

Chapter 36 ZONING¹

ARTICLE I. IN GENERAL

Sec. 36-100. Title.

This chapter shall be known and may be cited as the Village of Millington Zoning Ordinance.

Sec. 36-101. Purpose.

This chapter's provisions are established pursuant to the authority conferred by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other Public Acts of the State of Michigan. As described in Public Act 110 of 2006, the purpose of a zoning ordinance is to:

- (1) Meet the needs of the state's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
- (2) Ensure that uses of the land shall be situated in appropriate locations and relationships.
- (3) Limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities.
- (4) Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs.
- (5) Promote public health, safety, and welfare.

Sec. 36-102. Vested rights.

Nothing in this chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

¹Editor's note(s)—Printed herein is the zoning ordinance of the village, adopted by an Ordinance of January 11, 2016. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes, and expression of numbers in text as appears in the Code of Ordinances has been used. Additions made for clarity are indicated by brackets.

State law reference(s)—Michigan zoning enabling act, MCL 125.3101 et seq.; Michigan planning enabling act, MCL 125.3801 et seq.

Sec. 36-103. Severance clause.

Sections of this chapter shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part of it other than the part so declared to be unconstitutional or invalid.

Sec. 36-104. Repeal and adoption.

The following zoning ordinance was adopted by the village council on January 11, 2016, following a public hearing by the planning commission on August 18, 2015.

A notice of adoption of this zoning ordinance was published in the Millington Herald and Lakeville Messenger, a newspaper with general circulation in the Village of Millington, on January 22, 2016.

The provisions of this chapter shall take effect seven days after the notice of publication [of the ordinance from which this chapter derives,] is published, pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

ARTICLE II. DEFINITIONS

Sec. 36-200. Rules of construction.

The following rules of construction apply to the text of this chapter:

- (1) The particular shall control the general.
- (2) In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (5) A building or structure includes any part of it.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either... or," the conjunction shall be interpreted as follows:
 - (a) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - (b) "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - (c) "Either or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- (9) Terms not defined in article II shall have the meaning customarily assigned to them.

(10) "Village" shall refer specifically to the Village of Millington.

Sec. 36-201. Defined terms.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Accessory building or structure: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.

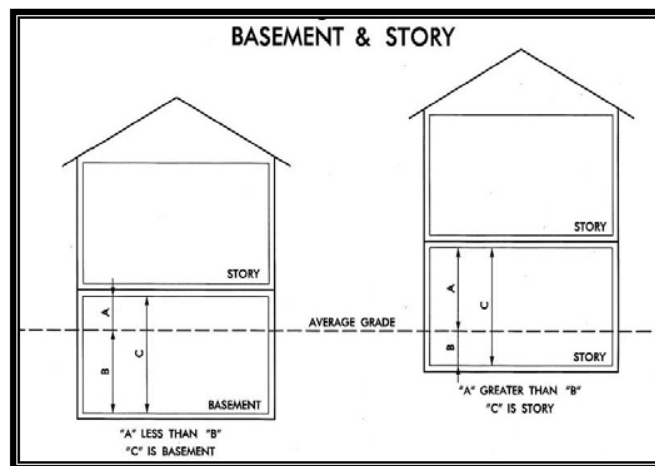
Accessory use: A use naturally and normally incidental and subordinate to the main use of the land or building.

Agriculture: The use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of significant income.

Alley: A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.

Average: For the purpose of this chapter, the term "average" will be an arithmetic mean.

Basement: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story. (See Figure 2-1).



Bedroom: A dwelling room used or intended to be used by human beings for sleeping purposes.

Billboard: A piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets, or between one intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board of appeals: As used in this chapter, this term means the Millington Village Zoning Board of Appeals.

Buffer strip: See greenbelt definition.

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.

Building height: The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roof; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. When the terrain is sloping, the ground level is measured at the average wall line. (See Figure 2-2)

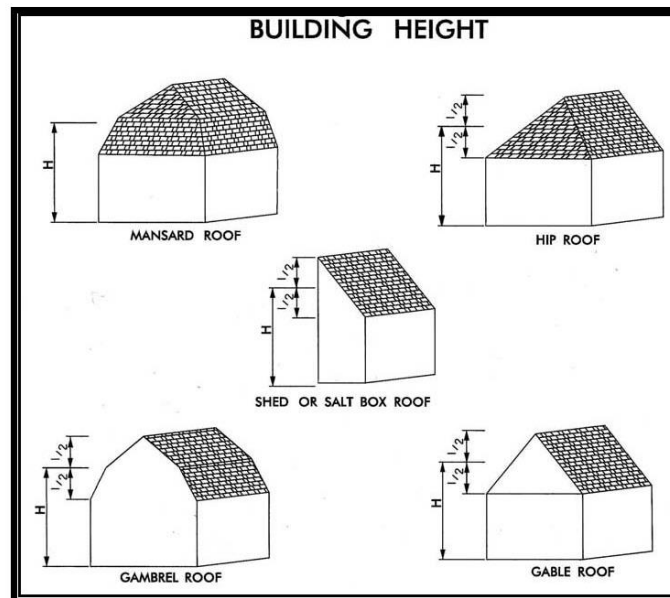
Building inspector: A person or agency hired or contracted with to provide building inspection services in the village.

Building permit: Written authority as issued by building inspector on behalf of the village permitting the construction, moving, alteration or use of a building in conformity with the provisions of the building code.

Commercial vehicles: Any vehicle bearing or required to bear commercial license plates.

Examples include: Truck tractors; semi-trailer (including flat beds, stake beds, roll-off containers, tanker bodies, dump bodies and full or partial box type enclosures); ice cream trucks; milk trucks; bread trucks; fruit trucks; delivery trucks; electrician or electrical business trucks; plumbing business trucks; heating and cooling business trucks; other construction oriented trucks; tow trucks; commercial banking trucks; vehicle repair service trucks; snowplowing trucks; any other vehicle with a commercial license plate having a gross vehicle weight in excess of 10,000 pounds or a total length in excess of 22 feet.

Condominium: A division of property or enclosed airspace under the procedures and requirements of the Condominium Act (PA 59 of 1978).



Condominium, general common elements: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (PA 59 of 1978).

Condominium, limited common elements: Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined in the Condominium Act (PA 59 of 1978).

Condominium, master deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act (PA 59 of 1978).

Condominium, subdivision plan: Drawings and information prepared pursuant to section 66 of the Condominium Act, (PA 59 of 1978).

Condominium unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

Convalescent or nursing home or senior assisted living homes: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under state law.

Detention: The collection and storage of surface water for subsequent gradual discharge.

District: An area or areas within the limits of the village, delineated on the official zoning district map.

Dwelling unit: A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking and sanitary facilities and can accommodate one family or functional family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or structure, shall not be considered to fall within this definition.

Family: A group of two or more persons related by blood, marriage, or adoption, including foster children, together with not more than one additional person not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.

Functional family: A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

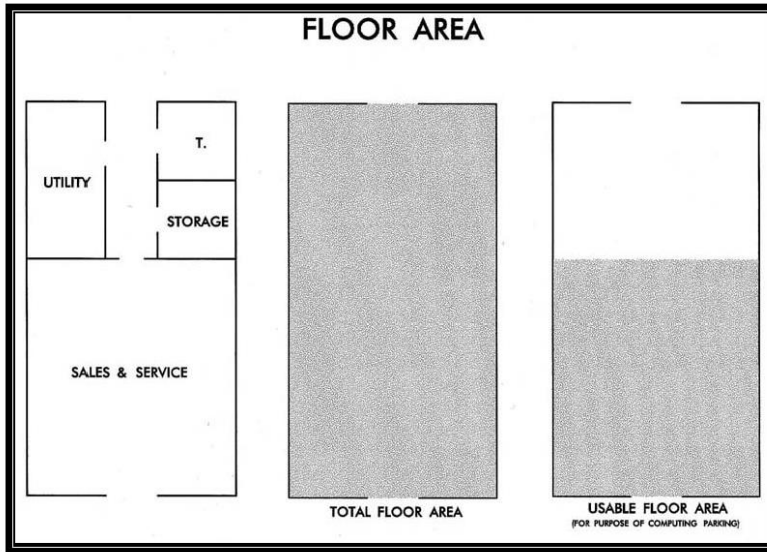
Fence: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.

Floor area, usable: Usable floor area, for the purposes of computing parking needs for off-street parking spaces, is net floor 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 of merchandise or for utilities shall be excluded from this computation of "usable floor area." Measurement of floor area shall be the sum of horizontal areas of all of the floors of a building, measured from the interior faces of the exterior walls.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. 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 averaging the elevation of the ground for each face of the building.

Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer area in carrying out the requirements of this chapter.

Ground floor area: The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area. (See Figure 2-3).



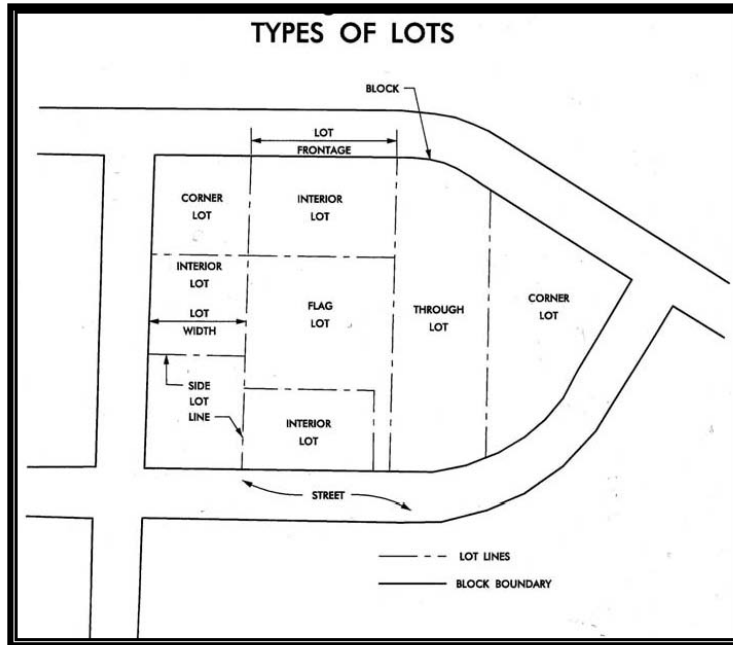
Hazardous substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Height: When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna. For buildings see "building height".

Highway: A public thoroughfare that has been or is intended to be dedicated for public use and has been accepted or is acceptable into the state or federal highway system.

Loading space: An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

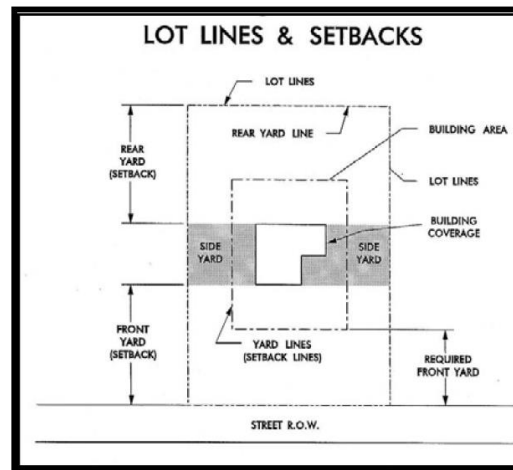
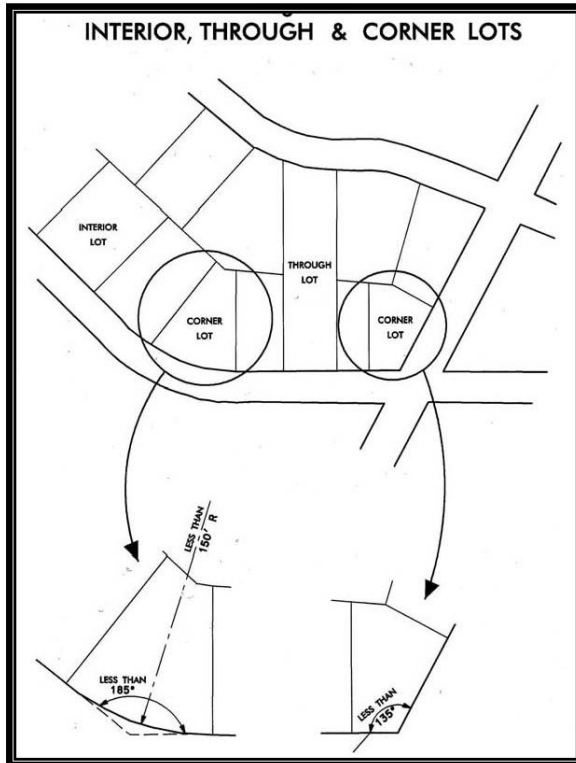
Lot: The parcel of land including condominium units in site condominiums occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this chapter for the district in which located, but not including any area within any abutting right-of-way or traffic lane. (See Figure 2-4)



Corner lot: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two sides of which form an angle of 135 degrees or less. (See Figure 2-5).

Front lot line: In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning permit.

If there are existing structures in the same block fronting on one or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line. (See Figure 2-6).



Interior lot: A lot other than a corner lot with only one lot line fronting on a street.

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 front and rear lot lines, measured along the median between side lot lines.

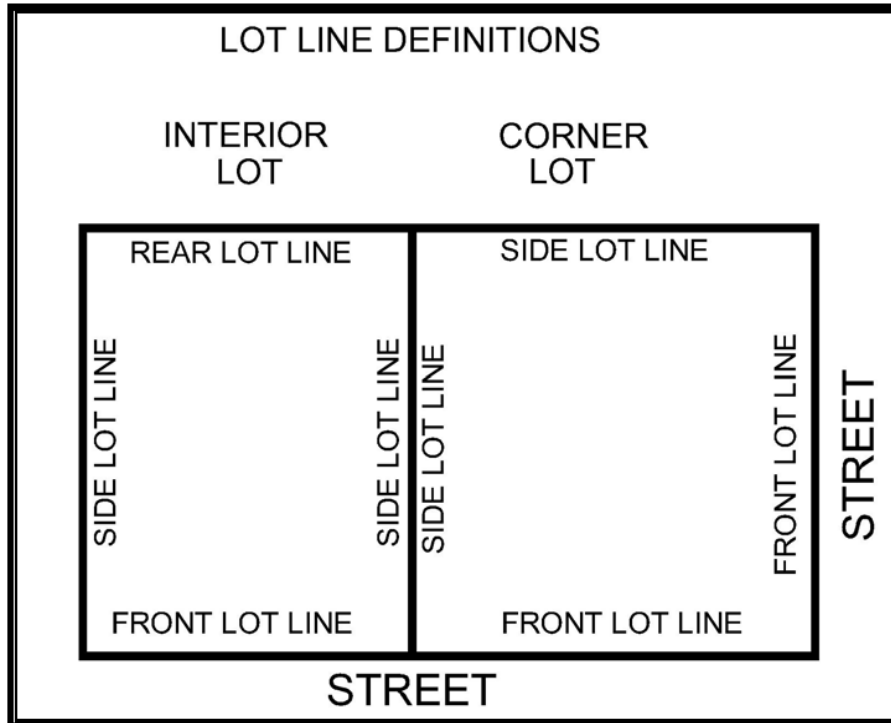
Lot lines: The property lines bounding the lot.

Lot of record: A parcel of land defined by a legal description and recorded in the office of the Tuscola County Register of Deeds on or before the effective date of this chapter.

Lot width: The horizontal distance between the side lot lines, measured at the two points where the building setback line intersects the side lot line.

Rear lot line: In the case of an interior lot, the lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot there is no rear lot line.

Side lot line: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.



Through lot: A lot other than a corner lot having frontage on two more or less parallel streets.

Zoning lot: A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

Manufactured home: A factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is transportable in more than one section, is built on a permanent chassis and does not have a hitch, axles, or wheels permanently attached to the body frame.

Master plan: The statement of policy by the village planning commission relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions. It is adopted under the authority of PA 33 of 2008, the Michigan Planning Enabling Act.

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

Mobile home park: A parcel or tract of land under the control of a person upon which three or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Motel or motor court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Motor home: See recreational vehicle definition.

Non-conforming use: A use which lawfully occupied a building or land at the effective date of the ordinance [from which this chapter derives] or amendments thereto that does not conform to the use regulations of the zoning district in which it is located.

Off street parking lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two vehicles.

Parking space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Planning commission: The village planning commission established under the authority of Public Act #33 of 2008.

Porch, enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

Principal use: The main use of land or structures, as distinguished from a secondary or accessory use.

Professional office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public sewer systems: A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes; conduits; manholes; pumping stations; sewage and waste water treatment works; diversion and regulatory devices; and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment of it, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

Public utility: Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

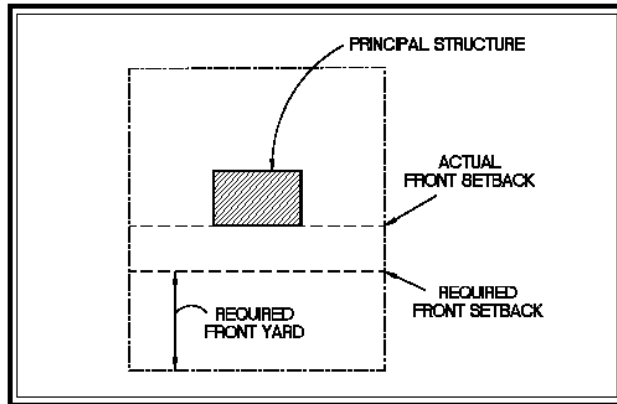
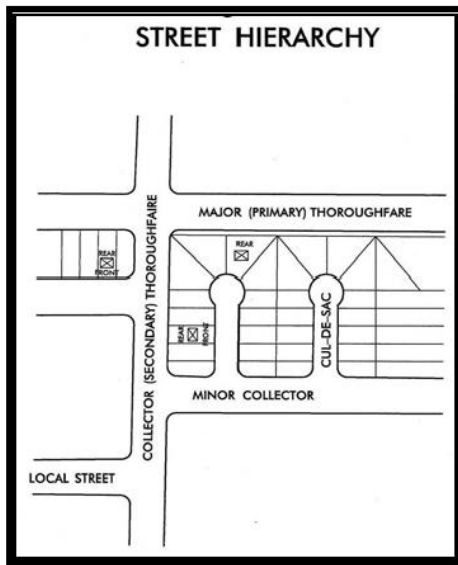
Recreational vehicle: Any vehicle regulated under the village recreational vehicle ordinance and designed to be used primarily for recreational purposes to move one or more persons over the ground, air, water, ice or snow, and which is either self-propelled or connects to a vehicle which is self-propelled, including, but not limited to house trailers, recreational trailers, trailer coaches, campers, fifth wheels, pickup campers, motor homes, folding tent trailers, boats and boat trailers, pole-trailers, semi-trailers and tractor trailers provided, however, that any such vehicle or unit which is over 40 feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of all ordinance applicable to a mobile home.

Retention: The permanent on-site restraining of storm water.

Road: A public thoroughfare that has been or is intended to be dedicated for public use and has been accepted or is acceptable into the county transportation system.

Setback, actual: The minimum horizontal distance between the principal building, excluding steps and unenclosed porches and the lot line. In the case of a lot on a cul-de-sac or curvilinear street, the setback is measured from the midpoint of the lot width on the front lot line. (See Figures 2-8 and 2-9)

Setback, required: The minimum front, rear and side setbacks as required by the ordinance. In the case of a lot on a cul-de-sac or curvilinear street, the setback shall be measured from the midpoint of the lot width on the front lot line. (See Figures 2-8 and 2-9)



Sign: An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business.

Off premises sign: Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.

On premises sign: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

Sign definitions:

Banner: A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard signs: Anything beyond the requirements for a freestanding sign shall be considered a billboard sign.

Canopy sign: Any sign attached to or constructed within or on a canopy or on an awning, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. (See Figure 2-10) A marquee is not a canopy and a protective roof over gasoline filling station areas shall not be considered a canopy for purposes of this article. Canopy signs shall not extend into a public right-of-way or encroach over abutting property lines and shall maintain an under clearance of eight feet measured from the sidewalk surface.

Community service group sign: A sign which displays the name or logo of an agency, organization, or group whose primary purpose is to promote or provide community or public service including, but not limited to, the Rotary Club, Jaycee's, or Lion's Club.

Construction signs: Any sign identifying the names of the project developers, contractors, engineers, architects and financial institutions, which is located on a site being developed or improved.

Device signs: Permanent signs on vending machines, ATM's, gas station pumps, or other containers indicating only the contents or purpose of such devices, provided that the sign area of each device shall not exceed three square feet and there is no more than one sign per device.

Directional Sign: A sign which gives directions, instructions, or facility information for the movement of vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

Employment signs: "Help wanted" signs soliciting employees for the place of business where posted, provided that the maximum area for all such signs shall not exceed six (6) square feet.

Electronic/digital signage: Electronic signs include electronic message boards and changeable message centers, multi-media or computer-controlled variable message signs, and similar devices.

Essential services sign: A sign identifying the location of connections required to provide essential services such as electricity, water, gas, sewer, and the like.

Flags: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Permanent freestanding sign: A sign, the bottom of which is more than 24 inches above the finished grade, and which is supported by a structure, poles, or braces which are less than 50 percent of the width of the sign. (See Figure 2-10).

Garage sale sign: A temporary sign advertising a sale of used or unwanted household goods, personal items, bric-a-brac, etc., typically held in one's garage or yard.

Governmental sign: A sign erected or required to be erected by the Village of Millington, Tuscola County, or the state or federal government.

Human directional signs: Signage wherein a person uses his or her body for advertisement or to direct individuals to a location.

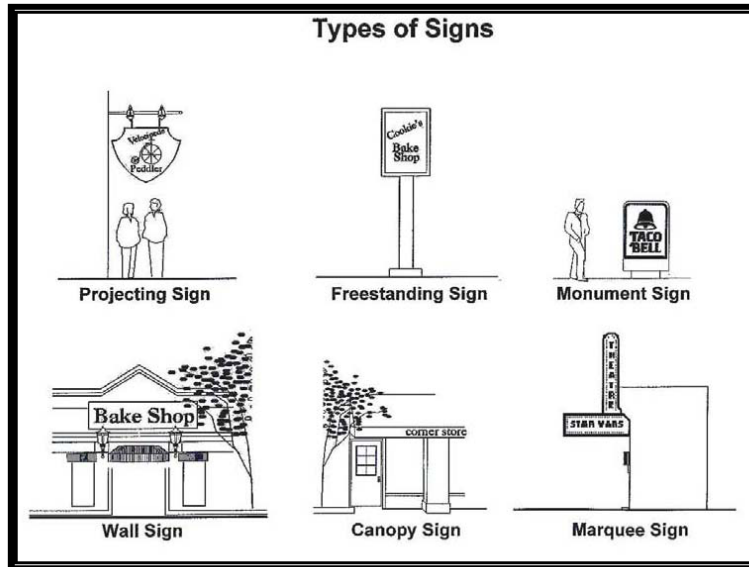
Inflatable sign: Signs that are comprised in part or wholly of a balloon or any other inflated object or character.

Incidental signs: Small signs, emblems, or decals informing the public of goods, facilities, or services available on the premises.

