

City of Milan Zoning Ordinance

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ARTICLE 1 – TITLE, PURPOSE AND LEGAL CLAUSES

SECTION 1.10 TITLE

This Ordinance shall be known and cited as the Zoning Ordinance of the City of Milan.

SECTION 1.20 PURPOSE

The purpose of the Ordinance is to promote and safeguard the public health, safety, and welfare, implement the City of Milan Master Plan, and achieve the following purposes:

- A. Promote and regulate growth of the City to obtain orderly and beneficial development with a balanced mix of uses that will support economic vitality and sustainability.
- B. Protect the character and stability of residential neighborhoods.
- C. Regulate the intensity and form of land development to ensure compatibility among land uses and, where applicable, provide transitions between land uses to reduce potential negative impacts.
- D. Promote the wise use and conservation of energy and vital natural resources.
- E. Improve the appearance and design quality of development.
- F. Prevent an unreasonable burden on public facilities and services.
- G. Lessen and avoid congestion on highways and streets, and provide safe and convenient access for property.
- H. Conserve the taxable value of land, buildings, and structures of the City of Milan.

SECTION 1.30 VALIDITY AND SEVERABILITY CLAUSE

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

SECTION 1.40 SCOPE AND CONSTRUCTION OF REGULATIONS

- A. This Ordinance shall be liberally construed in such manner as to best effectuate its purpose. In the interpretation and application of this Ordinance, these provisions are the minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of this Ordinance shall control. Whenever any provision of this Ordinance imposes less stringent requirements, regulations, restrictions or limitations than are imposed or required by any other law, rule, regulation or permit, then the provisions of the other law, rule, regulation or permit shall control.

- B. No building or structure, or part thereof, shall be erected, constructed, reconstructed 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 as permitted by and in conformity with the provisions of this Ordinance.

SECTION 1.50 CONFLICT WITH OTHER LAWS

- A. Except as otherwise provided under the Michigan Zoning Enabling Act (PA 110 of 2006, as amended, M.C.L. 125.3101 et seq.), this Ordinance shall be controlling in the case of any inconsistencies between this Ordinance and an Ordinance adopted under any other law.

- B. This Ordinance is not intended to prevent compliance with any Federal, State, or local law, ordinance, or regulation, provided that where this Ordinance is more restrictive or imposes a higher standard, the provisions of this Ordinance shall prevail.

- C. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement. However, where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

- D. Nothing within this Ordinance shall be construed to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition, any part of a building or premises declared unsafe or unhealthy.

SECTION 1.60 VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

SECTION 1.70 REPEAL OF ORDINANCE

The City of Milan Zoning Ordinance, and all amendments thereto, and all prior zoning ordinances of the City of Milan, are hereby repealed effective coincident with the effective date of this Ordinance.

ARTICLE 2 - DEFINITIONS

SECTION 2.10 RULES OF INTERPRETATION

For the purposes of this Ordinance, certain terms or words used in this Ordinance shall be interpreted as follows:

- A. The particular shall control the general.
- B. In the case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “person” includes a firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity as well as an individual.
- D. The present tense includes the future tense; the singular number includes the plural, and the plural number includes the singular.
- E. The word “shall” is mandatory; the word “may” is permissive.
- F. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged to be used” or “arranged to be occupied.”
- G. A “building” or “structure” includes any part thereof.
- H. 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,” such conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I. Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

SECTION 2.20

DEFINITIONS

For the purpose of this Ordinance, certain words and terms are herewith defined.

ACCESSORY BUILDING OR STRUCTURE: A detached or attached subordinate building or structure located on the same lot as an existing principal building, the use of which is clearly incidental or secondary to that of the principal building including, but not limited to a private garage, carport/cover or implement shed.

ACCESSORY USE: A use or activity normally and naturally incidental to, subordinate to, and related exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; including, but not limited to:

1. Residential accommodations for servants and/or caretakers.
2. Outdoor swimming pools, hot tubs and saunas for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room or similar accessory building or other structure.
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
7. Accessory off-street parking space, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Uses clearly incidental to a main use such as but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
9. Accessory off-street loading subject to the off-street loading regulations for the district in which the zoning lot is located.
10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.
11. Common household gardening in a residential district when located only in the rear yard and/or non-required side yard areas. For purposes of this Ordinance, common household gardening shall include the growing of fruits and vegetables for

consumption solely by members of the family residing in the dwelling unit located on the same zoning lot.

12. Solar panels, wind generators, television reception antennas and air conditioning units.

ADULT DAY CARE FACILITY:

- A. **ADULT FAMILY DAY CARE HOME:** A private residence, in which six (6) adults or less are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- B. **ADULT GROUP DAY CARE HOME:** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care, or are given care and supervision for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.
- C. **ADULT DAY CARE CENTER:** A center other than a private residence, in which more than six (6) adults are supervised and receive group care for periods of time not to exceed sixteen (16) hours in a twenty-four (24) hour period. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an on-going basis. An adult day care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

ADULT FOSTER CARE FACILITIES: A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, residential centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult foster care facility by the Adult Foster Care Facility Licensing Act, 218 of 1979, MCL 400.701, as amended. The types of licensed adult foster care facilities include the following:

- A. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- B. **ADULT FOSTER CARE SMALL GROUP HOME:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- C. **ADULT FOSTER CARE LARGE GROUP HOME:** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
- D. **FOSTER CARE CONGREGATE FACILITY:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

ADULT REGULATED USES: Includes all of the following:

- A. **ADULT BOOK OR SUPPLY STORE:** An establishment having twenty (20%) percent or more of its stock-in-trade or its sales devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- B. **ADULT CABARET:** An establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees, or any other form of nude or partially nude service or entertainment.
- C. **ADULT ENTERTAINMENT:** Any use of land, whether vacant or combined with structures or vehicles thereon, by which such property is devoted to displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing, or presenting "Specified Sexual Activities" or "Specified Anatomical Areas".
- D. **ADULT MOTION PICTURE THEATER:** An enclosed building or structure with a capacity for less than five (5) people, wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

- E. **ADULT MOTION PICTURE THEATER, ADULT LIVE PERFORMING THEATER:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one (1) or more classes of the public, excluding any minor by reason of age.
- F. **ADULT PHYSICAL CULTURE ESTABLISHMENT:** An “Adult Physical Culture Establishment” is any establishment, club or business by whatever name designated, which offers or advertises, or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. The following uses shall not be included with the definition of any adult physical culture establishment:
1. Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse, or any other similarly licensed medical professional;
 2. Electrolysis treatment by a licensed operator of electrolysis equipment;
 3. Continuing instruction in material or performing arts or in organized athletic activities;
 4. Hospitals, nursing homes, medical clinics or medical offices; and
 5. Barber shops or beauty parlors and/or salons that offer massage to the scalp, the face, or the neck and shoulders only.
- G. **BODY-PIERCING:** Body-piercing means the perforation of human tissue other than an ear for a non-medical purpose.
- H. **BODY-PIERCING ESTABLISHMENT:** An establishment where the perforation of human tissue other than an ear for a non-medical purpose is performed, whether or not it is in exchange for compensation or any form of consideration.
- I. **BRAND OR BRANDING:** The creation of a permanent mark made on human tissue by burning with a hot iron or other instrument.
- J. **BURLESQUE SHOW:** An establishment which features topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers, where beer or intoxicating liquors are not sold on the premises.
- K. **ESCORT AGENCY:** Any business, agency, or person who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs,

entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

- L. **NUDE MODELING STUDIO:** An establishment used for housing and exhibiting persons in the nude acting as models for other persons to paint, photograph or draw.
- M. **SPECIFIED ANATOMICAL AREAS:** Specified anatomical areas means and includes any one (1) or more of the following: (1) less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.
- N. **SPECIFIED SEXUAL ACTIVITIES:** Specified sexual activities means and includes any one (1) or more of the following: (1) the fondling or erotic touching of human genitals, pubic region, buttocks, anus or female breasts; (b) human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation, and sodomy; (c) human masturbation, actual or simulated; (d) human excretory functions as part of, or as related to, any one of the activities described above, and (e) physical violence, bondage, mutilation, or rape, actual or simulated, as part of, or as related to, any of the activities described above.
- O. **TATTOO PARLOR:** An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.
- P. **TATTOO, TATTOOED, TATTOOING:** Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

AESTHETIC: The form, design and/or quality of construction of a particular sign, building, site or structure that presents a judgment statement concerning the level of beauty or artistic value.

AGRICULTURAL LAND: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables Christmas trees and other similar uses and activities.

AIRCRAFT: As defined in the Michigan Aeronautics Code, any contrivance now known, or hereafter invented, used, or designed for navigation of or flight in the air.

AIRFIELD: The landing field of an airport.

AIRPORT: As defined in the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of the Aeronautics Code, any location, either on land or water, which is used

for the landing and take-off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

AIRSTRIP: A runway without normal airport facilities.

ALLEY: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

ALTERATION: Any modification, addition or change in construction or type of occupancy; any change or rearrangement in the structural parts of a building, whether by increasing the height or extension of diminution; or the moving of a building from one (1) location to another.

ANIMALS:

- A. **CLASS I ANIMAL:** Domesticated animals which are not Class II, III, or IV, or Class V animals and which are customarily considered household pets.
- B. **CLASS II ANIMAL:** An animal which is normally part of the livestock maintained on a farm, including:
 - 1. Bovine and like animals, including but not limited to cow, sheep, goat, buffalo, elk, llama and alpaca;
 - 2. Equine and like animals, including but not limited to horse;
 - 3. Swine and like animals, including but not limited to the hog which are in excess of six (6) months in age;
 - 4. Other animals weighing in excess of seventy-five (75) pounds and not otherwise specifically included in Class II, including but not limited to the ostrich and emu.
- C. **CLASS III ANIMAL:** Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry, and other animals weighing less than seventy-five (75) pounds not specifically treated herein.
- D. **CLASS IV ANIMAL:** Wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would generally weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.
- E. **CLASS V ANIMAL:** Dangerous wild or undomesticated animals which are not of a species customarily used as an ordinary household pet, but one which would ordinarily

be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

ANIMAL RESCUE OR SHELTER: A building supported by a governmental unit or agency or by a non-profit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

ANTENNAS: Any structure designed to transmit or receive television, radio, data, communications, or other signals from other antennas, satellites, or other services.

APARTMENT: A dwelling unit within a multiple-family residential dwelling (see Dwelling, Multiple-Family).

ARCADE: Any place, premises, establishment, or room within a structure within which are located three (3) or more amusement devices. For purposes of this section, amusement devices shall mean any device, machine or apparatus operated by a patron who plays, exhibits, emits, produces or displays, entertainment or amusement in the form of a game, motion picture, music, performances or similar entertainment. The term does not include vending machines used to dispense foodstuffs, toys or other products for use and consumption, kiddy rides, jukeboxes, bowling alleys or pool tables.

ARCHITECTURAL FEATURES: Architectural features of a building shall include but are not limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

ARTISAN MARKET: The sale of professional or amateur art work/crafts including but not limited to paintings, sculptures, metalwork, jewelry, furniture, photographs, clothing and seasonal products.

ASSEMBLY OR DANCE HALL: A public or semi-public building, room, or structure in which a group of people can gather together for worship, meeting, instruction, banquets, exhibits or entertainment. As used in this Ordinance, the term "Assembly Hall" shall not include churches, synagogues or schools.

AUTOMOBILE DEALER: A building or premises used primarily for the sale of new or used automobiles, not including farm equipment and recreational vehicles.

AUTOMOBILE REPAIR SHOP OR GARAGE: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, including but not limited to body, frame or fender straightening and repair, overall painting and vehicle rust proofing.

AUTOMOBILE SERVICE STATION: A place that is used or designed to be used for the retail supply of gasoline and other fuels used for the propulsion of motor vehicles, kerosene, motor oil, lubricants or grease, including the sale of accessories and services including but not limited to: polishing, washing, cleaning, greasing, undercoating and minor repairs, but not including

body work, painting or refinishing thereof. In addition to automobile service, towing, convenience stores and carry-out restaurants may be included.

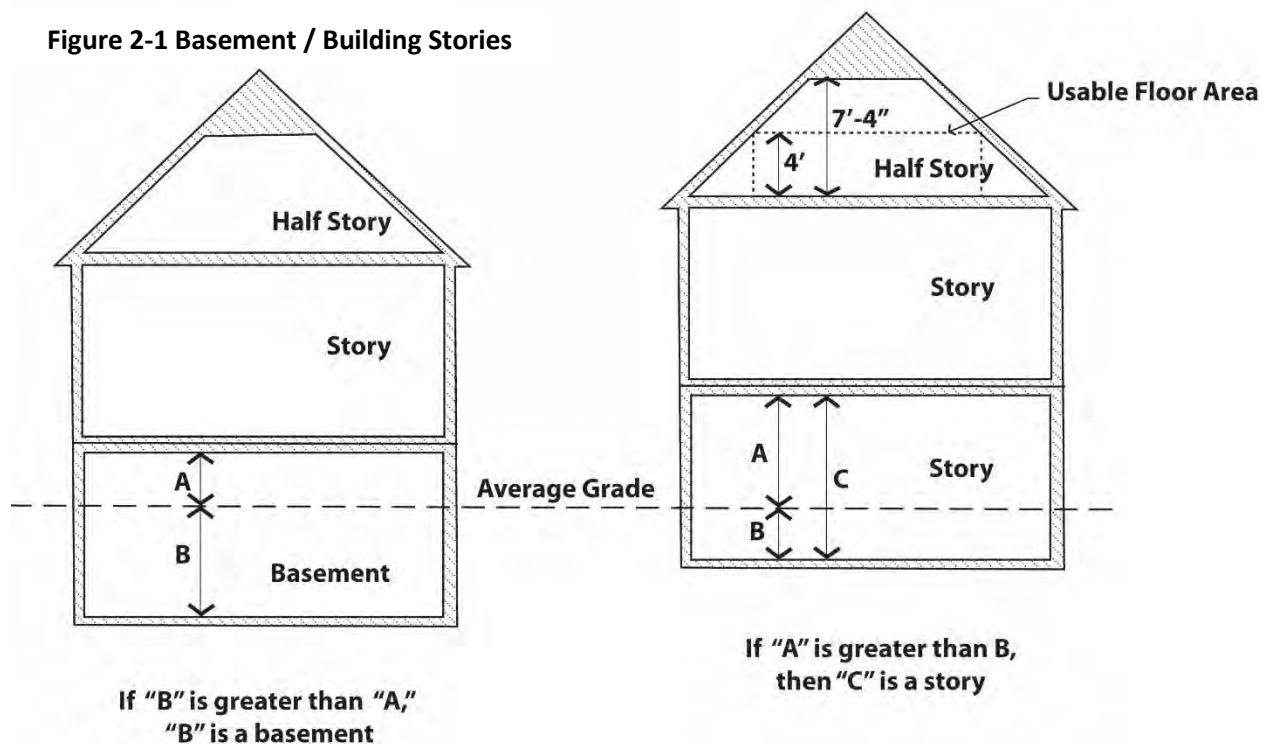
AUTOMOBILE WASHER OR CAR WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing vehicles either by automatic or self-service means.

AVERAGE GRADE: The average elevation of the ground for each face of the building. (See definition of grade for illustration.)

BAR: An establishment containing tables and chairs, and a counter at which alcoholic beverages and sometimes food are served to be consumed on the premises.

BASEMENT: That portion of a building which is partly or wholly below grade but is 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.

Figure 2-1 Basement / Building Stories



BASIN:

- A. **DETENTION:** A basin wherein water is stored for a relatively brief period of time, part of it being retained until the outlet can safely carry the ordinary flow plus the released water. Some basins have outlets usually without control gates, and are used for flood regulation.
- B. **RETENTION:** A basin wherein water is stored for a period of time until the outlet can safely carry the released water. Such basins have control gates which can be released at a given time. This type of basin is used for flood regulation.

BED AND BREAKFAST: An owner occupied private residence at which overnight accommodations and a morning meal are provided to transients for compensation.

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

BEST MANAGEMENT PRACTICES: Structural and non-structural practices and techniques that mitigate the adverse impacts caused by land development or water quality and quantity.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BREEZEWAY: Any covered passageway with open sides between two (2) buildings.

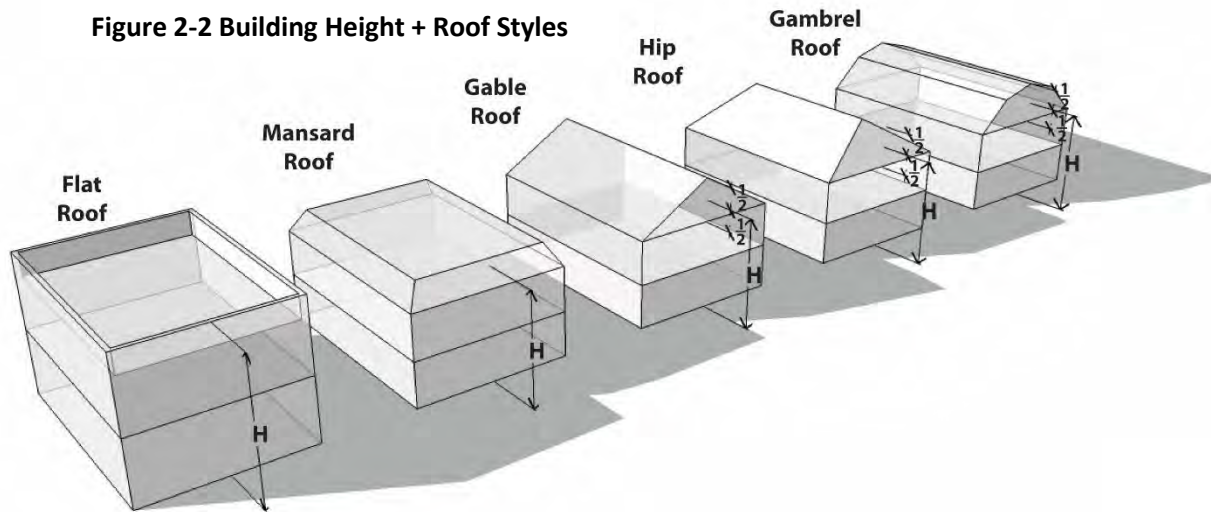
BUILDABLE AREA: The area of a lot remaining after the minimum open space requirements of this Ordinance are complied with.

BUILDING: Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING CODE: The currently adopted code or codes regulating building construction in the City of Milan.

BUILDING HEIGHT: The vertical distance measured from the finished grade level to the highest point of the roof surface if a flat roof; to the deck of mansard roofs; and to the mean height level between eaves and ridges of gable, hip, and gambrel roofs. Where the building may be situated on sloping terrain, this height shall be measured from the average level of the finished grade at the building wall.

Figure 2-2 Building Height + Roof Styles



BUILDING LINE: The front setback line of the existing or proposed building.

BUILDING PERMITS: The written authority issued by the Building Official permitting the construction, removal, repair, moving, alteration or use of a building in conformance with this Ordinance.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is constructed. Also referred to in this Ordinance as the “main building”.

BUILDING OFFICIAL: The person responsible for administering the relevant building code for the City of Milan.

BUILDING SETBACK LINE: The line established by the minimum required setbacks forming the area within a lot in which a building may be located (see definition of Lot for illustration).

CEMETERY: Grounds and facilities including any one (1) or a combination of more than one (1) of the following: a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

CHILD DAY-CARE FACILITIES: The following definitions shall apply in the construction and application of this Ordinance:

- A. **CHILD FAMILY DAY-CARE HOME:** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks per calendar year.

- B. **CHILD GROUP DAY-CARE HOME:** A private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours per day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks per calendar year.
- C. **CHILD CARE CENTER:** A facility, other than a private residence, receiving one (1) or more children for care for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian.

CHILD FOSTER FAMILY FACILITIES: Means the following:

- A. **CHILD FOSTER FAMILY HOME:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- B. **CHILD FOSTER FAMILY GROUP HOME:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Act No. 288 of the Public Acts of 1939, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours per day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, along with all accessory buildings and uses customarily associated with such primary use.

CITY COUNCIL: The City Council of the City of Milan.

CITY ENGINEER: The person or firm authorized to advise the City Administration, City Council or Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues.

CITY OF MILAN MASTER PLAN: The policy document outlining the preferred physical development of the City of Milan, as authorized by the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended.

CLINIC: Facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises.

CLUB: An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational, cultural, or athletic purposes not operated for profit.

COMMERCIAL RECREATION: A recreational type of business that is primarily operated for profit and that can be subdivided into either indoor or outdoor types including but not limited to, an indoor or outdoor golf driving range.

COMMERCIAL VEHICLE: Any vehicle used to generate income, and which, by appearance, is anything other than usual and customary personal family transportation.

COMMERCIAL VEHICLE: PICK-UP TRUCK: A light truck, including one with an “extended cab” or a “crew cab”, manufactured with an open body, low sides, and a tailgate.

COMMERCIAL VEHICLE: PASSENGER/CARGO-STYLE VAN: An enclosed truck manufactured with a unified body permitting unobstructed passenger movement throughout.

CONDOMINIUM ACT: Shall mean Public Act 59 of 1978, as amended, MCLA 559.101 et. seq.

CONDOMINIUM, CONVERSION: A condominium project containing condominium units some or all of which were occupied before the notice of proposed action under Section 71 of the Condominium Act.

CONDOMINIUM, DETACHED: A residential condominium project designed to be similar in appearance to a conventional single-family subdivision, except that limited common areas are not arranged in such a manner as to create clearly defined condominium lots.

CONDOMINIUM, GENERAL COMMON ELEMENTS: Portions of the condominium development owned and maintained by the condominium association, as defined in the Condominium Act (P.A. 59 of 1978, as amended).

CONDOMINIUM, LIMITED COMMON ELEMENTS: Portions of the condominium development other than the condominium unit reserved for the exclusive use of less than all of the co-owners of the condominium development, as defined by the Condominium Act (P.A. 59 of 1978, as amended).

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, P.A. 59 of 1978, as amended.

CONDOMINIUM PROJECT, CONVENTIONAL: A development in which ownership interest is divided under the authority of the Condominium Act (P.A. 59 of 1978, as amended) and in

which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

CONDOMINIUM PROJECT, SITE: A development in which ownership is divided under the authority of the Condominium Act, P.A. 59 of 1978, as amended, and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area elements, constitutes the equivalent of a lot.

CONDOMINIUM SUBDIVISION PLAN: The drawings and related information prepared in accordance with Section 66 of the Condominium Act.

CONDOMINIUM SUBDIVISIONS (SITE CONDOMINIUM): A method of subdivision where land ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978, as amended, MCLA 559.101 et. seq.) as opposed to the Subdivision Control Act of 1967 (MCL 560.101 et. seq.). Condominium Subdivision shall be equivalent to the term “subdivision” as used in this Ordinance and the City of Milan Subdivision Ordinance.

CONDOMINIUM UNIT: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed, as defined in the Condominium Act, P.A. 59 of 1978, as amended.

CONSTRUCTION: Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private right-of-way, structures, utilities or similar property.

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

CONVALESCENT OR NURSING HOME: See Senior Housing.

CONVENIENCE GROCERY STORE: A retail store that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a “supermarket”). Convenience grocery stores are designed to attract a large volume of stop-and-go traffic.

CORNER CLEAR ZONE: The portion of a corner lot which shall be maintained free of any structures, grade change (i.e. berm) or plantings to ensure sufficient visibility for motor vehicles (see Section 13.90, Visibility at Intersections).

Figure 2-3 Corner Clear Zone



dB(A): A-weighted decibels. This is the standard used to measure environmental noise.

DECK: A platform commonly constructed of wood, which is typically attached to a house, and which is typically used for outdoor leisure activities.

DENSITY: The number of dwelling units developed on an acre of land.

DEPTH-TO-WIDTH RATIO: The ratio of the lot depth to the lot width.

DESIGN STANDARDS: Standards established within a form-based district that control specific elements such as materials, site amenities, architectural, pedestrian and vehicular access, parking location and layout, and other site design features.

DETACHED: A self contained and enclosed building which does not depend on shared or common walls with an adjacent building or buildings.

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, filling, grading or paving.

DISTRIBUTION CENTER: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business.

DISTRICT: A portion of the incorporated area of the municipality within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements, or

various combinations thereof, apply under the provisions of this Ordinance and are designated on the Zoning District Map.

DRIVE-IN BUSINESS: An establishment where food, frozen desserts or beverages are sold to customers in a ready-to-consume state, and where the customer consumes food, frozen desserts or beverages in a vehicle parked upon the premises or at other facilities provided for customers which are located outside the building.

DRIVE-THROUGH BUSINESS: A principal use or accessory use of an establishment that by design permits customers to obtain goods or services while remaining in their motor vehicles.

DRY CLEANING AND LAUNDRY ESTABLISHMENT: A commercial establishment providing dry cleaning and laundry services on-site for businesses and residents and which may include a dry cleaning plant.

DRY CLEANING PLANT: A facility used or intended to be used for cleaning fabrics, textiles, clothing, laundry or other similar articles by immersion and/or agitation in solvents or other processes.

DWELLING, LIVE/WORK: A multi-story dwelling unit where the first floor is designed as a storefront for retail, service, office, or artisan studio and a dwelling unit on the upper floors.

DWELLING, MULTIPLE-FAMILY: A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other. Multiple-family dwellings may consist of the following:

- A. **EFFICIENCY UNIT:** a dwelling unit containing not more than one (1) room in addition to kitchen, dining and sanitary facilities.
- B. **ONE (1) BEDROOM UNIT:** a dwelling unit consisting of not more than two (2) rooms in addition to kitchen, dining and sanitary facilities.
- C. **TWO (2) BEDROOM UNIT:** a dwelling consisting of not more than three (3) rooms in addition to kitchen, dining and sanitary facilities.
- D. **THREE (3) OR MORE BEDROOM UNIT:** a dwelling consisting of not more than four (4) rooms in addition to kitchen, dining and sanitary facilities.

DWELLING, ONE-FAMILY: A building consisting of not more than one (1) dwelling unit designed exclusively for the use of one (1) family.

DWELLING, ONE-FAMILY ATTACHED: A building containing not less than three (3) nor more than eight (8) one-family dwelling units erected side by side as a single building, each being separated from the adjoining unit or units by an uninterrupted wall extending from the basement floor to the roof. No more than one (1) dwelling unit may be served by a single stairway or by a single exterior door.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families, independent of each other such as a duplex dwelling unit.

DWELLING UNIT: A building, or portion thereof, designed for the occupancy of one (1) family and having cooking and bathroom facilities.

EASEMENT: A strip of land granted by the owner for use by the public, corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

ELDERLY: Individuals sixty (60) years of age or older.

ENTRANCE RAMP: A roadway connecting a feeder road with a limited access highway and used for access on to such limited access highway.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

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

ESTABLISHMENT: Any business or enterprise which utilizes any building, structure, premises, parcel, place or area.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

EXIT RAMP: A roadway connecting a limited access highway with a feeder road and used for access from such limited access highway to a feeder road.

EXTENDED STAY FACILITY: A hotel or motel that offers overnight accommodation primarily for periods of one (1) week or more.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FAMILY: Shall be defined by one (1) of the following:

- A. One (1) or more persons related by blood, marriage, adoption or guardianship, plus not more than two (2) persons not so related, who are either domestic employees, caregivers

including but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid, living together as a single housekeeping unit.

B. Two (2) persons and their children by natural birth or adoption, plus not more than two (2) persons not so related, who are either domestic employees or caregivers including but not limited to a nurse, nanny or physical therapist, or persons who occupy rooms for which compensation may or may not be paid.

C. A functional family living together as a single housekeeping unit.

FAMILY, FUNCTIONAL: A group of no more than four (4) persons, plus their minor children, having a relationship which is functionally equivalent to a family. The relationship must be of a permanent and distinct character with a demonstrable and recognizable bond characteristic of a cohesive unit. A functional family shall not include any society, club, fraternity, sorority, association, lodge, organization or group of students or other individuals, exceeding four (4) persons in number, where the common living arrangement or basis for the establishment of the housekeeping unit is temporary.

FENCE: Linear structures, partitions or continuous hedgerows maintained for the purpose of enclosing an area.

FENCE, CHAIN-LINK: A fence constructed of galvanized steel or similar materials as approved by the Building Official for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.

FENCE, DAMAGED: A fence that is not properly secured, in danger of collapse or has otherwise been found by the Building Official to be in a damaged condition.

FENCE, ILLEGAL: A fence that was illegally erected or installed, or a fence that is not in compliance with the provisions of this Ordinance, and does not meet the definition of a legal nonconforming fence.

FENCE, INDUSTRIAL: A chain-link or ornamental fence of no more than eight (8) feet in height and constructed of materials approved by the Building Official for the purpose of enclosing or securing an industrial use.

FENCE, LEGAL NONCONFORMING: A fence which was legally erected or installed but is no longer in compliance with the provisions of this Ordinance. Such fences must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

FENCE, LIVING: A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.

FENCE, ORNAMENTAL: A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or

ornamentation. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than fifty percent (50%) opacity. This condition shall be measured by the observation on any two (2) square yard area of fence between one (1) foot above the ground level and the top of the fence. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.

FENCE, PRIVACY: A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than fifty percent (50%) opacity for the purpose of obscuring or screening an area from public view.

FENCE, RAIL: A fence constructed of wood, vinyl or similar materials and consisting of one (1) to four (4) horizontal rails connecting to vertical posts spaced a minimum of six (6) feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than forty percent (40%).

FENCE, TEMPORARY: A fence constructed of canvas, plastic, chain-link, wood or similar materials as approved by the Building Official for the purpose of enclosing or securing an area. Such fences shall not remain in place for a period greater than six (6) months unless approved by the Building Official.

- A. **CONSTRUCTION FENCE:** A fence erected for the purpose of securing a construction site against unauthorized access. The Building Official may require such fences as part of an approved permit.
- B. **SPECIAL EVENT FENCE:** A fence erected for the purpose of public safety at a special event. Such fences shall not be erected across public rights-of-way except as authorized by the City Police Department and Department of Public Works for special community events only.

FINANCIAL INSTITUTION: A bank, savings and loan, credit union, mortgage office, or similar institution, including branch offices and automated teller machines.

FLOOD, BASE: Means a flood which has one percent (1%) chance of being equaled or exceeded in any given year. This flood is also referred to as the 100-year flood and is the basis of the National Flood Insurance Program.

FLOOD BOUNDARY AND FLOODWAY MAP: Means an official map of the City of Milan issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated as "Zone A".

FLOOD HAZARD AREA: Any land area which on the basis of available flood plain information is subject to one percent (1%) or greater chance of flooding in any given year (the 100-year flood).

FLOOD INSURANCE RATE MAP: Means an official map of the City of Milan on which the Federal Emergency Management Agency (FEMA), has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Milan.

FLOOD PLAIN: Means any land area, normally dry, susceptible to being inundated by water from the unusual and rapid accumulation or run-off of surface waters from any source.

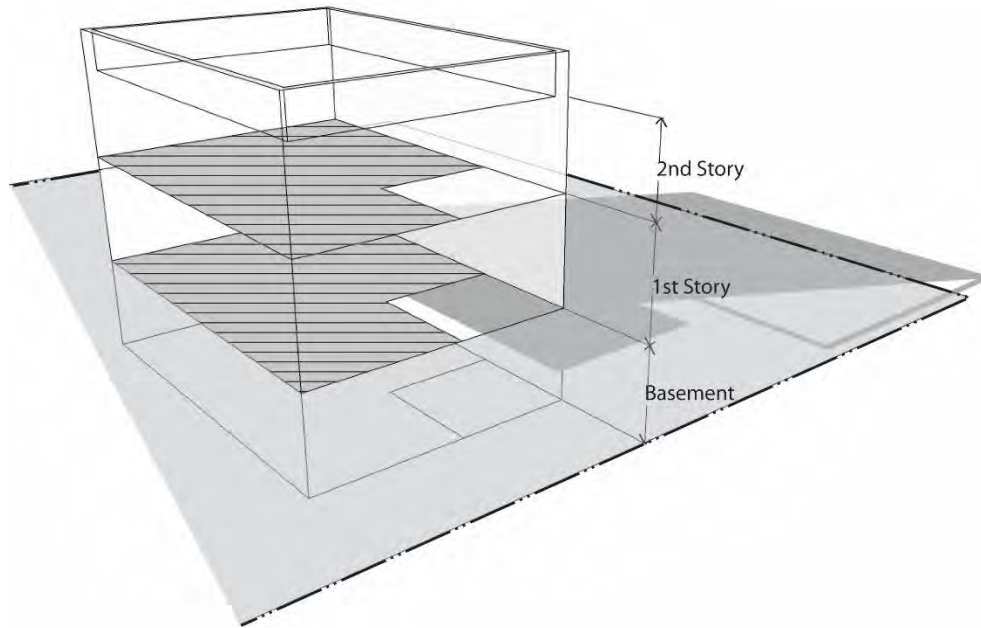
FLOODWAY: Means the channel of a water course and adjacent land areas which must be reserved in order to discharge the base flood.

FLOOR AREA, GROSS (GFA): The floor area within the inside perimeter of the walls of a building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.

FLOOR AREA, USEABLE: The measurement of usable floor area shall be as follows:

- A. **NON-RESIDENTIAL FLOOR AREA:** The measurement of usable floor area for non-residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus that area similarly measured, of all other stories that are accessible by the fixed stairway, ramp, escalator or elevator, which may be made fit for use, the measurement shall include the floor area of all accessory buildings measured similarly.
- B. **RESIDENTIAL FLOOR AREA:** The measurement of usable floor area for residential uses shall be the sum of the area of the first floor, as measured by the exterior face of the exterior walls plus the area, similarly measured, of all other stories having more than ninety (90) inches of headroom, that are accessible by the fixed stairway and which may be useable for human habitation, but excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways and unenclosed porches.

Figure 2-4 Floor Area



FLOOR AREA RATIO: The gross building square footage divided by the square footage of the site.

FORM BASED CODE: A means of regulating development with enhanced control over physical form to achieve a predictable, planned outcome.

FRAMEWORK: A structure, usually rigid, serving to hold the parts of something together or to support something constructed or stretched over or around it.

FREESTANDING TOWER STRUCTURE: An unsupported structure specifically designed to elevate an apparatus, antenna, or other equipment for technical purposes.

FREEWAY: A multi-lane highway for continuous traffic flow with all crossroads separated by grade, with fully controlled access. US-23 is the only freeway within the City of Milan.

FRONTAGE: Any portion of a parcel of land abutting, touching, or bordering a street, thoroughfare, or freeway.

GARAGE: A non-habitable attached or detached accessory building which is designed for the storage of private automobiles, materials, tools or other equipment necessary to maintain the property.

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

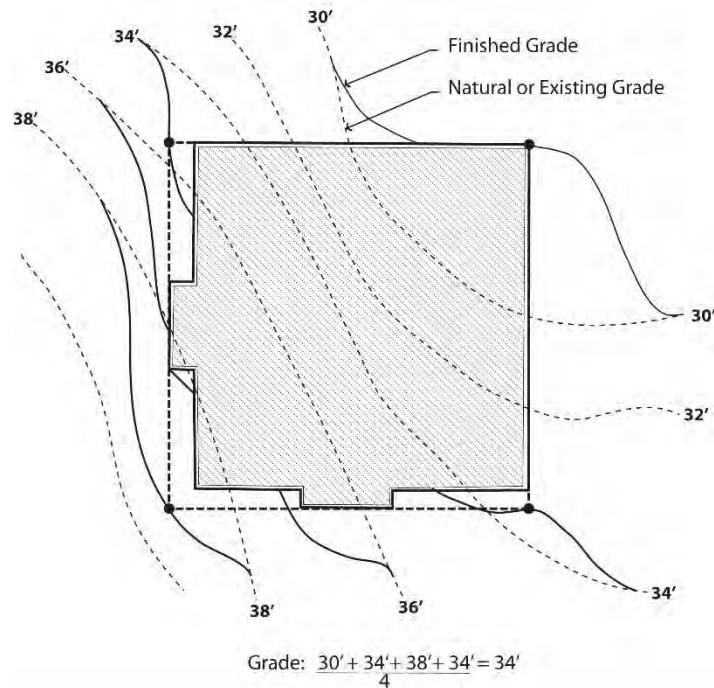
GARAGE, PRIVATE: A single building used primarily for the storage of self-propelled vehicles for the use of the occupants of a residentially zoned lot on which such building is located and with a capacity of not more than three (3) motor vehicles. The foregoing definition shall be construed to permit the storage on any lot, for the occupants thereof, of not more than one (1) commercial vehicle not to exceed a rated capacity of two and one-half (2 ½) tons.

GARAGE SALE: Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

GOLF COURSE: A tract of land laid out for at least nine (9) holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse, driving range, pro shop, shelter, and related accessory uses.

GRADE: The degree of rise or descent of a sloping surface.

Figure 2-5 Grade



GRADE, FINISHED: The final elevation of the ground surface after development.

GRADE, NATURAL: The elevation of the ground surface in its natural state, before man-made alterations.

GREENHOUSE, COMMERCIAL: A building that is used for wholesale commercial purposes, constructed of permanent or temporary framing that is set directly on the ground and is covered with glass panels or plastic or other transparent material, and is used to grow plants.

GUARANTEE: A cash deposit, certified check, irrevocable bank letter of credit, surety bond or such other instrument acceptable to the City.

HARDSHIP: Situations created by circumstances unique to an individual property that do not generally occur to land or buildings in the neighborhood or zoning district of the property in question, and make the use of such property infeasible under conditions imposed by the Zoning Ordinance. Hardship shall not include personal or financial hardship or economic disadvantage nor shall it constitute circumstances that are self-created.

HAZARDOUS SUBSTANCE: Hazardous substances include hazardous chemicals defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan Department of State Police, Fire Marshal Division; hazardous materials as defined by the U.S. Department of Transportation; and critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Natural Resources. Petroleum products and waste oil are subject to regulation under this Ordinance are also hazardous substances.

HISTORICAL BUILDING, SITE OR AREA: Those parcels and/or uses of land and/or structures whose basic purpose is to:

- A. Safeguard the heritage of the City by preserving or allowing a structure or use which reflects elements of the community's cultural, social, economic, political, or architectural history;
- B. Stabilize and improve property values in the area;
- C. Foster civic beauty;
- D. Strengthen the local economy; and
- E. Promote the use of such sites for the education, pleasure and welfare of the local residents and of the general public.

HOME BUSINESS: An occupation, profession, activity or use that is clearly incidental and secondary but integrated into a dwelling unit.

HOME IMPROVEMENT CENTER: A facility of more than 30,000 square feet of gross floor area, engaged in the retail sale of various basic hardware lines, including but not limited to tools, builder's hardware, paint and glass, housewares and household appliances, garden supplies and cutlery.

HOME OCCUPATION: An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPICE: A lodging place for the ill where persons are housed and furnished meals and attendant care.

HOSPITAL, GENERAL: A state licensed medical establishment whose facilities provide in-patient accommodation; a wide range of medical and surgical care; and other in-patient health services for sick, ailing or injured persons, rather than a limited scope of services provided for through special purpose hospitals; and including such related facilities as laboratories, outpatient departments, training facilities, central services, and staff offices and residences which are integral with and accessory to the principal use of the establishment.

HOTEL OR MOTEL: An establishment providing sleeping accommodations for a fee, with access to all rooms provided from interior lobbies, courts or halls.

IMPROVEMENTS: Those features and actions associated with a project which are considered necessary by the municipality to protect natural resources or health, safety and welfare of the residents of the City, and future users or inhabitants of the proposed project or project area, including parking areas, landscaping, roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project which is the subject of zoning approval.

INDOOR COMMERCIAL RECREATION FACILITY: An enterprise conducted entirely within a building, which receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: racquetball, tennis courts, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, firing ranges, basketball courts, indoor soccer fields and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

INTEGRATED COMPLEX: A group of buildings contained within a single development and under a single approved site plan. An integrated complex may share parking, signs, access, and other similar features which together form a unified function and appearance that the Zoning Administrator deems to collectively be a principal use.

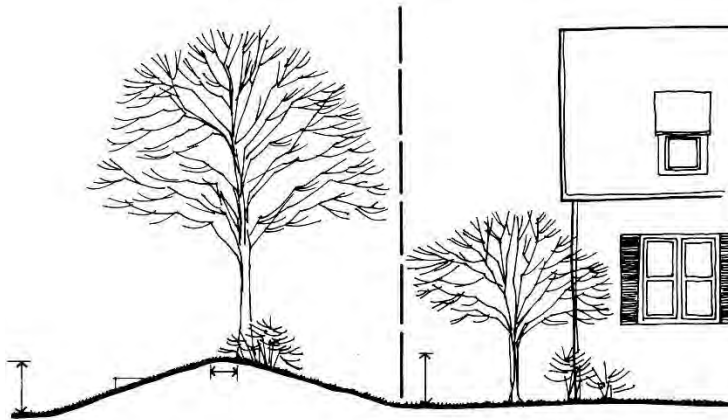
JUNKYARD: A place, structure, parcel or use of land where junk, waste, discard, salvage or similar materials including, but not limited to old iron or metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for sale, purchase, or storage or salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

KENNEL, COMMERCIAL: The housing or keeping of more than three (3) dogs for training, breeding, grooming or boarding for commercial purposes.

LANDSCAPING: The following definitions shall apply in the application of this Ordinance:

- A. **BERM:** A landscaped mound of earth which blends with the surrounding terrain.

Figure 2-6 Berm



- B. **BUFFER:** A landscaped area composed of living material, wall, berm, or combination thereof, established and/or maintained to provide visual screening, noise reduction, and transition between conflicting types of land uses.
- C. **CONFLICTING NON-RESIDENTIAL LAND USE:** Any non-residential use, including, but not limited to office, commercial, industrial, research, parking or public road right-of-way land use which abuts a residential land use.
- D. **CONFLICTING RESIDENTIAL USE:** Any residential land use developed at a higher density which abuts a residential land use developed at a lower density.
- E. **GREENBELT:** A landscaped area, established at a depth of the minimum required front yard setback within a Zoning District, which is intended to provide a transition between a public road right-of-way and an existing or proposed land use and/or between a conflicting land use and an existing or proposed land use.

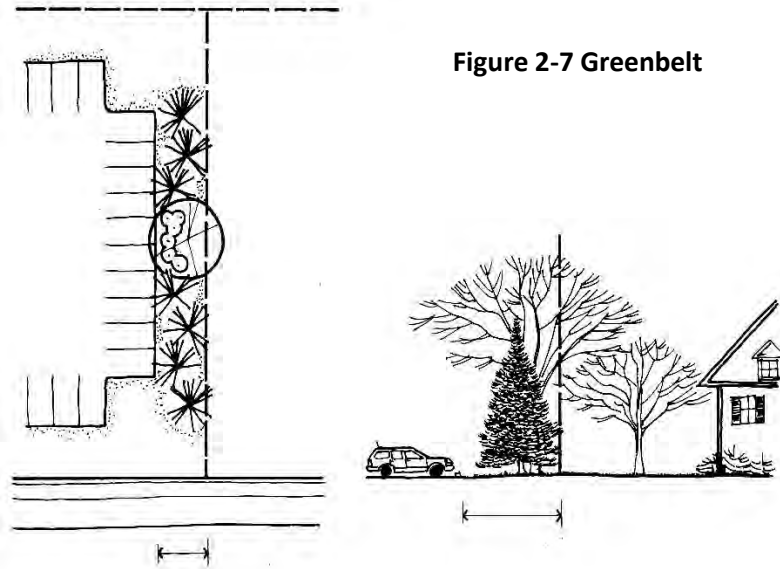


Figure 2-7 Greenbelt

- F. **OPACITY:** The state of being impervious to sight.
- G. **PLANT MATERIAL:** A collection of living evergreen and/or deciduous, woody-stemmed trees, shrubs, vines and ground cover.
- H. **SCREEN:** A structure providing enclosure, including, but not limited to a fence, and/or visual barrier between the area enclosed and the adjacent property. A screen may also consist of living materials including, but not limited to trees and shrubs.

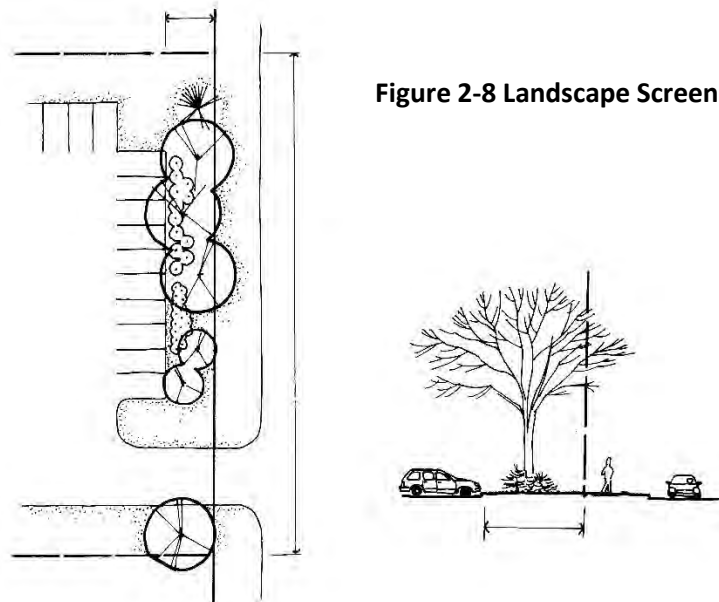


Figure 2-8 Landscape Screen

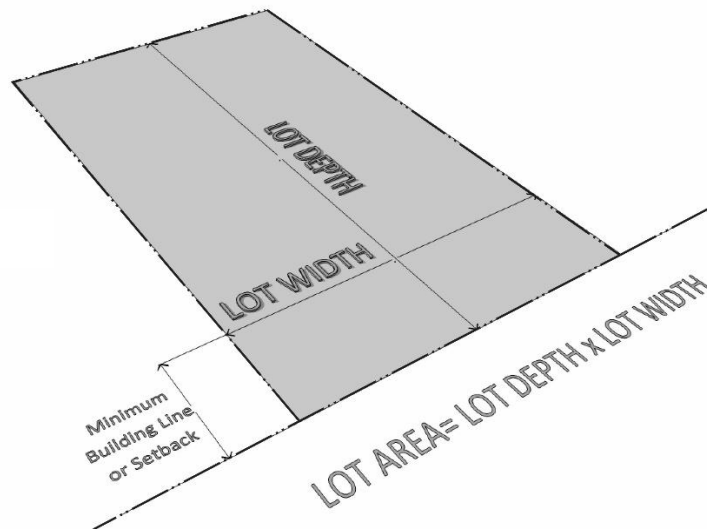
LOADING SPACE: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LODGING FACILITY: A facility such as a motel or hotel, which provides living and sleeping accommodations for transient occupancy for a fee.

LOT: A parcel of land, excluding any portion in a street or other right-of-way, of at least sufficient size to meet minimum requirements for use, coverage, lot area, and to provide such yards and other open spaces as herein required. Such lot shall have frontage on a public street, or on an approved private street, and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. Any combination of complete and/or portions of lots of record;
- D. A parcel of land described by metes and bounds.

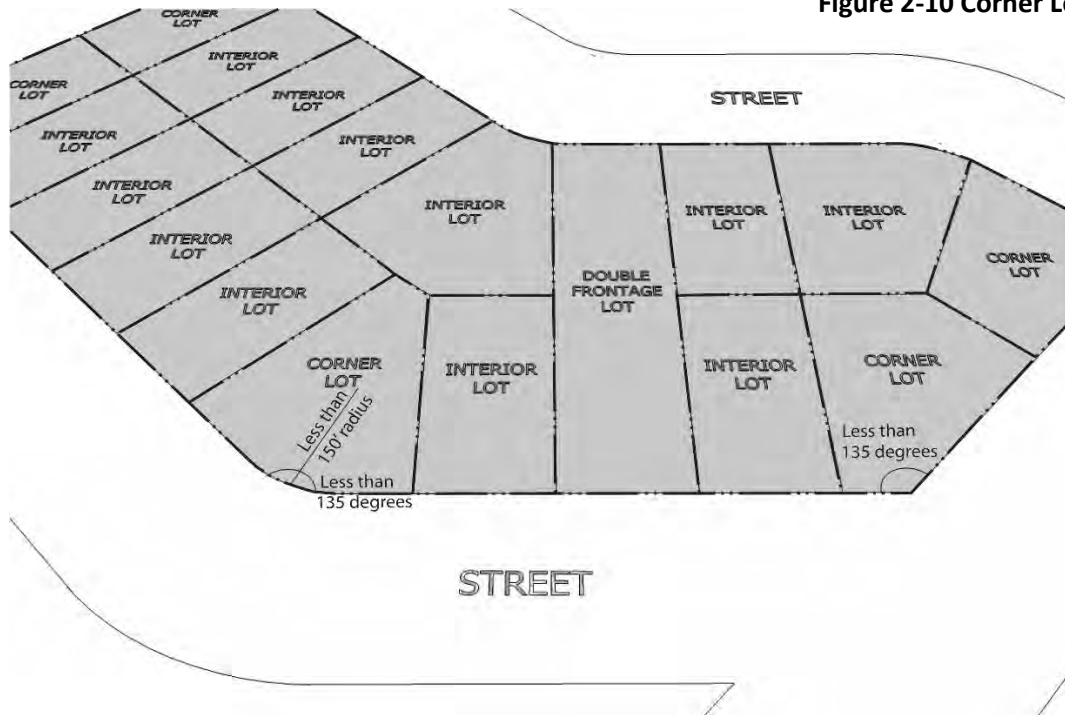
Figure 2-9 Lot Area



LOT AREA: The total horizontal area within the lot lines of a lot.

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

Figure 2-10 Corner Lot



LOT COVERAGE: That part or percent of the lot occupied by buildings, including accessory buildings and accessory supplemental buildings.

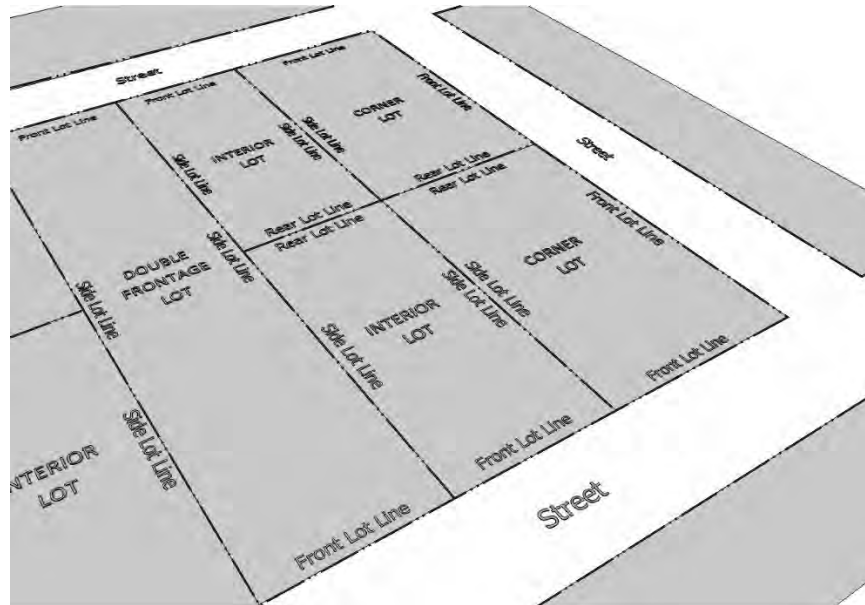
LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT, DOUBLE FRONTAGE (OR THROUGH-LOT): A lot having frontage on two (2) non-intersecting streets.

LOT, FLAG: A lot, which the major portion thereof has access to a street by means of a comparatively narrow strip of land.

LOT, INTERIOR: Any lot other than a corner lot.

Figure 2-11 Interior, Double Frontage and Corner Lots



LOT LINE: The line bounding a lot as defined in this Ordinance:

- A. **FRONT LOT LINE:** In the case of an interior lot, that line separating said lot from the right-of-way or planned future right-of-way (the street). In the case of a corner lot, both lines separating said lot from the street shall be considered front lot lines. In the case of a double frontage lot, a line separating said lot from that street which provides access to the lot shall be considered the front lot line; the other shall be considered a rear lot line.
- B. **REAR LOT LINE:** That lot line opposite the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long in length farthest from the front lot line and wholly within the lot. In the case of a corner lot, one (1) of the non-front lot lines shall be considered a side lot line; the other non-front lot line shall be considered a rear lot line.
- C. **SIDE LOT LINE:** Any lot line other than the front lot line or the rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. In the case of a corner lot, one (1) of the non-front lot lines shall be considered a side lot line; the other non-front lot line shall be considered a rear lot line. In the case of a double frontage lot, yards that have neither front nor rear yards shall be considered side yards.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a subdivision plat recorded in the office of the County Registrar of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Registered Surveyor, so designated by the State of Michigan, and said description so recorded or on file with the County.

LOT WIDTH: The straight-line distance between side lot lines, measured at the two (2) points where the minimum building line, or set-back, intersects the side lot lines.

LOT, ZONING: A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control.

LOW IMPACT DEVELOPMENT (LID): Site design and stormwater management techniques that infiltrate, filter, store, evaporate, and detain runoff close to its source, and that result in maintaining a site's presettlement hydrology.

MANUFACTURED HOME: Any structure, transportable in one (1) or more sections, which is built on a chassis and designed to be sold 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. Manufactured housing does not include recreational vehicles or equipment.

MANUFACTURED HOME PARK: A parcel or tract of land under the control of a person on which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MANUFACTURING, COMPOUNDING, OR PROCESSING: An enclosed establishment engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, usually in a continuous and regular action or succession of actions.

MINI-STORAGE UNITS: Storage buildings for lease to the general public for storage of personal and household effects and for dry storage of office or business effects not including the warehousing of products or supplies.

MIXED-USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses as permitted by the applicable zoning district, in a compact urban form.

MORTUARY ESTABLISHMENT: A facility used for the preparation of the deceased for burial and for visitation and for the conduct of memorial and funeral services. Commonly referred to as "funeral home".

MULTI-TENANT: A grouping of two (2) or more business establishments on one (1) or more parcels of property, which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A multi-tenant site shall be considered one (1) use for the purposes of determining the maximum number of freestanding or ground signs. A vehicle dealership shall be considered a multi-tenant site regardless of the number or type of models or makes available; however, used auto/truck sales shall be considered a separate use in determining the maximum number of freestanding signs,

provided that the used sales section of the lot includes at least twenty-five (25%) percent of the available sales area.

NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains, water bodies and channels, topography, trees and other types of vegetative cover and geologic formations.

NON-CONFORMING STRUCTURE: A building or portion thereof, existing at the effective date of this Ordinance or amendments thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, or yards for the district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, that does not conform to the use regulations of the district in which it is located.

NON-HABITABLE: A building or portion of a building which cannot be defined as a dwelling unit whether attached or detached from the main building.

