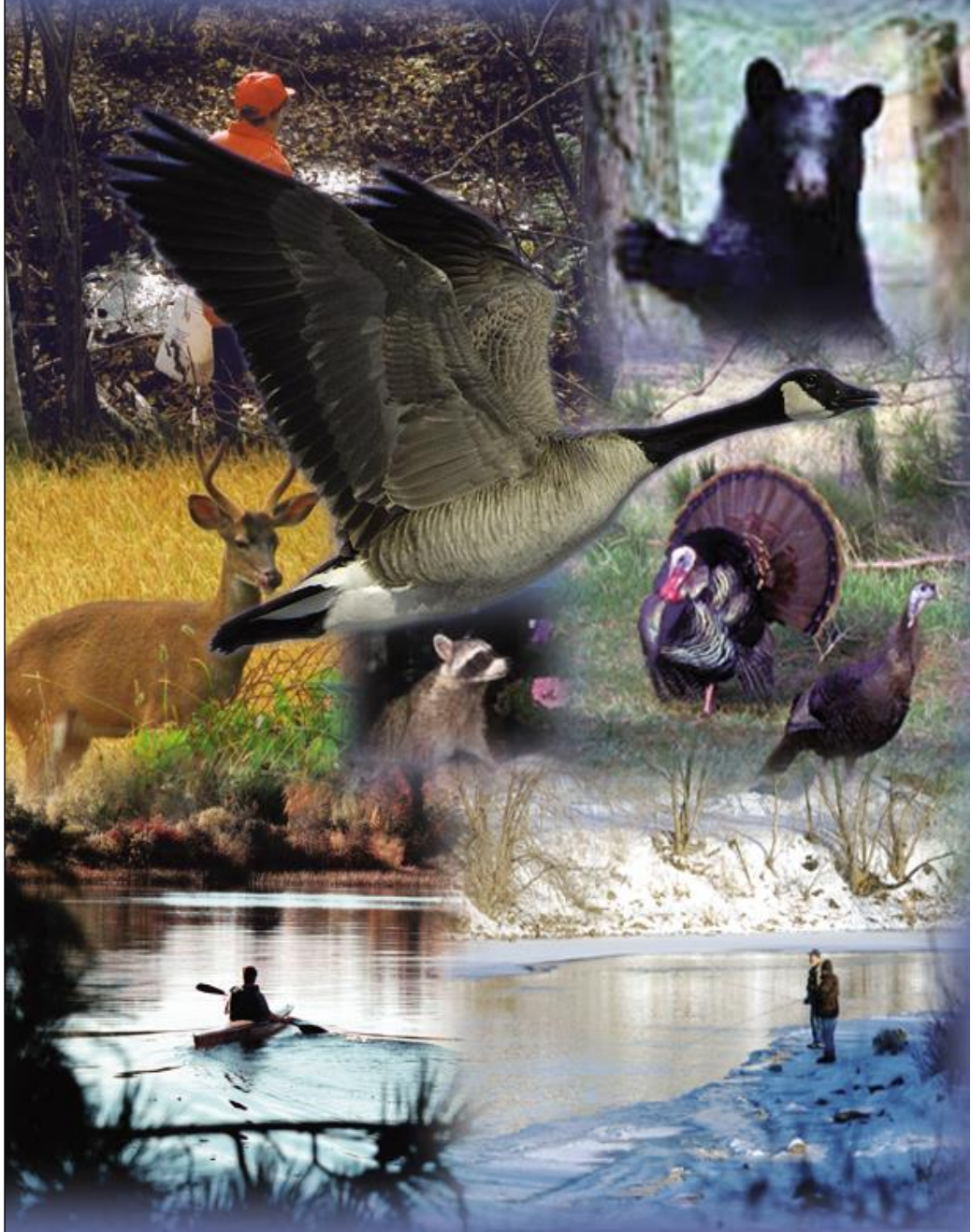


ZONING ORDINANCE

MILLEN TOWNSHIP ALCONA COUNTY



PREPARED WITH THE ASSISTANCE OF:
NORTHEASTERN MICHIGAN COUNCIL OF GOVERNMENTS
121 EAST MITCHELL STREET
P. O. BOX 457
GAYLORD, MICHIGAN 49735

ADOPTION DATE: August 21, 2023

EFFECTIVE: August 21, 2023

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Article I
Purpose and Authority

An ordinance to establish zoning districts, provisions and regulations in the unincorporated portions of Millen Township, County of Alcona, State of Michigan in accordance with the provisions of Public Act 110 of 2006 as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.0 – Preamble

In accordance with the authority and intent of Act 184 of the Public Acts of 1943, as amended, the fundamental purpose of this ordinance is to promote the health, safety, comfort, peace, morals, convenience and general welfare of the inhabitants of the Township. The provisions hereinafter are intended to:

1. Promote the orderly development of the Township;
2. Encourage the use of lands and resources of the Township in accordance with their character and adaptability;
3. Promote economic progress and protect and enhance property values;
4. Reduce hazards of life and property, promote safety in traffic and provide protection from the spread of fire;
5. Provide in the interests of health and safety minimum standards under which certain buildings and structures may hereafter be erected, altered and used;
6. Facilitate the development of adequate and economic systems of fire protection sewage disposal, safe water supplies, education transportation, and other public requirements;
7. Conserve the use of public funds for public improvements and services to conform with the most advantageous use of the lands, properties and resources of the township.