Marquee sign: A business sign affixed to a marquee structure constructed and framed in steel or other durable material extending over the ground, sidewalk, or walkway. (See Figure 2-10). Marquee signs shall not extend into any public right-of-way more than seven feet or one-half the width of the sidewalk. The minimum under clearance of such sign shall be eight feet measured from the sidewalk surface.

Memorial sign: A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.

Monument sign: A sign, the bottom of which is less than 24 inches above the finished grade, and which is supported by a structure having a width of more than 50 percent of the width of the sign. (See Figure 2-10).



Multiple tenant sign: Signs advertising multiple tenants within one building or office complex.

Nameplate sign: A sign indicating the address of a building and the name and profession of the occupant.

New business sign: A temporary sign advertising the opening of a new business.

Obsolete sign: A sign that advertises a product that is no longer made, an event that has already occurred, or a business that has closed.

Off premises sign: Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.

On premises sign: An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.

Pennant: A long, tapering flag of distinctive form used in signaling, advertising, or for identification.

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

Projecting sign: A sign which is affixed to any building or structure other than a marquee, and any part of which extends beyond the building wall and the horizontal sign surface is not parallel to the building or structure. (See Figure 2-10). Projecting signs shall not project more than five feet from the building, or one-third the sidewalk width, whichever is less.

Real estate sign: A temporary on-premises sign advertising the property or structure's availability for sale or lease.

Residential subdivision sign: A permanent sign marking the entrance to a residential platted subdivision or condominium subdivision.

Road furniture signs: Signs on street furniture, such as benches and trash receptacles, not including commemorative plaques or engravings not larger than one-half square foot.

Roof sign: A sign erected above the roof line of a building.

Search light: A device, usually consisting of a light and reflector, for throwing a beam of light in any direction.

Seasonal promotion/special sales sign: A temporary sign used to advertise a business event occurring within a limited time period such as a sale.

Signs that block fire hydrants: Any signage that blocks access to a fire hydrant.

Signs in the public right-of-way or on village owned property: Any signage located within the public right-of-way or on land owned by the Village of Millington.

Signs that obstruct the view of road signs: Any signage that obstructs the view of a road sign such as a street sign or stop sign.

Snipe sign: Any attached to a utility pole, fence or affixed to a tree except as may otherwise be permitted by this article.

Special event sign: A temporary and portable sign containing public messages concerning non-commercial special events that are of a religious, charitable, social or educational nature.

Streamer: A long, flowing ribbon or the like used for an ornament or advertising.

Unsafe signs: Any sign or sign structure which:

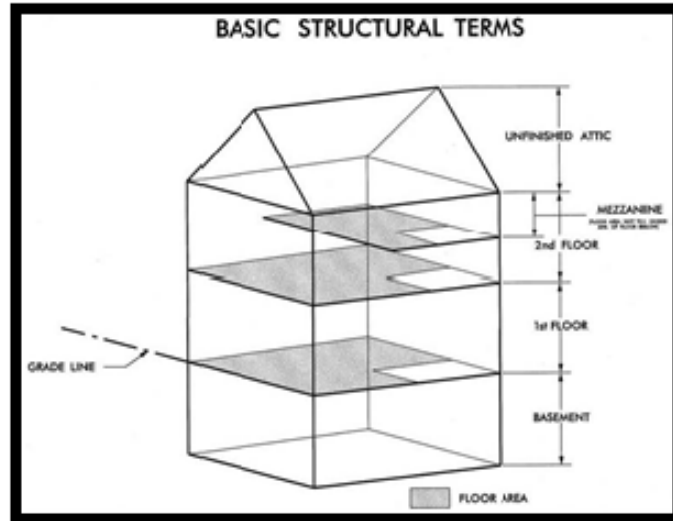
- (1) Is structurally unsafe;
- (2) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (3) Is capable of causing electric shock to a person who comes in contact with it; or
- (4) Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.

Wall sign: A sign painted or attached directly to and parallel to the exterior wall of a building. (See Figure 2-10). A wall sign shall extend no more than 12 inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached.

Portable or movable signs: A portable sign is a freestanding sign not installed in a concrete footing, can be, but not necessarily temporarily anchored, or secured to the ground, a building or another sign. If a portable sign is to become part of a permanent freestanding sign the following regulations must be implemented.

Special use permit: Approval by the village planning commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this chapter for that district upon such approval.

Story: That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (See Figure 2-11).



- (a) A "mezzanine" floor shall be deemed a full story only when it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is 24 feet or more.
- (b) For the purpose of this chapter, a basement or cellar shall be counted as a story only if over 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
- (c) An attic shall be deemed a full story when more than 50 percent of the floor area has a ceiling height of at least seven feet, six inches.

Street, highway, road: A public thoroughfare (street, drive, avenue, boulevard) that has been or is intended to be dedicated for public use and has been accepted or is acceptable into the village system.

Structure: A construction or building, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.

Theater, indoor: Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.

Theater, outdoor: Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

Use: The lawful 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, according to this chapter.

Utility building: Any building used to house or service the public utility for the purpose of providing utility services that is owned and controlled by a municipality or a utility company.

Variance: A modification of literal provisions of this chapter which the board of appeals is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this chapter. (See Figure 2-12).

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

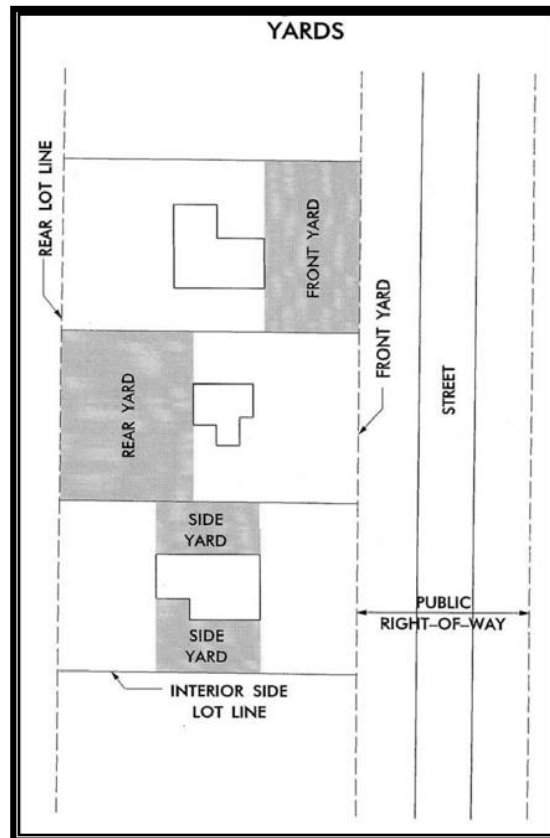
Rear yard: A yard extending across the full width of the lot from the rear line of the building to the rear lot line.

Side yard: A yard extending between the side lot line and the nearest side of the building.

Zoning administrator: The official designated by the Millington Village Council to administer and enforce the provisions of this chapter.

Zoning district: A part, zone, or geographic area within the village within which certain zoning or development regulations apply.

Zoning permit: Written authority as issued by the zoning administrator on behalf of the village permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions of this chapter.



ARTICLE III. ZONING DISTRICTS

Sec. 36-300. Districts enumerated.

For the purpose as set forth in the preamble, the Village of Millington of Tuscola County shall be divided into the following zoning districts:

- (1) Single-Family Residential District - R-1.
- (2) Multiple-Family Residential District - R-3.
- (3) Central Business District - C-1.
- (4) General Commercial District - C-2.
- (5) Industrial District - IND.

Sec. 36-301. Boundaries.

- (1) The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this chapter as if fully described in this article.
- (2) Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the village.
- (3) Where, due to the scale, lack of detail or illegibility of the zoning map accompanying, there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries, shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the board of appeals.

Sec. 36-302. District boundaries interpreted.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (3) Boundaries indicated as approximately following village limits shall be construed as following village limits.
- (4) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- (5) Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (7) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1)—(6) of this section, the board of appeals shall interpret the district boundaries.
- (8) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

Sec. 36-303. Zoning of vacated areas.

Whenever any street, alley or other public way within the village shall be vacated, such street, alley or other public way or portion of street, alley or other public way shall automatically be classified in the same zoning district as the property to which it attaches.

**Table 3-1
TABLE OF USES**

A=Accessory Use; P=Permitted Use; SUP=Use By Special Use Permit					
Type of Use	Zoning Districts				
	R-1	R-3	C-1	C-2	IND
Residential					
Adult foster care family home	P	P	P	P	
Adult foster care small group home	P	P	P	P	
Adult foster care large group home (7—12)		P	SUP		
Adult foster care large group home (13—20)		P	SUP		
Bed and breakfast facility	P	P	P	P	
Boarding, lodging or rooming house		P			
Convalescent or nursing homes or senior assisted living home		SUP			
Family day care homes	SUP	SUP	SUP	SUP	
Foster family group home (5—6)	P	P	P	P	
Foster family home (1—4)	P	P	P	P	
Group day care home		SUP	SUP	SUP	
Home occupation, high intensity	SUP	SUP			
Home occupation, low intensity	P	P			
Mobile home park		SUP			
Vertical mixed use/multi-family C-2		P	P	P	
Duplexes, two-family units	P	P			
Triplexes, three-family units	P	P			
Quadplexes, four-family units	P	P			
Stacked flats, five or more family units	P	P			
Accessory dwelling unit	P	P			
Single-family dwelling	P	P	P	P	
Two-family dwelling (R-3)	P	P	P	P	

Institutional					
Cemeteries	SUP				
Churches and other places of worship	SUP	P	P	p	
Community center	SUP	SUP	P	P	
Elementary and secondary schools other than public or charter school	SUP	SUP	P	P	
Private noncommercial recreational area	SUP	SUP			
Publicly owned and operated buildings and community facilities, including parks	SUP	SUP	P	P	
Utility and public service office buildings and uses (without storage yards) when operating requirements necessitate the locating of such facilities within the district to serve the immediate vicinity	SUP	SUP	P	P	P
Commercial					
Automatic teller machine (ATM)			A	A	
Adult entertainment business				SUP	SUP
Appliance sales and service				P	
Art gallery				P	
Automobile repair				SUP	P
Automobile service station				SUP	P
Automobile wash establishment				P	P
Bank and similar financial institutions			P	P	
Business schools and colleges			P	P	P
Business service establishment			P	P	P
Bus passenger station			P	P	
Campground	SUP				
Child care center			P	P	P
Clinic and medical office			P	P	
Club			P	P	
Contractor's establishment					P
Drive-through establishment			A	A	
Dry cleaner			SUP	P	
Funeral home	SUP			P	
Furniture store				P	
Golf course	P	P			
Golf driving range				P	
Grain elevator				SUP	
Home center and lumber yard				SUP	
Hospital				SUP	
Hotel and motel			SUP	SUP	
Indoor recreation			SUP	SUP	
Kennel					P
Laundromat			P	P	

Miniature golf course, outdoor children's amusement park and similar uses				SUP	
Newspaper office			P	P	
Nursery and greenhouse				P	
Office		SUP	P	P	
Offices and showroom of plumbers, electricians, decorators or similar trades			P	P	
Open air business				SUP	
Personal service establishment			P	P	
Restaurant			P	P	
Retail business			P	P	
Roadside stand	A				
Self-storage facility				SUP	P
Shopping center				SUP	
Tavern and bar			P	P	
Theater, assembly hall and concert hall			P	P	
Veterinary clinic	SUP			P	
Industrial					
Bulk station				SUP	P
Industrial park					SUP
Junkyard					SUP
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products					P
Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas					P
Manufacture or assembly of electrical appliances, electronic instruments and devices and radios and phonographs					P
Manufacturing and repair of electric or neon signs, light sheet metal products, heating and ventilating equipment, cornices and eaves					P
Manufacturing, compounding, processing, packaging or treatment of such products, including bakery goods, candies, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die gauge, and machine shops					P
Printing plant					P
Research, design and experimental product development uses and laboratories					P

Warehousing and wholesale establishment					P
Misc.					
Adaptive reuse				SUP	
Accessory uses, buildings and structures customarily incidental to the principal uses permitted by right	A	A	A	A	A
Accessory uses, buildings and structures customarily incidental to the principal uses permitted by special use permit	SUP	SUP	SUP	SUP	SUP
Essential service	P	P	P	P	P
Garage or yard sale	A	A			
Swimming pool	A	A			
Telecommunication antennae	P	P	P	P	P
Telecommunication towers, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures					SUP
Temporary use			A	A	A
Parking lot	A	A	A/P	A/P	A
Other uses similar in character to the above uses as determined by the village planning commission	P/SUP	P/SUP	P/SUP	P/SUP	P/SUP
Outdoor dining			P	P	
Outdoor storage and display			A	A	A
Planned unit development	SUP	SUP		SUP	

**Table 3-2
TABLE OF USE STANDARDS**

USE	DEFINITION	PARKING	DESIGN STANDARD
Residential			
Adult foster care family home	A private residence that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity of not more than 6 to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week,	2 spaces	1) Adult foster care family homes must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act. 2) Proof of state license required.

	and for 2 or more consecutive weeks for compensation. The adult foster care family home licensee must be a member of the household and an occupant of the residence.		
Adult foster care small group home	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive not more than 6 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	2 spaces for each family dwelling unit	<p>1) Adult foster care small group homes with a capacity of 6 or fewer persons must be allowed in all residential zones per Section 206 of PA 110 of 2006, the Michigan Zoning Enabling Act.</p> <p>2) Proof of state license required.</p>
Adult foster care large group home (7—12)	A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 7 but not more than 12 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.	3 spaces	1) Proof of state license required.

<p>Adult foster care large group home (13—20)</p>	<p>A structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 218 of 1979 and with an approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.</p>	<p>5 spaces</p>	<p>1) Proof of state license required.</p>
<p>Bed and breakfast facility</p>	<p>A private residence that offers sleeping accommodations to lodgers in 14 or fewer rooms for rent in the innkeeper's residence in which the innkeeper resides while renting the rooms to lodgers, and serves breakfast at no extra cost to its lodgers.</p>	<p>2 spaces plus 1 for each bedroom used for the bed and breakfast</p>	<p>1) See section 36-1502.</p>
<p>Boarding, lodging or rooming house</p>	<p>A building other than a hotel where for more than 20 days a year lodging, meals, or both are offered to more than 3, but less than 21 persons at a time for compensation.</p>	<p>2 spaces plus 1 for each bedroom used for boarders</p>	<p>1) Rooming and boarding houses shall not contain more than 4 bedrooms for rental purposes.</p> <p>2) Occupancy by tenants shall not exceed 2 person per bedroom.</p> <p>3) Individual rooms shall not contain independent cooking facilities; this however shall not</p>

			<p>prohibit the serving of meals to tenants or the use of a single kitchen by tenants.</p> <p>4) Rooming and boarding houses shall be owner occupied and serve as the primary residence of the owner.</p>
Convalescent or nursing home or senior assisted living home	A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under state law.	1 space per 4 beds	1) Convalescent or nursing homes shall be designed and constructed in accordance with state regulations.
Family day care home	A private home in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include homes that give care to an unrelated minor child for more than 4 weeks during a calendar year.	2 spaces	1) Proof of state license required.
Foster family group home (5—6)	A private home in which more than 4 but fewer than 7 minor children, who are not related to an	2 spaces	1) Proof of state license required.

	adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.		
Foster family home (1—4)	A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan Adoption Code, chapter X of the Probate Code of 1939, 1939 PA 288, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.	2 spaces	1) Proof of state license required.
Group day care home	A private home in which more than 6, but not more than 12 minor children are given care and supervision for periods of less than 24	2 spaces plus 1 space per 4 children of licensed capacity	1) Proof of state license required. 2) Is located not closer than 500 feet to any of

	<p>hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.</p>		<p>the following:</p> <ul style="list-style-type: none"> a) Another licensed group child care home. b) An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737. c) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523. d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections. <p>3) Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.</p> <p>4) Maintains the property consistent with the visible characteristics of the neighborhood.</p>
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			5) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10:00 p.m. and 6:00 a.m.
Home occupation, high intensity	Any business conducted by 1 or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this section, and which has visual or operational characteristics that indicate the use is being conducted.	Determined by planning commission at time of special use permit (SUP) approval	<p>1) The non-residential use shall only be incidental to the primary residential use.</p> <p>2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference to the extent that it creates a nuisance for nearby residences. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.</p> <p>3) The home occupation shall employ no more than 1 person other than those members of the immediate family residing on the premises.</p>

			<p>4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted.</p> <p>5) Any change in the exterior appearance of the building or premises or other visible evidence of the conduct of the home occupation shall be minimal and shall not detract from the residential character of the area.</p> <p>6) No traffic shall be generated by such home occupation in greater volumes than would significantly exceed that normally expected in a residential neighborhood, and adequate off-street parking will be provided in an appropriate location.</p>
Home occupation, low intensity	Any business conducted by 1 or more residents of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, complies with the provisions of this section, and which there is no obvious visual or operational characteristics that indicate the use is being	1 space plus those required for single family residence	<p>1) The non-residential use shall only be incidental to the primary residential use.</p> <p>2) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off</p>

	conducted other than a permitted sign.		<p>the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.</p> <p>3) The home occupation shall not employ persons other than those members of the immediate family residing on the premises.</p> <p>4) The majority of all activities shall be carried on indoors. No visible outdoor storage will be permitted.</p> <p>5) There shall be no change in the exterior appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign as permitted under this section.</p> <p>6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.</p>
Mobile home park	A parcel or tract of land under the control of a	As required by manufactured	1) Manufactured home

	<p>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 therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.</p>	<p>housing commission</p>	<p>parcs shall comply with all the regulations and requirements of the Mobile Home Commission Act, Public Act 96 of 1987 and the National Mobile Home Construction and Safety Standards Act of 1974.</p> <p>2) The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.</p> <p>3) A minimum 6-foot high wall, fence, or greenbelt/landscaped area is required on all sides of the property according to the standards of section 36-1503 of this chapter.</p> <p>4) Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.</p>
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			<p>5) No manufactured home site or any building in a manufactured home park shall be located closer than 50 feet to the right-of-way line of a public thoroughfare nor closer than 20 feet to any other manufactured home park property line.</p>
<p>Multi-family dwelling/vertical mixed use (C-1)</p>	<p>A building containing 3 or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition "dwelling unit".</p>	<p>2 spaces per dwelling unit</p>	<p>Multiple-family dwellings in C-1:</p> <p>1) The multiple-family dwelling or proposed multiple-family dwelling is located in the second story or other upper story of a building in the C-1 central business district, except that no building designed and constructed to be used as a single-family dwelling at the time the building was originally constructed may be used as a multiple-family dwelling. In the case of the C-1 district, this provision may apply to 1 or 2 apartments as well as 3 or more.</p> <p>2) No portion of a multiple-family dwelling, including but not limited to, the bathroom, kitchen or sleeping quarters of a multiple-family dwelling located on the second story or other upper story</p>

			<p>shall be permitted in the first story, ground story, or basement of any building in the central business district.</p> <p>3) The review and determination of the zoning administrator that the multiple-family dwelling complies with all the requirements of this chapter, and of the building code, the housing code, the fire code and any other health or safety code of the village. Multiple-family dwellings in R-3 see section 36-1506.</p>
Single-family dwelling	A detached building containing not more than 1 dwelling unit designed for residential use by 1 family or functional family and conforming in all other respects to the standards set forth in the definition "dwelling unit".	2 spaces per dwelling unit	1) See section 36-1503.
Two-family dwelling (C-1)	A building containing two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the definition "dwelling unit".	2 spaces per dwelling unit	<p>Two-family dwelling in C-1:</p> <p>1) The two-family dwelling or proposed two-family dwelling is located in the second story or other upper story of a building in the C-1 central business district, except that no building designed and constructed</p>

			<p>to be used as a single-family dwelling at the time the building was originally constructed may be used as a two-family dwelling.</p> <p>2) No portion of a two-family dwelling, including but not limited to, the bathroom, kitchen or sleeping quarters of a two-family dwelling located on the second story or other upper story shall be permitted in the first story, ground story, or basement of any building in the C-1 central business district.</p> <p>3) The review and determination of the zoning administrator that the two-family dwelling complies with all the requirements of this chapter, and of the building code, the housing code, the fire code and any other health or safety code of the village.</p>
Two-family dwelling (R-3)		2 spaces per dwelling unit	Two-family dwelling in R-3 see section 36-1506.
Duplex (R-1 & R-3)	House divided into 2 apartments, with a separate entrance for each.		See section 36-1505— Duplex building developments.
Triplex, Quadplex	Building divided into 3 self-contained residences.	2 spaces per dwelling unit	

	<ul style="list-style-type: none"> An apartment or other residence on 3 floors. 		
Stacked flats	Single family condominiums built on top of each other, 1 per floor, allowing windows on every side for each single-level residence.	2 spaces per dwelling unit	
Accessory dwelling unit	Building intended to allow homeowners to establish a second dwelling unit on their property.	2 spaces per dwelling unit	<p>1) Limited to R-1 and R-3 districts and properties with a single-family dwelling unit.</p> <p>2) Owner of property shall live on site in either principal dwelling unit or accessory dwelling unit.</p> <p>3) ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.</p> <p>4) ADU's may be attached to single-family dwelling unit and may occupy a basement, ground floor or upper floor of the principle dwelling, or may occupy a separate, detached accessory building.</p> <p>5) ADU's shall meet applicable building and fire codes.</p> <p>6) Building materials and designs used on detached ADU's or additions to the</p>

			<p>principle dwelling for an attached ADU, shall be of similar style as that of the principle dwelling.</p> <p>7) The minimum size living shall be 350 square feet.</p> <p>8) The maximum size shall not exceed 880 square feet, or the size of the principle dwelling unit, whichever is less.</p>
Institutional			
Cemetery	Land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.	1 space per 4 seats of chapel or assembly area	1) The lanes in the cemetery should be wide enough to allow parallel parking.
Church and other places of worship	A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.	1 space for each 4 seats or 6 feet of pews	
Community center	A building to be used as a place of meeting, recreation, or social activity and not operated for profit.	1 space per 4 persons of maximum capacity	
Elementary and secondary school other than public or charter school	An institution for the teaching of students between the kindergarten and high school levels.	1 space per employee in addition to auditorium	1) Public and charter schools are exempt from local zoning.

Private noncommercial recreational area	A building and/or open space used for active or passive recreational purposes by a nonprofit organization.	As determined by the planning commission as part of SUP approval	
Publicly owned and operated buildings and community facilities, including parks	Buildings and sites under the control of a local, state or federal government or agency. Examples include: parks, museums, libraries and post offices.	As determined by the planning commission as part of SUP or site plan approval	
Utility and public service office building and uses (without storage yards) when operating requirements necessitate the locating of such facilities within the district to serve the immediate vicinity	A building or structure used or intended to be used by any public utility, including but not limited to any gas treatment plant reservoir, tank, or other storage facility; water treatment plant, well, reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a public utility.	As determined by the planning commission as part of SUP or site plan approval	1) No building or structure shall be located in any required front or side yard.
Commercial			
Automatic teller machine (ATM)	An automated structure that provides banking	Drive up ATMs in	1) When located within a

	services that is operated by the customer.	parking lots shall provide 2 stacking spaces	<p>building, no additional zoning approval is required.</p> <p>2) When located outside a financial institution as part of that institutions drive-through services it shall comply with the SUP for the drive-through.</p> <p>3) ATMs may also be located in the parking lot of a commercially zoned property provided it:</p> <ul style="list-style-type: none"> a) Does not occupy required parking spaces, b) Complies with the clear vision, lighting and other requirements of this section, and c) Complies with the side yard setback requirements of this section for commercial buildings when adjacent to a residentially zoned parcel.
Adult entertainment business	<p>Any facility devoted to the display or sale of material, performances or services which includes matter or actions depicting, describing or presenting "specified sexual activities" or "specified anatomical areas". (See definitions below.)</p> <p>Specified sexual activities—As used in the above definitions, the</p>	For uses involving general assembly such as bars or theatres, 1 space per 4 persons of maximum capacity plus 1 per employee of the maximum shift.	1) See section 36-1501.

