

MILAN TOWNSHIP ORDINANCE CHANGES

BELOW IS A DETAILED LISTING OF THE ORDINANCE CHANGES SINCE APRIL 2008

*Changes are in **bold, underlined and italicized** along with their approval date.*

Various Ordinance changes have been approved on 9/11/08, 4/08/10, 12/09/10 and 01/12/2012.

Article 2, page 9 added definition

Hazardous Materials or Substances. Hazardous Materials or Substances are those materials or substances that requires a State, Federal or local permit for use, storage, transportation or production.

Approved 4-8-10

ARTICLE 5 - TABLE OF PERMITTED USES page 45

	AG-1	AG-2	R-1	R-2	RM	MHC	C-1	C-2	TRO	I-1	I-2	Supplementary Regulations
Single family detached dwellings	P	P	P	P				<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	Sec.3.04 - RESIDENTIAL DESIGN REQUIREMENTS. <u>Sec. 3.02.3E - NON-CONFORMING USES OF STRUCTURES</u> <i>Approved 4/8/10</i>
Deleted Ordinance reference. Solid waste recycling, processing, composting											S	<i>Shall be in compliance with Milan Township Composting Ordinance #21</i> Deletion appr'd 4-8-10.
Added "Cartage"										P	P	Apprv'd 9-11-08. ZBA concurred.
Outdoor storage as an accessory use associated with permitted uses Added C2 and restriction note.								<u>S</u>		A	A	Shall be contained within a fenced area outside of required setbacks <u>Allowed in C2 under Special Approval provided that items that are not intended for sale shall be completely screened from view from the public right-of-way.</u> <i>Apprv'd 4-8-10</i>
Added <u>Storage of non-agricultural materials</u>	<u>S</u>	<u>S</u>										<i>Apprv'd 4-8-10</i>
Ponds <u>or Lakes</u>	A	A	A	A	A	A	A	A	A	A	A	Sec. 13.16 – POND <u>S or Lakes Special Approval required if over 1 acre</u> <i>Apprv'd 01/12/12</i>

3.02. NON-CONFORMING USES

3.02.3 NON-CONFORMING USES OF STRUCTURES.

3.02.3.D: With special approval from the Township Board and if no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a more restricted district, it shall not thereafter be changed to a non-conforming use or a use not permitted in the more restricted district. The term "equally appropriate" shall mean uses allowed in the same zoning district as the previous use. Approved 12/09/10.

3.02.3.E: In non-residential districts, C2, TRO, I1 or I2, existing single family detached dwellings and the related accessory buildings may, under special use approval, continue the non-conforming use while the remaining property is used for permitted commercial, office or industrial uses. Approved 4/8/10 also ref. Art 5.

3.02.4 NON-CONFORMING STRUCTURES.

3.02.4.A: No such non-conforming structure may be enlarged or altered, except by special approval of the Township Board, in a way which increases its non-conformity, but, with approval of the building inspector, any structure or portion thereof may be altered to decrease its non-conformity. Approved 12/09/10.

3.02.7 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES.

3.02.7: Nothing in this Ordinance shall prevent the reconstruction, repair, or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of public enemy, subsequent to the effective date of this Ordinance, ~~wherein the expense of such reconstruction does not exceed sixty percent (60%) of the State Equalized Valuation multiplied by a factor of two (2) of the entire building or structure at the time such damage occurred;~~ and provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use be identical with non-conforming use permitted and in effect directly preceding said damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension provided that the property owner submit a certification from the insurance company attesting to the delay. Until such time as the debris from the fire damage is fully removed, the premises shall be adequately fenced or screened from access by children who maybe attracted to the premises. Non-conforming residential buildings damaged to the extent that they are declared non-livable may be rebuilt per this section by the current owner. However, if there is a change in ownership of the property in which such damaged non-conforming residential buildings are located, the new owner may be allowed to rebuild provided the resulting building conforms to the zoning district in which it resides. Approved 12/09/10.

TOPIC: LAND DIVISION DEED ATTACHMENT AND MINOR CHANGES

6.03. LAND DIVISION PROVISIONS

6.03.4. Permitted Lot Splits. Any lot of record existing at the time of adoption of this ordinance (parent parcel) may split off up to 15% of the total lot area to create additional parcels for residential development. Lots created under the provisions of this section shall be within a contiguous area of the site and clustered together, unless doing so would result in practical hardship. Once the 15% is split from the parent parcel, no further lot splits off of the parent parcel shall be permitted.

Once a parent lot has been split, a declaration must be attached to the parent's deed and to each of the resulting deeds stating: "This parcel was created from a land division per Milan Township Zoning Ordinance 6.03. It is advisable that prior to ownership transfer, the prospective buyer should review the property records and the Milan Township Zoning Ordinances to verify if this property can be split.

Approved 4/8/10.

6.03.7. Alternative Lot Split Provision. As an alternative to splitting off 15% of an existing parcel's area for residential development, any parcel eligible for splitting which has not previously been split under the provisions of this section may be split one time, provided that neither of the resulting parcels are less than 62,500 square feet ~~2-acres~~. No further lot splits shall be permitted on either parcel which has been created under this provision. Approved 4/8/10

6.03.10. Application Procedure. For any lot split request, the applicant shall submit a Land Division Application to the Township Clerk with all required information. will provide a Land Division Plan which shall include:

- A. The proposed location of the parcels to be split from the parent parcel.
- B. Dimensions for each parcel including road frontage.
- C. Planned timing for the completion of the Land Division.

