existing residential district, as measured on a straight line distance, shall not be open for business and shall not be operated at any time other than between the hours of 7:00 AM and 6:00 PM on weekdays and Saturdays, and shall not be open for business or otherwise operate on Sunday or legal holidays.
8. Burning shall be prohibited except within an enclosed incinerator, and only if the burning operation and incinerator are approved by the Township Fire Chief or other designated fire official, the Township Building Inspector, and the County Health Department.
9. All flammable liquids contained in automobiles and other vehicles shall be drained from same immediately after such vehicles are brought to the facility. Such liquids are to be stored in containers approved by the Township Fire Chief or other designated fire officials.
10. All drives, parking areas, and loading/unloading areas shall be paved, oiled, watered or chemically treated so as to limit nuisances caused by windborne dust or neighboring properties and on public roads.
11. There shall be not more than one (1) entranceway from each public street which adjoins the facility.
12. Fencing shall be required as follows:
 - A. A solid, opaque fence or wall, seven (7) feet high as measured from grade at each post in the case of a fence, or at ten (10) feet intervals in the case of a wall, shall be

provided along each public street frontage. The fence or wall shall be located on the rear line of the required front yard. Gates shall also be made of solid, opaque material. The front yard shall be landscaped and continuously maintained as a lawn.

- B. Where the facility is adjacent to a rural or urban residence, or commercial district, a solid, screen type fence or wall, seven (7) feet high shall be provided on any side or rear property line or portion thereof, adjoining such lots.
 - C. The fence or wall shall be continuously maintained in such a manner that breakages, decay, etc., are repaired within an appropriate period of time and routine maintenance, such as painting, etc., will also be performed within an appropriate period of time.
 - D. Strips of metal, plastic or other materials inserted into wire fences shall not be permitted in any fence enclosing a facility.
13. Wrecking and processing operations are permitted in a facility but shall be described in the application for the special use permit.
14. Affidavits and/or permits of operation secured from County, State or Federal agencies, addressing pollution and/or erosion control measures adopted by the facility shall be required.

13.04. STORAGE OF RECREATIONAL EQUIPMENT

- 1. Recreational vehicles, boats and boat trailers, snowmobiles, trailcycles, all terrain vehicles, travel trailers, motor homes, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied by such equipment or not, shall not be parked or stored in front of the front building line of any lot in a Residential District, provided however, that such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seventy two (72) hours during loading or unloading.
- 2. Storage of such equipment, when permitted in a commercial district as a principal use of lot, shall be located behind all required lot line with all required yards to be landscaped and properly and regularly maintained. The storage area shall have a gravel surface, treated regularly to prevent erosion and blowing of dust. The storage area shall be fenced for security purposes.

13.05. EXTRACTION OPERATIONS

The extractive operations section is to provide for the proper development and utilization of mineral resources existing within the Township, while at the same time making proper provision for the present and future health, safety and welfare of the people of the community.

To this end, such development and utilization of the mineral resources of the Township shall be subject to appropriate regulation, both as to the conduct of the extractive operation, and as to the reclamation of affected lands at the termination of each operation.

It is the intent of this section that lands subject to extractive operations shall, upon conclusion of such operations, be reclaimed and rendered fully useful for one or more of the uses permitted as principal uses within the various districts provided in this Ordinance.

1. Use Specifications Intent

The following types of extractive operations will be subject to the regulations of this section:

- A. The stripping, removing or excavating of any topsoil, soil, sand, peat, marl, clay, gravel, stone or similar material.
- B. The processing, storage, loading and transportation of the above mentioned materials.

These regulations, however, will not affect the excavations of residential dwellings, commercial or industrial buildings, roads, wells, parking lots, sewer or water lines, sanitary land fills and farm ponds, or similar uses, pursuant to the Township Building Code and *Section 13.16 - PONDS*.

2. Extractive Area and General Restrictions

- A. There shall be not more than one (1) entrance way from a public road to an extraction operation for each six hundred and sixty (660) feet of front lot line. Said entrance shall be located not less than five hundred (500) feet from an intersection of two or more public roads.
- B. At an extraction operation, no digging, stockpiling, excavating or equipment storage and repair shall take place closer than one hundred (100) feet from any lot line, and three hundred (300) feet from an existing residence zoning district. If inactive for more than one (1) year, stockpiles of stripped topsoil shall be seeded with grass or other materials so to prevent erosion onto other premises.

- C. At an extraction operation all roads, driveways, parking lots and loading and unloading areas within one hundred (100) feet of any lot line shall be paved, oiled, watered or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
 - D. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any existing residential zoning district. In the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth, but in no case less than one hundred (100) feet from any lot line adjacent to said residential district. A fence shall be erected around the periphery of the total excavation operation. Such fences shall be constructed of at least 5' of #12½ gauge, 2" x 4" welded wire or of chain link, with a 3 strand barbed wire topping, secured to metal posts to prevent trespass, and posted, at intervals not to be greater than two hundred (200) feet, with a written statement to alert the public of the nature of the facility. Said fence shall be a minimum of six feet in height.
 - E. The slope of the banks within the second one hundred (100) feet measuring from the near edge of a public highway or within the second one hundred (100) feet measuring from the property line of an adjoining land owner, or within the second two hundred and fifty (250) feet to the nearest residence, shall not exceed one (1) foot vertical drop to each four (4) feet horizontal.
 - F. A permanent or portable processing plant and its accessory structures shall not be closer than two hundred and fifty (250) feet from any property line or public highway.
3. Extractive Operations, Reclamation and Rehabilitation, General Requirements

Extractive operations and reclamation and rehabilitation activities shall be carried out under the conditions of a special use permit issued and maintained under the following requirements:

- A. The applicant shall submit an extracting plan for the use of the property at the time of application for the permit.
 - (1) The plan shall provide the following information:

- a. Boundary lines of the entire extraction area; dimensions and bearings of the property lines of the extraction area, correlated with the legal description;
 - b. Recent aerial photos, showing the extractive area and adjacent property, location and outline of wooded areas, streams, wetlands and other natural features;
 - c. Location of existing and planned site improvements such as buildings, equipment, stockpiles, roads or other features necessary to the extractive operation;
 - d. Existing topography at contour intervals of two (2) feet;
 - e. Total area to be affected by the extractive operation, including a final grading plan;
 - f. Location and description of soil types;
 - g. An estimate of the type and amount of material to be extracted from the site and the expected termination date of extractive operatives;
 - h. Description of all activities to be conducted on the premises such as, but not limited to, operating hours, extraction, sorting and washing operations, and the type, size and nature of equipment to be used;
 - i. Location and width of drives, sight distances, land widenings on public roads at intersections of same with drives;
 - j. Provision for buffer areas, landscaping and screening;
 - k. Required affidavits and/or permits of operation secured from County, State or Federal agencies, addressing pollution and/or erosion control measures adopted by the extractive operative;
 - l. Certified statement by a qualified geologist with supporting data and analysis, concerning expected impact on the water table and water supply wells in the vicinity of the site; and
 - m. A map showing truck routes to and from the site.
- (2) Except by special permit from the Township Board, such operations shall be permitted only between the hours of 7:00 AM and 6:00 PM, Monday through Friday,

and between 7:00 AM and 12:00 noon on Saturdays. Operations shall not be permitted on Sundays or legal holidays except under exceptional circumstances (i.e. shutting down of kilns or furnaces).

- (3) Each permittee shall be held responsible for all public roads upon which trucks haul materials from the extractive operation site; to keep these roads in a drivable condition at least equal to that which existed prior to the beginning of extractive operations; and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud and any other debris carried onto the roads by these trucks or other equipment.
- (4) Any odors, smoke, fumes or dust generated on the extractive operations site by any digging, excavating, loading or processing activities shall be in conformance with the provisions of the Air Pollution Act, Act 348, P.A. 1965, as amended, administered by the Michigan Department of Natural Resources, and in conformance to the rules promulgated by the Department in accordance with the Administrative Procedures Act, Act 306, P.A. 1969, as amended.
- (5) Any noise generated on the extractive operations site by any digging, excavating, loading or processing activities shall not exceed a reading of 55 decibels at 100 feet from the periphery of the extractive operation site. This decibel level is reasonable for residential areas as determined by the Environmental Protection Agency.
- (6) The extractive operation shall be conducted in accordance with the Water Resources Commission Act, Act 245, P.A. 1929, as amended, and the rules promulgated thereto, and administered by the Michigan Department of Natural Resources.
- (7) The extractive operation shall be conducted in accordance with the provisions of the Soil Erosion and Sedimentation Act, Act 347, P.A. 347, P.A. 1972 as administered by the Monroe County Drain Commission.
- (8) Travel routes for trucks entering and leaving the extractive area shall be shown on a map of the Township at the time of application for the special use permit. Such routes except arterial streets or their equivalents, shall not pass through residential areas. These routes must be submitted to and have written approval of, the Monroe County Road Commission prior to the issuance of a special use permit.

- (9) Potable water supply and sanitary sewage disposal systems shall be approved by the County Health Department before a special use permit shall be issued.
 - (10) All abandoned areas affected by extractive operations shall be rehabilitated progressively to a condition entirely lacking hazards, inconspicuous, and blended with the general surrounding environment and topography.
 - (11) The applicant shall provide a date for completing the extractive operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate. The special use permit shall expire on that date. Any extension of operations beyond that date shall require a new special use permit which shall be applied for and processed as provided in this Zoning Ordinance.
- B. In preparing the extracting plan, the applicant shall also include a plan for the rehabilitation and reclamation of the extractive site. This plan shall be incorporated into the extracting plan and filed at the time of application for the special use permit.
- (1) The rehabilitation and reclamation plan shall provide the following information:
 - a. Boundary lines of the entire extraction area; dimensions and bearing of the property lines of the extraction area, correlated with the legal description;
 - b. Location and extent of all natural features to be retained during mining operations where feasible;
 - c. Contour lines at two (2) feet of the proposed restored surface, clearly showing the connection to existing and undisturbed contour lines;
 - d. Schedule and areas of progressive rehabilitation;
 - e. The proposed use of the site when restored; and
 - (2) Provisions for grading, revegetation and standardization that will minimize erosion, sedimentation and public safety The rehabilitation and reclamation plan shall also be written in accordance with the following standards:
 - a. All excavation shall be either to a water-producing depth, such depth to be not less than ten (10) feet below the average summer level of water in the excavation or shall be graded or backfilled with

non-noxious, non-flammable, and non-combustible solids to insure:

- i. That the excavation area shall not collect stagnant water, and not permit same to remain therein;
 - ii. That the surface of the extractive area which is not permanently submerged is graded or backfilled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- b. Where upon termination of the extractive operation, a body of water results, the banks shall be sloped to at least ten (10) feet below the waterline at a slope which shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not permanently covered by water, also excepting areas where streets, beaches or other planned improvements are desired. Where used, top soil shall be applied in a thickness of no less than four (4) inches.
 - d. Vegetation shall be restored by the seeding of grasses and subsequent planting of trees and shrubs to establish a self-sustaining vegetative cover on the land surface, and to minimize erosion.
 - e. Upon cessation of the extractive operations by abandonment, the permittee, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment; provided that buildings and structures which have a function under the rehabilitation and reclamation plan, and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan, may be retained.
 - f. The incorporated Extracting and Rehabilitation and Reclamation Plan elements shall be reviewed by the Planning Commission, which shall then make recommendations thereon in its report to the Township Board.

4. Financial Guarantees

- A. The applicant shall provide the Township Board with a surety bond, in the form and amount acceptable to the Township Board, to guarantee the reclamation and rehabilitation of the site according to the approved plan and certification of conformance by the Township Engineer.
 - B. The applicant shall provide a cash bond or an approved Bank Letter of Credit as required by the Monroe County Road Commission, for the maintenance of the approved haul routes traversed by their vehicles, in accordance with the provisions of the Monroe County Road Commission Haul Route Policy, adopted February 12, 1981, and as may be amended from time to time.
 - C. The Township Board shall not approve a special use permit for any extractive operation until the Board has received the Planning Commission's report on the special use permit application, and on the plans required in this Section, and until the required surety bond has been provided.
5. Administration of Extractive Operations
- A. The following procedures shall be followed before initiating an excavation operation:
 - (1) The applicant shall file an extraction, reclamation and rehabilitation plan in accordance with the requirements of *Section 13.05.3* of this Ordinance. This plan may be in the form of a plat or map, and shall carry evidence of review and approval if required by a County or State agency of competent jurisdiction. On the basis of this plan, the operating company shall file a statement of net excavative area.
 - (2) The applicant shall file a reclamation and rehabilitation plan, subject to the requirements of *Section 13.05.3* and shall provide a financial guarantee in accordance with the requirements of *Section 13.05.4* of this Ordinance.
 - (3) The Township Planning Commission shall review the proposed extractive, reclamation and rehabilitation plans and make its recommendation to the Township Board.
 - (4) The Township Board will review the recommendations and accept or reject the plan. Upon acceptance of the plans, the Township Board will receive the financial guarantee of reclamation, in accordance with *Section 13.05.4* of this Ordinance.

- B. Before commencement of extractive operations, a permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the Schedule of Fees as adopted by the Milan Township Board. This fee shall defray any administrative expense rising out of the extractive operative.
- C. Inspections and Conformance:
 - (1) Inspections shall be made of the extractive site, not less often than twice in each calendar year, to insure conformance with the requirements of this Ordinance.
 - (2) Any violations shall be reported in writing to the Township Board. The report shall be forwarded, with a request for compliance, to the permittee.
 - (3) Failure on the part of the permittee to correct a reported violation within thirty (30) days after such request is made by the Township shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Township Board of proof of good and sufficient cause by the permittee.

13.06. SWIMMING POOLS, HOT TUBS, AND SPAS

- 1. Private pools shall be permitted as an accessory use within the rear yard or side yard, provided they meet the following requirements:
 - A. No swimming pool, or part thereof, shall be hereafter erected or constructed unless a building permit shall have been first issued for such work by the Township Building Inspector.
 - B. There shall be a minimum distance of not less than ten (10) feet between adjoining property lines, or alley right-of-way and the outside of the swimming pool wall. Side yard setback shall apply if greater than ten (10) feet.
 - C. There shall be a distance of not less than ten (10) feet between the outside swimming pool wall and any building located on the same lot.
 - D. No swimming pool wall shall be located less than thirty five (35) feet from any street right-of-way line or any existing dwelling unit on abutting easement.
 - E. No swimming pool shall be located in an easement.
 - F. Fences:

- (1) All swimming pools shall be surrounded and totally enclosed by a substantial fence or wall four (4) feet in height to guard against accidental or unauthorized entry. Such fence shall be equipped with a self-closing and self-latching gate capable of being locked with its latch located only on the inside of the gate, except where such swimming pool is suitably protected by a wall or walls of an accessory or main structure on the premises. Any door in the wall or entrances through an accessory or main structure shall also be self-closing and self-latching. Said fence shall not be of a nature so as to be dangerous in and of itself and shall have no opening larger than two (2) inches in width and shall be placed a minimum of four (4) feet from the walls of the swimming pool.
 - (2) An above-ground pool with no part of its sidewall height less than four (4) feet above ground and so constructed by the manufacturer that the vertical sides are smooth, sheer and do not provide any means for intermediate foot- or handholds shall be exempt from the full provisions of the above fence requirement. However, a full-height fence with a self-closing, self-latching gate capable of being locked with its latch located only on the inside of the gate shall enclose the ladder area not less than four (4) feet in width and four (4) feet in depth, and the ladder shall remain permanently therein. Aboveground pools provided with foot- or handholds (draw-banded) and aboveground pools less than four (4) feet in sidewall height above ground are not exempt from the full fencing requirement.
 - (3) The Planning Commission may waive or change the requirement for a fence considering the size of the lot on which the pool is located, the proximity to neighboring properties and the distance of said pool to lot lines or where, in its opinion, the design or construction of the pool in and of itself provides a sufficient fence.
- G. All electrical installations or wiring in connection with below-ground swimming pools shall conform to the provisions of the Township Electrical Code. If service drop conductors or other utility wires cross under or over the proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation thereof before a permit shall be issued for the construction of the swimming pool.

- H. Permit: Upon compliance with all requirements of this Section and upon determination by the Building Inspector that the proposed swimming pool will not be injurious to the general public health, safety, and welfare of the Township and its citizens, the Building Inspector shall issue a permit conditioned upon compliance of the permit holder with the requirements of this Section.

13.07.PRIVATE RECREATION

- 1. General Requirements:
 - A. Structures associated with such uses as private parks, country clubs, golf courses, golf driving ranges, gun clubs and other similar recreational facilities operated for a profit shall be located at least two hundred and fifty (250) feet from a lot line or any adjacent residence or residential district and all ingress and egress from said parcel shall be directly onto a major thoroughfare.
 - B. All primary activities associated with such operations and conducted out-of-doors or in a fashion that would create significant or undue disturbance to adjacent uses shall be limited to hours of operation which shall not exceed 7:00 AM to 10:00 PM, unless approval for an extension of that period is obtained from the Township Zoning Board of Appeals.
- 2. Gun Clubs and Shooting Ranges Regulations: In addition to those stated above, the following regulations shall apply:
 - A. All such facilities must be situated on a parcel of land not less than ten (10) acres in area and having a minimum of six-hundred sixty (660) foot of road frontage.
 - B. Such parcel of land must be adequately fenced, that being a fence of at least four (4) feet in height and posted through both symbol and written statement so as to inform the public of the nature of the facility at frequent intervals not to be greater than fifty (50) feet apart.
 - C. Design and operation of such facility shall also be in accordance with specifications and practices outlined in the "Current National Rifle Association Standards".
- 3. Campground, travel trailer parks and tent site regulations.
 - A. Minimum parcel size shall be 30 acres. The parcel shall provide vehicular access to a public road.
 - B. The purpose of the campground or travel trailer park shall be to provide temporary recreational sites and opportunities and not intermediate or long term housing.

Occupancy within the park shall be limited from April 1st to December 1st.