	<p>phrase "specified sexual activities" shall mean and include:</p> <ol style="list-style-type: none"> 1) Human genitals in a state of sexual stimulation or arousal; 2) Acts of human masturbation, sexual intercourse or sodomy; 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. Specified anatomical areas—As used in the above definitions, the phrase "specified anatomical areas" shall mean and include: <ol style="list-style-type: none"> 1) Less than completely and opaquely covered: 1. human genitals, pubic region; 2. buttock; and; 3. female breast below a point immediately above the top of the areola; 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered. 	<p>For uses involving retail sales, 1 space per 200 sq. ft.</p>	
<p>Appliance sales and service</p>	<p>A business involving the sale and repair of non-portable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.</p>	<p>1 space per 600 sq. ft.</p>	

Art gallery	An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.	1 space per 250 sq. ft.	
Automobile repair	Activity business involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.	2 spaces per stall + 1 per 200 sq. ft. of sales area	
Automobile service station	A building or structure designed or used for the retail sale of fuel lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and convenience commercial goods and fast food for the customers. It also includes facilities for the storage, minor repair, or servicing of vehicles, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of	2 spaces per stall + 1 per employee	<p>1) Gasoline pumps shall be set back a minimum of 25 feet from any street or right-of-way line.</p> <p>2) All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.</p> <p>3) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a 6-foot screening fence and shall comply with</p>

	the premises is such, or high-speed washing thereof. The term covers such uses as quick oil change facilities, tire repair and replacement and muffler/brake replacement facilities provided no major repairs as described above are undertaken.		requirements for location of accessory buildings.
Automobile wash establishment	A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.	1 space per employee + 5 times the maximum wash capacity	<p>1) All washing activities must be carried on within a building.</p> <p>2) Vacuuming activities may be carried out only in the rear yard and at least 50 feet distant from any adjoining residential use.</p> <p>3) The entrances and exits of the washing facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.</p>
Bank and similar financial institutions	<p>An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies,</p> <p>Examples include banks, savings and loans, and credit unions.</p>	1 space per 100 square feet	

Business schools and colleges	Post-secondary and vocational schools	1 space per 4 persons of maximum capacity	
Business service establishment	Establishments which are primarily engaged in rendering services on a contract or fee basis to business establishments. Examples include: Office machine repair, typewriter repair, computer	1 space per 500 sq. ft. of net floor area	
Bus passenger stations	Any premises for the transient housing or parking of motor driven buses, and the loading and unloading of passenger	1 space per 100 sq. ft. of waiting area	
Campground	Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for 5 or more recreational units	1 space per campsite plus 1 space per employee plus 1 visitor space per 10 campsites	<ol style="list-style-type: none"> 1) Minimum lot size shall be 10 acres. 2) The lot shall provide direct vehicular access to a public street or road. 3) The term "lot" shall mean the entire campground or travel trailer park. 4) Each lot shall be provided with at least 1 public telephone.
Child care center	A facility, other than a private residence, receiving preschool or school age children for group care for periods of less than 24 hours a day,	1 space per each employee on the largest working shift, plus 1 per 5	<ol style="list-style-type: none"> 1) Proof of state license required.

	and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day.	children of maximum occupancy	
Clinic and medical office		3 per examining room/chair	
Club	Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.	1 space per 4 persons allowed by relevant codes	
Contractor's establishment	A facility housing a general contractor or builder engaged in the construction of buildings, either residences or commercial structures as well as heavy construction contractors engaged in activities such as paving, highway construction, and utility construction.	1 space per 200 square feet of office area	
Drive-through establishment	Any restaurant, bank or business with an auto service window.	N/A	<p>1) The main and accessory buildings shall be set back a minimum of 40 feet from any adjacent right-of-way line or residential property line.</p> <p>2) 6 stacking spaces per window, may be reduced by planning commission</p>

			during site plan review based on use.
Dry cleaner	A retail establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry including operation of laundry or dry-cleaning equipment or machinery on the premises.	1 space per 300 sq. ft. of floor area	
Funeral home	A building used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in the preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; the storage of funeral vehicles; facilities for cremation and human funeral services.	1 space per 50 square feet	
Furniture store	Retail establishments that sell goods for furnishing homes.	1 space per 800 square feet	
Golf course	A tract of land laid out with at least 9 holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses but shall not include miniature golf courses.	3 spaces per hole + 1 space per employee	<p>1) Minimum lot size shall be 60 acres.</p> <p>2) The main and accessory buildings shall be set back at least 75 feet from all property lines.</p>

Golf driving range	An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro shop but excludes miniature golf courses.	1.5 spaces per tee	
Grain elevator	A facility that includes a storage area or structure where grain products are temporarily stored for transferal to trucks, train cars, or other forms of transportation and may also include other agricultural support services such as the sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies and farm machinery repair services.	Determined by planning commission at time of special use permit (SUP) approval	
Home center and lumber yard	A retail facility of more than 30,000 square feet gross floor area, selling lumber and other large building materials, where most display and sales occur indoors or any establishment selling such material where a large proportion of the display and storage is outdoors or in open sheds.	1 space per 400 sq. ft. of floor area, not including open sheds or outdoor display	
Hospital	An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral	1 per bed	

	part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.		
Hotel and motel	<p>Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than 5 sleeping rooms and in which rooms there is no provision for cooking.</p> <p>Motel or motor court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.</p>	1 space per unit + 1 per employee	1) Motels in the C-1 district shall off-street parking in the rear of the lot.
Indoor recreation	<p>A commercial or non-commercial recreational land use conducted entirely within a building.</p> <p>Examples include bowling alleys, dance halls, roller rinks, video arcades, billiard rooms, skating rinks and archery ranges.</p>	<p>Bowling alleys—5 spaces per lane</p> <p>Other uses—1 space for each 3 persons allowed by respective codes</p>	
Kennel	Any lot or premises on which 4 or more dogs or cats, 4 months of age or older are kept	1 per 600 sq. ft. of area	

	temporarily or permanently for the purpose of breeding or boarding for a fee.		
Laundromat	A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.	1 space per 2 machines	
Miniature golf course, outdoor children's amusement park and similar uses	Recreational uses conducted almost wholly outdoors, miniature golf, outdoor children's amusement parks, and similar uses.	Miniature golf—2 spaces per hole + 1 per employee	
Newspaper office	A facility for the publication of material intended for general circulation, and published regularly at short intervals, containing information and editorials on current events and news of general interest.	1 space per 200 square feet	1) Printing plants may be permitted as an accessory use if consistent with the character of the area proposed.
Nursery and greenhouse	A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.	1 space per 200 square feet of retail area plus 1 space per 500 sq. ft. of greenhouse sales area plus 1 space per 5,000 sq. ft. of outdoor sales area	
Office	Professional office—The office of a professional person such as a doctor, dentist, engineer, architect, attorney,	1 space per 200 square feet	

	insurance or real estate agent, and the like.		
Offices and showroom of plumbers, electricians, decorators or similar trades	A contractor's establishment primarily for the display and sale of products and does not include any outdoor display or storage.	1 space per 200 sq. ft. of display area	<p>1) Not more than 25 percent of the floor area of the building or part of the building occupied by such establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise, and provided that</p> <p>2) The ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials shall be within the confines of the building.</p>
Open air business	<p>Includes any use operated for profit, substantially in the open air, including:</p> <p>a. Automobile, farm equipment, bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.</p> <p>b. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.</p>	1 space per 1,000 sq. ft. of outdoor display area plus 1 space per 200 sq. ft. of indoor display area	<p>1) Minimum lot area shall be 2 acres.</p> <p>2) Minimum lot width shall be 200 feet.</p> <p>3) In all cases of car sales lots:</p> <p>a) All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.</p> <p>4) In the case of a plant materials nursery the</p>

			<p>storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.</p> <p>5) All loading activities and parking areas shall be provided on the same premises (off-street).</p> <p>6) The storage of soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.</p>
Personal service establishment	An establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include: beauty and barber shops, shoe repair shops, tailor shops, beauty shops, massage facilities, chiropractic clinics, and exercise and fitness facilities.	2 spaces per beauty/barber chair	
Restaurant	A structure in which the principal use is the preparation and sale of food and beverages.	1 space for each 100 square feet	
Retail business	An establishment which supplies commodities on the premises. Examples include groceries, drugs, liquor, clothing, dry goods, notions, curios, pet,	1 space per 200 square feet	1) Within a completely enclosed building. Outdoor display only as permitted under the provisions of this section.

	jewelry, sporting goods, or hardware stores, bakeries, florists and music shops.		
Roadside stand	An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.	1 space per 200 square feet of interior retail space plus 1 space per 1,000 square feet of outdoor retail space	<p>1) The gross floor area of the temporary building shall be not less than 32 square feet but not more than 250 square feet.</p> <p>2) Suitable containers for rubbish shall be placed on the premises for public use.</p> <p>3) The temporary building shall be located not less than 25 feet from the public road right-of-way. Its height shall be no more than 1 story.</p> <p>4) Adequate off-street parking shall be provided.</p> <p>5) Permit shall be required for a temporary roadside building. Said permit shall be good for no more than 6 months, after which the building shall be removed.</p>
Self-storage facilities	A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses;	1 space per 20 rental units plus 2 spaces for office	<p>1) Rows between storage units shall be designed to allow for simultaneous vehicle parking and passage.</p>

	and may include refrigerated facilities.		
Shopping center	A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.	1 space per 100 square feet. Fewer spaces may be permitted based on initial uses in shopping center, but area for spaces required based on 1 per 100 sq. ft. shall be available.	
Tavern and bar	A commercial enterprise whose primary activity is the sale of alcoholic beverages to be consumed on the premises.	1 space per 4 persons of maximum capacity	
Theater, assembly hall and concert hall	A structure for groups of people to gather for an event or regularly scheduled program.	1 space per 3 seats	
Veterinary clinic	An establishment for the care and treatment of small animals, including household pets and may include incidental overnight boarding.	1 space per doctor plus 1 space per additional employees plus 2 spaces per examination room	
Industrial			
Bulk station	A place where crude petroleum, gasoline, naphtha, benzyl, kerosene,	1 space per 200 square	

	benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than 6,000 gallons.	feet of sales office space	
Industrial park	A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.	1 space per 1.5 employees	
Junkyard	The use of premises or building for storage or abandonment, keeping, collecting, bailing, of inoperable automobiles, trucks, tractors and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags, machinery, scrap iron, paper and any other kind of scrap or waste material.	2 spaces per employee	
Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products	The mechanical or chemical transformation of materials or substances into the products listed.	1.5 spaces per employee	

Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas	The mechanical or chemical transformation of materials or substances into the products listed.	1.5 spaces per employee	
Manufacture or assembly of electrical appliances, electronic instruments and devices and radios and phonographs	The mechanical or chemical transformation of materials or substances into the products listed.	1.5 spaces per employee	
Manufacturing and repair of electric or neon signs, light sheet metal products, heating and ventilating equipment, cornices and eaves	The mechanical or chemical transformation of materials or substances into the products listed.	1.5 spaces per employee	
Manufacturing, compounding, processing, packaging or treatment of such products, including bakery goods, candies, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery; tool, die gauge, and machine shops	The mechanical or chemical transformation of materials or substances into the products listed.	1.5 spaces per employee	
Printing plant	An industrial facility dedicated to the mass	1.5 spaces per employee	

	production of printed material.		
Research, design and experimental product development uses and laboratories	<p>A facility scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.</p> <p>Examples include biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, and heat transfer, facilities.</p>	1.5 spaces per employee	1) Shall be conducted within a completely enclosed building.
Warehousing and wholesale establishment	A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.	1 space per employee	
Misc.			
Adaptive reuse	Permission by the planning commission to permit the redevelopment of an existing site for a use that otherwise is not permitted in the C-2 zoning district when the proposed redevelopment complies with the requirements of this provision.	As determined by the planning commission during review of the SUP	<p>1) Qualifying conditions:</p> <p>a. The subject site is zoned in compliance with the village master plan;</p> <p>b. The use can no longer be reasonably continued for its existing purpose by reason of market conditions or operational constraints (i.e., limited site size, floor area deficiencies, parking or loading area, etc.);</p>

			<p>c. Site redevelopment in accordance with local development codes would be unnecessarily burdensome by reason of ordinance compliance (restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot) or cost; and</p> <p>d. The subject site has frontage on, or direct access to, an improved major or secondary thoroughfare.</p> <p>e. The principal structure has not been destroyed by any means to the extent of more than 65 percent of its replacement cost at time of destruction. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.</p> <p>2) Development standards. In areas meeting the criteria set out in this section, development standards including the range of uses allowed, setbacks, lot coverage and parking requirements may be modified by the planning commission upon finding adequate evidence that</p>
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			<p>the proposed use:</p> <ul style="list-style-type: none"> a. Will be compatibly designed, constructed and maintained with the existing and intended character of the vicinity; b. Will not be hazardous or disturbing to existing or future neighboring uses; c. Will be served adequately by essential public services and facilities, or the agencies responsible for the establishment of the proposed use will be able to adequately provide for such services; and d. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odor.
<p>Accessory uses, buildings and structures customarily incidental to the principal uses permitted by right</p>	<p>Accessory use: A use naturally and normally incidental and subordinate to the main use of the land or building. Accessory building or structure: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for</p>	<p>Parking as required by the accessory use. Parking may be waived or modified by the planning commission when the accessory use is not expected to</p>	<p>1) Warehouse and storage facilities shall be permitted when incidental to and physically connected with any principal use permitted, provided that such facility is within the confines of the building or part thereof occupied by such establishment.</p>

	dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.	increase parking demand above that already provided for the principal use.	
Accessory uses, buildings and structures customarily incidental to the principal uses permitted by special use permit	Accessory use: A use naturally and normally incidental and subordinate to the main use of the land or building. Accessory building or structure: A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use where an accessory building is attached to a main building in a substantial manner, such as a wall or roof, the accessory building shall be considered a part of the main building.	Parking as required by the accessory use. Parking may be waived or modified by the planning commission when the accessory use is not expected to increase parking demand above that already provided for the principal use.	
Essential service	The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water	N/A	1) These uses are allowed by right and do not require site plan approval provided they are located within the road right-of-way.

	<p>transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.</p>		
Garage or yard sale	General sales, open to the public, conducted from a	N/A	1) Not more than 3

	residential premises for the purpose of disposing of personal property.		garage or yard sales shall be conducted by a resident of the Village of Millington during a calendar year. 2) The garage or yard sale shall not exceed 3 days duration. 3) Temporary signs for the sale shall be removed at the end of the sale.
Swimming pool	Any structure or container located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing.	N/A	1) See section 36-1504.
Telecommunication antennae	The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.	1 space	1) When an antenna is proposed to be mounted on a tower or other support structure previously approved for future collocation, such collocation shall be permitted based on compliance with the conditions of approval of the support structure.
Telecommunication towers, alternative tower structures, water towers, wireless communication antennas, electric	All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of	1 space	1) Telecommunications towers shall be located on lots no less than 1 acre in size and shall have a minimum lot frontage of no less than 60 feet.

<p>transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures</p>	<p>transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.</p>		<p>2) The setbacks for each tower from adjacent right-of-way and/or property lines shall be not less than 1 time the height of each tower above the ground.</p> <p>3) A minimum 6-foot high wall, fence or greenbelt/landscaped area is required on all sides of the property according to the standards of section 36-1405 of this chapter.</p> <p>4) Provision shall be made where feasible for collocation of other telecommunication antennae or similar equipment.</p>
<p>Temporary use</p>	<p>Temporary building and use: A structure or use permitted by this zoning ordinance to exist during periods of construction of the main building or for special events.</p> <p>Temporary uses allowed are: Temporary use of a camper, travel trailer, recreational vehicle or mobile home.</p>	<p>Parking as required by the use type</p>	<p>Temporary use of a camper, travel trailer, recreational vehicle or mobile home:</p> <p>1) The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.</p> <p>2) The use shall be for</p>

		<p>the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this section is in process of erection and completion, but not to exceed 12 months. 1 additional 12 month extension may be obtained from the zoning administrator. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this section.</p> <p>3) The temporary dwelling unit shall be required to be connected to the village water and sewer systems upon payment of connection fees.</p> <p>4) Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy</p>
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			<p>retained for filing by the village, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.</p> <p>5) No annexes or additions shall be added to temporary substandard dwellings.</p>
Parking lot	An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking.	N/A	
Outdoor dining	An authorized area not within a building operated by a restaurant or other food establishment which sells food for immediate consumption.	As required for the restaurant operating the outdoor dining	<p>1) Outdoor seating/dining shall be included as part of an approved site plan.</p> <p>2) An outdoor café shall be allowed during normal operating hours of the establishment.</p> <p>3) An outdoor café may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.</p> <p>4) The exterior of the premises shall be kept</p>

			<p>clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the health department but shall be prohibited from occurring in any public right-of-way.</p> <p>5) Any outdoor seating located within the public right-of-way must be approved by the planning commission.</p>
Other uses similar in character to other uses in the same zoning district as determined by the village planning commission	Uses not specifically or generally provided for under this section that are determined by the planning commission to be equivalent to uses that are specifically allowed.	Parking required for the similar use	<p>1) In determining whether or not a use is similar in character to other uses in the same zoning district the planning commission shall consider the intent of the zoning district, the similarity of potential off-site impacts of permitted uses and the proposed use. In interpreting a proposed use the planning commission may not classify such a use if it is already listed in another district. In making the determination the planning commission shall clarify if the classified use is a use by right or by SUP and if any design standards required of similar uses are required.</p>
Outdoor storage and display	A place of business with the display of products	N/A	<p>1) Outdoor storage may</p>

	<p>for sale or the storage of products outside of a building.</p>		<p>be permitted as part of site plan review for commercial or industrial uses based on the following:</p> <p>a) The outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the planning commission. The extent of such a wall or fence shall be determined by the planning commission on the basis of usage. Such wall or fence shall not be less than 4 feet 6 inches in height and may, depending on land usage, be required to be 8 feet in height, and shall be subject further to the requirements of Section 5.01. A chain-link fence or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the planning commission. The planning commission may require vertical decorative or redwood pickets be installed in the fence where, in its judgment, it will better serve to obscure the open storage.</p> <p>b) Open storage areas shall be hard-surfaced with gravel or other suitable approved</p>
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			<p>material and drained to meet village engineering requirements.</p> <p>c) If open storage is to park wheeled vehicles, then it shall be paved to parking lot standards or provided with a surface acceptable to the planning commission based on use.</p> <p>2) Outdoor sales space may be permitted as follows:</p> <p>a) Year round outdoor display may be permitted by the planning commission as part of site plan review</p> <p>b) Seasonal outdoor displays or those related to outdoor sales events may be approved by the zoning administrator provided they are located in a parking lot in compliance with the zoning ordinance, do not occupy required parking spaces or block parking access aisles, are separated from the parking lot by a barrier such as temporary fence, and the products on display do not create problems due to windblown trash, dirt or similar nuisances.</p>
Planned unit development (PUD)	Land under unified control which allows a	Determined by the	1) See section 36-1507.

	development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.	planning commission during site plan review based on the range of uses allowed in the PUD	
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**Table 3-3
Schedule of Regulations**

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks In Feet			Minimum Floor Area per Dwelling Unit in Sq. Ft. (2)	Maximum Building Coverage of Lot
	Area in Sq. Ft.	Width in Ft. (1)	Stories	Feet	Front	Side	Rear		
R-1 Single-Family Residential District	12,000	80	2½	35	30	10	40	1,000	30%
R-3 Multiple-Family Residential District	8,000	66	3	35	25	30	30	(3)	12 Units per Acre
C-1 Central Business District	None	None	3	40	None	None(4)	None(4)	None	(5)
C-2 General Commercial District	None	None	3	40	25	None(4)	None(4)	None	(5)
IND Industrial District	None	None	3	40	30	20	(6)(7)	None	(5)

(Ord. No. 103 , § 1, 12-14-2020; Ord. No. 109 , § 1, 12-14-2020)

Sec. 36-304. Schedule of regulations.

- (1) A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines which are perpendicular to the abutting road right-of-way, at the road right-of-way.

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- (2) The minimum floor area per dwelling unit shall not include area of basements, utility rooms, breezeways, porches, or attached garages.
 - (3) The minimum floor space per dwelling unit shall be:
Efficiency: 350 square feet.
One-bedroom apartment: 500 square feet.
Two-bedroom apartment: 700 square feet.
Three-bedroom apartment: 800 square feet.
Four-bedroom apartment: 880 square feet.
 - (4) No side yards are required along the interior side lot lines, unless otherwise provided in the building code. On the exterior side yard which borders on a residential district, there shall be provided a setback of not less than ten feet on the side of residential street. If walls or structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided.
 - (5) The maximum percentage of coverage shall be determined by the use and the provisions for required off-street parking, loading, and unloading, and required yards.
 - (6) No building shall be closer than 50 feet to the outer perimeter (property line) of such district when such property line abuts any residential district. Upon application to the village board of appeals, wherein such body determines the abutting residential district to be an area in transition which may become non-residential in the future, this subsection may be waived by the board and substitute distances may be provided.
 - (7) All storage shall be in the rear yard and shall be completely screened with an obscuring wall or fence, not less than six feet high, or with a chain link fence and a greenbelt strip to obscure all view from adjacent residential, office, or business districts or a public street.

ARTICLE IV. GENERAL PROVISIONS

Sec. 36-400. Introduction.

Wherever any provision of this chapter imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this chapter shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this chapter, then the provisions of such ordinance shall govern.

Sec. 36-401. Effect of zoning.

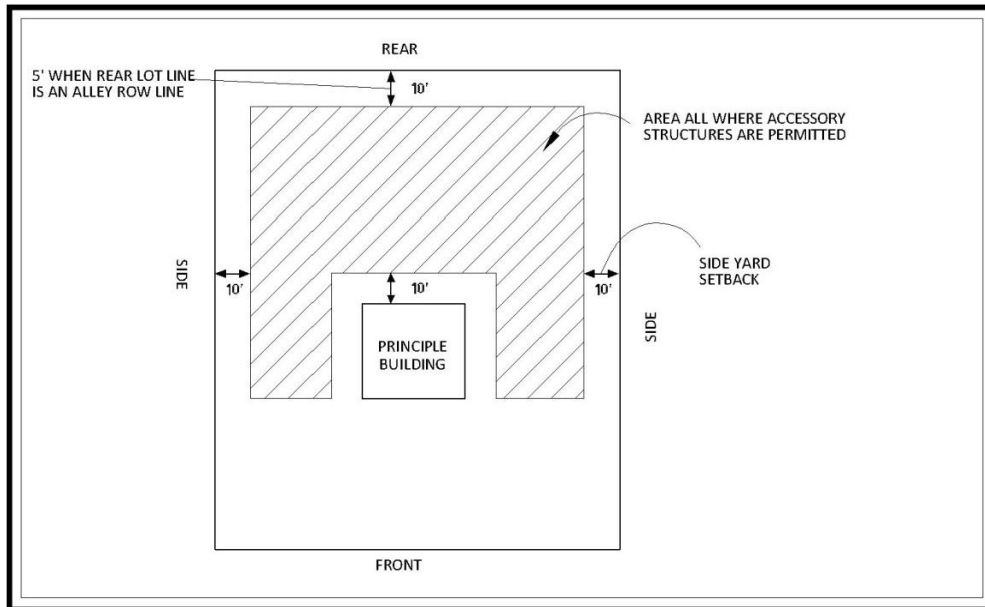
No building or structure, or part of the building or structure, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this chapter.