NUISANCE: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent noise of a congregation of people – particularly at night, passing traffic, or invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

OCCUPANCY, CHANGE OF: The term “change of occupancy” shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

OCCUPIED: the use of any structure, parcel or property for human endeavor, but not including the preparation of any structure of land for occupancy.

OFF-STREET PARKING LOT: A facility other than for single family dwellings providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS: A business use operated for profit, substantially in the open air, usually without buildings or structures, including but not limited to the following uses:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- B. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.

D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses (transient or permanent).

OPEN FRONT STORE: A business establishment other than a restaurant, bank, automobile service or repair station, so developed that service to the patrons may be extended beyond the walls of the building, not requiring patrons to enter said building.

OPEN SPACE: A parcel or area of land that is intended to provide light and air, and is designed for resource protection, aesthetic, or recreational purposes. Open space uses may include, but are not limited to lawns, decorative plantings, walkways, active and passive recreation areas, land use buffers, playgrounds, fountains, woodlands, wetlands and bio-retention facilities. Open space shall not include streets, driveways, parking lots, or other surfaces designed or intended for vehicular traffic.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots, which is designed for and dedicated to the common use or enjoyment of the residents of the development or general public.

OPEN STORAGE: The storage of any materials or objects outside the confines of a building.

OPERATOR: Includes the owner, licensee, manager, or person in charge of any premises.

ORDINARY HIGH WATER MARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is distinguished from the upland as evidenced in the soil, the configuration of the surface of the soil and vegetation.

PARCEL: A piece of land created by a partition, subdivision, deed or other instrument recorded with the appropriate recorder. This includes a lot, lot of record or a piece of land created through other methods.

PARK, PRIVATE: A parcel of land used by a limited group of people, an organization, or an institution for recreational purposes which may include but not be limited to such uses as pools, playgrounds, picnic areas, camping grounds, nature trails, driving ranges, etc.

PARK, PUBLIC: A parcel of land used for recreation purposes by the community-at-large, which may include similar activities as outlined under “Private Parks”.

PARKING SPACE: An area of definite length and width, said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PERFORMANCE STANDARDS: Criterion development to control nuisance factors.

PERFORMANCE STUDIO: A building or a portion of a building where the principal use of the space is the provision of instruction in the various arts, including but not limited to dance, theater, music, and singing. This shall not preclude student performances.

PERFORMANCE THEATER: A building or portion of a building where the principal use of the space is dramatic, dance, or musical performances or similar activities, in front of an audience, including performances on film, television, music video, or multimedia. Performance theaters shall include theaters, assembly halls, concert halls or similar places of assembly.

PERMIT: The authorization for a use, building, structure or sign issued by the Building Department.

PERMITTED USE: Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

PERSON: An individual, firm, association, proprietorship, organization, partnership, trust, corporation, limited liability company, or other entity.

PERSONAL SERVICE ESTABLISHMENT: A business where personal services are provided for profit and where the sale of goods is only accessory to the provisions of such services, including but not limited to the following: barber shops, beauty shops, tailor shops, laundry or dry cleaning shops, shoe repair shops.

PLANNED UNIT DEVELOPMENT: A development consisting of a combination of land uses in which the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Ordinance.

PLANNING COMMISSION: The Planning Commission of the City of Milan.

PLAT: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with the provisions of Public Act 288 of 1967, as amended (Land Division Act), and the City of Milan Subdivision Regulations.

PLAYGROUND: An area of landscaped open space equipped with children's play equipment including but not limited to slides, swings, wading pools or similar equipment and game areas.

PORCH, ENCLOSED: (includes patio) 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: (includes patio and deck) 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 an integral roof with the principal building or structure to which it is attached.

PRACTICAL DIFFICULTIES: See "Zoning Variance".

PREMISES: All portions of contiguous land in the same ownership that are not divided by any public highway, street, or alley and upon which is located a residence or place of business.

PRINCIPAL BUILDING OR STRUCTURE: The main building or structure in which the primary use is conducted.

PRINCIPAL USE: The principal use to which the premises are devoted and the principal purpose for which the premises exists.

PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under Federal, State, or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

RECREATION VEHICLES AND EQUIPMENT: Vehicles and equipment designed to be used for travel, recreation, and vacation use or periodical and occasional family recreation and vacation use, and may or may not be used as a temporary dwelling. Recreational vehicles shall include, but are not limited to boats and boat trailers, snowmobiles, trail cycles, all-terrain vehicles, travel trailers, camp trailers, tent trailers, motor homes, utility trailers, floats and rafts and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment.

RECREATIONAL FACILITY, COMMERCIAL: A recreation facility operated as a business and open to the public for a fee.

REGULATING PLAN: A plan which dictates building forms and uses allowed on every property within an area regulated by a form-based code.

REQUIRED BUILDING LINE: A line established in a form based district on which a building or a portion of a building must be located.

RESTAURANT: Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a fast food, standard restaurant, bar/lounge, or combination thereof, as defined below:

- A. **RESTAURANT, DRIVE-IN:** A restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but primarily outside of an enclosed building.
- B. **RESTAURANT, FAST FOOD:** A restaurant in which the method of operation involves minimum waiting for delivery of ready-to-consume food to the customer for consumption on the premises either inside or outside of the structure, or for consumption off the premises, but not intended to be consumed in a motor vehicle at the site.
- C. **RESTAURANT, STANDARD:** A restaurant in which the method of operation involves either:

1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building; or
2. The preparation of food to be delivered to customers at a cafeteria line and subsequently consumed by the customers at tables within a completely enclosed building.

D. **BAR/LOUNGE:** A type of restaurant which is operated primarily for the dispensing of alcoholic beverages with the ancillary sale of prepared food or snacks. If a bar or lounge is part of a larger dining facility, it shall be defined as that part of the structure so designated or operated.

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

RETAIL SALES, LARGE SCALE: A retail establishment, commonly referred to as a “big box” store, which exceeds fifty thousand (50,000) square feet in gross floor area.

RIGHT-OF-WAY, PUBLIC: A legally dedicated public strip or area of land which may be varying widths allowing the right of passage and upon which a public road may be constructed.

ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2, or 3 bedroom units and including a “den”, “library” or other extra room shall count such extra room as a bedroom for the purposes of computing density.

SCHOOL: A building used for the purpose of public or private elementary or secondary, special or higher education, which meets all requirements of the compulsory education laws of the State of Michigan.

SECONDHAND STORE: Any building, structure, premises or part thereof used solely or partially for the sale of secondhand clothing, furniture, books, or household goods, or solely or primarily for the sale of secondhand household appliances.

SECONDARY ACCESS DRIVE: A road that is generally parallel to and adjacent to an arterial road and that is designed to provide access to abutting properties so that these properties are separated from the through traffic on the arterial road and so that the flow of traffic on the arterial road is not impeded by direct driveway access from a large number of abutting properties.

SELF-STORAGE FACILITY: A building or group of buildings containing fully enclosed, compartmentalized stalls or lockers which are rented or leased as individual units for the

storage of personal property customarily related to residential, office, and/or local commercial activities.

SENIOR HOUSING: An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily sixty (60) years of age or older. Housing for seniors may include:

- A. **INDEPENDENT LIVING:** A multiple-family housing structure with full facilities for self-sufficiency in each individual dwelling unit.
- B. **CONGREGATE CARE:** A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.
- C. **ASSISTED LIVING:** A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.
- D. **CONVALESCENT HOME:** A state licensed medical establishment providing accommodation and care for aged or infirmed persons, or for those who are bedfast or needing considerable nursing care, but not including facilities for the treatment of sickness or injuries or facilities for surgical care. Commonly referred to as “nursing home”.

SETBACK, REQUIRED: The distance required to meet the front, side, or rear yard open space requirements of this Ordinance.

SHOPPING CENTER: A minimum of three (3) commercial or service establishments within a single building served by a common parking area.

SIGN: The display of any word, numeral, figure, device, design, or trademark to make known an individual, firm, profession, business, product, or message and which is visible to the general public. The following types of signs are organized by category in the table on the following page:

Table 2-1. Summary of Sign Types and Definitions		
(A) Building Signs	(B) Electronic Message Signs	(C) Freestanding and Ground Signs
Awning Sign	Animated Sign	Freestanding Sign
Building Sign	Changeable Copy Sign	Menu Board Sign
Canopy Sign	Electronic Message Sign	Monolith Sign
Marquee Sign	Flashing Signs	Monument Sign
Roof Sign	Time / Temperature Display	Pole Sign
Roof Sign, Integral		Pylon Sign
Under Hanging Sign		Subdivision Entranceway Sign
Wall Sign		
Window Sign		
(D) Off-Premises Signs	(E) Election / Free Expression Signs	(F) Temporary Signs
Billboard Sign	Election Sign	Balloon Signs
Off-Premises Sign	Free Expression Sign	Banner Signs
		Construction Signs
		Pennant Sign
		Portable Sign
		Real Estate Development Sign
		Real Estate Sign
		Sidewalk/Sandwich Sign
(G) Other Definitions Related to Signs (as provided in this Section)		

- A. **BUILDING SIGNS:** Any sign attached to any part of a building, in contrast to a freestanding sign. Building signs shall include, but not be limited to, the following types of signs:
1. **AWNING SIGN:** A building mounted sign that provides additional functionality as shelter. (See the definition of the term *Canopy Sign*.)
 2. **CANOPY SIGN:** A sign attached to or hung from a marquee, mansard canopy or other structure projecting from and supported by the building and extending beyond the building wall, building line or lot line, and shall include, but not be limited to, a building-mounted sign functioning as a marquee and a sign mounted on a marquee or canopy.
 3. **MARQUEE SIGN:** Any sign attached to, in any manner, or made a part of, a marquee.
 4. **ROOF SIGN:** Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure and extending vertically above the highest portion of the roof.
 5. **ROOF SIGN, INTEGRAL:** Any sign erected or constructed as an integral, or essentially integral, part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

6. **UNDER HANGING SIGN (OR SUSPENDED SIGN):** A sign designed to be mounted underneath a building, canopy or marquee.
7. **WALL SIGN:** A sign fastened to, or painted on, the wall area of a building or structure that is confined within the limits of the wall, where the horizontal sign surface is parallel to the wall.
 - a. **MURAL:** Any graphic design, such as, but not limited to, a mosaic, picture, scene, or diagram painted (with the property owner and Zoning Official's approval) on an exterior wall of a building, which does not contain any brand name, product name, logo, trademark, trade name, identifiable commercial representation, or any other commercial message or advertising, whether by spelling, abbreviating, depiction, or otherwise.
8. **WINDOW SIGN:** Any sign in any zoning district that is placed inside a window or door window or upon the window panes or glass or etched on the glass and is visible from the exterior of the window or door.

B. ELECTRONIC MESSAGE SIGNS:

1. **ANIMATED SIGN:** A sign depicting action, motion, light or color changes through Light Emitting Diodes (LED) or other electrical or mechanical means.
2. **CHANGEABLE COPY SIGN:** Any sign, or portion thereof, with characters, letters or illustrations that can be changed or rearranged without altering the structural integrity of the sign.
3. **ELECTRONIC MESSAGE SIGN:** A sign with the capability of a variable message that utilizes computer-generated messages or some other electronic or mechanical means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.
4. **FLASHING SIGN (SEE ALSO ANIMATED SIGN):** Any sign, which, by method or manner of animation or illumination, flashes on or off, winks or blinks with varying light intensity, shows motion or creates the illusion of motion, or revolves in a manner to create the illusion of being on or off at intervals.
5. **TIME/TEMPERATURE DISPLAY:** A variable message sign which displays current time and temperature in a stationary or alternative manner. Some also display simple messages.

- C. FREESTANDING AND GROUND SIGNS:** A sign supported directly by the ground or with support provided by uprights, braces, pylons or poles anchored to a permanent foundation or decorative base that is independent from any building or other structure, including billboards, incidental signs and monolith, subdivision entranceway and business signs. Freestanding and Ground Signs shall include, but not be limited to, the following:

1. **MENU BOARD SIGN:** A variable message sign that allows a retailer to list products and prices. For example, the bill of fare for a fast food restaurant.
2. **MONOLITH SIGN:** A three-dimensional, self-supporting, base-mounted, freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A monolith sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.
3. **MONUMENT SIGN:** A ground sign with low overall height (see Freestanding Sign).
4. **POLE SIGN:** A freestanding sign with visible support structure (but shall exclude billboards).
5. **PYLON SIGN:** A freestanding sign with visible support structure or with the support structure enclosed.
6. **SUBDIVISION ENTRANCEWAY SIGN:** A permanent sign located at the entrance to a residential, office/service, commercial or industrial subdivision, or site condominium.

D. OFF-PREMISES SIGNS:

1. **BILLBOARD:** Any surface which contains a message unrelated to premises wherein it is displayed or posted (an off-premises sign) and is regulated in accordance with regulations governed by the Highway Advertising Act, Public Act No. 106 of 1972 (MCL 252.301 et. seq.) (see the definition of Off-Premises Sign). Also known as Outdoor Advertising.
2. **OFF-PREMISES SIGN:** Any sign that is not related to the use of the property, a product sold, or the sale or lease of the property on which it is displayed, and that does not identify the place of business as purveyor of the merchandise, services, etc., advertised upon the sign. A sign that disseminates information that does not directly relate to the use of the property on which the sign is located. Also known as Outdoor Advertising.

E. ELECTION SIGNS AND FREE EXPRESSION SIGNS:

1. **ELECTION SIGN:** A temporary sign relating to:
 - a. The election of a person to public office;
 - b. A political party; or
 - c. A matter to be voted upon at an election called by a public body.
2. **FREE EXPRESSION SIGN:** A temporary or permanent sign relating to a public issue, ideology or opinion.

- F. **TEMPORARY SIGNS:** A sign which is used only temporarily and advertises a private or public seasonal or special event, function or sale. Temporary signs are not permanently mounted. Temporary signs shall include, but not be limited to, the following:
1. **BALLOON SIGN:** Any air-filled or gas-filled object used as a temporary sign to direct attention to any business or profession, or a commodity or service sold, offered or manufactured, or any festival or entertainment.
 2. **BANNER SIGN:** A temporary sign produced on a cloth, paper, fabric or other combustible material of any other kind, with or without frames. National, state or municipal flags, or the official flag of any institution or business, shall not be considered as a banner.
 3. **CONSTRUCTION SIGN:** A temporary sign placed at the entranceway to a commercial, industrial or residential development that has not been completed.
 4. **PENNANT SIGN:** A sign or display consisting of long, narrow, usually triangular flags of lightweight plastic, fabric or other materials that may or may not contain a message, suspended from a rope, wire or string, usually in a series, and designed to move in the wind.
 5. **PORTABLE SIGN:** A temporary sign, which is not permanently affixed to a building face or a pole, pylon or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include, but are not limited to:
 - a. Signs designed to be transported by means of wheels;
 - b. Signs converted to A- or T-frames;
 - c. Menu and sandwich board signs;
 - d. Balloons used as signs; and
 - e. Signs attached to, or painted on, vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business.
 6. **REAL ESTATE DEVELOPMENT SIGN:** A sign informing when a subdivision or other real estate development will commence construction or will be available for occupancy or use on the premises upon which such sign is located.
 7. **REAL ESTATE SIGN:** A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of such property.

8. **SIDEWALK/SANDWICH SIGN:** A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

G. **OTHER SIGN DEFINITIONS:** The following definitions shall also apply to signs:

1. **BORDER:** A narrow strip, often ornamental, along the outer edge of a sign.
2. **BUSINESS SIGN:** An accessory sign related to the business, activity or service conducted on the premises upon which the sign is placed.
3. **CHANGE OF COPY:** The replacement of sign text, numbers or graphics with different text, number or graphics without changing the size, height or structural framework of the sign.
4. **COMMON SIGNAGE PLAN:** A signage plan applicable to a multi-tenant commercial or industrial location.
5. **CONFORMING SIGN:** A sign that is legally installed in accordance with Federal, State and local laws and ordinances.
6. **CYLINDRICAL SIGN:** See Monolith Sign.
7. **EXEMPT SIGNS:** Signs exempted from normal permit requirements.
8. **FLAG:** A rectangular or triangular piece of fabric of a distinctive design that is used as a symbol or as a signaling device.
9. **IDENTIFICATION SIGN:** A sign which displays the name and/or address of a person or firm.
10. **ILLUMINATED SIGN:** Any sign illuminated in any manner by an artificial light source.
11. **INCIDENTAL SIGN:** A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises. Examples of incidental signs include credit card signs, signs indicating hours of business, signs used to designate bathrooms, and signs providing information on business affiliations.
12. **INTEGRAL SIGN:** A sign carved into stone, concrete or similar materials, or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.
13. **INTERVAL/TIME INTERVAL:** A definite length of time marked off by two (2) events or different images, or the frequency of message change for an electronic message sign.
14. **LIMITED PERIOD:** For purposes of this Ordinance, a time limitation for temporary signs.
15. **MARQUEE:** any permanent roof-like structure, projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

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16. **MOBILE SIGN:** A portable sign mounted on a trailer.
17. **NEON SIGN:** A sign consisting of glass tubing, filled with neon gas, which glows when electric current is sent through it.
18. **NON-CONFORMING SIGN:** A sign which is prohibited under the terms of this Ordinance, but was in use and lawful at the date of enactment of the Ordinance from which this Ordinance is derived.
19. **OBSOLETE SIGN:** A sign that advertises a product, event or service that is no longer available or that advertises a business that has closed or identifies an event/activity that has ceased.
20. **ON-PREMISES SIGN:** A communication device whose message and design relates to a business, an event, goods, profession or service being conducted, sold or offered on the same property as the sign is erected.
21. **SIGN FACE:** The portion of a sign plus any borders intended for the display of information on the sign.
22. **STREET FURNITURE:** A sign structure, which, by its design, invites, entices, encourages or makes itself convenient or available to use by the general public for something more than mere visual attraction to its message. Such signs include, but are not limited to, signage on benches and on table umbrellas used for outdoor, café-style dining.

SIGNIFICANT OR SUBSTANTIAL PORTION: Means thirty percent (30%) or more of the term modified by such phrase.

SILL: The horizontal member at the bottom of a window or door.

SINGLE OWNERSHIP: Ownership by one (1) person or by two (2) or more persons jointly, as tenants by the entirety, or as tenants in common, or a separate parcel of real property not adjacent to land in the same ownership.

SITE PLAN: A scaled drawing which shows the intended and/or existing location and dimensions of improvements or structures upon a parcel of property, including buildings, driveways, parking areas, parking spaces, landscaping, landscaped areas, sidewalks, signs, drainage facilities or similar physical improvements.

SPECIAL EVENT: An occurrence of noteworthy happening of seasonal, civic or church importance, which is organized and sponsored by a non-profit group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two (2) weeks) and are unlike the customary

or usual activities generally associated with the property where the special event is to be located.

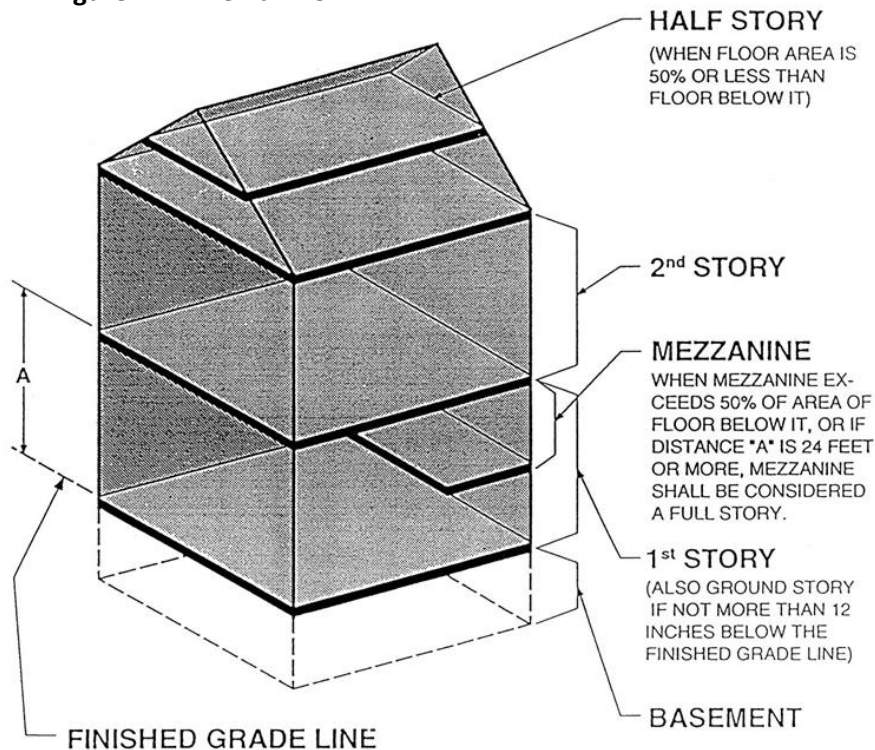
SPECIAL LAND USE: A use which is subject to special land use approval by the Planning Commission. A special land use may be granted only when there is a specific provision in this Ordinance. A special land use is not considered a non-conforming use.

STORY: That part of a building, except a mezzanine as defined in this Ordinance, included between the surface of one (1) floor and the surface of the next floor, or if there is not a floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

STORY, HALF: An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor, does not exceed two-thirds ($2/3$) of the floor area in the story directly below and the height above at least two hundred (200) square feet of floor space is seven feet four inches (7'4"). When the usable floor area of such a story, at a height of five (5) feet above the floor, does exceed two-thirds ($2/3$) of the floor area of the story directly below, it shall be counted as a full story.

STORY, MEZZANINE: An intermediate level or levels between the floor and ceiling of any story, with an aggregate floor area of not more than one-third of the area of the room in which the level or levels are located.

Figure 2-12 Mezzanine



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

- A. **MAJOR ARTERIAL STREET:** An arterial street which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond. Any street with a right-of-way width, existing or proposed, of one hundred twenty (120) feet or greater, as designated in the City of Milan Master Plan, shall be considered a major arterial street. Also commonly referred to as "major thoroughfare".
- B. **MINOR ARTERIAL STREET:** A street which is intended to serve as a traffic way for the immediate area, with less volume and shorter trips than major arterial streets.
- C. **COLLECTOR STREET:** A street carrying traffic from local streets to the system of arterial roads.
- D. **LOCAL STREET:** A street used primarily for access to abutting properties, providing for minimum speeds and traffic volumes.

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

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction or improvement of a structure, the cost of which exceeds fifty percent (50%) of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, as before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building occurs, whether or not that alteration affects the external dimensions of the structure. The term **does not**, however, include (1) any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or, (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBDIVISION: A partitioning or dividing of a parcel or tract of land by the owner or any legal representatives for the purpose of sale or lease of more than one (1) year, or building development.

SUPERMARKET: A retail establishment primarily selling food as well as other convenience and household goods to the general public, which operates on a self-service, cash and carry basis and may include facilities for parcel pick-up. Supermarkets commonly have a gross floor area of between thirty-five thousand (35,000) and seventy-five thousand (75,000) square feet.

SWIMMING POOL: Any structure or container located either above or below grade designed to hold water to depths greater than twenty-four (24) inches, intended for swimming or bathing, including swimming pools, hot tubs, Jacuzzis, whirlpools and ponds.

SWIMMING POOL, COMMERCIAL: A swimming pool and/or wading pool, including structures necessary and incidental thereto, operated by a non-governmental unit for profit.

SWIMMING POOL, COMMUNITY: A swimming pool and/or wading pool, including structure necessary and incidental thereto, owned and operated by an association of members for the benefit of including, but not limited to association, incorporated or unincorporated, provided that said association is not organized for profit, and provided that the right to use such pools is restricted to these members and their guests.

SWIMMING POOL, PRIVATE: A swimming pool and/or wading pool, including structures necessary and incidental thereto, owned and operated by the landowner of the parcel on which it is situated, for use only by the residents of the parcel on which it is situated and their guests.

TEMPORARY USE OF BUILDING OR LAND: A use or building or premises permitted to exist during periods of construction of the main building or use, or for special events.

TRANSITION: For the purposes of this Ordinance, the word or term transition or transitional shall mean a zoning district which may serve as a district of transition; i.e., a buffer zone between various land use districts or land use types.

TRAFFIC HAZARD: A source or situation with a potential for harm in terms of human injury or ill health, damage to property, damage to the environment, or combination of these.

UNDEVELOPED STATE: A natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. The term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors and trails that link parks, nature reserves, cultural features, or historic sites with each other for recreational or conservation purposes.

UNNECESSARY HARDSHIP: See "Zoning Variance".

USE: The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

VARIANCE: The term "variance" shall mean a modification of the literal physical provisions of the Zoning Ordinance, which may be granted by the Zoning Board of Appeals in accordance with the authority bestowed upon that Board by the provisions of this Ordinance.

VEHICLE: A piece of mechanical equipment used for transportation such as an automobile, truck, van, motorcycle and similar devices.

VETERINARY HOSPITAL: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries.

WALL: An obscuring structure of definite height and location, constructed of masonry, concrete or similar approved material.

WALL, DAMAGED: A wall that is not properly secured, in danger of collapse or has otherwise been found by the building official to be in a damaged condition.

WALL, DECORATIVE: A masonry wall of no more than four (4) feet in height, consisting of brick, stone or similar materials as approved by the Building Official and constructed with a design that includes specific pattern elements or ornamentation. All spaces in the wall shall be open and unobstructed.

WALL, ILLEGAL: A wall that was illegally erected or installed, or a wall that is not in compliance with the provisions of this Ordinance, and does not meet the definition of a legal nonconforming wall.

WALL, LEGAL NONCONFORMING: A wall which was legally erected or installed but is no longer in compliance with the provisions of this Ordinance. Such walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.

WALL, OBSCURING: A masonry wall no more than six (6) feet in height, consisting of brick, stone or similar materials as approved by the Building Official and constructed for the purpose of enclosing, obscuring or screening an area from view.

WAREHOUSE: A building used primarily for storage of goods and materials. See also "Distribution Center".

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support (and that under normal circumstances supports) wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and which is any of the following:

- A. Contiguous to any lake, pond, river or stream.
- B. Not contiguous to any lake, pond, river or stream; and more than five (5) acres in size.
- C. Not contiguous to any lake, pond, river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources (MDNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the MDNR has so notified the owner.

WIND ENERGY CONVERSION SYSTEM (WECS): Any device such as a turbine, windmill or charger that converts wind energy to a usable form of energy. WECS shall fall within two (2) classifications: on-site or commercial, and shall typically be defined as horizontal-axis or vertical-axis.

- A. **ON-SITE WIND ENERGY CONVERSION:** A WECS, the energy from which is used only by the primary residence or residences in a cooperative effort, business or agricultural

operation and not sold or transferred to the electrical grid for commercial profit. This does not exclude the sale of excess energy sold to a utility through net metering for on-site WECS when the WECS produces more energy than can be stored or used on-site.

- B. **COMMERCIAL WIND ENERGY CONVERSION SYSTEM:** Any WECS that is exclusively designed and built to provide electricity to the electric utility's power grid as an on-going commercial enterprise or for commercial profit.
- C. **HORIZONTAL-AXIS WIND ENERGY CONVERSION SYSTEMS:** Conventionally designed systems that have a main rotor shaft that is parallel to the ground and a series of "blades" that are perpendicular to the ground, as in a traditional agricultural windmill. Horizontal-axis wind energy conversion systems are traditionally mounted on a tower or pole and must be pointed into the wind.
- D. **VERTICAL-AXIS WIND ENERGY CONVERSION SYSTEMS:** Systems that have a main rotor shaft that is perpendicular to the ground and the system does not need to be pointed into the wind. These systems are more common in areas where wind direction is variable. These systems often resemble a drum, cylinder, or helix.

WIRELESS COMMUNICATIONS FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, micro-wave relay facilities, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave receiving facilities; amateur (ham) radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Ordinance, the following additional terms are defined:

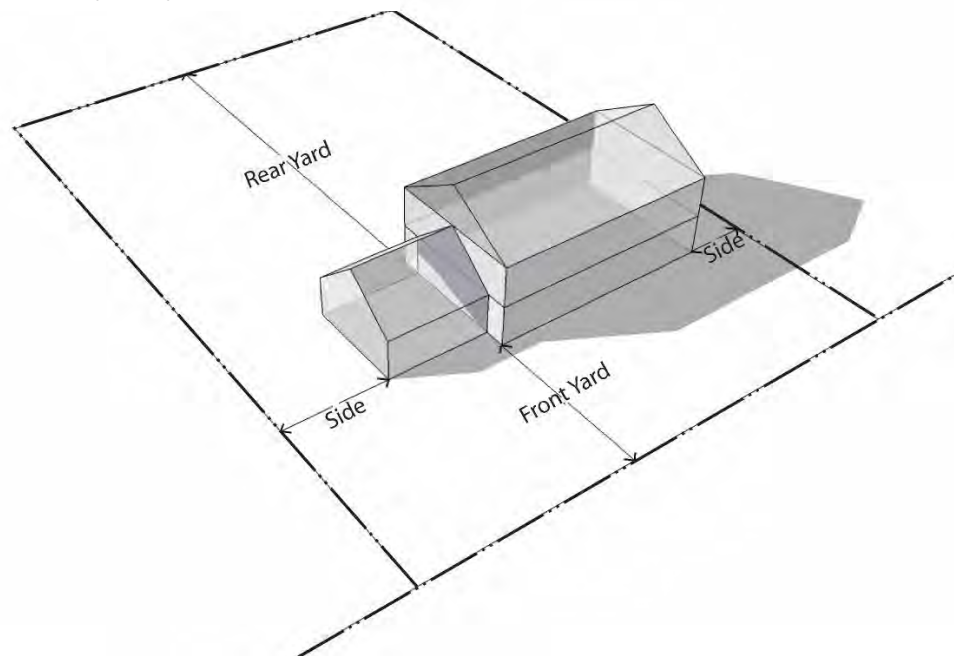
- A. **WIRELESS COMMUNICATIONS ANTENNA (WCA):** Shall mean any antenna used for the transmission or reception of wireless communication signals excluding those used for dispatch communications by public emergency stations, ham radio antennas, and satellite antennas, those who receive video programming services via multi-point distribution services which are forty (40) inches or less in diameter and those which receive television broadcast signals. Antenna may be affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
- B. **WIRELESS COMMUNICATION SUPPORT STRUCTURES:** Shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

- C. **CO-LOCATION:** Shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communications antennas within the community.

YARD: The open spaces on the same lot with the main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined in this Ordinance:

- A. **FRONT YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. **REAR YARD:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. In the case of a corner lot, one of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard. In the case of a corner lot, the rear yard shall not extend into the front yard.
- C. **SIDE YARD:** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. In the case of a corner lot, one of the non-front yards shall be considered a side yard; the other side shall be considered a rear yard.

Figure 2-13 Front, Rear, and Side Yards



ZONING ADMINISTRATOR: The official of the City of Milan charged with the administration of this Zoning Ordinance.

ZONING BOARD OF APPEALS: As used in the Ordinance, meaning the City of Milan Zoning Board of Appeals.

ZONING DISTRICT: An area or areas within the incorporated area of the City of Milan within which regulations and requirements governing use, lot area, lot size, and other provisions are uniform.

ZONING PERMIT: A permit for commencing construction issued by the Zoning Administrator in accordance with all the provisions of this Zoning Ordinance and/or an approved site plan.

ZONING VARIANCE: The term “variance” shall mean a modification of literal provisions of this Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause unnecessary hardship or practical difficulties due to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are (a) unnecessary hardship, (b) practical difficulties, (c) unique circumstances, and (d) exceptional and unusual elements, which are present and would preclude the same type of development permitted in the zoning district from being repeated, but, which with a variance would permit compatible development similar to the character of development permitted in the zoning district. The term “variance” shall not mean to include granting variances for substantially larger buildings or additional uses other than those permitted in the respective zoning districts.

- A. **PRACTICAL DIFFICULTIES:** Shall mean those dimensional zoning requirements which cannot be met by an existing lot or parcel because of its unique or unusual shape and size due to its narrowness, shallowness, irregular shape or natural or existing development characteristics and such lots or parcel are different in the sense of these characteristics from other more typical lots located in the same zoning district.
- B. **UNNECESSARY HARDSHIP:** Shall mean that a permitted principal or accessory use because of its specific limitations by normal definition is in need of modification through combining permitted principal or accessory uses when only one such use is permitted on a lot or parcel.

ARTICLE 3 - ADMINISTRATION AND ENFORCEMENT

SECTION 3.10 ZONING ADMINISTRATION

This Zoning Ordinance shall be administered by the Building/Zoning Official or such deputies of his department as the Building/Zoning Official may delegate to enforce the provisions of this Ordinance. For purposes of this Ordinance the terms Building/Zoning Official and Zoning Administrator shall be interchangeable.

SECTION 3.20 DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Zoning Administrator shall include the following:

- A. Receive and review for completeness all applications for site plan review, special land uses, planned unit developments, or other matters regulated by this Ordinance and refer such applications, as required, to the Planning Commission for determination.
- B. Receive and review for completeness all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- C. Receive and review for completeness all applications for text or map (rezonings) amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.
- D. Make periodic site inspections to determine Ordinance compliance.
- E. Implement the decisions of the Planning Commission, Zoning Board of Appeals, and City Council.
- F. Investigate complaints regarding violations of the Zoning Ordinance.

SECTION 3.30 BUILDING PERMITS

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

- A. **Permits Required:** It shall be unlawful for any person to commence excavation for construction of any building or structure, structural changes or repairs in any existing building or structure, or moving of an existing building, without first obtaining a Building Permit from the Building Official. No permit shall be issued for construction, alteration or remodeling of any building or structure until an application and fee established by City Council has been submitted in accordance with the provisions of this Ordinance showing that the construction proposed is in compliance with the provisions of this Ordinance, the Building Code and other applicable Ordinances and standards.

“Alteration” or “repair” of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the Building Code, the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.

- B. **Permits for New Use of Land:** A building permit shall also be obtained for the new use of land, whether the land is presently vacant or a change land use is proposed.
- C. **Permits for New Use of Buildings or Structures:** A building permit shall also be obtained for any change in use of an existing building or structure to a different class or type.
- D. **Accessory Buildings:** Accessory buildings when erected at the same time as the principal building on a lot and shown on the application thereof, shall not require a separate building permit.
- E. **Building Permits:** All building permits, when issued, shall be valid for a period of one (1) year, but may be extended for a period not to exceed one (1) year, if the Building Official shall find good cause for failure to complete work for which the permit was issued; provided that the exterior of any such structure must be completed within one (1) year from the date of the original issuance of a Building Permit.

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

- F. **Final Inspection:** The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Official immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 3.40 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Official shall have issued a Certificate of Occupancy stating that the provisions of this Ordinance shall have been complied with. The following provisions shall apply:

- A. **Records of Certificates:** A record of all certificates of occupancy shall be kept in the office of the Building Official, and copies of such certificates of occupancy shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- B. **Certificates Including Zoning:** Certificates of occupancy as required by the Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by Ordinance.
- C. **Certificates for Existing Buildings:** Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof or such use of land, are in conformity with the provisions of this Ordinance. Certificates of occupancy may be issued for business buildings in the D-1, D-2, GB, HS and O zoning districts existing at the effective date of this Ordinance which change occupancy and which do not provide sufficient parking as required under Section 13.60, provided there is no decrease in the number of spaces existing at the effective date of this Ordinance.
- D. **Certificates for Accessory Buildings to Dwellings:** Accessory buildings or structures incidental to dwellings shall not require a separate certificate of occupancy, but rather, may be included in the certificate of occupancy for the principal dwelling, building or structure on the same lot when such accessory building or structure is completed at the same time as the principal use.
- E. **Certificates for Occupancy Change:** Any use other than a PUD or residential zoning district which changes occupancy shall be required to apply for a certificate of occupancy.
- F. **Temporary Certificates:** Certificates of occupancy may be issued for a part of a building or structure prior to the occupancy of the entire building or structure, provided that such certificate of occupancy shall not remain in force for more than six (6) months, nor more than five (5) days after the building or structure is fully completed and ready for occupancy, and provided further that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- G. **Application for Certificates of Occupancy:** Any person applying for a building permit shall at the same time apply to the Building Official in writing for a certificate of occupancy. It shall be the duty of such person to notify the Building Official upon completion of the building or structure. The Building Official shall, within ten (10) days after actual receipt of such notification, inspect such building or structure, and, if determined that the building or structure or part thereof for the proposed use of the premises, is in conformity with this and other applicable Ordinances and laws, shall forthwith issue a certificate of occupancy. If the Building Official determines that a

violation exists, a certificate of occupancy shall not be issued and the applicant shall be forthwith notified of such refusal and the cause therefore.

SECTION 3.50 PERFORMANCE GUARANTEE

- A. **Purpose and Intent:** In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the City and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the City may require the applicant to deposit a performance guarantee for any or all site improvements required by this Ordinance. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, drainage, fences, walls, screens, and landscaping.

A performance guarantee may be a certified check or an irrevocable bank letter of credit, in the amount of the cost of the improvements based upon an estimate submitted by the applicant and verified by the City. The City shall be authorized to employ the City Engineering Department and/or City consultants to review cost estimates and conduct periodic inspection of the progress of improvements.

- B. **Procedure:**

1. When a performance guarantee is required, said performance guarantee shall be deposited with the City Clerk prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee, the City shall issue the appropriate building permit, and the City shall thereafter deposit the performance guarantee, if in the form of a certified check in an interest bearing account to the applicant.
2. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter into an agreement with the City incorporating the performance guarantee provisions.
3. The agreement 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 a certified check, the City shall rebate to the applicant fifty percent (50%) of the deposited funds when the applicant has completed seventy-five percent (75%) of the required improvements as confirmed by the City. The remaining fifty percent (50%) of the deposited funds shall be returned when the applicant has

completed one hundred percent (100%) of the required improvements and there is compliance with the Ordinance as confirmed by the City.

5. The return of the performance guarantee, as set forth above, shall be with interest earned thereon. However, the City is not required to deposit the performance guarantee in an interest-bearing account, and instead is able to use internal accounts as long as any interest can be calculated.
 6. An amount not to exceed the actual cost of the installation of landscape materials may be retained by the City for at least one (1) year following the installation of said materials to ensure property maintenance and, if necessary, replacement. This amount shall be released to the applicant upon certification by the Building Official that all landscape materials are being maintained in good condition.
 7. Prior to the acceptance of the public improvement by the City and upon the recommendation of the City Engineer, the Building Official shall require a maintenance bond for the public improvements in an amount not to exceed thirty-five (35%) percent of the total cost of the improvement and to remain in effect for a period not to exceed three (3) years.
 8. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City 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.
 9. If the performance guarantee is not sufficient to allow the City to complete the improvements for which such guarantee was posted, the applicant shall be required to pay the City the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposit. Should the City use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the City's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
- C. **Guarantee with Other Agencies:** If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City to insure completion of an improvement associated with the site, the applicant shall not be required to deposit with the City a performance guarantee for that same improvement.

SECTION 3.60 FEES

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all applications for zoning and building permits, certificates of occupancy, appeals, and other matters pertaining to the Zoning Ordinance. The City shall have the authority to include costs for the necessary use of engineering, planning, legal, or other special consultants. The schedule of fees shall be available at the Clerk's Office and the Building Department, and may be altered or amended only by the City Council. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 3.70 USE OF CONSULTANTS

From time to time, at the cost of the applicant, the City may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezoning applications, or other matters related to the planning and development of the City.

SECTION 3.80 VIOLATIONS AND PENALTIES

- A. **Violations:** Any violation of, or failure to comply with any provision of this Ordinance shall constitute a municipal civil infraction. Violator(s) shall be subject to a civil fine and costs in the amounts specified in the Official Municipal Civil Infraction Fines and Costs schedule adopted by resolution of the City Council. In addition to the fines and costs specified, each person, firm, association, partnership, corporation, or government entity who violates or authorized, allowed, or permitted a violation of any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance will be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which the City of Milan has been put in connection with the municipal civil infraction, up to the entry judgment. Costs of not more than \$500.00 will be ordered. Except as otherwise provided by law, costs will be payable to the general fund of the City of Milan.

Additionally, to the relief stated above, the City of Milan may obtain and have enforced any judgment, writ, or order necessary to enforce this ordinance pursuant, to MCL 600.8727(5), 600.8302(1) and 600.8302(4). Also, the City of Milan may obtain and enforce liens as authorized by MCL 600.8731 or as by the law of the state providing for the enforcement of tax liens.

- B. **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 Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

- C. **Each Day a Separate Offense:** A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.
- D. **Rights and Remedies are Cumulative:** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

SECTION 3.90 CONFORMANCE TO COURT DECREE

An amendment to conform a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this act.

SECTION 3.100 PUBLIC HEARING NOTICE REQUIREMENTS

- A. **When Required:** Public hearings are required in these instances where public hearings are required by this Ordinance and Act 110 of the Public Acts of 2006, as amended.
- B. **Notice Requirements:** Notice shall be given not less than fifteen (15) days before each public hearing at which an application will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Milan, and by personal delivery or mailing, where required, to the following:
 - 1. The applicant and the owner(s) of the property, if the applicant is not the owner.
 - 2. All persons to whom real property is assessed within three hundred (300) feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Milan.
 - 3. The occupants of any structures within three hundred (300) feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City of Milan, except as set forth below.
 - 4. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different

persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

5. The notice under 3.100 B. is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

C. Actions Exempt from Notification:

1. Requirements for individual notice to property owners shall not apply to Ordinance text amendments.
2. For any group of adjacent properties numbering eleven (11) or more that is proposed for rezoning, the requirement for individual notice as set forth in Section 3.100 B. 3. and 4. does not apply to that group of adjacent properties.

D. Content of Notice: The notice shall include:

1. The nature of the request.
2. The property(ies) for which the request has been made.
3. A listing of all existing street addresses within the property(ies) which is (are) the subject of the request. Street addresses do not need to be created and listed if no such addresses exist. If there are no street addresses, another means of identification may be used.
4. The location where the application documents can be viewed and copied prior to the date the application will be considered.
5. The date, time, and location of when the hearing on the application will take place.
6. The address at which written comments should be directed prior to the consideration.

SECTION 3.110 PLANNING COMMISSION

- A. Planning Commission:** The City Planning Commission, heretofore created pursuant to Public Act 285 of 1931, MCL 125.31, et. seq., as amended, and Public Act 33 of 2008, MCL 125.3811, et. seq., as amended, is hereby continued. Pursuant to Section 301(2) of Act 110 of the Public Acts of 2006, MCL 125.3301(2), all powers and duties of a zoning commission are hereby transferred to the City Planning Commission, which shall perform the duties of

said Commission as provided in the Statute in connection with the amendment of this Ordinance.

B. Members, Terms: The City Planning Commission shall consist of nine (9) members who shall represent insofar as possible different professions or occupations and who shall be appointed by the Mayor subject to the approval by a majority vote of the City Council. One (1) member may represent the legislative body and one (1) of such members may be a member of the Zoning Board of Appeals. The term of each member shall be three (3) years, except that three (3) members of the first commission so appointed shall serve for the term of one (1) year, three (3) for a term of two (2) years, and three (3) for a term of three (3) years, excepting the member representing the legislative body whose term is reflective of their legislative term. All members shall hold office until their successors are appointed. Members may, upon written charges and after a public hearing, be removed by the Mayor for misfeasance, nonfeasance, or malfeasance in office, subject to the approval by a majority vote of City Council. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Mayor, subject to the approval by a majority vote of City Council.

C. Powers and Duties.

1. The City Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Milan, and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties including:
 - a. The making and adopting of a Master Plan for the physical development of the municipality. Such Plan shall show, among other things, the Commission's recommendations for the general location, character, and extent of streets, boulevards, parkways, playgrounds, parks, location of public buildings and utilities, and the change of use, extension, removal, relocation, widening, narrowing, vacating, or abandoning of any of the foregoing.
 - b. Recommendations related to the adoption of a Zoning Ordinance for the control of the height, area, bulk, location, and use of buildings and premises, and all changes and amendments thereto, including conditional rezoning applications as set forth in Article 17.
 - c. The recommendation of approval to City Council of all preliminary plats subdividing land, planned unit developments, and any amendments or alterations thereof.
 - d. The recommendation to City Council on ordinance text amendments, street and alley vacations or extensions, and historic district designations.

- e. Acting as the approval authority on site plans and most special use approval applications.
 - 2. In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans, or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may be in its opinion to be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance. Any approval given by the Commission, under which premises are not used or work is not started within twelve (12) months or when use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.
- D. **Voting Requirements:** The concurring vote of five (5) members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests, unless the Planning Commission does not have final jurisdiction on the matter. The concurring vote of six (6) members of the Planning Commission is necessary for approval of Master Plan or future land use plan amendments. All other issues before the Planning Commission, including but not limited to rezoning proposals, planned unit developments, ordinance text amendments, subdivision plats, street and alley vacations or extensions, and historic district designations, are recommendations to City Council and the concurrence of a majority of the Planning Commission members is necessary to recommend an action to the City Council.
- E. **Finances:** The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council, and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.
- F. **Annual Report:** The City Planning Commission shall at least once per year prepare for the Milan City Council a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

ARTICLE 4 – ZONING DISTRICTS AND MAP

SECTION 4.10 DISTRICTS

The City of Milan is hereby divided into the following Zoning Districts:

R-1A	One-Family Residential District
R-1B	One-Family Residential District
R-2	Two-Family Residential District
R-3	Multiple-Family Residential District
MHP	Manufactured Home Park
GB	General Business District
HS	Highway Service District
O	Office District
IR	Industrial Research District
LI	Light Industrial District
GI	General Industrial District

The City of Milan is also divided into the following Form-Based Districts, set forth in Article 5:

D-1	Downtown Core
D-2	Downtown Edge

SECTION 4.20 MAP

The boundaries of the districts set forth in Section 4.10, Districts are shown upon the map attached hereto and made a part of this Ordinance. The map provided herein is designated as the Official Zoning Map of the City of Milan. The Zoning Map, along with all notations, references and other explanatory information, are available at the City of Milan offices.

SECTION 4.30 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any district indicated on the Official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow the centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- E. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow the centerline.
- F. Boundaries indicated as parallel to, or extensions of, features indicated in subsection A. through E. of this section shall be so construed.
- G. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- H. 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 A. through G. of this section, the Zoning Board of Appeals shall interpret the district boundaries.
- I. 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-ways, it is intended that the district boundaries extend to the center of any public right-of-way.

SECTION 4.40 ZONING OF VACATED AREAS

- A. Annexed Areas. Whenever any area is annexed to the City of Milan, one of the following conditions will apply:
 - 1. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the City Council and the Council shall approve same by resolution.

2. Land not zoned prior to annexation shall be automatically classified to conform with the City of Milan's Master Plan Future Land Use Map.
- B. Vacated Areas. Whenever any street, alley or other public way within the City of Milan has been vacated by action of the City Council, and the land within the vacated area is attached to and becomes a part of adjoining property, such lands formerly within the vacated area automatically, and without further action of the City Council, are subject to the same zoning regulations as are applicable to adjoining property to which the vacated land has been attached.

SECTION 4.50 DISTRICT REQUIREMENTS

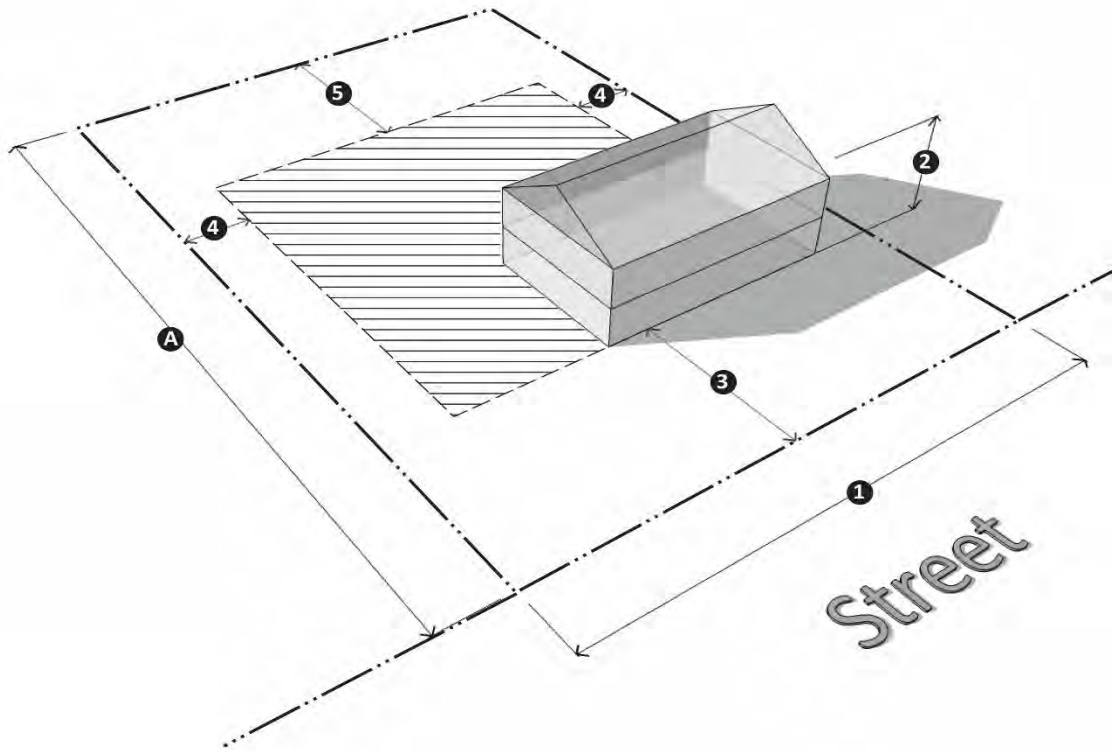
- A. The districts set forth herein guide the establishment of district boundaries to further the objectives of the City of Milan Master Plan. The intent of each district defines the interrelationships between conflicting and compatible land uses and between land uses and resources such as transportation, utilities, cultural and institutional facilities and the natural environment.
- B. Except as hereinafter provided, district regulations shall be applied in the following manner:
1. Permitted Uses. Permitted uses shall be permitted by right only if specifically listed as permitted uses in the various zoning districts or are similar to such listed uses.
 2. Accessory Buildings, Structures, and Uses. Accessory buildings, structures, and uses are permitted only if such uses are clearly incidental to the permitted principal uses. Accessory buildings, structures, and uses are subject to the provisions of Section 7.20.
 3. Conditional Uses. Conditional land uses are permitted as listed, subject to the procedures set forth in Article 9 and any specific standards applicable to a particular use.
- C. If a proposed use is not explicitly listed, the Zoning Administrator shall make a determination as to which listed use the proposed use is most similar to and compatible with, and in which district(s) said use shall be permitted. In making this determination, the Zoning Administrator shall consider factors such as peak hourly and average daily traffic generation, noise, light, demands on public utility systems and potential environmental impacts. The Zoning Administrator may refer any proposed use to the Planning Commission for determination of the appropriate district(s) in which said use may be permitted.

SECTION 4.60

ONE-FAMILY RESIDENTIAL DISTRICTS, R-1A AND R-1B

- A. **Intent.** The intent of the R-1A and R-1B Districts is to provide areas for single-family dwellings with the primary distinction being varying lot sizes. The R-1A and R-1B Districts are further intended to preserve and improve upon the quality of residential neighborhoods while permitting a limited number of other compatible uses which support residential neighborhoods.
- B. **Use Regulations.** Section 4.170 sets forth permitted, accessory and conditional land uses within the R-1A and R-1B Districts.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the R-1A and R-1B Districts:

Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (Per Lot in Feet)			Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings		
Use District	Area in Sq. Ft. ①	Width In Feet ①	In Stories ②	In Feet ②	Front	Sides			Rear	
					③	Least One ④	Total Two ④	⑤		
R-1A	9,600	80	2	35	25	5	17	30	1,500	30%
R-1B	7,200	60	2	35	25	5	17	20	1,200	30%



D. Supplemental District Standards.

1. Dwelling units shall conform to all applicable City Codes and Ordinances. Any such local requirements are not intended to abridge applicable State or Federal Requirements with respect to the construction of the dwelling.
2. Dwelling units shall be permanently attached to a perimeter foundation. In instances where the applicant elects to set the dwelling on piers or other acceptable foundations which are not at the perimeter of the dwelling, than a perimeter wall shall also be constructed. Any such perimeter wall shall also be constructed of durable materials and shall also meet all local requirements with respect to materials, construction and necessary foundation is below the frost line. Any such wall shall also provide an appearance which is compatible with the dwelling and other homes in the area.
3. Dwelling units shall be provided with exterior finish materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.

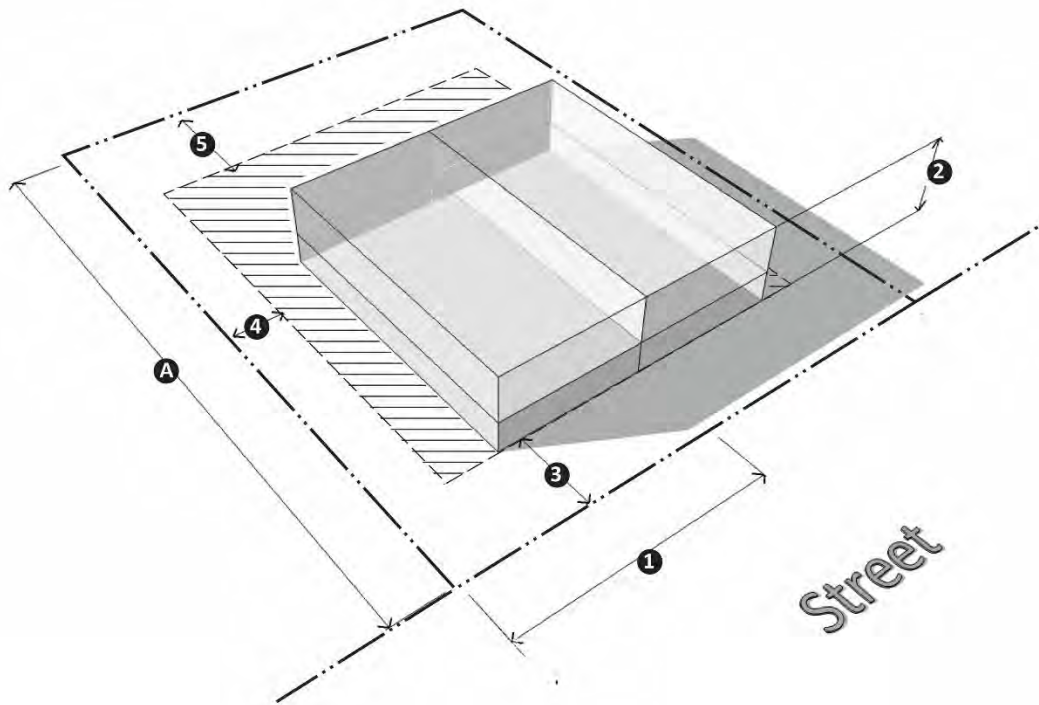
4. Dwelling units shall be provided with roof designs and roofing materials similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood.
5. Dwelling units shall be provided with an exterior building wall configuration which represents an average width to depth or depth to width ratio which does not exceed three (3) to one (21), or is in reasonable conformity with the configuration of dwelling units on adjacent properties or in the surrounding residential neighborhood.
6. The dwelling shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard if standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling on one hundred (100) square feet, whichever shall be less.
7. All dwelling units shall be placed upon a basement or crawl space foundation that complies with the adopted Building Code of the City of Milan or shall be anchored in a manner consistent with State and Federal Regulations.
8. The Building Official may request a review by the Planning Commission of any dwelling unit with respect to items 3, 4, and 5 above. The Building Official or Planning Commission shall not seek to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare the property value of surrounding residential uses and the City at large. In reviewing any such proposed dwelling unit, the Building Official may require the applicant to furnish such plans, elevations and similar documentation, as it deems necessary to permit a complete review and evaluation of the proposal. When comparing the proposed dwelling unit to similar types of dwelling area, consideration shall be given to comparable types of homes within three hundred (300) feet. If the area within three hundred (300) feet does not contain any such homes, than the nearest twenty (20) similar type dwellings shall be considered.
9. See Section 10.20-Open Space Preservation Option; Section 10.30-One-Family Cluster Option; and Section 10.10-Condominium Projects, regarding setback flexibility allowances.
10. Corner lot widths shall be increased not less than an additional fifteen (15) feet.