- C. Trailers shall be removed from camping sites between December 1st and April 1st but may be stored on-site within a storage area designated as such on the site plan.
- D. No retail sales shall be permitted to operate on the parcel, except that a convenience goods shopping building may be provided. Convenience goods sold shall be primarily for the benefit of the campground users and not the general public, unless allowed by special use permit.
- E. All sanitary facilities shall be designed and constructed in strict conformance to all applicable Monroe County health regulations.
- F. All campgrounds shall be licensed by the State of Michigan and shall comply with all applicable state and county rules and regulations, including Part 125 of the Public Health Code (PA 368 of 1978).

13.08. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS

- 1. All fences of any nature, type or description located in the Township of Milan shall conform to the following regulations:
 - A. The erection, construction or alteration of any fence, wall or other type of protective barrier shall conform to the requirements of the zoning district wherein they are required because of land use development, and to the requirements of this Section. *(amended 3/16/17)*
 - B. Fences in all Residential Districts, located along the line dividing two (2) lots or parcels which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
 - (1) No fence in a front yard shall hereafter be erected in excess of four (4) feet in height above the grade of the surrounding land.
 - (2) No fence shall hereafter be erected in excess of six (6) feet in height above the grade of the surrounding lands in a side or rear yard.
 - (3) All fences hereafter erected shall be of an ornamental nature of wood, chain link, extruded manmade materials, or other metal construction. Barbed wire, spikes, nails, or any other sharp point or any instrument dangerous to human safety of any kind is prohibited on top or on the sides of any fence.

- C. Fences in the AG District may be located on all property or road right-of-way lines of a parcel of land providing such fences are maintained in good condition.
- D. Fences of woven wire or chain link topped by strands of wire may be permitted in any district for lands surrounding Public Utility or Municipal buildings or uses that due to their nature would necessitate such protective enclosures to ensure the public health, safety or general welfare of the community.
- E. Fences shall comply with the requirements of *Sec. 3.07 - VISIBILITY AT INTERSECTIONS*.
- F. In districts other than Residential and Agricultural, fences shall be approved through the site plan review process.

13.09. PERFORMANCE STANDARDS

Performance standards are established in order to preserve the short and long-term environmental health, safety, and quality of the Township. No parcel, lot, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance standards. No use, otherwise allowed, shall be permitted within any district which does not conform to the following regulations of use, occupancy, and operation. These regulations are established as minimum requirements to be maintained. Nothing contained herein is intended to restrict farming operations in accordance with the Michigan Right to Farm Act, PA 93 of 1981.

1. **Smoke/Air Pollution:** It shall be unlawful for any person, firm or corporation to permit the emission of smoke or air contaminant from any source to a density greater than that permitted by Federal Clean Air Standards and those standards promulgated by the State of Michigan or in such volume as to create pollution to a subject site or adjoining properties such as to cause a public nuisance.
2. **Airborne Solids:** Dust, smoke, soot, dirt, fly ash, and products of wind erosion that will be produced as a result of site operations shall be subject to the regulations established in conjunction with Part 55 of Act 451 of 1994, the Air Pollution Control section of Michigan's Natural Resources and Environmental Protection Act, as amended, or other applicable state or federal regulations. No person, firm or corporation

shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The readily detectable drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, eloquent salts, wetting, covering, landscaping, fencing, or other means.

3. Odor: The emission of odors which shall be found to be obnoxious to any considerable number of persons at their place of residence shall be prohibited.
4. Gases: The emission or release of corrosive or toxic gases, in amounts which are injurious or substantially annoying to persons living or working in the effected area, shall be prohibited.
5. Glare and Radioactive Materials: Glare from any process or operation shall be shielded so as to be invisible beyond the property line of the premises on which the process is performed. Radiation, including radioactive materials and electromagnetic radiation such as that emitted by the X-ray process or diathermy, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
6. Flammable Materials: The storage of flammable materials shall either be within structures approved for the use by the Milan Township Building Inspector, which shall be set back not less than fifty (50) feet from any lot line, or in open storage which shall be back not less than one hundred and fifty (150) feet from any lot line. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall be in accordance with the State rules and regulations as established by Act 207, P.A. of 1941, as amended.
7. Noise: This section provides for noise limitations for emitting and receiving zones located in various zoning districts as established. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds any of the limits set for the zone categories in the following table.

**Maximum Permissible Sound Pressure
(Levels in Decibels re .0002 Microbars)**

Octave Band Center Frequency (Hz)	Residential into Residential	Commercial into Commercial	Industrial into Commercial	Industrial & Commercial into Residential
31.6	72	79	79	72
63	71	78	78	71
125	65	72	73	65
250	57	64	67	57
500	51	58	61	51
1000	45	52	55	45
2000	39	46	50	39
4000	34	41	46	34
8000	32	39	43	32
A-scale levels	55 dB(A)	62 dB(A)	64 dB(A)	55 dB(A)

- A. Decibel Level Corrections. The levels cited above are daytime levels. Daytime shall refer to the hours between sunrise and sunset on any given day. When noise is present at nighttime, subtract (-5 dB) from the levels in the table above.
- B. The following zones are included in the zone categories. These are defined: Residential: AG-1, AG-2, R-1, R-2, RM, MHC; Commercial: C-1, C-2. Industrial: I-1 and I-2.
- C. Measurements. The measurement shall be made at or beyond the property line of the property on which such noise is generated or at or within the property line of the property on which such noise is received, as inappropriate. Measurement shall be done at a minimum height of 4' above the ground. The measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for sound Level Meters, Type I or Type II (ANSI Sections 1.4 - 1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (Sections 1.6 - 1960) or any subsequent nationally adopted standards superceding the above standards. In both cases, the instruments should be maintained in calibration and good working order. When a sound level meter is uses, it shall be set to the A weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitation shall be the concentration of sound energy within a limited number of

bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analysis shall be conducted that spans the frequency range set forth in the Table.

- D. Exemptions: The provisions of this article shall not apply to farming equipment.
 - E. Analysis. Where an octave band analysis is not done, an A-weighted sound level measurement of the noise shall be taken. When the method is used, the noise limitations shall be the A scale levels included in the Table.
8. Vibration: Machines or operations which cause vibrations shall be permitted in Industrial Districts, provided that vibrations emanating therefrom shall not be discernable and substantially annoying or injurious to property beyond the lot lines of the effected premises.
9. Exterior Lighting and Glare
- A. Glare from any process (such as or similar to are welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.
 - B. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.
 - C. Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses. This provision is not intended to apply to public street lighting. Any operation, which produces intense glare shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. Exterior lighting shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance of safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.
 - D. On-site lighting, i.e. parking, building lights, etc. shall conform to the following regulations:
 - (1) It is the goal of the Township to minimize lighting levels to reduce off-site impacts, prevent the reflection and glare of light in a manner which creates a nuisance or safety hazard to operators of motor vehicles,

pedestrians, and neighboring land uses, and to promote “dark skies” in keeping with the rural character of Milan Township.

- (2) When site plan review is required, all lighting, including signage and ornamental lighting, shall be shown on site plans in sufficient detail with appropriate photometric studies to allow determination of the effects of such lighting upon adjacent properties, traffic safety, and overhead sky glow. The objectives of these specific actions are to minimize undesirable on-site effects.
- (3) Only non-glare, color-corrected lighting shall be permitted. For all non-residential uses, full cutoff shades are required for light sources so to direct the light onto the site and away from adjoining properties. The light source shall be recessed into fixture so as not to be visible from off site. Building and pole mounted fixtures shall be parallel to the ground. Wall-Pack type lighting shall be prohibited.
- (4) Lighting for uses adjacent to residentially zoned or used property shall be designed and maintained such that illumination levels do not exceeds 0.1 foot-candles along property lines. Lighting for uses adjacent to non-residential properties shall be designed and maintained such that illumination levels do not exceed 0.3 foot-candles along property lines.
- (5) Where lighting is required, maximum light levels shall not exceed 25 foot-candles directly beneath a light fixture. Lighting levels shall not exceed 3 foot-candles as measured directly between two fixtures. The Township Board, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes. For the purposes of this ordinance, all lighting measurements shall be taken at ground level.
- (6) For parking lots of less than 100 parking spaces, lighting fixtures shall not exceed a height of sixteen (16) feet measured from the ground level to the centerline of the light source. For parking lots of more than 100 spaces, lighting fixtures shall not exceed a height of eighteen (18) feet measured from the ground level to the centerline of the light source.

- (7) Building or roof-mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purposes shall not be permitted.
 - (8) Subdivision or site condominium street lighting is not permitted. The Township Board, after receiving a recommendation from the Planning Commission may allow for street lighting when the Board determines that the applicant has demonstrated a need for such lighting.
 - (9) Outdoor lighting, including sign lighting shall be permitted only during business hours.
 - (10) The Township Board, after receiving a recommendation from the Planning Commission, may allow for an increased level of lighting above maximum permissible levels when the Board determines that the applicant has demonstrated that such lighting is necessary for safety and security purposes.
10. Heat. If heat is created a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
 11. The violation of any of these standards may constitute a public nuisance and will be considered by the Township Officials when making decision as to whether or not to institute litigation to abate same.

13.10. CHURCHES AND SCHOOLS

Under such conditions as the Township Board, after hearing, may impose to observe the spirit and purpose of this Ordinance, namely to permit those uses within districts which serve the needs of the persons residing in the general area of Milan Township, which excludes the operation of any use which would tend to be a nuisance to the surrounding area, and subject further to the conditions imposed, the following uses may be permitted:

1. Churches and other facilities normally incidental thereto.
2. Public, parochial and private elementary, intermediate schools, high schools and/or schools or colleges offering courses in general education, not operated for profit.
3. It is the expressed intent that the following requirements shall not apply to expansion or replacement of existing church or school buildings on the same existing site. Providing, further, that the following requirements and regulations shall apply to all proposed new construction and development:

4. There shall be submitted a detailed site plan of the proposed development which will include a general description, location, size and shape of the property involved.
 - A. A general shape, size and location of proposed buildings, parking areas and service drives, location of existing public roads or streets serving the property, and natural features including general topography.
 - B. The general location of all existing utilities serving the property or proposed to serve the property.
 - C. There shall be included a generalized vicinity sketch plan and any other information deemed necessary.
5. No church or school building shall be erected within 500 feet of any zoning district in which churches and schools are not permitted or within 500 feet of any existing retail store building which is a legal non-conforming use, said 500 feet distance to be measured in the manner set forth in Section 17A of Act 8 of the Public Acts of 1933, as amended.
6. No church or school shall be located on a parcel of land less than five (5) acres in area.
7. Access to the premises from abutting streets or highways shall be limited to curb breaks and/or entrance drives which are located not closer than 300 feet to any intersecting street on the same side of the street or highway.

(amended 3/16/17)

13.11. OUTDOOR THEATERS

Because outdoor theaters possess the unique characteristic of being used only after dark, and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in C-2 Districts, or in AG Districts when the site in question abuts an I District. Outdoor theaters shall further be subject to the following conditions:

1. The proposed internal design shall receive approval from the Zoning Administrator and Township Engineer as to adequacy of drainage, lighting and other technical aspects.
2. Points of ingress and egress shall be available to the Outdoor Theater from abutting major thoroughfares and shall not be available from the residential street.

13.12. AIRPORTS

Airports, landing fields, landing strips, runways and platforms, hangars, masts, beacons and other facilities for the operation of aircraft, when and where permitted by approval of the Township

Board in an AG District shall be developed in accordance with the rules and regulations of the Michigan Aeronautics Commission, which agency shall approve the preliminary plans before being submitted to the Township. Land under and adjacent to all aircraft approaches shall not be put to any use which might later serve as a basis for an effective argument that the space above or adjacent should not be used by aircraft. Land and buildings, structures, radio and television towers, public utility micro-waves and public utility television transmitting towers, telephone and electric lines and appurtenances thereto located on a part of the airport or lands and uses adjacent thereto shall be so developed as to not endanger safe flight conditions to and from an established airport, landing field, landing strip or runway. Providing further, that all permitted uses and the standards thereto as above mentioned shall be reviewed by the Township Board and such uses may be given approval by the Township Board only after appropriate public hearing is held.

13.13. DRAG STRIPS AND RACE TRACKS

Drag strips and race tracks shall be permitted in Agricultural Districts when located along a major thoroughfare or abutting an Industrial District, and shall further be subject to the following conditions:

1. All parking shall be prohibited from roads which have an existing or proposed right-of-way less than one hundred twenty (120) feet.
2. All access shall be prohibited from roads which have an existing or proposed right-of-way less than one hundred twenty (120) feet.
3. All sides of the development not abutting a major thoroughfare shall be provided with a twenty (20) foot buffer strip which shall be developed with plant material and fence or wall so as to obscure from view all activities within the development.

13.14. TELECOMMUNICATION TOWERS

1. **Purpose.** The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this Section 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 aspects of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Township shall give due consideration to the Township's land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

2. **Definitions.** The following definitions apply for purposes of this Section:

- A. *Antenna* -- Any exterior transmitting 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.
- B. *Height* -- When referring to a tower or structure, the distance measured from the finished grade to the highest point on the tower or other structure, including the base pad and any antenna.
- C. *Site* -- Except as provided in the following sentence, the parcel on which the tower is to be located. If the tower is to be located upon a leased portion of a parcel, then "site" shall mean the portion of land so leased.
- D. *Tower* -- Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, and monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, and cellular telephone towers. The term includes the structure and any support thereto.

3. **Applicability.**

- A. **Towers and Antennas.** All towers and antennas in the township shall be regulated pursuant to this Section, except as provided in sub-section 3B, and they shall not be

regulated or permitted as essential services, public utilities, or private utilities.

- B. **Amateur Radio Station Operator and/or Receive Only Antennas.** This Section shall not govern any tower, or the installation of any antenna, that is under fifty (50) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

4. **Special Approval Use.** Telecommunication Towers may be allowed as a special approval use in the "AG-1", "AG-2", "I-1", and "I-2" zoning districts subject to the provisions below. However, placement on any property with an institutional use (e.g., church, park, library, municipal/government, hospital, school, utility) located outside of these districts may be considered if the applicant presents substantial evidence as to why it is not technically feasible to locate in a more appropriate zoning district.

- A. **General.** The following provisions shall govern the issuance of special approval use permits for towers by the Planning Commission:

- (1) Applications for special approval use permits under this Section shall be subject to the procedures and requirements of *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL* of the Zoning Ordinance pertaining to special approval uses, except as modified in this Section.
- (2) In granting a special approval use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties or to otherwise further the goals of this Section.

- B. **Towers.**

- (1) **Information Required.** In addition to any information required for applications for special approval use permits pursuant to *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL*, applicants for a special approval use permit for a tower shall submit the following information:
 - a. A scaled site plan clearly indicating the location, type and height of the proposed tower, specifications on all proposed antennas, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities),

adjacent roadways, proposed means of access, setbacks from site boundary lines, and elevation drawings of the proposed tower. The site plan shall be prepared by or under the supervision of a professional engineer, architect, architectural engineer, or land surveyor licensed or registered by the State of Michigan. The site plan shall contain the name and firm address of the professional engineer, architect, architectural engineer, or land surveyor responsible for the preparation of the site plan, and the professional seal and signature of that person.

- b. Legal description and ownership of the parcel on which the tower is proposed to be located. If the tower is proposed to be located upon just a leased portion of the parcel, the applicant shall also provide a legal description of such leased land.
 - c. The setback distances between the proposed tower and the boundaries of the site on which the tower is located.
 - d. A landscape plan satisfying the standards of *Sec. 16.01 - GREENBELTS, LANDSCAPE MATERIALS AND SCREENING*.
 - e. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - f. A description of compliance with all applicable federal, state and local laws.
- (2) **Factors Considered in Granting Special Approval Use Permits for Towers.** In addition to any standards for consideration of special approval use permit applications pursuant to *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL* of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special approval 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 Section are better served thereby:
- a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. Nature of uses on adjacent and nearby properties;

- d. Surrounding topography;
 - e. Surrounding tree coverage and foliage;
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - g. Proposed ingress and egress; and
 - h. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in *subsection. 4B(3)* of this Section.
- (3) **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology.** 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. 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.
 - c. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- (4) **Tower Setbacks.** Unless specifically waived by the Planning Commission on the basis that the nature of the tower, the subject property and/or neighboring property makes such setbacks unnecessary to satisfy the standards for the granting of a special approval use permit hereunder, the minimum setback for the base of the tower, exclusive of any guy wire anchors, from the

boundaries of the site on which the tower is located shall be not less than the height of the tower plus fifty (50') feet.

- (5) **Separation.** Unless specifically waived by the Planning Commission on the basis that the nature of the tower, the subject property and/or neighboring property makes such separation unnecessary to satisfy the standards for the granting of a special approval use permit hereunder, there shall be a minimum separation distance of ten thousand (10,000) feet between towers. Tower separation shall be measured from the base of the tower to the base of the other tower(s).
- (6) **Co-location.** A tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two (2) other users. An applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the tower for other users and shall make the tower available to share at a fair market rate as determined by customary industry standards.
- (7) **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 reduce or waive such requirements, if the goals of this Section would be better served.
- (8) **Landscaping.** A six (6) foot tall landscaped screen is required to effectively screen the tower compound from adjacent residential property, streets and public property. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived by the Planning Commission if the goal of this Section would still be accomplished.
- (9) **Lighting.** The tower shall not be illuminated by artificial means or display strobe lights unless specifically required by the Federal Aviation Administration or other federal or state authority for the tower. If such lighting is required, it shall be oriented and designed so as to minimize disturbance to surrounding properties.
- (10) **Signs.** The use of any portion of a tower for signs other than warning or equipment information is prohibited.
- (11) **Abandonment of Unused Towers or Portions of Towers.** Abandoned or unused towers or portions of

towers and associated facilities shall be removed within 12 months of the cessation of the operations at the site unless a time extension is approved by the Planning Commission upon a showing of good cause. A copy of the relevant documents (including the signed lease, deed or land contract restrictions) which requires the removal of the tower and associated facilities upon cessation of the operations shall be submitted at the time of application. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities shall be removed by the Township and the costs of removal assessed against the real property.

(12)**Appearance.** 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. 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. **Towers or Antennas on Township Property.** Antennas or towers located on property owned, leased, or otherwise controlled by the Charter Township of Comstock shall be allowed as a permitted use in all zoning classifications provided a license or lease authorizing such antenna or tower has been approved by the Township.