Approved 4/8/10

6.05. ADMINISTRATIVE PROCESS

1. Property owner will submit a Land Division Provision Application and Plan, per *Sec. 6.03.10* to the Township Clerk.
2. The ~~Planning Commission~~ Zoning Administrator will conduct a site review of the Land Division plan review and make an approve/deny recommendation to the Township Board.

Approved 9/11/08.

10.02 SPECIAL APPROVAL STANDARDS

Add as 10.02.6: The Township Board may require impact studies in order to determine environmental, economic, traffic or other effects.

Approved 01/12/12

11.01.3 BUILDINGS, STRUCTURES AND USES REQUIRING A SITE PLAN

Add to end of 11.01.3: Any building or use of property in a Commercial, Industrial, TRO, or Multiple Family district. Any alterations or additions to existing buildings which result in an increase of more than 10 % or five hundred (500) square feet.
Any changes in use for buildings or property in the above districts.

Approved 01/12/12

13.16 PONDS

Change name from Ponds to Ponds or Lakes

Approved 01/12/12

Article 13.16.1: Add to the end of 13.16.1:

Ponds shall be considered an accessory use in all zoning districts. Special Approval is required for any new pond or lake with surface area greater than 1 acre or any expansion of an existing pond or lake which results in a surface area greater than 1 acre. The use of the term "pond(s)" may be interpreted to mean either pond(s) or lake(s).

Approved 01/12/12

TOPIC: BUFFER REQUIREMENT CHANGES

16.01. GREENBELTS, LANDSCAPE MATERIALS AND SCREENING

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

PROPOSED USE:	Adjacent to Single Family Residential District	Adjacent to Multiple Family Residential District	Adjacent to Tech/ Research/Office District	Adjacent to Commercial District	Adjacent to Industrial District
Agricultural	None	None	None	None	None
Single Family Res.	None	None	None	None	None
Multiple Family Res.	B	None	C	C	None
Manuf. Housing	B	B	C	C	None
Commercial	B	B	C	C None	C None
Tech / Research/ Office	B	B	None	None	None
Industrial	A	A	B	B	A None
Planned Development	Determined during PDD Plan approval using above as a guide				

Approved 4/8/10

TOPIC: STORAGE OF HAZARDOUS MATERIALS

13.00. STORAGE OF MATERIALS

The following provisions shall apply:

13.00.2. The location or storage of abandoned, discarded or inoperative appliances, furniture, equipment or materials, (but not including inoperative vehicles or agricultural equipment), shall be regulated as follows (except for junk yards, in which case the regulations set forth in *Section 13.03*, herein, apply): On any lot or parcel **within the Township** ~~in any Flood Plain, Agricultural, Residential, Commercial or Industrial District,~~ the owner or tenant shall locate and store such materials so as to not create a condition of blight. Such storage shall be for future transfer to other premises **within 12 months**. *Approved 4/8/10.*

13.00.4. Hazardous Materials

A. It shall be unlawful for any person, firm, corporation or other legal entity to pollute, impair or destroy the air, water, soils or other natural resources within the Township through the use, storage and handling of hazardous substances and/or wastes or the storage and disposal of solid, liquid, gaseous and/or sanitary wastes.

B. Activities which uses, stores or generates hazardous materials are not allowed in Residential Districts: R1, R2, RM or MHC. Any person, firm, corporation or other legal entity operating a business or conducting an activity which uses stores or generates hazardous substances shall:

- obtain the appropriate permits or approval from the State of Michigan, and/or other designated enforcing agencies;
- **file copies of such permits with the Township Clerk;** *Approved 4/8/10*
- **obtain Special Approval for such Activities from the Township Board.** *Approved 4/8/10*
- **Farming operations which are utilizing approved farming practices as defined by the Michigan Right to Farm act are exempt from obtaining the special approval or filing copies of the permits with the Township Clerk.** *Approved 01/12/12*

REJECTED PROPOSALS

TOPIC: Water and Aquifer Protection

Ordinance 23: SUBSTANTIAL GROUNDWATER WITHDRAWALS AND AQUIFER PROTECTION PERMIT REQUIREMENTS

The purposes of this Ordinance are to protect the Township’s ground and surface water resources by ensuring the sustainability of aquifers located wholly and partially within the Township; to maintain adequate water supply and water quality for the Township’s residents; to avoid groundwater withdrawal conflicts; to balance competing groundwater uses; and to maximize the beneficial uses of the Township’s groundwater resources. Any person who proposes to engage in or continue a “substantial groundwater withdrawal” within the Township must first obtain a groundwater withdrawal permit.

To achieve the aforementioned purposes, this Ordinance establishes a permitting system which subjects substantial groundwater withdrawals to prior review, approval and monitoring. This Ordinance also empowers the Township Board to suspend or otherwise limit permitted and unpermitted pumping activity within its jurisdiction in the event of an imminent and substantial adverse effect on an aquifer, surface waters, and/or private wells.

TOPIC: PRIVATE ROADS

A new Private Road Ordinance was rejected on 12/09/10.

PENDING APPROVAL

None