11. The side yard abutting upon a street shall not be less than fifteen (15) feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, or when said side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district.
12. Side yards shall total seventeen (17) feet when dwellings are constructed without attached garages. Side yards may total ten (10) feet when dwellings are constructed with attached garages.

SECTION 4.70 R-2 TWO-FAMILY RESIDENTIAL DISTRICT

- A. **Intent.** The intent of the R-2, Two-Family Residential District is to provide sites for Two-Family dwelling structures. The District is designed to serve as a transition between high intensity or non-residential use areas, and lower density residential land use areas. The R-2 District is further intended to provide medium density residential development in compact areas so as to encourage walkability.
- B. **Use Regulations.** Section 4.170 sets forth permitted, accessory, and conditional land uses within the R-2 District.
- C. **Dimensional Requirements.** The following dimensional requirements shall apply to the R-2 District:

Minimum Lot Size Per Dwelling Unit		Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
Area in Sq. Ft. ①	Width In Feet ①	In Stories ②	In Feet ②	Front	Sides		Rear		
				③	Least One ④	Total Two ④	⑤		
5,000/DU	80	2	35	25	5	17	20	750	30%



D. Supplemental District Standards.

1. Corner lot widths shall be increased not less than an additional fifteen (15) feet.
2. The side yard abutting upon a street shall not be less than fifteen (15) feet when there is a common rear yard relationship in said block and a common side yard relationship with the block directly across the common separating street. In the case of a rear yard abutting a side yard of an adjacent lot, or when said side yard abuts on frontages across a common street, the side yard abutting a street shall not be less than the required front yard of the district.
3. Single-family dwellings erected in this district shall meet all regulations of the R-1B, One-Family Residential District.
4. Side yards shall total seventeen (17) feet when dwellings are constructed without attached garages. Side yards may total ten (10) feet when dwellings are constructed with attached garages.

SECTION 4.80

R-3, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

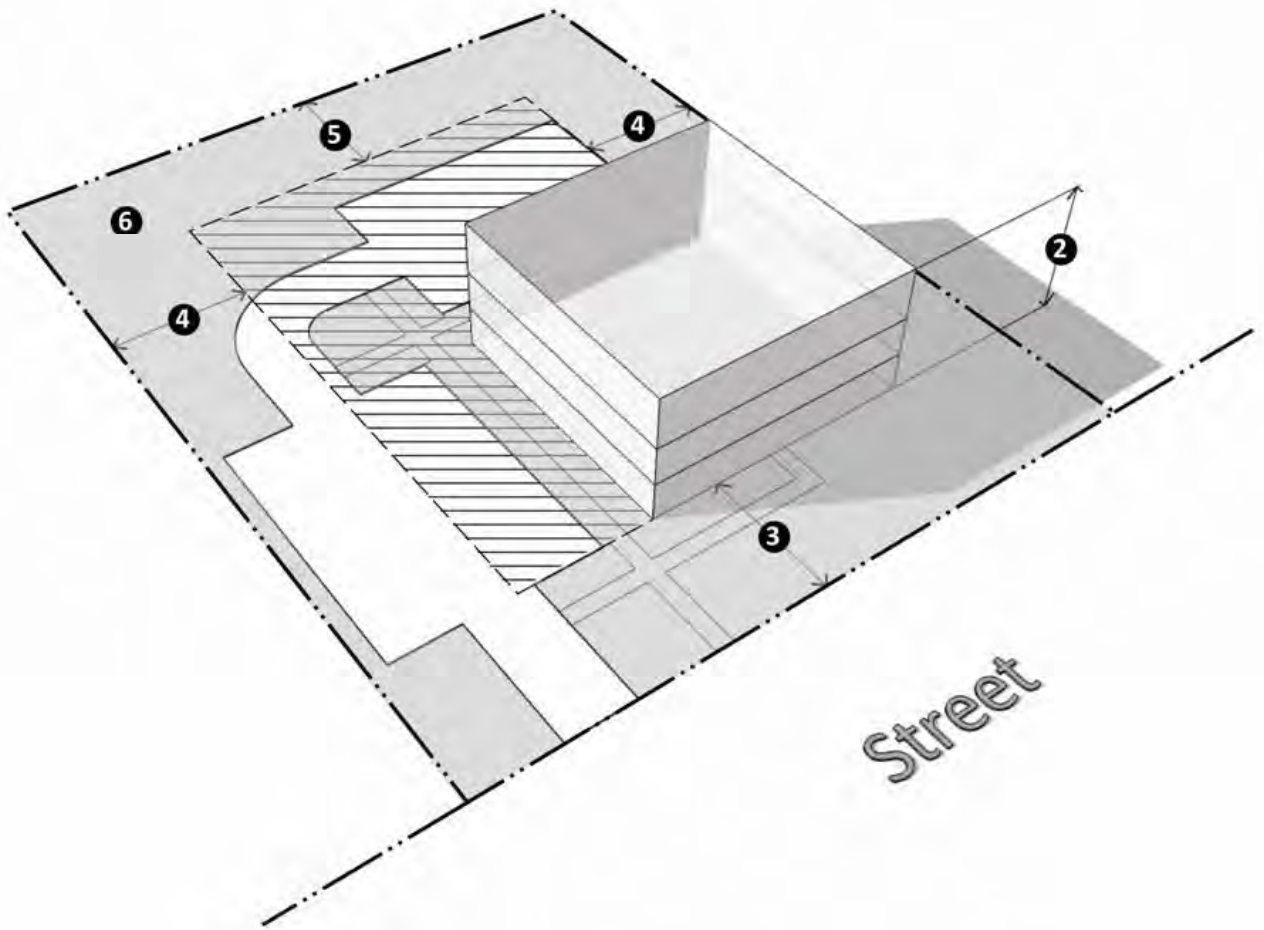
A. **Intent:** The intent of the R-3, Multiple-Family Residential District, is to provide for multiple-family residential development located in the areas which are compatible with single-family residential districts. This District requires significant open space which will enhance the residential desirability and compatibility of the subject properties and adjacent low density residential areas. This District is also intended to allow higher-density projects which will complement and support mixed-use areas of the City, the form-based districts of the City, or one another.

Development in the R-3 District can offer an urban character while serving as transitional zones between areas of higher and lower intensity of development. The R-3 District is further provided to accommodate existing multiple-family areas of the City which were developed to serve the need for a variety of housing types in an otherwise predominately low-density, single-family community.

B. **Use Regulations:** Section 4.170 sets forth permitted, accessory, and conditional land uses within the R-3 District.

C. **Dimensional Requirements:** The following dimensional requirements shall apply to the R-3 District:

Maximum Density	Minimum Width (In feet)	Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Distance Between Buildings	Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by Buildings
		In Stories	In Feet	Front	Sides		Rear			
Units per Acre		②	②	③	Least One ④	Total Two ④	⑤			
10-15 units	100	3	40	35	12	24	35	30	Efficiency or 1-BR - 600 2-BR - 800 3-BR - 1,000 4-BR - 1,200	35%



D. Supplemental District Standards:

1. Corner lot widths shall be increased not less than an additional fifteen (15) feet.
2. Single-family dwellings erected in this district shall meet all regulations of the R-1B One-Family Residential District.
3. Each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling structure exceeds forty (40) feet in overall dimension, along the adjoining lot line. In order to preserve the general open character of the district, structures shall be limited in length to one hundred seventy-five (175) feet.
4. The minimum distance between any two (2) buildings shall in no instance be less than thirty (30) feet. Off-street parking and maneuvering lanes shall not cover over thirty percent (30%) of a required minimum distance between buildings. The distance between buildings shall be regulated according to the length and height of such buildings where:

$$S = \frac{L^A + L^B + 2(H^A + H^B)}{6}$$

S = Required minimum horizontal distance between any wall of Building A and any wall of Building B or the vertical prolongation of either.

L^A = Total length of Building A.

The total length of Building A is the length of that portion or portions of a wall or walls of Building A from which, when viewed directly from above, lines drawn perpendicular to Building A will intersect any wall of Building B.

L^B = Total length of Building B.

The total length of Building B is the length of that portion or portions of a wall or walls of Building B from which, when viewed directly from above, lines drawn perpendicular to Building B will intersect any wall of Building A.

H^A = Height of Building A.

The height of Building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

H^B = Height of Building B.

The height of Building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of Building B. Natural

grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

5. **Setbacks Adjacent to Residential:** Where a property is abutting a single-family residential district, all setbacks abutting said district shall be equal to the height of the building.
6. **Primary Entrance:** The primary building entrance to each building shall be clearly identifiable.
7. **Pedestrian Connection:** A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the site. The pedestrian connection shall be a fully paved and maintained surface not less than five (5) feet in width.
8. **Off-Street Parking Location:**
 - a. Off-street parking shall be located predominately in the side or rear yard. No more than fifty percent (50%) of the required front yard shall be occupied by off-street parking.
 - b. For a corner lot, not more than fifty percent (50%) of the required yards along public road frontage shall be occupied by off-street parking.
9. **Recreation Space:** All multiple-family developments in an R-3 District shall contain an area or areas provided for common recreation which is the equivalent of four hundred fifty (450) square feet per dwelling unit. Such common recreation areas shall be located and designed in a manner which is appropriate to meet the recreational needs of the prospective residents of the development. Such recreational facilities may include, but not be limited to, swimming pools, tennis courts, playgrounds, picnic areas, playfields, and jogging trails.

SECTION 4.90 MHP, MANUFACTURED HOME PARK

- A. **Intent.** The MHP, Manufactured Home Park District is intended to provide for manufactured home parks and to require that such manufactured home parks be developed with the character of residential neighborhoods. This Ordinance recognizes that manufactured homes in manufactured home parks require locations, services, and facilities similar to any other single-family and multiple-family dwelling units that are developed at higher densities. It is further the intent of this Ordinance that various supporting uses common to higher density residential areas, as well as those that are unique to manufactured home communities, be permitted in this district.
- B. **Use Regulations:** Section 4.170 sets forth permitted accessory and conditional land uses in the MHP District.

C. **Dimensional Requirements:** Section 4.90 D. sets forth dimensional requirements for the MHP District.

D. **Supplemental District Standards:**

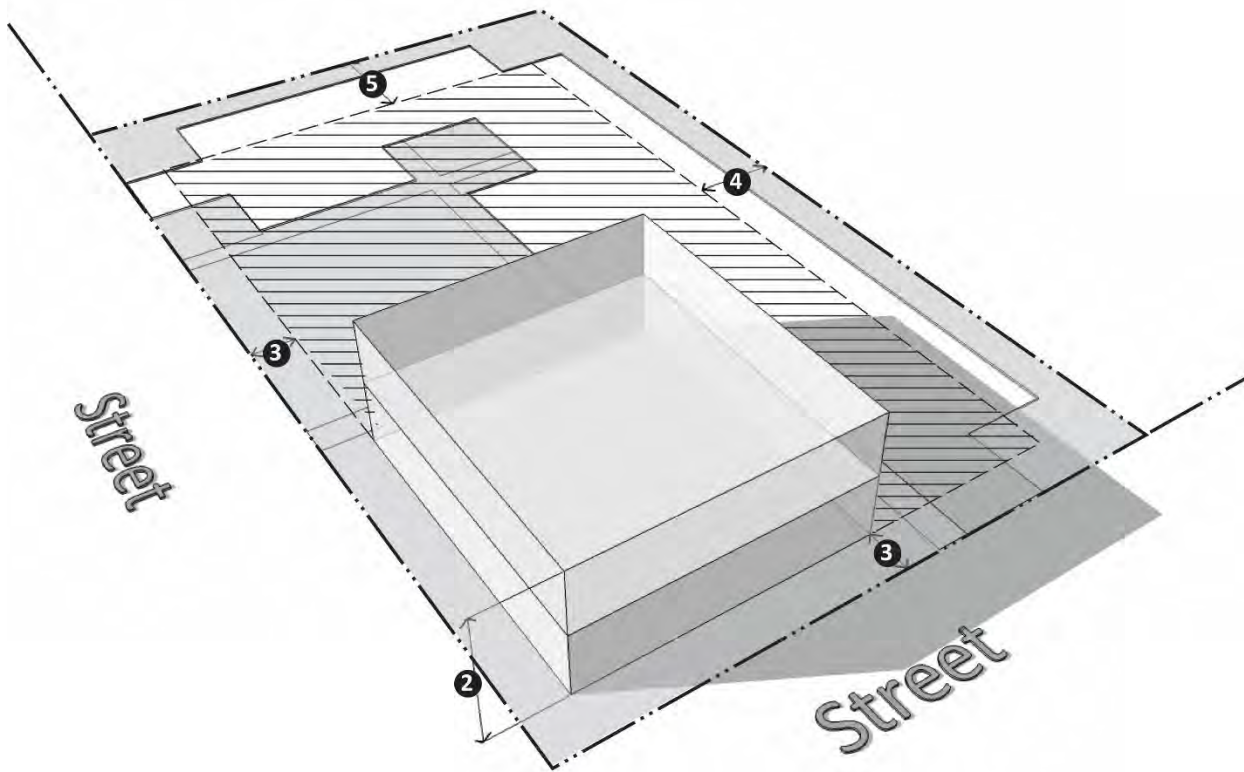
13. The Manufactured Housing Code, as established by the State of Michigan under the authority of PA 96 of 1987, as amended, regulates development of manufactured housing parks. All manufactured housing parks must be constructed according to the standards of the Code.
14. In addition to the rules and standards of the State of Michigan, the City imposes the following conditions:
 - a. Manufactured housing parks shall be constructed, licensed, operated and managed in accordance with the provisions of the Mobile Home Commission Act, PA 96 of 1987, as amended, and subsequently adopted rules and regulations governing mobile home parks.
 - b. Manufactured housing parks shall not be permitted on parcels less than fifteen (15) acres in size.
 - c. Individual manufactured housing sites within a manufactured housing park shall have a minimum lot size of five thousand five hundred (5,500) square feet per mobile home being served. This five thousand five hundred (5,500) square foot minimum may be reduced by twenty percent (20%), provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of the site below five thousand five hundred (5,500) square feet, an equal amount of land shall be dedicated as open space. In no case shall the open space requirements be less than that required under the Michigan Administrative Code governing manufactured housing parks.
 - d. The on-site storage of boat trailers, boats, camping units, horse trailers, and similar recreational equipment shall be prohibited on manufactured housing sites and in designated open space areas. The manufactured housing park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment.
 - e. The minimum setback for manufactured housing parks shall be fifty (50) feet from a public right-of-way. Manufactured housing parks shall be landscaped as follows:
 - i. If the manufactured housing park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.

- ii. If the park abuts a non-residential development, the park need not provide screening.
 - iii. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
- f. Required landscaping shall consist of evergreen trees or shrubs of minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping described above.
- g. Manufactured housing parks shall be subject to preliminary plan review requirements in accordance with PA 96 of 1987, as amended.

SECTION 4.100 GB, GENERAL BUSINESS DISTRICT

- A. **Intent:** The GB, General Business District is intended to provide areas for more diversified retail and service uses, a City-wide, or regional market area, and/or arterial exposure. The General Business Districts are typically located along major thoroughfares.
- B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and conditional land uses in the GB District.
- C. **Dimensional Requirements:** The following dimensional requirements shall apply in the GB District:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area In Feet	Maximum % of Lot Area Covered by Buildings
In Stories ②	In Feet ②	Front	Sides		Rear		
		③	Least One ④	Total Two ④	⑤		
3	40	20	4.100 D.1.b.	4.100 D.1.b.	20	-	4.100 D.2.



D. Supplemental District Standards:

1. Modification to Setback Requirements.
 - a. In GB Districts, no building shall be closer than seventy-five feet from the boundary of any single-family residential zoning district.
 - b. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
2. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the GB Districts.
3. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels,

trim elements and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.

4. Façade Variation. The maximum length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. The Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
5. Pedestrian Access / Entrance:
 - a. Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
 - b. Pedestrian Connection: A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive land surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
6. Off-Street Parking Location:
 - a. Parking shall not be located in the front yard.
 - b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
 - c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and the building shall be located in the corner of the lot adjacent to the intersection.
7. Loading/Unloading: Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per linear frontage of building and shall be computed separately from the off-street parking requirements. Where any alley exists or is provided at the rear of buildings, the rear building setback and loading requirements may be computed from the center of said alley.

SECTION 4.110 HS, HIGHWAY SERVICE DISTRICT

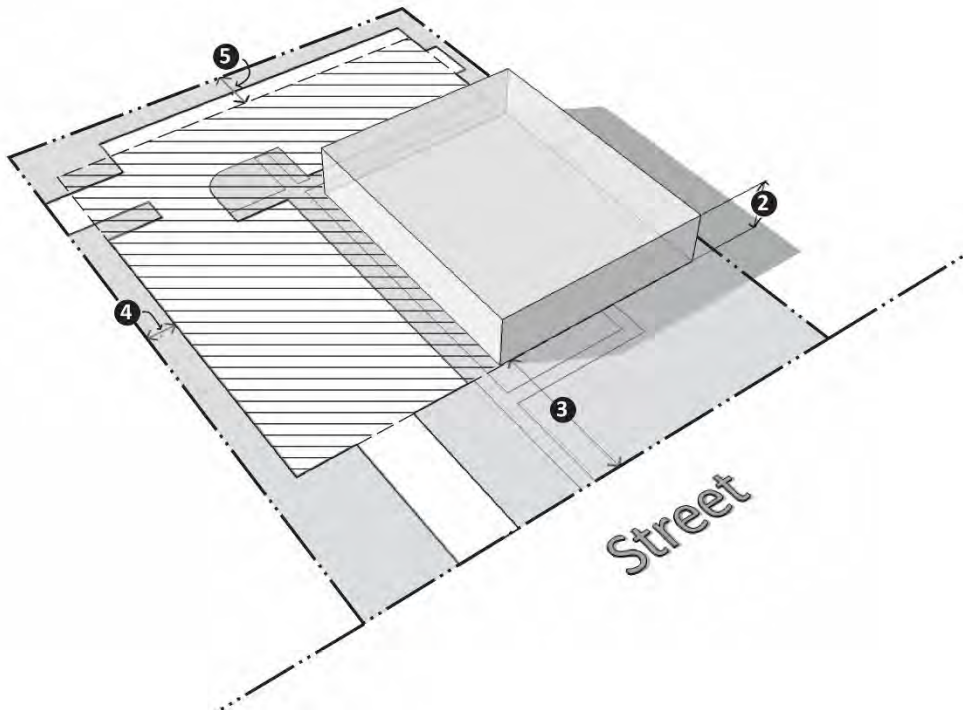
A. **Intent:** The HS District is designed to accommodate commercial and business uses which primarily serve the motoring public as they are grouped or concentrated along limited access highways and major thoroughfares.

It is further the purpose of these regulations to allow development, but protect abutting residential properties.

B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and conditional land uses in the HS District.

C. **Dimensional Requirements:** The following dimensional requirements shall apply in the HS District:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area In Feet	Maximum % of Lot Area Covered by Buildings
In Stories ②	In Feet ②	Front ③	Sides ④		Rear ⑤		
2	30	25	Least One ④	Total Two ④	20	-	4.110 D.2.



D. Supplemental District Standards:

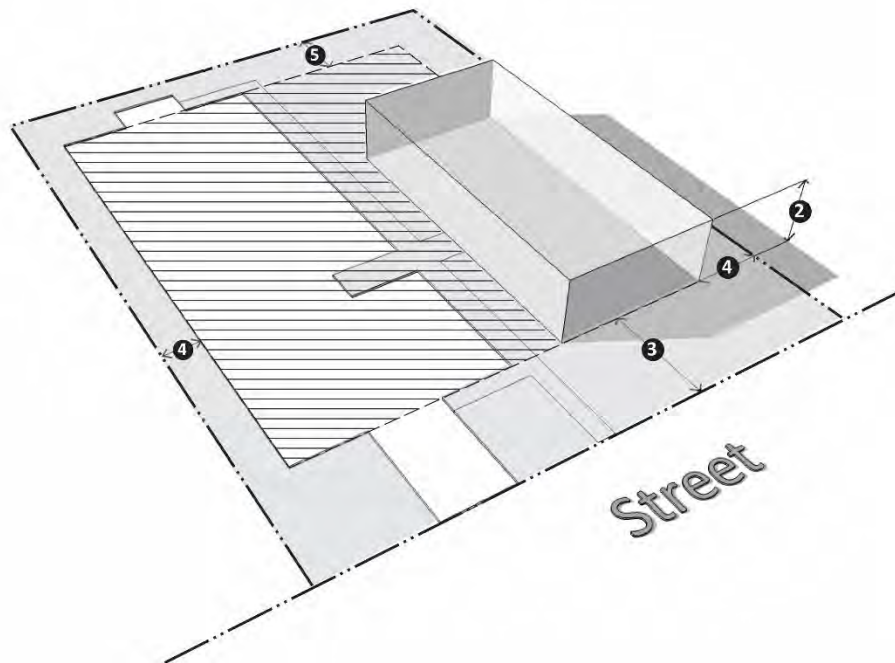
1. Modification to Setback Requirements:
 - a. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.
 - b. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.
2. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the HS Districts.
3. Materials: Durable building materials, simple configurations and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing System (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
4. Delivery/Loading Options: Loading docks, trash collection, outdoor storage, and similar facilities and functions shall not be located in any portion of the front yard. Visual and acoustic impacts of these functions shall be fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.
5. Off-Street Parking Location:
 - a. Parking shall not be located in the front yard.
 - b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
 - c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.120

O, OFFICE DISTRICT

- A. **Intent:** The O, Office District is intended to provide areas for office uses and limited related retail and service uses which support an office environment. These districts are typically located along commercial corridors in the City, or on the periphery of regionally prominent retail and service centers. Due to its less intense nature, the O District is suited to serve as a conventional transitional zone or in support of more regionally prominent areas and districts with a more intense concentration of uses.
- B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and conditional land uses in the O District.
- C. **Dimensional Requirements:** The following dimensional requirements shall apply in the O District:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area In Feet	Maximum % of Lot Area Covered by Buildings
In Stories ②	In Feet ②	Front	Sides		Rear		
		③	Least One ④	Total Two ④	⑤		
2	30	25	4.120 D.1.b.	4.120 D.1.b.	20	-	4.120 D.2.



D. **Supplemental District Standards:**

1. Modifications to Setback Requirements:

- a. No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.
- b. No side yards are required along the interior side lot lines of the District or along side lot lines in common with any non-residential district, provided all related conditions of this Ordinance are met. If walls of structures facing such interior or common side lot lines contain windows, or other openings, side yards of not less than ten (10) feet shall be provided.

2. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the O Districts.

3. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.

4. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

5. Pedestrian Access / Entrance:

- a. Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
- b. Pedestrian Connection: A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

- i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive land surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
6. Off-Street Parking Location:
- a. Parking shall not be located in the front yard.
 - b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
 - c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.130 I-R, INDUSTRIAL/RESEARCH DISTRICT

A. **Intent:** The I-R, Industrial Research District is intended to provide areas for industrial-research and office uses in planned developments that may have limited external impacts. Such districts are to be located and developed so as to complement the significant light industrial character of the community while at the same time provide for the necessary related non-manufacturing uses such as corporate office and research facilities. The I-R District is intended to encourage the development of uses and services that will support and enhance the office environment in the I-R District, primarily for the benefit of tenants and local residents. Further, the Industrial Research District is intended to provide for those major industrial-research, office and training uses which require proximity to major non-residential areas, rather than office uses serving a local market, which could reasonably be located in commercial and service areas elsewhere in the community.

The general goals of the I-R District include, but are not limited to:

- 1. Provide sufficient space in appropriate locations to meet the needs of the municipality's expected future economy for alloy types of light manufacturing, research, testing and related uses.
- 2. Protect adjacent residential districts by separating them from manufacturing activities.
- 3. Promote development of manufacturing and research which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from

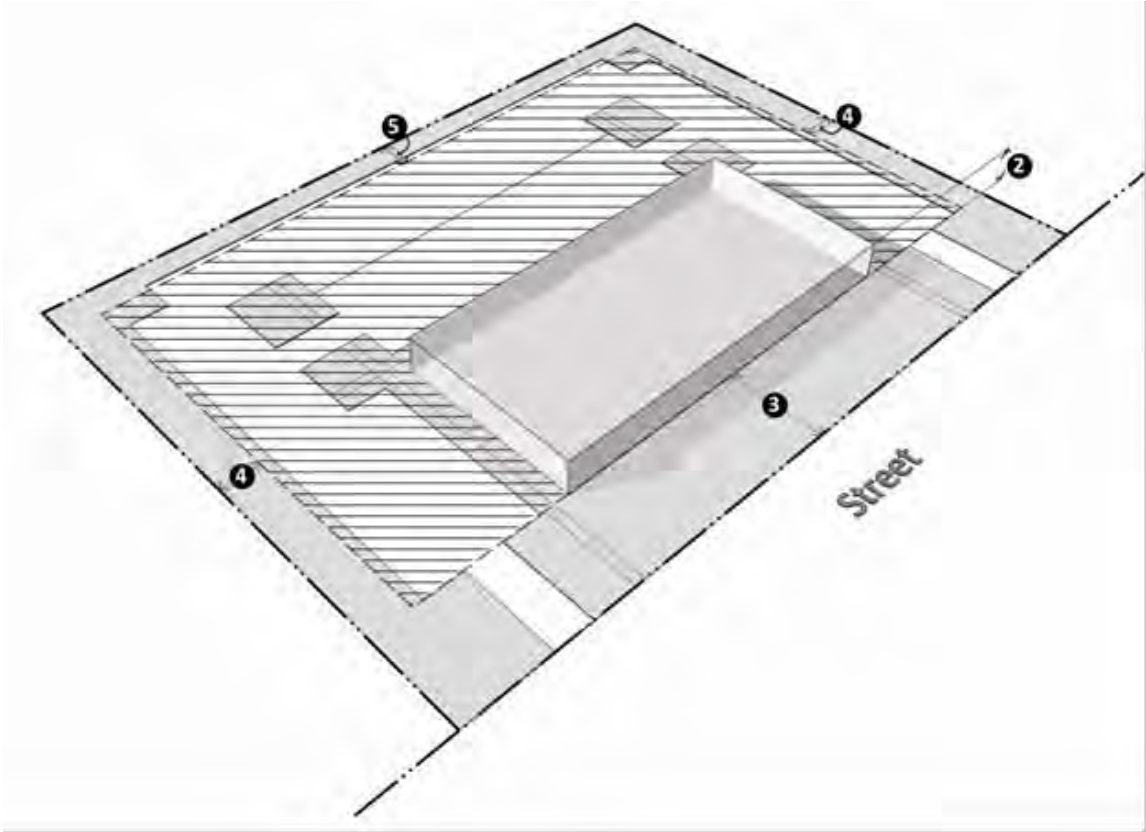
excessive offensive noise, vibration, smoke, odor and other objectionable influences.

4. Protect the character of the district by establishing a uniform pattern of architectural design to conserve the value of land and buildings, both within the district and in adjoining districts to promote development within the district.

B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and special land uses in the I-R District.

C. **Dimensional Requirements:** For all developments in the I-R District, the following dimensional requirements shall apply:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)				Maximum % of Lot Area Covered by Buildings
In Stories ②	In Feet ②	Front	Sides		Rear	
		③	Least One ④	Total Two ④	⑤	
3	40	40	15	30	20	4.130 D.4.



D. **Supplemental District Regulations:**

1. Modification to Setback Requirements: No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.
2. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.
3. Building Height: The height of portions of the structure may be allowed to exceed the maximum height when the industrial process requires towers or masses to exceed the maximum height of the overall general physical plant subject to review and approval by the Planning Commission after a public hearing held in accordance with Section 3.100.
4. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the I-R Districts.
5. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
6. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projects and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
7. Pedestrian Access / Entrance:
 - a. Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.

- b. Pedestrian Connection: A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive land surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
- 8. Off-Street Parking Location:
 - a. Parking shall not be located in the front yard.
 - b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
 - c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.140 LI, LIGHT INDUSTRIAL DISTRICT

A. **Intent:** The LI, Light Industrial District is designed to primarily accommodate wholesale activities, warehouses, industrial operations and limited business activities which have industrial characteristics. In order to allow optimum service to activities of this nature, residential uses, uses incidental to residential development and most retail activities are prohibited from this district. It is the intent of this Section to encourage the full utilization of the District under adequate standards of development, health and public safety, and to protect against the creation of nuisances.

The general goals of the LI, Light Industrial District include, but are not limited to the following:

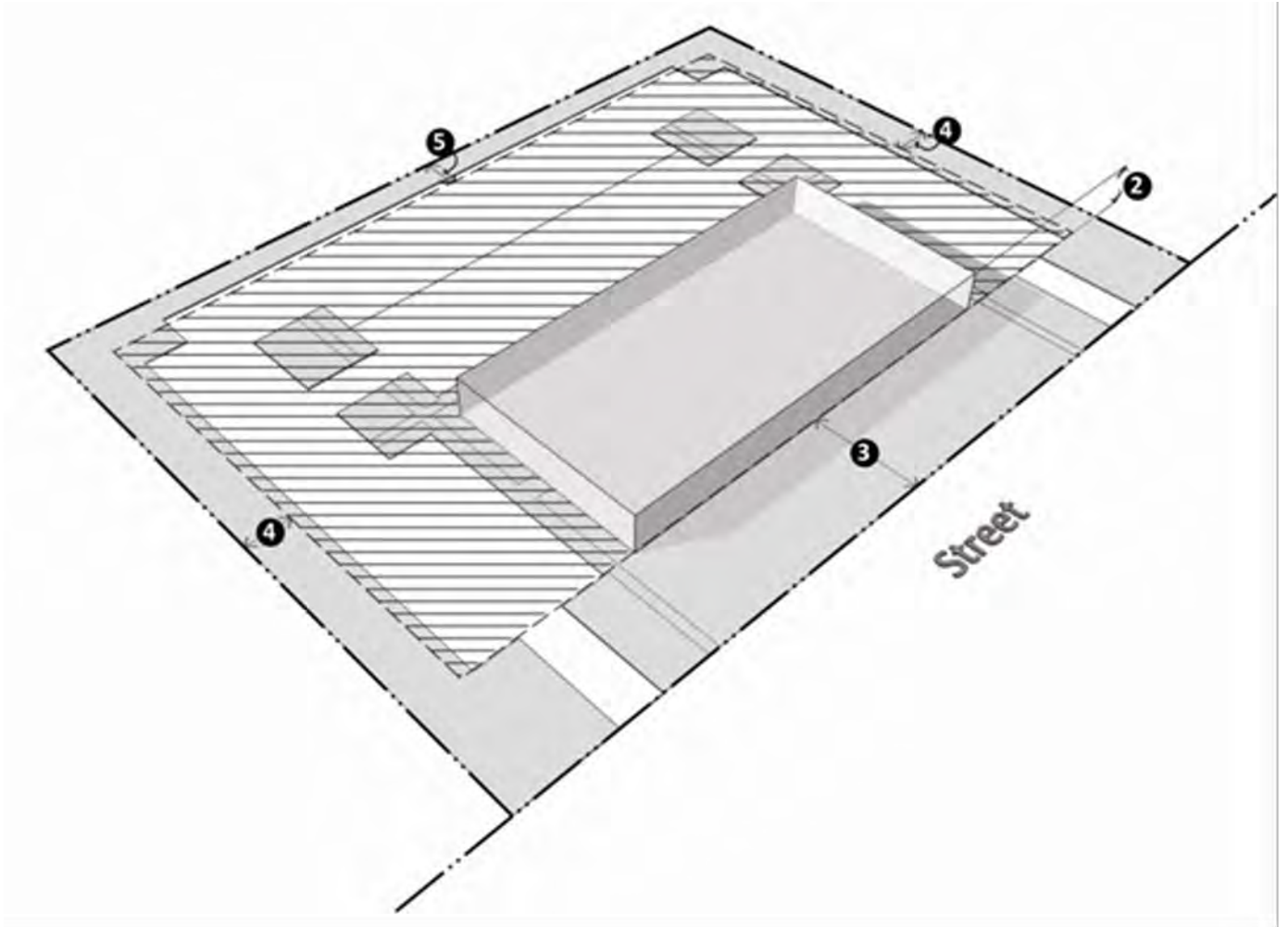
- 1. Provide sufficient space, in appropriate locations, to meet the needs of the municipalities expected future economy for alloy types of manufacturing and related uses.

2. Protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
3. Promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. Protect the most desirable use of land in accordance with a well considered plan. By protecting the character and established pattern of adjacent development, the City will be in a position to conserve the value of land and buildings and other structures, and protect the municipality's tax revenue base.

B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and conditional land uses in the LI District.

C. **Dimensional Requirements:** For all developments in the LI District, the following dimensional requirements shall apply:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)			
In Stories ②	In Feet ②	Front	Sides		Rear
		③	Least One ④	Total Two ④	⑤
3	40	40	15	30	20



D. Supplemental District Regulations:

1. Modification to Setback Requirements: No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.
2. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.
3. Building Height: The height of portions of the structure may be allowed to exceed the maximum height when the industrial process requires towers or masses to exceed the maximum height of the overall general physical plant

subject to review and approval by the Planning Commission after a public hearing held in accordance with Section 3.100.

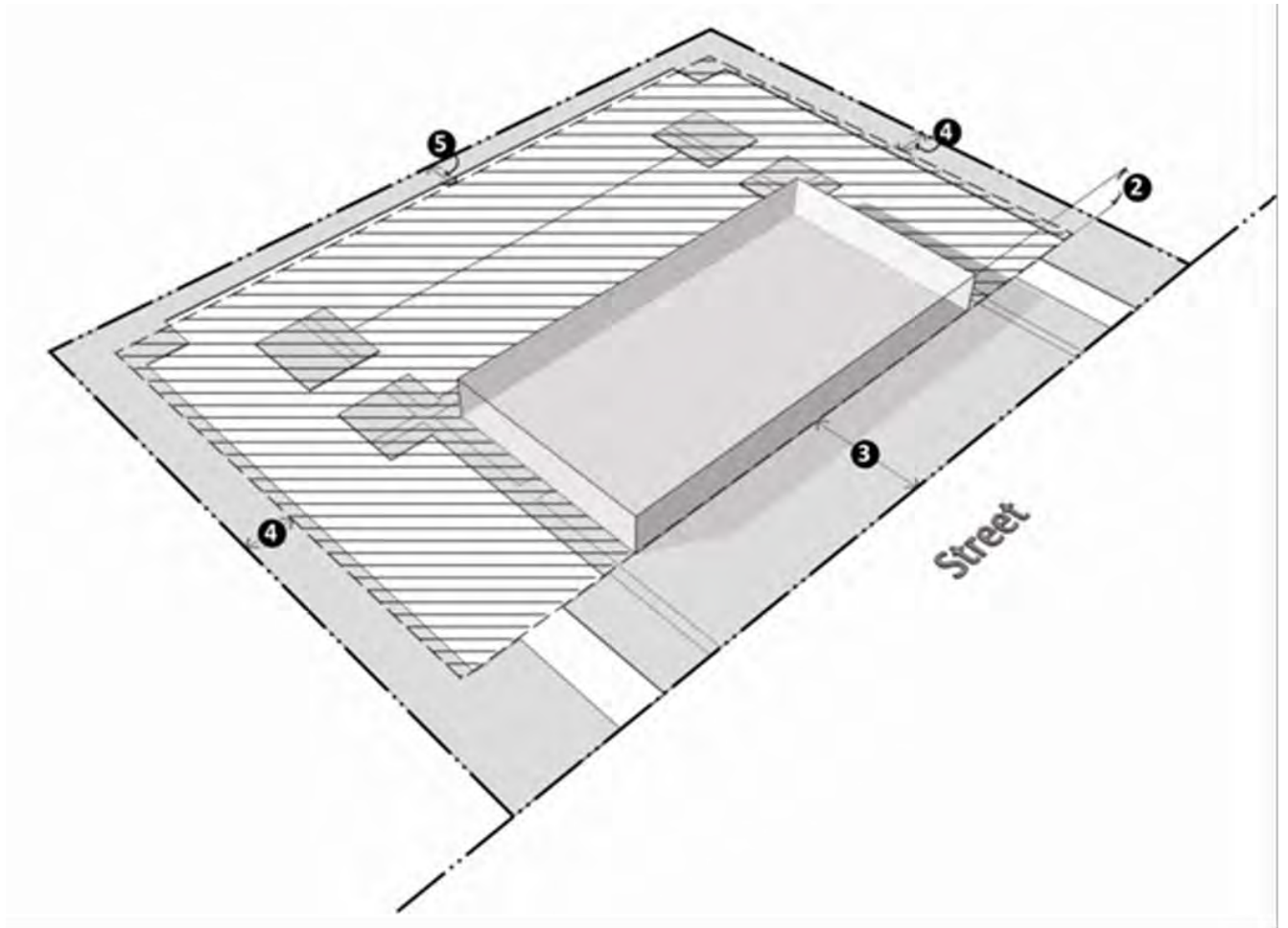
4. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the LI Districts.
5. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
6. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
9. Pedestrian Access / Entrance:
 - a. Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
 - b. Pedestrian Connection: A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive land surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
10. Off-Street Parking Location:

- a. Parking shall not be located in the front yard.
- b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
- c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.150 GI, GENERAL INDUSTRIAL DISTRICT

- A. **Intent:** The GI, General Industrial District is designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be felt to some degree by surrounding districts. The GI District is so structured as to permit the manufacturing, processing and compounding of semi-finished or finished products from raw materials as well as from previously prepared materials.
- B. **Use Regulations:** Section 4.170 sets forth permitted, accessory and conditional land uses in the GI District.
- C. **Dimensional Requirements:** For all developments in the GI District, the following dimensional requirements shall apply:

Maximum Height		Minimum Yard Setback (Per Lot in Feet)			
In Stories ②	In Feet ②	Front	Sides		Rear
		③	Least One ④	Total Two ④	⑤
3	40	40	15	30	20



D. Supplemental District Regulations:

1. Modification to Setback Requirements: No building shall be located closer than fifty (50) feet from the boundary of any single-family residential district.
2. The front yard shall remain as open space, unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. Off-street parking spaces, aisles, loading areas, and maneuvering lanes shall not be located in such yards. All yards abutting upon a public street or freeway shall be considered as front yards for setback and open space purposes.
3. Building Height: The height of portions of the structure may be allowed to exceed the maximum height when the industrial process requires towers or masses to exceed the maximum height of the overall general physical plant subject to review and approval by the Planning Commission after a public hearing held in accordance with Section 3.100.

4. Maximum Percent of Building Coverage. The maximum percent of building coverage shall be determined on the basis of off-street parking and loading, screening and setback requirements as set forth herein for the respective uses in the GI Districts.
5. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding should only be used for accents.
6. Façade Variation. The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
7. Pedestrian Access / Entrance:
 - a. Primary Entrance: The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
 - b. Pedestrian Connection: A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - i. Fully paved and maintained surface not less than five (5) feet in width.
 - ii. Unit pavers or concrete distinct from the surrounding parking and drive land surface.
 - iii. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
8. Off-Street Parking Location:
 - a. Parking shall not be located in the front yard.

- b. No more than fifty percent (50%) of the total site's linear feet along the front building line shall be occupied by parking lot.
- c. For a corner lot, the cumulative total of the site's linear feet along any building line facing a right-of-way occupied by parking shall be no more than sixty percent (60%), and the building shall be located in the corner of the lot adjacent to the intersection.

SECTION 4.160 PUD, PLANNED UNIT DEVELOPMENT DISTRICT

- A. **Intent:** This district is established to permit greater flexibility and consequently more creative design of various types of development than are possible under conventional zoning regulations. It is the intention of the associated provisions to allow flexible land use composition and design without sacrificing the basic principles of sound planning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the land use base for designing a combination of uses permitted in each district in the form of clustering principal uses and activities at a higher density than would otherwise be possible under the respective district regulations on a preferred portion of a parcel while maintaining the overall density of development of the parcels consistent with the district regulations. Another option would be to combine the planning of land uses and activities from several districts as one project on the same clustering principle.

See Article 11 for specific use regulations.

SECTION 4.170 SCHEDULE OF USE REGULATIONS

- A. In all Districts, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance.
- B. The Schedule of Use Regulations identifies uses as follows:
 - 1. "P" identifies uses permitted by right.
 - 2. "C" identifies uses requiring conditional approval.
 - 3. "A" identifies accessory uses.
 - 4. "NP" identifies uses that are not permitted.

Table 4-170-1 Schedule of Use Regulations

Uses	Districts									
	R-1A/R-1B	R-2	R-3	MHP	GB	HS	O	I-R	LI	GI
Residential										
One-family dwellings	P	P	P	P	NP	NP	NP	NP	NP	NP
Two-family dwellings	NP	P	P	NP	NP	NP	NP	NP	NP	NP
One-family attached dwellings	NP	P	P	NP	NP	NP	NP	NP	NP	NP
Home occupations	A	A	A	A	A	A	NP	NP	NP	NP
Multiple-family dwellings (up to 3 stories)	NP	NP	P	NP	NP	NP	NP	NP	NP	NP
Multiple-family dwellings (on upper floors only in a mixed use building)	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Senior assisted / independent living	P	P	P	NP	P	P	NP	NP	NP	NP
Live/work units	NP	NP	P	NP	P	P	NP	NP	NP	NP
Bed and breakfast	C	C	C	C	NP	NP	NP	NP	NP	NP
Recreation										
Publicly owned /operated parks, parkways, and recreational facilities	P	P	P	P	P	P	P	P	NP	NP
Golf Courses	C	C	C	C	C	C	NP	NP	NP	NP
Swimming pool clubs	C	C	C	C	C	C	NP	NP	NP	NP
Institutional										
Primary/secondary schools	C	C	C	C	P	P	P	P	NP	NP
Places of worship	C	C	C	C	P	P	P	P	NP	NP
Publicly owned/operated office and service facilities	C	C	C	C	P	P	P	P	P	P
Convalescent centers	NP	NP	C	NP	P	P	P	NP	NP	NP
Fine/performing arts facilities	NP	NP	NP	NP	P	P	P	NP	NP	NP
Post-secondary schools (high schools, colleges, commercial schools)	NP	NP	NP	NP	P	P	P	P	NP	NP

Uses	Districts									
	R-1A/R-1B	R-2	R-3	MHP	GB	HS	O	I-R	LI	GI
Bus/transit passenger stations, taxicab offices, dispatching centers	NP	NP	NP	NP	P	P	P	P	P	P
Hospitals	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Family day care homes	P	P	P	P	NP	NP	NP	NP	NP	NP
Group day care homes	C	C	C	C	NP	NP	NP	NP	NP	NP
Day care centers/preschools	C	C	C	C	P	P	P	P	NP	NP
Adult foster care, Family home	P	P	P	P	NP	NP	NP	NP	NP	NP
Adult foster care, Small group home	C	C	C	C	NP	NP	NP	NP	NP	NP
Adult foster care, Large group home	C	C	C	C	NP	NP	NP	NP	NP	NP
Adult foster care, Congregate facility	C	C	C	C	NP	NP	NP	NP	NP	NP
Retail, Entertainment + Service										
Restaurants, standard	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Restaurants, fast food	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Restaurants, drive-in	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Bar/lounge	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Outdoor dining areas	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Retail, general	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Retail, large-format	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Shopping centers	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Health fitness centers, athletic clubs, martial arts studios and other similar uses	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Building and lumber supply	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Garden centers/nurseries	NP	NP	NP	NP	P	P	NP	NP	P	NP

Uses	Districts									
	R-1A /R-1B	R-2	R-3	MHP	GB	HS	O	I-R	LI	GI
Commercial greenhouse	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Indoor commercial recreation	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Outdoor commercial recreation	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Dance, music and art studios	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Dry cleaners and laundry	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Pharmacies, durable medical goods sales/rental	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Open air businesses, as a principal use	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Open air businesses, subordinate to principal use	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Lodging	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Private clubs, fraternal organizations and lodge halls	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Conference, meeting and banquet facilities	NP	NP	NP	NP	P	P	NP	C	NP	NP
Personal services	NP	NP	NP	NP	P	P	NP	A	NP	NP
Home service and repair	NP	NP	NP	NP	P	P	NP	A	NP	NP
Photographic studios	NP	NP	NP	NP	P	P	P	P	NP	NP
Financial institutions	NP	NP	NP	NP	P	P	P	P	NP	NP
Commercial kennels/pet day care	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Drive-up/Drive-through facilities	NP	NP	NP	NP	C	A	C	NP	NP	NP
Theatres and places of assembly	NP	NP	NP	NP	P	P	NP	C	NP	NP
Adult use businesses	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Mortuary/funeral home	NP	NP	NP	NP	P	P	NP	NP	NP	NP
Office										
Offices, general	NP	NP	NP	NP	P	P	P	P	NP	NP
Professional and medical offices	NP	NP	NP	NP	P	P	P	P	NP	NP

Uses	Districts									
	R-1A / R-1B	R-2	R-3	MHP	GB	HS	O	I-R	LI	GI
Business services	NP	NP	NP	NP	P	P	P	P	NP	NP
Medical clinics	NP	NP	NP	NP	P	P	P	P	NP	NP
Veterinary clinics or hospitals	NP	NP	NP	NP	P	P	P	P	NP	NP
Industrial										
Prototype or experimental product research + development	NP	NP	NP	NP	NP	NP	P	P	NP	NP
Any use of basic research, design and pilot or experimental product development	NP	NP	NP	NP	NP	NP	P	P	NP	NP
Manufacturing and assembly	NP	NP	NP	NP	NP	NP	NP	NP	NP	P
Laboratories	NP	NP	NP	NP	NP	NP	P	P	NP	NP
Warehouse and wholesale establishments	NP	NP	NP	NP	NP	NP	NP	NP	P	P
Truck terminal facilities	NP	NP	NP	NP	NP	NP	NP	NP	C	P
Central dry cleaning/laundry plants	NP	NP	NP	NP	NP	NP	NP	NP	C	P
Outdoor storage facilities	NP	NP	NP	NP	NP	NP	NP	NP	C	C
Mini warehouse/self storage	NP	NP	NP	NP	NP	NP	NP	NP	P	P
Materials recovering facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	C
Automotive/Transportation										
Recreation vehicle sales	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Vehicle repair stations	NP	NP	NP	NP	C	C	NP	NP	C	NP
Vehicle fueling/multi-use stations	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Vehicle washes	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Vehicle auctions	NP	NP	NP	NP	C	C	NP	NP	C	NP
New and used vehicle sales	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Antique and classic vehicle sales	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Ambulance facilities	NP	NP	NP	NP	C	C	NP	NP	NP	NP
Vehicle rental	NP	NP	NP	NP	C	C	NP	NP	NP	NP

Uses	Districts									
	R-1A /R-1B	R-2	R-3	MHP	GB	HS	O	I-R	LI	GI
Miscellaneous										
Accessory buildings and uses	A	A	A	A	A	A	A	A	A	A
Cemeteries	P	P	P	P	NP	NP	NP	NP	NP	NP
Utility and public service buildings and facilities (without storage yards)	C	C	C	C	P	P	P	P	P	P
Utility and public service buildings and facilities (with storage yards)	NP	NP	NP	NP	C	C	C	C	C	C
Commercial wind energy conversion systems and temporary meteorological towers	C	C	C	C	C	C	C	C	C	C
Production facility, multimedia	NP	NP	NP	NP	C	C	NP	P	NP	NP

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ARTICLE 5 – DOWNTOWN FORM-BASED CODE DISTRICTS (DFBC), D-1 & D-2

SECTION 5.10 INTENT

The Zoning Ordinance regulates the intensity and use of development, which is appropriate in most parts of the City. There are also areas within the City in which greater emphasis on regulating form and character of development should be considered as well as use and intensity of use. The Downtown Form-Based Code (DFBC) Districts use form-based provisions to accomplish this, with a special sensitivity to the contextual relevance of two (2) unique downtown sub-districts within the overall DFBC. This unique zoning district allows the City to regulate land use in a more flexible format for this specific area to encourage a viable, dynamic mix of uses.

Physically, the DFBC is intended to promote a unified vision for supporting the historic commercial core of the City of Milan focused on increased and maintained land use intensity and improved public amenities that are oriented as much to the needs of the pedestrian as to those of the automobile. The flexibility in use regulation inherent in the overall DFBC regulations, paired with the prescriptive physical development regulations in this Section will result in a compact, walkable environment that creates new opportunities for investment while protecting quality attributes of the existing area.

Specifically, the DFBC will do the following:

- A. Ensure that development is of human scale, primarily pedestrian-oriented and designed to create attractive streetscapes and pedestrian spaces.
- B. Promote mixed-use development in both a horizontal and vertical form.
- C. Ensure reasonable transition between higher intensity development and adjacent neighborhoods.
- D. Provide economic development opportunities by allowing a wider range of potential uses and creative redevelopment techniques that will expand the employment base and value of land.
- E. Provide a simple, predictable, efficient way to allow complex, innovative development that would otherwise require special planning procedures.
- F. Encourage the incubation of a residential element within the traditional Downtown to foster a twenty-four (24)-hour community.
- G. Establish a development pattern in which new buildings and building modifications enhance the character of the existing built environment.

building line and the back-of-curb. A five (5)-foot width of walkable area between the building and curb must be maintained. Permitted street furniture features include:

- a. A permanently mounted seating fixture constructed of decorative metal.
 - b. A permanently reserved planting bed with defined, durable edges. Such beds must be a minimum of twenty (20) square feet in area and should be raised or protected from the surrounding paved areas by a durable curb, edge, or other designed feature. Planting beds must be planted with hardy plants and general areas within planting beds must be planted with groundcover to reduce soil loss.
 - c. Waste receptacle constructed of decorative metal.
2. Parking areas which front a right-of-way shall be screened from the public right-of-way by a thirty (30)-inch decorative masonry wall. Such wall may be located directly along the front property line or may be recessed and buffered by a landscape bed three (3) feet in depth.

SECTION 5.40 USES PERMITTED

Authorized uses are identified in Table 5.40-1.

If a use is not listed but is similar to other uses within a category, the Zoning Official may make the interpretation that the use is similar to other uses. The Zoning Official may also make the determination whether the similar use is permitted by right, as a use subject to conditional use approval, not permitted, or permitted subject to use-specific conditions. The Zoning Official may obtain a recommendation from the Planning Commission as to whether or not the proposed use is similar to a specific use and whether the use is permitted by right, as a conditional land use, not permitted, or permitted on the upper floors only.

Table 5.40-1 Permitted Uses

*Uses are permitted by right (P), as a conditional use subject to approval (C), not permitted (NP) **OR** permitted on upper floors only (UP).*

Use	D-1	D-2
Single-family detached dwellings	C	C
Public parks and playgrounds	P	P
Home Occupations, subject to the requirements set forth in Section 7.80.	UP	UP
Accessory uses, buildings and structures, subject to the requirements set forth in Section 7.20.	P	P
Churches and other institutions for religious worship.	C	C
Police and fire stations, public safety buildings, public utility buildings, telephone exchange buildings, electric transformer stations and gas regulator stations, but not including service or storage yards.	P	P
Bed and breakfasts, subject to the requirements set forth in Section 6.50.	C	C
Daycare homes, subject to the requirements set forth in Section 6.80.	P	P
Adult foster care large group homes, subject to the requirements set forth in Section 6.20.	P	P
Hospitals, subject to the requirements set forth in Section 6.110.	C	C
Elderly housing, subject to the requirements set forth in Section 6.220.	C	C
Two-Family dwellings	UP	UP
Child daycare centers, subject to the requirements set forth in Section 6.80.	P	P
Multiple-family dwellings	UP	P
Adult foster care congregate facilities, subject to the requirements set forth in Section 6.20.	P	P
Convalescent centers or nursing homes, subject to the requirements set forth in Section 6.30.	P	P

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Uses	D-1	D-2
Office buildings occupied by the practice of any one or more of the following professions: physician, dentist, attorney, chiropractor, accountant, engineer or architect.	P	P
Offices for one or more than one of the following professional or business services: insurance, real estate, secretarial, manufacturers' representatives, sales representatives or financial management and tax preparation.	P	P
Office building occupied by professionals which are similar to those set forth above.	P	P
Office buildings for the use of any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.	P	P
Medical and dental offices, including clinics and medical laboratories.	P	P
Banks, credit unions, savings and loan associations.	P	P
Publicly-owned building, public utility transformer stations and substations, telephone exchanges and public utility offices.	P	P
Retail sales of office supplies, computer and business machines and personal communication equipment.	P	P
Business service establishments such as printing and photocopying services, mail and packaging services and typing and secretarial services.	P	P
Studios for musical, dance or artistic instruction.	P	P
Private service clubs, fraternal organizations and lodge halls.	P	P
Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment.	P	P
Business and/or technical schools.	P	P
Personal service establishments, such as photographic studios, barber and beauty shops, watch, clothing and shoe repair, locksmith, laundry and dry cleaning, and similar establishments.	P	P
Florist shops	P	P
Veterinary offices and hospitals, including accessory boarding. No outdoor exercise runs or pens are permitted.	NP	C

Uses	D-1	D-2
Laundry and dry cleaning customer outlets, provided dry cleaning or laundry plants serving more than one customer outlet shall be prohibited.	C	C
Food and beverage sales, including grocery, meat market, bakery, party store, delicatessen and fruit market.	P	P
Retail sales of gifts, antiques and collectables.	P	P
Standard and carry-out restaurants.	P	P
Bars and lounges.	P	P
Retail sales of drug and health care products.	P	P
Retail sale of clothing, shoes, jewelry and accessories.	P	P
Video rental and sales.	P	P
Funeral homes.	P	P
Any service establishment of an office, showroom or workshop nature; or an electrician, plumber, decorator, carpenter or upholsterer.	P	P
Drive-in or drive-up facilities such as drive-up windows for banks, drive-in cleaners, and similar facilities, but not including drive-in restaurants.	NP	C
Retail sales of musical instruments, hardware, paint and home decorating supplies, floor covering, sporting goods, furniture, home accessories and appliances.	P	P
Sidewalk café service or outdoor dining, operated by a restaurant or other food establishment which sells food or drinks for immediate consumption. (permit required from Building Depart.)	P	P
Lodging facilities	P	P
Recreation and amusement services, including theaters, bowling alleys, roller and ice skating rinks, billiard halls and miniature golf.	C	C
Wholesale sales.	P	P
Health clubs or gymnasiums.	P	P
Indoor sports facility	C	C

In addition to standards set forth in this Article, all proposed development in the DFBC shall comply with the standards set forth herein.