D. **Antennas on Structures Other Than Towers.** The placement of antennas on structures other than telecommunication towers (e.g., buildings, electrical transmission towers, light poles, steeples) may be allowed as a special approval use in all zoning classifications, subject to the standards for special approval use approval set forth in this Ordinance. Any such antenna and supporting electrical and mechanical equipment shall 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.

13.15. REGULATION OF SEXUALLY ORIENTED BUSINESSES

1. **PURPOSE.** The purpose and intent of this section of this Ordinance is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their

very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses, based on the evidence concerning the averse secondary effects of adult uses in the findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Arcara v. Cloud Books, Inc.*, 478 U.S. 697, (1986); *California v. LaRue*, 409 U.S. 109 (1972); *Iacobucci v. City of Newport, KY*, 479 U.S. 92 (1986); *United States v. O'Brien*, 391 U.S. 367 (1968); *DLS, Inc. v. City of Chattanooga*, 107 F.3d (6th Cir. 1997); *Kev, Inc. v. Kitsap County*, 793 F2d 1053 (9th Cir. 1986; *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); and *South Florida Free Beaches, Inc. v. City of Miami*, 734 F2d 608 (11th Cir. 1984), as well as studies conducted in other cities including, but not limited to: Garden Grove, California; Tucson, Arizona; Seattle, Washington; Indianapolis, Indiana; and, Houston, Texas. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of property values of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United State Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Milan Township Ordinance, state, or federal law.

2. **DEFINITIONS.** For purposes of this section, the following definitions shall control.
 - A. *Adult Arcade* - Any place to which the public is permitted or invited wherein coin-operated or slug-oriented or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) item, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities," "specified anatomical areas," or "specified acts of violence."
 - B. *Adult Cabaret* - An establishment where materials or entertainment is presented, displayed, permitted or provided, which is distinguished or characterized by an

emphasis on or related to “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence.”

- C. *Adult Entertainment* - Any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence.”
- D. *Adult Motel* - A hotel, motel, or similar commercial establishment that: 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 that are characterized by the depiction or description of “specified sexual activities,” “specified anatomical areas,” or “specified acts of violence,” and has a sign visible from the public right-of-way that advertises the availability of this adult type of photographic reproductions; or offers a sleeping room for rent for a period of time that is less than twenty-four (24) hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
- E. *Adult Mini-Motion Picture Theater* - Any enclosed building with the capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities,” “specified acts of violence,” or “specified anatomical areas” for observation by patrons therein.
- F. *Adult Motion Picture Theater* - Any enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities,” “specified acts of violence,” or “specified anatomical areas” for observation by patrons therein.
- G. *Adult Novelty Business* - Any establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.
- H. *Adult Personal Service Establishment* - Any business agency, or service which arranges, solicits, or provides for the benefit of its customers or clients, escorts, dates, models, “therapists,” companions or entertainers, either on

or off the premises, for the purposes of depicting or engaging in "specified sexual activities," "specified anatomical areas," or "specified acts of violence."

- I. *Adult Physical Culture Establishment* - Any establishment, club, or business by whatever name designated, which provides, offers, or advertises, or is equipped or arranged so as to provide as part of its services, either on or off the premises, massages, body rubs, physical stimulation, baths, tattoos, or other similar treatment by any person. The following uses shall not be included within the definition of an adult physical culture establishment:
 - (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed or certified physical or massage therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 - (2) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (3) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (4) Hospitals, nursing homes, medical clinics, or medical offices; and,
 - (5) Barbershops or beauty parlors, health spas and/or salons which offer massage to the scalp, face, the neck, or shoulders only.
- J. *Adult Supply Store* - Any premises wherein a significant portion or area is used for the sale, rental, distribution, or display of books, magazines, novelties, periodicals, films, videos, recordings, devices, objects, toys, paraphernalia or similar materials, which are used for or characterized by an emphasis on "specified sexual activities," "specified acts of violence" or "specified anatomical areas." Retail establishments which display, sell, distribute, provide or rent such materials within a segregated enclosed area not greater than five (5) percent of the total, useable retail space which is limited to persons eighteen (19) years or over, shall not be included in the definition of "Adult Supply Store."
- K. *Establishment* - Any business or enterprise which utilizes any buildings, structures, premises, parcel, place, or area.
- L. *Nude Model Studio* - Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided in order to be observed,

sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons for consideration.

- M. *Restricted Adult Business* - Any of the defined sexually oriented businesses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- N. *Sexual encounter Center* - A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.
- O. *Sexually Oriented Business* - An adult supply store, adult motion picture theater, adult mini-motion picture theater, adult cabaret, adult personal service establishment, adult physical culture establishment, adult arcade, adult motel, adult novelty business, nude model studio, sexual encounter center, or restricted adult business.
- P. *Specified Acts of Violence* shall include -- The graphic depiction, or simulation of human or animal: 1) decapitation; 2) dismemberment; 3) physical torture; 4) stabbing; 5) shooting; 6) strangulation; 7) drowning; 8) electrocution; 9) aggravated assault, whether accomplished by human contact, instruments, or weapons; 10) disembowelment.
- Q. *Specified Anatomical Areas* is defined as:
- (1) Less than completely and opaquely covered: 1) human genitals, pubic region; 2) buttock; and 3) female breast below a point immediately above top of the areola; and
 - (2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
- R. *Specified Sexual Activities* shall be defined as:
- (1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral/anal copulation, bestiality, direct physical stimulation or unclothed genitals, flagellation or torture in the context of asexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism, or sodomy;

- (2) Clearly depicted human genitals in a state of sexual stimulation, arousal, tumescence;
- (3) Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation;
- (4) Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts;
- (5) Masochism, erotic, or sexually oriented torture, beating, or the infliction of pain;
- (6) Erotic or lewd touching, fondling, or other contact with an animal by a human being;
- (7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

3. **DEVELOPMENT STANDARDS**

A sexually oriented business use regulated by this Ordinance may be located only in the C-2 Regional Commercial District and only in conformance with the following restrictions:

- A. No sexually oriented business shall be located within five hundred (500) feet of any of the following uses:
 - (1) All Class "C" establishments licensed by the Michigan Liquor Control Commission.
 - (2) Pool or billiard balls.
 - (3) Coin-operated amusement centers or video arcades.
 - (4) Teenage discos or dance halls.
 - (5) Ice or roller skating rinks.
 - (6) Pawn shops.
 - (7) Indoor or outdoor movie theaters.
 - (8) Any public park, public playground, public library, or public building.
 - (9) Any church, place of worship or other religious facility.
 - (10) Any public or private school having a curriculum including kindergarten or any one or more of the grades one through twelve.
 - (11) Any restaurant that does not serve alcohol.
 - (12) Any preschool or day nursery.
 - (13) Any indoor or outdoor public, private, or commercial recreational facility. A "recreational facility" is a place designed and equipped for the conduct of sports and leisure time activities. A public recreational facility is

designed as a recreational facility opened to the general public. A private recreational facility is defined as a recreational facility operated by a non-profit organization and opened only to bona-fide members and guests of such non-profit organization. A commercial recreational facility is defined as a recreational facility as a business and opened to the public for a fee.

- (14) Any area zoned residential (R-1, R-2, or R-M).
- (15) A dwelling used or designed for residential purposes within the AG (Agricultural) zoning districts.
- (16) Any other sexually oriented business use.

The required distance provided for in Subsection 13.15.3.A(1)- 13.15.3.A(15), inclusive shall be measured along the centerline of the street between two fixed points on the centerlines determined by projecting straight lines at right angles from the part of the above listed use nearest to the contemplated location of the structure containing the sexually oriented business use and from the contemplated location of the structure containing the sexually oriented business use listed above.

The required distance provided for in Subsection 13.15.3.A(16) shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the sexually oriented business use to a point on the contemplated structure or contemplated location of the structure containing the sexually oriented business use nearest to the boundary lines of a zoned residential area.

- B. All sexually oriented business uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures and multi-uses within the same structure do not constitute a freestanding building.
- C. No sexually oriented business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities, specified anatomical areas, or specified acts of violence from any public way or from any property not regulated as a sexually oriented business. This provision shall apply to any display, decoration, sign, show window, or other opening.
- D. Any sign or signs proposed for the sexually oriented business shall comply with the provisions of *ARTICLE 15 - SIGNS* of this Ordinance, and shall not otherwise include

photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.

- E. Entrances to the proposed sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height specifying that:
 - (1) "Persons under the age of 18 are not permitted to enter the premises" and
 - (2) "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.
- F. Hours of operation shall be limited to 8:00 AM to 11:00 PM:
- G. All off-street parking areas shall be illuminated not less than one (1) hour before the sexually oriented business opens for business, and not less than two (2) hours after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
- H. The site shall be so located as to abut a major thoroughfare as designated by the Monroe County Road Commission with all ingress-egress to the site directly from such major thoroughfare.
- I. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing specified anatomical areas, specified sexual activities, or specified acts of violence shall:
 - (1) Be handicap accessible to the extent required by the Americans with Disabilities Act;
 - (2) Be unobstructed by any door, lock, or other entrance and exit control device;
 - (3) Have at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times for the adjoining aisle of any occupant;
 - (4) Be illuminated by light fixtures producing a level of illumination not less than one (1) watt per square foot.
 - (5) Have no holes or openings, other than doorways, in any side or rear walls.

4. REVIEW PROCEDURES FOR SEXUALLY ORIENTED BUSINESSES

All applications to establish a sexually oriented business shall be processed as a special approval use in accordance with the procedures specified in *ARTICLE 10 - STANDARDS FOR SPECIAL USE APPROVAL*. The Township Board shall adhere to the following procedures when reviewing a special approval use application for a sexually oriented business:

- A. If the Township Board determines that a special approval use application for a sexually oriented business is not complete when it is first presented to the Township Board, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application.
- B. If the Township Board determines that the application is complete, it shall within ninety (90) days of said determination make and adopt specific findings with respect to whether the sexually oriented business is in compliance with the approval standards of *Section 10.02-SPECIAL APPROVAL STANDARDS* and development standards of *Section 13.15.3*, above. If the Township Board has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval use permit for the same within ninety (90) days of its determination that a completed application has been filed, then the special approval use permit shall be deemed to have been approved.

5. PROMPT JUDICIAL REVIEW OF ADVERSE DETERMINATION

- A. In the event an application for a special approval use permit is denied, the applicant shall be entitled to prompt review by the Township Zoning of Appeals as a means to exhaust local remedies and to be consistent with the intent of *Paragon Properties Co., v. Novi*, 206, Michigan App. 74; 520 NW2d 344 (1994). The applicant shall file for an appeal with the Township Clerk within five (5) business days of the denial of the special approval use permit request by the Township Board. The review shall, upon the Applicant's request, be conducted at a special Zoning Board of Appeals meeting convened for such purposes within fifteen (15) days of receipt of such a request. The Zoning Board of Appeals shall review the record of proceedings conducted before the Township Board to determine whether the Township Board's decision was based upon competent material and substantial evidence in the record and otherwise review the Township Board's determination to ensure that it complies with all

requirements of both the Michigan and United State Constitutions.

- B. If the Township Zoning Board of Appeals affirms denial of special approval use application for the operation of a sexually oriented business pursuant to *Section 13.15.5.A* above, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Township Clerk. Such written request must be received by the Township Clerk within thirty (30) business days of the date of the decision of the Township Zoning Board of Appeals. The Township shall within five (5) business days of receipt of such written request do the following:
- (1) File a petition in Circuit Court for the County of Monroe seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance.
 - (2) Request that the application for issuance of a preliminary injunction beset for a show-cause hearing within five (5) business days or as soon as thereafter as is possible. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join such request. In the event that the applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
 - (3) The filing of written notice of intent to contest the Township's denial of a special approval use permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval use permit application automatically approved if, within fifteen (15) days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

13.16. PONDS OR LAKES

1. Ponds shall be considered an accessory use in all zoning districts. Special Approval is required for any new pond or lake with surface area greater than 1 acre or any expansion of an existing pond or lake which results in a surface area greater than 1 acre. The use of the term "pond(s)" may be interpreted to mean either pond(s) or lake(s). **(Amended 01/12/12)**
2. No pond shall be constructed without a permit from the Township. An application for a permit shall be submitted to the Township Clerk. For ponds of one acre or less, the Building Inspector may approve a pond permit provided it meets the conditions and intent of this ordinance. For ponds greater than 1 acre, a permit shall be issued upon Special Approval by the Township Board. An application for a pond permit shall contain the following information: **(Amended 02/14/13)**
 - A. A map showing property lines of the applicant's parcel, along with all buildings, roads, rights of way, and utilities, including wells and septic systems, on the applicant's property and within 500 feet of all property lines.
 - B. A map showing: the location of the proposed pond; and existing and proposed contours at 2 foot intervals within 100 feet of the pond edges or to the property lines whichever is less; projected water levels and location for the placement of excavated materials. **(Amended 02/14/13)**
 - C. The location of any wetlands, floodplains, drains or streams, or ponds within 500 feet of any property line.
 - D. Written evidence from Monroe County Health Department stating the distance and soil conditions separating the pond from the wells, septic and/or reserve field is sufficient to prevent contamination.
3. No pond will be located within 100 feet (25 feet with a berm) of any property line. A berm's height will be at least 2 feet above the pond's edges and located along any property lines which are closer than 100 feet to the pond. The pond will be constructed within the boundary lines of a single owner. **(Amended 02/14/13)**
4. No pond will be located within 100 feet from any road right of way.
5. All ponds must be constructed with a side slope of at least 3 feet for every 1 foot in depth up to a depth of 8 feet.
6. **(Amended 02/14/13)**
7. Ponds shall not contain more than 25% of the net acreage of any parcel.

8. To reduce adverse affects to adjoining property, a drainage system shall be installed to accommodate overflows and surface drainage to a suitable outlet or drainage ditch.
9. All ponds shall conform to state and federal regulations, and to any Monroe County Drain Commission requirements.
10. Refilling of an area which has been excavated for the development of a pond shall be refilled with material similar to that which was removed.
11. All ponds shall be fully completed, including land rehabilitation within 180 days of the start date (digging) of the pond.
12. All earth removed shall be disposed of on the lot or parcel unless a plan is presented to and approved by the Township Board for off-site disposal of the earth.
13. Administration: All applicable fees shall be determined by the Milan Township Board. Inspection and regulation will be performed by an appointed Representative as determined by the Milan Township Board.

13.17.ROADSIDE STANDS

1. Roadside stands shall be considered as a temporary or seasonal accessory land use.
2. Roadside stands shall sell only agricultural products raised or produced predominantly by the proprietor of the stand or their family.
3. The roadside stand shall be of a construction that does not require a building permit and shall not be located within the road right-of-way.
4. Shall provide off-street parking for customers outside of the public right-of-way.

13.18.INTENSIVE LIVESTOCK OPERATIONS

1. All structures and confined lots designed to house or contain livestock or animal waste shall be located not less than two hundred fifty (250) feet from the property line that abuts any road and five hundred (500) feet from other abutting property lines.
2. All structures and confined lots designed to house or contain livestock or animal waste shall be located not less than seven hundred fifty (750) feet from any existing family residence, except that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or commercial) or any public building; and two thousand (2,000) feet from any recorded residential plat, lot line, or condominium development..

3. Operations shall be managed in compliance with the relevant “Generally Accepted Agricultural and Management Practices” published by the Michigan Agricultural Commission and with Public Act 261 of 1999.

13.19.AGRICULTURAL RELATED COMMERCIAL USES

1. Intent. The intent of this section is to permit uses within the Agricultural districts which would otherwise be considered as commercial uses but which are directly related to agriculture or which serve to support the viability of agriculture in the community. The intent is not to encourage uses which would conflict with the purpose of the Agricultural district, with agricultural practices, or with the rural character of the Township, but rather it is meant to provide for uses which would compliment agricultural production and the farm economy.
2. The following uses are considered Agricultural Related Commercial Uses:
 - A. Greenhouses and nurseries selling at retail
 - B. Livestock auction yards
 - C. Game or hunting preserves
 - D. Grain elevators or mills
 - E. Cider mills and farm markets selling principally products grown or produced locally.
 - F. Commercial slaughterery, in accordance with *Sec.13.21-SLAUGHTERHOUSES*.
3. The Planning Commission shall determine if other uses similar to the above uses shall be considered as agricultural related commercial uses.
4. Agricultural related commercial uses shall meet all applicable regulations for signs, setbacks, parking, lighting and other site development standards.
5. Agricultural related commercial uses shall require site plan review, as specified by *ARTICLE 11 - SITE PLAN REVIEW*.

13.20.STATE LICENSED RESIDENTIAL CARE FACILITIES

1. Family day care homes
Considered a residential use of property and is a permitted use within all districts which allow single-family dwellings.
2. Group day care homes

- A. All outdoor play areas shall be enclosed by a non-climbable fence that is at least forty-eight (48) inches high.
 - B. The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
 - C. One (1) identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated outside of hours of operation. Sign text shall be limited to the name of the day care operator, address, and phone number.
 - D. Adequate areas shall be provided for employee and resident parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and allows maneuvers without affecting traffic flow on the public road. Areas shall be adequately lighted during hours of operation.
 - E. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.
 - F. A group day care home licensed under Act 116 of 1973 shall be issued a special use permit if the group day care home meets the requirements above.
3. Adult Foster Care Family Homes - six or fewer persons.
Considered a residential use of property and is a permitted use within all districts which allow single-family dwellings.
 4. Adult Foster Care Small Group Homes - 12 or fewer.
 - A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit. The driveway may be used for this purpose.
 - B. The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.
 5. Adult Foster Care Large Group Homes - 20 or fewer.
 - A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

- B. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- C. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- D. A landscaped buffer shall be provided along all property lines and around the visible perimeters of all parking and loading/unloading areas.
- E. All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

13.21. SLAUGHTERHOUSES

Commercial slaughterhouses shall have a minimum setback of three hundred (300) feet from the road right-of-way . Additional approval must be obtained for the operation from the Michigan Department of Agriculture, and from the Monroe County Health Department for sewage treatment and potable water supply. No slaughtering operation shall be located closer than five hundred (500) feet from any Residential or Commercial District.