Sec. 36-402. Accessory buildings.

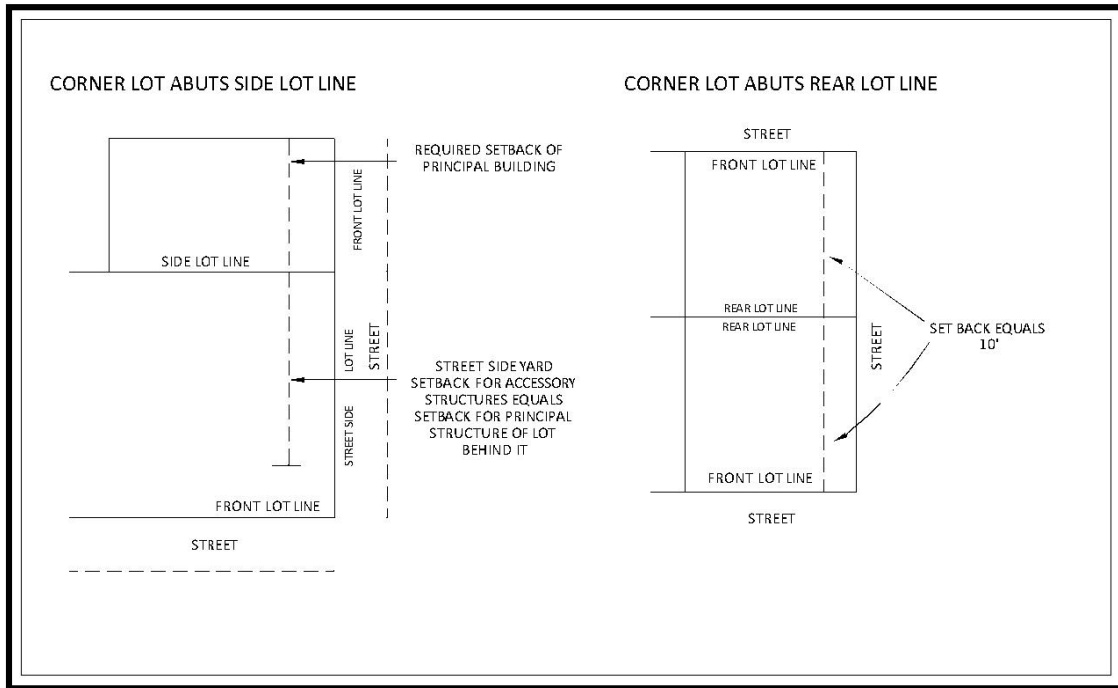
Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

- (1) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.

- (2) Detached buildings accessory to residential buildings shall not be erected in any required yard, except a rear yard.
- (3) Buildings accessory to residential buildings may not exceed the ground floor area of the main building.
- (4) No detached building accessory to a residential building shall be located closer than ten feet to any main building nor shall it be located closer than ten feet to any side or rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than five feet to such rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way. (See Figure 4-1) The side yard setback for accessory structures shall be the lesser of ten feet or the side yard setback for principal structures in those cases where the side yard setback has been reduced under the provisions of section 36-406.



- (5) No detached accessory building in the R-1, or R-3 districts shall exceed one story or 16 feet in height (see Figure 2-2 for measuring building height). Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
- (6) When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten feet to a street right-of-way line. (See Figure 4-2).



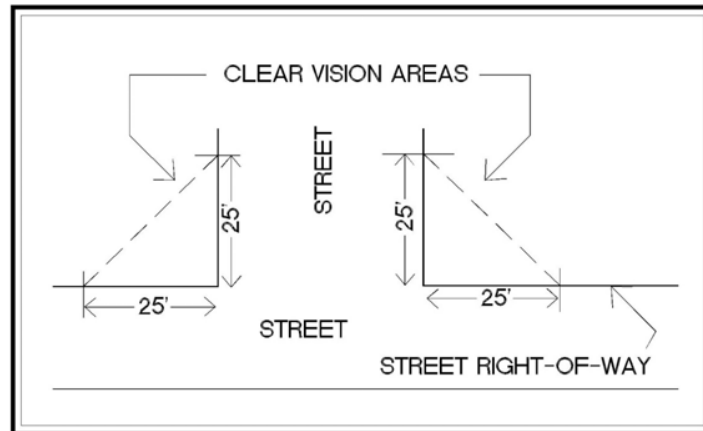
- (7) No accessory building or structure may be erected or used upon a lot on which there is no principal building, however an accessory building or structure may be erected in advance of the principal building by a special permit issued by the planning commission. If the planning commission approves the accessory building to be constructed prior to construction of the principal building, construction of the principal building must begin within 90 days of completion of the accessory building. A performance guarantee may be required to ensure completion of the principal building.
- (8) The combined maximum square footage of all accessory structures on a residential lot in the R-1 and R-3 zoning districts shall be 1,000 square feet. However, if the lot exceeds 12,000 square feet the combined maximum square footage may be increased by four percent of the lot area that the property exceeds 12,000 square feet. (For example; if a lot in the R-1 District is 30,000 square feet in area. $30,000 - 12,000 = 18,000$. $18,000 * .04 = 720$. The combined maximum square footage may be a maximum of 1,720 square feet). In no case shall the combined maximum square footage of accessory structures in the R-1 or R-3 district exceed 2,500 square feet. The maximum number of accessory buildings shall be limited to three in the R-1 district and R-3 districts. In any case the lot must still comply with the maximum lot coverage requirements in the R-1 and R-3 districts in Table 3-3. Schedule of regulations.
- (9) *Accessory buildings.* Accessory dwelling units (ADU's) are intended to provide flexible housing options in the village by allowing homeowners to establish a second dwelling unit on their property. ADU's are subject to the following standards:
- ADU's shall be limited to permitted districts and properties with a single-family dwelling unit as the principle use. ADU's shall be subordinate to the single-family dwelling unit.
 - The owner of the property shall live on site, either in the principle dwelling unit or the accessory dwelling unit.
 - ADU's shall have their own separate entrance, kitchen, sleeping area, and full bathroom facilities.

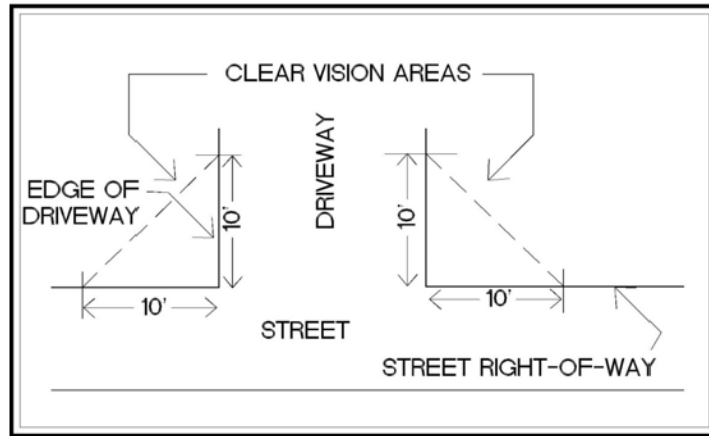
- d. ADU's may be attached to the single-family dwelling unit and may occupy a basement, ground floor or upper floor of the principle dwelling, or may occupy a separate, detached accessory building.
- e. All ADU's shall meet applicable building and fire codes.
- f. Building materials and designs used on detached ADU's or additions to the principle dwelling for an attached ADU, shall be of similar style as that of the principle dwelling.
- g. The minimum size living shall be 350 square feet.
- h. The maximum size shall not exceed 880 square feet, or the size of the principle dwelling unit, whichever is less.

(Ord. No. 108 , § 1, 12-14-2020)

Sec. 36-403. Corner clearance.

In all districts, no fence, wall, shrubbery, sign or other obstruction to vision above a height of 30 inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of 25 feet from their point of intersection or within ten feet of the point intersection of a street right-of-way line and the edge of a driveway. (See Figures 4-3 and 4-4).





Sec. 36-404. Exterior lighting.

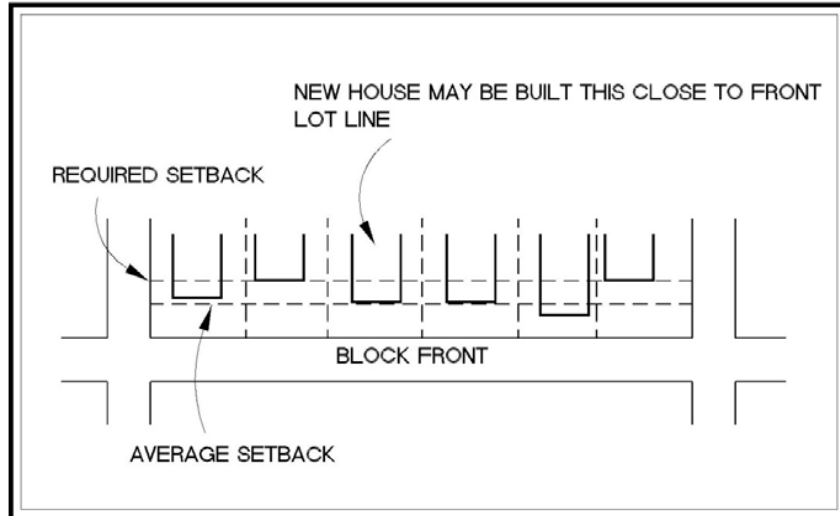
All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares. Use of cut-off fixtures to direct light towards the ground is required for all lighting for non-single family uses. No lighting may exceed .1 candle feet the property line of an adjacent residential lot.

Sec. 36-405. General exceptions to area, height, and use.

- (1) *Essential services.* Essential services, as defined in article II, shall be permitted as authorized and regulated by law and other ordinances of the village. It is the intention of this article to exempt such essential services from the application of this chapter.
- (2) *Voting place.* The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- (3) *Height limit.* The height limitations of this chapter shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments or wireless communication support structure and other communication towers; provided, however, that the planning commission may specify a height limit for any such structure when such structure requires authorization as a special exception use.
- (4) *Lots adjoining alleys.* In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.
- (5) *Driveways, sidewalks, patios and terraces.* For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement serving the like function, and not in excess of nine inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yards.
- (6) *Side yard setbacks.* When a legal non-conforming lot does not meet the minimum requirements for lot width in this chapter, the side yard setback requirements for that lot shall be reduced by a percentage equal the percentage the lot meets the minimum lot width requirement. For example a lot 80 feet wide in a district requiring a minimum width of 100 and a side yard setback of ten feet would have a side yard setback of eight

feet. In no instance shall a side yard setback be reduced to less than five feet under the terms of this exception.

- (7) *Front yard setbacks.* The front yard setback of a lot on a block where 80 percent of the lots are built on may be reduced to the average setback of the existing buildings. (See Figure 4-5).



Sec. 36-406. Performance standards.

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

- (1) *Smoke.* It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:
 - (a) Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three minutes in any 30-minute period.
 - (b) Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three minutes in any 60-minute period, but such emissions shall not be permitted on more than three occasions during any 24-hour period.

Method of measurement: For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter, shall be the standard. However, the umbrascopes readings of smoke densities may be used when correlated with the Ringelmann chart.

- (2) *Dust, dirt and fly ash.* No person shall operate or cause to be operated, maintained or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity

of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of 500 degrees Fahrenheit.

Method of measurement: For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed 50 percent at full load. The foregoing requirement shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

- (3) *Open storage.* The open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and materials stored. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six feet in height.
- (4) *Glare and radioactive materials.* Glare from any process (such as or similar to arc 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. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- (5) *Fire and explosive hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.
- (6) *Noise.* Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (7) *Odors.* Creation of offensive odors shall be prohibited.
- (8) *Hazardous substances.* All businesses or industries that store, use or generate hazardous substances as defined in this chapter, in quantities greater than 25 gallons or 220 pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Sec. 36-407. Required area or space.

Neither lot nor lots in common ownership, nor yard, court, parking space or any other place shall be divided, altered, or reduced as to be less than the minimum allowable dimensions as defined in this chapter. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered or reduced further.

Sec. 36-408. Substandard dwelling occupancy during the construction of a dwelling.

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the village, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this chapter, or other substandard structure shall be erected or moved upon any premises and used for dwelling purposes except as authorized by a temporary use permit issued by the planning commission.

Sec. 36-409. Temporary use of recreational vehicles as dwellings.

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a continuous period exceeding 30 days per year, provided the zoning administrator may grant up to an additional 30 days provided the use of the recreational vehicle has complied with all applicable ordinances of the village.

Sec. 36-410. Curb cuts and driveways.

Curb cuts and driveways may be located only upon approval by the zoning administrator except for driveways accessing M-15, which require approval of the Michigan Department of Transportation.

Sec. 36-411. Lot grades.

- (1) All structures shall be constructed or located with a ground elevation such as to provide a sloping grade to cause the surface drainage to flow away from the walls of such structures.
- (2) No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such run-off on those premises, or to interfere with existing storm water drainage patterns and shall be approved by the village building inspector. If it impacts a village drain the improvement shall be reviewed by the village DPW Director.

Sec. 36-412. Sewage disposal and water supply.

A safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system complying with the requirements of the Village of Millington, shall be provided for each building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwelling, business, recreational, commercial, industrial or other purposes.

Sec. 36-413. Division of lots or parcels.

No new parcel or lot shall be created and no existing lot shall be modified inconsistent with the requirements of this chapter.

Sec. 36-414. Lot frontage.

Any lot created after the adoption of this chapter shall have frontage on a public street greater than or equal to the minimum lot width required for the zoning district in which the lot is located. Lots located on a cul-de-sac or a curvilinear street shall have frontage greater than or equal to 80 percent of the minimum lot width required for the zoning district in which the lot is located, provided the minimum lot width is met at the required front setback. (See Figure 4-5).

Sec. 36-415. Structure completion.

All structures or additions to structures shall be completed on the outside in conformance with the building code and with finish materials; such as wood, brick, or brick veneer, shingle, concrete or similar performance tested material within one year after construction is started unless an extension for not more than one additional year is granted by the zoning administrator.

Sec. 36-416. Excavations or holes.

The construction, maintenance or existence within the village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this chapter, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the building inspector; and provided further, that this section shall not apply to natural bodies of water or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, the county, the village, or other governmental agency.

ARTICLE V. SIGNS

Sec. 36-500. Signs.

- (1) *Purpose.* The purpose of this article is to regulate signs and outdoor advertising within the Village of Millington to protect public health, safety, and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; and enhance the aesthetic appearance within the village. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, and other aspects of signs in the village.
- (2) *General provisions.*
 - (a) *Wind pressure and dead load requirements.* Ground, projecting, wall and marquee signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of surface area and shall be constructed to receive dead loads as required elsewhere in the village building code.
 - (b) *Illumination.* All illumination shall be concentrated on the area of the sign or landscape feature so as to prevent glare upon the street or adjacent property. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code. Any signs shall be of a wattage of not to exceed 60 watts per bulb. No lights shall be permitted in excess of 60 watts per bulb and in no instance shall such light be located as to be hazardous to traffic.
 - (c) *Clear vision area.* No sign shall be located within, project into, or overhang the corner clearance area as defined in article II of this chapter.
 - (d) *Measuring sign height.*
 1. The permitted height of all signs supported by the ground shall be measured from the level of the ground, finished surface, adjacent to the sign.
 2. Sign height shall not be measured from an area of the ground that has been built-up or constructed in a manner that would have the effect of allowing a higher sign height than permitted by these regulations (e.g. The height of signs erected on a berm shall be measured from the finished grade adjacent to the berm).
 - (e) *Measuring sign area.*
 1. Sign area shall be measured as the square footage of the sign face and any frame or other material or color forming an integral part of the display or used to differentiate it from the background against which it is placed.
 2. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.
 3. The area of a double-faced sign such as a pole/pylon or monument sign shall be computed using only one face of the sign provided that:
 - a. The outline and dimensions of both faces are identical; and
 - b. The faces are back to back so that only one face is visible at any given time.
 - (f) *Maintenance.*
 1. All signs for which a permit is required and all supports thereof shall:

- a. Be kept in compliance with the plans and specifications filed and approved for issuance of the sign permit.
 - b. Be kept and maintained in a safe condition.
 - c. At all times conform to all provisions of this chapter.
2. The zoning administrator has the authority to inspect any sign requiring a permit at any given time to ensure compliance with the requirements of this chapter.
 3. The zoning administrator may require the repair or removal of a sign requiring a permit within seven days upon the finding that any of the following conditions exist:
 - a. The sign is found to be unsafe.
 - b. The sign is in a condition that does not comply with this chapter.
 - c. The sign was established as an accessory use for a principal use which has ceased to exist for a period of six months.

(3) *Prohibited signs.* The following signs shall be prohibited throughout the village:

**Table 5-1
Prohibited Signs**

	Type of Sign	Exceptions
(a)	Commercial vehicles used as signs which are parked on a business premises or an industrial lot	If parked less than 48 hours or not advertising a product or serving as a business sign
(b)	Exterior string lights used in connection with a commercial enterprise	Holiday decorations
(c)	Human directional signs	Those allowed as temporary signs
(d)	Inflatable signs	Those allowed as temporary signs
(e)	Obsolete signs	
(f)	Off Premises Signs, as defined in this chapter, for the purpose of advertising a product, event, person or subject	Those otherwise provided for in this chapter or covered under the State Highway Act
(g)	Portable or moving signs	As otherwise allowed
(h)	Road furniture signs	
(i)	Roof signs	
(j)	Search lights	
(k)	Signs having moving members	Barber poles and electronic time and temperature and message signs
(l)	Signs in the public right-of-way or village owned property	Permission is granted by ROW jurisdiction
(m)	Signs that block fire hydrants	
(n)	Signs that obstruct the view of road signs	
(o)	Signs using high intensity lights or flashing lights, spinners, or animated devices	As allowed as part of electronic time and temperature and message signs
(p)	Signs which obstruct vision or impair the vision of motorists or non-motorized travelers on any public right-of-way, driveway, or within a parking lot or loading area	
(q)	Snipe signs	
(r)	Unsafe signs	

(s)	Signs which may be confused with the lighting of emergency vehicles or any kind of traffic sign or signal	
(t)	Signs which contain any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner	
(u)	Streamers and pennants	

(4) *Exempt Signs.* The following signs shall be exempt from the requirements of this section.

**Table 5-2
Exempt Signs**

	Type of Sign	Requirements
(a)	Banners containing messages or slogans promoting the Central Business District, civic events, and other public activities, displayed by the Village of Millington in the Central Business District.	If parked less than 48 hours or not advertising a product or serving as a business sign
(b)	Community service group signs	Maximum of 4 square feet
(c)	Device Signs	Maximum of 6 square feet
(d)	Directional signs 2 square feet or less	Maximum of 2 square feet
(e)	Employment Signs	Maximum of 6 square feet
(f)	Flags	
(g)	Governmental signs	Maximum of 6 square feet
(h)	Incidental Signs ("Open" signs including neon less than 2 sq. ft. in area included)	Maximum total of 6 square feet
(i)	Memorial signs	Maximum of 6 square feet
(j)	Nameplate signs 2 square feet or less	Maximum of 2 square feet
(k)	Political signs used in connection with local, state, or national elections	Such signs shall be removed within 7 days of the election. These signs also must follow the state election laws.
(l)	Real estate signs	Removed within 15 days after completion of the sale or lease of the property. Maximum of 6 square feet.
(m)	Signs for essential services 2 square feet or less	Maximum of 2 square feet
(n)	Special event signs calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools, or other nonprofit groups	
(o)	Garage Sale	Signs can only be displayed on the days of the sale and must be removed the day the sale ends.
(p)	A-Frame sign that is less than 6 square feet on each side	No flashing lights of any kind. The sign may be light with constant lighting. Set back at least 10 feet from all property boundary lines and street right-of-way lines within the C-1 district they may be on the sidewalk provided they do not block the right-of-way for pedestrians

- (5) *Temporary Signs.* A temporary sign permit with applicable fees (permit fees as required by the village fee schedule) must be sought for the following:

**Table 5-3
Temporary Signs Requiring a Permit**

	Type of Sign	Requirements
(a)	Construction Signs	See below
(b)	New Businesses	See below
(c)	Real Estate Development Sign	See below
(d)	Special Sales	See below
(e)	Seasonal Promotions	See below
(f)	Special Events	See below
(g)	Special Services	See below

The following steps shall be taken by anyone seeking a permit for a temporary sign:

- (a) The applicant shall file a complete application form, and provide all information required.
 - (b) Temporary signs shall not be displayed longer than 30 days.
 - (c) No temporary sign shall exceed 32 square feet. The limit for an A-frame sign or alike, is a maximum of 6 square feet on each side. The overall signage of temporary signs shall not exceed 32 square feet per address.
 - (d) No temporary sign shall have flashing lights of any kind. The sign may be lit with constant lighting.
 - (e) Temporary signs shall be set back at least 10 feet from all property boundary lines and street right-of-way lines. In the case of an A-Frame sign or alike, located in the downtown area, the sign must not sit upon or block the right-of-way for pedestrians.
 - (f) Temporary signs shall be removed immediately upon expiration of the 30 day permit. If a sign is not removed or the permit renewed, a per day penalty will be assessed in accordance with the schedule of fees. If not paid in a timely fashion, this charge will be added to the property taxes plus an administration fee for the processing of the necessary paperwork as allowed by the schedule of fees.
 - (g) If portable signs are to become permanent, all such signs shall be permanently incorporated as part of the businesses freestanding sign. The size of the sign is not to exceed the maximum size allowed for freestanding signs plus 32 square foot for each side.
- (6) *Permitted Signs in the R-1 and R-3 District.* Any permanent sign placed in the R-1 or R-3 district shall require a zoning permit and building permit. For the erection, construction, or alteration of any sign, including electrical permits for all illuminated signs, all such signs shall require approval by the zoning administrator. Permit fees as required by the village fee schedule.

The following signs are permitted in the R-1 and R-3 Districts.