A. **Building Design and Materials:**

1. **Overall Design:** It is the intent of this Article to improve the appearance of and add visual interest to the DFBC. Emphasis shall be placed upon methods that focus attention on attractive buildings that front on the adjacent right-of-way.
2. **Materials.** Durable building materials, simple configurations, and solid craftsmanship are required. Fifty percent (50%) of walls visible from public streets, exclusive of wall areas devoted to meeting transparency and ground story activation requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood flap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S) and vinyl or aluminum siding should only be used for accents.

B. **Façade Variation:** The maximum linear length of an uninterrupted building façade facing public streets and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

C. **Ground Story Activation:**

1. **Transparency:**

- a. The first floors of all buildings shall be designed to encourage and complement pedestrian-scale activity and crime prevention techniques. It is intended that this be accomplished principally by the use of windows and doors arranged so that active uses within the building are visible from or accessible to the street, and parking areas are visible to occupants of the building. The first floor of any front façade facing a right-of-way shall be no less than fifty percent (50%) windows and doors, and the minimum transparency for facades facing a side street, side yard, or parking area shall be no less than thirty percent (30%) of the façade.
- b. Transparency requirements shall not apply to sides which abut an alley.
- c. Windows for building sides shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

2. Transparency Alternatives: The following alternatives may be used singularly or in combination. They may count toward no more than eighty percent (80%) of the transparency requirement.
 - a. Wall Design: Wall designs that provide visual interest and pedestrian-scale may count as a transparency alternative if they provide a minimum of three (3) of the following elements, occurring at intervals no greater than twenty-five (25) feet horizontally and ten (10) feet vertically:
 - i. Expression of structural system and infill panels through change in plane not less than three (3) inches.
 - ii. System of horizontal and vertical scaling elements such as: belt course, string courses, cornice, pilasters, and the like.
 - iii. System of horizontal and vertical reveals not less than one (1) inch in width/depth.
 - iv. Variations in material module, pattern, and/or color.
 - v. System of integrated architectural ornamentation.
 - vi. Green screen or planter walls.
 - vii. Translucent, fritted, patterned or colored glazing.
 - b. Outdoor Dining/Seating: Outdoor dining/seating located between the building and the primary street zone lot line may count toward the transparency requirement. Such spaces must be permanently created by a wall or other permanent improvement defining the outdoor dining area. Permit must be obtained from the Building Department prior to operation of outdoor dining/seating area.
 - c. Permanent Art. Non-commercial art or graphic design of sufficient scale and orientation to be perceived from the public right-of-way and rendered in materials or media appropriate to an exterior, urban environment and permanently integrated into the building wall may count toward the transparency requirement.

D. Pedestrian Access/Entrance:

1. The primary entrance for a non-residential and/or mixed-use building shall be clearly identifiable and useable and located facing the right-of-way.
2. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:

- a. Fully paved and maintained surface not less than five (5) feet in width.
 - b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
3. Additional Entrances: If a parking area is located in the rear or side yard, it must also have a direct pedestrian entrance to the building that is of a level of materials, quality and design emphasis at least equal to that of the primary entrance.
 4. Direct vehicular access to a building within the DFBC from the right-of-way is prohibited.

SECTION 5.60 FORM-BASED REGULATIONS

A. **Downtown Core (D-1) Sub-District:** Downtown core buildings and sites will be developed in a manner which contributes to the character of the area by maximizing the value of the property and continues to the traditional “street wall” of adjacent historic buildings. D-1 sites must comply with the following regulations:

Table 5.60A-1

Height	Minimum	1 Story / 12 Feet
	Maximum	3 Stories / 45 feet
	Ground Floor Maximum	12 feet
Placement	Front	Required building line* 0 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration.*
		Minimum Setback N/A
	Side	Minimum Setback N/A
	Rear	Minimum Setback N/A
Lot	Required Open Space	N/A
	Lot Coverage by all Buildings	N/A
	Access and Circulation	Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.
	Parking Location	Parking shall be located in a side or rear yard.

* *The Planning Commission may adjust the required building line to a maximum of fifteen (15) feet beyond the property line for projects incorporating a permanent space for an outdoor café,*

public space, or a cross-access drive with an adjacent parcel. Outdoor cafes or public spaces must be developed as part of the primary building and must incorporate a permanent wall or landscaping area along the required building line.

B. Downtown Edge (D-2) Sub-District: Downtown edge buildings and sites will be developed in a manner which contributes to the character of the Downtown, as well as the adjacent residential areas. The D-2 area will provide a softer transition between the Downtown and the rest of Milan with more transitional use, dimensional and height regulations. D-2 sites must comply with the following regulations:

Table 5.60B-1

Height	Minimum		1 Story / 12 Feet
	Maximum		2 Stories /35 feet
	Ground Floor Maximum		12 feet
Placement	Front	Maximum Setback	15 feet. 75% of the building façade must meet the required building line, while up to 25% of the façade can be setback to allow for architectural consideration.
		Minimum Setback	N/A
	Side	Minimum Setback	N/A
	Rear	Minimum Setback	N/A
Lot	Required Open Space		30%
	Lot Coverage by all Buildings		N/A
	Access and Circulation		Driveways may access the site from any side, pedestrian pathways must be provided from the right-of-way.
	Parking Location		Parking shall be located in a side or rear yard.

ARTICLE 6 - CONDITIONAL USE STANDARDS

SECTION 6.10 INTENT

The intent of this Article is to provide standards for conditional uses, whether regulated as a permitted or conditional land use.

SECTION 6.20 ADULT FOSTER CARE FACILITIES

- A. Adult foster care family homes serving six (6) persons or less. A state-licensed adult foster care home, foster family home, or foster family group home serving six (6) persons or less shall be considered a residential use of property and a permitted use in all residential districts.
- B. Adult foster care small group homes serving between seven (7) and twelve (12) persons.
 - 1. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 - 2. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 - 3. The property is maintained in a manner that is consistent with the character of the neighborhood.
 - 4. One (1) off-street parking space per employee and/or caregiver shall be provided.
 - 5. Appropriate licenses with the State of Michigan shall be maintained.
- C. Adult foster care large group homes serving between thirteen (13) and twenty (20) persons.
 - 1. Frontage on either a major or minor arterial street shall be required.
 - 2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.

3. A site plan, prepared in accordance with Article 8 shall be required to be submitted.
 4. The subject parcel shall meet the minimum lot area requirements for the zoning district in which it is located, provided there is a minimum site area of one thousand five hundred (1,500) square feet per adult, excluding employees and/or caregivers.
 5. The property is maintained in a manner that is consistent with the character of the neighborhood.
 6. One (1) off-street parking space per employee and/or caregiver shall be provided.
 7. Appropriate licenses with the State of Michigan shall be maintained.
- D. Adult foster care congregate facilities serving more than twenty (20) persons. (See Section 6.220)

SECTION 6.30 CONVALESCENT CENTER

- A. All such facilities shall be developed on sites having a minimum area of one (1) acre, or two thousand (2,000) square feet of site area for each one (1) bed in the facility, or for each person cared for in the facility, whichever is greater. Within this area, a minimum of five hundred (500) square feet of contiguous open space shall be provided, apart from areas required for vehicular uses, for each bed or for each person cared for within the capacity of the building.
- B. The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- C. All yards shall be a minimum of fifty (50) feet in width, shall be kept free of parking and shall be landscaped.
- D. Delivery loading and service areas and parking areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.20.B.
- E. Such facilities shall be so designed architecturally as to reflect the predominant architectural character of adjacent residential areas. The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses);

cornices, varying building materials or pilasters shall be used to break up the mass of a single building.

- F. Such facilities may include multi-purpose recreational rooms, kitchens, and meeting rooms. Such facilities may also include medical examination rooms and limited space for ancillary services for the residents of the facility, such as barber and beauty facilities.

SECTION 6.40 ADULT USE BUSINESSES

- A. The purpose and intent of this section is to regulate adult use businesses, to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult use businesses within the City, thereby reducing or eliminating the adverse secondary effects from such adult use businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to adult materials protected by the Constitution of the United States or the Michigan Constitution, or to deny access by the distributors and exhibitors of adult entertainment or adult use businesses to their intended market. It is also not the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B. It shall be unlawful to operate or cause to be operated an adult use business in any location in the City, except as provided for in this section.
- C. It shall be unlawful to operate or cause to be operated an adult use business within five hundred (500) feet (measured from the nearest lot line to the nearest lot line on a straight-line basis) of any of the following:
 - 1. A place of worship.
 - 2. A school or childcare facility.
 - 3. A public park (not including public trails).
 - 4. Any residential zoning district or any parcel used for residential purposes.
- D. It shall be unlawful to cause or permit the operation of an adult use business within one thousand (1,000) feet of another adult use business. The distance between any such businesses shall be measured from the nearest lot line to the nearest lot line on a straight-line basis.
- E. It shall be unlawful to cause or permit the operation or maintenance of more than one (1) adult use business in the same building, structure, or portion thereof.

- F. All off-street parking areas and entry door areas of adult use businesses shall be illuminated from dusk until the closing time of the business with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on all parking surfaces and/or walkways. This requirement level is to help ensure the personal safety of patrons and employees and to reduce the incidence of vandalism and other criminal conduct.
- G. The premises of all adult use businesses, except adult motion picture theaters, shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted, at an illumination level of not less than two (2) foot-candles of light as measured at the floor level.
- H. Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place where patrons are permitted at an illumination level of not less than one (1) foot-candle of light as measured at the floor level.
- I. No person(s) shall reside on or permit any other persons to reside on the premises of an adult use business.
- J. All adult use businesses shall be subject to the same requirements of the Zoning Ordinance.
- K. An adult use business lawfully operating is not rendered a nonconforming use by the subsequent location of a place of worship, school, childcare facility, public park, residential district, or a residential lot within five hundred (500) feet of the adult use business. However, if the adult use business ceases operation for a period of one hundred and eighty (180) days or more, regardless of any intent to resume operation, it may not recommence operation in that location unless it achieves conformity with the City of Milan Ordinances.

SECTION 6.50 BED AND BREAKFAST

- A. A Bed and Breakfast establishment shall meet the requirements of the City of Milan Building Code and shall be subject to periodic inspections as provided in said code.
- B. A Bed and Breakfast establishment shall be located with frontage on a major arterial.
- C. The proprietor shall reside at the Bed and Breakfast establishment.
- D. Guest stays shall not exceed fourteen (14) consecutive days nor more than thirty (30) days in one (1) year.
- E. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that accessory

dwellings in existence as of the effective date of this section, and located on the same parcel as a Bed and Breakfast may be utilized for sleeping rooms, in accordance with this Section.

- F. The rental sleeping rooms shall have a minimum area of one hundred (100) square feet for one (1) or two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.
- G. No separate cooking facilities shall be allowed in guestrooms. Food and beverages may be served only to guests who stay on the premises.
- H. Lavatories and bathing facilities shall be provided for guests at the Bed and Breakfast operation at a ratio of not less than one (1) bathroom per two (2) guest bedrooms.

SECTION 6.60 CEMETERY

- A. All cemeteries which lawfully occupy land prior to the adoption of this Ordinance shall be considered a permitted use.
- B. Any cemetery established after the adoption of this Ordinance shall be subject to the following standards:
 - 1. Landscape screening meeting the standards set forth in Section 13.20.B. shall be provided where a cemetery abuts a residentially zoned or used parcel.
 - 2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
 - 3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
 - 4. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.

SECTION 6.70 CONTRACTOR'S YARD / OUTDOOR STORAGE FACILITIES

- A. The contractor's office building shall be of permanent construction.
- B. Outdoor storage shall be accessory to the contractor's principal office use of the property. Such outdoor storage shall not be located within the front yard and shall be

enclosed by an opaque fence up to eight (8) feet in height and/or landscape screening meeting the standards set forth in Section 13.20.B.

- C. All travel surfaces shall be paved as a condition of approval.
- D. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.

SECTION 6.80 DAY CARE FACILITIES

- A. Family Day Care Home. A state-licensed family day care home shall be considered a residential use of property and a permitted use in all residential districts. Family day care homes shall be prohibited in all other districts.
- B. Day Care Centers.
 - 1. Frontage on either a major or minor arterial street shall be required.
 - 2. A separate drop-off and pickup area shall be required adjacent to the main building entrance, located off of a public street and the parking access lane, and shall be of sufficient size so as to not create congestion on the site or within a public roadway.
 - 3. There shall be an outdoor play area of at least one thousand (1,000) square feet provided on the premises. Said play area shall not be located within the front setback. This requirement may be waived if a public play area is available five hundred (500) feet from the subject parcel.
 - 4. Appropriate licenses with the State shall be maintained.

SECTION 6.90 DRIVE-THROUGH FACILITIES

- A. Ingress and egress to drive-through facilities shall be part of the internal circulation of the site and integrated with the overall site design. Clear identification and delineation between the drive-through facility and the parking lot shall be provided. Drive-through facilities shall be designed in a manner which promotes pedestrian and vehicular safety.
- B. Single-lane drive-throughs may be located at the side of a building. Multiple-lane drive-throughs shall be located in a manner that will be the least visible from a public thoroughfare. Canopy design shall be compatible with the design of the principal building and incorporate similar materials and architectural elements.
- C. Each drive-through facility shall provide stacking space meeting the following standards:

1. Each stacking lane shall be one-way, and each stacking lane space shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
2. If proposed, an escape lane shall be a minimum of twelve (12) feet in width to allow other vehicles to pass those waiting to be served.
3. The number of stacking spaces per service lane shall be provided for the uses listed below. When a use is not specifically mentioned, the requirements for off-street stacking space for the use with similar needs, as determined at the discretion of the Building Official, shall apply.

Use	Stacking Spaces per Service Lane
Banks, Pharmacy, Photo Service, and Dry Cleaning	4
Restaurants with Drive-Through	10
Auto Washes (Self Service)	
Entry	2
Exit	1
Auto Washes (Automatic)	
Entry	8
Exit	2

SECTION 6.100 GOLF COURSES

- A. Golf courses may also include accessory uses such as, but not limited to, clubhouses, restaurants, driving ranges, pro shops, and maintenance buildings.
- B. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
- C. All off-street parking shall be in compliance with the standards set forth in Section 13.60 of this Ordinance to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, and other activities.
- D. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.

- E. All storage, service, and maintenance areas shall be screened from view of residentially zoned or used property in accordance with the standards set forth in Section 13.20.B.

SECTION 6.110 HOSPITAL

- A. The proposed site shall have at least one (1) property line abutting a major arterial of at least one hundred and twenty (120) feet of right-of-way width. All vehicular ingress and egress shall be directly from a major thoroughfare.
- B. The minimum distance of any main or accessory building or structure from any boundary property line or street shall be two hundred (200) feet. A minimum depth of one hundred (100) feet of such required yards, adjacent to property lines, shall be kept free of off-street parking.
- C. Ambulance and delivery areas shall be screened from view of adjacent residentially zoned or used property, in accordance with the standards set forth in Section 13.20.B.
- D. Accessory buildings and uses, may be permitted, provided the total floor area of such uses does not exceed that of the main hospital complex.
- E. Off-street parking shall be provided for such uses in accordance with the requirements of Section 13.60. Such parking shall be in addition to that required for the main hospital complex.
- F. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant to the City during the development review process, and all such storage, use, and handling shall be conducted in accordance with the standards set forth in Section 12.60.E. and any applicable State or Federal requirements.

SECTION 6.120 COMMERCIAL KENNELS/ANIMAL DAY CARE

- A. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on-site, or allowed to enter into groundwater.
- B. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling.
- C. Dog runs and exercise areas shall not be located in any front yard and shall be screened with an opaque fence or wall at least six (6) feet in height.

- D. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.
- E. All operations and the housing of animals are contained in one (1) or more completely enclosed buildings.

SECTION 6.130 LARGE-SCALE RETAIL ESTABLISHMENT

- A. Building Design and Materials.
 - 1. Façades and exterior walls. The maximum length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
 - 2. Roofs. Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:
 - a. Flat roof. Parapets concealing flat roofs and rooftop equipment or screening surrounding rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.
 - b. Pitched roof.
 - i. Overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - ii. An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
 - iii. Three (3) or more roof slope planes.
 - 3. Materials. Durable building materials, simple configurations, and solid craftsmanship are required. Fifty (50) percent of walls visible from public streets, exclusive of wall areas devoted to meeting transparency requirements, shall be constructed of brick, glass, fiber cement siding, metal (beams, lintels, trim elements, and ornamentation only), wood lap, stucco, split-faced block, or stone. Exterior Insulation Finishing Systems (E.I.F.S.) and vinyl or aluminum siding shall only be used for accents.

B. Site Design.

1. Parking Lot Location. No more than fifty (50) percent of the off-street parking area devoted to the large scale retail establishment shall be located within the front yard and between the front façade of the principal building and the abutting streets.
2. Primary Entrance. The primary building entrance shall be clearly identifiable and useable and located facing the right-of-way.
3. Pedestrian Connection. A pedestrian connection shall provide a clear, obvious, publicly-accessible connection between the primary street upon which the building fronts and the building. The pedestrian connection shall comply with the following:
 - a. Fully paved and maintained surface not less than five (5) feet in width.
 - b. Unit pavers or concrete distinct from the surrounding parking and drive lane surface.
 - c. Located either within a raised median or between wheel stops to protect pedestrians from vehicle overhangs where parking is adjacent.
4. Additional Entrances. In addition to the primary façade facing the front and/or the right-of-way, if a parking area is located in the rear or side yard, it must also have a direct pedestrian access to the parking area that is of a level of materials, quality, and design emphasis that is at least equal to that of the primary entrance.
5. Delivery/Loading Operations. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited.

SECTION 6.140 LIVE/WORK UNITS

- A. Space devoted to nonresidential uses shall be accessible from the dwelling area.
- B. Only residents of the dwelling shall use the nonresidential space for purposes of employment.
- C. The floor area of the dwelling unit shall be at least five hundred (500) square feet in area.

SECTION 6.150 LODGING FACILITIES

- A. Lodging that includes a restaurant, bar/lounge, auditorium, exhibition, or public meeting space shall provide parking to accommodate all uses on the site, in accordance with the standards set forth in Section 13.60.

SECTION 6.160 MATERIALS RECOVERY FACILITY

- A. All recyclable materials shall at all times be stored within a completely enclosed building.
- B. The proposed use must be of such location, size, and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- C. The location and size of the proposed use or uses, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to streets giving access to it shall be such that traffic to and from the use and uses, and the assembly of persons in connection therewith, will not be hazardous or inconvenient to the area nor unduly conflict with the normal traffic of the area. Vehicles loading or unloading shall be contained within the property. All driveways and parking areas on the site shall be hard-surfaced to City specifications.
- D. The location, size, intensity, site layout, and periods of operation of any such proposed use must be designed to eliminate any possible nuisance likely to emanate therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke, or lights, or the presence of toxic materials.
- E. The following activities shall be prohibited, except as noted:
 - 1. Incineration or open burning in any building or on the site.
 - 2. Overnight storage of any refuse material, other than recyclable materials, in any building.
 - 3. Dumping or storage of material on the site outside the buildings at any time.
- F. All recyclable materials temporarily stored outside the buildings must be in transport vehicles or transportable containers.

SECTION 6.170 OPEN AIR BUSINESS

- A. No outdoor storage, display, and/or sales shall be permitted in any required yard.

- B. The use of amplifiers, banners, and other attention gathering devices shall be prohibited.
- C. The open air business area shall be paved.

SECTION 6.180 OUTDOOR COMMERCIAL RECREATION

- A. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
- B. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
- C. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residentially zoned property.

SECTION 6.190 PLACES OF WORSHIP

- A. All religious activities shall take place in a fully enclosed building except as may be approved by the City
- B. Facilities incidental to the main religious sanctuary must be used for church, worship, or religious education purposes, in a manner which is consistent with residential zoning and compatible with adjacent residential property. Associated uses on the site such as recreation centers, retreat facilities, conference centers, schools, convents, and others shall meet all requirements of this Ordinance for such uses.
- C. The site shall have frontage on and primary access to a major or minor arterial.
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. Front, side and rear yard setbacks shall be a minimum of fifty (50) feet.
- F. Parking shall not be permitted in the required yards adjacent to any public street or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped open space.

- G. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public street.

SECTION 6.200 PRIMARY/SECONDARY SCHOOLS

- A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
- C. Off street parking shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.

SECTION 6.210 SELF-STORAGE FACILITIES

- A. Incidental accessory uses such as the sale of boxes, locks and other supplies, shall be permitted.
- B. The storage of any toxic, corrosive, flammable, or hazardous materials is prohibited.
- C. Other than the storage of recreation vehicles, all storage and accessory uses shall be contained within a building. All recreational vehicle storage shall be screened from the view of residentially zoned or used property and public roads in accordance with the standards set forth in Section 13.20.B.
- D. Exterior walls of all storage units shall be of masonry construction.

**SECTION 6.220 SENIOR ASSISTED/INDEPENDENT
LIVING/CONGREGATE CARE FACILITY**

- A. The maximum allowable density varies by housing type, but shall not exceed the following:
 - 1. Dwellings may be provided for as single-family detached, two-family or multiple-family units. When such dwellings contain kitchens, the minimum site area requirements for purposes of calculating density shall be as follows:

Dwelling Unit Size	Site Area/Unit (Square Feet)
Efficiency/one (1) bedroom	2,000
Two (2) bedroom	2,500
Each additional bedroom	500 additional

2. Where facilities do not contain kitchen facilities within individual dwelling units, the site area per bed shall be one thousand five hundred (1,500) square feet.
- B. Height, lot coverage and setback requirements of the R-2 and R-3 Districts as set forth in Section 4.170, Multiple Family Residential Requirements shall apply.
 - C. Parking is not allowed in any required front yard. Parking is permitted in side and rear yards provided a minimum twenty (20) foot setback is observed.
 - D. The maximum linear length of an uninterrupted building façade facing public streets, residentially zoned or used property, and/or parks shall be thirty (30) feet. Façade articulation or architectural design variations for building walls facing the street are required to ensure that the building is not monotonous in appearance. Building wall offsets (projections and recesses); cornices, varying building materials or pilasters shall be used to break up the mass of a single building.
 - E. The drop-off / pick-up of residents shall be provided at the front entrance of the building with a covered canopy.

SECTION 6.230 VEHICLE REPAIR

- A. Dismantled, wrecked or inoperable vehicles or any vehicle parts or scrap of any kind shall not be stored outdoors for a period exceeding sixty (60) days. Outdoor storage shall be enclosed by an opaque fence up to eight (8) feet in height and / or landscape screening meeting the standards set forth in Section 13.20.B.
- B. The minimum lot area shall be twenty thousand (20,000) square feet.
- C. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building.
- D. All repair and maintenance activities shall be performed entirely within an enclosed building.
- E. Retail sales shall be limited to those items necessary to carry out the vehicle repair occurring on the subject site.

SECTION 6.240 VEHICLE SALES – NEW, USED, AND VINTAGE

- A. No vehicle shall be parked within twenty (20) feet of any street right-of-way.
- B. Loud speakers broadcasting voice or music outside of a building shall not be permitted within five hundred (500) feet of any residential zoned or used property.
- C. All repair and maintenance activities shall conform with the standards set forth in Section 6.230.

SECTION 6.250 VEHICLE FUELING / MULTI-USE STATION

- A. The minimum lot area shall be one (1) acre.

The following minimum setbacks shall apply to canopies and pump facilities constructed in conjunction with Fueling / Multi-Use:

Setback	Canopy Support	Pump Islands	Canopy Edge
Front	35 ft.	30 ft.	25 ft.
Side	20 ft.	20 ft.	10 ft.
Rear	30 ft.	20 ft.	20 ft.

- 1. All fueling areas shall be arranged so that motor vehicles do not park on or extend over abutting landscaped areas, sidewalks, streets, buildings, or adjoining property while being served.
- B. Canopy structures shall be designed and constructed in a manner which is architecturally compatible with the principal building. The canopy structure shall be attached to and made an integral part of the principal building unless it can be demonstrated that the design of the building and canopy in combination would be more functional and aesthetically pleasing if the canopy was not physically attached to the principal building.

Required fire protection devices under the canopy shall be architecturally screened so that the tanks are not directly visible from the street. The screens shall be compatible with the design and color of the canopy.

- C. Pedestrian Circulation.
 - 1. Vehicle Fueling / multi- use stations shall be designed in a manner which promotes pedestrian and vehicular safety.

2. The parking and circulation system within each development shall accommodate the safe movement of vehicles, bicycles, pedestrians and refueling activities throughout the proposed development and to and from surrounding areas in a safe and convenient manner.
- D. Where repair and servicing of vehicles is performed, all repair and maintenance shall be performed entirely within an enclosed building. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
- E. If a vehicle wash is proposed, it must comply with the standards set forth in Section 6.260.

SECTION 6.260 VEHICLE WASH

- A. The minimum lot size required for automobile or carwash establishments shall be fifteen thousand (15,000) square feet.
- B. All washing activities shall be carried on within a building. Vacuuming activities shall be located at least fifty (50) feet from adjacent residentially zoned or used property.
- C. Automatic carwash facilities shall have a mechanical dryer operation at the end of the wash cycle.
- D. All automatic carwash facilities must provide a demonstrated means at the exit ramp for each wash bay to prevent pooling of water or freezing.

SECTION 6.270 WIRELESS COMMUNICATIONS FACILITIES

- A. Intent. It is the intent of this section to provide standards for the location, construction and maintenance of wireless communication facilities in a way which will retain the integrity, character, property values and aesthetic quality of neighborhoods and the City, and minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way. The priority of the City is to minimize the overall number of newly established locations for wireless communication support facilities within the community by encouraging the co-location of existing wireless communication support facilities where possible. It is required that all new and modified wireless communication support facilities (WCSFs) shall be designed and constructed so as to accommodate co-location. This section also requires that wireless communication antennas (WCAs), wireless communication facilities (WCFs) and wireless communication support facilities (WCSFs) shall adhere to all applicable Local, State, Federal laws and regulations, and the standards of this section.

B. Authorization.

1. Subject to the standards and conditions set forth in this Section, wireless communication facilities shall be permitted uses in the following circumstances, and in any districts:
 - a. An existing structure which will serve as an attached wireless communications facility where the existing structure is not, in the discretion of the City, proposed to be either materially altered or materially changed in appearance.
 - b. A proposed co-location upon an attached wireless communication facility which has been approved earlier by the City.
 - c. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - d. An existing wireless communication support structure established within a right-of-way having an existing width of more than two hundred and four (204) feet.
2. If it is demonstrated by an applicant that a wireless communication facility is required to be established outside an area identified in Section 6.270.B.1, then, wireless communication facilities may be applied for elsewhere in the City and must follow the district specific criteria and is subject to the criteria and standards set forth in this Ordinance.

C. General Regulations.

1. Standards and Conditions Applicable to All Facilities.

All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the City

- a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Facilities shall be located and designed to be harmonious with the surrounding areas.

- c. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. The maximum height of the new or modified support structures and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to co-locate on the structures. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective district.
- e. The setback of the support structure shall be equal to the height of the structure.
- f. There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- g. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- h. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
- i. The design and appearance of the support structure and all accessory buildings, shall be reviewed and approved so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
- j. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

- k. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

2. Standards and Conditions Applicable to Conditional Land Use Facilities.

Applications for wireless communication facilities, which may be approved as conditional land uses, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth herein.

- a. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:
 - i. Proximity to an interstate or major thoroughfare.
 - ii. Areas of population concentration.
 - iii. Concentration of commercial, industrial, and/or other business centers.
 - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
 - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - vi. Other specifically identified reason creating need for the facility.
- b. The proposal shall be reviewed in conformity with the co-location requirements of this section.

D. Application Requirements.

- 1. A site plan prepared in accordance with Article 8, Site Plan Review shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
- 2. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.

3. The application shall include a description of surety to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 6.270.F, Removal. In this regard, the surety shall be in a form approved by the City Attorney.
4. The applicant shall include a map showing existing and known proposed wireless communication facilities within the City, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the City in the location, and in the area, which are relevant in terms of potential co-location or in demonstrating the need for the proposed facility. Any proprietary information may be submitted with a request for confidentiality in connection with the development pursuant to MCL 15.243(1)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.

E. Co-location.

1. Feasibility of co-location: Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - a. The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
 - b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. The co-location being considered is technologically reasonable, e.g., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - d. The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the City, taking into consideration the several standards set forth herein.
2. Requirements for Co-location:
 - a. An approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible co-location is not available for the coverage area and capacity needs.

- b. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.

F. Removal.

1. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. The applicant shall notify the City upon cessation of operations or removal of antenna.
2. The situations in which removal of a facility is required, as set forth in paragraph F.1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the City.
3. If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after written notice, the City may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

ARTICLE 7 - GENERAL PROVISIONS

SECTION 7.10 INTENT

The intent of this Article is to provide regulations that generally apply to all users regardless of the particular zoning district.

SECTION 7.20 ACCESSORY BUILDINGS, STRUCTURES, AND USES

A. General Requirements.

1. Accessory buildings, structures, and uses shall be supplemental or subordinate to the principal building on a parcel of land; and shall be on the same parcel of land as the principal building, structure, or use they serve.
2. Construction, erection, installation, or placement of accessory buildings or structures shall be in accordance with the requirements of the applicable Building Code. Permits shall be required for buildings greater than thirty-six (36) square feet in area and/or greater than four (4) feet in height. Electrical service for ground-mounted antennas shall be provided only through underground lines.
3. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
4. Accessory buildings, structures and uses shall not be erected in any minimum side yard setback nor in any front yard.
5. Permits shall be required for all ground-mounted and building-mounted antennas exceeding twenty-four (24) inches in diameter.

B. Accessory Buildings in Residential Zoning Districts

1. Attached Accessory Buildings

- a. Where the accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to a main building in addition to the requirements of this Section.
- b. The area of attached accessory buildings shall not exceed the area of the ground floor footprint of the living area of the dwelling.

- c. The size of any door to an attached accessory building shall not exceed ten (10) feet in height.

2. Detached Accessory Buildings

- a. Detached accessory buildings shall not be erected in any yard, except a rear yard.
- b. Detached accessory buildings and detached accessory supplemental buildings shall occupy not more than twenty-five (25) percent of a required rear yard.
- c. The combined ground floor area of all detached accessory buildings shall not exceed four hundred and fifty (450) square feet plus two (2) percent of the total lot area. However, in no instance shall the combined floor area of all detached accessory buildings and detached accessory supplemental buildings exceed the ground floor footprint of the living area of the dwelling.
- d. No detached accessory building shall be located closer than ten (10) feet to any main building, nor closer than three (3) feet to any side or rear lot line. A detached accessory building in any R, GB, HC, O, or I-R district shall not exceed one (1) story or fourteen (14) feet in height.
- e. Detached accessory structures in all other districts may be constructed to equal the permitted maximum height of principal structures in said districts.
- f. All detached accessory structures larger than two hundred (200) square feet shall be constructed of like materials of the principal structure.
- g. When 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, said building shall not project beyond the front yard setback required.

3. Accessory Supplemental Buildings

- a. The total floor area of all detached accessory supplemental buildings on a parcel of land shall not exceed two hundred (200) square feet.
- b. An accessory supplemental building shall not be located in any front yard.
- c. No detached accessory supplemental building shall be located closer than three (3) feet to any side or rear lot line.
- d. A detached accessory supplemental building shall not exceed one (1) story or fourteen (14) feet in height, except as noted below in subsections C. and D.

4. Private Swimming Pools. Except as otherwise permitted in this Zoning

Ordinance, all private swimming pools (above or below ground) shall be subject to the following:

- a. Swimming pools shall be permitted only in the rear or side yard, behind the front of the principal building.
- b. No outdoor swimming pool shall be nearer than six (6) feet from the side or rear lot lines or from any house, building or residence unless the City Inspector shall approve a shorter distance.
- c. If there are overhead power lines, a clearance of ten (10) feet is required for a vertical drop of the power line to the swimming pool.
- d. No swimming pool shall be located closer than one (1) foot from any recorded easement or within any easement or right-of-way which has been granted for public utility use.

5. Repair of Vehicles.

A resident may repair vehicles of the resident on the property of the resident's dwelling unit; however, in no instance shall a resident repair the vehicles of other than a resident of the dwelling unit on said property. All vehicle repairs must be conducted within an enclosed building or, if the vehicle is not in violation of Section 13-71 of the Milan Municipal Code, the repairs may be conducted in the driveway if they are completed within 48 hours.

C. **Accessory Buildings in Non-Residential Zoning Districts.** All accessory buildings shall be subject to the same placement and height requirements applicable to principal structures in the district in which they are located.

D. **Television Reception, Radio Transmitting and Satellite Dish Antennas.** Television reception, radio transmitting and satellite dish antennas may be permitted as any accessory use in any district subject to the following conditions:

1. **Roof Mounted – Residential Districts.**

- a. The receiving portion of the roof-mounted antennas shall not exceed a dimension of seven (7) square feet of wind resistance area.
- b. Any antenna fixture shall not exceed a height of more than three (3) feet above the roof on which it is mounted.
- c. All antennas shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.

2. **Roof Mounted – Non-residential Districts.**

- a. The receiving portion of roof mounted antennas shall not exceed a dimension of fifty (50) square feet of wind resistance area.

- b. Any antenna fixture shall not exceed the maximum height of structure requirements for the district in which it is located.
- c. All antennas shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.

3. Ground Mounted – Residential Districts.

- a. No antenna shall be constructed in any front or side yard, but shall be constructed to the rear of the main building.
- b. No antenna, including its concrete base slab or other substructure, shall be constructed less than ten (10) feet from exterior face of footings to any property line or easement.
- c. All antennas shall be constructed with appropriate landscaping to reasonably conceal said antenna from view, and the planting shall be completed within one (1) year of permit date.
- d. No antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the reception antenna.
- e. A ground mounted antenna shall not exceed a height of fourteen (14) feet.
- f. Wiring between a transmitting antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
- g. All antennas shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.

4. Ground Mounted – Non-residential Districts.

- a. No antenna, including its concrete base slab or other substructure, shall be constructed less than five (5) feet from the exterior face of footings to any property line or easement.
- b. No antenna shall be linked, physically or electronically, to a receiver which is not located on the same zoning lot as is the reception antenna.
- c. Wiring between a transmitting antenna and a receiver shall be placed at least four (4) inches beneath the surface of the ground within rigid conduit.
- d. All antennas shall be designed to withstand a wind force of eighty-five (85) miles per hour without the use of supporting guy wires.
- e. Mobile antenna units utilized for sales demonstration may be granted temporary permits for periods not to exceed seventy-two (72) hours by the Building Official. Such unit shall be located in accord with locational requirements for a permanent installation or as nearly thereto as possible. In

those instances where a front yard installation may be required, such temporary installation shall not be permitted to exceed a twenty-four (24) hour period. Locations for temporary installation shall be established prior to issuance of a permit for such installation.

5. Satellite dish antennas in Residential Districts shall not exceed twenty-four (24) inches in diameter.

SECTION 7.30 FENCES, WALLS AND SCREENS

Except as otherwise required by this Ordinance, the following regulations shall apply:

A. General Requirements for Fences and Walls.

1. Construction and Maintenance. Fences and walls shall be securely constructed in conformance with this Section and all applicable building codes and shall consists of durable, weather-resistant materials as approved by the Building/Zoning Official. Masonry piers may be used as part of a fence installation with the approval of the Building/Zoning Official. Fences and walls shall be maintained in good order, painted, rust proofed or otherwise protected against damage and decay so as to present an orderly appearance.
2. Hazards. Fences and walls shall not be erected in a manner that obstructs free and clear vision or would be a hazard to traffic or pedestrians. Fences and walls shall not be erected within public rights-of-way.
3. Orientation of Finished Side. Fences that have one (1) finished or decorative side shall be oriented with the finished or decorative side facing outwards towards adjacent parcels and away from the interior of the lot to which the fence is associated. Masonry walls shall be finished in a similar manner on all sides.
4. Site Drainage and Utilities. Fences and walls shall not be erected in a manner that obstructs the free flow of surface water within or across the lot to which it is associated or the adjacent lots. Fences and walls shall not be erected in a manner that causes damage to underground utilities.
5. Position on Boundary Line. Fences and walls, including, but not limited to posts, foundations and overhanging elements, shall be located completely within the limits of the lot to which they are associated.
6. Height and Location Requirements.

Type of Fence or Wall	Maximum Height (feet) ¹		Minimum Yard Setback (feet) ¹	
	Side	Rear	Side	Rear
Chain-link Fence	5	5	2	2

Living Fence	-	-	2	2
Ornamental Fence	6	6	2	2
Privacy Fence	6	6	2	2
Rail Fence	5	5	2	2
Industrial Fence	8	8	10	10
Decorative Wall	4	4	2	2
Obscuring Wall	6	6	5	5

¹ All required setbacks for fences and walls shall be measured from the property line or existing street right-of-way line. Height of such fences or walls shall be measured from the grade level to the highest point of the fence or wall.

² Fences and walls located within required side and rear yards may be erected on the property line with the submission of written consent from all adjacent property owners or a letter from a licensed surveyor to the Building/Zoning Official verifying the location of lot boundaries.

³ Fences and walls are not permitted within the required front yard of any zoning lot.

⁴ In the case of a corner lot, a fence may be permitted in all rear and side yards. Within the side yard that fronts the street, a fence may be permitted if it is beyond twenty-five (25) feet of the public street right-of-way line and does not project past the front principal building corners. For the purpose of this Section, the side yard that fronts the street is the yard along the street not designated as the front street in the plat, the address or by the Zoning Board of Appeals.

B. Prohibited Fences and Walls. The following fences and walls are prohibited by the City:

1. The use of barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
2. No fences in any zoning district shall contain an electric charge or be connected with electric current.
3. Obscuring walls, except where for the purpose of establishing a buffer between adjacent land uses or ensuring public safety, the Planning Commission may approve such walls as part of an approved site plan.
4. Wire fences, including chicken wire.
5. Any fence or wall unlawfully installed, erected or maintained.

C. **Permits Required.** A Zoning Permit shall be required for all work performed in association with the construction, alteration or relocation of a fence or wall, except where otherwise specified herein.

1. Fences and Walls for which a Zoning Permit is NOT REQUIRED:

- a. Repairs. Repairs to an existing fence or wall with no structural changes.
- b. Gates. The installation of gates of up to eight (8) feet in width in an existing fence or wall with no structural changes.
- c. Short Lengths of New Fence. Construction of less than eight (8) feet of new fence, provided that such work is in compliance with the provisions of this Section and all applicable Building Codes.
- d. Living Fences. Planting of continuous hedgerows or similar landscape features.

2. Permit Application. Applications for permits shall be made upon forms provided by the Building Department. The following information shall be provided with the application:

- a. A plot plan or lot survey shall be provided that includes the location of all existing and proposed fences, walls, structures, easements and setback dimensions. A detail of the proposed fence or wall with all appropriate dimensions shall also be provided.
- b. Written consent of all adjacent property owners, or a letter from a licensed surveyor to the building official verifying the location of lot boundaries, if a fence or wall is proposed to be erected or installed on a property line.
- c. Other information that the Building/Zoning Official may require to show full compliance with this and all other City Ordinances.
- d. The applicant will remit payment for the Zoning Permit as established in the City's Official Fee Schedule by resolution of the City Council.

3. Legal Nonconforming Fences and Walls. All existing nonconforming fences or walls shall be permitted to continue as such until removed, extended or altered, at which time such fences or walls shall be made to conform to the provisions of this Section.

4. Removal of Illegal or Damaged Fences or Walls. Damaged or illegal fences or walls shall be immediately repaired, replaced or removed by the owner, agent or person having the beneficial use of the building or structure upon which said

fence or wall shall be found. Upon identification of a damaged or illegal fence or wall, the Building/Zoning Official shall order the property owner to remove such or make repairs within ten (10) days.

- D. **Fences on Public Land.** Fences which enclose public parks, playgrounds, and buildings shall be permitted in any required yard in any zoning district. Fences which enclose public utility installation shall not be permitted within a required front yard or within any required side yard in any residential zoning district, but may be permitted in any required yard of any other zoning district.
- E. **Appeals.** Upon appeal in writing by any person directly or indirectly affected hereby, the Building and Safety Board of Appeals of the City may, after a hearing in accordance with the established procedure of the Board, in its sound discretion, and in the interest of the public health, safety and welfare of the inhabitants of the community, reduce or remit the requirements of this Section for construction of fences in individual cases.
- F. **Violations.**
1. Violation of any provision of this Section shall constitute a Municipal Civil Infraction. Upon an admission or determination of responsibility for such municipal civil infraction, the violator shall be subject to a civil fine and costs in amounts specified in the Official Municipal Civil Infraction Fines and Costs Schedule adopted by resolution of the City Council. Each day that a violation of any provision of this Section is permitted to exist shall constitute a separate violation or infraction.
 2. The penalties specified in this Section shall be in addition to and not in lieu of any other remedy that the City may have at law and/or in equity.
- G. **Open Storage.**
1. There shall be no outdoor storage of any industrial or commercial equipment, vehicles and/or other materials, including wastes, unless otherwise provided by this Ordinance. Any storage 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 all materials to be stored, except in LI District and unless specifically covered in this Ordinance. Whenever such open storage is adjacent to a residential zone, special purpose or mobile home park 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 (6) feet in height.
 2. Such masonry wall or wood fence shall be repaired, maintained and kept in good condition by the owners, and where necessary, if the wall or fence is not

properly maintained, money shall be put in escrow for repair and maintenance so as to not allow disrepair to continue.

SECTION 7.40 VOTING PLACE

The provisions of this Ordinance shall not interfere with or prevent the temporary use of any property as a voting place in connection with a public election.

SECTION 7.50 ESSENTIAL SERVICES AND OTHER PUBLIC PROPERTY

It is the intent of the Ordinance to regulate essential services and property owned, leased, or operated by public agencies, including local, state, federal, or any other public or governmental body or agency, as follows:

- A. Essential services shall be permitted in any district.
- B. Buildings constructed in conjunction with an essential service shall require site plan approval in accordance with the requirements set forth in Article 8, Site Plan Review.
- C. Property owned, leased, or operated by the state or the United States shall be exempted from the provisions of this chapter, only to the extent that said property may not be constitutionally regulated by the City.
- D. Essential services to be erected to primarily service areas beyond the Municipality shall receive, review and approve after a public hearing, held in accordance with Article 16, Zoning Board of Appeals. Such review shall consider abutting property and uses as they relate to easements, rights-of-ways, overhead lines, poles and towers, and further, shall consider injurious effects on abutting or adjacent property thereto and on the orderly appearance of the City.

- A. **Height Exceptions.** No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit below established for the district in which the building is located, except as set forth below.
1. Roof structures and screening devices for the housing of elevators, stairways, tanks, roof-mounted mechanical equipment, solar panels, or similar equipment required to operate and maintain the building shall not exceed by more than ten (10) feet the height limit of the district in which the use is located.
 2. Fire or parapet walls and skylights shall not exceed by more than five (5) feet the height limit of the district in which the use is located.
 3. Height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, public monuments or wireless transmission towers; provided, however, that the Zoning Board of Appeals may specify a height limit for any such structure when such structure requires authorization of a conditional use.
 4. A structure which is permitted by this Section to exceed height limits shall account for no more than ten percent (10%) of the roof area of the building; nor shall such structure be used for any residential, commercial, or industrial purpose whatsoever other than a service use incidental to the main use of the building.
 5. The provisions of this Section shall not apply to wireless communication facilities regulated by Section 6.270, Wireless Communication Facilities.
- B. **Lot Use and Area.** No portion of a lot used to comply with the yard, lot area per unit, residential density, percentage of lot occupancy, or other site requirement of this Ordinance shall be counted toward the yard, lot area per unit, residential density, percentage of occupancy, or other site requirement for any other existing building or structure.
- C. **Lots Adjoining Alleys.** In calculating the area of a lot that adjoins an alley for the purpose of applying lot area and setback requirements of this Ordinance, half (1/2) the width of such alley abutting the lot shall be considered as part of such lot.
- D. **Number of Buildings per Lot.** There shall only be one (1) single-family dwelling or one (1) two-family dwelling permitted per lot, provided all other requirements of this Ordinance are met. For all development subject to site plan review, more than one (1) principal building per lot may be permitted, as long as all other requirements of this Ordinance are met.

- E. **Decks, Porches, and Patio Structures.** An open, unenclosed, and uncovered porch, raised deck, or patio structure, or paved terrace may project into a required front yard for a distance not to exceed five (5) feet. Such facilities may project into a required rear yard for a distance not to exceed four (4) inches per one (1)-foot of such yard width, subject further to the requirement that the distance remaining between the encroaching facility and the rear lot line shall in no instance be less than twenty (20) feet. Porch, deck, patio, or terrace facilities encroaching into required front or rear yards shall not include fixed canopies, gazebos or permanent enclosures, and shall be at a grade no higher than that of the first or main floor of the building to which they are attached.

- F. **Projections into Yards.** Architectural features, not including vertical projections not exceeding thirty-six (36) inches in width, may extend or project into a required side yard not more than four (4) inches for each one (1) foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three (3) feet.

- G. **Access through Yards.** For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards 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 surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the propose of this Ordinance, not be considered to be a structure, and shall be permitted in any required yard.

- H. **Handicap Ramps.** For the purpose of this Ordinance, all handicap access ramps constructed for residential structures must meet the American Disability Act and Building Code requirements and shall be exempt from all required setbacks, as listed in Section 4.170, Schedule of Regulations.

SECTION 7.70 HOME BUSINESSES

It is the intent of this section to establish standards for a family business, which will insure compatibility with adjacent land uses and maintain the rural character of the City.

- A. Home businesses shall be a permitted accessory land use only in the following districts: R-1A, R-1B, R-2 and R-3.

- B. Home businesses shall conform to the requirements of Section 7.20, Accessory Buildings, Structures and Uses and all applicable provisions of Section 4.170, Schedule of Area, Height and Placement Regulations.

- C. Home businesses must be operated solely within a single (1) building or structure, and be located on the same parcel as the operating family’s residence. The family operating the family business must reside in the residence.

- D. Home businesses must be incidental and secondary to the principal use, therefore they shall not occupy a space within any building or structure that is greater in gross square footage than 49% of the gross square footage of the principal residential structure located on the subject property.
- E. The City may limit the type of home business. It may also require that the particular business be operated only for a specified period of months or years unless an additional permit is granted. The City may impose additional conditions and regulations, as it deems necessary, to adequately protect adjoining residents and property owners, and the values of the adjoining properties.
- F. Home businesses shall not be established on a vacant lot or parcel, or within any platted subdivision or site condominium.
- G. Any expansions to the building or structure approved to contain the home business, or any additional buildings or structures proposed to be built on the subject property that will increase or expand the home business shall be considered an amendment to the original permit, subject to review and approval by the Zoning Administrator.
- H. Home businesses shall not diminish the value of the land, buildings or structures, in the immediate area, or on the whole.
- I. The nature, location and size of the use shall not change the essential character of the surrounding area, and not disrupt the orderly and proper development of the R-1A, R-1B, R-2 and R-3 districts. The use shall also not be in conflict with, or discourage the development of the adjacent or neighboring lands or buildings.
- J. Home businesses shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, smoke, glare, lights, or disposal of waste, than the operation of any principal permitted use, nor shall the conditional land use increase hazards from fire or other dangers to either the property or adjacent property.
- K. Outdoor storage is subject to review and approval by the Zoning Administrator. No outdoor storage shall be allowed, unless it is adequately screened to effectively block all views from the adjoining, roads and properties. Screening shall consist of evergreen plantings at least six (6) feet in height and spaced so as to form a solid screen, or it may consist of a solid fence made of new materials and attractive in design, and maintained at all times.
- L. The hours of operation of the home business shall be specified on the application and depending on the type of use and proximity to adjacent single family homes, may be limited at the discretion of the Zoning Administrator.

- M. The use shall not increase traffic hazards or cause congestion on the public roads or streets of the area. Adequate access to the parcel shall be furnished in accordance with City standards.
- N. Signs not customarily found in residential areas shall be prohibited, provided however that one non-illuminated name plate, not more than eight (8) square feet in area, may be attached to the building, and which sign shall contain only the name, occupation, and address of the premises.
- O. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- P. The Zoning Administrator shall inspect the property once every three (3) years, unless a written complaint is received, to determine if all conditions of the use permit are met. Violations of requirements or conditions of the use permit shall be subject to Section 3.80, Violations and Penalties.
- Q. The Zoning Administrator reserves the right to forward any and all requests for a home business to the Planning Commission when it is determined that additional review is warranted.

SECTION 7.80 HOME OCCUPATIONS

- A. A home occupation must be clearly incidental and secondary to the primary use of a dwelling purpose.
- B. A home occupation shall not change the character or appearance of the structure or the premises, or have any other visible evidence of the conduct of a home occupation. There shall be no external or internal alterations that are not customary in residential areas or structures.
- C. A home occupation use shall not create a nuisance or endanger the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibrations, glare, fumes, odor, electrical interferences, unsanitary or unsightly conditions, fire hazards, or the like that are involved in or resulting from such home occupation.
- D. A home occupation shall not generate sewage or water use in excess of what is normally generated from a single-family dwelling in a residential area.
- E. No employees shall be permitted other than members of the immediate family residing in the dwelling unit.

- F. A home occupation shall be conducted within the dwelling unit or within an accessory building. There shall be no outside display of any kind, or any other external or visible evidence of the conduct of a home occupation.
- G. There shall be no vehicular traffic permitted for the home occupation, other than what is normally generated for a single-family dwelling unit in a residential area, both as to volume and type of vehicles.
- H. No signs shall be used to advertise the home occupation business.
- I. No article shall be sold or offered for sale on the premises except as is prepared within the dwelling or accessory building or is provided as incidental to the service or profession conducted therein.
- J. The exterior storage of material, equipment, or refuse associated with or resulting from a home occupation, shall be prohibited.

SECTION 7.90 STORAGE/PARKING OF RECREATIONAL VEHICLES AND EQUIPMENT

Except as otherwise provided herein or in the City of Milan Codified Ordinances, the storage, parking or use of house trailers, motor homes, special mobile equipment, demounted campers, or other recreation vehicles as defined by the Michigan Vehicle Code, Chapter 1, being Act 300 of the Public Acts of 1949, as amended, or by common usage, is prohibited within the corporate limits of the City of Milan in other than a licensed storage facility.

- A. Subject to other provisions provided herein, the storage of one (1) unoccupied house trailer, motor home, camper attachment or similar recreation vehicle, in a garage or in a rear yard is permitted, and provided further that when neither garage nor rear yard space is available, such house trailer, motor home, camper attachment or similar recreation vehicle may be stored in a side yard.
- B. A temporary permit may be issued for the front yard parking of one (1) house trailer, motor home or similar recreational vehicle, for a period not to exceed thirty (30) days only after application for the permit is made to the Building/Zoning Official, and the applicant pays to the City the fee for such permit. The amount of such permit fee shall be that specified in the Official Fee Schedule adopted by resolution of the City Council. The Building/Zoning Official shall issue such permit only if he inspects the applicant's property and determines that no rear or side yard either exists or is accessible for the parking of such vehicle and that the parking will take place on an improved driveway no closer than five (5) feet from the property line of the lot or the street right-of-way, whichever is further from the street. Such permit may be extended by written approval of the Building/Zoning Official for an additional thirty (30) days, for a total of not more than sixty (60) days in any one (1) calendar year, with no additional permit fee.

- C. A house trailer, motor home or similar recreational vehicle may be parked in a front yard for a period not to exceed forty-eight (48) hours for loading and unloading purposes only, without a temporary permit as provided in Section 7.100 B.
- D. A temporary permit may be issued for the use of a house trailer, mobile home, motor home or mobile office trailer, in a nonresidential zoned district for purposes accessory to construction while such construction is in progress for a period not to exceed six (6) months, only after application for the permit is made to the Building/Zoning Official, the applicant pays the permit fee, and after certification by the Building/Zoning Official that the subject vehicle is served with adequate sanitary facilities. Such permit may be renewed for additional six (6) month periods upon completion of the same procedures (including payment of fees) as hereinbefore set forth for each such period. The amounts of the fee for the initial and renewal permits shall be those specified in the Official Fee Schedule adopted by resolution of the City Council.

**SECTION 7.100 OUTDOOR PARKING OF COMMERCIAL VEHICLES
IN RESIDENTIAL DISTRICTS**

Outdoor parking of commercial vehicles is prohibited in residential districts, with the following exception:

- A. The outdoor parking of one (1) commercial vehicle of one (1) of the following two (2) types is permitted for each dwelling unit on a residential lot or parcel:
 - 1. A Commercial Vehicle: Pick-up Truck, as defined in Article 2.0; or
 - 2. A Commercial Vehicle: Passenger/Cargo-Style Van, as defined in Article 2.0.
- B. Open storage of commercial vehicles over one (1) ton capacity, including semi-trucks, trailers, mobile homes, tractors, bulldozers, earth movers, or other similar equipment is prohibited in any residential zoning district.

**SECTION 7.110 TEMPORARY BUILDINGS, STRUCTURES, AND
USES**

- A. **Intent.** Certain temporary buildings, structures, or uses of limited duration shall be permitted, subject to the standards set forth in this Section. Temporary buildings, structures, uses, shall not involve the construction or alteration of any permanent building or structure, and are discontinued and removed upon expiration of an approved time period. The Zoning Administrator may issue a permit for temporary structures and uses based upon receipt of an application, plot plan, compliance with permit requirements of this Section, and a permit fee as applicable.
- B. **Application Requirements and Standards for Review.**

1. Application. An application for approval of any temporary use, building, or structure shall be filed with the Zoning Administrator. The request shall include, at a minimum, the following information:
 - a. The name, address, and telephone number of the applicant.
 - b. The location of the property.
 - c. A complete explanation of the proposed temporary use, building, or structure.
 - d. A plot plan in sufficient detail to determine the applicable standards of this Section are met.
 - e. Any other information requested by the Zoning Administrator and deemed necessary to make the necessary findings for approval.