13.22. MIGRATORY LABOR CAMPS

Migratory labor housing is permitted when said facility is provided as temporary housing for workers and their families during the season in which they are employed in the planting, harvesting or processing of crops or other essential but temporary agriculturally related employment, and provided further that said facility is accessory to the farm on which said worker is employed. Plans shall be subject also, to the approval of the Monroe County Health Department and/or Michigan Department of Public Health.

13.23. PUBLIC AND PRIVATE WATER TOWERS

- 1. Height: The height allowable will have direct relationship to the necessary capacity and pressure to be generated for the structure; which is based upon factors such as the land area and use it is serving and the topography of the vicinity.
- 2. Setback: Public and Private water towers shall be setback on all sides a distance that is equal to the height of the tower. The Planning Commission may modify this standard where appropriate to accommodate existing conditions such as surrounding land use, topography, or preservation of natural features.

3. Location: The water tower shall be located, to the extent possible, to minimize negative impacts on adjacent land uses and nearby structures.
4. The Planning Commission shall approve any lighting on the tower.
5. No signs or logos are permitted on the tower except the name of the municipality, unless approved by the Township Board. The Township Board shall approve the size, color and style of any sign on the tower, following a recommendation from the Planning Commission.
6. The Township Board shall approve the color of the tower.

13.24. RAISING OF ANIMALS

1. General Standards

- A. **Class I Animals** (see definition): Class I Animals, such as dogs and cats, may be maintained in any zoning classification district, subject to specific restrictions herein. Up to 4 dogs, six (6) months of age or older, may be kept in any zoning district. The keeping of five to ten dogs would be considered either a hobby kennel or commercial kennel and subject to the provisions of this section. The keeping of over 10 dogs would be considered a commercial kennel and subject to the provisions of this section.
- B. **Class II Animals** (see definition): Class II Animals, including cows, pigs, Equine (horses) and Ovine (sheep, goats and similar animals) may be maintained in the AG-1, AG-2 and R-1 Districts, subject to the following conditions:
 - (1) The minimum lot area required to maintain Class II animals is five (5) acres. One (1) Class II animal, except Equine or Ovine, shall be permitted for the first five (5) acres. Thereafter, one (1) additional Class II animal except (Equine or Ovine) shall be permitted for each full one (1) acre in excess of five (5) acres. Farms 40 acres and over have no limits on the number of Class II animals, provided that operations are managed in compliance with the relevant "Generally Accepted Agricultural and Management Practices" published by the Michigan Agricultural Commission and with Public Act 261 of 1999. *(amended 3/16/17)*
 - (2) The minimum lot area required to maintain an Equine or Ovine is 62,500 square feet. One (1) additional Equine or Ovine shall be permitted for each additional full one (1) acre of open space. *(amended 3/16/17)*

- (3) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this ordinance.
- (4) Structures housing Class II animals shall be located no nearer than two hundred (200) feet to any dwelling which exists on an adjacent lot and no nearer than one hundred (100) feet to any adjacent lot line. Fenced areas shall be located no nearer than fifty (50) feet from any dwelling which exists on an adjacent lot.
- (5) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
- (6) All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice, or other vermin.

C. **Class III Animals** (see definition): Class III animals, including rabbits and poultry, may be maintained in the AG-1, AG-2, R-2 and R-1 Districts, subject to the following conditions:

- (1) The minimum lot area required to maintain Class III animals shall be one two and one-half (2 1/2) acres. ~~For properties up to five (5) acres, ten (10) Class III animals per acre shall be permitted. Properties of 5 acres and over have no limits on the number of Class III animals. for the first two and one-half (2 1/2) acres. Thereafter, one (1) additional Class III animal shall be permitted for each full one-quarter (1/4) acre in excess of two and one-half (2 1/2) acres. Farms 40 acres and over have no limits on the number of Class III animals, provided that operations are~~ The keeping of Class III animals shall be managed in compliance with the relevant "Generally Accepted Agricultural and Management Practices" published by the Michigan Agricultural Commission and with Public Act 261 of 1999. **Approved 9/12/19**
- (2) There shall be adequate fencing, or other restraining device, for the purpose of maintaining animals within the restricted areas provided for in this ordinance. Fenced areas shall be located no nearer than fifty (50) feet from any dwelling which exist on an adjacent lot.
- (3) Structures housing Class III animals shall be located no nearer than one hundred (100) feet to any dwelling which exists on an adjacent lot and no nearer than fifty (50) feet to any adjacent lot line.

- (4) The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses
 - (5) All feed and other substances and materials on the premises for the maintenance of animals shall be stored so as to not attract rats, mice or other vermin.
- D. **Class IV Animals** (see definition): Class IV animals, such as mink and other fur bearing animals, may be raised in the AG-1 District subject to the following conditions:
- (1) The minimum lot size shall be ten (10) acres.
 - (2) Structure or pens shall not be located less than three hundred (300) feet from a public right-of-way or less than one hundred (100) feet from a side or rear lot line.
 - (3) No pens or structures which contain animals shall be located closer than five hundred (500) feet from any Residential or Commercial District.
 - (4) The facility shall be established and maintained in accordance with all applicable County and Township sanitation regulations.
 - (5) A site plan shall be prepared in accordance with *ARTICLE 11 - SITE PLAN REVIEW*, herein.
 - (6) Shall be licensed in accordance with applicable county and state requirements.
- E. Except as authorized in a wildlife reserve approved by the Township, wild animals shall not be permitted to be maintained in the Township, temporarily or permanently. For purposes of this section, the term wild animal shall mean an animal not otherwise defined as a Class I, II, or III animal, and which is not customarily domesticated and customarily devoted to the service of mankind in Milan Township. Wild animal also means any animal which a person is prohibited from possessing by law. The characterization of an animal as being wild shall not be altered by virtue of the fact that one or several generations of the animal in question have been maintained in captivity.

2. Hobby and Commercial Kennels

- A. Hobby kennels shall be permitted as an accessory use in the AG-1, AG-2 and R-1 Districts.

- B. Commercial kennels shall be a special approval use in the AG-1, AG-2 and C-2 Districts subject to the following conditions:
- (1) A minimum lot size of five (5) acres in the C-2 District and ten (10) acres in the AG-1 and AG-2 Districts shall be maintained.
 - (2) Any building or fenced area where animals are kept shall be located a minimum of one hundred (100) feet from any public right-of-way, one hundred (100) feet from any property line, and one hundred-fifty (150) feet from any existing residential dwelling located off the premises.
 - (3) The kennel shall be established and maintained in accordance with all applicable state, county and township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.
 - (4) A site plan shall be submitted in accordance with ARTICLE 11 - SITE PLAN REVIEW, herein.

3. Hobby and Commercial Horse Stable

- A. Hobby stables shall be permitted as an accessory use in the AG-1, AG-2 and R-1 Districts subject to the restrictions set forth in Section 13.24.1.B.
- B. Commercial stables shall be a special approval use in the AG-1 and AG-2 Districts, subject to the restrictions set forth in Section 13.24.1.B and the following additional conditions:
- (1) The minimum lot area required for a commercial stable shall be ten (10) acres.
 - (2) A commercial stable shall be established and maintained in accordance with all applicable state, county and township sanitation regulations.
 - (3) A site plan shall be submitted in accordance with *ARTICLE 11 - SITE PLAN REVIEW*, herein.

13.25. BED AND BREAKFAST INNS

Bed and breakfast inns shall comply with the following:

1. **Primary residence.** The structure shall be the primary and permanent residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.

2. **Guests.** Guests may stay no longer than 14 days in succession or a total of 60 days in any 12 month period. Off-street parking areas shall be provided for all guests and shall not be located in any required front yard. Stacking of more than two (2) vehicles in a driveway is prohibited.
3. **Screening.** Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in accordance with the requirements of a Zone C buffer (see *Sec. 16.01 - GREENBELTS, LANDSCAPE MATERIALS AND SCREENING*).
4. **Use standards.** The following additional use standards shall apply to all bed and breakfast inns:
 - A. There shall be no separate kitchen facilities for the use by bed and breakfast guests.
 - B. Bed and breakfast inns shall be limited to a maximum of four (4) guest rooms.
 - C. A bed and breakfast operation shall provide a minimum of one (1) full bathroom facility for the owner, plus one (1) separate full bathroom facility for each two (2) permitted sleeping rooms.
 - D. The location of exits, emergency exit routes, and tornado protection locations should be clearly posted on the interior of each guest room door.
5. **Approval.** Bed and breakfast inns shall be subject to site plan approval per *ARTICLE 11 - SITE PLAN REVIEW*. The site plan application shall include floor plans with the following additional information:
 - A. Dimensions and floor areas of all rooms and areas to be used by guests (sleeping rooms, bathrooms, dining areas, etc.).
 - B. Locations of required exits, emergency exit routes, tornado protection locations, smoke detectors, and carbon monoxide detectors.

13.26. TWO FAMILY DWELLINGS (CONVERTED ONE-FAMILY)

Two family dwellings are permitted upon special approval in districts which allow single family dwellings, when said dwellings are accomplished through the conversion of existing single-family dwellings, so used, and contain at least eighteen hundred (1,800) square feet of floor area, provided that each new dwelling unit after conversion, shall contain at least nine hundred (900) square feet of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches, enclosed porches, or the interior area of utility

13.27 LARGE SOLAR ENERGY SYSTEMS

- A. Purpose and Intent: The purpose and intent of this Section is to establish standards for the siting, installation, operation, repair, decommissioning and removal of Large Solar Energy Systems.
- B. Site Plan Drawing and Supporting Materials: All applications for a Large Solar Energy System use must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan, displaying the following information:
1. All requirements for a site plan contained in Article 11 of the Milan Township Zoning Ordinance.
 2. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Large Solar Energy System.
 3. Names of owners of each lot or parcel within Milan Township that is proposed to be within the Large Solar Energy System.
 4. Vicinity map showing the location of all surrounding land uses.
 5. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all aboveground structures and utilities associated with a Large Solar Energy System.
 6. Horizontal and vertical (elevation) to scale drawings with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
 7. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Large Solar Energy System and within one hundred (100) feet of all exterior property lines of the Large Solar Energy System.
 8. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Large Solar Energy System.
 9. Land elevations for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Large Solar Energy System at a minimum of five (5) foot contours.
 10. Access driveways within and to the Large Solar Energy System, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access drives shall be subject to Monroe County Road

Commission approval and shall be planned so as to minimize the use of lands for that purpose.

11. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Large Solar Energy System.
 12. A written description of the maintenance program to be used for the Solar Array and other components of the Large Solar Energy System, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if or when the Large Solar Energy System is decommissioned.
 13. Planned lightening protection measures.
 14. Additional detail(s) and information as required by the Special Approval Use requirements of the Milan Township Zoning Ordinance, or as required by the Planning Commission.
- C. Application Escrow Account: An escrow account shall be deposited with the Township along with the application for a Special Approval Use for a Large Solar Energy System. The monetary amount deposited in escrow with the Township shall be the amount of \$15,000, to cover all reasonable costs and expenses associated with the Special Approval Use review and approval process, which costs shall include, but are not limited to, reasonable fees of the Township as well as costs for any reports or studies that are reasonably related to the zoning review process for the application. Such escrow amount shall be in addition to any filing or application fees established by resolution. At any point during the Special Approval Use review process, the Township may require that additional funds be placed into escrow with the Township if the existing escrow amount deposited is deemed to be insufficient by the Township. If the escrow account needs replenishing and the applicant refuses to do so within thirty (30) days, the Special Approval Use process shall cease unless and until the applicant makes the required additional escrow deposit. Any other Ordinances adopted by the Township must also be complied with by the applicant. The Township shall provide a summary of all account activity to the applicant within a timely manner upon request. Any funds remaining within the escrow after approval of the Special Approval Use shall be returned in a timely manner to the applicant.
- D. Compliance with the County Building Code and the National Electric Safety Code: Construction of a Large Solar Energy System shall comply with the National Electric Safety Code and the state construction codes (as shown by approval by the Township) as a condition of any Special Approval Use under this section.

- E. Certified Solar Array Components: Components of a Solar Array shall be approved by the Institute of Electrical and Electronics Engineers ("IEEE"), Solar Rating and Certification Corporation ("SRCC"), Electronic Testing Laboratories ("EIL"), or other similar certification organization if the similar certification organization is approved by the Township, which approval shall not be unreasonably withheld.
- F. Height: Maximum height of a Solar Array, other collection device, components or buildings of the Large Solar Energy System, excluding substation and electrical transmission equipment, shall not exceed twenty (20) feet (as measured from the natural grade at the base of improvements) at any time or location on the property. Substation and electrical transmission equipment shall not exceed one hundred (100) feet.
- G. Setbacks: A minimum setback distance of fifty (50) feet from all property boundaries on the outside perimeter of the Large Solar Energy System and existing public roads and railroad rights-of-way shall be required for all buildings and Solar Arrays, provided that a setback of seventy-five (75) feet shall be required adjacent to any residential structure.
- H. Lot Coverage: A Large Solar Energy System is exempt from maximum lot coverage limitations.
- I. Screening/Security: A Large Solar Energy System shall be completely enclosed by perimeter security fencing (such as chain link) to restrict unauthorized access in accordance with Federal guidelines. Such fencing shall be either (7) feet in height or at least six (6) feet in height with a one (1) foot extension arm consisting of a minimum of three strands of barbed-wire placed above the fencing and slanting outward ~~as~~ measured from the natural grade of the fencing perimeter. Electric fencing is not permitted. The perimeter of Large Solar Energy Systems shall also be screened and buffered by installed evergreen or native vegetative plantings whenever existing natural vegetation does not otherwise reasonably obscure the Large Solar Energy System from adjacent residential structures, subject to the following requirements:
1. The Large Solar Energy Systems shall be exempt from the Greenbelts, Landscape Material and Screening requirements of Section 16.01.
 2. The evergreen or native vegetative buffer shall be composed of native or evergreen trees that at planting shall be a minimum of four (4) feet in height and shrubs two (2) feet in height. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center (from the central trunk of one plant to the central trunk of the next plant), native trees shall be placed no more than thirty (30) feet apart on center and shrubs shall be

- spaced no more than seven (7) feet apart on center. All unhealthy (sixty (60) percent dead or greater) and dead material shall be replaced by the Applicant within one (1) year, or the next appropriate planting period, whichever occurs first.
3. All plant materials shall be installed between March 15 and November 15. If the applicant is unable to plant during the installation period, the applicant will provide the Township with a letter of credit, surety or corporate guarantee for an amount equal to one and one-half (1.5) times the cost of any planting deficiencies that the Township shall hold until the next planting season. After all plantings have occurred, the Township shall return the financial guarantee.
 4. Failure to install or continuously maintain the required vegetative buffer shall constitute a violation of this Ordinance and any Special Approval Use may be subject to revocation.
- J. Signage: No advertising or non-project related graphics shall be on any part of the Solar Arrays or other components of the Large Solar Energy System. This exclusion does not apply to entrance gate signage or notifications containing points of contact or any and all other information that may be required by authorities having jurisdiction for electrical operations and the safety and welfare of the public.
- K. Noise: No component of any Large Solar Energy System shall emit noise exceeding sixty-five (65) dBA as measured at the exterior property boundary or the existing ROW line. This limitation does not apply to construction, decommissioning or repairs to the Large Solar Energy System.
- L. Lighting: All lighting for parking lots, driveways, external illumination of buildings, or the illumination of signs shall be directed away from and be shielded from adjacent properties and shall be so arranged as to not adversely affect driver visibility on adjacent public roads.
- M. Location of Solar Array(s) and related facilities: Solar Array(s) shall be permitted only in the AG-1, AG-2, I-1, and I-2 districts. Electric substations, collector lines, and interconnection transmission or distribution lines, that are affiliated and necessary for the Special Approval Use of a Large Solar Energy System, shall be permitted in any zoning district as an Accessory Use as included in Article 5 of this Ordinance.
- N. Distribution, Transmission and Interconnection: All collection lines and interconnections from the Solar Array(s) to any electrical substations shall be located and maintained underground inside the Large Solar Energy System, except in areas where technical or physical constraints make it preferable to install equipment above

- ground. This requirement excludes transmission equipment meant to connect the project substation to the local transmission system.
- O. Abandonment and Decommissioning: Following the operational life of the project, the applicant shall perform decommissioning and removal of the Large Solar Energy System and all its components. The Applicant shall prepare a decommissioning plan and submit it to the Planning Commission for review and approval prior to issuance of the Special Approval Use. Under this plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures up to forty-two (42) inches below-grade shall be removed offsite for disposal. Any Solar Array or combination of Photovoltaic Devices that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed under the decommissioning plan. The ground must be restored to its original topography within three hundred sixty-five (365) days of abandonment or decommissioning. Restoration shall also include bringing soil to its pre-development composition to ensure agricultural use upon restoration in AG1 or AG2 districts or to pre-development conditions in I1 and I2 districts. Soil tests shall be required as a part of the Decommissioning Plan both before development and prior to decommissioning. Soil shall be brought back to pre-development state within three hundred sixty-five (365) days of abandonment or decommissioning.
1. The applicant will obtain a surety bond for reclamation in an amount to be determined by the Township as a condition of site plan approval.
 2. The Township will be able to review the size of the farm and the number of solar panels that will be installed. The amount of the surety bond would fluctuate depending on the size of the farm. Once the Township sets the surety bond amount, the applicant will provide confirmation and details of the surety bond. This may be a condition of site plan approval.
 3. The surety bond is to remain in place for the length of the leases/contracts.
- P. General Standards: The Planning Commission shall not approve any Large Solar Energy System Special Approval Use unless it finds that all of the general standards for Special Approval Uses contained in Article 10 of this Ordinance are met.
- Q. Approval Time Limit and Extension: Special Approval Use and Site Plan approvals, under this Section, shall be valid for one (1) year beginning on the date of Township Board approval. Once commenced, should construction cease for period of twelve (12) consecutive months, the Special Approval Use and Site Plan approvals shall be considered null and void. If construction begins