**Table 5-4
Permitted Signs in the R-1 and R-3 Districts**

	Type of Sign	Area/Height	Setbacks	Other Requirements
(a)	Wall Signs	Not exceed an area of 20 percent of the building frontage	A minimum of 5 feet from the front property line and 25 feet from all other property lines	For uses other than residential 1 per street frontage
(b)	Freestanding or Monument Signs	Freestanding signs shall not exceed a height of 8 feet and an area of 16 square feet. Monument signs shall not exceed a height of 6 feet and an area of 32 square feet		For uses other than residential 1 per street frontage
(c)	Residential Subdivision Signs	The sign shall not exceed a height of 6 feet and an area of 32 square feet		1 sign at each entrance road to a platted subdivision, multi-family development, or any other residential development
(d)	Home Occupation sign	Shall not exceed 4 square feet	A minimum of 5 feet from the front property line and 10 feet from all other property lines	

(7) *Permitted Signs in the C-1 Central Business District.* Any permanent sign placed in the C-1 Central Business District shall require a zoning permit and building permit. For the erection, construction, or alteration of any sign, including electrical permits for all illuminated signs, all such signs shall require approval by the zoning administrator. Permit fees as required by the village fee schedule.

**Table 5-5
Permitted Signs in the C-1 Central Business District**

	Type of Sign	Number	Area/Height	Setbacks	Other Requirements
(a)	Projecting sign	A total of 1 sign of any of these types may be installed per street front	Shall not exceed a display area of 6 square feet per face		
(b)	Marquee sign		Shall not exceed a size of 10 percent of the building façade		

(c)	Monument sign		Shall not exceed a height of 6 feet and an area of 32 square feet	A minimum of 5 feet from the front property line and 25 feet from all other property lines	
(d)	Freestanding sign		Shall not exceed a height of 12 feet and an area of 16 square feet		
(e)	Canopy sign		Shall not exceed a size of 10 percent of the building façade or 24 square feet, whichever is more restrictive		Only the copy area of the canopy shall be identified as the sign area used for sign area calculation purposes
(f)	Wall Sign	1 wall sign per wall	Wall signs shall not exceed a size of 20 percent of the building façade		
(g)	Multiple-Tenant Sign	May replace any permitted sign	Shall not exceed 20 percent of the building façade. It may be freestanding in which case it may be no more than 40 square feet	A minimum of 5 feet from the front property line and 25 feet from all other property lines	

(8) *Permitted Signs in the C-2 and IND District.* Any permanent sign placed in the C-2 and IND District shall require a zoning/sign permit and building permit if required by zoning administrator. This permit is required for the erection, construction, or alteration of any sign, including electrical permits for all illuminated signs, and all such signs shall require site plan approval by the zoning administrator. Permit fees as required by the village fee schedule.

The following signs are permitted in the C-2 and IND District. In addition to the requirements below, all signs shall be set back a minimum of five feet from the front property line and 25 feet from all other property lines.

**Table 5-6
Permitted Signs in the C-2 and IND Districts**

	Type of Sign	Number	Area/Height	Setbacks	Other Requirements
(a)	Wall sign	A total of 1 sign of any of these types may be installed per street front	Shall not exceed a display area of 36 square feet per face		
(b)	Marquee sign				
(c)	Canopy sign				

(d)	Monument sign	A total of 1 sign of any of these types may be installed per street front	Shall not exceed a height of 6 feet and an area of 32 square feet	A minimum of 5 feet from the front property line and 25 feet from all other property lines	
(e)	Freestanding signs including off premises signs		Shall not exceed a height of 12 feet and an area of 32		
(f)	Multiple-Tenant Sign		Wall sign shall not exceed 20 percent of the building façade or 40 square feet, whichever is greater Freestanding or monument signs shall not exceed 40 square feet		

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- (9) *Billboards.* Billboard signs shall be permitted by Special Use Permit. All setbacks for billboards shall be based upon the size of the sign. No billboard sign may sit in any right-of-way and must be at least 1,000 feet away from any residential zoned property. The maximum size of a billboard shall be 32 square feet.
 - (10) *Window Signs.* Window signs located inside the building that are visible from the front lot line shall be included in the calculation of maximum wall sign area if they are displayed longer than 14 days.
 - (11) *Obsolete Signs.* All signs that are obsolete due to discontinuance of the business shall be removed within 30 days of the close of said business.

Any signs relating to any activity (ex: church function, nonprofit charitable, community service organization, etc.) must be removed immediately after activity / event is complete. The group responsible for any sign remaining after the activity or event may not be allowed to place signs for their event or activity again.

- (12) *Portable Signs.* All portable signs need to be framed in with the existing freestanding sign after being approved by the zoning administrator.

All electrical service to signs shall be permanently installed and inspected and approved by a certified electrician. No sign shall obtain its electrical service from an extension cord or similar means.

There shall be no flashing lights, arrows, or similar devices designed to attract attention as part of any sign. This provision shall not prohibit electronic sequential message signs provided the message does not change more frequently than once each 30 seconds.

Signs for individual businesses shall not exceed 32 square feet as measured on one side of a two sided sign. Signs for a complex of individual offices, stores, or businesses shall be incorporated as part of the complex's permanent freestanding sign and shall not exceed 50 square feet as measured on one side of a two sided sign.

- (13) *Non-conforming Signs.*

- (a) Any sign existing at the time of adoption of these regulations which does not comply with all provisions shall be considered a legal non-conforming sign and may be permitted to continue if the sign is properly maintained and not detrimental to the health, safety and welfare of the community.
- (b) Nothing shall prevent the strengthening or restoring to a safe condition of any portion of a sign declared unsafe by the Building Inspector. Such signs may be improved only to the extent that such improvement does not exceed 50 percent of the current market value of the existing sign structure.
- (c) Subject to exceptions below, any legal non-conforming signs may be continued in operation and maintained after the effective date of these regulations provided that the signs shall not be:
 - 1. Structurally altered so as to extend their useful life;
 - 2. Expanded;
 - 3. Relocated;
 - 4. Re-established after damage of more than 50 percent of the value at the time of such damage or destruction;
 - 5. Modified in any way that would increase the degree of non-conformity of such sign.
- (d) Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign.
 - 1. An obsolete sign and its supporting structure shall be removed by the property owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises within ten days after written notice from the zoning administrator.

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2. A sign which is in conformity with the other provisions of these regulations may remain in place if such sign is obscured by the use of a blank panel attached within the frame of the sign and shall be permitted to remain for a period not to exceed 120 days.
 3. Where a successor to an inactive business agrees, within 30 days of the date of written notice by the zoning administrator, to maintain the sign as provided for by these regulations, this removal requirement shall not apply, provided that the existing sign and structure conforms to all current sign requirements.
- (e) All portable signs, except those specifically permitted by these regulations that exist on the effective date of these regulations, shall be removed immediately upon the enactment of these regulations.
 - (f) Any illegal non-conforming signs that exist on the effective date of these regulations shall be removed immediately upon the enactment of these regulations but may be replaced by signs that conform to these regulations.
- (14) *Administration of the sign regulations.*
- (a) No sign, permanent or temporary, shall be erected, structurally altered or relocated, except as otherwise provided in these regulations, without review and approval from the zoning administrator by issuance of a zoning permit.
 - (b) Staking of signs proposed location. The location of a proposed sign shall be staked by the property owner. The zoning administrator will use the staked location to determine compliance with required setbacks set out in these regulations before issuing a sign permit.
 - (c) Exceptions. The following shall not require a zoning permit:
 1. Replacing Copy. The changing of the advertising copy or message on an approved painted or printed sign, on a theater marquee and on similar approved signs which are specifically designed for the use of replaceable copy; and
 2. Maintenance. Painting, repainting, cleaning or other normal maintenance or repair of a sign or a sign structure, unless a structural change is made.
 - (d) Certificate of compliance. All signs shall require a final inspection and the issuance of a certificate of compliance from the zoning administrator. The property owner shall notify the zoning administrator immediately upon erecting the sign to request the final inspection.

ARTICLE VI. PARKING

Sec. 36-600. Parking.

- (1) *Purpose and scope.* The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other effects of parking areas.

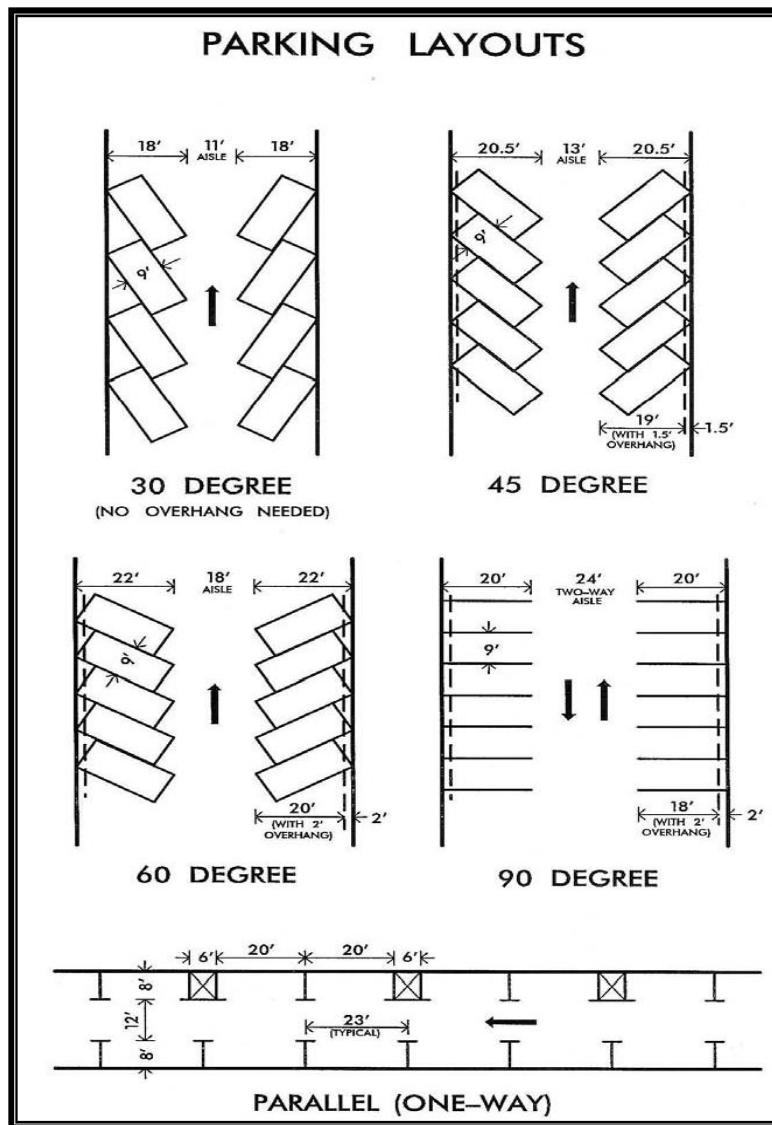
The following general provisions apply to parking:

- (a) At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this chapter.

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- (b) No parking or loading area or space which exists at the time of the adoption of this chapter shall be relinquished or reduced in any manner below the requirements established by this chapter.
 - (c) Parking areas must be in the same zoning classification as the property it serves unless the property proposed for parking is zoned for a use of higher intensity than the property it serves.
 - (d) When the term "floor area" or "usable floor area" is used in this section in reference to determining the number of parking spaces, it shall refer to "usable floor area" in the definitions section.
 - (e) When calculating parking for single family and duplex residences the driveway area shall be included with 200 square feet of driveway per space.
- (2) *Off-street parking requirements.* Off-street parking required in conjunction with all land and building uses shall be provided as prescribed in this section:
- (a) For uses not specifically mentioned in this section, off-street parking requirements shall be determined from the requirements for similar uses, as determined by the planning commission.
 - (b) Any area once designated as required off-street parking shall never be changed to any other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of the ordinance from which this chapter was derived in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this section for such building or use. This required off street parking may be removed if the use it was designed to serve ceases to exist.
 - (c) Two or more buildings or uses may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Planning Commission may grant a special exception based on the peak hour demand.
 - (d) Required off-street parking shall be for the use of occupants, employees, visitors and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. However, businesses are also allowed to use non-required parking spaces for temporary outdoor sales or display. Off-street parking, whether public or private, for non-residential uses shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
 - (e) When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
 - (f) Commercial vehicles on residential lots: The open storage or outdoor parking of semi-tractor trucks and/or semi-trailers, straight trucks over 14,000 Gross Vehicle Weight Rating (GVWR) or a weight class of four or greater, bulldozers, earth carriers, cranes or any other similar equipment or machinery is prohibited on any lot, unless the storage or sales of such vehicles is an approved use for the principal building on the site or unless the vehicles are temporarily parked while in use for approved construction on the property.
 - (g) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the requirements in Figure 6-2. The planning commission may reduce or waive the number of required off-street parking spaces for parcels in the C-1 zoning district based on the availability of on-street or public off-street spaces and hardship in providing the required number of off-street spaces.
- (3) *Configuration standards for off-street parking.* The following standards apply to all uses other than single family and duplex residences.

All off-street parking lots as required in this section shall be laid out, constructed and maintained in accordance with Figure 6-1 and the following standards and regulations:

- (a) No parking lot shall be constructed unless and until a permit therefor is issued by the zoning administrator, unless the parking lot is part of a site plan in which case the Planning Commission shall review it. Application for a permit shall be submitted in such form as may be determined by the zoning administrator, and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (b) Plans for the layout of off-street parking facilities shall be in accord with the following minimum dimensional requirements as shown in Figure 6-1 with the exception that spaces shall be ten feet wide wherever there is new site construction or parking lot expansion.
- (c) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.



- (d) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned other than single-family residential use shall not be across land zoned for single family residential use.
 - (e) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
 - (f) Each entrance and exit to and from any off-street parking lot, located in an area zoned for single-family residential use, shall be at least 25 feet distant from any adjacent property located in any single-family residential district.
 - (g) Where the next zoning district is designated as a residential district, screening shall follow the landscaping standards of article VIII.
 - (h) The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the planning commission. The parking area shall be surfaced within one year of the date the permit is issued. 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 preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the building inspector. The planning commission may require stormwater detention or retention if necessary to permit stormwater runoff to be handled by the village stormwater system.
 - (i) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
 - (j) The planning commission, upon application of the property owner to the zoning administrator, may modify the fence or greenbelt requirements pursuant to this chapter where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirements.
 - (k) Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in article VIII of this chapter.
 - (l) All parking must comply with barrier free requirements of the Michigan Building Code.
- (4) *Loading and unloading standards for off-street parking.* On the same premises with every building, structure, or part of building or structure, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided in accordance with distribution of vehicles or materials or merchandise. Such space shall be provided in accordance with Figure 6-2 and as follows:
- (a) Loading/unloading spaces shall be located in side or rear yards, shall be screened by six foot high fences or walls from property zoned or used for residential purposes, and shall be at least 50 feet from the residential lot line. The Planning Commission may modify these requirements.
 - (b) All spaces shall be laid out in the dimension of at least ten by 50 feet, or 500 square feet in area, with clearance of at least 14 feet in height. All loading and unloading spaces shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the IND District shall be provided in the ratio of spaces to floor area in accordance with Figure 6-2.

Figure 6-2 Loading and Unloading Standard

Gross Floor Area (in square feet)	Minimum Loading and Unloading Space Required
0—1,400	None

1,401—20,000	1 space
20,001—100,000	1 space, plus 1 space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	5 spaces

ARTICLE VII. NON-CONFORMING USES

Sec. 36-700. Intent.

The lawful use of any building or land at the time of the enactment of this chapter may be continued although such use does not conform with the provisions of this chapter. It is the intent of this chapter to permit non-conformities of lots, buildings and other structures, and uses of buildings and land to continue until they are removed. It is further the intent of this chapter that non-conformities shall not be enlarged upon, expanded or extended except as otherwise permitted, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

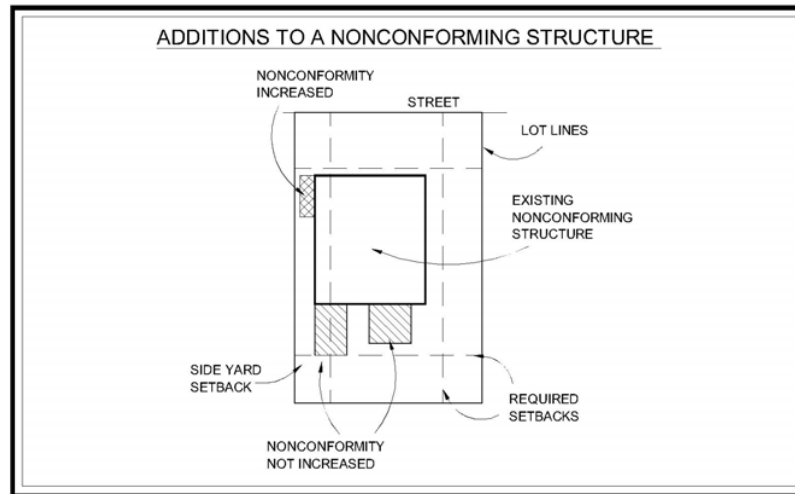
Sec. 36-701. Types of non-conformities.

- (1) *Non-conforming lots of record.* In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for lot area or width, provided that said lot existed at the effective date of this chapter or any affecting amendment. However, the proposed structure and accessory building must still meet the yard dimensions and requirements for the district in which such lot is located.

If two or more contiguous lots in single ownership are of record at the time of passage or amendment of this chapter, such lots shall be treated as one lot and may not be split in any way that creates a non-conforming lot or increases an existing non-conformity.

- (2) *Non-conforming uses of land.* Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided:
- (a) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
 - (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 chapter.
 - (c) If any such non-conforming use of land ceases for any reason for a period of more than one year, before the non-conforming use may be re-established the planning commission shall hold a public hearing to determine if the non-conforming use was abandoned using the standards in section 36-702(6). If it is determined that the non-conforming use was abandoned than any future use must be conforming with the district in which such land is located.
 - (d) No additional structure not conforming to the requirements of this chapter shall be erected in connection with such non-conforming use of land.
 - (e) A non-conforming use may not be changed to another non-conforming use. If a non-conforming use of land changes to a conforming use, it may not revert back to a non-conforming use.
- (3) *Non-conforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter 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 so long as it remains otherwise lawful, subject to the following provisions:

- (a) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion of it may be altered in a manner that does not increase or which decreases its non-conformity. Figure 7-1 identifies the type of changes that constitute an increase in non-conformity.



- (b) Should such non-conforming structure or non-conforming portion of structure other than a single family home be destroyed by any means to an extent of more than 65 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. Replacement cost shall be assumed to be twice the buildings assessed value unless the property owner provides an estimate for replacement value prepared by a licensed builder or architect and approved by the village building inspector. A single family residence may be rebuilt even if it is a non-conforming building, provided reconstruction occurs on the previous building foot print, is begun within one year of the destruction and is completed within two years.
- (c) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (4) *Non-conforming uses of structures or of structures and premises in combination.* If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, 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 chapter 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) 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 chapter, but no such use shall be extended to occupy any land outside such building.
- (c) If a non-conforming use changes to a conforming use, it may not revert back to a non-conforming use.
- (d) When a non-conforming use is discontinued for a year, before the non-conforming use may be re-established the Planning Commission shall hold a public hearing to determine if the non-conforming use was abandoned using the standards in section 36-702(6). If it is determined that the non-

conforming use was abandoned than any future use must be conforming with the district in which such land is located.

- (e) When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage or dilapidation to an extent of more than 65 percent of the replacement cost at time of destruction. Replacement cost shall be assumed to be twice the buildings assessed value unless the property owner provides an estimate for replacement value prepared by a licensed builder or architect and approved by the village building inspector. A single family residence may be rebuilt even if it is a non-conforming use, provided reconstruction occurs on the previous building foot print, is begun within one year of the destruction and is completed within two years.
- (5) *Non-conforming Improvements.* Zoning provisions dealing with improvements that are not structures, including parking lots and landscaping shall specify how non-conformities shall be addressed in their related articles including article V, Signs, article VI, Parking, and article VIII, Landscaping.

Sec. 36-702. General provisions.

- (1) *Completion of the construction of non-conforming use or structure.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which a valid zoning permit was lawfully acquired prior to the effective date of the chapter provision that causes the non-conformity and which is completed within the time limits of the permit.
- (2) *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 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 20 percent of the current replacement cost 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 any duly authorized official 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. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part of it declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

- (3) *Change of ownership.* There may be a change of tenancy, ownership or management of any existing non-conforming uses of land, structures and premises, provided there is no change in the nature or character of such non-conforming uses.
- (4) *Determining non-conforming status.* To be eligible for treatment as a legal non-conformity a lot, structure or use must have been legal when it was established. The zoning administrator has the authority to review a potential non-conformity identified by a property owner. The zoning administrator shall use documentation such as deeds, surveys, building permit and assessing records, news articles and aerial photography to determine the history of the non-conformity. A determination by the zoning administrator shall be in writing to the property owner, who shall have the right to appeal the administrative decision as authorized under article XIII of this chapter.
- (5) *Class A and B non-conformities.* Although it is the intent of this chapter to discourage the continuation of non-conforming uses and structures, it is recognized that the continuation of certain non-conformities may be appropriate. To address these circumstances, this chapter establishes procedures to allow the planning

commission to designate specific non-conforming uses or structures as "Class A". Such uses or structures will have less stringent standards for expansion or resumption.

(a) *Effect of Class A designation.*

1. Class A non-conforming uses may be reestablished if the structure housing it is damaged or destroyed.
2. Class A non-conforming uses may be reestablished when otherwise meeting the standards for abandonment of the use. The Class A non-conforming use may not be reestablished if it is replaced with a conforming use.
3. Class A non-conforming uses, structures housing non-conforming uses and non-conforming structures may be expanded or improved.
4. Class A non-conforming structures may be rebuilt if the structure is damaged or destroyed to any extent.
5. Rights granted non-conforming uses and structures listed above are contingent on compliance with any standards imposed by the planning commission as part of the Class A designation, including compliance with any approved site plan.

(b) *Class A designation process.*

1. An applicant for Class A designation shall submit an application to the zoning administrator.
2. Notice of a public hearing shall be provided as outlined for special use permits in section 36-1100(2) of this chapter.
3. The planning commission shall hold a public hearing on the Class A designation.
4. The planning commission shall approve, approve with conditions or deny the request for Class A designation.
5. The planning commission may impose conditions on an approval. The condition may include compliance with a site plan of the site.

(c) *Standards for approval of Class A designation.* In order to approve a use for Class A designation the use or structure must have been lawful at its inception. In addition, the following criteria shall be used by the planning commission in evaluating a use to determine if continuation of the use or structure would be appropriate:

1. Continuance of the use or structure does not significantly depress property values of nearby properties.
2. Continuance of the use or structure would not be contrary to the public health, safety or welfare or the spirit of the ordinance.
3. No useful purpose would be served by strict application of the provisions of this chapter with which the use or structure does not conform.
4. The property cannot be reasonably used as currently zoned.

(d) *Revocation of Class A designation.*

1. Revocation of a Class A designation may be initiated by the zoning administrator or the planning commission.
2. Revocation of Class A designation shall comply with the procedures outlined in section 36-700(10)(b) of this chapter.