2. Application Approval.
 - a. The Zoning Administrator may refer the application to any City Department for review and comment.
 - b. The Zoning Administrator may approve, approve with conditions, or deny a temporary building, structure, or use based upon review of the items required pursuant to the requirements of this Section.
 - c. Conditions for approval of the temporary building, structure, or use may include a time limit for the expiration of the temporary use, building, or structure permit, and may require the posting of a performance bond or insurance to ensure prompt termination and removal of the use, building, or structure, and clean-up.

3. General Standards. In the review of temporary uses, structures, or events, the Zoning Administrator shall find the following requirements satisfied:
 - a. The proposed temporary activity shall be compatible with and shall not adversely effect nearby residential neighborhoods;
 - b. There shall be no permanent alterations to a structure or the site;
 - c. There shall be no temporary signs associated with the use or structure after the activity ends;
 - d. The proposed temporary activity shall be compatible with and shall not interfere with the normal operations of any permanent use located on the property; and

- e. There shall be sufficient area to allow the temporary use, structure, or special event to occur as well as area to accommodate the parking and traffic movement associated with the temporary use.

C. **Temporary Construction Buildings, Structures, and Uses.** Temporary buildings, structures, and uses related to construction, including construction trailers, trash containers, storage containers, and portable toilets are permitted, subject to the following requirements:

1. Temporary construction buildings, structures, and uses shall be clearly incidental to and necessary for construction which has received all necessary building and/or applicable permits.
2. Temporary construction buildings, structures, and uses shall be removed within fifteen (15) days of issuance of a certificate of occupancy for the primary building.

D. **Temporary Sales Offices or Model Homes.** Temporary sales offices are permitted, subject to the following requirements:

1. Maximum Duration. A temporary sales office or model home shall be incidental to and necessary for the sale or rental of real property in a new subdivision or housing project.
2. The temporary office or model home shall be removed when ninety percent (90%) of the lots or units have been sold or leased.

E. **Temporary Dwellings.** Temporary dwellings are permitted, subject to the following requirements:

1. A temporary dwelling shall be permitted only when a principal dwelling has been destroyed or rendered uninhabitable by fire, flood, wind, or other natural disaster, and the dwelling is being either reconstructed or a new structure built.
2. The Zoning Administrator shall not issue a permit for a temporary dwelling until a building permit has been issued for the reconstruction or new construction of a permanent replacement dwelling on the subject property.
3. The type and condition of the temporary dwelling is permitted under applicable building or housing code requirements.
4. The Zoning Administrator shall approve the location of a temporary dwelling which shall meet setback requirements for the district.
5. A temporary dwelling shall be for one (1) year or less. An extension of up to three (3) months may be granted by the Zoning Administrator, provided the

extension is needed due to circumstances beyond the immediate control of the applicant.

F. **Temporary Storage in a Portable Commercial Shipping Container.** Temporary storage in a portable commercial shipping container shall be permitted to serve an existing use, subject to the following requirements:

1. The container shall be located no closer than ten (10) feet from any lot line or structure.
2. The container will not impede ingress, egress, or emergency access.
3. Such temporary storage shall not exceed four (4), seven (7) day periods within a twelve (12) month period.

G. **Temporary Portable Residential Storage Containers.** Temporary portable residential storage containers shall be permitted to serve an existing single-family dwelling, subject to the following requirements:

1. The maximum allowable size is one hundred fifty (150) square feet with an overall length not to exceed sixteen (16) feet.
2. Clear vision areas shall be maintained at all times, and portable storage containers shall not obstruct the flow of pedestrian or vehicular traffic.
3. Portable storage containers shall be placed on a concrete or asphalt surface that is no closer than ten (10) feet from the front lot line or three (3) feet from the side or rear lot line.
4. All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint, and other visible forms of deterioration.
5. The maximum duration of use shall be a total of fourteen (14) days over a period of twelve (12) consecutive months.

H. **Outdoor Special Events.** Outdoor special events, such as grand openings and corporate, institutional, and community celebrations and fundraising activities that benefit a community service group or non-profit organization are permitted in any district, subject to the following requirements:

1. The outdoor special event must be short-term in nature and clearly incidental to the principal use of the property.
2. Adequate parking and emergency vehicle access shall exist, and a designated off-street parking area shall be provided that does not interrupt the flow of traffic on public streets, or impede access to the primary use or pedestrian movements.

3. Hours of operation shall start no earlier than 8:00am and end no later than 8:00pm in all residential districts, except on Fridays and Saturdays the hours may extend to 10:00pm. All other districts shall operate within the hours of 8:00am to 11:00pm unless otherwise approved by the Zoning Administrator.
4. The maximum duration of use shall be four (4) consecutive days for any one (1) event, including setup and takedown, not to exceed four (4) events within a period of twelve (12) calendar months.
5. Outdoor special events shall also be subject to other applicable Ordinances and requirements, including, but not limited to, noise, signs, health, and sanitation.

SECTION 7.120 TEMPORARY COVERING OF STRUCTURES AND USES

- A. **Permanent Structures/Uses.** The covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering shall be subject to the following requirements:
1. Covering or enclosure of permanent structures or uses by means of air-supported, tent-type, or other temporary or readily removable covering shall be prohibited in all non-residential Districts.
 2. Covering or enclosure of permanent structures or uses by means of air-supported, tent-type or other temporary or readily removable covering may be permitted in relation to the following uses:
 - a. Recreation uses.
 - b. Porch, patio, terrace, or entranceway areas.
 3. The area covered or enclosed, together with principal and accessory buildings shall meet the setback and lot area coverage provisions set forth in the district in which located as set forth in Section 4.170, Schedule of Regulations. Porch, patio, terrace, or entranceway covers may be permitted to encroach into such yards in accordance with Section 7.60.
- B. **Temporary Structures/Uses.** The covering or enclosure of a temporary structure for short-term use or activity by means of an air-supported, tent-type or other temporary or readily removable covering may be permitted in any District, subject to the following requirements:
1. The short-term events eligible for the use of such temporary covering are intended to be activities including, but not limited to, special events such as grand openings, corporate, institutional, or community celebrations.

2. The short-term events must be clearly accessory or secondary to the principal uses or activities occurring within a permanent building on the same site. These provisions are not intended for the purpose of providing additional space for the principal uses on the site.
3. The use of such temporary covering shall be limited to a maximum of five (5) consecutive days, and shall not occur more than four (4) times per year on any individual site.

SECTION 7.130 TRANSPORTATION MANAGEMENT

- A. **Traffic Impact Analysis.** The Planning Commission may require a traffic impact analysis in order to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the developer and shall examine existing and proposed traffic flows, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress/egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner.
- B. **Vehicle Access Management.**
1. **Access Barrier.** Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access way authorized herein. In addition to providing the access barrier, greenbelt requirements shall be provided in accordance with Section 13.20.
 2. **Driveway Performance Standards.** Driveways shall conform to the following performance standards:
 - a. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
 - b. Sufficient on-site storage must accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 - c. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems and driveways.
 - d. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There

shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.

- e. Driveway placement must be such that loading and unloading activities will in no way hinder vehicle ingress or egress.

C. Pedestrian Access Management.

1. **General Standard.** The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined by the standards in this Section.
2. **Safety Considerations.** To the maximum extent feasible, pedestrians shall be separated from vehicles.
 - a. Where complete separation of pedestrians and vehicles is not feasible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety islands, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.
 - b. Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines. Additional width of up to four (4) feet may be required to accommodate higher volumes of bicycle and pedestrian traffic.
3. **Curb Cuts and Ramps.** Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of barrier-free spaces, curb cuts and ramps shall meet the requirements of the Michigan Barrier Free Code and the Americans with Disabilities Act and, to the extent possible, shall avoid crossing or funneling pedestrian traffic through loading areas, drive-through lanes and outdoor trash storage/collection areas.
4. **Site Amenities.** Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative

means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches.

5. **Walkways.**

- a. **Directness and Continuity.** Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Such connecting walkways shall either be grade separated from the parking lot or clearly delineated as to avoid pedestrian/vehicular conflicts with a paved surface not less than six (6) feet in width. Drive aisles leading to main entrances shall have walkways on at least one (1) side of the drive aisle.
- b. **Street Crossings.** Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked using such pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping and other traffic calming techniques.

ARTICLE 8 - SITE PLAN REVIEW

SECTION 8.10 INTENT

The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance, other applicable ordinances, and state and federal laws, to achieve efficient use of the land, to encourage innovative design solutions, to protect natural resources, to ensure safety for both internal and external vehicular and pedestrian users, to achieve innovative storm water management solutions, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

SECTION 8.20 SITE PLAN REQUIRED

- A. **Where Required.** Site plan review shall be required for any of the following activities:
1. A use or development for which submission of a site plan is required by the provisions of this Ordinance.
 2. A building or structure which is proposed to be constructed, moved, relocated or structurally altered.
 3. A non-residential use permitted in a residential district.
 4. A change in use that could affect compliance with the standards set forth in this Ordinance.
 5. Expansion or paving of off-street parking and/or a change in vehicular or pedestrian circulation or access, other than as noted in Section 8.20.B.
 6. A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Building Official.
 7. The development or construction of any accessory uses or structures at least five hundred (500) square feet in area or greater, except for uses or structures that are accessory to a one- or two-family dwelling.
- B. **Site Plan Review Exemptions.** Erection, moving, relocation, conversion, or structural alterations to a one- or two-family dwelling on an individual lot, and its accessory use(s) or structure(s), are exempt from the full site plan review process. However, other applicable approvals are still required such as a zoning compliance permit and building permits.

SECTION 8.30 CONCEPTUAL PLAN

- A. **Sketch Plan.** Except as otherwise required by this Ordinance, an applicant has the option of submitting a sketch plan to the Building Official for informal review. All applications for special land uses shall be accompanied by a sketch plan.

A sketch plan drawn to a reasonable scale shall have the following information:

1. Applicant's name, address, and telephone number.
2. Common description of the property and complete legal description.
3. Dimensions of land, including width, length, acreage, and frontage.
4. Existing zoning and current land use of the property under consideration and zoning and current land use of all adjacent properties.
5. General location of all existing structures, roadways, and natural features.
6. The general location and size of all proposed buildings, roadways, parking areas, and any other changes proposed to be made on the subject property.

SECTION 8.40 PRELIMINARY SITE PLAN

- A. **Application.**
1. A petitioner seeking Site Plan Approval as required under Section 8.20 shall submit an application to the Building Department for preliminary site plan approval, together with the appropriate fee, and fifteen (15) copies of the preliminary site plan drawing, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission, at which the application for a preliminary site plan will be considered.
 2. The Building/Zoning Official shall transmit the application and preliminary site plan to the Planning Department and Downtown Development Authority (DDA) for review. Any application which fails to provide the information and materials regulated by this Article shall be held in abeyance until the petitioner rectifies all deficiencies.
 3. A conceptual review shall be conducted by the DDA for all proposed projects within the boundaries of the DDA that require preliminary site plan approval and before any such projects are forwarded to the Planning Commission for formal site plan review. Any recommendation by the DDA will be forwarded to the Planning Commission within fifteen (15) days of receipt of the site plan for review.

4. Complete applications shall be reviewed inter-departmentally and any necessary revisions and/or corrections shall be made by the applicant prior to submission to the Planning Commission for Preliminary Site Plan Approval consideration.

B. **Data Required.** A petition or request for Preliminary Site Plan Approval shall be submitted on forms prepared by the Building/Zoning Official and shall contain the information set forth below. The Building/Zoning Official may waive information requirements that do not effect compliance with the Ordinance.

1. The name, address and telephone of the person applying for Preliminary Site Plan Approval.
2. The name, address and telephone of the owner of the property.
3. The relationship between the applicant and the property owner.
4. The present zoning classification of the subject property.
5. The proposed use of the property.
6. A certified topographic survey and a certified boundary survey of the property prepared and sealed by a Licensed Land Surveyor. The Topographic Survey shall provide one (1) foot contour intervals and shall be printed on a 24 x 36 inch sheet.
7. Attached to the application shall be two (2) copies of the proposed site plan, dimensioned and drawn to a scale of not less than 1" = 20' for property less than three (3) acres, and 1" = 50' for parcels of three (3) acres or more, wherein the following items shall be clearly labeled and dimensioned:
 - a. All drawings are to have a title block, which shall have the name of the project and date of plans including revision dates.
 - b. All drawings are to have a northpoint and the scale of the drawing is to be indicated.
 - c. All lot and property lines.
 - d. Location of all proposed structures.
 - e. Existing and future right-of-way of adjacent streets, including centerlines and section lines where applicable.
 - f. Location of all sidewalks, on and adjacent to the site.
 - g. Deceleration and passing lanes as required by the City of Milan Engineer.
 - h. The means by which stormwater detention will be provided.

- i. Setbacks and required yards.
 - j. Parking areas, access drives, loading and unloading areas, and trash receptacles.
 - k. Greenbelts, landscape areas, other open space areas and screening walls.
 - l. The location of any existing driveways and streets within one hundred (100) feet of the subject property, including those across frontage streets.
 - m. The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.
 - n. Calculations for the following shall be included on the site plan:
 - i. Gross and net (after rights-of-way) site area.
 - ii. Gross and net ("usable") building area.
 - iii. Required parking and statement of parking provided.
 - iv. Required landscape and open space area, and statement of intent for each.
 - o. Site Plans for residential developments shall include the following additional information:
 - i. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, to be provided.
 - ii. Topography on site and fifty (50) feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands, and tree stands indicated.
 - iii. The typical floor plans and elevations of the proposed buildings, with building height(s).
 - p. Number of employees on the largest working shift (if applicable).
8. A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for Preliminary Site Plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination may be waived by the Building Official based on the Natural Features Map and other applicable site information.

9. A tree preservation plan in accordance with the City of Milan Design Standards and Construction Specification Appendix D shall be attached to all applications for Site Plan Approval. This requirement may be waived by the Building Official, in those instances where the Topographic Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.
10. A landscape plan prepared in conformance with the City of Milan's Design Standards and Construction Specifications.
11. Preliminary, dimensioned floor plans.
12. Preliminary, dimensioned building elevations.
13. Preliminary grading plans, in accordance with the City of Milan Engineering Standards.
14. Lighting plan indicating proposed photometrics, height of light fixtures, proposed light fixtures, and proposed methods of shielding.
15. Samples, swatches, or manufacturer's specification sheets of the predominant proposed exterior materials and colors of all buildings and permanent structures, including walls and fences.
16. All drawings shall be sealed and signed by a State of Michigan Professional Engineer, Licensed Architect, Registered Landscape Architect, or Professional Community Planner.
17. Included with the hard copies shall be a CD containing an electronic version of the Preliminary Site Plan Application. The format of the documents shall be Tagged Image Format (tif) files at a resolution of two hundred (200) dots per inch (dpi) and PDF format as specified by the Building Official. The CD shall be clearly marked with the applicant's name, contact information, project name, and date. Documents shall be in a multipage TIF or individual TIFs in the following order:
 - a. Application.
 - b. Topography.
 - c. Preliminary Site Plan.
 - d. Landscape Plan.
 - e. Preliminary Floor Plans.

- f. Preliminary Building Elevations.
- g. Preliminary Grading Plan.
- h. Tree Preservation Plan.
- i. Other information, as requested.

C. **Standards of Review.** In reviewing a preliminary site plan the Planning Commission shall consider the following standards:

1. All required information has been provided.
2. The proposed development as shown in the preliminary site plan conforms to all regulations of the Zoning Ordinance for the district(s) in which it is located.
3. The applicant is legally authorized to request site plan review.
4. The movement of the vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.
5. The proposed development will be harmonious with, and not harmful, injurious, or objectionable to, existing and future uses in the immediate area.
6. Natural resources will be preserved to a maximum feasible extent, and that development can occur without serious soil erosion or sedimentation or other adverse environmental impact.
7. The proposed development is adequately coordinated with existing and proposed improvements serving the subject property and with other developments.

D. **Planning Commission Action.** The Planning Commission shall consider the application for approval, conditional approval or denial at the scheduled meeting.

1. Upon a determination by the Planning Commission that a site plan is in compliance with the City's Ordinances, the Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
2. Upon a determination by the Planning Commission that a site plan is in compliance, except with minor revisions, the Planning Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes for the proceedings.
3. If the site plan does not comply with the provisions of the City's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official

minutes from the proceedings.

- E. **Effect of Approval.** Approval of a preliminary site plan by the Planning Commission shall indicate its acceptance of the proposed layout of buildings, streets and drives, parking areas, and other facilities and areas, and of general character of the proposed development. The Planning Commission may, at its discretion, and with appropriate conditions attached, authorize issuance of grading and foundation permits on the basis of the approved preliminary site plan. This authorization shall be used only in those situations in which seasonal conditions such as the onset of frost, or other severe time limitations might, in the Planning Commission's opinion, unduly delay the commencement of construction until after the final site plan is approved. The Planning Commission shall attach appropriate conditions to such authorization.
- F. **Expiration of Approval.** Approval of a preliminary site plan by the Planning Commission shall be valid for a period of not more than one hundred eighty (180) days from the date of approval and shall expire and be of no effect thereafter unless an application for a final site plan for all or part of the area included in the approved preliminary site plan is filed with the Planning Commission within that time period.

The Building Department shall transmit a written notice of such approval to the applicant within ten (10) days of the date of approval of a preliminary site plan by the Planning Commission. If a final site plan is submitted for only a part of the area covered by the approved preliminary site plan, successive final site plans shall be filed at intervals not greater than two (2) years from the date of approval of the previously approved final site plan. If such period is exceeded, the Planning Commission may declare the approved preliminary site plan invalid with respect to the remaining portions of the site and may require a new preliminary site plan to be submitted unless good cause can be shown for the delay.

SECTION 8.50 FINAL SITE PLAN

A. Application.

1. Prior to requesting any building permits, the petitioner shall seek Final Site Plan approval. This final site plan submittal shall include those items specified under Section 8.40.B of this Article. Applications for Final Condominium Approval shall also include four (4) copies of the recorded Condominium Master Deed and Condominium Bylaws. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items required under Section 8.40.B.
2. The Building Official shall review the submittal for Final Site Plan Approval to ascertain that all the requirements of Section 8.40.B have been satisfied. Any submittal which fails to include the required modifications, information, and/or

documents shall be deemed incomplete and held in abeyance until the petitioner rectifies all deficiencies.

3. In the event that the Final Site Plan has been substantially revised from the Preliminary Site Plan Approval, as determined by the Zoning Administration, the applicant shall be directed to reapply for a new Preliminary Site Plan approval or to revise the Final Site Plan to bring it into conformance with the approved Preliminary Site Plan.
4. The Building Department shall review the Final Site Plan to ensure that it is consistent with Preliminary Site Plan Approval. The Building Department shall confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Assessing, and Fire Departments. Upon verification of all required City approvals, the Building Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permit applications may be received and/or reviewed for the project.
5. In those instances where Planning Commission review and approval of a revised Preliminary Site Plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five (5) copies of the modified Preliminary Site Plan have been submitted and have been approved by the Building and Engineering Departments.

B. **Data Required.** A petition or request for Final Site Plan Approval shall be submitted on forms provided by the Building/Zoning Official and shall contain the following:

1. The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval.
2. Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:
 - a. The dedication of rights-of-way.
 - b. The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements.
 - c. "Private Agreements" to detail the installation of Public Improvements by the petitioner.
 - d. "Irrevocable Petition Agreements" for petitioner's participation in potential Special Assessment Projects involving road, pedestrian and/or public utility improvements.

3. A current Title Commitment, indicating all parties of interest in the subject property.
 4. A statement from the Planning Department indicating that the Landscape Plans have been submitted and approved, and the related fees have been paid.
 5. Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:
 - a. The water distribution system.
 - b. The sanitary sewer system.
 - c. The storm drainage system, including the location, size and shape of required storm water detention basins or other detention facilities.
 6. Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.
 7. The location of fire lanes and fire hydrants as required by the Fire Department.
- C. **Standards of Review.** In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards.
1. The final site plan conforms to the approved preliminary site plan.
 2. All required information is provided.
 3. The plan complies with all Zoning Ordinance regulations.
 4. The plan, including all engineering drawings, meets specifications of the City for fire and police protection, access, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
 5. The plan meets all specifications of this Article.
 6. Any grading, cutting or filling of land will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring property.
 7. Soil erosion will be controlled during and after construction and will not adversely affect adjacent or neighboring property or public facilities or services.
- D. **Planning Commission Action.** The Planning Commission shall consider the application for approval, conditional approval or denial at the scheduled meeting. The Planning

Commission shall include in its consideration any consultation with other government officials and departments and public utility companies that might have an interest in or be affected by the proposed development. All engineering drawings and plans shall be approved by the City Engineer before a final site plan may be approved.

1. Upon a determination by the Planning Commission that a final site plan is in compliance with the City's Ordinances, the Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
 2. Upon a determination by the Planning Commission that a final site plan is in compliance, except with minor revisions, the Planning Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
 3. If the site plan does not comply with the provisions of the City's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.
- E. **Final Site Plan Approval.** Upon Planning Commission approval of a final site plan, the applicant and owner(s) of record, and the Secretary of the Planning Commission or designated substitute, shall sign five (5) copies of the approved site plan. The Secretary of the Planning Commission shall transmit two (2) such signed copies of the approved final site plan to the Building/Zoning Official and one (1) signed copy to each the City Clerk and the applicant. One (1) signed copy shall be retained in the Planning Commission's files. If the final site plan is rejected, the Planning Commission shall notify the applicant in writing of such action and reasons therefore.
- F. **Effect of Approval.** Approval of a final site plan authorizes issuance of a building permit, or in the case of uses without buildings or structures, issuance of a certificate of occupancy.
- G. **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect three hundred sixty (360) days following the date of approval unless construction has begun on the property in conformance with the approved final site plan. Approval shall also expire and be of no effect unless a building permit shall have been issued within one hundred eighty (180) days of the date of approval of the final site plan by the City Planning Commission unless such time period is extended by the Planning Commission.
- H. **Amendment of a Final Site Plan.** If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Commission and the applicant. Two (2) copies of the final approved site plan, with its modifications shall be on record in the City offices. Each copy shall have the signature of the Planning Commission Chair. If

variances are required and have been secured, the site plan shall also be signed by the Chairman of the Zoning Board of Appeals.

SECTION 8.60 ADMINISTRATIVE REVIEW

In the following cases, the Building/Zoning Official shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in Section 8.50 C. hereof.

A. Where Applicable.

1. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
2. The conversion of an existing building from one (1) permitted use to another permitted use within the same district, provided there is no substantial modification necessary to the building or the site;
3. Expansion and/or addition of five (500) square feet or less to an existing conforming structure or use; and
4. Provision for additional loading/unloading spaces and landscape improvements as required by this Section.

B. Information Required. The Building/Zoning Official shall require all applicable criteria set forth in Section 8.50 C. hereof to be met and shall have the authority to waive information required which is not necessary to determine whether site plan review requirements have been met. The Building/Zoning Official shall also have the authority to refer any site plan eligible for administrative review under Section 8.60 A. hereof to the Planning Commission and/or any consultants employed by the City for the purposes of site plan review.

ARTICLE 9 – CONDITIONAL USE APPROVAL

SECTION 9.10 INTENT

This Article provides a set of procedures and standards for conditional uses, which, because of their unique characteristics, require specific consideration in relation to the welfare of adjacent properties and the community as a whole.

These provisions are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

SECTION 9.20 PROCEDURE

A. **Application.** A petitioner seeking Conditional Use approval shall file an application with the Zoning Administrator, together with the appropriate fee and required information, not less than thirty (30) days prior to the date of the regular meeting of the Planning Commission at which the conditional use application will be considered. The following information shall also be submitted:

1. A site plan with the required information, as set forth in Article 8.
2. A statement with regard to compliance with the criteria required for approval in Section 9.30, Standards for Conditional Use approval and any specific standards required by the Ordinance for the requested use.
3. Failure to provide the required information and materials as a part of the application for Conditional Use approval shall render the application deficient and said application shall be held in abeyance until the petitioner submits all required items.

B. **Public Notice and Signage.**

1. All applications for Conditional Use Approval require public notice and a public hearing. Section 3.100, Public Hearing Notice Requirements, sets forth notification requirements for all public hearings.
2. A sign shall be placed on the subject property to inform the public that an application for Conditional Use approval has been filed, and to indicate where information regarding the request can be obtained.

SECTION 9.30

STANDARDS FOR CONDITIONAL USE APPROVAL

- A. The Planning Commission shall consider the following general standards and any standards established for a specific use when reviewing a conditional use request.
1. **Compatibility with Adjacent Uses.** The Conditional Use shall be designed and constructed in a manner harmonious with the character of adjacent property and the surrounding area. In determining whether a Conditional Use will be harmonious and not create a significant detrimental impact, as compared to the impacts of permitted uses.
 2. **Compatibility with the Master Plan.** The proposed Conditional Use shall be compatible and in accordance with the goals and objectives of the City of Milan Master Plan.
 3. **Traffic Impact.** The proposed Conditional Use shall be located and designed in a manner which will minimize the impact of traffic, taking into consideration: pedestrian access and safety; vehicle trip generation (i.e. volumes); types of traffic, access location, and design, circulation and parking design; street and bridge capacity and, traffic operations at nearby intersections and access points.
 4. **Impact on Public Services.** The proposed Conditional Use shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services shall be provided and accommodated without an unreasonable public burden.
 5. **Compliance with Zoning Ordinance Standards.** The proposed Conditional Use shall be designed, constructed, operated and maintained to meet the stated intent of the zoning districts and shall comply with all applicable ordinance standards.
 6. **Impact on the Overall Environment.** The proposed Conditional Use shall not unreasonably impact the quality of natural features and the environment in comparison to the impacts associated with typical permitted uses.
 7. **Conditional Use Approval Specific Requirements.** The general standards and requirements of this Section are basic to all uses authorized by Conditional Use Approval. The specific and detailed requirements relating to particular uses and area requirements must also be satisfied for those uses.
- B. The Planning Commission shall also consider the following factors when reviewing a conditional land use request:

1. The nature and character of the activities, processes, materials, equipment, or conditions of operation; either specifically or typically associated with the use.
2. Vehicular circulation and parking areas.
3. Outdoor activity, storage and work areas.
4. Hours of operation.
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.

SECTION 9.40 CONDITIONS OF APPROVAL

- A. **Authority.** The Planning Commission, in its review of a request for Conditional Use approval, may at its discretion impose additional conditions when it is determined that such increases in standards or additional conditions are required to achieve or assure compatibility with adjacent uses and/or structures.
- B. **Scope.** Conditions that are imposed by the Planning Commission shall:
1. Be related to and ensure that the review considerations of Section 9.30A, and the applicable specific regulations are met.
 2. Run with the property described as part of the approval of a Conditional Use, including conditions made as part of the approval, and not to the owner of such property.
 3. Remain unchanged unless an amendment to the Conditional Use approval is approved.

SECTION 9.50 EFFECTIVENESS

Any Conditional Use approval granted by the Planning Commission shall expire unless a preliminary site plan effectuating the Conditional Use is submitted within two (2) years of the date of approval. Upon receipt of final site plan approval, Conditional Use approval shall continue in force so long as the particular use or activity continues to operate as approved on the approved site, unless otherwise specified in the Planning Commission resolution of approval. When a use approved under the Conditional Use approval procedure ceases to function or is abandoned for a period of (12) twelve months, the Conditional Use approval shall lapse and shall no longer be in effect.

SECTION 9.60

AMENDMENTS, EXPANSIONS, OR CHANGE IN USE

The following provisions apply when there is an amendment or a proposed expansion to approved Conditional Uses or when there is a proposed change from one (1) Conditional Use to another.

- A. **Amendments.** Any applicant who has been granted Conditional Use approval shall notify the Zoning Administrator of any proposed amendment to the approved site plan. The Zoning Administrator shall determine whether a proposed amendment requires new Conditional Use approval.
- B. **Expansions.** An expansion of any use requiring a Conditional Use approval that results in an increase of ten percent (10%) or more of the building, parking, paved areas, or site area shall require resubmittal in the manner described in this Article. A separate Conditional Use approval shall be required for each use requiring Conditional Use Approval on a lot, or for any expansions of a Conditional Use approval.
- C. **Change in Use.** The applicant shall be responsible for informing the Zoning Administrator of any significant change in an approved use, operations or activities prior to any such change. The Zoning Administrator shall determine if a new Conditional Use approval is required. A significant change shall mean any departure from the operation or use described in the approved application or any change that may cause external impacts such as additional traffic, hours of operation, noise, additional outdoor storage, or display.

ARTICLE 10 – DEVELOPMENT OPTIONS

SECTION 10.10 SITE CONDOMINIUM PROJECT REGULATIONS

- A. **Intent.** The intent of this Section is to regulate site condominium projects to ensure compliance with this Ordinance and other applicable standards of the City, to provide procedures and standards for review and approval or disapproval of such developments, and to insure that each project will be consistent and compatible with other developments in the community.
- B. **General Standards.** The following regulations shall apply to all condominium projects regardless of the zoning district in which they are located.
1. All site condominium projects shall comply with the use, area, setback, and other applicable requirements of the zoning district in which the project is located.
 2. In a site condominium project, each condominium lot shall be considered equivalent to a single lot as defined by this Ordinance, and shall meet all the minimum use, area, setback, and other applicable requirements of the zoning district in which the project is located.
 3. The area within public or private street rights-of-ways shall not be included in the computation of minimum lot area.
 4. Yard requirements shall be measured from the boundaries of the condominium lot.
 5. Each condominium unit shall be separately connected to the City water supply system and sanitary sewer system.
 6. Relocation of condominium lot boundaries, if allowed in the condominium documents, as permitted in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which they are located and shall be approved by the Building Official.
 7. Each condominium lot which results from a division of another condominium lot, as permitted by Section 49 of the Condominium Act, shall comply with all regulations of the zoning district which they are located and shall be approved by the Building Official. This requirement shall be included as part of the condominium documents.
 8. The substantive requirements for streets, sidewalks, utilities, storm drainage and subdivision layout and design as set forth in the Land Division Act, as amended, and current subdivision regulations of the City or subdivision regulations or engineering standards which will be enacted by the City in the future, are intended to apply to

site condominiums and also, subject to layout and design renovations permitted by this Ordinance, to single-family detached condominium projects. Condominium units and site condominium subdivisions may abut and have frontage on private streets provided all requirements of this Ordinance and other Ordinances of the City are complied with.

C. **Specific Regulations.** Condominium projects shall be subject to the following regulations.

1. **Single-Family Detached Condominiums.** Single-family detached condominiums shall be subject to all requirements and standards of the underlying zoning district including minimum floor area requirements, regulations governing the distance between buildings and the attachment of buildings, and other requirements as set forth in this Ordinance. Single-family detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located, as determined on the basis of minimum lot area standards set forth in Section 4.170, Schedule of Regulations. All property information and dimensions shall be depicted on the site plan so that the Planning Commission can determine that all applicable minimum requirements are met.
2. **Single-Family Site Condominiums.** Single-family site condominiums shall be subject to all requirements applicable to the district in which such development is located, including minimum lot requirements and all other applicable requirements set forth in Section 4.170, Schedule of Regulations. These regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.
3. **Mobile Home Site Condominiums.** Mobile home site condominiums shall be subject to all applicable sections of this Ordinance. A mobile home condominium developed within a mobile home park shall be subject to Section 4.90 of this Ordinance and all requirements of the Michigan Mobile Home Commission.
4. **Commercial, Office or Industrial Site Condominiums.** Commercial, office or appropriate underlying zoning district which exists for the property on which a commercial, office or industrial site condominium may be proposed, including minimum lot requirements and all other applicable requirements set forth in this Ordinance. These regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in area to the minimum lot area and lot width requirements for the district in which the project is located. The commercial, office or industrial site condominium project must be appropriate to the underlying zoning for the project site.

5. **Conversion Condominiums.** All conversion condominiums shall be subject to the provisions of this Section and Ordinance, and shall require final site plan approval by the Planning Commission prior to the occupancy of any converted condominium unit. The site plan shall include all existing conditions and clearly identify all proposed modifications. The Planning Commission shall consider the site plan for a condominium conversion as a new site plan and may revise any requirements of previous site plan approvals.

D. **Site Plan Review and Approval Procedure.** The review and approval of plans for a condominium project shall comply with the standards and procedures set forth in Article 8, Site Plan Review and the following additional requirements:

1. The Preliminary Site Plan shall include the street pattern and fully dimensioned residential parcel layout, including proposed building configurations. A preliminary sanitary sewer, storm sewer, and water main layout shall also be submitted.
2. A preliminary approval shall mean that the condominium project and site plan meet the requirements of this Ordinance. Subject to any conditions imposed by the Planning Commission as part of its motion, preliminary approval assures the applicant that the project and site plan will receive final approval if:
 - a. All state and county approvals are obtained;
 - b. No negative comments are received from any governmental agency or public utility; and
 - c. All Federal, State and local laws and Ordinances are met.
3. Final Site Plans shall indicate the corners of all proposed residential parcels, and such other points as may be necessary to determine that the potential parcel and building configurations will conform with applicable Ordinance requirements. Final Plans shall be accompanied by the following materials or information:
 - a. Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Standards.
 - b. Floor Plans and Elevations of the proposed residential units.
 - c. Proposed condominium documents shall be reviewed and approved by the City Attorney prior to approval of the final site plan.
 - d. Warranty Deeds and Easement documents, in recordable form, for all rights-of-way and easements which are to be conveyed to the City in conjunction with implementation of the proposed Final Plan.

E. **Construction.**

1. Prior to the issuance of permits for construction, the City Engineer shall prepare and submit a detailed summary of required financial guarantees to ensure the construction of required improvements, and the placement of proper property and parcel monuments and markers. Such financial guarantees shall then be furnished by the petitioner, in a form acceptable to the City Administrator. The City Engineer's certification of construction plan approval and evidence of the required financial guarantees shall then be submitted to the Planning Department for their review, approval, conditional approval, or disapproval.
2. Construction of utilities, streets, and other site improvements can begin only after Planning Department approval of the Final Plan for a site condominium, as set forth above.
3. No building permits for residential structures may be granted until the petitioner has placed permanent residential parcel monuments or markers which are acceptable to the City Engineer and Building/Zoning Official.
4. Occupancy permits for residential structures may not be granted until seventy-five percent (75%) or as provided in the approved development agreement, of all utility and street improvements and related rights-of-way or easements have been accepted by the City, in accordance with Engineering Division procedures.

F. Improvements.

1. Principal access and circulation through a site condominium shall be provided by public streets constructed to City standards. Secondary access and circulation through such developments, on which some of the residential parcels may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City public street standards, within forty (40) foot private easements for public access.
2. All entrances to major or secondary thoroughfares shall include deceleration, acceleration and passing lanes as required by Engineering Standards of the City of Milan.
3. Sidewalks shall be constructed, in accordance with City Standards, across the frontage of all dwelling unit parcels. Utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.
4. All lots shall be served by public water, sanitary sewer, storm sewer and detention/retention systems constructed to City standards, at the expense of the developer. Easements over these systems shall be conveyed and recorded before occupancy permits are issued for dwelling units.

SECTION 10.20

OPEN SPACE PRESERVATION OPTION

- A. **Intent.** An applicant may elect to apply for an open space preservation option in the R-1A and R-1B One-Family Residential zoning districts, provided the standards set forth in this Section are met. The Open Space Preservation Option is intended to:
1. Provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.
 2. Encourage developers to use a more creative approach in the development of residential areas.
 3. Encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.
 4. Encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.
 5. Ensure an Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.
- B. **Eligibility Criteria.** To be eligible for the Open Space Preservation Option, property must be zoned R-1A or R-1B, and meet each of the following standards:
1. The area preserved as open space shall remain in a perpetually undeveloped state.
 2. The site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.
 3. The option has not previously been exercised on the parcel.
- C. **Application Requirements.** The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:
1. A complete description of the land proposed to be dedicated to the City or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:
 - a. Legal description of dedicated open space, including dedicated easements.
 - b. Topographical survey of dedicated open space.

- c. Types of soil in dedicated open space.
 - d. Description of natural features on dedicated open space.
 - e. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.
2. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:
- a. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
 - b. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the City.
 - c. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.
- D. **Dwelling Unit Density.** The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a “parallel plan.”
- 1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the applicable One-Family zoning district.
 - 2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.
- E. **Regulatory Flexibility.** To comply with the open space preservation provisions of the Michigan Zoning Enabling Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:
- 1. Overall density shall not exceed the number of lots determined in the parallel plan.
 - 2. Setback provisions shall be as follows:
 - a. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing underlying zoning.

- b. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings.

The minimum setbacks shall be as follows:

Front 25'
Rear 35'
Sides 10' (each)

- 3. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.
- 4. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

F. Open Space Requirements.

- 1. **Minimum Requirements.** An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space, which shall remain perpetually in an undeveloped state by means of one of the tools included in subsection 5 below. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section 10.30.F.3, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. The required open space shall be accessible to all residents of the Open Space Preservation development or the City of Milan.
- 2. **Common Open Space.** Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.
- 3. **Areas Not Considered Open Space.** The following land areas are not included as dedicated open space for the purposes of this Section:

- a. Area proposed as single-family residential lots.
 - b. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.
 - c. The area of any street right-of-way or equivalent private road easement.
4. **Location of Open Space.** Common open space shall be planned in locations accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces.
5. **Protection of Open Space.**
- a. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase “conservation easement” means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
 - b. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:
 - (i) Indicate the proposed allowable use(s) of the dedicated open space.
 - (ii) The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space

may include a recreational trail, children's play area, greenway or linear park.

SECTION 10.30 ONE-FAMILY CLUSTER OPTION

- A. **Intent.** The One-Family Cluster Option is offered as an alternative to traditional residential development. The One-Family Cluster Option is intended to:
1. Encourage the use of property in accordance with its natural character.
 2. Assure the permanent preservation of open space and other natural features.
 3. Provide recreational facilities and/or open space within a reasonable distance of all residents of the One-Family Cluster development.
 4. Allow innovation and greater flexibility in the design of residential developments.
 5. Facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner.
 6. Ensure compatibility of design and use between neighboring property.
 7. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
- B. **Eligibility Criteria.** To be eligible for One-Family Cluster consideration, property must be zoned R-1A or R-1B and meet each of the following standards:
1. **Recognizable Benefits.** One-Family Cluster shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the City. The recognizable and substantial benefits can be provided through site design elements that are in excess of the requirements of this Ordinance, such as extensive landscaping, the inclusion of a transition area from adjacent residential land uses, and preservation of individual trees, wetlands (regulated and non-regulated), woodland areas and open space.
 2. **Open Space.** The proposed development shall provide at least one (1) of the following open space benefits:
 - a. **Significant Natural Features.** Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve these natural features which might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the Planning

6. **Density Impact.** The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.
- C. **Application Requirements.** In addition to the information required by the City of Milan for all other site plans, any development proposing to utilize the One-Family Cluster Plan shall contain the following:
1. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:
 - a. A legal description of dedicated open space required by Section 10.20.C.2 including dedicated easements.
 - b. A topographical and boundary survey of dedicated open space.
 - c. An identification of the types of soil in dedicated open space.
 - d. A Natural Features Analysis that inventories all significant natural features on the property and on abutting properties, if applicable.
 2. Information regarding current and proposed ownership and use of the dedicated open space, including the following:
 - a. The proposed ownership and control of the open space.
 - b. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Milan.
 - c. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.
 - d. A timeline setting forth the anticipated dates of the dedication of the open space for the common use of unit owners in the association or to the City of Milan.
 3. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including significant (over ten (10) inches in diameter) individual trees, woodlands, wetlands, and open space during construction. The plan shall be consistent with the City's tree preservation requirements, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.

4. Other relevant information necessary to show that the proposed development qualifies for approval as a One-Family Cluster development.

D. Dwelling Unit Density.

1. The number of dwelling units allowable within the One-Family Cluster development shall be determined by the applicant through the preparation of a parallel plan for the subject property that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot/unit size, lot/unit width and setbacks as normally required for the underlying one-family zoning district. The number of units identified in the parallel plan shall determine the number of units permitted in the development.
2. **Density Bonus.** A variable density bonus of up to twenty percent (20%) may be allowed at the discretion of the City Council, after favorable recommendation from the Planning Commission, based upon a demonstration by the applicant of design excellence in the One-Family Cluster development. Projects qualifying for a density bonus shall include a minimum of fifty (50) percent of the property to be dedicated open space held in common ownership. In addition, projects qualifying for a density bonus shall include at least one (1) of the following elements:
 - a. That the project is a prequalified Sustainable Design Project incorporating measures specifically related to the proposed density increase, as set forth in Section 12.10, Sustainable Design Options.
 - b. A perimeter transition area of at least one hundred fifty (150) feet in width around all borders of the development.
 - c. Donation or contribution of land or amenities in order to provide a significant community benefit, such as for a school, park, fire station, or similar community benefit.
 - d. Other similar elements that the City Council, after favorable recommendation from the Planning Commission, determined to be of exceptional quality.

- E. Regulatory Flexibility:** The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings on smaller lots, as long as the following requirements are satisfied:

1. Overall density shall not exceed the number of residential cluster units determined in Section 10.20.D, unless a density bonus has been granted by City Council.
2. That the project is a prequalified Sustainable Design Project incorporating measures specifically related to the proposed dimensional modifications as set forth in Section 12.10, Sustainable Design Options.
3. Setback provisions shall be as follows:
 - a. Setback requirements for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required setback.
 - b. Setback requirements for principal structures on the interior of the development shall be as follows. If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows:

Front: Twenty (20) feet. There shall be at least twenty-five (25) feet between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.

Rear: Twenty-five (25) feet.

Side: Seven and one-half (7.5) feet. For detached units with “rear-to-side” relationships, the required setback shall be fifteen (15) feet for each unit, for a total of thirty (30) feet.
4. All regulations applicable to parking, loading, general provisions, and other requirements shall be met.
5. The permitted uses shall be restricted to single family detached residential development, duplex residential development, residential accessory structures, non-commercial recreation uses and open space.

F. Open Space Requirements.

1. All land within a development that is not devoted to a residential unit, accessory structures, vehicle access, vehicle parking, a roadway, or an approved

improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.

2. A One-Family Cluster development shall maintain a minimum of thirty (30) percent of the gross area of the site as dedicated open space held in common ownership. A minimum of twenty-five percent (25%) of the open space shall be upland area, which does not include any MDEQ-regulated or non-regulated wetlands that are accessible to all residents of the development.
3. The following land areas are not included as dedicated open space for the purposes of the One-Family Cluster development option:
 - a. The area of any street right-of-way or private drive.
 - b. The submerged area of any lakes, rivers, ponds or streams.
 - c. The required setbacks surrounding a residential structure, except as otherwise provided.
 - d. Storm water detention or retention facilities, with the exception of bio-retention areas that provide an active or passive recreation function, which can be considered open space.
4. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. The open space along the exterior public roads shall have a depth of at least one hundred (100) feet, either landscaped or preserved in a natural wooded condition. At its discretion, the City Council, after favorable recommendation from the Planning Commission, may permit either minor reductions in width or variations in width of the open space along exterior roads, taking into consideration topographic and/or other natural resource conditions, as long as the density of existing vegetation to be preserved, and size and shape of the development area are taken into consideration. The open space along the exterior public roads shall be landscaped with a minimum of one (1) deciduous canopy tree (3 to 3 ½ inches in diameter) for each ten (10) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance, and shall be planted so as to have minimal impact on the future usability of sidewalks and trails. Preservation of existing trees shall be credited towards meeting the frontage-landscaping requirement.
5. Principal access to the development shall be provided by public streets constructed to City standards. Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public

utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.

6. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council, after favorable recommendation from the Planning Commission.
7. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restriction, restrictive covenant, conservation easement, plat dedication, or other legal document that is subject to review and approval by the City Council, after review and recommendation by the City Attorney. The irrevocable conveyance document shall be approved before there can be final approval of the development (final site plan approval), and the developer shall record such documents with the Monroe/Washtenaw County Register of Deeds. The City of Milan (or the common owners) shall be specifically identified as the beneficiary of its provisions. The irrevocable conveyance documents shall address the following:
 - a. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
 - b. Standards for scheduled maintenance of the open space.
 - c. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property as determined by the City assessor.
 - d. The irrevocable conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:
 - (i) Dumping or storing of any material or refuse.
 - (ii) Activity that may cause risk of soil erosion or threaten any living plant material.
 - (iii) Cutting or removal of live plant material except for removal of dying or diseased vegetation.
 - (iv) Use of motorized off-road vehicles.

- (v) Cutting, filling or removal of vegetation from wetland areas.
 - (vi) Use of pesticides, herbicides or fertilizers within any wetlands area.
- e. The irrevocable conveyance shall provide the following:
- (i) The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
 - (ii) Standards for scheduled maintenance of the open space.
 - (iii) If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property.
8. The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.
9. Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one percent (1%) of the required open space area.

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

These provisions are designed to allow practical latitude for the applicant and at the same time, maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

ARTICLE 11 – PLANNED UNIT DEVELOPMENT

SECTION 11.10 INTENT

- A. The Planned Unit Development (PUD) District is intended to permit flexibility in the application of zoning standards and requirements where it can be demonstrated that the intent set forth in Section 11.10 and criteria set forth in Section 11.20 can be achieved through the use of PUD regulations. This Article is also intended to ensure the use of land in a manner that encourages the preservation of rural character and large areas of open space, protect valuable natural resources of the City as identified in documents including, but not limited to the City of Milan Master Plan and Natural Features Inventory, enhances ecological functions, and permits development that is enhanced by the inclusion of open space and active and/or passive recreation planned as an accessory part of the development.

Specifically, the PUD District regulations set forth herein are intended to achieve the following purposes:

1. Encourage developments that will result in a long-term contribution to social, environmental and economic sustainability in the City of Milan.
2. Permit development patterns that respond to changing public and private needs.
3. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values.
4. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources.
5. Promote the efficient use and conservation of energy.
6. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites.
7. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Milan.

8. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses.
9. Ensure development that is consistent with the intent of the Master Plan.

SECTION 11.20 GENERAL PROVISIONS

A. **Where Permitted.** A PUD may be applied for in any zoning district.

1. Process. Approval of a PUD application shall be a two (2) step process. The first step shall be a preliminary review as set forth in Section 11.60 C. The final step, as set forth in Section 11.60 L., shall include a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the City Council.
2. Qualifications of Subject Parcel for Consideration as a PUD. The applicant for a PUD must demonstrate through the submission of both written documentation and site development plans that all of the following criteria are met:
 - a. The intent of Section 11.10 is met.
 - b. Approval of the PUD will result in one (1) or more of the following:
 - i. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the PUD regulations; or
 - ii. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 - iii. A non-conforming use shall, to a material extent, be rendered more conforming to and compatible with the zoning district in which it is situated.
 - c. The proposed type and,/or density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, roads, and utilities.
 - d. The proposed PUD shall be consistent with the public health, safety, and welfare of the City.

- e. The proposed PUD shall minimize any negative environmental impact on the subject site or surrounding land.
- f. The proposed PUD shall minimize any negative economic impact upon surrounding properties.
- g. The proposed PUD shall be consistent with the Goals and Policies of the City of Milan Master Plan.
- h. The proposed PUD shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing, or having legal authority for completing, the project in conformity with this Ordinance, provided that such responsibility shall not include individual principal buildings and facilities on the site of such buildings which serve only such buildings and have no relation or impact upon other portions of the development. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the City Clerk.
- i. Where a project is proposed for construction in phases, a final PUD plan shall be submitted for each phase prior to commencement of construction of that phase.
- j. The proposed PUD shall meet all design standards as set forth in Sections 11.30 through 11.50.

**SECTION 11.30 DESIGN CONSIDERATIONS AND SITE
DEVELOPMENT CAPABILITIES**

- A. **Design Considerations.** A proposed PUD shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations and to ensure the compatibility of the project with adjoining properties and the general area in which the property is located.
- 1. Perimeter setbacks.
 - 2. Street drainage and utility design with respect to location, availability, ownership, and compatibility.
 - 3. Underground installation of utilities.
 - 4. Insulation of separate pedestrian ways apart from vehicular streets and ways.
 - 5. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping, and construction materials.

6. Noise reduction and visual screening mechanisms from adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
9. Screening and buffering with respect to dimensions and character.
10. Yard areas and other open space.
11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
12. The preservation of natural resources and natural features.

B. **Site Development Capability.** In establishing the development capability of the site, the applicant shall submit a site analysis and supportive documentation which will illustrate the following:

1. Visual impacts, including but not limited to ridgeline protection areas and protection of scenic views.
2. Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved storm water drainage management plan.
3. Preservation of significant native trees and other native site vegetation, including protection of natural area buffer zones.
4. Conservation of water, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas and similar considerations.
5. Stream corridor and wetland protection and buffering.
6. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines and scenic topographic feature
7. Floodplains and floodways.

8. Wildlife movement corridors.
9. Natural area buffer zones as delineated below.
10. The practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.
11. Hydrology and groundwater flow.

SECTION 11.40 PROJECT DENSITIES AND INTENSITIES

A. Residential Density.

1. The total number of dwelling units in a PUD project shall not exceed the number of dwelling units permitted in the underlying zoning district. However, a variable density credit of up to fifteen percent (15%) may be allowed at the discretion of the Planning Commission and City Council, based upon a demonstration by the applicant of design excellence in the PUD. Projects qualifying for a density credit shall include no less than two (2) of the following elements:
 - a. A high level of clustered development, where at least twenty percent (20%) of the PUD is common usable open space.
 - b. Providing perimeter transition areas or greenbelts around all sides of the development that are at least one hundred (100) feet in depth.
 - c. The proposed plan is designed to enhance surface water quality and ground water quality.
 - d. Provisions and design that preserve natural features.
 - e. Donation or contribution of land or amenities that represent significant community benefit.
 - f. Other similar elements as determined by the Planning Commission and City Council.
2. The applicant shall be required to submit a conventional zoning layout using the underlying zoning classification and demonstrating a practical project for the subject parcel applying all City regulations
3. In the case where the applicant proceeds in phases and develops only a portion of the total proposed development at one time, each phase shall consist of land use(s) planned and developed in such a way so that the average density of all completed phases shall not exceed on a cumulative basis, the maximum average

density allowed for the entire development. This may be accomplished through the utilization of conservation easements, or other lawful means, which would allow more dense development in an earlier phase, while ensuring appropriate overall density.

- B. **Mixed Use Project Density.** For PUD projects which contain a residential component, the City shall make a determination as to appropriate residential density based upon existing and planned residential densities in the surrounding area, the availability of utilities and service and the natural features and resource of the subject parcel.

- C. **Non Residential Component.** A PUD may incorporate a non-residential component into an exclusively residential development (based upon the existing zoning), provided that all of the following are met:
 - 1. The non-residential component shall be located on a lot of sufficient size to contain all such structures, parking, and landscape buffering. The total area occupied by the non-residential land uses may not exceed five percent (5%) of the gross area of the development.
 - 2. All non-residential uses shall be compatible with the residential area.
 - 3. The Planning Commission finds that the architectural design of the structures is compatible with the balance of the development.
 - 4. All non-residential structures are connected to a pedestrian access system servicing the project.
 - 5. All parking and loading areas serving the non-residential uses shall be to the rear or side of the structure and fully screened from view of any public roadway, except that the Planning Commission may allow up to twenty-five percent (25%) of the minimum number of required parking spaces in the front yard. Where the parking lot is visible from residential units or open space, it shall be planted with a landscape buffer consisting of evergreen trees spaced no more than ten (10) feet on center.

SECTION 11.50 DESIGN STANDARDS

A. Open Space Preservation.

- 1. When completed, the PUD shall have significant areas, but not less than twenty percent (20%) of total land area, devoted to open space, which shall remain in a natural state and/or be restricted for use for active and/or passive outdoor recreational purposes. Priority shall be on preserving the most important natural features on the site, as identified by a site analysis. The amount of open space, including the area and percentage of the site, shall be specified on the site plan.

2. In addition to preservation of the most important natural features, additional open space shall be, where possible, located and designed to achieve the following: provide areas for active recreation, provide areas for informal recreation and pathways that connect into adjacent open space, parks, bike paths or pedestrian paths, provide natural greenbelts along roadways to preserve the rural character as viewed from the roads, and to preserve a buffer from adjacent land uses where appropriate.

Non-residential and/or mixed use projects shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or focal feature or amenity that, in the judgment of the City, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- a. Areas Not Considered Open Space. The following land areas are not considered as open space for the purposes of this Article:
 - i. The area within a public street right-of-way or private road access easements or other easements that include roads, drives or overhead utility lines.
 - ii. The area located below the ordinary high water mark of an inland lake, river or stream, or any pond with standing water year round.
 - iii. The area within any manmade storm water detention or retention pond.
 - iv. The required yard (setbacks) area around buildings which are not located on an individual lot or condominium site.
- b. Maintenance.
 - i. No PUD shall be approved by the City Council until documents pertaining to maintenance and preservation of common natural open space areas, common landscaped areas and common recreational facilities located within the development plan, have been reviewed by the City Attorney and approved by the Building Official.
 - ii. For non-residential portions of a PUD, the maintenance and preservation shall pertain to all landscaped areas and recreational facilities not enclosed within a building. For residential portions,

maintenance shall apply to the open space, landscaped areas, and recreational facilities owned by or used in common by the residents.

- iii. The City shall be identified as having the right to enforce the conditions, covenants and restrictions placed on the open space, unless otherwise directed by the City Council or City Attorney, with the documentation utilized for such purpose to be in a form approved by the City Attorney. Any costs associated with enforcement can be assessed to the property owner.

- B. **Buffering from Adjacent Property.** There shall be a perimeter setback and buffering, of up to one hundred (100) feet, taking into consideration the use or uses in and adjacent to the development. The setback distance shall be determined in the sole discretion of the City Council, considering the recommendations of the Planning Commission, and need not be uniform at all points on the perimeter of the development. The City Council may reduce the perimeter setback and buffering in cases where the density of the proposed use is compatible with adjacent uses and/or natural features, including but not limited to, woodlands and topographical features that provide adequate buffering to protect adjacent uses.

If natural features, including, but not limited to woodlands and topographical features do not provide adequate buffering from adjacent property, the perimeter setback shall include noise reduction and visual screening mechanisms including, but not limited to landscaping, berms and/or decorative walls.

- C. **Vehicular and Pedestrian Circulation.**

1. Vehicular circulation shall be designed in a manner which provides safe and convenient access to all portions of the site, promotes safety, contributes to coherence of site design, and adapts to site topography.
2. Physical design techniques, known as traffic calming are encouraged. These techniques are intended to alter driver behavior to reduce speed and cut-through traffic, improve vehicular safety, and improve conditions for non-motorized traffic.
3. Walkways shall be provided in a manner which promotes pedestrian safety and circulation. Walkways shall be separated from vehicular traffic except where roadway crossings are necessary. The plan shall provide pedestrian/bicycle access to, between or through all open space areas, and to appropriate off-site amenities, and located in accordance with the environmental inventory of the site. Informal trails may be constructed of gravel, wood chip or other similar material, but the Planning Commission may require construction of a pathway of up to eight (8) feet in width and constructed of concrete or asphalt through

portions of the development or along any public right-of-way abutting the development.