Properties subdivided prior to 1989 that do not meet present zoning requirement may be approved if local district health department requirements are met.

Section 1.1 – Authority

This Ordinance is enacted into law pursuant to Act 110, Public Acts of 2006, as amended.

Section 1.2 – Short Title

This Ordinance shall be known as the Millen Township Zoning Ordinance.

Article II
Definitions

Section 2.0 – Rules Applying to Text

For the purpose of this Ordinance, certain terms used are herein defined. When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word “shall” is always mandatory and not merely discretionary. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall the meanings customarily assigned to them.

Section 2.1 – Definitions

General: When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word “shall” is always mandatory and not merely directory. The word “building” includes the word “structure” and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

Specific Terms: The following terms shall have the following meanings when used in the ordinance:

Accessory Building: Shall mean a supplemental building or unattached structure on the same lot as the main building occupied by or devoted exclusively to accessory use, but not for dwelling, lodging or sleeping purposes.

Accessory Use: A use of building, lot or portion, thereof, which is customarily incidental and subordinate to the principal use or the main building of lot.

Apartment House or Multi-Family Dwelling: A building used and/or arranged for rental occupancy or cooperatively owned by its occupants having three or more family units and a yard, compound, service or utilities in common.

Agriculture: Land and/or farm buildings as structures containing at least five (5) acres. The principal use or uses which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, tree farming, animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities, dwellings for tenants, and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

Agricultural Service Establishment: Establishments that engage in performing agricultural, animal husbandry or horticultural and services on a fee or contractual basis, including but not limited to centralized bulk collection, refinement, storage and distribution of farm products to wholesaler retail markets (such as grain cleaning and shelling, sorting, grading, and packing of fruits and vegetables for the grower; and agricultural produce milling and process); the storage and sale of seed, feed, fertilizer and other products essential to agricultural production; hay baling and threshing; crop dusting; fruit picking; harvesting and tilling; farm equipment sales, service and

repair; veterinary services; and facilities used in research and testing of farm products and techniques.

Attic: Accessible space between the top ceiling joist and underside of roof often used for storage and sometimes converted to extra living space. Inaccessible or accessible space with 1/3 or less of any floor area capable of providing sufficient head clearance to permit normal movement of an adult are called structural cavities or attic crawl spaces.

Basement: That portion of a building below the first floor joists. The foundation of a building with all or up to one-half of its volume sub-grade and with sufficient head clearances to permit normal movement of an adult.

Bed and Breakfast, Boarding, Rooming, Lodging Houses or Tourist Home: A building other than a hotel motel where for compensation and by prearrangement for definite periods lodging, means or both are provided for three or more persons.

Building: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building Height: The vertical distance measured from the main elevation of the finished lot grade along the front yard face of the structure to the highest point of flat roofs; to the main height level between the eaves and ridges of gable, gambrel, hip and pitched roofs; or to the deck line of mansard roofs.

Buildable Width: The width of a lot left for building after side yards are provided.

Carports: A shelter for one or more automobiles which is not fully enclosed by walls and one or more doors.

Conveyance: An instrument or deed transferring the title of property.

Club: Buildings and facilities owned or operated by a corporation, association, person or persons for social and/or educational and/or recreational purposes, but not primarily for profit or rendering a service customarily carried on as a business.

Comprehensive or Land Use Plan: The extensive developed and evolving plan, also called a master or general plan, adopted by the Township Planning and Zoning Commission.

Crawl Space: A shallow unfinished space beneath the first floor of a house which has no basement or in an attic immediately below the roof with insufficient head clearance to permit normal movement of an adult.

Curtilage: A yard within the fence surrounding a dwelling.

Dwelling, Single Family: A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square foot requirements of this ordinance for the zone in which it is located.
2. It has minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code as promulgated by the Michigan State Construction Code.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of at least the same perimeter dimensions of the dwelling and constructed of materials and type as required in said construction code for single family dwelling. In the event that such dwelling is a mobile home, as defined herein, such a dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water or to such private facilities approved by the District Health Department No. 2.
6. The dwelling contains a storage capability of a crawl space or basement located under the dwelling, in an attic area, in closet area, or in a separate structure of standard construction quality similar to the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 80 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance to other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively, with window sill and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two (2) exterior doors with the second one being in either the rear or side of the dwelling; contains permanently attached or stationary steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

Compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal with a period of fifteen (15) days of receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "Dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy consistent with this ordinance, view unique land contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 2 CFR 3289, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code Commission under the provisions and requirements of 1972 P.A. 230, as amended.

Dwelling, Two Family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in the Dwelling, Single Family definition.