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3. Class A designation may only be revoked if the non-conforming use or structure violated a condition of approval.
 - (e) *Class B non-conforming uses or structures.* All non-conforming uses or structures, not designated Class A, shall be Class B, non-conforming uses or structures. Class B non-conforming uses and structures shall comply with all the provisions of this chapter relative to non-conforming uses and structures.
 - (6) *Standards for determining abandonment.* If the planning department identifies a legal non-conforming use that they believe has been abandoned, they shall submit the property to the ZBA for a determination of abandonment. The ZBA shall hold a public hearing, following notice as outlined in Article 13 of this notice. The ZBA shall determine whether or not intent to abandon the non-conforming use was demonstrated based on a preponderance of the following factors.
 - (a) Reports such as from the building inspection or health department indicating the property is or has not been suitable for occupation.
 - (b) Disconnection of utilities.
 - (c) Evidence that the use was relocated to a new site.
 - (d) Evidence of a "going out of business" sale.
 - (e) Signs advertising the business has been removed.
 - (f) The use has been discontinued for one year, except where government action such as road construction has prevented access to the premises, or where a clear intent to discontinue has not been demonstrated.
 - (g) Removal of the equipment or fixtures necessary for the operation of the non-conforming use.
 - (h) Request by the property owner for changes in their property tax designation inconsistent with the non-conforming use.
 - (i) Other actions by the property owner or lessee that demonstrates an intent to abandon the non-conforming use.
 - (7) *Status of uses requiring a special land use.* A use established legally without SUP approval which now requires SUP approval due to a text change or rezoning is a non-conforming use until it receives SUP approval. Any existing use approved as a SUP previously under this chapter shall be deemed a conforming use.

ARTICLE VIII. LANDSCAPING FENCES, GREENBELTS, AND SCREENING

Sec. 36-800. Purpose.

The purpose of this section is to promote the public health, safety and welfare by establishing minimum standards for the amount, design, installation and maintenance of landscaping.

Landscaping is considered by the village to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the village. In addition to the enhancement of property values, landscaping serves a public purpose by:

- (a) Acting as a buffer between adjacent land uses.
- (b) Creating privacy between neighboring lots.
- (c) Reducing noise pollution, air pollution, and glare.

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- (d) Reducing flooding by increased floodwater retention.

The landscape standards of this section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

Sec. 36-801. Applicability.

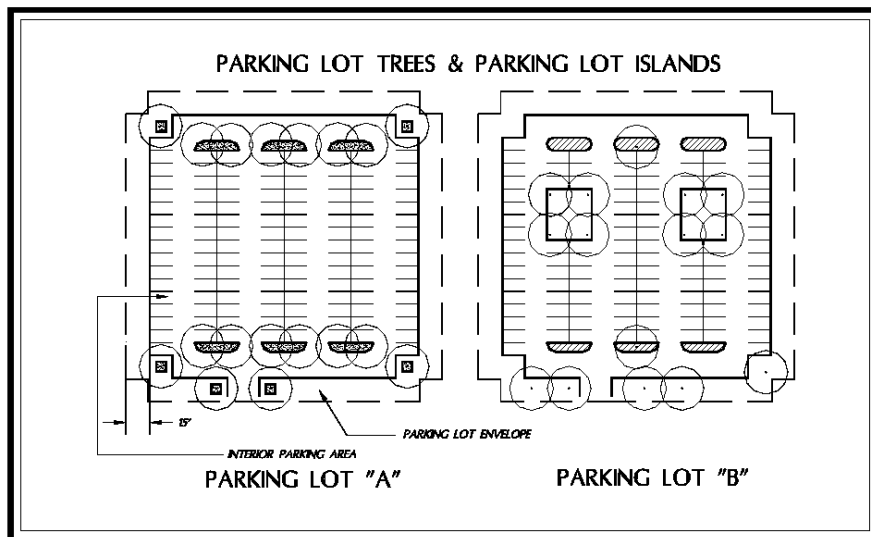
The standards contained in this section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

- (1) Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this section insofar as practical. The planning commission shall have the authority to decrease or otherwise modify the landscaping requirements of this section.

Sec. 36-802. Requirements.

- (1) *Minimum landscaping requirement—All parcels.* Any area not occupied by buildings, parking, driveways or similar improvements shall at a minimum be landscaped with grass that is maintained in compliance with village ordinances.
- (2) *General landscaping requirements.* The following additional landscaping requirements shall be met:
 - (a) No landscape area shall be used for parking or display purposes.
 - (b) No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
 - (c) Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public right-of-way shall have a slope no greater than 3:1 unless designed as part of a retaining wall.
 - (d) All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
 - (e) Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding are acceptable.
 - (f) Landscaping plans shall be submitted as part of the site plan review process.
 - (g) Existing vegetation/natural features. Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and deciduous trees, evergreens, flowering trees) and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan. Preserved trees, shrubs and the root zone (radius of 1½ feet from the trunk of tree for every one inch of the tree caliper) of trees shall be protected during construction with high visibility barriers that are not supported by the tree.
 - (h) Native plants are encouraged. Invasive plant species and those deemed by the village to be susceptible to disease, storm damage or other undesirable characteristics as listed in article 8, section 36-802(4) are prohibited.
- (3) *Parking lot landscaping.* All off-street parking areas except those serving a four family dwelling or less, shall be landscaped according to the following minimum requirements:
 - (a) Landscape islands within parking lots should generally be at least one parking space in size, with no landscape island less than 50 square feet in area.

- (b) Landscape islands shall be no less than five feet wide.
- (c) The square footage of landscaped islands within a parking lot shall equal a total of at least 16 square feet per parking space.
- (d) There shall be a minimum of one deciduous shade tree planted in the parking area for every ten parking spaces within parking lots with more than 20 spaces.
- (e) Within parking lots, landscape islands should be located to define parking areas and assist in clarifying appropriate circulation patterns.
- (f) All landscape islands shall be protected by monolithic curbs or wheel stops and remain free of trash, litter, and car bumper overhangs.
- (g) Perimeter landscaping around parking lots may be included in the landscaping requirements, provided at least two-thirds of the trees are located inside the perimeter of the parking lot and that all trees comply with the corner clearance requirements of section 36-403. Examples of distribution of trees is shown in Figure 8-1.



- (4) *Prohibited trees.* The following trees are not permitted for use as required landscaping as they split easily, their wood is brittle and breaks easily, they bear fruit or seed pods that can stain vehicles, drives and sidewalks and they are unusually susceptible to disease or insect pests:
- (a) Boxelder.
 - (b) Red Maple.
 - (c) Silver Maple.
 - (d) Horse Chestnut.
 - (e) Hickories.
 - (f) Catalpa.
 - (g) Hawthorns.
 - (h) Black Walnut.

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- (i) Mulberry.
 - (j) Poplars.
 - (k) Willows.
 - (l) American Elm.
 - (m) Siberian Elm.
 - (n) Slippery Elm, Red Elm.
 - (o) Ash.
- (5) *Minimum standards for installation and maintenance.* The following are the minimum standards for installation and maintenance of required landscaping.
- (a) *Installation.* Landscaping shall be installed in a sound workman like manner and conform to the American Standard for Nursery Stock ANSI Z60.1. If building or paving construction is completed during a planting season, then no certificate of occupancy will be issued unless the landscaping meets the requirements herein provided. If building or paving construction is completed in an off planting season, the certificate of occupancy will be issued only after the owner provides a performance bond to ensure installation of required landscaping in the next planting season.
 - (b) *Material removal.* Tree stakes, guy wires and tree wrap are to be removed by the applicant after one year.
 - (c) *Maintenance.* Greenbelt areas and plant materials required by this chapter shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance in perpetuity from the time of planting. If any plant material required by this chapter dies or becomes diseased, they shall be replaced by the applicant/owner within 30 days of written notice from the village or within an extended time period as specified in said notice.
- (6) *Screening requirements by district and use.*
- (a) The following districts require a wall, fence, or greenbelt/landscaped area on sides of properties whose lot lines abut or are adjacent to a residential property or district.
 - 1. C-1 and C-2 District. A minimum six foot high wall, fence or greenbelt/landscaped area pursuant to specifications of this section.
 - 2. IND District. A minimum six foot high wall, fence, or greenbelt/landscaped area pursuant to specifications of this section.
 - (b) The following uses require specific fence and screening requirements as follows:
 - 1. Drive-through businesses. A minimum six foot high wall, fence, or greenbelt/landscaped area on sides of the property abutting a residential property or district.
 - 2. Gasoline service stations. A minimum six foot high wall, fence, or greenbelt/landscaped area on sides of the property abutting a residential property or district.
 - 3. Telecommunications towers. A minimum six foot high wall, fence, or greenbelt/landscaped area on all sides of the property.
 - (c) Wall and fence requirements may be substituted with greenbelt/landscaping strips consisting of shrubbery, trees, and other plant items designed to obscure the use from the abutting residential district. The greenbelt/landscaping strip shall consist of an area at least ten feet wide planted with two deciduous canopy trees and four large shrubs, or one canopy tree, one evergreen tree and four large shrubs per each 25 linear feet along the property line. All property line distances shall be rounded

upward to the nearest foot. The planning commission may modify these requirements on a case by case basis when they determine that site specific conditions such as differences in elevation or existing vegetation allows for relaxation of these requirements.

(7) *Refuse container screening requirements.*

- (a) *Intent.* The intent of this section is to establish rules for enclosed dumpster areas in order to:
1. Prevent accumulations of garbage and rubbish from spreading throughout the village and endangering the health of citizens.
 2. Enhance the aesthetic appearance of the community.
- (b) *Screening requirements for existing dumpsters.* This subsection is intended to regulate dumpsters placed within the village on or before the date of adoption of this chapter.
1. Existing dumpsters which, in the judgment of the administrative officer, meet the intent of this section shall be exempt from the specific requirements herein.
 2. Existing dumpsters which, in the judgment of the administrative officer, do not meet the intent of this subsection shall either be removed or brought into compliance on or before January 1, 2013 with installation of any screening needed to prevent the dumpster from being seen from:
 - a. A Village street or other ROW; or
 - b. A residence (regardless of zoning).
 3. Screening may be accomplished by:
 - a. Full dumpster enclosure;
 - b. Partial dumpster enclosure (one, two or three sides);
 - c. Six foot opaque fence located at property lines;
 - d. Six foot opaque fence located between the dumpster and the viewer's location;
 - e. Year around landscaping (coniferous/evergreen); or
 - f. Any combination of the above.
- (c) Any person aggrieved by a decision of the administrative officer under this section may appeal the same to the board of appeals in accordance with article XV.
- (d) *Screening requirements for new dumpsters.* The requirements of this section are not intended to apply to dumpsters that were placed with the village prior to [the date of adoption of the ordinance from which this chapter derives] and enclosed in a manner that meets the general intent of this section. All dumpsters placed within the village [on or after the date of adoption of the ordinance from which this chapter derives] shall meet the following requirements:
1. All properties that utilize a dumpster shall also provide an enclosed dumpster area.
 2. All dumpster enclosures shall be located behind the front building line or behind the front corner of the primary structure, whichever is greater distance from the front property line. If the topography or other conditions will not allow the dumpster enclosure to meet this requirement, the planning commission shall designate an appropriate location.
 3. Dumpsters shall be surrounded by an opaque enclosure that is compatible with the design and color of the principle building. Approved materials include: masonry, brick, stone, 29ga steel panel, vinyl and cementitious fiberboard. Stained board-on-board fencing with six inch wide

boards, three runners and stained cap rail may also be used, but must be restrained on a regular basis to maintain the original stained color and integrity of the board.

4. Dumpster enclosures shall have a minimum height of six feet. If the dumpster is taller than four feet; the enclosure shall be two feet taller in height than the dumpster.
 5. All dumpster enclosures shall be placed on a concrete pad with a concrete apron.
 6. Dumpster enclosures shall not be located on any required parking spaces.
 7. Dumpster enclosures shall not be located any closer than five feet to a lot line or building. Maintain a minimum five foot separation from combustible construction and eaves.
 8. Dumpster enclosures shall not be located within any required buffers or easements.
 9. Dumpster enclosures shall be located at least 50 feet away from a lot line adjoining existing residential development or undeveloped land in a residential zoning district.
- (e) *Dumpster Enclosure Specifications.* The requirements for dumpster enclosures shall include the following:
1. A permit is required for the construction of a new dumpster enclosure. The structure must comply with the installation standards of the fence section 36-1405 of this chapter.
 2. A plot plan, showing the location of the dumpster enclosure on the lot and all the overhead utilities is required.
 3. The enclosure shall be large enough to accommodate the dumpster and be placed on the lot for adequate service from the rubbish company.
 4. The enclosure shall be placed on a concrete pad with a minimum concrete depth of four inches.
 5. The fencing shall be an opaque type material of either wood, concrete, brick, stone or vinyl.
 6. The fence height shall fully enclose the dumpster and shall not exceed eight feet in height.
 7. The enclosure shall be constructed in such a manner that all structural members, including braces, posts, poles and other projections, shall be on the interior side of the fence.
 8. The gates shall be constructed with commercial grade hinges, poles and hasps. Gates should swing out to an angle greater than 90 degrees and create an opening large enough for the garbage truck to access the dumpster. Pins should hold the gates open while the dumpster is being serviced.
 9. The gates shall have a closing latch and gate must remain closed at all times except during service.
 10. All fence and gate posts must be buried in the ground a minimum of 36" on top of a concrete or gravel footing. NO temporary post or fence panels are allowed.
- (8) *Requirements for screening fencing or walls.* Fences or walls required under this chapter for screening purposes shall comply with the standards listed below:
- (a) Walls or fences shall be located so as to abut the applicant's property line except where underground utilities interfere or where this chapter requires conformance with yard setback lines.
 - (b) Walls or fences must be maintained in good condition by the property owner.
 - (c) The finished side or most visibly attractive side of a wall or decorative wood fencing shall face the exterior of the property line. Posts shall be on the side of the wall or fence facing the interior of the lot or parcel of land upon which the wall or fence is constructed.

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- (d) Fences may be composed of wood or vinyl and with minimum openings to ensure its effectiveness in providing screening. Chain link fences with plastic slats are not permitted as required screening fencing.
 - (e) Walls shall be composed of brick. Poured concrete or concrete block walls are not allowed as required screening walls.
 - (f) Minimum height for required screening fencing or walls is six feet. A height over six feet but no greater than eight feet may be allowed for commercial and industrial parcels. Outdoor storage that is being screened may not be stacked above the height of the screening fence or wall.
- (9) *Regulations for non-required fences and wall.* Where a property owner wishes to erect a fence or wall that is not otherwise required by the provisions of this section, the fence or wall shall comply with the standards listed below:
- (a) Fences and walls in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard setback whichever is greater.
 - (b) No wall, fence, or hedge planting shall exceed a height of three feet within any residential front yard. Clear vision fences are permitted in front yards, but shall not exceed four feet in height. Corner lots shall comply with the requirements of section 36-403, Corner clearance.
 - (c) Fences in commercial and industrial districts shall not exceed a height of eight feet measured from the surface of the ground.
 - (d) Fences shall not interfere with underground utility lines and shall be set back from all property lines. If written permission is obtained from adjacent property owners, fences may be placed on the property lines.
 - (e) Fences in all residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion.
 - (f) A zoning permit shall be secured prior to erection, construction, replacement or substantially repairing of any fence in any zoning district, other than on property used for agricultural purposes.
 - (g) It shall be the obligation and sole responsibility of persons erecting fences in this village to determine the location of property lines. The zoning administrator may require proof that property lines have been established prior to issuance of a zoning permit for a fence. The village shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.
 - (h) Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out.
 - (i) Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three feet in height nor otherwise unreasonably restrict views of the water from adjacent properties.
 - (j) The regulations set forth in this section shall not apply to fences erected on lands in agricultural districts, the primary use of which land is the operation of a farm as herein defined.

(Ord. No. 105 , § 1, 12-14-2020)

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

Sec. 36-900. Enforcement of ordinance.

The provisions of this chapter shall be administered and enforced by a zoning administrator, as designated by the village council, or by such deputies of his department as the zoning administrator may delegate with village council approval to enforce the provisions of this chapter.

Sec. 36-901. Roles and responsibilities under the zoning ordinance.

(1) *Zoning administrator.*

- (a) The zoning administrator shall receive all applications for development or redevelopment pertaining to this chapter. The zoning administrator shall review all applications, site plans, and other material for new developments, special exception permits, re-zonings, and variances, to ensure that all the requirements of this article have been met. The zoning administrator shall then forward the necessary information to the bodies in charge of the requested action.
- (b) The zoning administrator shall have the power to grant zoning permits, occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this chapter. It shall be unlawful for the zoning administrator to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this chapter.
- (c) The zoning administrator shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as restrictive covenants or private agreements which may occur upon the granting of such permit.
- (d) Other powers granted under the provisions of this chapter.

(2) *Village council.*

- (a) Appoint planning commission and ZBA members.
- (b) Adopt ordinances and ordinance amendments.
- (c) Set fees.

(3) *Planning commission.*

- (a) Review and approve site plans.
- (b) Hold public hearings to review and approve special use permits.
- (c) Hold public hearings to review and make recommendations to the village council on zoning ordinance amendments.

(4) *Village clerk.*

- (a) Maintain the records of the planning commission and ZBA.
- (b) Prepare notices and mail or publish them as required.

Sec. 36-902. Zoning permits.

The following shall apply in the issuance of any zoning permit:

- (1) *When zoning permits are required.* A zoning permit issued by the zoning administrator verifying compliance with the terms of this chapter shall be required prior to:

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- (a) The excavation for any building or structure.
 - (b) The erection of, addition to, alteration of, or moving of any building or structure.
 - (c) The change of an existing use of land or building.
- (2) *Application requirements.* A zoning application shall consist of the required fee, a completed application form and a plot plan at least eight and one-half inches by eleven inches, drawn to scale, showing:
- (a) The location, shape, area and dimension of the lot.
 - (b) The location, dimension, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the lot.
 - (c) The intended uses.
 - (d) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
 - (e) The yard, open space, driveways and parking space dimensions and surfaces.
 - (f) Flow and discharge of drainage.
 - (g) Any easements on the property.
 - (h) Any other information deemed necessary by the zoning administrator to determine and provide for the enforcement of this chapter.
- (3) *Review period.* The zoning administrator shall review and make a determination on a zoning permit within 15 calendar days of receipt of a complete application. An applicant may submit an application for approval to the zoning board of appeals for any permit that exceeds this period.
- (4) *Voiding of permit.* Any permit granted under this section shall expire after one year from the date of its approval unless the development proposed has passed its first building inspection. Any permit granted under this section shall expire after two years, unless the improvements outlined in the permit are completed.
- (5) *Inspection.* The development or usage proposed by any zoning permit shall be subject to two zoning inspections; one inspection after the site has been staked but before construction begins and the other after construction is complete but before occupancy occurs. It shall be the duty of the permit holder to notify the zoning administrator regarding times of proper requests for inspection. Failure of the permit holder to make proper requests for inspection shall automatically cancel the permit, requiring the issuance of a new permit before construction may proceed or occupancy may be permitted.
- (6) *Zoning permit effect on building permits.* No building permit shall be issued prior to approval of the zoning permit.

Sec. 36-903. Fees.

A fee schedule for applications required under this chapter shall be set by resolution of the village council to partly defray the expense of publishing the required notices of public hearings, review of the request, expenses of the public hearing and other costs associated with the request. In addition to set fees the council may assess to the applicant costs imposed by the village for the review of the request.

Sec. 36-904. Municipal civil infraction.

- (1) A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine as established by the village council under Chapter 19 of this Code, section 19-6, Schedule of civil fines established.
- (2) Prior to the issuance of a municipal civil infraction notice or citation, the village shall give written notice, by first class mail, to any person in violation of any of the provisions of this chapter, giving them 14 days to correct the violation.

Sec. 36-905. Public nuisance per se.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Sec. 36-906. Rights and remedies are cumulative.

The rights and remedies provided in this article are cumulative and in addition to any other remedies provided by law.

Sec. 36-907. Performance guarantees.

In the interest of ensuring compliance with this chapters' provisions, protecting the natural resources and the health, safety and welfare of the residents of the village and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the planning commission or zoning administrator (depending on who approved the site plan) may require the applicant to deposit a performance guarantee as set forth herein. Performance guarantees shall be required in instances where a building permit or occupancy permit is requested prior to completion of all improvements on an approved site plan. The purpose of the performance guarantee is to ensure completion of improvements connected with the proposed use as required by this chapter, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- (1) Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit, corporate surety or performance bond in the amount equal to 115 percent of the estimated cost of the improvements to be made as determined by the applicant and verified by the zoning administrator.
- (2) Where the planning commission requires a performance guarantee, said performance guarantee shall be deposited with the village treasurer prior to the issuance of a zoning permit. The village shall deposit the performance guarantee, if in the form of a cash deposit, certified check or performance bond in an interest-bearing account.
- (3) An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- (4) In the event the performance guarantee deposited is a cash deposit or certified check, the village shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the zoning administrator, and the remaining 50 percent

of the deposit funds when 100 percent of the required improvements are completed as confirmed by the zoning administrator.

- (5) Upon the satisfactory completion of the improvements for which the performance guarantee was required, as determined by the zoning administrator, the treasurer shall return to the applicant the performance guarantee deposited and any interest earned thereon.
- (6) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the village, the village shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements. If the performance guarantee is not sufficient to allow the village to complete the improvements for which it was posted, the applicant shall be required to pay the village the amount by which the costs of completing the improvements exceed the amount of the performance guarantee. Should the village use the performance guarantee or a portion thereof to complete the required improvements, any amount remaining after said completion shall be applied first to the village's administrative costs in completing the improvement with any balance remaining being refunded to the applicant. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the village to ensure completion of an improvement associated with the proposed project prior to the village's approval, the applicant shall not be required to deposit with the village a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the village and prior to the issuance of a building permit, the applicant shall enter into an agreement incorporating the provisions hereof with the village regarding the performance guarantee.

ARTICLE X. SITE PLAN

Sec. 36-1000. Purpose.

The purpose of this article is to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this chapter, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the village is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Sec. 36-1001. When site plans are required.

A written application and site plan shall be submitted to the zoning administrator under any of the following circumstances:

- (1) As part of an application for a special use permit.
- (2) Any change in use which requires construction of five or more additional parking spaces.
- (3) As part of an application for approval of a condominium development.
- (4) Any other construction or moving of structures except:
 - (a) Single family and duplex residences on individual parcels and their accessory structures.
 - (b) Non-residential accessory structures under 500 square feet.
 - (c) Expansions of under 500 square feet to existing structures.

Sec. 36-1002. Site plan requirements.

Site plans required under this article shall include the following:

- (1) *General information.*
 - (a) Project name.
 - (b) Property owner and developer's name, address and phone number.
 - (c) Design professional's name, address and phone number.
 - (d) Plan date and revision dates.
 - (e) A scale of not less than one inch equals 50 feet if the subject property is less than three acres and one inch equals 100 feet if three acres or more.
 - (f) Date, north point and scale.
 - (g) Location map.
 - (h) Plans shall be sealed by a Michigan licensed professional within their respective discipline per the professional laws of that discipline.
 - (i) Legal description of the site.
- (2) *Dimensional information.*
 - (a) The dimensions of all lot and property lines with square footage of each lot.
 - (b) Number of dwelling units and bedrooms and density of dwelling units per acre when site plan involves residential uses.
 - (c) Lot coverage as a percentage of total area.
 - (d) The dimensions of all existing and proposed structures and the setback of the buildings from the lot lines.
 - (e) Front, rear and side elevations of a typical proposed structure showing building height.
- (3) *Use specific design standards.* In a note on the plans the applicant will identify any use specific design standards for the use listed in Table 3-2 and the plans compliance with those requirements.
- (4) *Parking and loading.*
 - (a) Parking space and loading space calculations demonstrating that the site complies with the minimum parking space and loading space requirements in Table 3-2.
 - (b) Floor plan showing useable floor area if parking space requirements are based on floor area.
 - (c) Location and dimension of parking spaces, loading spaces and maneuvering aisles.
 - (d) Proposed pavement material.
 - (e) A bicycle rack shall be provided by the village if requested on all sites that require a site plan review. The rack shall not block walks or drives. One required parking space for every ten bike spaces may be designated for bicycle parking by the owner or developer of any land use. One space shall be noted on the approved site plan for the site and shall include a bicycle rack permanently affixed to the ground.
- (5) *Access and circulation.*
 - (a) Location of each driveway as well as the setback from side lot lines, size, and radius of driveways. Also all driveways within 100 feet of the site.