- prior to the expiration date established by Township Board approval, the Special Approval Use and Site Plan approvals shall remain in force as long as construction continues toward a reasonable date of completion. However, if requested by the applicant prior to the expiration date established by Township Board approval, the Township Board may consider an additional one-year period upon showing of good cause for the extension.
- R. Conditions and Modifications: Any conditions and modifications approved by the Planning Commission shall be recorded in the Planning Commissions' meeting minutes. The Planning Commission may, in addition to other reasonable conditions, require landscaping, walls, fences and other improvements that are reasonable in relation to and consistent with the nature of the applicable or adjacent zoning districts. After approval, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Planning Commission Chairperson and authorized representative of the applicant. One copy shall be kept on file by the Township Clerk, and one copy shall be returned to the applicant's authorized representative.
- S. Inspection: The Township shall have the right at any reasonable time, to provide a twenty-four (24) hour notice prior to the desired inspection to the applicant to inspect the premises on which any Large Solar Energy System is located. The Township may hire one or more consultants, with approval from the applicant (which shall not be unreasonably withheld), to assist with inspections at the applicant's or project owner's expense. Inspections must be coordinated with, and escorted by, the Applicant's operations staff at the Large Solar Energy Facility to ensure compliance with the Occupational Safety and Health Administration (OSHA), NESC and all other applicable safety guidelines.
- T. Maintenance and Repair: Each Large Solar Energy System must be kept and maintained in good repair and condition at all times. If the Zoning Administrator determines that a Large Solar Energy System fails to meet the requirements of this Ordinance and the Special Approval Use, or that it poses a safety hazard, the Zoning Administrator, or his or her designee, shall provide notice to the applicant of the safety hazard. If, after a reasonable cure period (not to exceed 7 days), the safety hazards are not corrected, the applicant is entitled to a hearing before the Township Board. If the Township Board determines that the safety hazard requires that the Large Solar Energy System must be shut down, applicant shall immediately shut down the Large Solar Energy System and not operate, start or restart the Large Solar Energy System until the issues have been resolved. Applicant shall keep a maintenance log on the Solar Array(s), which shall be available for the Township's review within 48 hours of such request. The applicant shall keep all

- sites within the Large Solar Energy System neat, clean and free of refuse, waste or unsightly, hazardous or unsanitary conditions.
- U. Roads: Any material damages to a public road located within the Township resulting from the construction, maintenance or operation of a Large Solar Energy System shall be repaired at the Applicant's expense. In addition, the Applicant shall submit to the appropriate County agency a description of the routes to be used by construction and delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries. The applicant shall abide by all County requirements regarding the use and/or repair of County roads.
- V. Continuing Security: If any Large Solar Energy System is approved for construction under this Section, applicant shall post decommissioning security prior to the start of construction (in a mutually agreed upon form) for an amount necessary to accomplish the work specified in the decommissioning plan as agreed upon by the Township and applicant. The amount shall be reasonably sufficient to restore the property to its previous condition prior to construction and operation of the Large Solar Energy System. Such financial security shall be kept in full force and effect during the entire time that the Large Solar Energy System exists or is in place, and such financial security shall be irrevocable and non-cancelable.
1. Continuing Obligations: Failure to keep any required financial security in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a material and significant violation of the Special Approval Use and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including any enforcement action, civil action, request for injunctive relief, and revocation of the Special Approval Use.
- W. Other Requirements: Each Large Solar Energy System shall also comply with all applicable federal, state and county requirements, in addition to other applicable Township Ordinances.

ARTICLE 14 - OFF-STREET PARKING AND LOADING REGULATIONS

14.00. GENERAL PROVISIONS FOR OFF-STREET PARKING

1. The regulations of this Article shall be met in all districts whenever any uses are established or any building or structure is erected, enlarged, or increased in capacity.
2. Plans and specifications showing required off-street parking spaces, including the means of access, ingress, egress and circulation shall be submitted to the Zoning Administrator and the Monroe County Road Commission for review at the time of application for a building permit for the erection or enlargement of a building or at the time spaces are added or altered, unless a site plan is required under *ARTICLE 11 - SITE PLAN REVIEW*, herein, in which case this requirement shall not apply.
3. No parking area or parking space which exists at the time this Ordinance becomes effective, or which subsequently thereto is provided for the purpose of complying with the provisions of this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance.
4. The storage of merchandise or vehicle parts in any required parking lot in any district is prohibited.
5. Parking of motor vehicles in residential district shall be limited to passenger vehicles, and not more than one (1) commercial vehicle not to exceed five (5) ton capacity, shall be permitted for each dwelling unit. The commercial vehicle shall not be parked or stored in the front yard in a R-1 or R-2 District. The parking of any other type of commercial vehicle, except those belonging to a church or school and parked on church or school property, is prohibited in any residential district. Parking of recreation vehicles shall be regulated as provided in *Section 13.04-STORAGE OF RECREATIONAL EQUIPMENT*, herein. Parking spaces for dwelling units may be provided in garages, carports, or parking areas, or combinations thereof, and shall be located on the premises of the principal building(s).

14.01. SPECIFICATIONS FOR PARKING AREAS

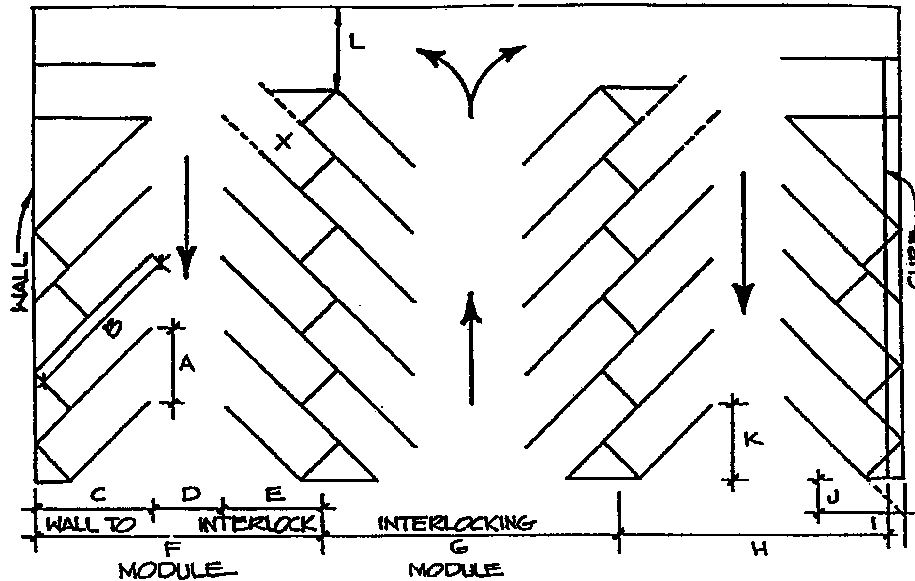
1. Required off-street parking facilities shall be located on the same lot as the principal building for which the parking is intended or on another lot when the parking facilities are within three hundred (300) feet of the building they serve.

2. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following regulations:
 - A. Off-street parking spaces and all driveways shall not be closer than ten (10) feet to any property line, unless a wall, screen or compact planting strip is provided as a parking barrier along the property line, except in AG-1, AG-2, R-1, and R-2 Districts in which case a minimum distance is not required for residences only.
 - B. Off-street parking spaces shall not be located in the required front yard or within the required yard along any street. Parking shall not be located in any required landscape strip or transition strip.
 - C. All off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and surface drainage onto public streets. All parking spaces in paved lots shall be marked with striping.
 - D. Lighting fixtures used to illuminate any off-street parking areas shall be so arranged as to reflect the light away from any adjoining streets or residential lots and shall comply with the provisions of *Sec. 13.09.9 - Exterior Lighting and Glare*.
 - E. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened, on any side which adjoins a lot in any residential district, by a wall, screen or compact planting strip not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 - F. All off-street areas that make it necessary or possible for vehicles to back directly into a public street are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
 - G. All spaces shall have adequate access by means of aisles or lanes.
 - H. Ingress and egress to parking lots shall be provided for all vehicles by means of clearly limited and defined drives.
 - I. Aisles for access to all parking spaces on two-way aisles shall be designed and clearly marked for two-way movement. Aisles for angle parking spaces shall have one-way movement wherever feasible, and shall be clearly marked.
 - J. Off-street parking areas containing more than ten (10) spaces shall be screened and landscaped according to the

provisions of *Sec. 16.05.5 Parking Lot Landscaping* and all other relevant provisions of *Sec. 16.01 - GREENBELTS, LANDSCAPE MATERIALS AND SCREENING*.

- K. Parking lot dimensions shall be as indicated on the following diagram:

Parking Layout Dimensions (in feet) for One-Way Traffic at Various Angles

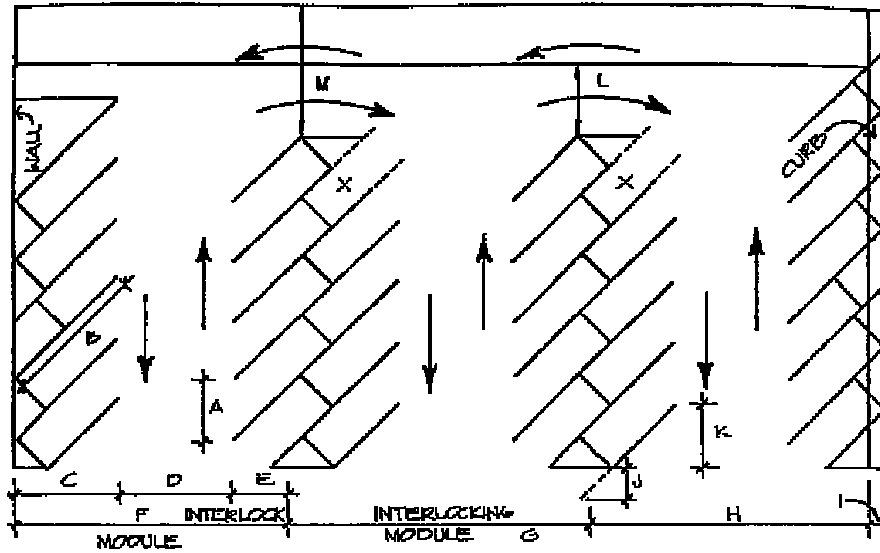


Dimension	On Diagram	45°	60°	75°	90°
Stall width, parallel to aisle	A	12.5	10.5	9.5	9.0
Stall length of line	B	25.0	22.0	20.0	20.0
Stall depth to wall	C	17.5	19.0	19.5	20.0
Aisle width between stall lines	D	12.0*	16.0*	23.0	24.0
Stall depth, interlock	E	15.5	17.5	19.0	20.0
Module, wall to interlock	F	45.0**	52.5**	61.5	64.0
Module, interlocking	G	42.5	51.0	61.0	64.0
Module, interlocking to curb face	H	43.0	50.2	59.0	62.5
Bumper overhang (typical)	I	2.0	2.5	2.5	2.0
Offset	J	6.5	2.5	0.5	0.0
Setback	K	11.0	8.5	5.0	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0

* If dimension "C" on the diagram is adjacent to or in the proximity of a building and if the parking area is located on ground level, dimension "D" on the diagram shall be at least 20 feet.

** If dimension "C" is adjacent to or in the proximity of a building and if the parking area is located on ground level, dimension "F" shall reflect the difference between dimension "D" as shown on the table and the minimum required. (Example: Assume a row of 45° stalls is adjacent to a building and at ground level; aisle width between stall lines must be at least 20.0 feet instead of 12.0 feet; module, wall to interlock must be at least 53.0 feet instead of 45.0 feet.)

Parking Layout Dimensions (in feet) for Two-Way Traffic at Various Angles



Dimension	On Diagram	45°	60°	75°	90°
Stall width, parallel to aisle	A	12.5	10.5	9.5	9.0
Stall length of line	B	25.0	22.0	20.5	20.0
Stall depth to wall	C	17.5	19.0	19.5	20.0
Aisle width between stall lines	D	20.0	22.0	24.0	24.0
Stall depth, interlock	E	15.5	17.5	18.8	20.0
Module, wall to interlock	F	52.5	58.5	62.5	64.0
Module, interlocking	G	50.5	57.0	62.0	64.0
Module, interlocking to curb face	H	51.0	56.0	60.0	62.5
Bumper overhang (typical)	I	2.0	2.5	2.5	2.0
Offset	J	6.5	2.5	0.5	0.0
Setback	K	11.0	8.5	5.0	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	M	24.0	24.0	24.0	24.0

3. Off-street parking facilities for trucks at restaurants, service stations, and similar establishments shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities.

14.02. BARRIER FREE PARKING STANDARDS

1. Barrier free parking space requirements shall be in accordance with the Michigan Building Code and the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division, as changed or amended from time to time. The following are the current requirements, as of the date of adoption of this ordinance:

2. Number of barrier free parking space required:

<u>Total Spaces</u>	<u># Required</u>	<u>Total Spaces</u>	<u># Required</u>
1-25	1	101-150	5
26-50	2	151-200	6
51-75	3	201-300	8
76-100	4	301-400	12
		over 400 or fraction thereof over 400	12 plus 2 for every 250

3. Size of barrier free parking spaces:

Each barrier free space shall be eight (8) feet wide with two (2), five (5) foot wide aisles or twelve (12) feet wide with one (1), five (5) foot wide aisle. Marked off in blue paint. A sign located approximately six (6) feet above grade inscribed with the international wheelchair symbol or a reasonable facsimile thereof shall identify the space.

14.03. RULES FOR CALCULATING REQUIRED NUMBER OF PARKING SPACES

1. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that floor area used for parking within the principal building, incidental service, storage, installation of mechanical equipment, heating systems, and similar uses.
2. In stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of such seating shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
4. For requirements stated in terms of capacity or permitted occupancy, the number shall be determined on the basis of the largest ratings by the local, County or State, building, fire or health codes.
5. Any fractional space shall be counted as one (1) additional required space.
6. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except as provided in *Section 14.03.8*, herein.
7. If a parking lot serves two or more uses where the operating hours of the uses do not overlap, the total number of required spaces may be less than the sum of requirements for each use, to a limit of the sum of one-half ($\frac{1}{2}$) of the parking requirements of each use. In no case, however, shall the number of spaces required be less than the sum of the largest number of spaces required for one (1) use plus one-half ($\frac{1}{2}$) of the required spaces for each additional use. The Zoning Administrator shall determine the conditions of overlapping requirements and the amount of reductions in the required number of spaces which shall be permitted, in accordance with this Subsection.
8. Off-street parking spaces required for churches may be reduced by fifty (50) percent where churches are located in non-residential districts and within three hundred (300) feet of existing usable public or private spaces qualify under this Section. The required number of off-street parking spaces may also be reduced in accordance with *Section 14.03.7*, herein, if applicable.
9. Where a use is not specifically listed in the Schedule of Off-Street Parking Requirements below, the parking requirements of a similar use shall apply. The Zoning Administrator shall make the interpretation.
10. Flexibility in Application.
 - A. The Township recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards set forth in *Section 14.04* may result in development with inadequate parking or parking far in excess of that which is needed. The

former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space.

B. The Planning Commission may permit deviations from the requirements of *Section 14.04* and may require more or allow less parking whenever it finds that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question.

C. Banked Parking.

Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this Article, along with required drainage, is retained as open space, and the owner agrees to construct the additional parking at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

D. Limits on Excessive Parking.

In order to minimize excessive areas of pavement which reduces aesthetic standards and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

14.04. SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule and in accordance with the rules in *Sec. 14.03*.

Use	Minimum Number of Parking Spaces Required Per Unit of Measure
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1. Uses permitted in Flood Plain, Agricultural and Residential Districts

Use	Minimum Number of Parking Spaces Required Per Unit of Measure
Dwellings – Manufactured Housing Communities	see <i>Section 7.05.5</i>
Dwellings – Two (2) & Multiple-Family	1.5 spaces for each one bedroom unit and 2 spaces for each dwelling unit with 2 or more units
Dwellings – Senior Citizens Units	1 space for each 2 dwelling units, plus 1 space for each employee
Nursing Homes, Children’s Homes	1 space for each 4 beds plus 1 space for each 2 employees
Elementary and Junior High Schools	1 space for each employee plus 1 space for each classroom, including portables
Senior High Schools	1 space for each employee plus 1 space for each 4 students of the rated capacity, plus 1/2 of the requirements for auditoriums
Churches, Auditoriums, Sports Arenas, Theaters, Assembly Halls other than schools.	1 space for each 4 seats of maximum capacity
Libraries, Museums	1 space for each 500 square feet of floor area
Swimming Pool Clubs, Tennis Clubs, and similar uses	1 space for each 2 member families, plus spaces as required for each accessory use, such as a restaurant
Golf Courses, except Miniature and “Par” 3 Courses	3 spaces for each golf hole and 1 space for each employee plus spaces required for each accessory use, such as a restaurant
Nursery Schools, Day Nurseries, Child Care Centers	1 space for each 350 square feet of floor area
Home Occupations	see <i>Section 3.08 - HOME OCCUPATIONS</i>
Recreation Areas, Commercial	1 space for each 4 persons the facility is designed to accommodate
Agricultural related commercial uses	minimum of 5 spaces plus 1 space for each employee

2. Uses permitted in Commercial and Industrial Districts

Use	Minimum Number of Parking Spaces Required Per Unit of Measure
General retail sales and personal service establishments, not elsewhere classified	1 space for each 200 square feet of gross floor area for uses up to 15,000 square feet of gross floor area, 1 space for each 250 square feet between 15,001 and 30,000, and 1 space for each 300 square feet for uses over 30,000 square feet
Furniture, Appliance, Household Equipment Stores & Repair Shops	1 space for each 400 square feet of gross floor area
Barber and Beauty Shops	2 spaces for each chair, plus 1 space for each employee
Restaurants, Cocktail Lounges, Taverns & Night Clubs	1 space for each 150 square feet of gross floor area
Professional & Business Offices	1 space for each 250 square feet of gross floor area
Medical & Dental Offices, Clinics & Banks	1 space for each 250 square feet of floor area
Self-Serve Laundry or Dry Cleaning Stores	1 space for each 250 square feet of floor area
Automobile Service Stations	1 space for each gasoline pump, plus 1 space for each employee
Automobile or Machinery Sales and/or Service Establishments	1 space for each 200 square feet of showroom floor area plus 1 space for each service bay plus 1 space for each employee
Bowling Alleys	2.5 spaces for each alley plus parking for accessory uses as provided herein
Funeral Homes	4 spaces for each parlor or 1 space for each 100 square feet of floor area in parlors, whichever is greater, plus 1 space for each fleet vehicle
Shopping Centers	1 space for each 200 square feet of gross floor area for uses up to 15,000 square feet of gross floor area, 1 space for each 250 square feet between 15,001 and 30,000, and 1 space for each 300 square feet for uses over 30,000 square feet
Private Clubs, Lodge Halls	1 space for each 3 persons of maximum capacity
Automobile Wash	2 stacking spaces for each washing stall (not including space in each stall)

Use	Minimum Number of Parking Spaces Required Per Unit of Measure
Wholesale Establishments	1 space for each 1,000 square feet of sales floor area plus 1 space for each 2 employees plus 1 space for each vehicle to be stored on the premises
Warehouses	1 space for each 2,000 square feet of gross floor area plus 1 space for each vehicle to be stored on the premises
Utility Substations	1 space for each employee
Contractors Establishments	1 space for each employee, plus 1 space for each vehicle stored on the premises
Junk Yards and Solid Waste Recycling Facilities	1 space for each employee, plus 1 space for each operating vehicle stored on premises, plus 1 space for each acre of land in yard
Hotels, Motels	1 space per room plus the required spaces for accessory uses such as restaurants, meeting rooms, etc.
Auditoriums, Sports Arenas, Theaters, Assembly Halls	1 space for each 4 seats of maximum capacity
Industrial Uses	1 space for each 1,000 square feet
Research Park, Laboratory	1.5 spaces for each 1,000 square feet

14.05. GENERAL PROVISIONS FOR OFF-STREET LOADING FACILITIES

1. In connection with every building or part thereof hereafter erected, except single and two family dwellings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicles shall be provided on the same lot with such buildings. Off-street loading spaces are hereby required in order to avoid interference with public use of streets and parking areas.
2. Plans and specifications showing required loading and unloading spaces and the means of ingress and egress and internal circulation shall be submitted to the Building Inspector and appropriate state or county agency for review at the time of application for a building permit for the erection or enlargement of a use of a building or structure or at the time such spaces are added or altered, except as required in *ARTICLE 11 - SITE PLAN REVIEW* herein, in which case this requirement shall not apply.