4. Locations for school bus stops shall also be provided on the site plan.
- D. **Utilities.** There shall be underground installation of utilities, including electricity and telephone, as found necessary by the City.
- E. **Stormwater Drainage/Erosion Control.** All storm water drainage and erosion control plans shall meet the standards adopted by the City for design and construction and shall, to the maximum extent feasible, utilize non-structural control techniques, including but not limited to:
1. Limitation of land disturbance and grading;
 2. Maintenance of vegetated buffers and natural vegetation;
 3. Minimization of impervious surfaces;
 4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales; and
 5. Use of infiltration devices.

SECTION 11.60 APPLICATION AND PROCESSING PROCEDURES

- A. **Effects.** The granting of a PUD application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Article including all aspects of the final PUD plan and conditions imposed shall constitute an inseparable part of the Zoning Ordinance.
- B. **Pre-Application Conference.** Prior to the submission of an application for PUD, the applicant shall meet with Zoning Administrator, and such consultants or staff as deemed appropriate. The applicant shall present at such conference, or conferences, a sketch plan of the PUD, and the following information:
1. A legal description of the property in question.
 2. The total number of acres to be included in the project.
 3. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 4. The approximate number of acres to be occupied and/or devoted to or by each type of use.

5. Departures from the regulations of the Ordinance which may be requested.
6. The number of acres to be preserved as open space or recreation space.
7. All known natural resources and natural features.

The applicant shall present the sketch plan or a modified sketch plan to the Planning Commission for information purposes. This shall be done prior to submitting the preliminary PUD plan.

C. **Preliminary PUD Plan Application - Submission and Content.** Following the above conference or conferences, copies of the application for preliminary PUD plan shall be submitted. The submission shall be made to the City Clerk for distribution to the Building/Zoning Official and applicable reviewing parties and agencies. The plan shall be accompanied by an application form and fee as determined by the City Council. The preliminary PUD plan shall contain the following information unless specifically waived by the Building/Zoning Official:

1. Date, north arrow, and scale which shall not be more than 1" = 100'.
2. Locational sketch of site in relation to surrounding area.
3. Legal description of property including common street address and tax identification number.
4. Size of parcel.
5. All lot or property lines with dimensions.
6. General location of all buildings within one hundred (100) feet of the property lines.
7. General location and size of all existing structures on the site.
8. General location and size of all proposed structures on the site. The general size of all buildings shall be within five thousand (5,000) square feet or five percent (5%), whatever is smaller of whatever is constructed.
9. General location and dimensions of all existing and proposed streets, driveways, parking areas, including total number of spaces and typical dimensions.
10. General size and location of all areas devoted to green space.
11. Location of existing vegetation and general location and size of proposed landscaped areas and buffer strips.
12. All areas within the 100-year floodplain, wetland areas or bodies of water.

13. Existing topographical contours at a minimum of two (2) foot intervals and/or spot elevations which illustrate drainage patterns.
14. A narrative describing:
 - a. The nature of the project, projected phases and timetable.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement describing how the proposed project meets the objectives of the PUD.
 - d. A statement from a registered professional engineer describing how the proposed project will be served by public water, sanitary sewer, and storm drainage.
 - e. Proof of ownership or legal interest in property.
15. All information contained in Section 8.40 B.

D. **Public Hearing - Planning Commission.** Prior to setting the public hearing, the applicant shall submit all required and requested information to the City. The Planning Commission will hold a public hearing and provide for notice in accordance with Section 3.100.

E. **Planning Commission Review and Recommendation – Preliminary PUD Plan.** The Planning Commission shall review the preliminary PUD plan according to the provisions of Sections 11.20 through 11.50 herein. Following the public hearing, the Planning Commission shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards.

1. Approval of the preliminary PUD plan will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
2. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
3. The proposed development shall be compatible with the Master Plan of the City and shall be consistent with the intent and spirit of this Article.
4. The PUD shall not change the essential character of the surrounding area.

5. The proposed PUD shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Zoning Administrator.

- F. **City Council Review and Determination – Preliminary PUD Plan.** After receiving the recommendation of the Planning Commission, the City Council shall approve, deny, or approve with conditions the preliminary PUD plan in accordance with the standards for approval and conditions for a PUD as contained herein.

- G. **Effect of Approval - Preliminary PUD Plan.** Approval of the preliminary PUD plan that is required to accompany a PUD application does not constitute final PUD plan or rezoning approval, but only bestows the right on the applicant to proceed to the final site plan stage. The application for final PUD consideration shall be submitted within twelve (12) months of receiving preliminary PUD approval or the application shall be considered null and void.

- H. **Contents of the Final PUD Plan.** Following preliminary PUD plan approval, copies of the application for final PUD plan shall be submitted. The submission shall be made to the Zoning Administrator. The plan shall be accompanied by an application form and fee as determined by the City Council. The final PUD plan shall contain the same information required for the preliminary PUD plan along with the following information and any information specifically requested by the Planning Commission in its review of the preliminary PUD plan:
 1. Location and size of all water, sanitary sewer, and storm sewer lines serving the development.
 2. Proposed grading plan.
 3. Proposed landscaping including type, number and size of trees and shrubs.
 4. Location of signs and exterior lighting.
 5. Location of sidewalk, foot paths, or other pedestrian walkways.
 6. Distance of all buildings from lot lines, right-of-ways, and other principal buildings.
 7. Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
 8. Proposed phases of project and projected timetable.
 9. All information contained in Section 8.50 B.

- I. **Planning Commission Review and Recommendation – Final PUD Plan and Rezoning.** After receiving approval of the preliminary PUD plan from the City Council, the Planning Commission shall review the final PUD plan and rezoning application and shall recommend to the City Council either approval, denial, or approval with conditions. In making its recommendation, the Planning Commission shall find that the proposed PUD still meets the intent of the PUD district along with all development standards outlined in Section 11.20 through 11.50.

- J. **City Council Review and Determination – Final PUD Plan and Rezoning.** After receiving the recommendation of the Planning Commission and considering the comments from the public hearing, the City Council shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.

- K. **Effect of Approval – Final PUD Plan and Rezoning.** The final PUD plan, the narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the final PUD plan are disallowed and not permitted on the property notwithstanding that the property is zoned PUD. All improvements and uses shall be in conformity with this zoning amendment to PUD. The applicant shall record an affidavit with the Monroe and/or Washtenaw County Register of Deeds, which shall contain the following:
 - 1. Date of approval of the final PUD plan by the City Council.
 - 2. Legal description of the property.
 - 3. Legal description of the required green space along with a plan stating how this green space is to be maintained.
 - 4. A statement that the property will be developed in accordance with the approved final PUD plan and any conditions imposed by the City Council or Planning Commission unless an amendment thereto is duly approved by the City upon the request and/or approval of the applicant or applicant's transferee's and/or assigns. This statement shall also include the duration of approval and action for non-compliance.

SECTION 11.70 CONDITIONS

- A. Reasonable conditions may be required with the approval of a PUD, to the extent authorized by law. Conditions may be included which are deemed necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserving natural resources and

energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

- B. Conditions imposed shall meet the following requirements: be designed to protect natural resources and the public health, safety, and welfare of individuals in the project and those immediately adjacent, and the community as a whole; reasonably related to the purposes affected by the planned unit development; and, necessary to meet the intent and purpose of this Ordinance, and be related to the objective of ensuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.
- C. Conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and remain unchanged except upon the mutual consent of the City Council and the landowner. The City shall maintain a record of conditions which are changed.

SECTION 11.80 PHASING AND COMMENCEMENT OF CONSTRUCTION

- A. **Phasing.** Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable in the discretion of the City Council after recommendation from the Planning Commission.
- B. **Commencement and Completion of Construction.** Construction shall be commenced within one (1) year following final plan approval of a PUD and shall proceed substantially in conformance with the schedule set forth by the applicant, as approved by the City. If construction is not commenced within such time, any approval of a PUD plan shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a PUD plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

SECTION 11.90 PERFORMANCE GUARANTEES

The Planning Commission may require a performance bond or similar guarantee in accordance with Section 3.50 in order to ensure completion of the required improvements.

SECTION 11.100 MODIFICATIONS TO AN APPROVED PUD PLAN

- A. **Minor Modifications.** Minor changes to a final PUD plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of this Zoning Ordinance and all other City regulations or state law. Minor changes include all matters that were approved by the Planning Commission in the final PUD plan that were not part of the preliminary PUD plan, that the location of structures, roads, parking areas, signs, lighting, and driveways may be moved provided they are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission, and building size that does not exceed five thousand (5,000) square feet or five percent (5%) of the gross floor area, whichever is smaller. Reduction in project scope shall also be considered a minor change.
- B. **Major Modification.** A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

ARTICLE 12 – SUSTAINABLE DESIGN AND ENVIRONMENTAL STANDARDS

SECTION 12.10 SUSTAINABLE DESIGN OPTION

The intent of this Article is to promote the public health, safety, and welfare and improve the site design and visual appearance of the City by requiring consistent standards for such site elements as landscaping, lighting, parking, loading, and site access.

- A. **Intent:** It is the intent of this Section to promote environmentally sustainable and energy efficient design and development practices for the construction of new and the rehabilitation of existing buildings and sites within the City. The purpose of these regulations is to provide various incentives that will achieve the following:
1. Encourage the reuse of existing buildings and redevelopment of existing sites.
 2. Conserve natural resources.
 3. Reduce the use of energy in both construction and daily operations.
 4. Foster a mix of uses and pedestrian, bicycle, and public transit use.
- B. **Eligibility:** Any project for which site plan review is required, including subdivisions and site condominiums, may apply for qualifications as a Sustainable Design Project (SDP).
- C. **Effect of Qualifications as a Sustainable Design Project:** There are provisions identified throughout the Zoning Ordinance where the use of sustainable design measures may be used to satisfy, modify, or replace a specific requirement. Once prequalified as a SDP, the use of a sustainable design measure to satisfy a specific Ordinance requirement is authorized. Approval of a site plan with a modification permitted under this Section shall be considered the formal approval of the SDP status of the project.
- D. **Procedure:**
1. An application for a SDP may be obtained from the Building Department. An applicant seeking qualification as a SDP shall submit a complete SDP application, accompanied by a complete SDP checklist and supportive narrative which verifies how specific measures will be achieved, to the Building/Zoning Official.
 2. Qualification as a SDP is based upon the use of specific measures to offset the

potential impact of modifying specific areas of the Ordinance. The SDP checklist identifies potential sustainable design measures eligible to modify specific provisions of the Ordinance.

3. Applications for a SDP shall be reviewed by the Sustainable Design Review Committee, which shall consist of the City Administrator, City Engineer, Building/Zoning Official, and two (2) members of the Planning Commission designated by the City Administrator. The Sustainable Design Review Committee may request the review of a SDP application by consultants with specific expertise in sustainable design.
4. Upon completion of the review, the Sustainable Design Review Committee shall make a determination whether a project meets the qualifications as a SDP. If the committee makes a positive determination, the project will have Prequalified SDP status, which will make the project automatically eligible for the requested modification during site plan review and approval. Approval of a site plan with a modification permitted under this Section shall be considered the formal approval of the SDP status of the project.

SECTION 12.20 STORMWATER MANAGEMENT

- A. **Intent:** The intent of this Section is to encourage the use of structural, vegetative or managerial practices, commonly referred to as best management practices (BMP's), designed to treat, prevent, or reduce degradation of water quality due to storm water runoff. All development projects subject to site plan review shall use best management practices (BMP's) to prevent flooding, protect water quality, reduce soil erosion, maintain and improve wildlife habitat, and contribute to the aesthetic values of the project. The particular facilities and measures required on-site shall reflect and incorporate existing grade, natural features, wetlands and watercourses on the site to the maximum extent feasible.
- B. **Sustainable Design:** While stormwater management is required to meet the City Engineering Standards, certain BMP's may be used to satisfy qualification as a Sustainable Design Project, as set forth in Section 12.10.
- C. **Stormwater Management:** All stormwater management plans shall meet the Engineering Standards adopted by the City as determined by the City Engineer, and shall utilize nonstructural control techniques to the maximum extent feasible, including, but not limited to:
 1. Limitation of land disturbance and grading.
 2. Maintenance of vegetated buffers and natural vegetation.

3. Minimization of impervious surfaces.
4. Use of terraces, contoured landscapes, runoff spreaders, grass or rock-lined swales.
5. Use of infiltration devices.

D. General Standards:

1. Sites shall be designed and managed utilizing Low Impact Development techniques to emulate the natural water cycle, and maintain local and regional hydrologic patterns. The Low Impact Development Manual for Michigan, published by the Southeast Michigan Council of Governments (SEMCOG) provides guidance for the designer and developer.
2. Stormwater management systems shall be designed to prevent flooding and the degradation of water quality related to stormwater runoff and soil erosion from proposed development.
3. All new development and redevelopment of properties shall include on-site storage of stormwater. Facilities shall be designed to provide a volume of storage and discharge rate which meets the standards of the City.
4. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation of water quality for adjacent or downstream property owners.
5. The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for bio-filtration, allow suspended sediment particles to settle and to remove pollutants. Tolerance for water saturation, sunlight, pesticides, metals, and salts shall be required in determining appropriate plantings in these areas.
6. Where large amounts of grease and oil may accumulate, as in the case of commercial/industrial developments and large areas of impervious surfaces for parking, oil separators shall be required.
7. For sites that store or use chemicals, a spill response plan shall be submitted and approved by the City.

- E. **Use of Wetlands:** Wetlands may be used for stormwater management, provided applicable permits are obtained from the Michigan Department of Natural Resources and Environment and/or the appropriate federal agency.

**SECTION 12.30 CONSTRUCTION WITHIN DESIGNATED FLOOD
PLAIN AREAS**

- A. **Intent:** It is the intent and purpose of this Section to establish those standards necessary to significantly reduce hazards to persons and damage to property as a result of flood conditions in the City of Milan; and, further, to comply with the provisions and requirements of the National Flood Insurance Program.

- B. **Delineation of the Flood Hazard Area:** The boundaries of Flood Hazard Areas shall initially be determined by reference to the Flood Insurance Rate Maps and the Flood Boundary and Floodway Maps, and any amendments thereto, as provided by the National Flood Insurance Program.

- C. **Development Requirements:** In cases of conflict, the Flood Hazard area development requirements shall take precedence over the standards and requirements of the existing Zoning District. Compliance with the requirements of this article shall be necessary for all development occurring within Flood Hazard Areas.

- D. **Uses Permitted:**
 - 1. Within Flood Hazard Areas, no land shall be used except for one (1) or more of the following uses:
 - a. Grazing, agriculture, and pastureland.
 - b. Parks, picnic areas, playgrounds, playfields, athletic fields, golf courses, nature paths and trails, and wildlife preserves.
 - c. Required open space or lot area for uses in compliance with the Zoning District requirements of contiguous property not within the Flood Hazard Area.
 - d. Off-street parking, streets, drives, roads, and outdoor play equipment or structures, provided that such equipment and/or structures would not cause an increase in water surface elevation, obstruct flow, or reduce impoundment capacity. Such equipment and/or structures shall be anchored to prevent flotation and lateral movement.

2. New and/or substantially improved residential structures shall be permitted, provided that such residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations." Such structures shall be prohibited in Flood Hazard Areas in the EP Environmental Protection Zoning District.
 3. New and/or substantially improved non-residential structures permitted by the applicable Zoning District shall be permitted, provided that such non-residential structures comply with the standards and requirements of Sections 612.2.1, 612.2.2, or 612.2.3 of the Army Corps of Engineers "Flood Proofing Regulations." Such structures shall be prohibited in Flood Hazard Areas in the EP Environmental Protection Zoning District.
- E. **Permits:** No building or structure shall be erected, converted, or substantially improved or placed, and no land filled or used in a Flood Hazard Area without the granting of an applicable permit by the City of Milan Building Department.

SECTION 12.40 WIND ENERGY CONVERSION SYSTEMS

- A. **Intent:** It is the intent of the City to permit the effective and efficient use of Wind Energy Conversion Systems (WECS) by regulating the siting, design, and installation of such systems to protect the public health, safety, and welfare, and to ensure compatibility of land uses in the vicinity of WECS. This Ordinance does not establish or guarantee air or light or wind rights or establish access to the air, light, or wind.
- B. **Applicability:** It shall be unlawful to construct, erect, install, alter, or locate any WECS within the City except in compliance with this section. A building permit is required for any WECS pursuant to this Section.
- C. **On-Site WECS Permitted:** On-site WECS shall be considered a conditional use in all zoning districts, subject to the provisions of this Section. Applications for an on-site WECS shall include the following:
1. Applicant Information. Name, address and contact information.
 2. Project Description. A general description of the proposed project as well as a legal description (property identification number) of the property on which the project would be located.
 3. Plot Plan and Documentation. The Plot Plan shall include maps showing the physical features and land uses of the project area, both before and after construction of the proposed project. The plot plan shall include:

- a. The project area boundaries.
 - b. The location, height and dimensions of all existing and proposed structures and fencing.
 - c. Distance of proposed structure from all property lines and permanent structures.
 - d. The location, grades and dimensions of all temporary and permanent on-site access roads.
 - e. Existing topography.
 - f. Water bodies, waterways, wetlands, and drainage ditches (county drains).
 - g. All new above ground infrastructure related to the project.
 - h. The location of all overhead utility wires.
4. Additional Documentation.
- a. Insurance. Proof of the applicant's appropriate liability insurance.
 - b. Sound Pressure Level. Documentation of the manufacturers designed sound pressure levels (decibels) for unit to be installed.
 - c. Certifications. Certification that applicant has complied or will comply with all applicable state and federal laws and regulations.
 - d. Grant of Authority. The applicant shall provide evidence of ownership of the land which the WECS is to be located and the written consent of the land owner if different from the applicant. If the applicant is leasing land the applicant shall provide a copy of the lease agreement and the land owner's written authorization for the applicant to construct the structure.
 - e. Compliance with Laws and Regulations. The applicant, operator of the WECS, and owner of the land on which the WECS is located are each responsible for ensuring that the installation, operation, use and removal of the WECS complies with all applicable state, federal and local laws, ordinances and regulations, and shall submit proof of such compliance to the City upon request. Further, such applicant, operator and owner shall

each defend, indemnify and hold harmless the City from and against any and all loss, liability, cost or expense incurred by the City as a result of any failure of the WECS to comply with applicable laws, ordinances or regulations.

D. **Commercial WECS permitted:** Commercial WECS shall be considered a conditional land use in all zoning districts and shall be subject to the provisions of this Section and Article 6. Applications for a commercial WECS shall require a complete conditional land use permit application in accordance with Article 6, including a complete site plan in accordance with Article 8.

E. **Planned Unit Development:** A proposed WECS as part of an initial application for a Planned Unit Development shall be subject to approval as part of the PUD petition, and the standards and requirements of Article 8 and this Section, except that no conditional land use permit application shall be required for any commercial WECS. For a proposed WECS in an existing PUD, compliance with this Section including submitting a conditional land use application shall be required in lieu of a petition for amendment to the approved PUD.

F. **Standards and Requirements:** All On-site WECS and Commercial WECS shall meet the following additional standards and requirements:

1. Setbacks.

- a. The distance between a WECS and the nearest property line shall be at least one and a half (1.5) times the height of the WECS for all zoning districts. This shall include property lines that abut a public right-of-way.
- b. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.
- c. The distance between a WECS and any other On-site or Commercial WECS shall be at least three (3) times the height of the taller of the two (2) WECS.

2. Height.

- a. The height of on-site WECS shall be as follows:
 - 1. In R1-A, R1-B and R-2 Districts, on-site WECS shall not exceed twenty-five (25) feet in height.
 - 2. In R-3 District, on-site WECS shall not exceed thirty-five (35) feet

- c. An On-site WECS or Commercial WECS that is tied to the electrical grid shall comply with Michigan Public Service Commission and utility interconnection requirements. Off-grid WECS are exempt from this requirement.

6. Safety.

- a. Design Safety Certification. The safety of the design of every WECS shall be certified by the applicant's professional engineer registered in the State of Michigan and reviewed by the City. The standard for certification shall be included with the permit application. If WECS construction is approved, the professional engineer shall certify that the construction and installation of the WECS meets or exceeds the manufacturer's construction and installation standards, and any applicable State and Federal laws and regulations prior to operation.
- b. Controls and Brakes. Every WECS shall be equipped with manual and automatic controls to limit rotation of blades to a speed not to exceed the designed limits of the WECS. The applicant's professional engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification approved by the City.
- c. Lightning. Every WECS shall have lightning protection.
- d. Guy Wires. If an On-site WECS is supported by guy wires, the wires shall be clearly visible to a height of a least six (6) feet above the guy wire anchors. Every Commercial WECS must be of a freestanding monopole design and guy wires shall not be used.
- e. Grade Clearance. The minimum vertical blade tip clearance from grade shall be twenty-five (25) feet for any horizontal-axis WECS or from any moving component of a vertical-axis wind energy conversion system.
- f. Electromagnetic Interference. No WECS shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems or emergency broadcast systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present

before operation of the wind energy system. No WECS shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.

- g. Color. Towers and blades shall be painted a non-reflective neutral color designated on the application and approved by the City or as otherwise required by law.
- h. Climb Prevention. Every WECS must be protected by anti-climbing devices twelve (12) feet from base of pole.

G. **Removal of Abandoned On-Site WECS:** In the event an On-Site WECS is abandoned or unused for a period of one hundred and eighty (180) days, or if a WECS is damaged, the owner of the tower or the land shall promptly remove the tower and all related equipment. Failure to remove the tower and related equipment in accordance with the foregoing shall subject the tower owner and land owner to fines established by the City Council. In addition, by accepting a permit for the On-Site WECS, the applicant and land owner agree that the tower and equipment shall be removed after thirty (30) days written notice from the City.

H. **Additional Requirements for Commercial WECS:** The following standards and requirements shall apply to every Commercial WECS:

1. Warnings. A visible warning sign of High Voltage shall be placed at the base of every Commercial WECS. The sign must have at least six (6) inch letters with 3/4-inch stroke. Such signs shall be located a maximum of three hundred (300) feet apart and at all points of site ingress and egress.
2. Signage. In addition to warning signs and signs required by law, every Commercial WECS shall be equipped with a sign containing owner identification and contact information. No other signs or advertising are permitted.
3. Liability Insurance. The owner or operator of a Commercial WECS shall maintain a current commercial liability and property damage insurance policy with coverage limits acceptable to the City pertaining to installation and operation of the Commercial WECS. The amount and terms of the policy shall be non-cancellable and established as a condition of conditional use permit approval. The City and land owner shall be named as additional insured. Certificates of insurance shall be provided to the City annually.
4. Security. The application shall include a description of security to be posted at

the time of receiving a building permit for the WECS to ensure removal of the WECS when it has been abandoned or is no longer needed, as provided in subsection 10 below. The security shall be in the form of: (i) certified check; (ii) letter of credit; or, (iii) an escrow agreement, in an amount approved by the City engineer and in a form approved by the City Attorney providing for timely removal of the Commercial WECS as required under this Section, and payment of any costs and attorney fees incurred by the City in connection with such removal.

5. Visual Appearance; Powerlines. The design of the WECS buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend WECS components with the natural setting and existing environment. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate any existing land use to the maximum extent practicable. The collection system may be placed overhead adjacent to public roadways, at points of interconnection to the electric grid or in other areas as necessary.
6. Threatened and Endangered Species. The applicant shall submit an endangered and threatened species survey conducted by a qualified professional, such as an ecologist or zoologist, describing the potential impact of the WECS on any species listed as threatened or endangered by the federal government or the State of Michigan, including but not limited to migratory birds or bats. Permits shall not be issued unless the study determines that there shall be no negative effect on such species. Alternatively, the applicant may submit an endangered species permit from the State of Michigan to fulfill this requirement.
7. Annual Inspection; Maintenance. The WECS and surrounding area shall be maintained in accordance with industry standards including painting and landscaping. Every Commercial WECS must be inspected annually by an authorized factory representative or professional engineer to certify that the WECS is in good working condition and is not a hazard to persons or property. Certification records shall be submitted annually to the City.
8. Sound Pressure Level. As part of the application and prior to installation of any Commercial WECS, the applicant shall provide modeling and analysis to the City that will confirm that the Commercial WECS will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC (International Electrotechnical Commission) 61400, which establishes structural and performance safety provisions for wind energy conversion systems, and ISO (International Organization for Standardization) 9613, which describes a method for calculating the attenuation of sound during propagation outdoors in order to predict the levels of environmental noise at a distance from a variety of sources.

After installation of the Commercial WECS, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18, which provides an alternative method of measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within sixty (60) days of the operation of the project.

9. Shadow Flicker. The applicant shall conduct an analysis of potential shadow flicker. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify all areas where shadow flicker may affect occupants or users of the structures or properties. The analysis shall describe measures that will be taken to eliminate or mitigate adverse effects.

10. Removal. A Commercial WECS shall be removed by the owner of the WECS or land when the Commercial WECS has been abandoned or unused for one hundred and eighty (180) days (“Non-Use Period”). For purposes of this section, the damage, destruction or removal of any part of WECS equipment, or the cessation of operations shall be considered as the beginning of a Non-Use Period. The WECS owner or applicant shall notify the City of the beginning of any Non-Use Period or any removal of equipment. The end of the Non-Use Period may be sooner than one hundred eighty (180) days after commencement if the WECS or any portion of the facility becomes a nuisance or is dangerous to the public health, safety and welfare.
 - a. At the end of the Non-Use Period, the owner of the WECS or the land shall immediately apply for and obtain any applicable demolition or removal permit, and shall immediately proceed with and complete the demolition and removal of the WECS and restoration of the land to the condition existing prior to installation, to the extent reasonably feasible.

 - b. The demolition, removal and restoration of the WECS shall be completed within sixty (60) days after the end of the Non-Use Period.

SECTION 12.50 SOLAR STRUCTURES AND EASEMENTS

- A. **Permitted:** Active and passive solar energy devices, systems or structures shall be permitted in all zoning classifications by right, subject to administrative approval, except when such solar devices or architectural features project into required front or side yards, or are free-standing elements in a required front or side yard.
- B. **Maximum Height of Structures:** Passive solar energy structures, such as flat plate collectors, photovoltaic cells, etc., which are roof-mounted or integrated otherwise into the roof structure shall not be included in the calculation of maximum height. Active solar energy structures, when mounted on either freestanding structural elements or integrated architecturally with a principal or accessory building shall not exceed a height of forty (40) feet.
- C. **Easements:** A landowner may enter into an easement, covenant, condition or other property interest in any deed or other instrument, to protect the solar skyspace of an actual, proposed or designated solar energy structure at a described location by forbidding or limiting activities, land uses, structures and/or trees that interfere with access to solar energy. The solar skyspace must be described as the three (3) dimensional space in which obstruction is prohibited or limited. Any property owner may give or sell his right to access to sunlight. Such Solar Access Easements shall be recorded and copies shall be kept on file with the Milan Building Department.

SECTION 12.60 ENVIRONMENTAL PERFORMANCE STANDARDS

- A. **Intent:** No use, unless otherwise allowed, shall be permitted within any district which does not conform to the following minimum requirements of use, occupancy, and operation.
- B. **Airborne Emissions:**
1. Air Contaminants. All airborne emissions shall, at a minimum, comply with the applicable Federal and State standards.
 2. Smoke.
 - a. It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke from any source to a density greater than that density described as No. 1 of the Ringlemann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to but not darker than No. 2 of the Ringlemann Chart for a period or periods aggregating four (4) minutes in any thirty (30) minute period.

- b. For the purpose of grading the density of smoke, the Ringlemann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringlemann Chart.

3. Dust, Dirt, and Fly Ash.

- a. No person, firm, or corporation shall operate or cause to be operated, maintain or cause to be maintained, any process for any purpose, a furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating while using said process or furnace or combustion device, recognized and approved equipment, means, method, device, or contrivance to reduce the quantity of gas-borne or airborne solids of fumes emitted into the open air, which is operated in conjunction with said process, furnace, or combustion device so that the quantity of gas-borne or airborne solids shall not exceed two-tenths (0.2) grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.
- b. 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 fifty (50) percent at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code of 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 official 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.

4. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. This requirement is not intended to interfere with the operation of a farm, as defined by this Ordinance, which is lawful pursuant to the Michigan Right to Farm Act, as amended.

C. Waste Disposal. All solid, liquid, and sanitary wastes shall be treated and disposed of in accordance with the standards of Monroe/Washtenaw County and the State of Michigan. Treatment or disposal of waste shall not create a hazard or nuisance to neighboring uses.

D. **Electrical Disturbance, Electromagnetic, or Radio Frequency Interference:** No use shall:

1. Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance.
2. Cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

E. **Hazardous Substances:** Use, storage and handling of hazardous substance; storage and disposal of solid, liquid and sanitary wastes shall comply with the following:

1. 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 City 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.
2. Any person, firm, corporation or other legal entity operating a business or conducting an activity shall disclose the use, storage or generation of hazardous substances, in conjunction with the following:
 - a. Upon submission of a site plan;
 - b. Upon any change of use or occupancy of a structure or premise; or
 - c. Upon any change of the manner in which such substances are handled, and/or in the event of a change in the type of substances to be handled.
3. Prior to City approval of a business or activity which uses, stores, or generates hazardous substances, the site plan and manner of storage shall be reviewed by the City Fire Department. All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month shall comply with the following standards:
 - a. Above-Ground Storage.
 - i. Hazardous substances shall be stored only in product-tight containers within locations approved by the Building/Zoning Official, Building Department, and Fire Department.
 - ii. Secondary containment of hazardous substances shall be

provided for all facilities. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

- iii. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage and vandalism through secondary containment. Secondary containment shall be sufficient to store the equivalent of the primary container plus an allowance for the expected accumulation of precipitation.
- iv. Facilities for above-ground storage shall be screened in accordance with the standards set forth in Section 13.40. Such screening shall be designed to ensure access by the Fire Department and permit the circulation of air around the storage facility.
- v. State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

b. Underground Storage. State and federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

- F. **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.
- G. **Fire and Explosive Hazards:** The storage and handling of flammable and combustible liquids, liquefied petroleum gases, and explosives shall comply with applicable State of Michigan requirements.
- H. **Noise:** The emission of measurable noises from the premises shall not exceed sixty-five (65) decibels as measured at the boundary property line, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed such traffic noises. Within the GI district, sound levels not exceeding seventy (70) decibels may be permitted.

ARTICLE 13 – SITE DESIGN STANDARDS

SECTION 13.10 INTENT

The intent of this Article is to promote the public health, safety, and welfare and improve the site design and visual appearance of the City by requiring consistent standards for such site elements as landscaping, lighting, parking, loading, and site access.

Whenever in the Ordinance a greenbelt or planting is required, it shall be planted to completion within three (3) months, and no later than November 30, from the date of issuance of a certificate of occupancy if said certificate is issued during the April 1-September 30 period; if the certificate is issued during the October 1-March 31 period, the planting shall be completed no later than the ensuing May 31.

Plantings shall thereafter be reasonably maintained, including permanence and health of plant materials to provide a screen to abutting properties and including the absence of weeds and refuse. Spacing, as required by this Section, shall be provided in any greenbelt or planting.

SECTION 13.20 LANDSCAPING

- A. **Where Required:** A separate, detailed landscape plan shall be submitted as part of the site plan review and tentative preliminary plat review.
1. Plan Requirements. The landscape plan shall be drawn to the same scale as required in Article 8, Site Plan Review, shall demonstrate that all requirements of this Section are met, and shall include, but not necessarily be limited to, the information set forth in this Section. The Building/Zoning Official shall have the authority to waive the requirements for certain information set forth below if it is determined that such information does not affect compliance with this Ordinance.
 - a. The professional seal of the licensed landscape architect who prepared the plan for sites of one (1) acre or greater;
 - b. Topographic and grading information, as required in Article 8, Site Plan Review;
 - c. The location, spacing, size, number and root type (bare root (BR), balled and burlapped (BB), pot (P), or container (C)) and botanical and common name for each plant type proposed for use within the required landscape area;
 - d. Typical straight cross section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall, including footings;

- e. Construction and grading details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns;
- f. Planting details in either text or drawing form to ensure proper installation and establishment of proposed plant materials;
- g. Identify existing trees and vegetative cover to be preserved;
- h. Identify a landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with the standards of this Ordinance.

2. Composition.

- a. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to Monroe/Washtenaw Counties, conform to the current minimum standards for nursery stock of the American Nursery and Landscape Association and shall have proof of any required governmental regulations and/or inspections.
- b. A mixture of live plant material, such as evergreen and deciduous trees and shrubs, is required as a protective measure against insect and disease infestation. Artificial plant materials are prohibited. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly arrangement. Additionally, native species of trees and shrubs shall constitute at least fifty percent (50%) of the total proposed plantings in accordance with the standards set forth in Section 13.20.A.7.

3. Berms. Berms shall be constructed with slopes not to exceed a one to three (1:3) gradient. Berm slopes shall be protected with sod, seed, or other form of natural ground cover.

4. Coordination with Utilities. Provision shall be made to coordinate landscaping with existing and proposed underground and overhead utility lines so as to avoid interference with plant growth.

5. Existing Trees. The preservation and incorporation of existing trees in a landscape plan is encouraged. Where existing trees are used to satisfy the requirements of this Section, the following requirements shall apply:

- a. Paving, or other site improvements, shall not encroach upon the dripline of the existing tree(s) to be preserved.
- b. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the City, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter

of the plant material shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the City.

- c. In the event that healthy trees which are used to meet the minimum requirements of this Ordinance or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the City, the applicant shall replace them with trees which are either equivalent in size or replace the total diameter at breast height (d.b.h.) of the trees which have been removed.

6. Stormwater Retention and Detention Ponds. The integration of stormwater management systems, including bio-swales, rain gardens, and retention and detention ponds in the overall landscape concept shall be required. Stormwater management systems that replicate a natural design and appearance shall be encouraged.

7. Use of Native Plants in Landscaping.

- a. Native plant species chosen for a development shall be based on the native species currently growing on the site, if any.
- b. The arrangement of native plant species may be designed in both “natural” arrangements and more conventional arrangements.
- c. Natural arrangements emulate the arrangements found in nature, and have a less manicured appearance. Natural arrangements shall incorporate a wide mix of species. This landscape style shall be used for landscaping open space, surface stormwater systems, street tree plantings, and/or parks. If natural arrangements are used, plant spacing requirements may be waived as long as the function the plants are to serve is accomplished.
- d. Conventional, more formal arrangements are generally used close to buildings or heavily used areas of a site. Native species may be used in these areas just as any other commercially-available landscape material. As with any landscape design, the plant’s ultimate size, soil and site requirements, and other characteristics shall be considered to ensure they do not overwhelm a space, encroach into walkways, or impede sight distance or visibility of motorists. In entryways, where aesthetics is of primary importance, cultivars of native plant species may be considered to ensure the plant’s appearance.
- e. Plantings installed in areas used for stormwater management shall be planted with native species that specifically perform the necessary runoff

attenuation, filtration, water uptake, and purification functions needed in such areas. Both herbaceous and woody species shall be incorporated into the mix where the desired function dictates.

8. Installation, Maintenance, and Completion.

- a. All landscaping required by this Ordinance shall be planted before obtaining a certificate of occupancy or the appropriate financial surety as required in Article 3, Administration and Enforcement.
- b. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner, according to accepted planting and grading procedures.
- c. Landscaping required by this Ordinance shall be maintained in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with irrigation or a readily available and acceptable water supply.
- d. Failure to install and maintain approved landscaping shall be considered a violation of this Ordinance.

B. Screening Between Land Uses.

- 1. Where Required. The use of physical barriers or screens is considered a necessary requirement to allow for the transition from one zoning district or land use to another contrasting zoning district or land use. This promotes compatibility with existing uses and helps to protect the value of buildings and property. The purpose of this section is to create varying degrees of visual and physical separation between divergent land uses based upon the similarity and/or compatibility of the uses.
- 2. Screen Requirements.
 - a. A landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries when a proposed use is either more intense or incompatible with an adjoining property, as set forth in Table 13.20-B. A landscape buffer shall consist of berms and living materials so as to maintain a minimum opacity of approximately eighty percent (80%). Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.

- b. The width of the screen area, location and density of plantings shall be based upon the specific characteristics of the proposed use and adjacent land uses.
 - i. Plants shall be arranged in a staggered pattern to create a continuous screen.
 - ii. Existing vegetation which is located on the property to be developed within the area of the proposed screen, is in good condition, and meets the size and type requirements in the various screening alternatives may be counted toward meeting screening requirements.
 - iii. Screening shall be located along all adjoining boundaries. However, the width and location of the screening may be modified due to site conditions, provided the intent of screening requirements are met.
- c. Landscape Screening Schedule. Landscape screening alternatives are established in Table 13.20-A. The application of these landscape screening alternatives shall be controlled by Table 13.20-B, Landscape Screening Schedule. Table 13.20-B describes the required screening on the lot of the use indicated in the left column of the schedule where it is contiguous to land used or zoned as indicated across the top of the schedule. The numbers in the middle columns refer to the landscape screening alternatives described in Table 13.20-A, below, and illustrated in Figures 13.20-A through C.

Table 13.20-A Landscape Screening Alternatives

Screening Alternative	Minimum Quantity	Type / Size
1	One tree per three lineal feet	Narrow evergreen tree
2	One tree per ten lineal feet	Large evergreen tree
3	One tree per ten lineal feet	Large evergreen tree
	One tree per five lineal feet	Narrow evergreen tree

Figure 13.20-A Landscape Screening Alternative 1

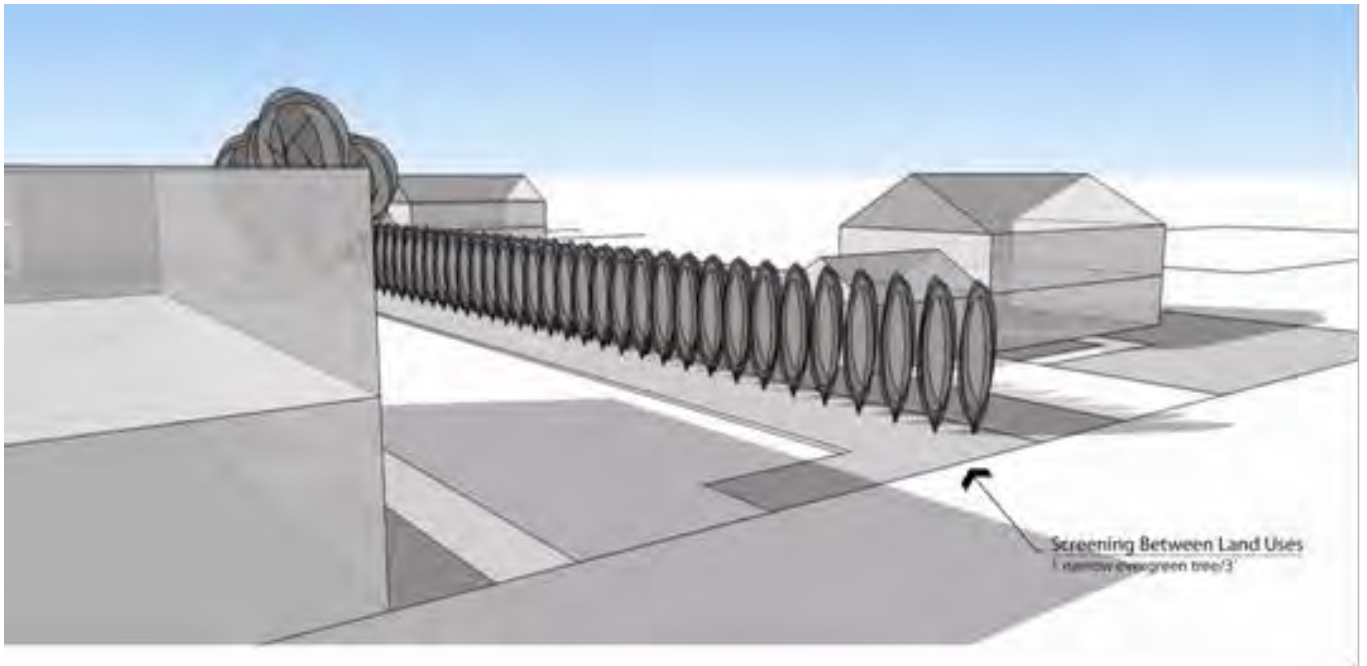


Figure 13.20-B Landscape Screening Alternative 2

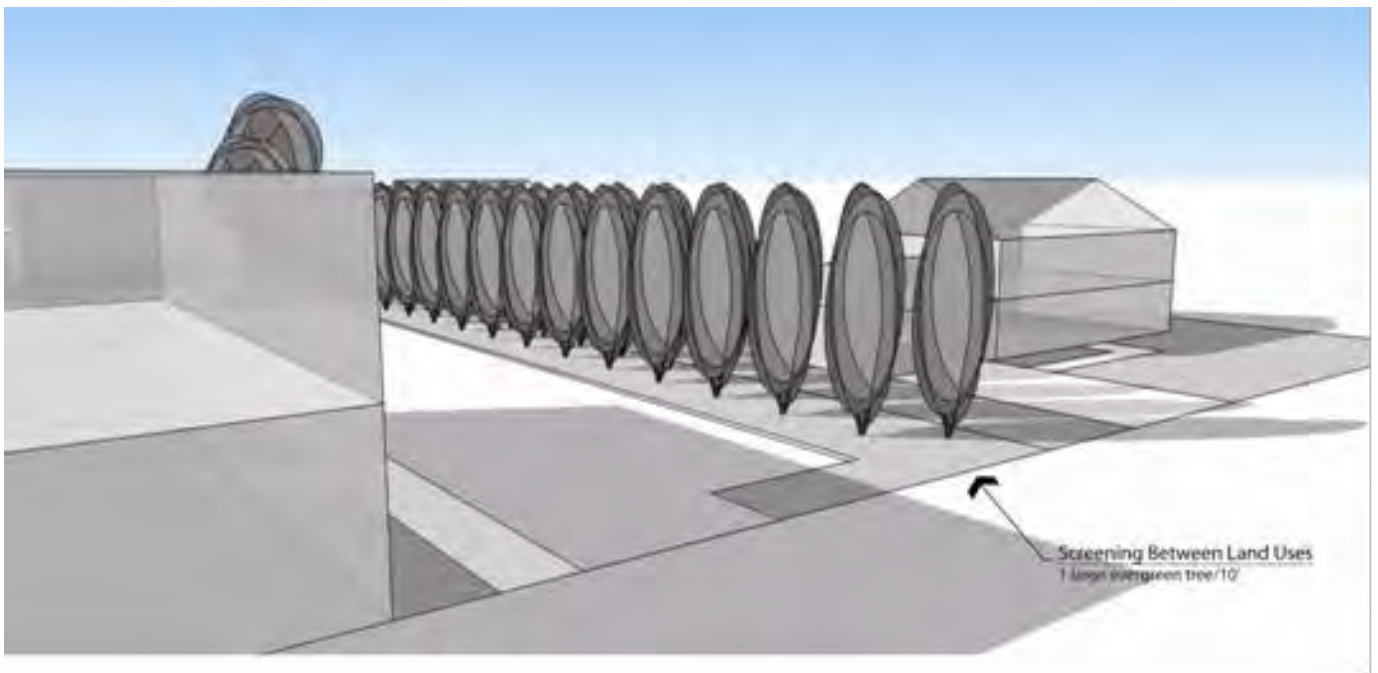


Figure 13.20-C

Landscape Screening Alternative 3

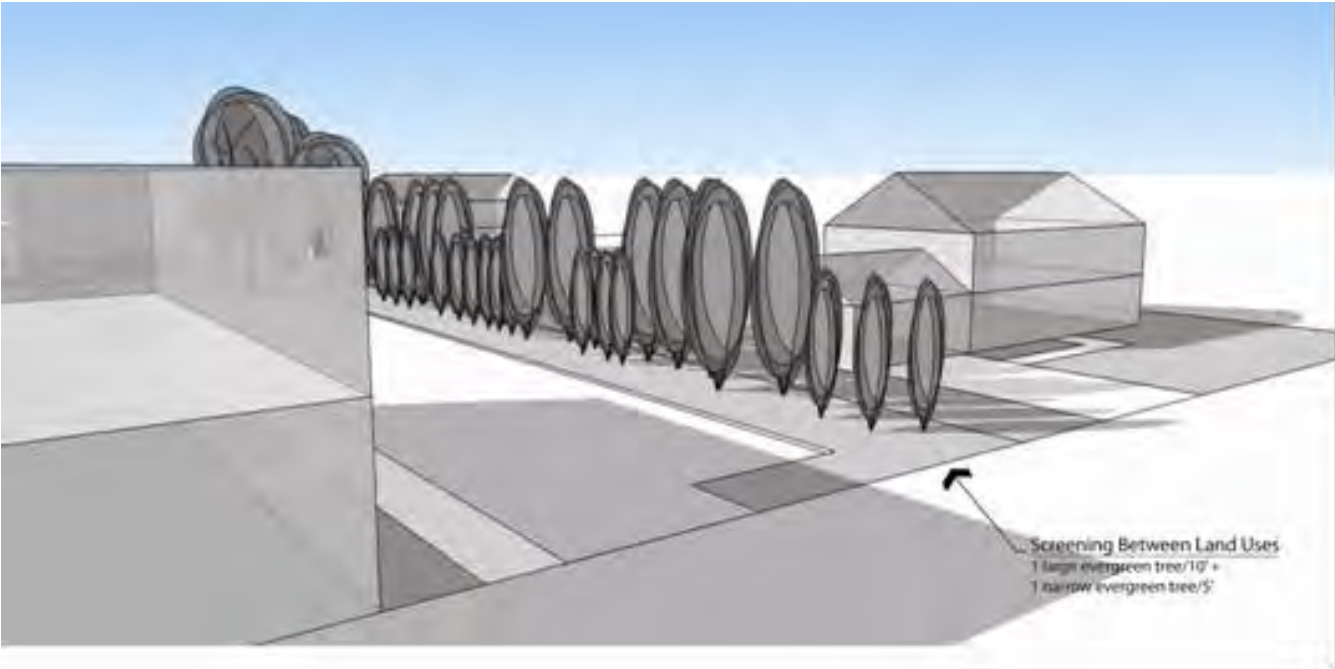


Table 13.20-B Landscape Screening Required

Screening Required on These Land Uses:	When Contiguous with these Land Uses:						
	Use Group 1: Residential Uses	Use Group 2: Residential /Lodging Uses	Use Group 3: Office/Institutional Uses	Use Group 4: Auto / Transportation Uses	Use Group 5: Retail / Entertainment Uses	Use Group 6: Misc. Commercial Uses	Use Group 7: Industrial Uses
Use Group 1: Residential Uses One-family dwellings Two-family dwellings							
Use Group 2: Residential / Lodging Uses Multiple-family dwellings Live-work units Senior assisted / Independent living Group day care Child care centers	Screen Alt. 1 or 2						
Use Group 3: Office / Institution General office Professional office Hospitals Medical office Primary / secondary schools Colleges Places of worship Data centers Technology centers / office research Experimental research + testing labs Public service buildings Funeral homes Veterinary clinics	Screen Alt. 1 or 2	Screen Alt. 1 or 2	Screen Alt. 1 or 2				
Use Group 4: Auto / Transportation Uses Auto sales Auto service station Auto repair station Auto body repair Auto wash	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall		Screen Alt. 3 and/or wall		

Screening Required on These Land Uses:	When Contiguous with these Land Uses:						
	Use Group 1: Residential Uses	Use Group 2: Residential /Lodging Uses	Use Group 3: Office/Institutional Uses	Use Group 4: Auto / Transportation Uses	Use Group 5: Retail / Entertainment Uses	Use Group 6: Misc. Commercial Uses	Use Group 7: Industrial Uses
Use Group 5: Retail / Entertainment Uses Financial institutions General retail Retail, large format Multi-tenant shopping centers Fitness centers Theaters Indoor recreation establishments Restaurant Personal service Dry cleaning Hair care	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 1 or 2			
Use Group 6: Misc. Commercial Uses Building + lumber supply Garden centers, nurseries Outdoor recreation Golf driving ranges, mini-golf Commercial outdoor storage Mini / Self-storage Commercial kennels Pet day care	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3 and/or wall	Screen Alt. 2 or 3	Screen Alt. 1 or 2		
Use Group 7: Industrial Uses Contractor's equipment storage Food products Manufacturing, processing, etc. Metal plating Plastics Printing Tool + die, gauge, and machine shops Truck / Trailer rental Warehousing / Wholesale	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 3 and/or wall	Screen Alt. 2 or 3	Screen Alt. 2 or 3	Screen Alt. 2	

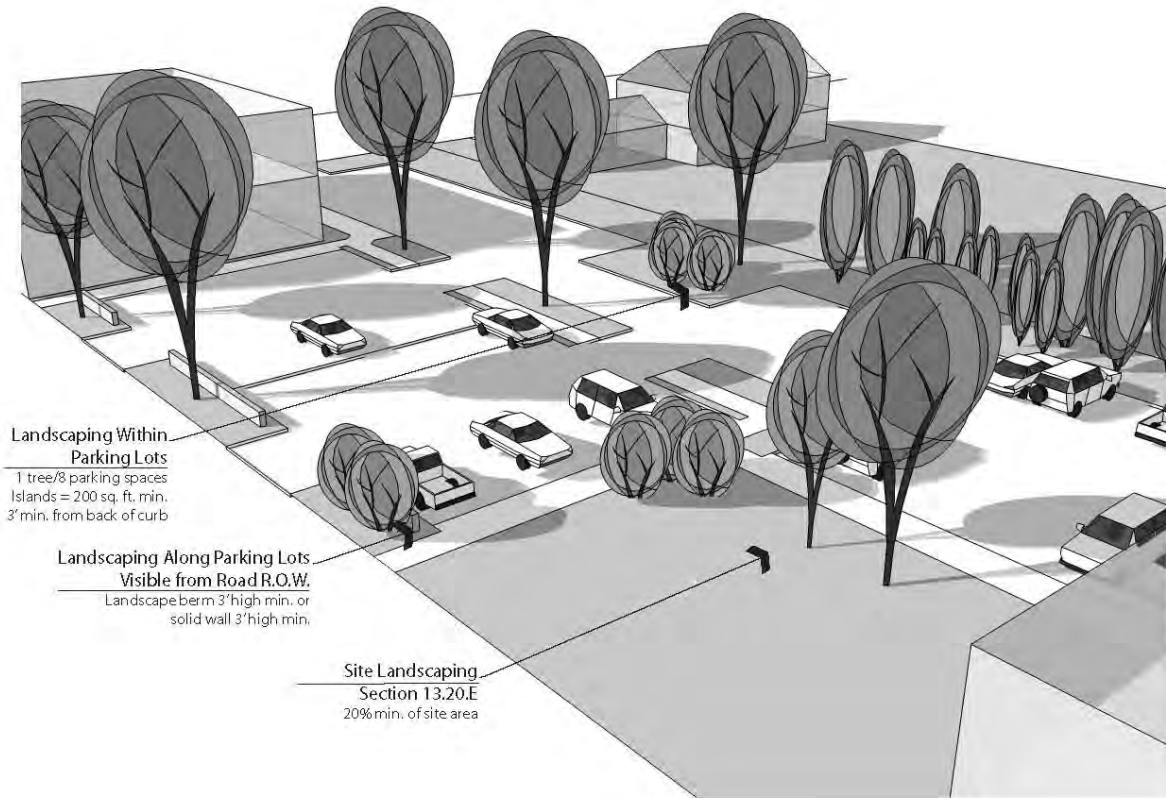
3. Solid Wall or Fence. Where a land use activity creates noise, light, dust or other similar nuisance that cannot be effectively screened by a landscape buffer, a solid opaque wall or fence may be required. Such wall or fence shall be installed in accordance with Section 17.40.
4. Combinations. A combination of landscaping and a solid opaque wall or fence may be approved where such a combination provides more effective screening.

C. Parking Lot Landscaping.

1. Where Required. Separate landscape areas shall be provided within and at the perimeter of parking lots so as to break up the broad expanse of pavement, guide the circulation of vehicular and pedestrian traffic, and moderate the changes to the micro climate which results from additional pavement.
2. Landscaping Standards within Parking Lots.
 - a. There shall be a minimum of one (1) tree for every eight (8) parking spaces.
 - b. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than two hundred (200) square feet in area. Modifications in curbing may be permitted when islands are used as part of the stormwater management system.
 - c. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
 - d. An equivalent amount of landscape plantings at the perimeter of parking lots may be approved where landscaping within parking lots would be impractical due to the size of the parking lot, detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing, provided all other landscaping requirements are met.
3. Landscaping Standards at the Perimeter of Parking Lots.
 - a. Parking lots shall meet the screening requirements set forth in Section 13.20.B, Screening Between Land Uses, where such screening is needed to promote a compatible relationship with an adjacent use.
 - b. Parking lots that front on a public roadway shall be screened by a landscaped berm at least three (3) feet in height along the perimeter of the road right-of-way. Alternative landscape plantings or a solid wall that does not exceed three (3) feet in height may be approved, where it is

found that space limitations or visibility for vehicular circulation prevent construction of a landscape berm.

Figure 13.20-D Parking Lot Landscaping



**Landscaping Within
Parking Lots**
1 tree/8 parking spaces
Islands = 200 sq. ft. min.
3' min. from back of curb

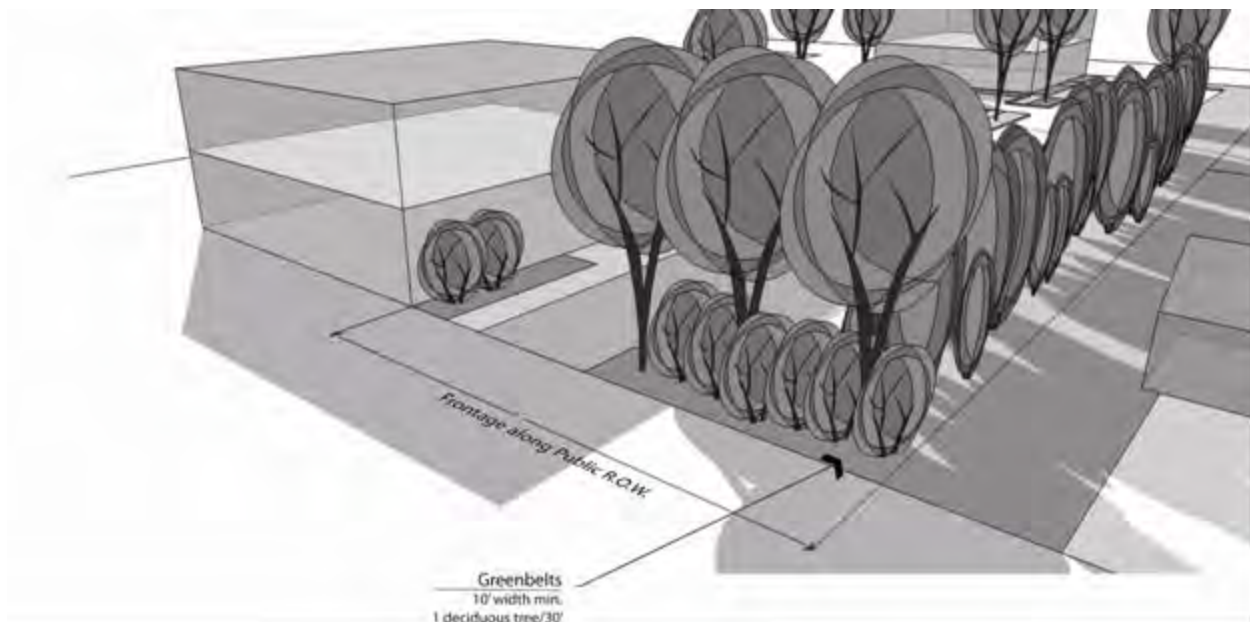
**Landscaping Along Parking Lots
Visible from Road R.O.W.**
Landscape berm 3' high min. or
solid wall 3' high min.