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- (b) Location and width of sidewalks.
 - (c) Existing and proposed streets including rights-of-way that are on the subject site, adjacent to the site or within 100 feet of the site.
 - (d) Cross section details of existing and proposed sidewalks, non-motorized paths, driveways, parking lots with materials and thickness in zoning districts R-1, R-3, C-1 and C-2.
- (6) *Drainage.*
- (a) Existing or proposed storm sewers, open drains and detention/retention structures.
 - (b) Storm calculations for the site and drainage structures based on the 25 year storm.
 - (c) Existing and proposed grades at two foot intervals and proposed drainage patterns.
- (7) *Public utilities.*
- (a) Existing and proposed water lines and wells.
 - (b) Existing and proposed sanitary sewer lines.
- (8) *Natural features.*
- (a) Streams, marshes and ponds.
 - (b) Limits of any wetland, including attachment of a wetland determination by a recognized consultant (wetland limits must be confirmed by the DEQ prior to final approval).
 - (c) Woodlots.
- (9) *Adjacent property information.*
- (a) Existing land use and zoning of all adjacent property.
 - (b) Buildings within 100 feet of the boundary of the site.
 - (c) Notes on any potential off-site impacts regulated by section 36-406, Performance standards, and how they are proposed to be mitigated.
- (10) *Outdoor storage and display.* Identify area proposed to be used for outdoor storage and display.
- (11) *Signs.* Identify the location, dimensions and lighting of all proposed signs.
- (12) *Exterior lighting.*
- (a) Identify the location, height and style of lighting.
 - (b) Provide a photometric plan in foot/candles of the proposed site lighting.
- (13) *Groundwater protection.*
- (a) Listing the type and quantity of hazardous materials stored on site in quantities reportable under Title 40 Part 355 Appendix A of the Federal Code of Regulations. A copy is available as part of the site plan application.
 - (b) Identify the location of storage and loading/unloading sites for hazardous materials on site.
 - (c) Identify secondary containment provisions for any hazardous material stored or used on the site.
- (14) *Landscaping and screening.* Provide the following landscaping and screening information on a separate landscape plan:
- (a) Proposed plant location, spacing, size and species (common and botanical name).

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- (b) Existing and proposed contours on-site and 100 feet beyond the site at intervals not to exceed two feet.
 - (c) Straight cross section including slope, height and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
 - (d) Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain existing natural drainage patterns.
 - (e) Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed materials.
 - (f) Identification of existing trees and species proposed to be saved. These trees can, at the discretion of the planning commission, be used toward meeting the requirements prescribed herein. Clearly reference on the plan the total number of trees proposed to be preserved and methods thereof.
 - (g) Existing vegetation/natural features. Preservation of existing trees, evergreens, flowering trees, and shrubs shall be protected and incorporated into the site plan wherever feasible. Existing natural feature areas such as steep natural grades, and rock outcroppings shall also be preserved wherever feasible. Preserved trees, shrubs and the root zone (radius of 1½ feet from the trunk of tree for every one inch of the tree caliper) of trees shall be protected during construction with high visibility barriers that are not supported by the tree.
 - (h) Native plants are encouraged. Invasive plant species and those deemed by the village to be susceptible to disease, storm damage or other undesirable characteristics as listed in article 8, section 36-802(4) are prohibited.
- (15) *Emergency vehicle access and safety.*
- (a) Show designation of fire lanes.
 - (b) Identify location of fire hydrants on or within 100 feet of the site.
- (16) *Compliance with other laws and rules.* Provide a note identifying any county, state or federal law or regulation the site is required to comply with and the status of that compliance.
- (17) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (18) The planning commission may waive, either by general rule or on a case by case basis, any of the above informational requirements they determine unnecessary to evaluate a site plan's compliance with the standards for approval under this chapter.
- (Ord. No. 104 , § 1, 12-14-2020)

Sec. 36-1003. Site plan review procedure.

- (1) *Pre-application/meeting.* Once the pre-application has been received, a pre-application meeting is scheduled if requested. This meeting is for the applicant to ask any questions about the project and what is required in the site plan. Actual site plan documents are not required at this meeting but may be helpful if they are completed.
- (2) *Application.* Nine copies of the completed application form and a site plan meeting the informational requirements of section 36-1002 of this chapter along with the required fee shall be submitted by the applicant to the zoning administrator at least 21 days prior to the date of the planning commission meeting at which it will be considered. The zoning administrator may require additional copies of the site plan if they are needed to permit review by additional staff or outside agencies. If the applicant is not the owner of the

property, then the application must be signed by the property owner as well as the applicant or other suitable proof given that the property owner approves the application.

(3) *Staff review.*

- (a) Following the receipt of the application and site plan, the zoning administrator shall review the site plan to determine if the required information is included and the request complies with the zoning ordinance requirements. If the plan does not meet the informational requirements, the proposal shall not be placed on the planning commission's agenda, unless the applicant indicates their intent to request the planning commission waive the requirement for the missing information. If the plan does not meet the ordinance requirements the proposal shall not be placed on the planning commission's agenda unless the applicant indicates their intent to request the necessary variances from the zoning board of appeals (ZBA).
- (b) The zoning administrator shall submit the proposed site plan to the site plan review committee, staff, and outside agencies they determine appropriate based on the characteristics of the proposal and they shall provide written feedback on the plan. These may include:
 - 1. Village fire chief.
 - 2. Village police chief.
 - 3. Village DPW superintendent.
 - 4. Village president.
 - 5. Village engineer.
 - 6. Village attorney.
 - 7. Michigan Department of Transportation (MDOT).
 - 8. Michigan Department of Environment, Great Lakes and Energy (EGLE).
- (c) Copies of the application and site plan shall be sent to the members of the planning commission at least 21 days prior to the meeting at which it is to be considered.

(4) *Planning commission review.*

- (a) The planning commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the criteria for site plan review included in this chapter as a basis for its decision.
 - (b) Meeting packets shall include the application, site plan, any building or elevations and comments from the site plan review committee.
 - (c) Any conditions or changes stipulations by the planning commission shall be recorded in the minutes of the meeting and a copy of each said conditions or changes given to the applicant and zoning administrator.
 - (d) Three copies of the approved site plan shall be certified by the signatures of the chairman of the planning commission, zoning administrator and the developer or agent.
 - (e) Of the three certified copies of the site plan submitted by the applicant, one copy shall be kept on file by the planning commission, one copy retained in the zoning administrator's office and one copy retained by the applicant.
- (5) *Dimensional information.* The site plan shall comply with the dimensional requirements of this chapter including setbacks and building locations. Lots proposed to be created by the site plan shall comply with these requirements, but this standard shall not prohibit development on legal nonconforming lots.

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- (6) *Use specific design standards.* The site plan shall comply with any applicable use specific design standards listed in Table 3-2.
- (7) *Parking and loading.* The number and dimension of off-street parking and loading/unloading spaces, the design and setback of parking and loading areas and the number of barrier free spaces shall meet the standards indicated in article 6 of this chapter and the State of Michigan Barrier Free Standards.
- (8) *Access and circulation.*
- (a) Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site.
 - (b) The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system.
 - (c) The planning commission may require a traffic impact study for uses that are anticipated to generate more than 1,000 trips per day or more than 100 trips during the peak hour.
 - (d) All driveways shall meet the design and construction standards of the village.
 - (e) To ensure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.
 - (f) Cross section details of existing and proposed sidewalks, non-motorized paths, driveways, parking lots with materials and thickness in districts R-1, R-3, C-1, C-2.
- (9) *Drainage.*
- (a) Proposed drainage will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system.
 - (b) The use of detention/retention ponds may be required.
 - (c) Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- (10) *Public utilities.* Adequate service and utilities, including water, sewage disposal and sanitary sewer shall be available and provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- (11) *Natural features.*
- (a) As many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 - (b) Changes affecting wetlands shall comply with state wetland regulations.
- (12) *Adjacent property.*
- (a) The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this section. These include avoiding drastic changes in grade that might limit future access to adjacent property.
 - (b) Consideration shall be given to building, driveway and parking lot location and its impact on surrounding properties.

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- (13) *Outdoor storage and display.* All outside storage areas and outdoor display areas shall comply with the screening and locational requirements of this section.
 - (14) *Signs.* All proposed signs shall comply with the requirements of article 5 of this chapter.
 - (15) *Exterior lighting.* All proposed exterior lighting shall comply with the requirements of article 5 of this chapter.
 - (16) *Groundwater protection standards.* Sites involving the storage or use of hazardous materials shall provide protection from leaks and spills through the use of secondary containment and restrictions on the location of catch basins and floor drains.
 - (17) *Landscaping/fencing.* All proposed landscaping and screening shall comply with the requirements of article 8 of this chapter.
 - (18) *Emergency vehicle access and safety.* All provision of fire lanes and fire hydrants shall be reviewed and approved by the local fire chief.
 - (19) *Compliance with other laws and rules.* The site plan shall comply with all applicable village, county, state and federal laws and regulations.
 - (20) *Revocation.* If the zoning administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the planning commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the zoning administrator. Said letter shall be sent to the applicant at least 14 days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the planning commission within 14 days of the receipt of the letter of his/her intent to rectify the violation, the planning commission, through official act, may defer the revocation.

- (21) *Appeal.* The decision of the planning commission may be appealed in compliance with the provisions of section 36-1307 of this chapter.
- (22) *Site plan amendments.* An approved site plan may be submitted for minor amendment to the zoning administrator for review and signature by the planning commission chair. If, in the judgement of either the zoning administrator or the planning commission chair, the site plan amendment is major, the provisions of this article shall be followed. Minor changes are those that do not result in:
 - (a) A significant change in the use, intensity, or character of the development.
 - (b) A significant increase in lot coverage.
 - (c) A reduction in required off-street parking or loading areas or drainage retention or detention capacity.
 - (d) Reduction in pavement widths or utility pipe size.
 - (e) Significant changes in road or lot layout.
- (23) *Conditions.* The planning commission may impose conditions on the site plan approval, which may include the requirement of a performance guarantee in compliance with section 36-1002 of this article. In determining appropriate conditions, the planning commission shall ensure that:
 - (a) There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
 - (b) There is a reasonable connection between the condition imposed and the impact it is mitigating.
- (24) *Final site plan.* Approval of the site plan will be noted by a letter of approval and signed plans. No permits for construction or site preparation will be awarded prior to the site plan approval.
- (25) *Time limits.*

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- (a) *Deadline to commence construction.* An application for a zoning permit for a project approved by site plan approval shall be filed with the zoning administrator within two years from the date of approval of the site plan. If a zoning permit is not issued within two years, site plan approval shall expire.
 - (b) *Deadline for completion.* A project approved by site plan approval shall be completed within two years from the date that the zoning permit was issued by the zoning administrator. If an occupancy permit is not granted within two years, site plan approval shall expire. The planning commission may grant approval for up to five years per phase in the case of multi-phased development.
 - (c) *Extensions.* The planning commission may grant two extensions for an additional one year per extension for preliminary and final site plan approval and two extensions for up to an additional two years per extension for completion of an approved site plan if the applicant submits a request for an extension prior to expiration of the approval and can demonstrate that suitable, continual progress has been made on the project.

(Ord. No. 106 , § 1, 12-14-2020)

ARTICLE XI. SPECIAL USE PERMITS

Sec. 36-1100. Purpose.

Rather than permitting all of the many and varied land use activities within individual and limited zoning districts, it is the intent of this chapter to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the developer, but that will at the same time maintain sound provisions for the protection of the health, safety, and general welfare of the inhabitants of the Village of Millington. In order to provide controllable and reasonable flexibility, this article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land and structure uses possessing these characteristics may be authorized within certain zone districts by the issuance of a special use permit. By such a procedure, the Village of Millington Planning Commission has the opportunity to impose conditions and safeguards upon each use which are deemed necessary for the protection of the public welfare.

Sec. 36-1101. Procedures.

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special use:

- (1) *Application.* All applications for special use permits shall be filed with the village zoning administrator at least 21 days prior to the planning commission meeting at which it is to be heard and shall include the required nine copies of the site plan, fee and any other pertinent information upon which the applicant intends to rely for a special use permit. For applications where the use is occupying an existing building and there are no proposed changes to the site, the applicant may submit a plot plan meeting the requirements of section 36-902(2) of this chapter.
- (2) *Submission for review.*
 - (a) The zoning administrator shall, after preliminary review, forward the complete application to the planning commission and any village staff and outside agencies as provided for in section 36-1001(2)(b) of this chapter to review the special use.

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- (b) The village planning commission shall review the site plan according to the criteria in section 36-1001 of this article. In addition, the planning commission shall review the proposed special use according to criterion set forth in this section of the article.
- (3) *Public hearing notice requirements.*
- (a) At least 15 days prior to a public hearing on the request by the planning commission, the zoning administrator shall give public notice in a newspaper of general circulation of official receipt this notice shall:
 - 1. Describe the nature of the special use permit.
 - 2. Indicate the property in question by address if available, otherwise by tax parcel id and a general description of its location.
 - 3. State the time and place where the special use request will be considered.
 - 4. Indicate when and where a copy of the application can be inspected and written comments will be received concerning the request.
 - (b) The public hearing notice shall also be mailed or delivered to property owners and occupants within 300 feet of the property in question, whether or not the property is within the boundaries of the village. The public hearing notices shall be mailed at least 15 days prior to the date of the public hearing. An affidavit of mailing or delivery of notice shall be maintained by the zoning administrator.
 - (c) The village shall also give notice at least 15 days before the public hearing to the Millington Township Planning Commission of any proposed special use permit within 300 feet of the township/village boundary.
- (4) *Planning commission decision.*
- (a) After the hearing, the planning commission shall consider approval of the special use permit based on the criteria below. If the special use permit is approved, the planning commission shall than consider for approval the site plan based on the criteria in article X. In considering the special use permit the planning commission may:
 - 1. Approve special use permit application. The zoning administrator shall then be directed to issue the special approval use permit; or
 - 2. Approve special use permit application and final plan subject to conditions, which are imposed in order to ensure the special land use complies with standards stated in this chapter. The zoning administrator shall be directed to issue the special approval use permit; or
 - 3. Disapprove application.
 - (b) All decisions shall be accompanied with a concluding statement citing the reasons for decision and any condition imposed.

Sec. 36-1102. Criteria for approval.

In addition to compliance with the specific district regulations and general regulations as outlined in this chapter, the following criteria shall be met in order for planning commission approval of a special use:

- (1) The special use will not generate off-site impacts such as traffic, noise or odor than uses allowed by right in the same district, unless conditions can be imposed to mitigate those impacts and protect the surrounding property.

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- (2) Approval of the special use on the specific parcel proposed is consistent with the intent and purposes of the zoning district in which it is located. There are no unusual or unique characteristics of the site or the surrounding area that would make the proposed use inconsistent with the intent of the district.
 - (3) The special use will not exceed the capacities of public services and facilities such as water, sewer, fire or police services unless conditions may be imposed to mitigate those impacts.
 - (4) The special use will be consistent with the health, safety and welfare of the village.

Sec. 36-1103. Appeal.

The decision of the planning commission may be appealed in compliance with the provisions of section 36-1307 of this chapter.

Sec. 36-1104. Conditions.

The planning commission may impose conditions on the special use permit approval, which may include the requirement of a performance guarantee in compliance with section 36-908 of this chapter. In determining appropriate conditions, the planning commission shall ensure that:

- (1) There is a rough proportionality between the scope of the proposed condition in relationship to the impact to be mitigated; and
- (2) There is a reasonable connection between the condition imposed and the impact it is mitigating.

Sec. 36-1105. Time limits.

- (1) An approved special use permit that does not require construction approved by a site plan must be commenced within two years from the date of approval of the special use permit or the approval shall expire. A use that also involves construction must comply with the deadline for a site plan outlined in article X of this chapter.
- (2) For a special use permit that does not require construction approved as part of a site plan the planning commission may grant one extension for one additional year. For a use that also involves construction approved as part of a site plan, extensions shall comply with the provisions for a site plan outlined in article X of this chapter.

Sec. 36-1106. Amendments.

If an applicant proposes to amend an existing special use permit by modifying the uses allowed or the conditions imposed on the original approval, the proposed amendment shall require the same public review and approval process as the original approval. Amendments to the site plan approved as part of the special use permit may be amended through the procedures in article X, unless the amendment, in the opinion of the planning commission increases the scope or potential for off-site impacts, in which case the proposed change will be treated as a special use permit amendment.

ARTICLE XII. AMENDMENTS

Sec. 36-1200. Changes and amendments.

- (1) A proposal for an amendment to the zoning ordinance text may be initiated by the village council, planning commission or ZBA, upon filing with the village zoning administrator a resolution duly adopted identifying the proposed amendment.
- (2) Any proposal for an amendment to the zoning map (i.e. to rezone a parcel) may be initiated by the village council or planning commission upon filing with the village zoning administrator a resolution duly adopted identifying the proposed parcels and new zoning classification or by the owner of that parcel or a person with written permission of the owner by filing the following with the zoning administrator:
 - (a) An application for rezoning.
 - (b) A map at a scale of not less than one inch equals fifty feet showing the subject parcel in relation to adjoining parcels of land.
 - (c) The necessary fees for such zoning change.
 - (d) A copy of the deed to the property.
 - (e) If the applicant is submitting a conditional rezoning request as authorized under Section 405 of the Michigan Zoning Enabling Act, the application will include the conditions proposed.

Sec. 36-1201. Amendment review process.

- (1) The village clerk shall give notice of the time and place of the planning commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the village.
 - (a) The notice shall be published not less than 15 days prior to the date of the hearing.
 - (b) The notice shall include the places and times at which the proposed amendment may be examined prior to the meeting.
- (2) Fifteen days' notice shall also be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the village for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
- (3) In the case of a proposed map amendment, the clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question, as well as all the owners and occupants of property within 300 feet of the parcel as identified in the most recent tax roll of the village, not less than 15 days before the hearing. Owners of property within 300 feet of the parcel located outside the village shall also receive notice.
- (4) The village shall also give notice at least 15 days before the meeting to the Millington Township Planning Commission of any proposed rezoning within 300 feet of the township/village boundary.
- (5) At the public hearing where the proposed zoning ordinance amendment is considered, the planning commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
- (6) Following the public hearing, the planning commission shall consider the request. At the meeting the planning commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the planning commission shall consider the standards for zoning amendments included in section 36-1202 of this chapter.

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- (7) The planning commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the village council for their consideration.
 - (8) At the next regularly scheduled village council meeting following receipt of the planning commission's report, the village council shall consider the proposed amendment and may take the following actions on a zoning amendment.
 - (a) Approve the proposed amendment.
 - (b) Deny the request.
 - (c) Hold a public hearing on the matter before making the decision, in which case the village council will provide the same notice provided for the planning commission public hearing.
 - (d) Consider changes to the proposed amendment.
 - (e) Table the request for further information.
 - (9) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a two-thirds vote of the village council. The protest petition shall be presented to the village council before final legislative action on the amendment, and shall be signed by one of the following:
 - (a) The owners of at least 20 percent of the area of land included in the proposed change.
 - (b) The owners of at least 20 percent of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
 - (c) Publicly owned land shall be excluded in calculating the 20 percent land area requirement.
 - (10) Following adoption of the zoning amendment, one notice of adoption shall be published in a newspaper of general circulation in the village within 15 days of adoption. The notice shall include:
 - (a) A summary of the regulatory effect of the amendment or the actual text of the amendment.
 - (b) The effective date of the ordinance.
 - (c) The place and time where a copy of the ordinance may be purchased or inspected.
 - (11) In the case of an approved conditional rezoning request the village shall record an affidavit signed by the planning commission chairperson and the zoning applicant outlining the approved conditions including the length of time the conditions apply. If the approved time frame expires with the property owner meeting the conditions, the village may initiate rezoning of the property.

Sec. 36-1202. Standards for approval.

- (1) In the case of a proposal to amend the zoning ordinance text, the planning commission must find:
 - (a) The change is necessary to clarify a provision of the ordinance; or
 - (b) The change is necessary to correct a mistake in the ordinance; or
 - (c) The change is necessary to implement a goal or policy of the village master plan; or
 - (d) The change is necessary to improve administration of the ordinance or to better serve the community.
 - (e) In addition to one or more of the above findings, the planning commission must determine that the requested amendment is in compliance with the village master plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the planning commission recommends approval of a request that is not in compliance with the current plan due to a

mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- (2) In the case of a proposed zoning map amendment (rezoning) the planning commission must find one of the following:
- (a) The requested amendment is in compliance with the village master plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the planning commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
 - (b) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the master plan.

ARTICLE XIII. ZONING BOARD OF APPEALS

Sec. 36-1300. Authority.

As authorized by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, the Millington Village Council shall serve as the zoning board of appeals (ZBA).

Sec. 36-1301. Board membership.

Reserved.

Sec. 36-1302. Terms of office.

Reserved.

Sec. 36-1303. Rules and regulations.

The village council, in its role as ZBA shall adopt rules and regulations, copies of which shall be made available to the public at the village office.

- (1) Meetings of the ZBA shall be held within a reasonable time following the presentation of matters to the board for its consideration and at such other times as the ZBA may determine. The time and place of meetings shall be specified by the ZBA in its rules and regulations.
- (2) The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an administrative decision or grant a variance except that the concurring vote of two-thirds of the members of the board shall be necessary to grant a use variance.
- (3) The ZBA shall keep minutes of its proceedings which shall record all of the following:
 - (a) Any action or decision of the ZBA and the vote of each member.
 - (b) The absence or failure of a member to vote.
 - (c) Any other official action.
- (4) All records shall be filed promptly in the office of the village clerk and shall be a public record.
- (5) The ZBA may call on any other officers or boards of the village for assistance in the performance of its duties.

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- (6) For a period of 90 days following a decision by the ZBA, no reconsideration of that decision shall be given unless the board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

Sec. 36-1304. Jurisdiction.

The ZBA, in conformity with the provisions of this chapter and of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, shall act upon all questions as they arise in the administration of this chapter including:

- (1) Interpretation of the zoning map.
- (2) Interpretation of the zoning text.
- (3) Appeals of any decision of an official or body charged with the administration of the zoning ordinance including decisions by the planning commission on special land use (SLU) requests.
- (4) Issuance of a variance to deviate from the requirements of this chapter.

Sec. 36-1305. Interpretation of the zoning map.

The ZBA shall consider any questions concerning the location of zoning district boundaries or other issues related to the map. In exercising this authority the ZBA shall use the following standards:

- (1) The ZBA shall use the rules for interpretation of zoning district boundaries found in section 36-301 of this chapter.
- (2) The ZBA's review is to determine what the property is zoned, not what they believe it should be zoned and shall not take actions that constitute a rezoning of property.