14.06. SPECIFICATIONS FOR LOADING ACTIVITIES

1. Each off-street loading/unloading space shall not be less than the following:
 - A. In any residential district, a loading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length, and if roofed space, not less than fifteen (15) feet in height.
 - B. In a commercial or industrial district, a loading space shall not be less than ten (10) feet in width and sixty (60) feet in length, if a roofed space, not less than fifteen (15) feet in length.
2. Subject to the limitations of paragraph 4 following, a loading space may occupy part of any required side or rear yard, except the side yard along a street in the case of a corner lot shall not be occupied by such space. No part of a required front yard shall be occupied by such loading space.
3. Any loading space shall not be closer than fifty (50) feet to any lot located in residential districts unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence, or compact planting strip not less than six (6) feet in height, in which case such space shall not be located closer to the lot line than the required yard.
4. Off-street loading facilities that make it necessary or possible to back directly into a public street shall be prohibited. All maneuvering of trucks and other vehicles shall take place on the site and not within a public right-of-way.

ARTICLE 15 - SIGNS

15.00. STATEMENT OF PURPOSE

The purpose of this article is to regulate signs and outdoor advertising within Milan Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township in order to:

1. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
2. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
3. Eliminate potential conflicts between business signs and traffic control signs, which could create confusion and hazardous consequences.
4. Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premise activities, as these can be advertised more appropriately by other methods.
5. Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
6. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
7. Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
8. Prevent off-premise signs from conflicting with land uses.
9. Maintain and improve the image of the Township by encouraging signs of consistent size which are compatible with

and complementary to related buildings and uses, and harmonious with their surroundings.

10. Prohibit portable commercial signs in recognition of their significant negative impact on traffic safety and aesthetics.

15.01. DEFINITIONS

Business center: a grouping of two or more business establishments on one or more parcels of property which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determining the maximum number of monument signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used vehicle sales shall be considered a separate use in determining the maximum number of signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available sales area.

Banner: a fabric, plastic or other non-rigid material sign without enclosing structural framework.

Canopy sign: a non-rigid fabric marquee or awning-type structure which is attached to the building by supporting framework, which includes a business identification message, symbol and/or logo.

Changeable message sign, electronic: a sign that provides a display created by electronic means such as lights, television, liquid crystal display.

Changeable message sign, manual : a reader board attached to a sign or the exterior of a wall where copy is changed manually.

Construction sign: a sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers of a project being constructed or improved; and not including advertising of any product or announcement of space availability.

Directional sign: a sign which assists motorists in determining or confirming a correct route; specifically enter, exit and parking signs.

Monument sign: A three-dimensional, self-supporting, solid base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message, business, group of businesses or center name is affixed.

Moving Sign: A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" is a type of moving sign.

Such motion does not refer to the method of changing the message on the sign.

Off-premise sign: a sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located, e.g. billboards.

On-premise sign: a sign providing the address and name of owner of a parcel of land; a sign advertising a business, service or product sold or produced on the same site or parcel.

Pole sign: a sign supported on the ground by a pole and not attached to any building or other structure.

Political sign: a temporary sign used in connection with local, state or national elections.

Portable sign: a sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Projecting sign: a sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than twelve (12) inches beyond such building or wall.

Real estate sign: an on-premise temporary sign advertising the availability of property or structures for sale or lease.

Regulatory sign: a sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information that conforms to the Michigan Manual of Uniform Traffic Control Devices.

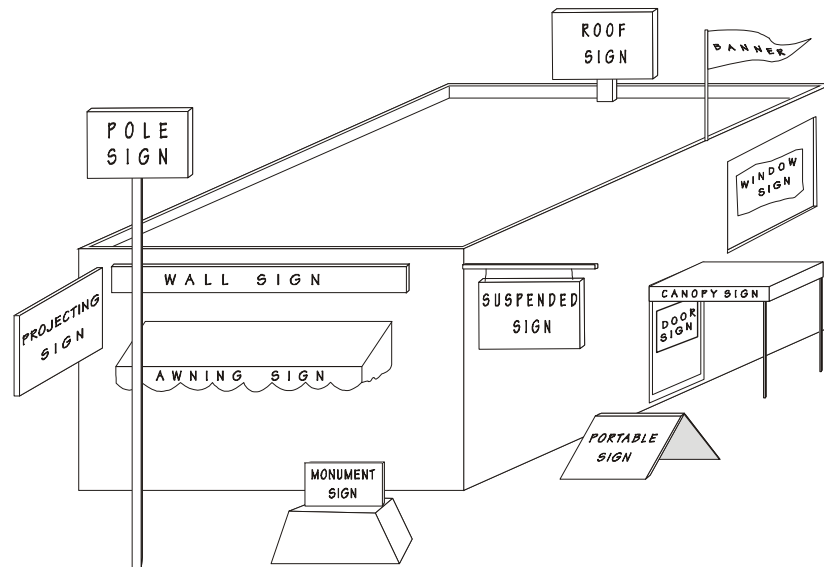
Roof sign: a sign that is located above the top of the wall of a flat roof building, above the eave on a pitched roof building or above the deck line of a mansard roofed building.

Sign: any device, structure, fixture, figure, banner, pennant, flag, balloon or placard consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services or other message to the general public.

Temporary grand opening signs: a temporary sign used to announce the grand opening of businesses which are new to a particular location or under new ownership.

Wall sign: a sign attached parallel to and extending not more than twelve (12) inches from the wall of the building. Painted signs, signs which consist of individual letters, cabinet signs, and signs mounted on the face of a mansard roof shall be considered wall signs.

Window sign: signs which are affixed to a window or are positioned within two (2) feet of the inside of a window so that they are visible from the outside.



EXAMPLES OF SIGN TYPES

15.02.APPLICATION OF STANDARDS: EXEMPT SIGNS

The following signs are specifically exempt from obtaining a sign permit but shall be required to comply with all other requirements of this ordinance:

1. **Business affiliation signs:** signs not exceeding a total of two (2) square feet per business indicating acceptance of credit cards or describing business affiliations and are attached to a permitted sign, exterior wall, building entrance or window.
2. **Construction signs:** provided that there shall be only one such sign per development project; with a maximum height of six (6) feet and not exceeding sixteen (16) square feet in area for residential projects; a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for non-residential projects; setback a minimum fifteen (15) feet from any property line or public street right-of-way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.

3. **Flags:** insignia of any nation, state, community organization, college or university.
4. **Garage sale and estate sale signs:** provided that they are not attached to public utility poles and do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before and are removed within one (1) business day after the announced sale.
5. **Gas station pump island signs:** located on the structural supports identifying “self-serve” and “full-serve” operations, provided that there is no business identification or advertising copy on such signs, that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.
6. **Historical marker:** plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding twelve (12) square feet in area.
7. **Integral signs:** names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.
8. **Miscellaneous signs:** on vending machines, gas pumps, and ice containers indicating the contents or announcing on-premise sales, provided that the sign on each device does not exceed two (2) square feet in area.
9. **Model signs:** temporary signs directing the public to a model home or unit, which do not exceed six (6) square feet in area and are located onsite.
10. **Non-commercial signs:** signs containing non-commercial messages, such as those designating the location of public telephones, restrooms, restrictions on smoking and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.
11. **Non-profit organization signs:** church, school, museum, library or other non-profit institution bulletin boards that are permanent signs with a minimum setback from the street right-of-way of ten (10) feet, which do not exceed twenty-five (25) square feet and are a maximum of six (6) feet in height.
12. **Owner/tenant signs:** address or occupant name and other signs of up to two (2) square feet in area mounted on the wall of an office building.

13. **Parking lot signs:** indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed four (4) square feet in area.
14. **Political signs:** provided such signs are not placed within the public street right-of-way line in a manner that obstructs visibility and, if related to an election, such signs are erected not more than thirty (30) business day prior to and removed within one (1) business day following the election for which they are erected.
15. **Real estate signs:** provided that there shall be only one real estate sign per parcel for each public street frontage, and that the maximum height of any such sign shall be eight (8) feet and the maximum size of any such sign shall be twenty (20) square feet in all single family residential districts and thirty-six (36) square feet in multiple family, commercial and industrial districts. One additional open house shall be permitted for a period not to exceed two (2) days on the lot where the sale is taking place.
16. **Regulatory, directional and street signs:** erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual.
17. **Rental office directional signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of fifteen (15) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.
18. **Roadside stand signs:** provided that they meet the standard of Section 12.20 regarding their removal, that there are a maximum of three on any parcel and none exceed thirty-two (32) square feet in area.
19. **Street address signs (street numbers):** not exceeding two (2) square feet in area.
20. **Warning signs:** such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet.
21. **Window signs:** Inside window signs shall be permitted.

15.03. PROHIBITED SIGNS

The following signs shall be prohibited in any district in the Township:

1. **Commercial Vehicles.** Commercial vehicles may not be used as signs. No commercial vehicle may be parked on a business

premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose, as determined by the Zoning Administrator, of advertising a product or serving as a business sign.

2. **String Lights.** Exterior string lights used in connection with a commercial enterprise shall be prohibited, other than holiday decorations which are strung no more than sixty (60) days before the holiday and removed within ten (10) days following the holiday for which they were erected.
3. **Signs In Right-Of-Way.** Non-regulatory signs placed in any public right-of-way, attached to a utility pole or affixed to a tree shall be prohibited.
4. **Off-Premise Signs.** Off-premise signs shall be prohibited except by special approval.
5. **Pole Signs.** Pole signs shall be prohibited, except in the C-2, Regional Commercial District, where pole signs shall be permitted by special approval.
6. **Portable signs.** Portable signs shall be prohibited unless otherwise provided for in this ordinance.
7. **Roof signs.** Roof signs shall be prohibited.
8. **Moving.** Signs having moving members, or parts or emitting a sound shall be prohibited.
9. **Lights.** Signs using high intensity lights or flashing lights, spinners or animated devices; neon signs in agricultural or residential districts shall be prohibited.
10. **Obstruct Vision.** Signs that obstruct vision or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area shall be prohibited.
11. **Emergency or Traffic.** Signs that simulate or could in any way be confused with the lighting of emergency vehicles or traffic signals shall be prohibited.
12. **On Towers.** Any type of signage including logos shall not be permitted on a public or private radio, television, cellular phone, or water towers with the exception of the name of the municipality, unless approved by the Township Board as described in *Sec. 13.23 - PUBLIC AND PRIVATE WATER TOWERS*.
13. **Electronic Message.** Electronic changeable message signs, as defined, shall be prohibited.

15.04. REQUIRED ADDRESS SIGN

All residences and commercial/industrial buildings shall have an address sign which is clearly visible from the adjacent street and which complies with all other requirements of this ordinance and with the Monroe County Street And Road Naming And Numbering Ordinance, as amended.

15.05. GENERAL STANDARDS FOR PERMITTED SIGNS

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this section; provided that no such sign shall be erected or altered until approved by the Building Inspector and until a permit has been issued.

1. Measurement Of Sign Area:

- A. The area for signs shall be measured by calculating the square footage of the sign face, measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. On a monument sign, a decorative masonry base shall not be included in the sign area measurement.
- B. Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, contain the same message and are separated by no more than two (2) feet.
- C. The wall sign area square footage shall be determined by enclosing the portion of the wall which contains a message, lettering, symbol and/or logo within a parallelogram or rectangle. Signs placed on canopies shall also be counted towards the allowable wall sign area.

2. **Sign height:** The height of the sign shall be measured from the average grade to the upper-most point of the sign. Average grade shall be measured fifty (50) feet along the frontage from both sides of the sign. Placing a sign on top of a berm is permitted only if the berm is long enough to meet the average grade requirement and landscaping is provided on the berm.

3. Sign setbacks:

- A. **Setbacks:** All signs, unless otherwise provided for, shall be setback a minimum of ten (10) feet from any public street right-of-way or property line. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.

- B. **Visibility:** Signs shall comply with the visibility restrictions of *Sec. 3.07 - VISIBILITY AT INTERSECTIONS*. Greater clear vision areas may be required by the Michigan Department of Transportation or the Monroe County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.
- C. **Sign Materials:** as permitted in the various zoning districts, signs shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein.
- D. **Illumination:** Sign illumination shall comply with all of the following requirements:
- (1) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.
 - (2) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
 - (3) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
 - (4) Illumination by bare bulbs or flames is prohibited.
 - (5) Underground wiring shall be required for all illuminated signs not attached to a building.
4. **Construction and Maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.
5. **Sign Safety:** All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

15.06. SPECIFIC SIGN STANDARDS

The number, display area and height of signs within the various zoning districts is provided in *Section 15.07 - SIGN DIMENSIONAL*

STANDARDS AND REGULATIONS and its accompanying set of footnotes. Some additional standards for specific types of signs are given below:

1. **Canopy signs:** may be used as an alternative to wall signs and may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage.
2. **Directional Signs:** no more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. Any area of a directional sign that includes a business name, symbol or logo shall be calculated as part of the allowable monument sign square footage, as specified in *Section 15.07 - SIGN DIMENSIONAL STANDARDS AND REGULATIONS*.
3. **Menu Board:** up to two (2) signs each no greater than sixteen (16) square feet which display menu items, and contain a communication system for placing food orders at an approved drive through restaurant, provided such sign(s) is not in the front yard.
4. **Monument Signs:** A minimum setback of ten (10) feet shall be provided from the right-of-way, when located to ensure adequate sight distance for motorists. Dimensional standards for monument signs are given in table 16.1.
5. **Residential community or development identification signs:** one permanent sign per driveway which does not exceed thirty-six (36) square feet in area and a maximum height of six (6) feet identifying developments such as office complexes, a college, a subdivision, an apartment complex, condominium communities, senior housing complexes, mobile home parks and similar uses.
6. **Temporary signs:** One temporary sign may be permitted on the site for a period not to exceed fourteen (14) days. A business shall only be allowed to use a temporary sign once during its stay at the same location or have new owners. The sign shall be no larger than thirty-five (35) square feet in surface display area per side and shall not exceed six (6) feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the temporary sign.
7. **Wall signs:** signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one

(1) foot and shall not project above the roof or parapet by more than one (1) foot from the structure surface to which it is attached.

15.07. SIGN DIMENSIONAL STANDARDS AND REGULATIONS

DISTRICT	WALL OR CANOPY SIGN		MONUMENT SIGN			POLE SIGN ⁽⁷⁾	
	MAX. NO. OF SIGNS ⁽¹⁾	MAX SIZE	MAX. NO. OF SIGNS	MAX. SIZE ^(4,5)	MAX. HEIGHT	MAX. SIZE	MAX. HEIGHT
Agricultural and Flood Plain Districts	1	10 sf	1	10 sf	6 ft.		
Single Family Residential Districts	N/A	N/A	(See Exempt Signs)				
Multiple Family Residential District	N/A	N/A	(See Exempt Signs)				
Manufactured Housing Community District	N/A	N/A	(See Exempt Signs)				
Local Commercial District	1 per business	10% of front facade ⁽²⁾	1 ^(3,4)	72 sf	6 ft.		
Regional Commercial District	1 per business	10% of front facade ⁽²⁾	1 ^(3,4)	72 sf	6 ft.	72 sf	15 ft.
Industrial District	1	10% of front facade ⁽²⁾	1	60 sf	6 ft.		
PDD District	1	10% of front facade ⁽²⁾	1 ⁽⁶⁾	60 sf	6 ft.		

Footnotes to Table 15.07:

1. Maximum number of signs for each lot or use, whichever is less.
2. One wall sign shall be allowed per business. The maximum wall sign shall not exceed 10% of the facade of the building that the sign is attached to (any facade which faces a public street and has a public entrance) or one-hundred (100) square feet, per use or business establishment whichever is less. The maximum allowable wall sign area may be utilized in the following manner:
 - A. One wall sign shall be permitted per business, in addition to any other permitted sign described in this Article.
 - B. Two wall signs may be permitted for businesses located on a corner or through-lot. One sign, meeting the maximum allowable sign area, shall be permitted on each side of the

building that fronts along the public right-of-way, including US-23.