Site Landscaping
Section 13.20.E
20% min. of site area

D. Greenbelts.

1. Where Required. Except as otherwise required by this Ordinance, a greenbelt shall be provided along all public streets upon which a site has frontage, in accordance with the standards set forth in this Section.
2. Greenbelt Standards.
 - a. The greenbelt shall be a minimum of ten (10) feet in width.
 - b. The greenbelt shall be landscaped with a minimum of one (1) deciduous tree for every thirty (30) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Deciduous trees within a greenbelt shall be a minimum caliper of two and a half (2 1/2) inches or greater and evergreen trees shall be a minimum of five (5) to six (6) feet in height.
 - c. Creative placement of the trees, such as staggering, clustering and/or other methods, is encouraged in an effort to eventually achieve a canopy.
 - d. In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped with grasses, ground covers, shrubs and other natural landscape materials.
 - e. Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees.

Figure 13.20-E Greenbelt

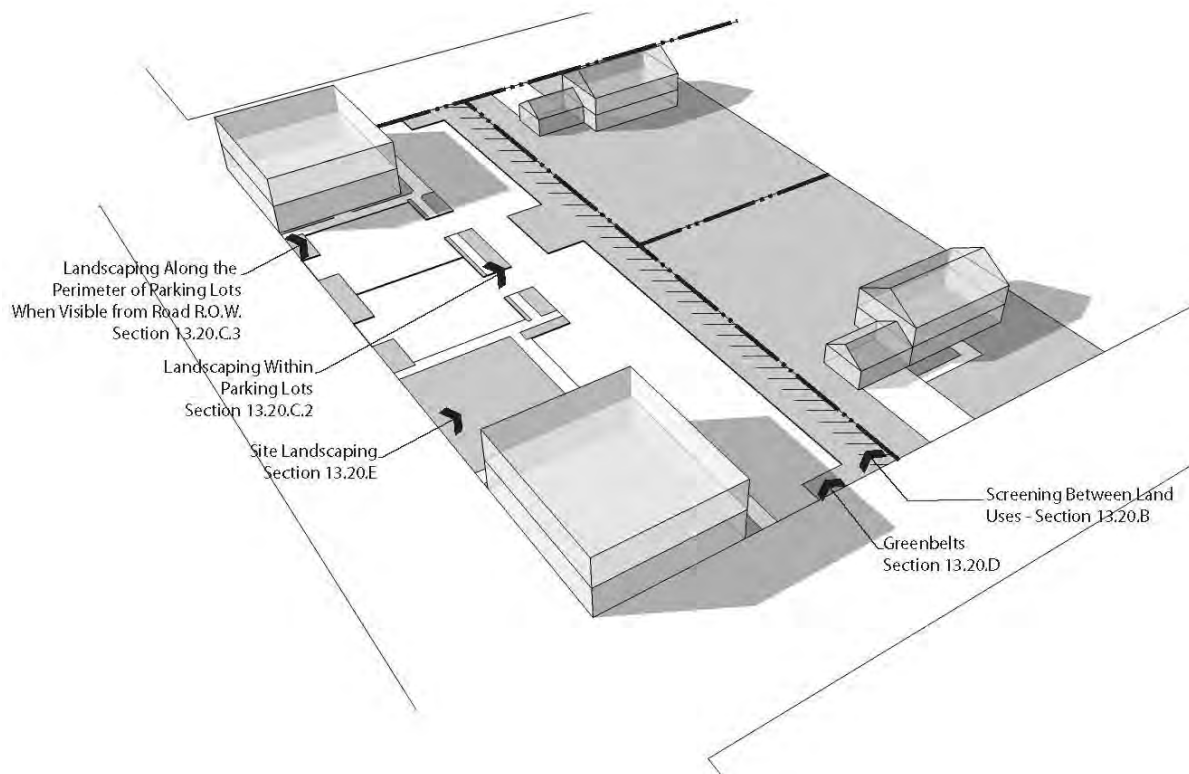


E. Site Landscaping.

1. Site Landscaping Standards.

- a. A minimum of twenty percent (20%) of the site area shall be comprised of landscape material.
- b. Site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas, gardens and building foundation planting beds.
- c. Site area landscaping shall be provided to screen potentially objectionable site features such as, but not limited to, retention/detention basins, loading areas, and trash areas.
- d. The landscaping design shall promote compatibility, and preserve the character of the site, in relation to the immediately surrounding area and in relation to the general area in which the property is situated.

Figure 13.20-F General Site Landscaping Overview



- F. Subdivision and Site Condominium Landscaping.
1. Where Required. Landscaping for subdivisions and site condominiums shall be provided in accordance with the standards set forth in this Section.
 2. Standards.
 - a. The frontage of all internal public or private streets shall be landscaped with the equivalent of one (1) tree for every fifty (50) lineal feet, or fraction thereof. Such street trees shall meet the minimum size, spacing and species requirements set forth in Sections 13.20.H, Minimum Size and Spacing Requirements, and 13.20.I, Prohibited Species.
 - b. Where a subdivision or site condominium contains uses which are more intense or incompatible with an adjoining property, the screening requirements set forth in Section 13.20.B, Screening Between Land Uses, shall be met. The preservation of existing trees along perimeter boundaries is encouraged regardless of whether screening is required.
 - c. Where a subdivision or site condominium abuts a public road right-of-way located outside of the proposed subdivision or site condominium, the screening requirements set forth in Section 13.20.B, Screening Between Land Uses shall be met.
 - d. A landscape plan for a subdivision or site condominium development shall also include landscaping details of the entrance to the development, stormwater retention and/or detention areas, community buildings and other recreational areas, and any other site improvement which would be enhanced through the addition of landscaping.
- G. Sustainable Design Techniques. Projects with Prequalified Sustainable Development Project (SDP) status may be eligible for modification of the standards in Sections 13.20, as set forth in Section 12.10 Sustainable Design Option, provided the measures proposed for SDP status are so qualified for that purpose.
- H. Minimum Size and Spacing Requirements. Where landscaping is required, the following minimum size and spacing requirements set forth in Table 13.20-C for representative landscape materials shall be applicable, unless otherwise specified in this Section:

Table 13.20-C

Minimum Size and Space of Landscape Plantings

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**											
	Height			Caliper Spread				Feet											
	5'-6'	3'-4'	2'-3'	2"	2.5"	18"-2'	2 gal.	30	25	15	10	6	5'-6	5	4	3	2	1	
Large Evergreen Trees:																			
Fir (Abies)																			
Spruce (Picea)																			
Pine (Pinus)																			
Hemlock (Tsuga)																			
Douglas Fir (Pseudotsuga)																			
Tamarack; Larch (Larix)																			
Narrow Evergreen Trees:																			
Arborvitae (Thuja)																			
Juniper (Juniperus)																			
Large Evergreen Shrubs:																			
Hicks Yew (Taxus)																			
Upright Yew (Taxus)																			
Spreading Yew (Taxus)																			
Upright Juniper (Juniperus)																			
Spreading Juniper (Juniperus)																			
Mugho Pine (Pinus)																			
Small Evergreen Shrubs:																			
Spreading Yew																			
Dwarf Spreading Juniper																			
Dwarf Mugho Pine																			
Euonymous varieties*																			
Vines:																			
Euonymous varieties*																			
Virginia Creeper																			
Wisteria																			
Riverbank Grape																			
American Bittersweet																			
Large Deciduous Trees:																			
Oak (Quercus)																			
Maple* (Acer)																			
Beech (Fagus)																			
Linden or Basswood (Tilia)																			
Sweetgum (Liquidambar)																			
Ginkgo (Male Only) (Ginkgo)																			
Honeylocust (Gleditsia)																			
Birch (Betula)																			
Sycamore (Plantanus)																			
Hickory (Carya)																			
Black Cherry (Prunus)																			
Tulip Tree (Liriodendron)																			
Blackgum (Nyssa)																			

*Refer to prohibited species list.

	MINIMUM SIZE ALLOWABLE							MAXIMUM ON-CENTER SPACING**										
	Height			Caliper Spread				(Feet)										
	5'-6'	3'-4'	2'-3'	2"	2.5"	18"-2'	2 gal.	30	25	15	10	6	5-6	5	4	3	2	1
Small Deciduous Trees (Ornamental):																		
Dogwood																		
Flowering Cherry, Plum, Pear																		
Hawthorn																		
Redbud																		
Magnolia																		
Flowering Crabapple																		
Mountain Ash																		
Hornbeam																		
Sassafras																		
Ironwood																		
Serviceberry; Juneberry																		
Ground Cover:																		
Euonymus varieties*																		
Wild Strawberry																		
Wild Ginger																		
Large Deciduous Shrubs:																		
Lilac																		
Sumac																		
Pyracantha																		
Weigela																		
Flowering Quince																		
Cotoneaster*																		
Sargent Crabapple																		
Dogwood (Red Osier, Grey, Silky)																		
Euonymus varieties*																		
Viburnum varieties																		
Witch-hazel																		
Ninebark																		
Vaccinium (Blueberry)																		
Holly																		
Spicebush																		
Hazelnut																		
Chokeberry																		
Chokecherry																		
Buttonbush																		
American Elder																		
Small Deciduous Shrubs:																		
Fragrant Sumac																		
Cotoneaster*																		
Potentilla																		
Meadowsweet																		
Leatherleaf																		
Rubus/Ribes varieties																		

* Refer to prohibited species list.

** "Maximum on-center" spacing refers to the largest space allowed between *the centers* of plants of the same species/variety.

- I. Prohibited Species. As of the effective date of this ordinance, the following species set forth in Table 13.20-D shall not be newly planted in landscaping. These plants are not native to the area, reproduce profusely and have potentially harmful effects on natural ecosystems.

Table 13.20-D Prohibited Species

Trees

<u>Common Name</u>	<u>Scientific Name</u>
Norway Maple	<i>Acer platanoides</i>
Amur Maple	<i>Acer ginnala</i>
Silver Maple	<i>Acer saccharinum</i>
Box Elder	<i>Acer negundo</i>
Tree of Heaven	<i>Ailanthus altissima</i>
European Alder	<i>Alnus glutinosa</i>
Northern Catalpa	<i>Catalpa speciosa</i>
White Ash *	<i>Fraxinus americana</i>
Green Ash *	<i>Fraxinus pennsylvanica</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Princess or Royal Empress Tree	<i>Paulownia tomentosa</i>
Poplar	<i>Populus spp.</i>
Black Locust **	<i>Robinia pseudocacia</i>
Willow (all)	<i>Salix spp.</i>
American Elm***	<i>Ulmus americana</i>
Chinese Elm	<i>Ulmus parvifolia</i>
Siberian Elm	<i>Ulmus pumila</i>

* A native species, but prohibited due to Emerald Ash Borer.

* * A native species, but tends to be invasive.

*** Except cultivars that are resistant to Dutch Elm Disease

Shrubs and Vines

Common Name

Porcelainberry
Japanese Barberry
Common Barberry
Oriental Bittersweet
Autumn Olive
Russian Olive
Burningbush
Wintercreeper
English Ivy
Eastern Red Cedar
Privet
Honeysuckle (all)
Common Buckthorn
Glossy Buckthorn
Multiflora Rose
Guelder Rose

Scientific Name

Ampelopsis brevipedunculata
Berberis thunbergii
Berberis vulgaris
Celastrus orbiculatus
Eleagnus umbellata
Eleagnus angustifolia
Euonymus alatus
Euonymus fortunei
Hedra helix
Juniperus virginiana
Ligustrum vulgare
Lonicera
Rhamnus cathartica
Rhamnus frangula
Rosa multiflora
Viburnum opulus var. opulus

Grasses and Grass-Like Plants

Common Name

Chinese Silver Grass
Giant Reed
Reed Canary Grass

Scientific Name

Miscanthus sinensis
Phragmites communis
Phalaris arundinacea

Flowers and Groundcovers

Common Name

Garlic Mustard
Spotted Knapweed
Crown Vetch
Queen Ann's Lace
Foxglove
Japanese Knotweed
Dame's Rocket
Purple Loosestrife

Scientific Name

Alliaria officinalis
Centaurea maculosa
Coronilla varia
Daucus carota
Digitalis purpurea
Fallopia japonica
Hesperis matronalis
Lythrum salicaria

SECTION 13.30 TRASH CONTAINERS

- A. **Where Required.** The standards set forth in this Section shall apply to all uses that have refuse disposal service by collective trash container. This does not include curbside pickup for single-family residential uses.
- B. **Standards.**
1. Containers used to dispose of trash, grease, recyclables, and similar materials shall be screened on all sides with a wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of durable material and construction which is compatible with the architectural materials used in the site development.
 2. Containers shall be consolidated to minimize the number of collection sites, located in close proximity to the building they serve, and easily accessed by refuse vehicles without potential damage to parked vehicles.
 3. Containers and enclosures shall be located in a side or rear yard and screened from public view whenever possible.
 4. Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
 5. Concrete pads and aprons of appropriate size and construction shall be provided.

SECTION 13.40 EQUIPMENT SCREENING

- A. **Where Required.** The standards set forth in this Section shall apply to all uses for which mechanical equipment is placed upon a roof of any building or on the ground outside of the building. Mechanical equipment includes, but is not limited to: generators, heating, ventilation and air conditioning units.
- B. **Screening Requirements.** All equipment shall be screened as follows:
1. Rooftop screening.
 - a. Rooftop equipment shall be screened with architectural materials matching or harmonious with the building.
 - b. Screens provided to obscure mechanical equipment shall be an opaque barrier at least as high as the equipment being screened.
 - c. Rooftop equipment shall be located on the side or rear of a pitched-roof building, screened from public view.
 - d. Rooftop equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.

2. At-grade equipment.
 - a. At-grade equipment shall be screened with architectural and/or landscape materials matching or harmonious with the building or landscape materials provided elsewhere on site.
 - b. Landscape materials shall be evergreen species so as to provide a screen year-round.
 - c. Walls provided to screen mechanical equipment shall be an opaque fence or wall, with a gate at least as high as the equipment being screened.
 - d. At-grade equipment shall be located in a side or rear yard, screened from public view.
 - e. At-grade equipment shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings

SECTION 13.50 LIGHTING

- A. **Where Required.** The standards set forth in this Section shall apply to all uses for which exterior lighting is provided.
- B. **Lighting Plan Requirements.** The following information must be provided on all site plan submissions:
 1. Location of all free-standing, building-mounted and canopy light fixtures on the site plan and/or building elevations.
 2. Photometric grid overlaid on the proposed site plan, indicating the overall light intensity throughout the site (in foot-candles) and ten (10) feet beyond the parcel lines. The Zoning Administrator may waive the requirement for sites with parking lots of twenty (20) spaces or less or for sites that are not adjacent to residentially zoned property.
 3. Specifications and details for the type of fixture being proposed, including the initial lumen rating, type of lamp, method of shielding, type of lens and all applicable accessories. The details shall include a depiction of the lighting pattern and light levels applicable for the proposed pole height.
- C. **Freestanding Pole Lighting.**
 1. Fixture Design.
 - a. Exterior lighting shall be a full cut-off fixture or a fully shielded fixture, downward directed with a flat lens to prevent glare.
 - b. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be shown that there will be no off-site glare

through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

2. Lighting Levels.

- a. The intensity of light at the base of a light fixture pole shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours.
- b. Light shall not exceed one-tenth (0.1) foot-candle along any boundary adjacent to residentially zoned or used property, and one (1) foot-candle along all nonresidential property boundaries.
- c. Light levels shall be measured on the horizontal plane at grade level within the site, and on the vertical plane of any property line boundary or street right-of-way line at a height of five (5) feet above grade level.

3. Height. The maximum height of a base, a pole and fixtures shall be twenty-five (25) feet. A maximum height of thirty (30) feet may be permitted in an industrial district where fixtures are no closer than two hundred (200) feet to any residential district.

4. Duration. All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, shall be turned off or reduced in lighting intensity between 11:00 p.m. and sunrise. The following exceptions may be approved:

- a. Where greater lighting levels are necessary for security or safety purposes; or
- b. Where permissible commercial or industrial uses such as sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels shall be turned off or reduced after the use ceases for that day.

D. **Building-Mounted Lighting.** Building-mounted lighting for the purpose of lighting entrances, adjacent sidewalks, parking areas and loading areas is permitted subject to the following restrictions:

- 1. Building-mounted lighting shall be a full cutoff fixture or fully shielded and directed downward to prevent glare. The intensity of light shall not exceed twenty (20) foot-candles during business hours and ten (10) foot-candles after business hours at the ground level for any building-mounted fixture. Maximum height shall be twenty (20) feet.
- 2. Light shall not exceed one-tenth (0.1) foot-candle along zoned or existing residential property lines and one (1) foot-candle along non-residential property lines.

3. Decorative or historic light fixtures may be approved as an alternative to shielded fixtures when it can be proven that there will be no off-site glare through the use of low wattage lamps and the proposed fixtures will be more consistent with the character of the site.

E. **Architectural Lighting of Building Façades.** The lighting of a building façade for architectural, aesthetic, or decorative purposes is permitted subject to the following restrictions:

1. All building façade lighting shall be low intensity, with a fixture rating of less than nine hundred (900) lumens. All building façade lighting shall be fully shielded and fully confined from projecting into the sky by eaves, roofs or overhangs, and mounted as flush to the wall as possible.
2. Luminaries with fixture ratings exceeding nine hundred (900) lumens shall be downward directed and fully shielded, mounted as flush to the wall as possible.
3. The maximum illumination of any vertical surface or angular roof surface shall not exceed five (5) foot-candles.
4. Luminous tube and exposed bulb fluorescent lighting may be permitted as an architectural detail on all buildings, such as along the roof line and eaves, and around windows. Internally illuminated architectural bands or external lighting directed on buildings may be approved where it can be shown that the treatment will serve a legitimate function and will not adversely impact neighboring properties.

F. **Flagpole Lighting.** A flagpole may be illuminated by one of the following methods:

1. With one (1) upward-aimed spotlight fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture rating shall not exceed three thousand five hundred (3,500) lumens. The fixture shall be placed as close to the base of the flagpole as reasonably possible.
2. With one (1) downward-aimed light fixture, fully shielded and directed away from streets, shining only on the flag and minimizing light spill into the dark night sky. The fixture rating shall not exceed three thousand five hundred (3,500) lumens.

G. **Prohibited Lighting Types.** The following lighting types are prohibited:

1. The use of search lights or any similar high intensity light for outdoor advertisement or entertainment.
2. Flashing, moving or intermittent type lighting.

3. Exterior exposed luminous tube lighting except neon lighting used for signage or lighting approved by the Zoning Administrator as an element of the building façade under Section 13.50.D of this Ordinance.
- H. **Exemptions.** The following are exempt from the lighting requirements of this Section, except that the Zoning Administrator may require a lighting and photometric plan when deemed necessary to protect the public health, safety and welfare.
1. Sports fields.
 2. Swimming pools serving the public or private club members.
 3. Holiday decorations.
 4. Three (3) foot high, shielded pedestrian walkway lighting.
 5. Ornamental low voltage lighting (twelve (12) volts or less), low wattage ornamental landscape lighting fixtures, and solar operated light fixtures having self-contained rechargeable batteries, where any single light fixture does not exceed one hundred (100) lumens.
 6. Street lights or lights within a public or private road right-of-way.
- I. **Lamp or Fixture Substitution.** Should any light fixture or the type of lamp therein regulated under this Article be changed after the permit has been issued, a request must be submitted to the Zoning Administrator for administrative approval, together with adequate information to assure compliance with the Zoning Ordinance, which must be received prior to substitution. Fixtures and lamps that match the original fixture type and number as part of regular maintenance are not required to submit this request.

SECTION 13.60 PARKING AND CIRCULATION

- A. **Where Required.** The standards set forth in this Section shall apply to all uses for which off-street parking and circulation is provided.
- B. **General Off-Street Parking Requirements.**
1. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.
 2. Off-street parking for uses in all districts shall be on the same lot as the use or building served by the parking, unless joint parking with abutting properties and uses is provided in a form acceptable to the City Attorney and executed and recorded by the parties sharing the parking.

3. Off-street parking spaces for single family detached units or duplexes on individual lots shall consist of a parking strip, driveway, garage or combination thereof, and shall be located on the premises they are intended to serve.
4. Parking areas for uses other than single-family detached units or duplexes on individual lots shall be approved as part of a site plan. Minor changes to the parking layout, as determined by the Zoning Administrator, shall not require a submittal of a parking plan.
5. Off-street parking shall be provided for a principal use erected, altered, or expanded after the effective date of this Ordinance. Required off-street parking shall be maintained so long as the principal use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.
6. No off-street parking which exists at the time this Ordinance becomes effective which is provided for the purpose of complying with provisions of this Ordinance shall thereafter be reduced below the requirements established by this Ordinance.
7. Within non-residential districts, off-street parking for continuous periods of more than twenty-four (24) hours shall be prohibited with the following exceptions:
 - a. Parking in conjunction with an automobile sales and service facility, major and minor automobile repair facility, and automobile towing service, as permitted and regulated by this Ordinance.
 - b. Automobiles and commercial vehicles owned and operated in conjunction with the principal use of the property.
8. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
9. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
10. Off-street parking areas shall be designed to provide for removal and storage of snow.

C. Parking Location and Setbacks.

1. Parking spaces shall be provided either on the same lot, within lots under the same ownership or where a shared parking easement is provided on an adjacent lot within three hundred (300) feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot.

2. Off-street parking is allowed in all required and non-required yards, provided all other standards of this Ordinance are met.
3. Paved areas shall be ten (10) feet from any side or rear lot lines that abut an adjacent residentially zoned or used property. Paving setbacks between non-residentially zoned or used property may be waived by the Planning Commission for cross-access and joint parking.

D. **Units and Methods of Measurement.** For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

1. Floor Area. Where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the net floor area, as defined by this Ordinance, unless otherwise indicated.
2. Employees. For requirements stated in terms of employees, the calculation shall be based upon the maximum number of employees likely to be on the premises during the largest shift.
3. Places of Assembly. Seating capacity shall be based upon the building code requirements currently in effect. In cases where a place of assembly has both fixed seats and open assembly areas, requirements shall be computed separately for each type and added together.
4. Fractional Requirements. When the number of required parking or loading spaces result in a fractional space, then the fraction shall be counted as one (1) additional space if it equals one-half ($\frac{1}{2}$) or greater.

E. **Shared Parking.**

1. The developed parking for adjacent zoning lots may be shared, provided a signed agreement is provided by the property owners, and the applicant can demonstrate that the peak usage will occur at different periods of the day.
2. To demonstrate shared parking compatibility, the applicant shall use the methodology for calculating shared parking established by the most recent edition of the Urban Land Institute Shared Parking book. Underlying parking space requirements for each use shall be based on the City of Milan parking requirements noted herein or as otherwise modified by the provisions of this Article.
3. Side or rear parking lot setbacks may be reduced or waived where a shared access driveway, connected parking lots, and/or internal service drives are provided.

F. **Flexibility in Application.**

1. The City recognizes that, due to the specific requirements of any given development, inflexible application of the parking standards may result in development with inadequate parking or parking far in excess of that which is needed. The former situation may lead to traffic congestion or unauthorized parking on adjacent streets or neighboring sites. The latter situation may result in excessive paving and stormwater runoff and a waste of space which could be left as open space. Projects with Prequalified Sustainable Development Project (SDP) status are automatically eligible for a parking deviation, provided the measures proposed for SDP status are so qualified for that purpose.
2. The City may grant deviations from off-street parking requirements. These deviations may require more or less parking based upon a finding that such deviations are more likely to provide a sufficient number of parking spaces to accommodate the specific characteristics of the use in question. In the event that a deviation is granted, the following shall apply:
 - a. An applicant may request a parking deviation as part of a development application or as a separate and distinct action with no other concurrent request.
 - b. The applicant shall provide a parking study with adequate detail and information to assist the City in determining the appropriateness of the request.
 - c. A parking deviation may be included in an action on a concurrent request or be made separately by resolution.
 - d. The City may attach conditions to the approval of a deviation from the off-street parking requirements that bind such approval to the specific use in question.
 - e. The City may require the applicant to set aside area for reserve parking (landbanking) that can be constructed as needed, although this is not a prerequisite for the approval or a deviation. Where an area is set aside for reserve parking, it shall be easily developed, not devoted to a use other than open space, and shall be designed to accommodate attendant facilities such as maneuvering lanes and drainage.
3. It is the intent of this Ordinance to minimize excessive areas of pavement which reduces aesthetic standards and contributes to high rates of storm water runoff. Exceeding the minimum parking space requirements by more than twenty percent (20%) shall only be allowed with approval by the City. In granting such additional space, the City shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

G. **Schedule of Required Off-Street Parking Spaces.** The minimum number of off-street parking spaces shall be determined by the type of use in accordance with Table 13.60-A.

For uses not specifically listed below, the required parking shall be in accordance with that of a similar use as determined by the Zoning Administrator, or determined by the Planning Commission during site plan review based on documentation regarding the specific parking needs of the use.

Table 13.60-A Schedule of Required Off-Street Parking Spaces

Residential	
Single-family and two-family residential	2 spaces for each dwelling unit
Multiple-family residential	1 space per each efficiency dwelling unit 2 spaces per each dwelling unit
Bed and Breakfast	2 spaces for dwelling and 1 space for each bed and breakfast room.
Mobile home park	2 spaces per each mobile home unit or site and 1 space for each employee on the largest typical shift.
Housing for the Elderly	
Convalescent and nursing facilities	1 space per each 3 beds or 2 rooms, whichever is less plus 1 space for each employee on the largest typical shift.
Senior assisted or independent living	1 spaces for each 0.65 dwelling units plus 1 space for each employee on the largest typical shift.
Institutional and Places of Gathering	
Places of worship	1 space for each 3 seats or 6 feet of pews in the main unit of worship
Primary and Secondary schools	1 space for each 1 teacher, employee, or administrator in addition to the requirements for separate auditorium or stadium seating
Post-secondary schools, including high schools, colleges, and commercial schools	1 space for each 1 teacher, employee, or administrator and 1 for each 10 students, in addition to the requirements for auditorium or stadium
Social clubs, fraternal organizations, and other similar uses	1 space for each 3 persons allowed within the maximum occupancy load as established by the fire or building codes
Places of assembly and auditoriums	1 space for each 3 seats or 6 feet of bleacher seating, in public, private, recreational, or theater settings.
Day care centers and preschools	2 spaces plus 1 additional space for each 8 children of licensed authorized capacity
Family day care homes, group day care homes, and adult foster care homes	1 space per 4 clients plus employee parking

Office	
Banks, credit union of savings and loans	1 space for each 200 square feet of gross floor area, plus 2 spaces for each non-drive-up ATM.
Drive-through facilities for non-restaurant uses	4 stacking spaces for each window or drive-up ATM.
Office or professional buildings except medical offices	1 space for each 300 square feet of gross floor area
Medical, dental, and veterinary offices, including clinics and medical laboratories	1 space for each 200 square feet of gross floor area
Medical clinics, outpatient centers, 24-hour urgent care centers, etc.	2 spaces per exam or outpatient procedure/operating room. Plus, 1 space per laboratory or recovery room, plus 1 space per 1 employee.
Hospitals	2 spaces per inpatient bed plus 1 space per each 200 square feet of office or outpatient area
General Commercial/Retail	
All Commercial/retail	1 space for each 250 square feet of gross floor area
Commercial/retail centers	As follows: <50,000 square feet; 1 space for each 250 square feet of gross floor area. 50,000 to 450,000 square feet of gross floor area; 1 space for each 300 square feet and >450,000 square feet of gross floor area; 1 space for each 350 square feet. Non-retail uses such as restaurants, bars and theaters shall be calculated separately based upon their respective requirements. The square footage of restaurants, bars, and theaters shall not be counted against the square footage for the overall commercial/retail center square footage, but shall be added to that total.
Vehicle dealership, sales and service	1 space for each 250 square feet of net floor area, plus 2 spaces per each auto service bay
Recreational vehicles, boat, mobile home and similar sales	1 space for each 500 square feet of net floor area plus 2 spaces per each vehicle sales service bay
Restaurants and Cafés	
Standard restaurant	1 space for each 2 seats, based on maximum seating capacity as determined by the building code in effect in the City
Fast food restaurant	1 space for each 70 square feet of net floor area
Restaurant drive-through window	9 stacking spaces which do not conflict with use of other required spaces
Commercial Services	
Vehicle fueling/multi-use station	1 space for each 125 square feet of net floor area, plus 2 parking spaces per fueling station
Vehicle repair station	2 spaces for each service bay, plus 1 space for each tow truck if applicable, plus adequate spaces for overnight parking, plus 1 space per 1 employee on the largest typical shift

General Commercial/Retail (continued)	
Vehicle wash	2 spaces, plus 12 stacking spaces per bay for a semi or fully automatic wash, 1 stacking space per bay for a self-serve wash plus 1 space per 1 employee on the largest typical shift
Barber shop/beauty salons	2 spaces for each barber chair or station
Funeral home and mortuary	1 space for each 70 square feet of service parlors, chapels and reception area, plus 1 space for each funeral vehicle stored on premise
Motel / hotel	1 space for each guest room, 1 space per 1 employee on the largest typical shift, plus any additional spaces required for dining establishments, calculated separately as noted herein.
Banquet halls or conference rooms and similar uses without fixed seats	1 space for every 2 persons of capacity authorized by the fire or building code or 1 space for each 100 square feet of net floor area, whichever is greater, plus any required parking for other uses, such as restaurants, gift shops, etc.
Self-storage mini-warehouse	1 space for each 100 storage units with a minimum of 6 spaces
Recreational	
Health fitness centers, athletic clubs, martial arts studios and other similar uses	1 space for each 200 square feet of net floor area
Bowling alleys	5 spaces for each lane
Indoor and outdoor recreational uses of public or private ownership or use	1 space for each 1,000 square feet of enclosed recreational space, plus 1 space for each employee on the largest typical shift, 2 spaces for each court (tennis, racquetball, etc.), and 4 for each hole of golf.
Industrial	
Light industrial, manufacturing, laboratories, research and development centers and related accessory offices	1 space for each 550 square feet of gross floor area
Warehousing	1 space for each 1500 square feet net floor area plus 1 space for each employee on the largest typical shift

H. **Mixed Use Parking.** Parking for mixed-use development shall be determined applying the shared parking methodology established by the most recent edition of the Urban Land Institute Shared Parking book. This methodology shall be applied by compiling the required parking for all the proposed uses within the development as they would be required if developed separately, and then incorporating the shared parking calculations to realize efficiencies in complementary uses can then allow for an overall reduction in required parking. As with traditional shared-parking projects, underlying parking space requirements for each use shall be based on the City of Milan parking requirements noted herein or as otherwise modified by the provisions of this Article.

I. **Parking Structure Design Standards and Requirements.**

1. Providing of parking within structures or buildings shall serve to increase the value and convenience of related development, and to enhance, rather than detract from, the appearance of the overall development. Structured parking shall be designed and operated in a manner which does not negatively impact the safety and security of the public.
2. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.

J. **Off-Street Parking Lot Design Standards and Requirements.**

1. Barrier-Free Parking. Off-street parking lots are required to provide Barrier-Free Parking spaces in accordance with the Michigan Department of Labor, Construction Code Commission Barrier-Free Design Division.
2. Pavement. All driveways and parking lots, shall be hard surfaced with concrete or asphalt and shall have concrete curbing on all sides. Bumper blocks shall not be used in parking lots except where the City may approve alternative paving materials, such as permeable / grass pavers, for overflow, seasonal or low usage parking, based upon the review and recommendation of the City Engineer.
3. Drainage. All parking lots shall be graded or drained to dispose of stormwater runoff. The City may permit openings in the curbing for drainage purposes. No surface water shall be permitted to drain directly onto adjoining property unless a drainage easement has been obtained. Discharge of drainage into a public right-of-way, County Drain or municipal storm sewer shall require written approval from the appropriate local, County, or State agency.
4. Dimensions.
 - a. Plans for the layout of off-street parking facilities shall be in accord with the minimum requirements set forth in Table 13.60-B.

Table 13.60-B Parking Dimensions

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
<i>0 Deg. to 15 Deg.</i>	9.0 Ft.	12 Ft.	23 Ft.	30.0 Ft.
<i>16 Deg. to 37 Deg.</i>	9.0 Ft.	11 Ft.	19 Ft.	46.6 Ft.
<i>38 Deg. to 57 Deg.</i>	9.0 Ft.	13 Ft.	19 Ft.	53.2 Ft.
<i>58 Deg. to 74 Deg.</i>	9.0 Ft.	18 Ft.	19 Ft.	60.4 Ft.
<i>75 Deg. to 90 Deg.</i>	9.5 Ft.	24 Ft.	19 Ft.	62.0 Ft.

- b. All spaces shall be provided adequate access by means of maneuvering lanes. Parking spaces with parking angles less than ninety (90) degrees shall be accessed by one-way drives. Parking spaces that are perpendicular to the drive (ninety (90) degree angle) may be accessed by two (2) way movements.
5. Illumination. All illumination of parking lots or display areas shall be designed and installed to comply with the requirements of Section 13.50.
6. Landscaping. The parking area shall provide screening, greenbelts, buffers and parking lot landscaping in accordance with Section 13.20. Where parking abuts required landscape islands or greenbelt areas, landscape islands or greenbelts shall be increased by two (2) feet to accommodate vehicle overhang. The parking space may be decreased by two (2) feet in length if curbing is provided.
7. Parking Abutting Sidewalks. Where a parking space overhangs a sidewalk, the minimum sidewalk width shall be seven (7) feet.
8. Construction and Maintenance.
 - a. Plans and specifications for parking areas shall be submitted and approved following the site plan review requirements of Article 8, Site Plan Review.
 - b. Required parking lots shall be installed and completed before issuance of an occupancy permit.
 - c. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this Article are provided elsewhere or the parking requirements of the site are changed.
 - d. Pavement shall be maintained in good condition. The visibility of pavement markings delineating parking spaces and directional control shall be maintained.
 - e. All off-street parking and loading facilities required by this Section shall be maintained free of accumulated snow, debris or other materials which prevent full use and occupancy of such parking facilities, except for temporary periods of no more than five (5) days in the event of heavy rainfall or snowfall.
 - f. The storage of and/or the repair of merchandise, materials, equipment or vehicles are prohibited on required off-street parking or loading spaces.

SECTION 13.70 TRAFFIC IMPACT ANALYSIS

A traffic impact analysis may be required by the Zoning Administrator, in consultation with the Traffic Engineer, to analyze the effect of development upon existing street traffic. The traffic impact analysis shall be paid for by the applicant and shall examine existing and proposed traffic flow, trip generation studies, impacts on major intersections, turning movement analysis, roadway capacity, parking generation and site ingress / egress. The traffic impact analysis shall be prepared by a registered professional engineer or transportation planner.

SECTION 13.80 ACCESS MANAGEMENT

- A. **Where Required.** The standards set forth in this Section shall apply to all uses which access a public street.
- B. **General Requirements.**
1. Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. Access to public roads shall be controlled in the interest of public safety. Each building or group of buildings used for non-residential purposes, and its parking or service area, shall be physically separated from public roads by a greenbelt, curb, or other suitable barrier against unchanneled motor vehicle access or egress, except for access ways authorized herein.
 2. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
 3. Cross access is required and shall be located to provide a direct connection with the existing or future access of the abutting non-residential properties. A site plan without cross access may be approved when it can be demonstrated that there are either physical limitations or functional circumstances that would prevent such access from being installed.
 4. There must be sufficient on-site storage to accommodate at least three (3) queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing exiting vehicle sight distance, or otherwise interfering with street traffic.
 5. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and / or separation, where appropriate, of entry and exit lanes within driveways.
 6. Ingress and egress to an off-street parking lot for all uses other than single-family residential shall not cross land zoned for single-family.

C. Location and Spacing.

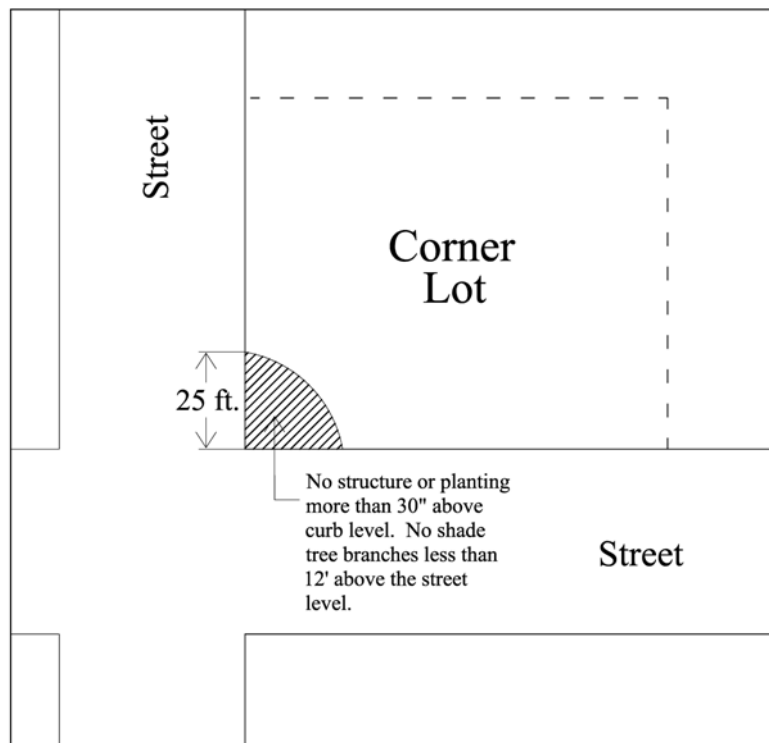
1. Ingress and egress from an off-street parking lot located in an area zoned for all uses other than single-family residential shall be at least twenty-five (25) feet from adjacent property zoned single-family residential.
2. The number of access points shall be limited to the minimum needed to provide reasonable access. Access points shall be designed and located to minimize conflicts with traffic operations along the street and be placed as far from intersections as practical, but no closer than one hundred twenty-five (125) feet as measured from centerline to centerline. The minimum separation between driveways shall be based upon the posted speed limit of the street.

SECTION 13.90 CLEAR VISION AREA/CORNER CLEAR ZONE

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of three (3) feet 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 said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection.

Clear Vision Area shall also apply to the intersection of driveways and shall require a ten (10) foot line to form the triangle.

Figure 13.90-A.



SECTION 13.100 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

- A. **Where Required.** On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods. The City may permit central loading areas to be shared by multiple uses, such as in a retail shopping center or office park.
- B. **Traffic Flow Location.** The location of the loading area shall be sufficient to prevent undue interference with adjacent, required parking spaces, maneuvering aisles, or traffic flow and no unloading on public streets. Loading/unloading areas and docks shall not be provided in the front yard. Where possible, loading areas shall be integrated into the design of the building to minimize visibility.
- C. **Alleys.** Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- D. **Size.** The size of all required loading/unloading spaces shall be at least ten (10) feet by fifty (50) feet or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. The City may modify this requirement for uses that will involve smaller delivery trucks.
- E. **Pavement.** Loading dock approaches shall be constructed of asphalt or concrete with a base sufficient to accommodate expected vehicle weight.
- F. **Number.** The minimum number of loading spaces shall be provided in accordance with the requirements set forth in Table 13.100-A.

Table 13.100-A Off-Street Loading Requirements

Institutional, Commercial and Office Uses	
Up to 5,000 sq. ft. Gross Floor Area (GFA)	1 space
5,001 - 60,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	3 spaces, plus 1 space per each additional 50,000 sq. ft. GFA
Industrial Uses	
Up to 1,400 sq. ft. GFA	0
1,401 – 20,000 sq. ft. GFA	1 space
20,001 – 100,000 sq. ft. GFA	1 space, plus 1 space per each additional 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	5 spaces

SECTION 13.110 PEDESTRIAN ACCESS

- A. **Where Required.** The standards set forth in this Section shall apply to all uses that attract non-motorized and pedestrian traffic.
- B. **General Standard.** The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide continuity, street crossings, visual interest and security as defined by the standards in this Section.
- C. **Safety Considerations.** To the maximum extent feasible, pedestrians shall be separated from vehicles.
1. Minimizing Pedestrian/Vehicular Conflicts. Physical separation of pedestrian and vehicular access is the most effective means of avoiding conflicts and unsafe conditions. Where complete separation of pedestrians and vehicles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, pedestrian safety island, landscaping, lighting or other traffic calming measures to clearly delineate pedestrian areas, for both day and night use.
 2. Multi-Use Paths. Where bicycle paths are required or are specifically part of a site plan and pedestrians and bicyclist share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. The minimum width shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines and applicable City Engineering design standards.
 3. Curb Cuts and Ramps. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts. The location and design of curb cuts and ramps shall comply with the Michigan Barrier-Free Code and the Americans with Disabilities Act Standards for Accessible Design.
 4. Site Amenities. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches. However, all sites with parking of ten (10) spaces or greater shall provide a bike rack for at least two (2) bicycles within fifty (50) feet of the building entrance.
 5. Walkways.
 - a. Walkways within the site shall directly connect points of pedestrian origin and destination. Walkways shall not be located based only on the outline

of a parking lot if it does not provide direct pedestrian access. Walkways shall either be grade separated from parking lots or clearly delineated to avoid pedestrian/vehicular conflicts.

- b. Where it is necessary for the pedestrian access to cross maneuvering aisles or internal roadways, the crossings shall emphasize and place priority on pedestrian access and safety. The pedestrian crossings must be well-marked, using such measures as pavement treatments, signs, striping, signals, lighting, pedestrian safety islands, landscaping and other traffic calming techniques.

ARTICLE 14 - SIGNS

SECTION 14.10 PURPOSE, AUTHORITY AND FINDINGS

The intent of this Article is to regulate signs and outdoor advertising within the City to protect public safety, health and welfare; minimize abundance and size of signs to reduce visual clutter, motorist distraction and loss of visibility; promote public convenience; preserve property values; and enhance the aesthetic appearance and quality of life within the City.

The regulation and standards of this Article are considered the minimum amount of regulation necessary to achieve a substantial government interest for public safety, traffic safety, aesthetics, protection of property values, and are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination, and other aspects of signs in the City so as to:

- A. **First Amendment Rights:** Protect the public right to express and receive messages, especially, noncommercial messages such as religious, political, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution. Nothing in this Article is intended to limit the expression of free speech protected by the First Amendment of the U.S. Constitution.
- B. **Safety:** The requirements of this Section, including without limitation those with regard to placement, installation, maintenance, size and location of signs are intended to minimize distractions to motorists, maintain unobstructed vision for motorists, protect pedestrians, and otherwise minimize any threat to public health or safety.
- C. **Aesthetics:** Signs should enhance the aesthetic appeal of the City. Thus, these regulations are intended to:
 - 1. Regulate signs that are out-of-scale with surrounding buildings and structures.
 - 2. Prevent an excessive accumulation of signs.
 - 3. Encourage signs that enhance the appearance and value of business districts.
 - 4. Limit off-premises advertising signs which the City Council and the Planning Commission have found to constitute eyesores and to be deleterious to the well-being of the citizens and the economic development of the City, including development and promotion of tourism and the preservation of the City's unique character and historical significance.
 - 5. Recognize that different areas of the City require different sign regulations due to factors such as their intended audience (pedestrians, drivers, etc.) and their ability to help promote the character of an area.

- D. **Equal Protection and Fairness:** These regulations are designed to be fair to each property owner by establishing uniform standards that provide adequate exposure to the public for all property owners for both commercial and noncommercial speech and expression.
- E. **Land Use Planning Objectives:** The placement and design of signs should further the land use planning objectives of the City, and protect neighborhood character and the value of surrounding properties. These regulations will advance these objectives by fostering economic development while preserving the City’s unique character and heritage.

SECTION 14.20 PROHIBITED SIGNS

- A. Unless otherwise permitted by this Article, the following signs shall not be permitted:
 - 1. Any sign not expressly permitted.
 - 2. Signs which imitate an official FHWA, MDOT or County traffic control, sign or signal.
 - 3. Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed to be a traffic control device.
 - 4. Moving signs including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement achieved by electrical, electronic or mechanical means including movement caused by normal wind current.
 - 5. Signs which hide from view all or any part of any traffic sign, street sign or traffic signal.
 - 6. Signs which obstruct the view (sight lines) in any direction at a street or road intersection or entranceway.
 - 7. Signs located in, or which project into or overhang any public right-of-way, except as allowed by local, state or federal law or regulation.
 - 8. Any sign which obstructs free access to or egress from a required door, window, fire escape, driveway or other required exit from a building or premises.
 - 9. Obsolete signs.
 - 10. Signs which are pasted or attached to utility poles or placed upon trees, fences, rocks or in an unauthorized manner to walls or other signs.

11. Any sign displayed on an unlicensed automobile, truck, trailer (MCL 257.1 – 257.93) or wagon or other conveyance. This restriction shall not apply to temporary for sale signs in vehicle windows.
12. Roof signs, except any sign erected or constructed as an integral, or essentially integral, part of a normal roof structure (See “Roof Sign, Integral”).
13. Signs on public or private towers. Any type of signage, including logos, shall not be permitted on a public or private radio, television, cellular phone or water tower, except the name of the municipality, utility company, name of provider and emergency contact number which does not exceed four (4) square feet in sign area.
14. Any sign or sign structure which is structurally unsafe as determined by the City Building Official, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, or is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact with such sign.
15. Banners, pennants, festoons, spinners and streamers, unless specifically permitted elsewhere in the Ordinance.
16. String lighting used for commercial purposes, other than holiday decorations.
17. Any new non-conforming sign in any zoning district is expressly prohibited.
18. Flags other than those of a nation, state or other political or business entity, except temporary flags as permitted in Section 14.50.
19. Flagpoles greater than thirty (30) feet in height.
20. A sign which displays flashing, animation, scrolling, blinking, or intermittent lights or lights with changing levels or light intensity.
21. Rotating searchlights or similar devices.
22. All portable or nonstructural signs, except as allowed under other sections of this Article. For purposes of this Article, a sign shall be considered non-structural if it has no permanently mounted, self-supporting structure or is not an integral part of the building to which it is accessory.
23. Temporary electronic message (LED) signs.
24. All signs advertising a model home or residential sales office for which a residential certificate of occupancy has been issued or has received permanent or temporary residential occupancy.

25. Off-premises signs, except as allowed in this Ordinance.
26. Balloon Signs.

SECTION 14.30 AUTHORITY TO REMOVE PROHIBITED SIGNS

The Building/Zoning Official or designee shall have the authority to enter upon property and to remove and discard any sign determined to be in violation of this Article and any private or commercial signs located upon public property or public right-of-way.

SECTION 14.40 REGULATIONS AND STANDARDS FOR SIGNS EXEMPT FROM PERMIT REQUIREMENTS

The following signs are specifically exempt from the sign permit requirements of this Article, but are subject to the following regulations and standards:

A. Exempt Non-Commercial and Public Safety Signs.

1. Integral signs when carved into stone, concrete or similar material, or made of bronze, aluminum or other non-combustible material, that are an integral part of a structure, not to exceed nine (9) square feet in area.
2. Public signs of a non-commercial nature and in the interest of, erected by, or on the order of, a public officer or building official in the performance of public duty and/or are required to insure public safety.
3. Signs that are erected by a public agency in compliance with the requirements of the Federal and Michigan “Manual of Uniform Traffic Control Devices” (MUTCD). This may include electronic message signs used for right-of-way or public utility improvements.
4. Residential community or development signs consisting of one (1) permanent sign per entranceway, which shall not exceed thirty-six (36) square feet in area, nor a maximum height of six (6) feet. Ornamental base or apron supporting framework, bracing or decorative frames or structural members shall be computed not to exceed fifteen (15%) percent of the surface area of the sign face. Portions of the stone or masonry walls without signage shall be excluded from the measurement of sign area.
5. Flags indicating the insignia of any nation, state, community organization, college or university.
6. Garage sale and estate sale signs in residential zoning districts, provided that such signs:

- a. Are not attached to public utility poles;
 - b. Do not exceed two (2) square feet in area, a maximum of five (5) feet in height; and
 - c. Are erected between Thursday after 5:00PM through Monday 7:00AM.
7. Historical markers consisting of plaques or signs describing a state or national designation as a historic site or structure, and/or containing a narrative, and not exceeding twelve (12) square feet in area.
 8. Non-profit organization signs or religious facilities, schools, museums, libraries, fraternal organizations, or other non-profit institution bulletin boards that:
 - a. Are permanent signs;
 - b. Have a minimum setback from the street right-of-way of fifteen (15) feet;
 - c. Do not exceed thirty-six (36) square feet in area; and
 - d. Are a maximum of six (6) feet in height.
 9. Temporary off-premises and/or on-premises signs for civic or non-profit events and festivals, as approved by the City Council.
 10. Warning signs, such as no trespassing, warning of electrical currents or animals provided that such signs do not exceed six (6) square feet in area.

B. Exempt Residential and Commercial District Signs.

1. Gas station pump island signs located on the structural supports identifying “self-serve” and “full-serve” operations, provided that:
 - a. There is no business identification or advertising copy on such signs;
 - b. There are no more than two (2) such signs per pump island; and
 - c. Such signs do not exceed four (4) square feet in area for each sign.
2. Grand opening signs that are temporary signs of a commercial nature, announcing grand openings, or other special events or promotions, subject to the limitations to size, height and location set forth in this section. Such signs shall be confined within private property and shall be displayed no more than two (2) times per year by any business or establishment, for a limited period not to exceed seven (7) days. Temporary signs of a commercial nature shall not exceed sixty (60) square feet in surface area.

3. Menu boards, up to two (2) signs each, and no greater than sixteen (16) square feet and eight (8) feet in height, which display menu items and contain a communication system for placing food orders at an approved drive-through restaurant, provided such signs are not located in the front yard.
4. Miscellaneous signs on vending machines, gas pumps and ice containers, and indicating the contents or announcing on-premises sales, provided that the sign on each device does not exceed two (2) square feet in area.
5. Non-commercial directional signs containing non-commercial messages, such as signs designating the location of public telephones, restrooms, restrictions on smoking, driveway entrances and restrictions on building entrances, provided that such signs do not exceed two (2) square feet in area.
6. Parking lot signs indicating restrictions on parking, when such signs:
 - a. Are placed within a permitted parking lot;
 - b. Are a maximum of ten (10) feet in height; and
 - c. Do not exceed six (6) square feet in area.
7. Real estate Signs.
 - a. In residential districts, such signs shall be freestanding (such as lawn signs) which offer an open house on the premises or offer the premises on which they are located “for sale” or “for rent”, provided that there shall not be more than one (1) such sign per parcel, except that, on a corner parcel, two (2) signs (one (1) facing each street) shall be permitted. Such signs in residential districts shall not exceed six (6) square feet in area, and no freestanding sign shall project higher than six (6) feet above normal grade. Such signs shall be removed within thirty (30) days after the sale or rental of the property.
 - b. In non-residential districts, such signs shall be freestanding or wall-mounted, and offer the premises on which they are located “for sale” or “for rent”, provided that there shall not be more than one (1) such sign per parcel, except that, on a corner parcel, two (2) signs (one (1) facing each street) shall be permitted. Such signs in non-residential districts shall not exceed thirty-two (32) square feet in area per side. No freestanding sign shall project higher than eight (8) feet above normal grade, and no wall-mounted sign shall project higher than ten (10) feet above normal grade. Such signs shall be removed within thirty (30) days after the sale or lease of the property, or, in the case of rental property, within thirty (30) days after final occupancy has been issued to the entire development.

8. Rental office directional signs consisting of up to two (2) signs identifying or directing motorists to a rental or management office in a multiple-family development, provided that such signs:
 - a. Are a maximum of four (4) feet in height;
 - b. Are setback a minimum of fifteen (15) feet from any property line or public right-of-way; and
 - c. Do not exceed three (3) square feet in area.
9. Street address signs (street numbers) that do not exceed two (2) square feet in area.
10. Political signs, including election signs and free expression signs.
11. Outline tubing (neon) signs no larger than three (3) square feet in size. No more than two (2) signs per building.

SECTION 14.50 TEMPORARY SIGNS

Temporary signs shall be permitted as specified in Table 14.50-A. Temporary Sign Standards.