Sec. 36-1306. Interpretation of the zoning text.

The ZBA shall consider any questions concerning the zoning ordinance provisions including the classification of uses that are not specifically listed in the zoning ordinance when such an issue arises. In exercising this authority the ZBA shall use the following standards:

- (1) The ZBA shall use the rules for interpretation of terms found in section 36-201 of this chapter.
- (2) In undertaking the classification of a use that is not specifically listed in the zoning ordinance, the ZBA shall request a recommendation from the planning commission. In classifying a use, the ZBA shall not classify a use as falling into a general category of one zoning district when that use is specifically listed as a use in another zoning district. For example, if drug stores are specifically listed as a use in zoning district "A", the ZBA could not find that drug stores fell under the category of general retail establishment in zoning district "B".
- (3) The ZBA's review is to determine the intention of the planning commission and village council in drafting and adopting the ordinance language and not what they believe it should say. The ZBA shall not take actions that constitute a change in the meaning of the text.

Sec. 36-1307. Appeal of administrative decisions.

An appeal from any ruling of the zoning administrator or other administrative officer or body administering any portion of this chapter may be requested by any person or any governmental department affected or aggrieved. An appeal taken to the board shall stay all proceedings in furtherance of the action appealed, unless the zoning administrator certifies to the board of appeals after notice of appeal that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining

order which may, on due cause shown, be granted by the board of appeals or by the circuit court on application, after notice to the zoning administrator. In exercising this authority the ZBA shall reverse an administrative decision based on one of the following criteria:

- (1) The action or decision was arbitrary or capricious, or
- (2) The action or decision was based on an erroneous finding of a material fact, or
- (3) The action or decision constituted an abuse of discretion, or
- (4) The action or decision was based on erroneous interpretation of the zoning ordinance or zoning law.

Sec. 36-1308. Granting of variances.

Except as otherwise specifically provided by this chapter, the ZBA may grant a variance from such provisions of this chapter as, building setback requirements, height and bulk requirements, parking requirements, landscaping requirements, and sign regulations. The ZBA may not grant use variances. An issuance of a variance shall occur only if the board finds from reasonable evidence that all of the following facts and conditions exist:

- (1) There are practical considerations regarding the property that will not allow the building/structure to be erected without causing an excessive burden to the development of the property.
- (2) The condition or situation of the property is unique and not shared by neighboring properties in the same zone and amending the ordinance text or rezoning is not a reasonable solution.
- (3) A variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
- (4) The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
- (5) The variance is the minimum necessary to permit reasonable use of the land and buildings.

Sec. 36-1309. Procedure.

The following procedure shall be followed for an ordinance interpretation, appeal of an administrative decision, or variance request:

- (1) An application for a variance or appeal authorized by this chapter may be taken by any person or governmental department having any legal interest in the property concerned.
- (2) The ZBA shall not consider any application or appeal without the payment by the applicant to the village clerk of a fee, if any, as determined by resolution of the village council. Such application or appeal shall be filed with the zoning administrator who shall transmit the same, together with all plans, specifications and other papers pertaining to the application or appeal, to the board of appeals.
- (3) When an application or appeal has been filed in proper form and with the required data, the ZBA shall fix a reasonable time for the hearing of the appeal. Any interested party may appear at such hearings in person or by agent or by attorney. For requests such as a variance or appeal involving a specific parcel of land the village clerk shall mail notice of the hearing to the applicant and to all residents or owners of real property within 300 feet of the premises in question, as shown on the most recent tax assessment roll at least 15 days prior to the hearing. This includes property outside the village limits. For all hearings, a notice shall be published in a newspaper of general circulation in the village at least 15 days prior to the hearing. Both notices shall include the nature of the hearing, the date, time and location of the hearing, in the case of hearings involving specific parcels of property, the address of the

property, or if there is no address a general description of its location and its legal description, the time and place where a copy of the request can be reviewed and how comments can be submitted to the ZBA.

- (4) The board shall decide all applications and appeals within a reasonable time. A copy of the board's decision shall be transmitted to the applicant and to the zoning administrator. Such decision shall be binding upon the zoning administrator and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the board.

ARTICLE XIV. CONDOMINIUMS

Sec. 36-1400. Intent.

The intent of this article is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

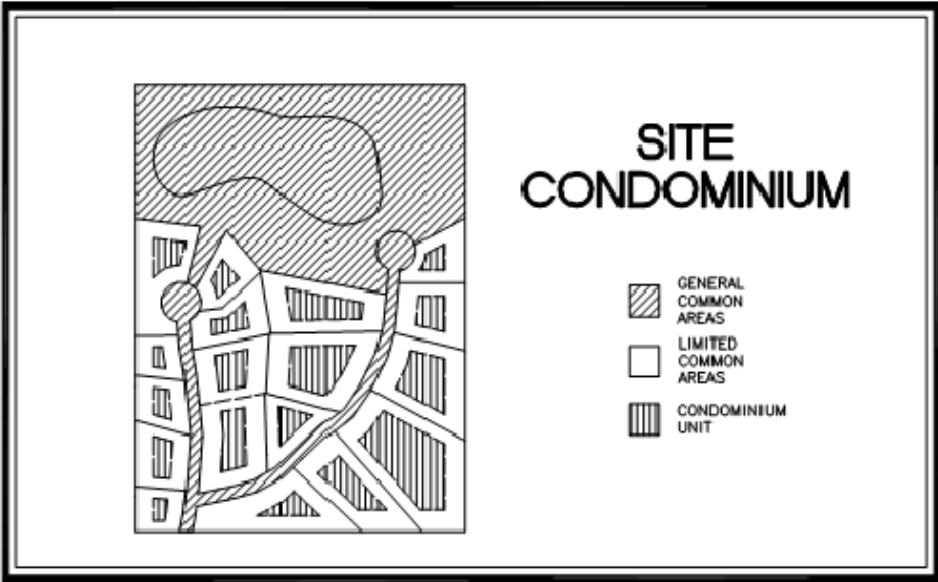
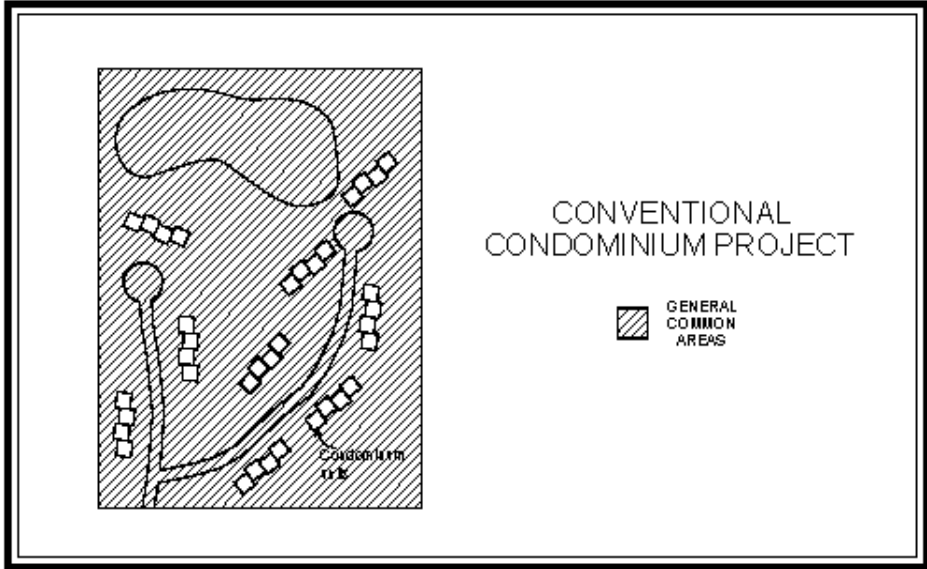
Sec. 36-1401. Review requirements.

In order to ensure compliance with this chapter, all condominium developments including developments consisting solely of single family or duplex residences, which may otherwise not be required to prepare a site plan, shall be required to submit a site plan pursuant to article X. In addition to the information required in article X, Site plan, all applicants for condominium site plan review shall submit the following information.

- (1) A copy of the proposed condominium master deed.
- (2) A copy of the proposed condominium subdivision plan (this may replace the site plan normally required for site plan review).
- (3) A copy of the proposed condominium by-laws.

Sec. 36-1402. Zoning ordinance standards.

- (1) *Lot Size.* In conventional condominium development, the condominium unit is enclosed air space, such as condominium apartments. In a conventional condominium the entire site must meet the minimum lot size requirements for the zoning district in which the parcel is located. For site condominium developments, the condominium unit is a piece of land that is sold as a building site just as lots in a subdivision are sold. Each condominium unit in a site condominium and its associated limited common area are considered equivalent to a "lot" and must meet the minimum lot size requirements for the zoning district in which the parcel is located.
- (2) *Setbacks.* In conventional condominium development, the buildings must be setback from the site's boundaries as required in the zoning district the parcel is located in. For site condominium developments, the setbacks shall be from the outer edge of the "lot" consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures in the zoning district in which they are located. (See Figures 14-1 and 14-2)



Sec. 36-1403. Condominium design requirements.

Conventional and site condominium developments shall comply with all applicable design standards in this chapter. Street standards shall be consistent with the standards adopted by the Village of Millington. In addition, site condominiums shall comply with the design standards contained in the Village of Millington Subdivision Control Ordinance.

Sec. 36-1404. Survey requirements.

Conventional condominiums shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site condominiums shall comply with the following requirements:

- (1) Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street to mark angles in the boundary of the subdivision if the angle's points can be readily reestablished by reference to monuments along the sidelines of the streets.
- (2) All monuments used shall be made of solid iron or steel at least one-half inch in diameter and 36 inches long and completely encased in concrete at least four inches in diameter.
- (3) Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- (4) If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- (5) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
- (6) All required monuments shall be placed flush with the ground where practicable.
- (7) The corner of each area consisting of a unit and the associated limited common area reserved for that unit, and treated as a "lot" under this chapter shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch diameter, or by other approved markers.
- (8) The village council may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the village, cash or a certified check, or irrevocable bank letter of credit running to the village, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner markers shall be at the rate of not less than \$25.00 per markers. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified. If the proprietor defaults, the village shall promptly require a surveyor to locate the monuments and markers in the ground as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

ARTICLE XV. DESIGN STANDARDS

Sec. 36-1500. Scope.

The following uses, due to their special nature, require additional standards to ensure compatibility with the character of the district they are located in. For this reason, the following uses shall be controlled by the provisions of this article, in addition to the provisions of the district they are listed under.

Sec. 36-1501. Adult entertainment businesses.

- (1) No adult entertainment business shall be permitted in a location in which any principal or accessory structure, including signs, is within 250 feet of any principal or accessory structure of another adult entertainment business.
- (2) No adult entertainment business shall be established on a parcel that is within 250 feet of any parcel zoned R-1 or R-3.
- (3) No adult entertainment business shall be established on a parcel within 500 feet of any residence, park, school, childcare facility, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
- (4) The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- (5) The proposed use must meet all applicable written and duly adopted standards of Millington Village and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- (6) The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not be visible from neighboring properties or adjacent roadways.
- (7) Any sign or signs proposed for the adult entertainment business must comply with the provisions of this chapter, and additionally shall not include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- (8) Entrances to the proposed adult entertainment business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two inches in height shall state: 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."
- (9) No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- (10) Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight.
- (11) All off-street parking areas shall be illuminated during all hours of operation of the adult entertainment business, and until one hour after the business closes.
- (12) Any booth, room or cubicle available in any adult entertainment business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of specified anatomical areas or specified sexual activities:
 - (a) Is handicap accessible to the extent required by the Americans with Disabilities Act;
 - (b) Is unobstructed by any door, lock or other entrance and exit control device;
 - (c) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - (d) Is illuminated by a light bulb of wattage of no less than 25 watts; and,
 - (e) Has no holes or openings in any side or rear walls.

Sec. 36-1502. Bed and breakfast facilities.

- (1) *Building requirements.* The structures in which the bed and breakfast operation is located must meet the following requirements:
 - (a) The building must meet the minimum size requirements for that particular zone.
 - (b) The building must have a minimum of two exits.
 - (c) Each bedroom used for the bed and breakfast operation should have a minimum of 100 square feet for two occupants and a minimum of 160 square feet for a family of two adults and two children.
 - (d) Each bedroom must be equipped with a smoke detector.
 - (e) Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
 - (f) External changes or modifications for the purpose of accommodating the bed and breakfast operation are prohibited.
 - (g) Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
 - (h) Sleeping and bath areas rented to paying guests on an overnight basis shall not occupy greater than 30 percent of the usable floor area of the dwelling.
 - (i) Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.
- (2) *Other requirements.*
 - (a) No more than two adults shall occupy a bed and breakfast bedroom at any one time.
 - (b) The owner and paying guests of a bed and breakfast facility are prohibited from conducting parties, receptions, banquets and other activities.
 - (c) The maximum length of stay in a bed and breakfast facility shall not exceed 16 consecutive days per visit.
 - (d) A single, non-illuminated, non-animated sign which identifies the bed and breakfast facility of not more than one square foot in area may be erected on the front wall of the building. Also, one freestanding, non-illuminated, non-animated sign of not more than four square feet shall be permitted.
 - (e) The bed and breakfast facility must be the principal residence of the owner of the facility, and the owner must reside on the premises.
 - (f) A bed and breakfast facility may not have more than two outside employees.
 - (g) Each bed and breakfast facility must maintain a guest register.
 - (h) Breakfast is the only meal that may be served as part of the bed and breakfast operation.
 - (i) Bed and breakfast facilities must comply with all State requirements.
 - (j) Bed and breakfast bedrooms shall not contain cooking facilities, and the house kitchen shall not be enlarged for the purpose of accommodating the bed and breakfast operation.

Sec. 36-1503. Single family dwellings.

Single family dwellings are permitted provided the single family dwelling:

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- (1) Complies with the minimum square footage requirements of this chapter for the zone in which it is located.
 - (2) Has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, then and in that event such federal or state standard or regulations shall apply.
 - (3) Is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
 - (4) In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanisms, undercarriage, or chassis.
 - (5) The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Tuscola County Health Department.
 - (6) The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - (7) The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the zoning board of appeals as provided for in section 36-1307 of this chapter. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the village. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 - (8) The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - (9) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development,

being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

- (10) 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 the ordinance of the village pertaining to such parks.
- (11) All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of the 1972 PA 230 as amended.

Sec. 36-1504. Swimming pools.

Swimming pools are permitted in the rear and side yards of all residential districts, provided all of the following regulations are complied with:

- (1) The pool shall be equipped with filtration, circulation and other systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the county.
- (2) The discharge pipe leading from any private swimming pool shall be composed of durable material and size as approved by the county engineer. No private swimming pool shall be wholly or partially emptied on another property, unless written permission is first obtained from the adjacent property owner. Discharged water will not be allowed to flow into the storm water system.
- (3) A proper plumbing permit shall be obtained when the system is connected to a potable water system.
- (4) A swimming pool shall be provided with an enclosure as required by the state building code.
- (5) No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.
- (6) All swimming pools shall comply with the setback requirements for an accessory building.
- (7) Existing pools at the time of adoption of this chapter shall not be subject to restrictions of subsection (6) of this section.

Sec. 36-1505. Duplex building developments.

Duplex buildings may be constructed as a part of a clustered development within the R-1 Zoning District. The placement of duplex units are not intended to be located on singular lots scattered throughout existing residential neighborhoods and shall comply with the following conditions:

- (1) Each cluster shall contain a minimum of five duplex buildings.
- (2) Duplex developments shall contain a minimum of two acres.
- (3) Units must be located on a paved roadway.
- (4) All streets constructed as part of a proposed project shall be paved with asphalt to village specifications and standards, complete with concrete curb and gutter.
- (5) All roadways and parking lots shall be illuminated with an approved site lighting system.
- (6) All duplex buildings must be connected to the public sanitary sewer system. If sanitary sewers are not available to the site, the developer must obtain all permits and easements necessary to extend the sanitary sewer to each building proposed to be constructed.

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- (7) All duplex buildings must be connected to the public water system. If water systems are not available to the site, the developer must obtain all permits and easements necessary to extend the public water system to each building proposed to be constructed.
 - (8) All duplex building developments must have an adequate storm water management system approved by the village consulting engineer. Storm systems should include detention ponds, storm pipe, catch basins and methods to connect through an underground piping system sump pump. The systems shall discharge to a drain, stream, river, etc. Each development is required to demonstrate to the village the adequacy of the storm system and a method of perpetual maintenance.
 - (9) If public utilities are necessary to be constructed or extended, the developer shall furnish to the village, after final inspection and testing of the systems, a two year maintenance and guarantee bond for the entire cost of construction for the utility systems to ensure adequate and proper placement.
 - (10) A landscaped entrance and greenbelt shall be provided as part of the project.

Sec. 36-1506. Multi-family developments.

Multi-Family projects may be constructed within the R-3 Zoning District subject to the following requirements:

- (1) Each multi-family development shall contain a minimum of five acres.
- (2) Multi-family buildings shall contain a maximum of 12 living units unless the building is constructed with a fire suppression system.
- (3) All multi-family buildings shall have direct access to a paved public street and should be designated as a main collector street.
- (4) All multi-family projects shall be constructed with paved drives or public streets complete with concrete curbs and gutters. If parking is located along such drives or street systems, those parking spaces will be extra spaces beyond those minimally required by the zoning ordinance for off-street parking.
- (5) All roadways and parking lots shall be illuminated with an approved site lighting system.
- (6) All dwelling units within each multi-family project must be connected to the public sanitary sewer system. If sanitary sewers are not available to the site, the developer must obtain all permits and easements necessary to extend the sanitary sewer to each dwelling proposed to be constructed.
- (7) All dwelling units within each multi-family project must be connected to the public water system. If public water is not available to the site, the developer must obtain all permits and easements necessary to extend the public water system to each dwelling unit proposed to be constructed.
- (8) All multi-family projects must have an adequate storm water management system approved by the village consulting engineer. Storm systems should contain detention ponds, storm pipe, catch basins and an underground piping system to collect sump pump discharge. The system shall discharge to a drain, stream, river, etc. Each development is required to demonstrate to the village the adequacy of the storm system and a method of perpetual maintenance.
- (9) If public utilities are necessary to be constructed or extended, the developer shall furnish to the village, after final inspection and testing of the systems, a two year maintenance and guarantee bond for the entire cost of construction for the utility systems to ensure adequate and proper placement.
- (10) A landscaped entrance and greenbelt shall be provided as part of the project.
- (11) Each multi-family building will have a minimum of 30 foot side setback.

Sec. 36-1507. Planned unit developments.

Planned unit developments are allowed as uses by SUP in the R-1, R-3 and C-2 zoning districts provided they comply with the following:

- (1) *Standards for development.*
 - (a) The planning commission may allow uses permitted in the R-3 zoning district for a PUD in the R-1 district provided that residential and open space uses comprise a minimum of 70 percent of the acreage for the development.
 - (b) The planning commission may allow uses permitted in the R-1 and C-1 zoning districts for a PUD in the R-3 district provided that residential and open space uses comprise a minimum of 70 percent of the acreage for the development.
 - (c) The planning commission may allow uses permitted in the R-1, R-3, C-1 and I zoning districts for a PUD in the C-2 district provided that industrial uses comprise a maximum of ten percent of the acreage for the development.
 - (d) The planning commission may modify the minimum lot and setback requirements in approving a PUD provided that the overall residential density does not exceed that allowed under the provisions of the R-3 zoning district. In return for the modification of these standards the planning commission may require the provision of open space. This open space may include wetlands, floodplains, woodlots or other sensitive natural features. The applicant shall provide a method such as establishment of a general common element or maintenance agreement to ensure the long term maintenance of the open space.
- (2) *Development review process.*
 - (a) The applicant shall submit a concept plan with their SUP application in lieu of a site plan. The conceptual plan shall show all proposed uses and allotted spaces, gross site area, street and vehicular access areas, number of each variety of habitable space, total number of dwelling units and total open space. The plan shall:
 1. Identify the project site and define the location of the areas to be devoted to particular uses.
 2. State the acreage to be devoted to the particular uses.
 3. Set forth the proposed density of the dwelling units by use type and of the entire project.
 4. Show the location of parks, open recreation areas, other open space and all public and community uses.
 5. Include attachments identifying the development's objectives and purposes to be served; conformity to plans and policies of the village; impact on public schools, public and private utilities, and circulation facilities; impact on natural resources; and a phasing plan showing the general time schedule of the expected completion dates of the various elements of the plan.
 6. Include any additional graphics or written materials reasonably requested by planning commission to assist the village in visualizing and understanding the proposal shall be submitted.
 - (b) The request shall be reviewed and approved or disapproved following the procedures for special use permits.

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- (c) Following approval of the PUD the applicant may submit site plans in compliance with the requirements of article X on a phase by phase basis. Alternatively the applicant may submit all or a portion of the site plan for review and approval during the process of approval of the special use permit. Site plan approval will be based on the plan's compliance with the approved concept plan and the other site plan requirements of this chapter.
 - (d) Approval of a PUD expires seven years after approval. Any phases without site plan approval or whose site plan approval has expired at that time may not be granted site plan approval or extension without action by the planning commission using the SUP process to extend or reapprove the PUD.

Sec. 36-1508. Central business district (C-1) design provisions.

Intent and purpose. The shape, placement, mass, design, composition and quality of the built environment are important elements in reinforcing a comfortable, human-scale environment, maintaining the village's attractiveness and economic vitality, and providing a unique sense of place in the village of Millington. Accordingly, it is the purpose of this section to:

- (1) Maintain the visual environment of State Street and Main Street business district and surrounding properties, protect the general welfare, and ensure that the village's property values, appearance, character, and economic well-being are preserved through appropriate design and appearance standards.
- (2) Encourage creativity, imagination, innovation, and variety in architectural design and building composition.
- (3) Preserve the unique heritage, history, and architectural character of existing buildings in the village as these buildings are renovated and re-used, and as changes and improvements are made.
- (4) Reinforce and support a healthy, pedestrian-oriented development pattern in the village's business districts through minimum façade transparency requirements, such as all windows should have a minimum transparency of 80 percent. Buildings with frontage on a public or private right-of-way, street, sidewalk, public park or plaza shall be designed to encourage and complement a pedestrian-scale environment, with window openings and façade transparency.
- (5) Establish standards for the use of exterior building façade materials for the purpose of promoting harmony in the physical relationships between buildings.

Applicability.

- (1) The standards in this section shall apply within the central business district (C-1) zoning district.
- (2) The provisions of the section shall apply to all planned buildings and all alterations, renovations, expansions or other work that includes exterior changes to existing buildings subject to site plan review per article 10.
- (3) This section is not intended to supersede or supplement established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

(Ord. No. 107 , § 1, 12-14-2020)

Sec. 36-1509. Sidewalks.

For new construction, sidewalks shall be required in accordance with village standards along all village streets. The standard shall not apply to industrial parks and in those situations specifically exempted by the planning commission.

- (1) All front entrances in the R-1, R-3, C-1 and C-2 districts shall have a direct paved pedestrian connection with the sidewalk along the street right-of-way.
- (2) Internal circulation within all developments shall be provided by paved pedestrian connections between parking areas and buildings, and between buildings.

(Ord. No. 107 , § 1, 12-14-2020)