- C. At the discretion of the Planning Commission, two wall signs shall be permitted for businesses located on an interior lot which under certain circumstances, such as obstructed views and building orientation, require additional visibility. The total sign area between the two signs may not exceed one-hundred (100) square feet.
- D. Commercial structures containing one use or business establishment use, as determined by the Planning Commission, the size of the wall sign may be increased up to the maximum square footage given in the following table.
 - (1) 201 - 400 linear feet of building frontage facing a public street and having a public entrance = 150 square foot maximum wall sign area.
 - (2) over 400 linear feet of building frontage facing a public street and having a public entrance = 200 square foot maximum wall sign area.
 - (3) The maximum wall sign can be increased by up to twenty percent (20%) if required number or size of landscape materials is exceeded by at least twenty percent (20%).
- 3. For buildings or lots having frontage and vehicular access along a second public street, US-23, or a business/shopping center with a combined gross floor area over 60,000 square feet, a second sign or a larger sign may be permitted by the Planning Commission provided that the total sign area does not increase the maximum signs square footage listed for that district in the table above by more than fifty percent (50%). The Planning commission may also approve one (1) additional monument sign for each outlot with at least one hundred (100) feet of public street frontage provided the site provides shared access.
- 4. Any logo or business identification on any directional sign, or any logo or business identification area on a second sign at any driveway shall be included when calculating maximum sign area.
- 5. A ten (10) percent increase in the maximum permitted monument sign area is permitted if extensive landscaping and a decorative brick base consistent with the materials of the principal building are provided.
- 6. For commercial projects: One 72 sq. ft. sign, maximum 15 ft. ht., plus one 60 sq. ft. maximum sign; 6 ft. ht. for other

commercial uses in separate buildings (with street frontage). Sign standards may be modified by the Planning Commission to be more restrictive on a case by case basis.

7. One pole sign may be permitted by special approval of the Planning Commission.

ARTICLE 16 - SITE DEVELOPMENT REGULATIONS

16.00. MULTI-FAMILY, COMMERCIAL, OFFICE & INDUSTRIAL ARCHITECTURE

1. **Purpose:** The purpose of this Section is to provide a set of exterior building wall material standards, the intent of which is to enhance the visual environment of the Township. Furthermore, the review of exterior building wall design and the consistent administration of standards can help to maintain the township’s sense of place by encouraging consistent quality and character when structures are built or redeveloped. All development shall utilize quality architecture to ensure that a building is compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the Township’s various commercial shopping districts.
2. **Applicability:** This Section shall apply to all construction, except single family residential structures, for all exterior building walls and shall consist of those materials and combinations of materials as set forth in this section. Architecture shall be reviewed by the Planning Commission as a part of site plan review under the requirements of this section.
3. **Wall materials:** The use of exterior wall materials on walls that face a public road or a public parking lot shall be in compliance with the maximum percentages permitted in the “Schedule Regulating Exterior Building Wall Materials.”
4. **Schedule Regulating Exterior Building Wall Materials.**

Maximum Percent of Wall That May be Covered by Certain Building Materials by Zoning District (a)

Building Materials	Multiple Family Residential District (RM)(b)	Commercial Districts (C-1, C-2) (c)	Industrial Districts (I-1, I-2)
Brick or face brick	100 %	100 %	100 %
Stone	100 %	100 %	100 %
Split face block	0 %	25 %	100 %
Scored concrete block	0 %	25 %	100 %

Plain concrete block	0 %	25 %	25 %
Cast stone	100 %	100 %	100 %
Precast concrete	0 %	25 %	100 %
Concrete formed in place	0 %	25 %	25 %
Metal (d)	0 %	75 %	75 %
Reflective glass	0 %	50 %	75 %
Glass block	25 %	50 %	50 %
Wood siding	25 %	25 %	0 %
Vinyl siding or hardy board	25 %	25 %	25 %
Finishes (e)	25 %	25 %	75 %

- a. Does not include areas of façade consisting of doors and windows.
 - b. For all multiple family dwellings, all walls exposed to public view from a street shall be constructed of not less than one hundred percent (75%) brick, face brick or stone. The following materials are not permitted in the multiple family districts on building elevations that are visible from the street: split face block, scored concrete block, plain concrete block, cast stone, precast concrete, concrete formed in place, metal and reflective glass.
 - c. Within all commercial districts, all walls exposed to public view from the street or an adjacent residential area shall be constructed of not less than seventy five (75%) brick, face brick, stone or cast stone.
 - d. Flat sheets and seamed or ribbed panels, including aluminum, porcelain and stainless steel and similar material. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
 - e. Includes fiberglass, reinforced concrete, polymer plastic (fypon), exterior insulation and finishing systems (EIFS), plaster, stucco and similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, and loading areas, unless such walls are adequately protected to prevent damage.
5. **Allowance for other materials:** When a particular building design and the materials or combinations of materials proposed to be used are found by the Planning Commission to be in keeping with the intent and purpose of this Section, in consideration of the character of surrounding uses and the design recommendations of the master plan, but which may differ from the strict application of the schedule regulating materials use of this section (e.g. use of new materials not covered in the Building Wall Materials Schedule), the Planning Commission may waive the requirements of this Section pertaining to materials.

6. **Compatible Design:** Building and sign materials and colors shall relate well and be harmonious with the surrounding area. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape. Subtle earth tone colors shall be used for building and roofing material.
7. **Design Standards:** Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked roof lines or towers. Building walls over 100 feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances shall utilize windows, canopies and awnings; provide unity of scale, texture, and color; and provide a sense of place.
8. **Site Elements:** Signs and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby developments. Sign bases shall be constructed of material which is compatible with the principal building. Developments shall provide site features such as decorative entry signs, ornamental lighting, pedestrian furniture and/or fountains.
9. **Existing buildings:** Where additions or remodeling of existing buildings is proposed, the following standards shall apply:
 - A. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the Planning Commission may modify the material requirements of the section where it will be consistent with the architecture of the entire building.
 - B. Where an addition is proposed to an existing building, the Planning Commission may allow the use of existing wall materials for the addition provided that the design of the alteration is consistent with the existing building wall design.

16.01. GREENBELTS, LANDSCAPE MATERIALS AND SCREENING

The following section is intended to establish minimum standards for the design installation and maintenance of landscaping, greenbelts and buffer zones. Landscaping, greenbelts, and buffer zones are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts enhance the visual image of the Township, preserve natural features, improve

property values, and alleviate the impact of noise, traffic, and visual distraction. Buffer zones protect less intense uses from the noise, light, traffic, litter and other impacts.

1. **Required Greenbelt along Street Frontage:** Within all multiple family residential, manufactured housing, commercial and industrial districts, a twenty (20) foot wide greenbelt shall be planted along each public street right-of-way including the equivalent of one (1) canopy tree, rounded upward, for every forty (40) linear feet of frontage. The Planning Commission may approve substitution of evergreen trees for up to fifty percent (50%) of the required trees. All greenbelt trees shall be arranged to simulate a natural setting such as staggered rows or massings. The remaining greenbelt shall include only living materials with the exception of permitted driveways, sidewalks, signs, and utilities. For sites that abut US-23, buffer zone B landscaping, under Section 16.01.4 - *Description of Required Buffer Zones*, shall be provided along US-23.

2. **Residential Street Trees:** Two (2) canopy street trees shall be provided along a public street or private road for each residential unit in a housing development. The trees shall be provided within the front yard on each lot or site condominium development for single family residential projects. For detached or attached condominium projects, the trees shall be provided within the front yard area of the units. The Planning Commission may allow existing trees three (3) inch caliper or greater, preserved in good condition, to be counted towards this requirement. Where the installation of trees is deferred until after construction of housing units, the Township shall require a performance guarantee for tree planting. The Planning Commission may also require landscaping within cul-de-sacs, road medians and at site entrances.

3. **Required Buffer Zones:** Buffer zones shall be required where a proposed use shares a common lot line with an adjacent use as required in the following table and landscaped in accordance with Section 16.01.4 - *Description of Required Buffer Zones*:

PROPOSED USE:	Adjacent to Single Family Residential District	Adjacent to Multiple Family Residential District	Adjacent to Commercial District	Adjacent to Industrial District
Agricultural	None	None	None	None
Single Family Residential	None	None	None	None

Multiple Family Residential	B	None	C	None
Manufactured Housing	B	B	C	None
Commercial	B	B	None	None
Industrial	A	A	B	None
Planned Development District	Determined during PDD Plan approval using above as a guide			

(Amended 04/08/10)

4. Description of Required Buffer Zones

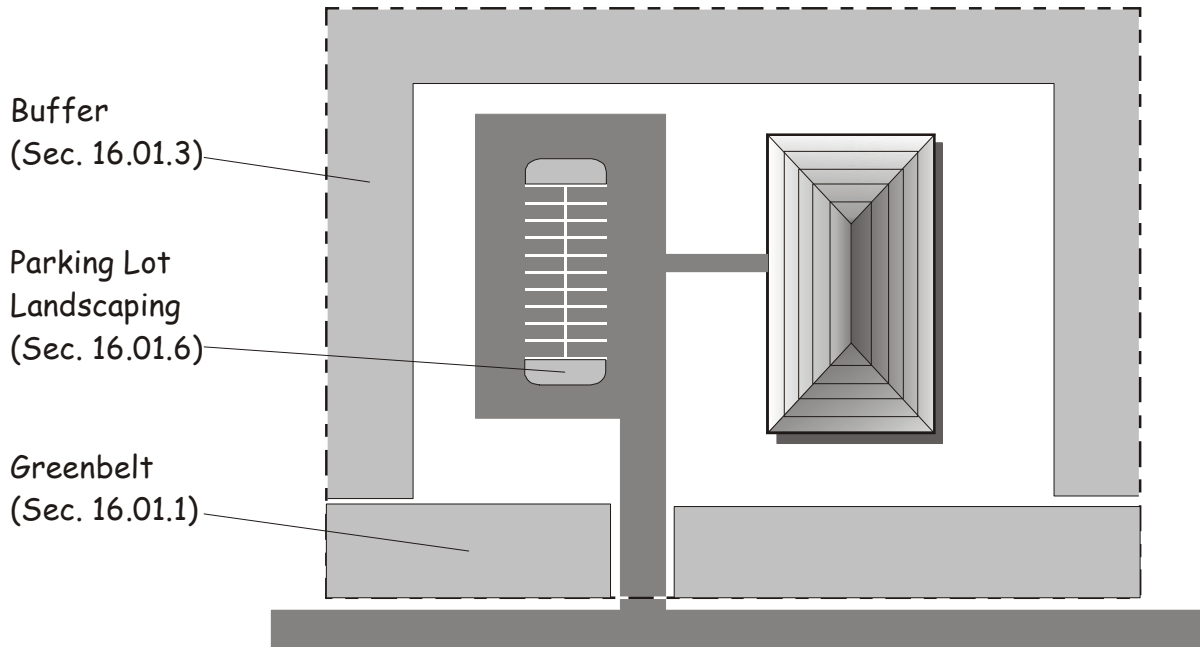
BUFFER ZONE	Minimum Width	Wall/Berm ^a	Minimum Plant Materials ^{b,c,d}
A	50 feet	6 foot high continuous wall or 4 foot high berm	1 canopy tree, 2 evergreen trees and 4 shrubs per each twenty (20) linear feet along the property line, rounded upward
B	20 feet	6 foot high continuous wall or 3 foot high berm	1 canopy tree, 1 evergreen tree and 4 shrubs per each thirty (30) linear feet along the property line, rounded upward
C	10 feet	None Required	1 canopy or evergreen tree or 4 shrubs per each twenty (20) linear feet along the property line, rounded upward

Note: The Planning Commission may waive or reduce the above requirement for buffering if equivalent screening is provided by existing or planned parks, parkways, recreation areas, or by existing woodlands on the lot, and topographic or other natural conditions. Existing quality trees (hickory, oak, maple) with a caliper at least eight (8) inches shall count as two (2) trees toward the above requirements.

Footnotes:

- a. berms shall have a maximum slope of one foot of vertical rise to three feet of horizontal distance 1:3 with a crest area at least four (4) feet wide.
- b. canopy trees shall have a minimum caliper of 2 inches at time of planting.
- c. evergreens shall have a minimum height of six (6) feet at time of planting

- d. at least 50% of the shrubs shall be 24 inches tall at planting, with the remainder over 18 inches



EXAMPLES OF REQUIRED LANDSCAPING

5. Parking Lot Landscaping

- A. Off-street parking and/or vehicular use areas shall have one and one-half (1½) square feet of landscape area for each one hundred (100) square feet, or fraction thereof, of paved area for the first fifty thousand (50,000) square feet of paved area, plus one (1) square foot of landscaped area for each one hundred (100) square feet of paved area, or fraction thereof, of all paved area over fifty thousand (50,000) square feet. Landscaped space required as a buffer planting area or separation space between the public right-of-way and the vehicular use area cannot be considered as vehicular use landscape area.
- B. Interior landscaped areas shall be no less than fifteen (15) square feet and shall have a minimum dimension of at least three (3) feet and shall be adequately landscaped. Authorized landscaping material, excepting trees, shall be maintained so as not to exceed three (3) feet in height. The total number of trees shall not be less than one (1) for each one hundred (100) square feet, or fraction thereof of required interior landscaped area.

- C. Interior landscaped areas are intended to break up the expanse of paving. Interior landscaped areas may be combined when they serve the purpose of an on-site drainage retention area.
 - D. A vehicle may encroach upon any interior landscaped area when said area is protected by wheel stops or curbing so that the wheels of a motor vehicle cannot be stationed on required landscaped areas.
6. **Detention/retention pond landscaping:** Detention/retention ponds shall be landscaped to provide a natural setting in open space areas.
- A. Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent. Side slopes shall not exceed one (1) foot vertical for every five (5) feet horizontal.
 - B. One deciduous shade or evergreen tree and ten shrubs shall be planted for every 50 lineal feet of pond perimeter as measured along the top of the bank elevation. The required trees and shrubs shall be planted in a random pattern or in groupings. The placement of required landscaping is not limited to the top of the pond bank, where the plant species is adapted to saturated soil conditions.
 - C. Detention and retention ponds shall be landscaped in character with properties and shall be required to provide lawn areas, shrubs and trees to accomplish a suitable appearance compatible with development on the property and on nearby properties. Landscaping shall be required on all areas disturbed by grading to establish detention/retention ponds.
7. **Accessory Structure Landscaping:** The Planning Commission may require accessory structures and utility structures such as waste receptacle enclosures, air conditioning units, transformers, utility substations and clustered mailboxes that are in a visible location on the site , to be landscaped with shrubs.
8. **Minimum Plant Material Standards:** All plant material shall be hardy to Monroe County, be free of disease and insects and conform to the American Standard for Nursery Stock of the American Association of Nurserymen.
9. **Minimum Sizes:** Minimum plant sizes at time of installation shall be according to the following:
- Deciduous Canopy Tree: 2" caliper
 - Deciduous Ornamental Tree: 1 1/2" caliper

Evergreen Tree: 6' height
 Deciduous Shrub: 2' height
 Upright Evergreen Shrub: 2' height

10. **Mixing of Species:** The overall landscape plan shall not contain more than 33% of any one plant species. The use of trees native to the area, and mixture of trees from the same species association, is encouraged.
11. **Prohibited Species:** The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

Common Name	Horticultural Name
Ash	<i>Fraxinus</i>
Box Elder	<i>Acer negundo</i>
Ginkgo	<i>Ginkgo biloba (female only)</i>
Honey Locust	<i>Gleditsia triacanthos (with thorns)</i>
Mulberry	<i>Morus species</i>
Poplars	<i>Populus species</i>
Black Locust	<i>Robinia species</i>
Willows	<i>Salix species</i>
American Elm	<i>Ulmus americana</i>
Siberian Elm	<i>Ulmus pumila</i>
Slippery Elm; Red Elm	<i>Ulmus rubra</i>
Chinese Elm	<i>Ulmus parvifolia</i>

12. Installation and Maintenance Provisions:

All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be removed and replaced within six (6) months. Landscaped areas shall be covered by grass or other living ground cover. Irrigation shall be provided for all landscaped areas. Trees required on the site plan must be maintained so long as they remain healthy and shall not be removed unless approved by the Planning Commission as a site plan amendment.

13. Financial Guarantee:

The Planning Commission may require a financial guarantee of sufficient amount to insure the installation of all required landscaping.

14. Waiver from Landscaping and Screening Requirements:

The Planning Commission during Site Plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening. The Planning Commission may also determine

dimensional conditions unique to the parcel would prevent development of off-street parking area landscaping, greenbelts or buffer zones. If such determination is made, the Planning Commission may waive, in whole or in part, the landscaping provisions of this section. Criteria which shall be used when considering a waiver shall include, but shall not be limited to:

- A. Existing natural vegetation;
- B. Topography;
- C. Existing wetland, floodplain and poor soils areas;
- D. Existing and proposed building placement;
- E. Building heights;
- F. Adjacent land uses;
- G. Distance between land uses;
- H. Dimensional conditions unique to the parcel;
- I. Traffic sight distances;
- J. Traffic operational characteristics on and off site;
- K. Visual, noise and air pollution levels;
- L. Presence of utility easements and adjacent utility corridors
- M. Health, safety and welfare of the township;

16.06.DUMPSTERS AND WASTE RECEPTACLES

Dumpsters, including waste receptacles and compactors, shall be designed, constructed and maintained according to the standards of this section. Dumpster location and details of construction shall be shown on site plans. A change in dumpster location or size shall require modification to the enclosure, as warranted by this section.

1. Location: Dumpsters shall be located in the rear yard or non-required side yard, unless otherwise approved by the Planning Commission. For commercial and industrial sites adjoining residential district, the waste receptacle enclosure shall be as far as practical, and in no case be less than twenty five (25) feet from any adjacent residential district.
2. Access: Dumpsters shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces.
3. Base: The foundation for the dumpster shall be at least nine (9) feet by nine (9) feet, constructed of six (6) inches of reinforced concrete pavement. The foundation shall extend six (6) feet beyond the dumpster pad or gate to support the axle of a refuse vehicle.
4. Screening: Dumpsters shall have an enclosing lid or cover and be enclosed on three (3) sides with a wood gate on the fourth side. The enclosure shall be constructed of brick, decorative concrete, or other durable material with a maximum height of six (6) feet or at least one (1) foot higher than the dumpster

and spaced at least three (3) feet from the dumpster. The Planning Commission may approve a wooden enclosure provided the lumber is treated to prevent decay or is determined to be durable and suitable for outdoor use. Suggested timber materials include Cedar, No. 2 Cedar rough sawn seasoned, Redwood, No. 2 Common Finish (S4S), Douglas Fir-larch or Southern Pine.