Table 14.50-A. Temporary Sign Standards

Type of Sign	Districts Permitted	Construction Permitted	Maximum Size/Face	Maximum Height	Maximum Number /Parcel	Permit Required	Required Setback	Permitted Duration (m)
Construction Sign	All	Freestanding or Wall	32 sq. ft.	15 ft.	1	Yes	(a)	From: Issuance of building permit To: Issuance of C of O
Real Estate-sale or lease of individual home or residential lot	Residential	Portable Freestanding	6 sq. ft.	6 ft.	1 (b)	No	(c)	Remove within 30 days of completion of sale or lease
Real Estate- sale or lease of individual business or vacant lot	Office, Commercial, Industrial	Portable Freestanding or Wall	16 sq. ft.	10 ft.	1 (b)	No	(c)	Remove within 30 days of completion of sale or lease
Real Estate- sale or lease of recorded subdivision or development	Residential	Portable Freestanding	32 sq. ft.	10 ft.	1 (b)	Yes	(e)	Remove within 30 days of completion of sale of all lots
Real Estate-Development Sign	Commercial, Industrial	Portable Freestanding	32 sq. ft.	10 ft.	(c)	Yes	(a)(e)	Remove within 30 days after all units or lots are sold or leased
Grand Opening Sign	Commercial	Freestanding or Wall	16 sq. ft.	10 ft.	1	Yes	(c)	60 days
Garage Sale Sign	Residential	Freestanding	2 sq. ft.	5 ft.	2	No (g)		Thursday after 5:00PM through Monday 7:00 AM
Charitable or Community Special Events Sign	All	Any	N/A	(i),(b)	N/A	No	(d)	From: 14 days prior to event To: 7 days after event not to exceed 28 consecutive days
Political Signs	Residential	Freestanding or Wall	6 sq. ft.	4 ft.	(h)	No	(c)	From: 30 days prior to election To: 10 days after election
Political Signs	Commercial, Industrial	Freestanding or Wall	32 sq. ft.	10 ft.	(h)	No	(c)	From: 30 days prior to election To: 10 days after election
Banner Sign	Commercial	Plastic or Fabric	24 sq. ft.	15 ft.	1	(k)	(d)	Not to exceed 30 days in any calendar year

Temporary Sign Standard Table Footnotes:

- (a) The temporary sign shall be set back a distance equal to the height of the sign.
- (b) On a corner parcel two (2) signs, one (1) facing each street shall be permitted.
- (c) The temporary sign may be located no closer to the street right-of-way line than one-half (1/2) the minimum authorized front yard depth.
- (d) The temporary sign may be located in the required setback area, but shall not be located within the road right-of-way.
- (e) The temporary sign shall be located no closer to any curb or street line than twenty-five (25) feet in the R-1 and R-2 Districts within the required front yard and no closer than thirty-five (35) feet in the R-3 District.
- (f) Real estate development signs shall not be erected within fifty (50) feet of any occupied dwelling unit.
- (g) All garage sale signs must be placed on the private property where the sale is being held and shall not be attached to trees, telephone or light poles. Garage sale signs may be placed in the grassy area at street corners during permitted times, but in a limited quantity.
- (h) No limit has been established on the number of political signs.
- (i) The total of all window signs, temporary and permanent, shall not exceed one-third (1/3) of the total window area in commercial districts, and shall not exceed two (2) square feet in office districts. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.
- (j) Temporary window signs that are faded, yellowed, ripped or otherwise damaged shall be removed immediately.
- (k) No permit is required for banner signs under six (6) square feet in area; a permit shall be required for banner signs that are six (6) square feet or greater in area, up to a maximum of twenty-four (24) square feet.
- (l) Height standard applies to the sign only and does not include the building on which it may be placed.
- (m) The Building/Zoning Official may require a performance bond to assure proper removal of temporary signs upon expiration of the permitted duration. The amount of such bond shall be equal to the estimated cost of proper removal of the signs by Department

of Public Works employees based upon their hourly wage rate times the estimated number of employee hours required for removal, plus twenty-five percent (25%) of the amount so calculated for administrative overhead and benefits, plus the estimated cost of any City vehicle required to transport the signs to an appropriate disposal site.

SECTION 14.60 DESIGN STANDARDS

A. Construction Standards.

1. General Requirements. All permanent signs shall be designed and constructed in a stable and safe manner in accordance with the City's adopted Building and Electrical Codes. All electrical wiring associated with a freestanding sign shall be installed underground.
2. Building Code Compliance. All permanent signs shall be designed to comply with minimum wind pressure and other requirements set forth in the adopted Building Code.
3. Framework. All signs attached to a structure shall be designed so that the supporting framework, other than the supporting elements on a freestanding sign, is contained within or behind the face of the sign or within the building to which the sign is attached so as to be totally screened from view.

B. Illumination. (Reference definitions for "Flashing Signs" and "Illuminated Signs".)

1. General Requirements. All signs except for those in residential districts may be illuminated. If illumination is proposed, signs shall be externally illuminated only by steady, stationary, shielded light sources directed solely at the sign or by illumination internal to the sign.
2. Non-Glare, Shielded Lighting. Use of glaring, undiffused lights or bulbs of any type shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares.
3. Traffic Hazards. Sign illumination color and/or brightness that will create a traffic hazard shall be prohibited.
4. Illumination by bare bulbs or flames is prohibited.
5. Sign illumination brightness shall not exceed fifteen (15) foot-candles measured at four (4) feet perpendicular to any surface of the sign. This shall exclude LED-illuminated billboards, subject to Section 14.100.

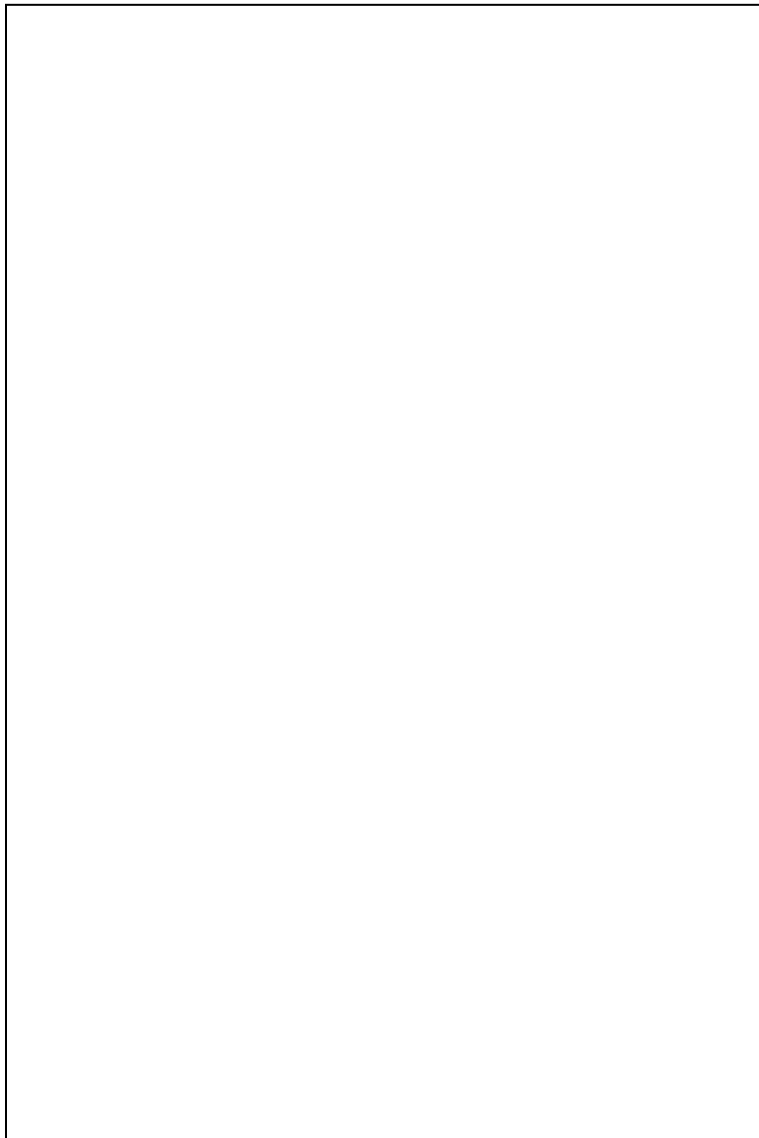
C. Location.

1. Compliance with setback requirements. All permanent signs shall comply with the setback requirements of the district in which they are located.

D. Measurements of Sign Area.

1. Area of the Sign. Sign area shall be computed as follows and as illustrated in Figure 14.60-A. Calculating the Total Area of Wall Signs and Freestanding Signs.
 - a. General Requirements. Where a sign consists of a generally flat surface or sign face on which lettering and other information is affixed, the sign area shall be computed by measuring the entire face of the sign, including any borders (but excluding uprights or supports for freestanding signs).

Figure 14.60-A. Calculating the Total Area of Wall Signs and Freestanding Signs



- b. Individual Letters. Where a sign consists of individual letters and logo affixed directly to a building, the area of the sign shall be computed by measuring the area of the envelope (square, rectangle, circle, etc.) required to enclose the lettering and logo.
 - c. Freestanding Signs. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign, including borders, provided that the:
 - i. Outline and dimensions of both faces are identical; and
 - ii. Faces are back-to-back so that only one (1) face is visible from any given direction.
 - iii. For freestanding signs, the area shall include the entire area of the sign face upon which copy, lettering, drawings, or photos can be placed. This shall include borders or framing, but shall exclude necessary uprights and supports. For freestanding signs which are mounted on a solid base, the base shall be excluded from the calculation of sign for a distance up to thirty (30) inches above grade.
 - iv. Cylindrical Signs. The area of a cylindrical ground sign shall be computed by multiplying the circumference of the cylinder by its height. (See the definition of Monolith Sign.)
2. Setbacks and Distances. The following guidelines shall be used to determine compliance with setback and distance measurements:
- a. The distance between two (2) signs shall be measured along a straight horizontal line that represents the shortest distance between the two (2) signs.
 - b. The distance between a sign and a parking lot or building shall be measured along a straight horizontal line that represents the shortest distance between the outer edge of the parking lot or building.
 - c. The distance between a sign and a building or property line shall be measured along a straight horizontal line that represents the shortest distance between the edge of the sign and the building or property line.

SECTION 14.70 NON-RESIDENTIAL DISTRICT SIGNS

The following signs shall be permitted in the districts zoned for non-residential use, including districts zoned commercial, industrial, office, and non-residential PUD.

- A. **Freestanding Signs.** Freestanding pedestal or pole signs shall be allowed in the commercial and industrial districts and pedestal signs shall be permitted in the office and non-residential PUD districts, subject to the following regulations:
1. Number. One (1) freestanding sign shall be allowed per premise.
 2. Size. The total area of all freestanding signs on an individual lot not located within a shopping center shall not exceed one (1) square foot per lineal foot of building(s) frontage; in any event, such area shall not exceed eighty (80) square feet. Exception, see Section 14.90, Common Signage Plan.
 3. Setback from Property Line. Freestanding signs may be located in the required front, rear or side yard, provided that no portion of any such sign shall be located closer than fifteen (15) feet to the property line.
 4. Height. The height of a freestanding sign in any non-residential district shall not exceed eight (8) feet above the natural grade.
 5. Setback from Residential Districts. Freestanding signs shall be located no closer than fifty (50) feet to any residential district.
- B. **Gasoline Price Signs.** Gasoline price signs shall be permitted, subject to the following standards:
1. Number. One (1) gasoline price sign shall be permitted for each gas station.
 2. Size. Gasoline price signs shall not exceed sixteen (16) square feet in area. Gasoline price signs shall not be counted in determining compliance with the standards for total area of wall or freestanding signs permitted on the parcel.
 3. Setback. Gasoline price signs shall comply with the setback and height requirements specified for freestanding signs in the district in which the signs are located.
- C. **Time, Temperature and Stock Market Signs.** Time, temperature and stock market signs shall be permitted in commercial, industrial, and office districts, subject to the following conditions:
1. Frequency of Message Change. The message change shall not be more frequent than once every thirty (30) seconds.
 2. Size. The area of such signs shall not be included within the maximum sign area permitted on the site, and in accordance with Section 14.60 D.
 3. Number. One (1) such sign shall be permitted per street frontage.

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- D. **Wall Signs.** Wall signs shall be permitted in office, commercial and industrial districts, subject to the following regulations:
1. **Number.** One (1) wall sign shall be permitted per street or highway frontage on each parcel. In the case of a multi-tenant building or shopping center, one (1) wall sign shall be permitted for each tenant having an individual means of public access. Tenants who occupy a corner space in a multi-tenant structure shall be permitted to have one (1) sign on each side of the building. Where several tenants use a common entrance in a multi-tenant structure, only one (1) wall sign shall be permitted, but the total sign area should be allocated on an equal basis to all tenants. In the event that the resulting multi-tenant sign is no longer safely legible to the public the applicant may petition the Zoning Board of Appeals for a variance.
 2. **Size.** The total area of a wall sign shall not exceed one (1) square foot per lineal foot of building frontage, but in no case shall the wall sign exceed sixty (60) square feet in area. Buildings which are set back more than one hundred and fifty (150) feet from the road right-of-way may be allowed to have a maximum square footage, (based upon the preceding lineal foot formula), not to exceed two hundred (200) square feet.
 3. **Location.** One (1) wall sign may be located on each side of a building that faces a street or highway.
 4. **Vertical Dimensions.** The maximum vertical dimension of any wall sign shall not exceed one-third (1/3) of the building height.
 5. **Horizontal Dimensions.** The maximum horizontal dimension of any wall sign shall not exceed two-thirds (2/3) of the width of the building.
 6. **Height.** The top of a wall sign shall not be higher than whichever is lowest:
 - a. The maximum height specified for the district in which the sign is located.
 - b. The top of the upper sills at the first level on windows above the first story.
 - c. The height of the building facing the street on which the sign is located.
 7. **Projection.** A wall sign shall not project more than twenty-four (24) inches from the face of a wall.
 8. **Murals.** Murals shall be permitted in commercial and industrial districts, subject to the following regulations:
 - a. A mural shall be allowed on one (1) exterior wall surface of a commercial or industrial building excluding the primary (front) wall of the building.

- b. A mural may cover up to seventy-five percent (75%) of the one (1) exterior wall on which the mural is painted, but should not cover or detract from significant or character-defining architectural features.
- c. The mural cannot depict profanity or obscenities, sexual conduct or sexually explicit nudity, nor advertise any activity illegal under the laws of Michigan or the United States.
- d. No other signage shall be permitted on the wall where a mural has been painted.
- e. A mural shall not create a public safety hazard.
- f. A mural shall be kept in good condition and shall be well maintained. In the case of a mural being in disrepair, the mural must either be removed from the wall of the building or repaired within sixty (60) days of written notice from the Building/Zoning Official.

E. **Marquee Signs.** Marquee signs shall be allowed for theaters subject to the following requirements:

- 1. Construction. Marquee signs shall consist of hard incombustible materials, and the written message is to be affixed flat to the vertical face of the marquee.
- 2. Vertical Clearance. A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee.
- 3. Projection. Limitations imposed by this Article regarding the projection of signs from the face of a wall or building shall not apply to marquee signs, provided that marquee signs shall comply with the setback requirements for the district in which the signs are located.
- 4. Number. One (1) marquee sign shall be permitted per street frontage.
- 5. Size. The total size of a marquee sign shall not exceed one and one-half (1 ½) square feet per lineal foot of building frontage.
- 6. Compliance with Size Requirements for Wall Signs. The area of permanent lettering on a marquee sign shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.

F. **Awnings and Canopies.** Signs on awnings and canopies shall be allowed in commercial, office and industrial districts, subject to the following standards:

1. Coverage. The total area of the lettering and logo shall not exceed twenty-five (25%) percent of the total area of the awning or canopy that is visible from the street.
 2. Compliance with Wall Sign Size Requirements. The area of the sign on awnings or canopies shall be counted in determining compliance with the standards for total area of wall signs permitted on the parcel.
 3. Projection. Limitations imposed by this Article regarding projection of signs from the face of a wall or building shall not apply to awning and canopy signs, provided that such signs shall comply with the setback requirements for the district in which the signs are located.
 4. Vertical Clearance. A minimum vertical clearance of eight (8) feet shall be provided beneath any awning or canopy.
 5. Illuminated Fabric Canopy Signs. A translucent fabric canopy sign with internal illumination shall be considered as a wall sign. The entire surface of the illuminated fabric canopy shall be counted in the determination of sign area.
- G. **Window Signs.** Temporary and permanent window signs shall be allowed on the inside in commercial, industrial, and office districts, provided that the total combined area of such signs, including incidental signs, shall not exceed one-third (1/3) or thirty-three (33%) percent of the total window area. However, all such signs shall be placed in a manner that will not block or impede visibility through the window by police, fire, and other public safety personnel. Exception, see Section 14.90; Common Signage Plan. Window signs are subject to the regulations for Illumination, Brightness and Interval. (See definitions; Section 2.20.)
- H. **Projecting Signs.** Projecting signs shall be permitted in office, commercial and industrial districts subject to the following provisions:
1. Number. One (1) projecting sign shall be permitted per street frontage on each building.
 2. Size. The total area of a projecting sign shall not exceed one (1) square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed.
 3. Vertical Clearance. Signs projecting over public property shall be at least twelve (12) feet above the finished grade or sidewalk.
 4. Projection. A projecting sign shall not extend more than forty-eight (48) inches from the face of the building to which it is attached.

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- I. **Underhanging Signs.** One (1) underhanging sign shall be permitted for each business, subject to the following conditions:
1. Size. Underhanging signs shall not exceed six (6) square feet in area.
 2. Vertical Clearance. A minimum vertical clearance of eight (8) feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.
 3. Orientation. Underhanging signs shall be designed to serve pedestrians rather than vehicular traffic.
- J. **Sidewalk Signs.** Sidewalk signs shall be permitted, provided:
1. Not more than one (1) sign shall be permitted for each store.
 2. Each sign shall be located on private property between the side lines of the store and the front property line.
 3. The sign shall not obstruct vehicular or pedestrian traffic and shall not create any hazard to persons or property.
 4. The sign shall be removed during the hours the store is closed.
 5. The sign shall not exceed a height of four (4) feet above grade, nor exceed ten (10) square feet in area, including the frame, for both faces.
- K. **Signs in the D-1 and D-2 Districts.** The D-1 and D-2 Districts encompass land in the “Downtown” consisting of buildings with distinctive architectural features that date back to the early settlement of the City. It is important to capture and preserve the unique character of the Downtown in the types of signs permitted; therefore, all sign permit applications shall be reviewed by the Downtown Development Authority prior to review by the Building/Zoning Department. Accordingly, the following additional standards shall apply to signs in the D-1 and D-2 Districts:
1. Location. Signs shall not cover architectural details such as arches, transom windows, moldings, columns, capitals, sills, cornices and similar details.
 2. Materials. Sign materials shall complement the original construction materials and architectural style of the building façade. Generally, wood or metal signs are considered more appropriate than plastic.
 3. Lettering Style. Lettering style shall complement the style and period of architecture of the building. No more than two (2) different type style shall be used on each sign.

4. Illumination. Signs shall be illuminated using a direct but shielded light source, rather than internal illumination. The illumination of any sign shall be subject to Building/Zoning Official approval.
 5. Projecting Signs. Projecting signs shall be permitted provided they are oriented towards pedestrian traffic, have a minimum under-clearance of eight (8) feet, and do not project more than four (4) feet from the face of the building to which they are attached.
 6. Colors. No more than three (3) complementary colors may be used per sign, with generally one (1) color for the background, one (1) for the lettering, and one (1) for accent. More than three (3) complementary colors may be used for graphics or symbols on the sign.
 7. Painted Signs. Signs painted directly onto building walls shall be prohibited.
 8. Sidewalk Signs. Sidewalk signs in the D-1 and D-2 Districts must comply with the provisions of Section 14.70 J. and may be located between the building line and the street curb line. Any sidewalk on which such sign is located shall be at least six (6) feet wide and shall leave at least five (5) feet of the sidewalk's width open and unobstructed.
- L. Signs for Nonconforming Nonresidential Uses: Signs for nonconforming nonresidential uses in an office, commercial or industrial district (for example, a nonconforming commercial use in an industrial district) shall be governed by the sign regulations which are appropriate for the type of use, as specified in this Section.

SECTION 14.80 SHOPPING CENTERS

- A. One (1) ground sign, used to identify a shopping center, shall be permitted and shall conform with the requirements of Section 14.70 A. Each business with a separate entrance within a neighborhood shopping center may provide one (1) wall sign which shall conform to the requirements of Section 14.70 D.
- B. Where the roof structure of a building containing more than one (1) business is extended over a walkway along the outer edge of the building, one (1) underhanging sign may be permitted for each business in the building, provided:
 1. All such signs will be of an identical size and shape.
 2. Underhanging signs shall contain the name of the business only and shall not exceed four (4) square feet in area per side.
 3. All such signs (marquee and underhanging) shall utilize identical lettering style and color scheme.
 4. A vertical clearance of at least eight (8) feet is provided between the sign and any part of the sign structure and the surface of the sidewalk at ground level.

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If the owners of two (2) or more contiguous (disregarding intervening streets and alleys) zoned lots or the owner of a single lot with more than one (1) building, not including any accessory building, in any commercial (business) or industrial zoning district shall file with the building official for such zone lots a common signage plan conforming with the following provisions, a twenty-five (25%) percent increase in the maximum total sign area shall be allowed for each included zone lot. Such bonus shall be allocated within each zone lot as the owners elect:

- A. **Contents.** The common signage plan shall contain all of the information required for a master signage plan and shall also specify standards for consistency among all signs on the zone lots affected by the plan with regard to:
1. Lettering, graphic style or color coordination;
 2. Lighting;
 3. Location of each sign on the buildings;
 4. Materials; and
 5. Sign proportions.
- B. **Window Signs.** A common signage plan or master signage plan, including window signs, may simply indicate the areas of the windows to be covered by window signs and their general type of window signs (e.g. paper affixed to the window, painted, etched on glass or some other material hung inside the window) and need not specify the exact dimension or nature of every window sign.
- C. **Limitation of Number of Freestanding/Ground Signs.** The common signage plan for all zone lots with multiple uses or multiple users shall limit the number of freestanding / ground signs to a total of one (1) for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.
- D. **Miscellaneous Restrictions.** The master signage plan or common signage plan may contain such other restriction as the City may reasonably determine.
- E. **Signatures Required.** The master signage plan or common signage plan shall be signed by all owners or their authorized agents in such form as the Building/Zoning Official shall require.
- F. **Inclusions.** A master signage plan or common signage plan shall be included in any development plan, site plan, planned unit development plan or other official plan

required by the City for the proposed development and shall be processed simultaneously.

- G. **Amendments.** A master signage plan or common signage plan may be requested for amendment by filing a new master signage plan or common signage plan with the City that conforms with all requirements of the Ordinance then in effect.
- H. **Non-Conforming Existing Signs.** If any new or amended common signage plan is filed for a property on which existing signs are located, such plan shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this section in effect on the date of submission.
- I. **Binding Effect.** After approval of a master signage plan or common signage plan, no sign shall be erected, placed, painted or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this Article. In case of any conflict between the provisions of such a plan and any other provision of this Article, the plan which has been approved by the City shall control.

SECTION 14.100 BILLBOARDS

- A. **Districts.** Billboards are allowed in the GB, General Business; HS, Highway Service; LI, Light Industrial and the GI, General Industrial districts abutting US-23 rights-of-way only.
- B. **Area.** The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or “V”-shaped billboard shall not have more than two (2) sign faces.
- C. **Setback.** No billboard shall be located closer than twenty-five (25) feet to a non-right-of-way property line. No billboard shall project over public property. Billboard signs shall be no closer than five hundred (500) feet to any adjacent residential property line. Billboards shall be set back a minimum of twenty-five (25) feet from any other structure on or off the same premises upon which the billboard is located.
- D. **Distance from other Signs.** Billboards shall be spaced no closer than one thousand two hundred and fifty (1,250) feet between other billboard signs on the same side of the right-of-way.
- E. **Height.** The top of any billboard shall not be higher than twenty-five (25) feet above normal grade.

- F. **Illumination.** A billboard shall possess automatic dimming capabilities so that the maximum luminescence level is not more than 0.3 foot-candles over ambient light levels measured at a distance of one hundred and fifty (150) feet for those sign faces less than or equal to three hundred (300) square feet, measured at a distance of two hundred (200) feet for those sign faces greater than three hundred (300) square feet but less than or equal to three hundred and seventy-eight (378) square feet, measured at a distance of two hundred and fifty (250) feet for those sign faces greater than three hundred and seventy-eight (378) square feet and less than six hundred and seventy-two (672) square feet, and measured at a distance of three hundred and fifty (350) feet for those sign faces equal to or greater than six hundred and seventy-two (672) square feet, and in accordance with the Michigan Highway Advertising Act, Public Act No. 86 of 2009, as amended. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above-listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the Building/Zoning Official.
- G. **Construction.** A billboard shall be self-supported and pole-mounted.
- H. An irrevocable, automatically renewing letter of credit from a bank chartered and located in the United States of America in an amount established by the City Council shall be required for continued maintenance. In the event that a billboard is vacated, the cost of removal, if that burden is placed on the City, shall be assessed to the property owner.

SECTION 14.110 ELECTRONIC MESSAGE SIGNS

Electronic Message Signs (LED) shall be permitted only within the GB, General Business and HS, Highway Service zoning districts, as either a freestanding or wall-mounted sign or window sign. It shall exclude electronic restaurant menu boards for drive-through restaurants. Such signs shall be allowed subject to the sign regulations for each zoning district and subject to the following additional regulations:

- A. The electronic display shall not be animated, flashing, multi-colored, or scrolling.
- B. The frequency of the message change shall be restricted to no more than once every six (6) seconds.
- C. The maximum area of an electronic message board shall be considered a part of a wall or freestanding sign and shall not exceed fifty (50%) percent of the total sign area as allowed per zoning district and sign regulations of this Article.

- D. The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each zoning district.
- E. The electronic message sign may not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. An electronic message sign shall possess automatic dimming capabilities so that the maximum luminescence level is not more than fifteen (15) foot-candles measured four (4) feet perpendicular to any surface. This shall exclude billboards, which are subject to Section 14.100.
- F. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the Building/Zoning Official.

SECTION 14.120 ELECTION SIGNS / FREE EXPRESSION SIGNS

- A. A sign whose message relates to a candidate for election, political office, or to a political party, is permitted in all zoning districts, subject to the following conditions:
 - 1. Each sign shall meet the dimensional requirements outlined in Table 14.50-A.
 - 2. Permission to locate such signs on private property shall be obtained from the owner or occupant of the property on which such signs are located.
 - 3. A sign which advocates or opposes a candidate for public office or a position on an issue to be determined at an election shall be removed within ten (10) days after the election.
- B. The following provisions apply on election days, only, to signs that directly or indirectly make reference to an election, a candidate, or a ballot question and that are erected on property on which a public polling place is located. Such signs are not subject to the placement requirements of subsection A., but such sign:
 - 1. Shall not be erected within one hundred (100) feet of any entrance to a building in which a polling place is located;
 - 2. Shall not be erected in the public right-of-way meant for pedestrian or vehicular traffic, which is contiguous with and on the same side of the street as the property on which the polling place is located. Permission from the owner of the property on which the polling place is located shall not be required to erect such

a sign in the limited portion of the public right-of-way that this Ordinance permits;

3. Shall not be erected such that it hinders or obstructs the free and safe passage of pedestrians and vehicles in the public right-of-way;
4. Shall not be erected more than eighteen (18) hours before the polls open; and
5. Shall not remain on the property on which the polling place is located or in the public right-of-way more than twenty-four (24) hours after the polls close.
6. Signs located near a public polling place shall be in accordance with the laws of the State of Michigan.

C. A sign whose message relates to free expressions or an ideological opinion is permitted in all zoning districts, subject to the following:

1. Each sign shall meet the dimensional requirements outlined in Table 14.50-A.
2. Permission to locate such sign on private property shall be obtained from the owner or occupant of the property on which such signs are located.
3. Free expression or ideological opinion signs not related to an election shall not be subject to any specific time limit but must be removed if they become unsafe or otherwise prohibited by Section 14.20.

SECTION 14.130 SUMMARY OF SIGN REGULATIONS

Table 14.130-A. Summary of Sign Regulations

Type of Sign	Districts Permitted	Maximum Height	Maximum Sign Area	Maximum Number	Permit Required
Wall Signs	Non-Residential zoning districts	¼ of building height	1 sq. ft. per lineal foot of building frontage, up to 60 sq. ft.	1 per building frontage	Yes
Electronic Message Signs	Non-Residential zoning districts, plus schools, churches, etc.	Compliance with wall sign or freestanding sign regulations.			Yes

Type of Sign	Districts Permitted	Maximum Height	Maximum Sign Area	Maximum Number	Permit Required
Freestanding Signs	Non-Residential zoning districts	8 feet	1/3 sq. ft. per foot of frontage, up to 80 sq. ft.	1 per street frontage	Yes
Menu Boards	Commercial Districts	8 feet	16 sq. ft.	Maximum of 2	Yes
Pole Signs	Non-Residential Districts	Compliance with freestanding sign regulations.			Yes
Off-Premises Signs / Billboards		25 feet	672 sq. ft.	1	Yes
Off-Premises Signs	Not permitted except as noted.				
Election Signs	Residential	4 feet	6 sq. ft.	-	No
Election Signs	Commercial, Industrial	10 feet	32 sq. ft.	-	No
Free Expression Signs	Residential	4 feet	6 sq. ft.	-	No
Free Expression Signs	Commercial, Industrial	10 feet	32 sq. ft.	-	No
Residential Real Estate Signs	Residential zoning districts	6 feet	6 sq. ft.	1 per street frontage	No
Non-Residential Real Estate Signs	Non-Residential zoning districts	10 feet	16 sq. ft.	1 per street frontage	No
Garage Sale Signs	Residential zoning districts	5 feet	2 sq. ft.	-	No
Window Signs	Non-Residential zoning districts	33% of total window area			Yes

**SECTION 14.140 PERMITS; APPLICATIONS; INSPECTIONS AND
MAINTENANCE; ABANDONED SIGNS; NON-
CONFORMING SIGNS; APPEALS**

A. Plans, specifications, and permits.

1. Permits. (See Section 14.40; Regulations and Standards for Signs Exempt from Permit Requirements)
 - a. Temporary Signs. All temporary non-commercial signs, shall require a permit issued by the Building/Zoning Official and completion of the City generated permit application. This shall exclude election signs or free expression signs. All temporary commercial signs shall require a permit, completion of a City generated permit application and payment of a fee, which shall be established by the City Council. No fee will be required for non-commercial Temporary Signs. Temporary Sign permits shall be issued within three (3) business days.
 - b. Permanent Signs. It shall be unlawful for any person to erect, alter, relocate or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth in this Section. A permit shall require payment of a fee, which shall be established by the City Council. Permanent sign permits shall be issued within fifteen (15) business days.
 - c. Effect of Issuance. No permit for a sign issued under this Article shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
2. Application. Application for a sign permit shall be made upon forms provided by the Building/Zoning Official. The following information shall be required for all commercial signs:
 - a. Name, address and telephone number of the applicant.
 - b. Location of the building, structure or lot upon which the sign is to be attached or erected.
 - c. Position of the sign in relation to nearby buildings, structures and property lines.
 - d. Plans showing the dimensions, materials, method of construction and attachment to the building or in the ground.

- e. Copies of stress sheets and calculations, if deemed necessary by the Building Official, showing the structure as designed for dead load and wind pressure.
- f. Name and address of the person owning, erecting and maintaining the sign.
- g. Information concerning required electrical connections.
- h. Insurance policy or bond, as required in this Article.
- i. Written consent of the owner or lessee of the premises upon which the sign is to be erected.
- j. Other information as required by the Building/Zoning Official to make the determination that the sign is in compliance with all applicable laws and regulations.

3. Review of Application.

- a. Planning Commission Review. Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission for signs located within the PUD, GB, and HS zoning districts as part of the required site plan review. Proposed signs must be shown on the site plan. The applicant shall have the option of submitting sign applications to the Planning Commission under procedures which are separate from site plan review.
- b. Building/Zoning Official Review. The Building/Zoning Official shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
- c. Issuance of Permit. Following review and approval of a sign application by the Planning Commission or Building/Zoning Official, as appropriate, the Building/Zoning Official shall have the authority to issue a sign permit.

4. Exceptions. A sign shall not be enlarged or relocated, except in conformity with the provisions set forth in this Article for new signs, until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, name changes or changing of the message on the sign where the sign is designed for such changes. Furthermore, a permit shall not be required for certain exempt signs listed in Section 14.40.

B. Inspections and Maintenance.

1. Inspection of New Signs.

- a. All permanent signs for which a permit has been issued shall be inspected, when erected, by the Building/Zoning Official or his designee. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable standards of this Article and the building code.
 - b. In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Building/Zoning Official when such fastenings are to be installed so that an inspection may be completed before such enclosure.
 2. Inspection of Existing Signs. The Building/Zoning Official or his designee shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Building/Zoning Official shall determine whether the sign is adequately supported, painted to prevent corrosion and secured to the building or other support so as to safely bear the weight of the sign and pressure created by the wind.
 3. Correction of Defects. If the Building/Zoning Official or designee finds that any sign is unsafe, insecure, improperly constructed or poorly maintained, the sign erector, owner of the sign or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Building/Zoning Official.
- C. **Removal of Abandoned or Obsolete Signs.** Abandoned or obsolete signs shall be removed by the owner, agent or person having use of the land, building or structure. Upon vacating a commercial or industrial establishment, facility or land the proprietor shall be responsible for removal of all abandoned or obsolete signs.
- However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.
- D. **Non-Conforming Signs.** No non-conforming sign shall be altered or reconstructed unless the alteration or reconstruction is in compliance with this Article, except that non-conforming signs shall comply with the following regulations.
1. Repairs and Maintenance. Normal maintenance shall be permitted, provided that any non-conforming sign that is destroyed by any means to an extent greater than fifty (50%) percent of the sign's pre-catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs, replacement of faded or

damaged surface panels, name changes, or repair or replacement of electrical wiring or electrical devices.

2. Substitutions. No non-conforming sign shall be replaced with another non-conforming sign.
3. Modification to the Principal Building. Whenever the principal building on a site on which a non-conforming sign is located is modified to the extent that site plan review and approval is required, the non-conforming sign shall be removed.

E. **Appeals.** Any party who has been refused a sign permit for a proposed permanent sign may file an appeal with the Zoning Board of Appeals, in accordance with Section 16.50 C., of this Ordinance. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with this Article. The presence of any of the circumstances listed may be sufficient to justify granting a variance; however, the Zoning Board of Appeals may decline to grant a variance, even if certain of the circumstances are present:

1. The allowed signage could not be easily seen by passing motorists due to the configuration of existing buildings, trees or other obstructions.
2. The allowed signage could not be seen by passing motorists in sufficient time to permit for safe deceleration and exit. In determining whether such circumstances exist, the Zoning Board of Appeals shall consider the standards established in the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and any more current Federal, State or credible private research related to signage and traffic safety.
3. Existing signs on nearby parcels would substantially reduce the visibility or advertising impact of a conforming sign on the subject parcel.
4. Construction of a conforming sign would require removal or severe alteration to natural features on the parcel, such as, but not limited to, removal of trees, alteration of the natural topography, filling of wetlands or obstruction of a natural drainage course.
5. Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger the health or safety of passersby.
6. Variance from certain sign regulations would be offset by increased building setback, increased landscaping or other such enhancements, so that the net effect is an improvement in appearance of the parcel, compared to the result that would otherwise be achieved with construction of a conforming sign.

7. A sign which exceeds the permitted height or area standards of this Article would be more appropriate in scale because of the large size or frontage of the parcel or building.

ARTICLE 15 - NONCONFORMING LOTS, USES AND STRUCTURES

SECTION 15.10 INTENT

- A. It is the purpose of this Article to provide regulations governing lots, buildings, structures and uses which were lawful prior to the enactment of this Ordinance, or amendments thereto, but which are regulated under the provisions of this Ordinance.
- B. It is recognized that there exists within the districts established by this Article and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Article was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. Such uses are declared by this Article to be incompatible with permitted uses in the districts involved. It is further the intent of this Article that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District.
- C. The standards of this Article are intended to accomplish the following:
 - 1. Eliminate nonconforming uses which are considered to be incompatible with permitted uses and encourage redevelopment into more conforming uses.
 - 2. Permit legal nonconforming buildings, structures or uses to remain until they are discontinued or removed.
 - 3. Encourage investment in surrounding neighborhoods by bringing nonconforming structures into compliance with this Ordinance.
 - 4. Encourage upgrading of site elements such as site landscaping, parking, paving, signage, access, pedestrian circulation or other features of a site which were developed in compliance with the standards at the time of construction, but which do not meet current site standards.
 - 5. Encourage combination of contiguous nonconforming lots of record to create lots which conform to current standards, are compatible with other lots in the appropriate zoning district, to promote public health, safety and welfare and to eliminate problems associated with over-crowding.
- D. Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to

the effective date of adoption or amendment of this Article provided progress has been diligently pursued and substantial construction has occurred.

- E. The authorization of nonconformities that were legally established prior to enactment or amendment of this Ordinance to continue shall not apply to building structures or uses which were not legally established prior to the enactment or amendment of this Ordinance. Those nonconforming uses or nonconforming structures which have not been legally established shall be declared illegal and shall be discontinued at the effective date of this Ordinance.

SECTION 15.20 NONCONFORMING LOTS OF RECORD

- A. **Use of Nonconforming Lots.** In any District where single-family dwellings are permitted, any single lot of record existing at the effective date of adoption or amendment of this Article that fails to meet the applicable Zoning District requirements for area or width, or both, shall be considered to be a nonconforming lot of record. A single-family dwelling and customary accessory dwellings may be constructed on a nonconforming lot of record provided setbacks and all other requirements of this Ordinance are met.
- B. **Nonconforming Contiguous Lots Under Same Ownership.** If two (2) or more lots or combinations of lots with contiguous frontage in single ownership are of record at the time of passage or amendment of this Article, and if all or part of the lots do not meet the requirements for lot width and area as established by this Article, the lots or combination of lots involved shall be considered to be an undivided parcel for the purposes of this Article. No portion of said parcel shall be used or occupied in a manner which diminishes compliance with lot width and area requirements established by this Article, nor shall any division of the parcel be made which creates a lot width or area below the requirements stated in this Article.

SECTION 15.30 NONCONFORMING USES OF LAND

A lawful use of land or structure or land in combination existing at the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended, shall be considered a nonconforming use. A nonconforming use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming use shall not 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 Article.
- B. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article.

- C. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- D. A nonconforming use that is replaced by a permitted use, shall thereafter conform to the regulations for the District in which the use is located, and the nonconforming use may not thereafter be resumed.
- E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status.
- F. An existing structure devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located, or to bring the structure into greater conformity with the Ordinance.
- G. A nonconforming use that is determined to be abandoned shall not be re-established, and any subsequent use shall conform to this Ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exist:
 - 1. The use ceases for a period of one hundred eighty (180) days.
 - 2. Utilities, such as water, gas and electricity to the property have been disconnected.
 - 3. The property, building, or grounds have fallen into disrepair in a manner which result in violation of applicable zoning and property maintenance codes, or would otherwise give the appearance of neglect or abandonment.
 - 4. Signs or other indications of the existence of the nonconforming use have been removed.
 - 5. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - 6. Other actions, which in the opinion of the Building/Zoning Official, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

SECTION 15.40 NONCONFORMING STRUCTURES

A lawful structure that existed prior to the effective date of adoption or amendment of this Article that is no longer permissible under the terms of this Article as enacted or amended shall be

considered a nonconforming structure. A nonconforming structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming structure shall not be enlarged or altered in a way which increases its non-conformity.
- B. A nonconforming structure that is destroyed by any means to an extent of more than sixty percent (60%) of its replacement cost, exclusive of the foundation at the time of destruction, shall not be reconstructed except in conformity with the provisions of this Article.
- C. A nonconforming structure that is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the District in which it is located after it is moved.
- D. A nonconforming building or structure that is altered so as to eliminate, remove or lessen any or all of its nonconforming characteristics, shall not be altered or modified at any time thereafter to re-establish the nonconforming characteristics.

SECTION 15.50 REPAIRS AND MAINTENANCE

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty percent (50%) of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order to such official.

SECTION 15.60 CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises provided there is no change in the nature or character of such nonconforming uses.

ARTICLE 16 – ZONING BOARD OF APPEALS

SECTION 16.10 BOARD ESTABLISHED

A Zoning Board of Appeals is hereby established, in accordance with Act 110 of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.), and in such a way that the objectives of this Zoning Ordinance shall be observed, public health, safety and welfare secured, and substantial justice done. The Zoning Board of Appeals is established to ensure that the objectives of this Ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this Ordinance, and that reasonable relief be provided in the application of this Ordinance. The Zoning Board of Appeals in existence at the time of the effective date of this ordinance shall continue to act as the Zoning Board of Appeals in accordance with this Ordinance

SECTION 16.20 MEMBERSHIP AND TERMS

A. Membership:

1. The Zoning Board of Appeals shall consist of five (5) permanent members and two (2) alternate members appointed by the City Council. One (1) regular member may be a member of the Planning Commission. One (1) regular member of the Zoning Board of Appeals may be a member of the City Council, but shall not serve as chairperson of the Zoning Board of Appeals. The remaining members shall be selected from the electors of the City, and shall be representatives of the population distribution and of the various interests present in the City.
2. An employee or contractor of the City Council may not be a member or employee of the Zoning Board of Appeals.
3. The City Council shall appoint two (2) alternate members of the Zoning Board of Appeals who shall serve as a member of the Zoning Board of Appeals upon the call of the Chairperson when a regular member is absent from or unable to attend one (1) or more meetings. An alternate member may also be called to serve in place of a member for the purpose of reaching a decision on a case in which the member has abstained for the reason of a conflict of interest. The alternate member having been appointed shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
4. The term of each permanent member shall be three (3) years, except for members serving because of their membership on the Planning Commission or

City Council, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed within one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

B. Removal:

1. Members of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance or non-feasance in office upon written charges and after a due process hearing. A member shall disclose when there is or may be a conflict of interest prior to the matter being considered by the Zoning Board of Appeals. Failure of a member to disclose that there is or may be a conflict of interest to allow the Board to disqualify that member from a vote shall constitute malfeasance in office

SECTION 16.30 MEETINGS

All meetings of the Board of Appeals shall be held as needed. All hearings conducted by said Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicate such fact; and shall also keep records of its hearings and other official action which shall be filed in the office of the City Clerk.

The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it. The Board shall not conduct business unless a majority of the members of the Board are present.

SECTION 16.40 RULES GOVERNING THE BOARD OF APPEALS

- A. **Rules:** The Zoning Board of Appeals shall adopt rules of procedures to govern its procedures. The Zoning Board of Appeals shall elect a Chairperson, and Vice-Chairperson from its membership in accordance with adopted rules of procedure.
- B. **Votes:** A concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary for any decision related to administrative review, interpretation and variances other than use variances. Use variances shall require an affirmative vote of two-thirds (2/3) of the members for approval. A current member of the Zoning Board of Appeals who is also a current member of the Planning Commission shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the Planning Commission.

- C. **Representation:** Any applicant may appear on their own behalf at a hearing or may be represented by an agent or attorney.
- D. **Time Limit:** The Zoning Board of Appeals shall hear and decide upon all matters properly before it within a reasonable time. The decision of the Zoning Board of Appeals shall be in the form of a resolution containing a full record of its findings and determinations in each case. The time limit may be extended by written agreement between the applicant and the Zoning Board of Appeals.
- E. **Meetings and Record of Proceedings:** All meetings of the Zoning Board of Appeals shall be held as needed. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present. The Board shall maintain a record of its proceedings, and all its official actions. The vote of each member upon a question, or a member's absence or abstention, shall be recorded into the minutes of the meeting, which shall be filed in the office of the City Clerk. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files, and other evidence pertinent to the matters before it.

SECTION 16.50 POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS

- A. **General:** The Zoning Board of Appeals has the power to act on matters as provided in this Ordinance and Act 110, of the Public Acts of 2006, as amended (MCL 125.3601 et. seq.). The specific powers of the Board are enumerated in the following Sections of this Article.
- B. **Delegated Duties:** The Zoning Board of Appeals shall hear and decide upon the following:
 - 1. Appeals of administrative decisions.
 - 2. Requests for interpretation of the Zoning Ordinance or Zoning Map.
 - 3. Requests for dimensional and other non-use variances.
 - 4. Requests for use variances.
 - 5. All matters upon which it is required to pass under this Ordinance.
- C. **Appeals of Administrative Decisions:** The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error of law in any order, requirement,

decision or determination made by an administrative official or body in the enforcement of this Ordinance.

1. Appeals shall be filed in writing within thirty (30) days of the written decision in question with the Building/Zoning Official. The appellant must have a property interest and standing to be recognized under the law to challenge the decision. The appellant shall submit a clear description of the order, requirement, decision, or determination for which the appeal is made and the grounds of the appeal. The appellant may be required by the Zoning Board of Appeals to submit additional information to clarify the appeal.
2. Appeals may be taken by the person aggrieved or by any officer, department, board, agency, or bureau of the City or State governments. In addition, a variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.
3. An appeal stays all proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken, and on due cause shown.
4. An administrative decision may be reversed, in whole or in part, or may be modified. To that end, the Zoning Board of Appeals shall have all the powers of the Zoning Administrator from whom the appeal is taken. In reaching its decision, the Zoning Board of Appeals shall only modify or reverse an administrative decision being appealed if one (1) or more of the following requirements are met:
 - a. The administrative decision was arbitrary or capricious.
 - b. The administrative decision was based on an erroneous finding of material fact.
 - c. The administrative decision constituted an abuse of discretion; or
 - d. The administrative decision was based on erroneous interpretation of the Zoning Ordinance or zoning law.

D. **Interpretation:** The Zoning Board of Appeals shall hear and decide upon the following:

1. The Zoning Board of Appeals shall hear and decide requests for interpretation of this Ordinance or the Zoning Map, taking into consideration the intent and purpose of the Ordinance and the Master Plan. In an interpretation of the Zoning Map, the Zoning Board of Appeals shall be governed by the Rules of Interpretation set forth in Section 4.30, Interpretation of District Boundaries. The Zoning Board of Appeals shall not have the power to alter or change zoning district boundaries, except where uncertainty exists as to the location of a boundary, land use classifications of any property, or Zoning Ordinance text.
2. A record shall be kept by the Zoning Board of Appeals of all decisions for interpretation of this Ordinance or Zoning Map. The Zoning Board of Appeals may request the Planning Commission to initiate an Ordinance amendment that would correct or clarify the Ordinance.

E. Dimensional and Other Non-Use Variances:

1. Where a literal enforcement of the provisions of this ordinance would involve practical difficulties within the meaning of this Ordinance, the Zoning Board of Appeals shall have the power to authorize such variation of the provisions of this Ordinance with such conditions and safeguards as it may determine as may be in harmony with the spirit of this Ordinance and so that public safety and welfare be secured and substantial justice done.
2. Dimensional or other non-use variances shall not be granted by the Zoning Board of Appeals unless it can be determined that all of the following facts and conditions exist:
 - a. The literal interpretation of the dimensional provisions of this Ordinance would deprive the property owner of rights commonly enjoyed by other property owners in the same district under the terms of this Ordinance.
 - b. The granting of the variance will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the residents of the City.
 - c. The granting of the variance will not be injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes permitted, nor substantially diminish or impair property values in the neighborhood.
 - d. The granting of the variance will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in that district.

- e. The granting of the dimensional variance will not confer on the property owner any special privilege that is denied by this Ordinance to other lands, structures or buildings in same districts.

F. Use Variances:

1. Use Variance Standards for Review. A use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing, and that all of the following conditions are met:
 - a. The property cannot be reasonably used in any manner consistent with the existing zoning district.
 - b. The plight of the property owner is due to unique circumstances and not to the general conditions of the neighborhood.
 - c. The use will not alter the essential character of the neighborhood or be detrimental to the health, safety or welfare of other residents or properties in the neighborhood.
 - d. The plight of the owner is not self-created.
 - e. The owner will not be able to secure a reasonable return on his or her investment due to the circumstances set forth in a. through d. above.

SECTION 16.60 RULES AND PROCEDURES FOR VARIANCES

A. General:

1. An application for a variance shall be filed by the record owner of the lot in question, or by an agent authorized in writing to act on the record owner's behalf, with the Zoning Administrator. The applicant shall provide such information as is required by the Zoning Board of Appeals by way of completed application form, fee and additional information.
2. After a public hearing and upon findings of fact based upon the applicable standards set forth in this Article, the Zoning Board of Appeals may approve the variance(s) as requested, approve variance(s) that better complies with the Ordinance than that requested, or deny the request.
3. The Zoning Board of Appeals may impose conditions with an affirmative decision. The conditions may include those necessary to promote the public health, safety and welfare, ensure compatibility with surrounding land uses, and protect and preserve natural features. Any conditions imposed by the Zoning

Board of Appeals must be related to a valid exercise of the police power, and purposes which are affected by the proposed use or activity.

4. Any variance approved by the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period of one (1) year, provided a building permit for the work has been obtained within that time period and work has commenced on the site. Additionally, the applicant must demonstrate continued progress towards completion of the project. The Zoning Administrator may grant extensions, not to exceed six (6) months for each extension, upon a showing of good cause and good faith effort being made to achieve completion.
5. A variance which is legally utilized and maintained runs with the property and any subsequent owners may legally continue the variance under its original or amended terms.
6. An application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall not be resubmitted for a period of one (1) year from the date of denial, except on grounds of new evidence not previously discovered at the time the variance was denied or changed conditions found by the Zoning Board of Appeals to be valid.

B. Use Variances:

1. Application. In addition to the information required for other variance requests, an application for a use variance shall include a sketch plan with the required information as set forth in Section 8.30 A. detailing the specific use and improvements proposed by the applicant, and a summary of the facts which support each of the following conclusions:
 - a. Applicant's property cannot be used for the purposes permitted in the zoning district.
 - b. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
 - c. Applicant's suggested use would not alter the essential character of the area.
 - d. Applicant's problem has not been self-created.
 - e. Unavailability of administrative relief which may afford reasonable use of applicant's property.

The applicant shall identify all persons who will testify at the hearing with respect to each of the facts and respective conclusions. If any person is to be offered as an expert witness, the application shall include a resume which shows the education and experience of such person within the particular area

C. Decision of the Zoning Board of Appeals:

1. The Zoning Board of Appeals may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
2. At the conclusion of the hearing, the Zoning Board of Appeals may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision. The Zoning Board of Appeals may also request the Zoning Administrator to prepare findings and conclusions.
3. If the Zoning Board of Appeals determines to grant variance relief, it shall be the minimum relief required to allow reasonable use of the property, while maintaining the essential character of the area. Such relief may be in the form of one (1) or more non-use variances and/or in the form of a use variance. The motion may include conditions that are authorized by law.

D. Public Hearings and Notifications The Zoning Board of Appeals shall hold a public hearing on all appeals, interpretations, and requests for variances. Public hearing and notification requirements are set forth in Section 3.100 Public Notice Requirements.

SECTION 16.70 SITE PLAN REQUIREMENTS

If an application to the Board of Zoning Appeals requires site plan approval by the Planning Commission pursuant to the provisions of Article 8, the applicant shall first apply for site plan approval as set forth in Article 8. The Planning Commission shall review the site plan, including site layout and other design features, but shall not grant Preliminary Site Plan Approval nor make a recommendation on the variance. The Planning Commission shall then transmit the site plan and the minutes related to said site plan to the Board of Zoning Appeals. The Board of Zoning Appeals shall transmit its decision related to the application to the Planning Commission. The Planning Commission shall then take action on the site plan.

ARTICLE 17 – AMENDMENTS

SECTION 17.10 AUTHORITY

The City Council may amend the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 110 of the Public Acts of 2006 as amended. Amendments to the Ordinance requirements are referred to as text amendments. Amendments to the official zoning map that constitute a change in zoning classification are referred to as rezonings.

Amendments may be initiated by: resolution of the City Council or the Planning Commission; petition of one (1) or more property owners; or by one (1) or more persons acting on behalf of a property owner(s).

SECTION 17.20 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or 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.

SECTION 17.30 REZONING PROCEDURES

A. Procedure for Rezoning of Property.

1. An applicant seeking the rezoning of property within the City of Milan shall file an application with the Building/Zoning Official, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.
2. A completed application for rezoning shall be transmitted by the Building/Zoning Official to the appropriate departments, staff and/or contractors for a report on the application.
3. A sign shall be placed on the subject property to inform the public that an application for rezoning has been filed, and to indicate the location where the information regarding the request can be obtained.

4. The Planning Commission shall review the application for rezoning, any supplementary materials or reports and hold a public hearing. Following the public hearing, the Planning Commission shall make a recommendation to the City Council.
5. The application for rezoning, the entire record at the Planning Commission, any supplementary reports, and the recommendation of the Planning Commission shall be forwarded to the City Administrator and subsequently to the City Council.
6. The City Council shall review the application for rezoning, the Planning Commission recommendation, and any supplementary reports. The City Council, after a review of the matter, shall adopt a resolution which shall either:
 - a. Approve the rezoning application for all or part of the property.
 - b. Deny the rezoning application; or,
 - c. Postpone the rezoning application.

B. **Application Requirements.** A rezoning shall be submitted on forms provided by the Building/Zoning Official. Failure to provide the information and materials required as a part of the application for rezoning shall render the application deficient and the application shall be held in abeyance until all required items are submitted. The following information shall be submitted:

1. The present zoning classification of the property.
2. The proposed zoning classification.
3. The name, address and telephone of the person applying for the rezoning.
4. The name, address and telephone of the person who owns the subject property.
5. The relationship between the applicant and the property owner.
6. A Certified Survey that meets PA 132.
7. The proposed use of the property shall be indicated on the application.

- A. **Authorization and Limitations.** City Council shall have the authority to place conditions on a rezoning provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the City Council.

In exercising its authority to consider a conditional rezoning, the City is also authorized to impose the following limitations:

1. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.
2. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
3. Any use or development proposed as part of an offer of conditions that would require conditional use approval under the terms of this Ordinance may only be commenced if conditional use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
4. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.

- B. **Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

- C. **Procedure.** The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 17.30 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning in addition to the following:
1. Application Requirements. A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - a. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - b. A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - c. A list of conditions proposed by the applicant.
 - d. A time frame for completing the proposed improvements.
 - e. A legal description of the land.
 - f. A Sketch Plan prepared in accordance with the requirements set forth in Section 8.30 A.
 2. Public Hearing. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
 3. Standards for Approval. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
 - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - b. The conditions, proposed development and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - i. A change in City policy since the Master Plan was adopted.
 - ii. A change in conditions since the Master Plan was adopted.

- iii. An error in the Master Plan.
 - c. The conditions, proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - d. Public services and facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - e. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- D. **Amendment to Zoning Map.** Upon approval by City Council of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- E. **Expiration.** A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the City.
 - 1. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 - 2. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one or both of the following actions that may be taken:
 - a. The property owner seeks a new rezoning classification for the property, and/or
 - b. The City initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- F. A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Monroe/Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the City Clerk.

- G. If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this ordinance and deemed a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.

SECTION 17.50 PUBLIC NOTICE OF PROPOSED REZONINGS AND TEXT AMENDMENTS

Public hearing and notification requirements for proposed rezoning and text amendments are set forth in Section 3.100 Public Notice Requirements.

SECTION 17.60 PROTEST PETITION

If a protest petition in conformance with State law is presented to the City Council prior to the final adoption of an amendment to this ordinance, such amendment shall not be passed except by a two-thirds (2/3) vote of the City Council. A protest petition shall be signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, or by the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, excluding publicly owned land. The protest petition shall be submitted to the City Clerk by 12:00 P.M. on the day of the City Council Meeting on the proposed amendment.

SECTION 17.70 ANNUAL REPORT

The Planning Commission shall prepare an annual report for the Milan City Council on the administration and enforcement of the zoning ordinance and recommendations for amendment or supplements to the ordinance.



CITY OF MILAN

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**BUILDING AND
ZONING DEPARTMENT**

SUPPLEMENT HISTORY TABLE

<u>Ordinance No.</u>	<u>Date Enacted</u>	<u>Section/Page</u>
2016-005	June 26, 2016	5-5

CITY OF MILAN
BUILDING/ZONING DEPARTMENT
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