16.07.CONDOMINIUM DEVELOPMENT REGULATIONS

1. Intent. Pursuant to the authority conferred by the Michigan Condominium Act (P.A. 59 of 1978, as amended), site plans for all condominium projects shall be regulated by the provisions of this Ordinance and approved by the Township.
2. General Requirements.
 - A. Where a site condominium is proposed, each site condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
 - B. Relocation of boundaries between adjoining site condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
 - C. Each site condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located, and shall be approved by the Zoning Administrator. These requirements shall be made a part of the condominium bylaws and recorded as part of the master deed.
 - D. No permit for construction shall be issued until final engineering plans have been approved and all applicable permits and approvals have been secured from other governmental entities.
3. Site Plan Approval. Approval of the site plan and condominium documents by the Township shall be required as a condition to the right to construct, expand or convert a condominium project.

- A. Preliminary Site Plan. A preliminary site plan pursuant to the standards and procedures set forth in *ARTICLE 11 - SITE PLAN REVIEW* of this Ordinance may be requested by an applicant and be submitted to the Planning Commission for preliminary review.
- B. Final Site Plan. The following information shall be submitted for final site plan approval:
 - (1) A final site plan in accordance with the standards and procedures set forth in *ARTICLE 11 - SITE PLAN REVIEW*.
 - (2) Master Deed and Bylaws which shall be reviewed with respect to all matters subject to regulation by the Township including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common area; maintenance of private roads, if any; and maintenance of stormwater, sanitary, and water facilities and utilities.
 - (3) Engineering plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations for the construction of the project.
 - (4) The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over improvements in the site condominium development, including but not limited to the County Road Commission, County Drain Commissioner, County Health Department, and the Michigan Department of Natural Resources. The Township shall not approve a final site plan until each County and State agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.
- 4. Monuments. Monuments shall be established in the manner required by the Michigan Condominium Act, P.A. 59 of 1978, as amended.
- 5. Approval Required Prior to Occupancy.
 - A. Following construction of the condominium development, and prior to the issuance of any certificates of occupancy, the applicant shall submit to the Township:
 - (1) A copy of the recorded Master Deed and Bylaws (including exhibits).
 - (2) Two (2) copies of an “as-built plan or survey” or required improvements including streets, utilities and drainage facilities.

- (3) A copy of the site plan on photographic hard copy laminated photostatic copy or mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10 1/2 x 14) inches and a scale of at least 1" = 100'.
 - B. The Building Inspector shall review the information submitted to insure that the condominium development has been constructed in accordance with the approved condominium plan, approved condominium documents, applicable Township Ordinances and Township engineering standards and any other applicable laws or regulations. The Building Inspector may refer any documents to the Township attorney, planner, or engineer for review.
 - C. In the event required monuments, storm water drainage facilities, sewage disposal facilities, water supply facilities, or any other required improvements are not completed at the time the request for occupancy is made, the Township Board may allow temporary occupancy permits for a specified period of time, and for any part of the condominium development, provided that a deposit in the form of cash, bond, certified check, or irrevocable letter of credit be made with the Township, in form and amount as determined by the Township, to insure the installation and/or completion of such improvements without cost to the Township. Financial guarantees shall not be required for improvements under the jurisdiction of other governmental agencies provided the applicant can prove that appropriate guarantees are in place.
6. Revision of Site Condominium Plan. If the condominium subdivision plan is revised, the final site plan shall be revised accordingly and submitted for review and approval or denial by the Township before any building permit may be issued, where such permit is required.
7. Amendment of Condominium Documents. Any amendment to a master deed or bylaws that affects the approved preliminary or final site plan, or any conditions of approval of a preliminary or final site plan, shall be reviewed and approved by the Township before any building permit may be issued, where such permit is required. The Township may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

ARTICLE 17 - ADMINISTRATION AND ENFORCEMENT

17.00. ISSUANCE OF BUILDING PERMITS

The power to issue, or grant building permits shall be reserved for the Township Clerk, unless some other individual or office is so designated by the Township Board.

17.01. ENFORCEMENT

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Inspector, or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

17.02. DUTIES OF BUILDING INSPECTOR

1. The Building Inspector shall have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation of construction until he has inspected such plans in detail and found them to conform with this Ordinance.
2. If the Building Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions. The Building Inspector shall be responsible for making periodic inspection of the Township or parts thereof for the purpose of finding violations of this Ordinance.
3. The Building Inspector shall issue a certificate or permit of occupancy when all applicable regulations of this Ordinance are complied with by the applicant, even though violations of contracts, such as covenants or private agreements, may occur upon issuance of such certificate or permit.
4. The Building Inspector, is under no circumstances, permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
5. The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the

applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

17.03. SITE PLAN

An application for a building permit shall be accompanied by a site plan as required in this Section, unless a site plan is required under *ARTICLE 11 - SITE PLAN REVIEW*, herein, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to scale, submitted in two (2) copies, and shall provide the following information:

1. Scale, date and north point.
2. Location, shape and dimension of lot.
3. Dimensioned location, outline and dimensions of all existing and proposed structures.
4. A clear description of existing and intended uses of all structures.
5. Additional information as required by the Building Inspector, or designate, for purposes of determining compliance with the provisions of this Ordinance.

17.04. BUILDING PERMITS

The following shall apply in the issuance of any permits:

1. **Permits Required:** It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes, or repairs in any existing building, without first obtaining a building permit from the Township Clerk, or designate. No permit shall be issued for construction, alteration, remodeling, dismantling or removal of any building or structure until an application has been submitted in accordance with the provisions of this Ordinance, with the Building Code, and with other applicable ordinances. "Alteration" or "Repair" of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
2. **Permit for On-Site Wastewater Disposal System:** A permit issued by the Monroe County Health Department, in accordance with the Monroe County Sanitary Code, must be

obtained for construction, repair, alteration or extension of any on-site sewage disposal system in Milan Township.

3. **Permits for New Use of Land:** No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a building permit is first obtained for the new or different use.
4. **Permits for New Use of Buildings:** No building or structure or part thereof, shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.
5. **Accessory Buildings:** Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit.
6. All building permits, when issued, shall be valid for a period of one (1) year only but may be extended for a further period of not to exceed one (1) year, if said Building Inspector shall find good cause shown for failure to complete work for which said permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a building permit.

Should the holder of a building permit fail to complete the work for which said permit was issued within the time limit as set forth above, any unfinished structure is hereby declared a nuisance, and the same may be abated by appropriate action before the Circuit Court of the County. The Board of Zoning Appeals, the Township Board, or any person designated by the Township Board or any aggrieved person may institute a suit to have the nuisance abated.

17.05. CERTIFICATES OF OCCUPANCY

No building or part thereof, shall be occupied by or for any use for which a building permit is required by this Ordinance unless and until a Certificate of Occupancy shall have been issued for such new use. The following shall apply in the issuance of any certificate:

1. **Certificate Required:** It shall be unlawful to use or occupy or permit the use of any building or premise, or both, or part thereof hereafter created, erected, changed, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Inspector. A Certificate of Occupancy shall not be issued for any building or structure or part thereof, or for the use of land, which does not comply with all provisions of this Ordinance. The certificate shall state that the building,

structure, and lot use thereof, conform to the requirements of this Ordinance. Failure to obtain a Certificate of Occupancy when required shall be a violation of this Ordinance and punishable under *Section 17.10* herein.

2. **Certificates for Existing Buildings:** Certificates of Occupancy will be issued for existing buildings, structures of parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.
3. **Temporary Certificates:** Nothing in this Ordinance shall prevent the issuance of a temporary Certificate of Occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary Certificates shall not be effective for a period of time in excess of six (6) months, and provided further that such portion of the building structure or premises is in conformity with the provisions of this Ordinance.
4. **Issuance of Certificates:** A Certificate of Occupancy will be issued when all of the requirements of the building codes have been met.

17.06. FINAL INSPECTION

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

17.07. RECORDS

The Building Inspector shall maintain a record of all certificates and permits and said record shall be open for public inspection.

17.08. FEES

The Township Board shall establish a schedule of fees for administering this Article. The schedule of fees shall be posted on public display in the office of the Township Clerk and may be changed only by the Township Board. No certificate or permit shall be issued unless required fees have been paid in full.

17.09. COMPLIANCE WITH PLANS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at

variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by *Section 17.10*, herein.

17.10. VIOLATIONS AND PENALTIES

1. **Violations:** Violations of the provisions of this Ordinance, or failure to comply with any of its requirements and provisions of permits and certificates granted in accordance with this Ordinance shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirement shall, upon conviction thereof, be fined not more than five hundred (500) dollars or imprisonment of not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense. The owner of record, or land contract vendee, or tenant of any building, structure, premise or part there, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation(s) may each be found guilty of a separate offense and suffer the penalties provided by law. If any person is adjudged guilty of a violation hereunder; such person shall be liable to the Township for all reasonable costs, expenses and attorney fees incurred by the Township in the prosecution of the violation. A claim for such costs, expenses and attorney fees may be pursued as a civil action in any court of competent jurisdiction.
2. **Compliance Required:** The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.
3. **Public Nuisance:** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is hereby declared to be a public nuisance, and may be abated by order of any court of competent jurisdiction.

17.11. CHANGES AND AMENDMENTS

1. The Township Board may from time-to-time, on recommendation from the Township Planning Commission, or on its own after requesting recommendation from the Township Planning Commission, amend, modify, supplement or revise the district boundaries or the regulations herein, or as the same area subsequently established, pursuant to the authority and procedure authorized in Act 110 of the Public Acts of 2006, as amended. Providing however, whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribed to his petition.

2. Applications or petitions to the Township for amendment involving reclassification of property shall be in writing signed by the fee holder owner(s) of the property proposed for rezoning, and accompanied by a legal description and a dimensioned plot plan of the property concerned, and a statement of the proposed use. The application or petition shall be accompanied by a filing fee in an amount as established by the Township Board by its own resolution. The fee shall be paid over the Township Treasurer and shall be deposited in the General Fund of the Township.

3. Publication

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within Milan Township. The notice of adoption shall include the following information:

- A. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the amendment.
- C. The place and time where a copy of the Ordinance may be purchased or inspected.

4. Referendum

- A. Within seven (7) days after publication of a zoning ordinance under section MCL 125.3401, a registered elector residing in the zoning jurisdiction of the Township may file with the Township Clerk a notice of intent to file a petition under this section.
- B. If a notice of intent is filed, the petitioner shall have thirty (30) days following the publication of the zoning ordinance to file a petition, signed by a number of registered electors residing in the zoning jurisdiction equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk requesting the submission of an ordinance or part of an ordinance to the electors residing in the zoning jurisdiction for their approval.
- C. Upon the filing of a notice of intent, the ordinance or part of the ordinance adopted by the Township Board shall not take effect until one of the following occurs:
 - (1) The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed within that time.

- (2) If a petition is filed within thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is inadequate.
 - (3) If a petition is filed within thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.
5. Conformance to Court Decree

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

17.12. PUBLIC NOTICE AND HEARING PROCEDURES

1. Public Notification: All applications for approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.
 - A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Milan Township and mailed or delivered as provided in this Section.
 - B. Content: All mail, personal and newspaper notices for public hearings shall:
 - (1) Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - (2) Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of

identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- (3) When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
- (4) Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- (5) Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice

- (1) General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Milan Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four

- (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to *Section 17.12.2 - Registration to Receive Notice by Mail*.
- (2) Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation shall be provided not less than fifteen (15) days before the date the application will be considered for approval.
2. Registration to Receive Notice by Mail
- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for approval pursuant to *Section 17.12.1.C - Personal and Mailed Notice*, or written notice of all applications for approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register biannually to continue to receive notification pursuant to this Section.

ARTICLE 18 - BOARD OF ZONING APPEALS

18.00. ESTABLISHMENT

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its power as provided by Act 110, P.A. 2006 as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

18.01. BOARD MEMBERSHIP

1. The Board of Appeals shall consist of five (5) members appointed by the Township Board:
 - A. The first member shall be a member of the Township Planning Commission and may not also be a member of the Township Board .
 - B. The second member shall be a member of the Township Board and shall not serve as Chairman of the Board of Zoning Appeals.
 - C. The additional members shall be from the electors residing in the unincorporated area of the Township, provided that no elected officer of the Township, nor any employee or contractor of the Township Board may serve simultaneously as an additional member.
2. A quorum of three (3) members is required to conduct a meeting.
3. Members of the Board of Zoning Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing by the Township Board.
4. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
5. The terms of office for members appointed to the Zoning Board of Appeals shall be for 3 years, except for members serving because of their membership on the planning commission or legislative body, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member

has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

6. The Township Board may appoint not more than 2 alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

18.02. MEETINGS

All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall maintain a record of its proceedings, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record. The five (5) members of the Board shall have the power to require the attendance of witnesses, administer oaths, compel testimony and the production of books, files and other evidence pertinent to the matters before it. A zoning board of appeals shall not conduct business unless a majority of the regular members of the zoning board of appeals are present.

18.03. APPEALS

1. A demand for a zoning appeal is received by the Township Clerk. Appeals can be filed by:
 - A. a person aggrieved, or
 - B. an officer, department, board, or bureau of the state or local unit of government
2. The Appeals Board shall have the authority to hear appeals concerning:
 - A. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
 - B. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
 - C. All decisions of the Township Clerk.

- D. All decisions concerning site plan review.
 - E. All decisions of the planning commission concerning special use permits. The Board of Appeals may grant dimensional or other site plan related variances for special uses, however the Board of Appeals shall not have the power to reverse or modify the Township Board's decision to approve or deny a special use permit nor grant variances to any conditions placed on special use approval.
 - F. All decisions of the planning commission concerning planned unit developments, as provided for under *Section 9.13 - APPEALS AND VIOLATIONS*.
- 3. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.
 - A. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 - B. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
 - 4. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.
 - 5. The notices shall be given in accordance with *Section 17.12 - PUBLIC NOTICE AND HEARING PROCEDURES*.
 - 6. The appeals board shall hold a hearing on the demand for appeal.
 - A. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by agent or by attorney.
 - B. Standards for Variance Decisions by the Appeals Board.
 - (1) The Appeals Board shall base its decisions on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards.
 - (2) Use Variances: The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any changes

in the terms of this Ordinance nor to permit any use in a district in which it is not permitted, but does have power to act on those matters where this Ordinance provides for an administrative review or interpretation and to authorize a variance as defined in this Section and laws of the State of Michigan

- (3) Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - a. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
 - b. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
 - d. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
 - e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
7. If the demand for appeal is for a variance, the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote (minimum of 3) of the membership of the appeals board is necessary to grant a dimensional variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision.
 - A. At a minimum the record of the decision shall include.
 - (1) Formal determination of the facts.

- (2) The conclusions derived from the facts (reasons for the decision).
 - (3) The decision.
- B. Within eight days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal, the administrator, and other parties.
- 8. Any person having an interest affected by such decision shall have a right to appeal to Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.
 - 9. The decision of the Board of Zoning Appeals shall not become effective until the expiration of five days from the entry of the order unless the Board of Zoning Appeals shall find the immediate effect of the order is necessary for the preservation of property rights and so shall certify on the record.

18.04. APPROVAL PERIOD

No order of the Board of Zoning Appeals permitting the erection or alteration on a building shall be valid for a period longer than two (2) years, unless a building permit for such erection alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a longer period than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alterations are started and proceed to completion in accordance with the terms of such permit.

18.05. FILING FEE

Application for a Board of Zoning Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Clerk at the time the notice of appeal or request for special approval is filed.

ARTICLE 19 - EFFECTIVE DATE AND CERTIFICATES**19.00.EFFECTIVE DATE**

This Ordinance was adopted by the Township Board of Trustees of Milan, Monroe County, Michigan, at a meeting held on March 13, 2008 and a notice of said adoption shall be published within fifteen (15) days thereafter, in the Monroe Evening News, a newspaper having general circulation in said Township, as required by Act 110 of the Public Acts (The Zoning Enabling Act) of 2006, as amended. This Ordinance shall take effect thirty-one (31) days after publication.

19.01.CERTIFICATES

We, the undersigned members of the Township Board of Milan Township, Monroe County, Michigan, duly assembled in a special meeting of said Board held at the Milan Township Hall located at 16444 Cone Road in said Township on March 13, 2008 at 7:00 PM do hereby unanimously approve and adopt this Zoning Ordinance of Milan Township, and annexed Official Zoning Map.

This Ordinance shall become effective on the thirty first (31) day after its public notice.

YEAS: Supv. David P. Wittkop, Clerk Margaret Rock, Treasurer Jim Early, Trustee Olga Mancik, Trustee Bob Dopkowski

NAYS: None

ABSENT: None

Ordinance declared adopted on March 13, 2008

On file with original copy of this ordinance

David P. Wittkop

Township Supervisor for the Township of Milan

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Margaret Rock, the duly elected Clerk of the Township of Milan certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Milan on March 13, 2008 and the notice of adoption published in the Monroe Evening News, a newspaper circulated in the Township of Milan on March 26, 2008.

On file with the original copy of this ordinance

Margaret Rock

Township Clerk for the Township of Milan

ARTICLE 20 - ZONING MAP

See attachment "Milan Township Zoning Map as of April2008.pdf"

Township Zoning map Updates;

1. On Sept. 13, 2012, the Township Board approved changing the TRO zone West of US-23 from TRO to AG1.
2. On Aug. 14, 2014 the Township Board approved changing the zoning of property located at 14484 Sanford Road from C1 to C2.
3. On October 10, 2013 the Township Board approved changing the zoning on property located at 16801 Cone Road from Ag to C1.
4. On March 10, 2016, the Township Board approved changing the zoning on properties 5811-036-003-00 and 5811-036-004-00, which are South of Oelke road, from AG1 to I2.
5. On November 9, 2017, the Twp Board approved changing the TRO zoning district East of US23 from TRO to AG1.

For an updated Zoning Map, reference Milan Township Zonng Map final 03Sept2018.pdf
Located on the township website or at the Township Hall.



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