Dwelling Unit, Farm: A dwelling located on a farm which is used or intended for use by the farm's owner, operator or person employed thereon. A farm dwelling unit shall conform in all other respects to the standards set forth in the Dwelling, Single Family definition.

Dwelling Unit, Non-Farm: A dwelling unit located within the AG District which is not a farm dwelling unit and which is designed for single family occupancy and conforming in all other respects to the standards set forth in the Dwelling, Single Family definition.

Easement: A vested or acquired right to use land other than as a tenant, for a specific purpose, such as right being held by someone other than the owner who holds title to the land. For example, the right of a sewer line or utility wires to cross the property.

Erected: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general property improvements shall not be considered as erected.

Essential Services: The erection, construction, alteration or maintenance by public or private utilities or township department or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, boxes, police call boxes, traffic signals, hydrants, towers telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate service by such public or private utilities or township departments or commissions or for the public health or safety or general welfare.

Family:

1. An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Farm: Real property used for commercial agriculture comprising at least forty (40) contiguous acres which may contain other non-contiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures and machinery.

1. A tract may be considered a farm if it is between 5 and 40 acres, provided it is devoted primarily to an agricultural use.
2. A smaller tract may be considered a farm if designated by the Department of Agriculture as a specialty farm in one ownership which produced a gross annual income from an agricultural use of \$2,000,000 or more.

Farm Building: Any building or accessory structure other than a farm or non-farm dwelling unit, which is used for farm operations such as, but not limited to, a barn, grain bin, silo, farm implement storage building or milk house.

Floor Area: The total gross area on all floors under roof as measured to the outside surfaces of exterior or perimeter walls. Areas below grade, attics without floors, breezeways, crawl spaces, open porches, balconies, decks, terraces, and attached accessory structures are not included.

Footings: A concrete support under a foundation, chimney, or column that rests on solid ground and is wider than the structure being supported. Foundation footings should be placed below the frost line to prevent movement.

Foundation: Construction below or partly below grade, which provides supports for exterior walls or other structural parts of the building. Its use is synonymous with basement wall when the house has a basement. In some areas, footing, crawl space or foundation are used interchangeably.

Frontline: The depth of frost penetration in the soil as determined by the county board.

Garage, Private: A fully enclosed accessory building, or an accessory portion of a principal building which is intended for and used to store private passenger motor vehicles, recreation vehicles and equipment, household belonging, and property maintenance equipment.

Garage, Public/Commercial: A building or part thereof other than a private garage designed or used for equipping, servicing, repairing, hiring, storing, or parking motor driven vehicles and equipment. The term does not include the rebuilding, dismantling or storage of wrecked or junk vehicles.

Gasoline Service Station: Any land, building, or structure used for the retail sale of motor vehicle fuels, lubricants, accessories, convenience items, and the incidental repair of such motor vehicles provided such repair is subordinate to the principal use and does not involve the storage upon the premises of more than three (3) vehicles.

Grade: The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt: A planting strip or buffer strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and less than five (5) feet in height. With regard to waterfront lot greenbelt requirements, a minimum greenbelt of forty five (45) feet from the ordinary high water mark shall be maintained but it is permissible for said lots to create and/or maintain an opening to offer a view within the spirit of the intended purpose of the green belt to foster environmental protection, create, retain or restore (original) shoreline scenic beauty, provide privacy and alleviate noise.

Home Occupation: An occupation clearly incidental to the residential use, but which does not change the residential character of the property or the immediate neighborhood, and does not endanger the health, safety and welfare of any other person living in the general or immediate area by reasons of noise, glare, noxious odors, electrical interference, radiation, hazardous chemicals and materials storage and/or improper disposal, unsanitary conditions, excessive traffic, fire hazards, and other such negative impacts involved in or resulting from the pursuit of such an occupation. Such occupation shall be conducted by the person or persons occupying the premises as their principal residence a major portion of each month provided, however, additional subordinate assistants or associates who do not reside within said dwelling are permitted where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants or associates exceed three (3) in number without the authorization of the Zoning Board of Appeals. Such use shall not occupy more than twenty-five percent (25%) of the total floor area or show any external evidence of such use other than a non-illuminated identifying sign not exceeding eight (8) square feet in area. No goods shall be sold from the premises which are not strictly incidental to the principal home occupation conducted therein. The Zoning Board shall have the authority to determine whether or not a proposed use complies with this ordinance and is with the spirit of the same to ensure compatibility of any use with the character of the zoning classification in which the same is located.

Hotel, Motel or Motor Inn: A building open to public consisting of a group of lodging rooms with or without individual bathrooms, and designated for use by transient guests for compensation. Customary services furnished by include: bellboy, maid service, laundering of bed and bath linens, telephone central desk message service, use and upkeep of furniture and appliances. Larger hotels, motels or motor inns may include restaurant, cocktail lounge, night club, meeting rooms,

gift and magazine shops, game rooms, indoor and/or outdoor recreational areas, such as golf putting greens, tennis and racquetball court facilities.

Junkyard and/or Recycling Operation: Any land or building used for commercial storage, recycling and/or sale of paper, rags, scrap metal, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump or sanitary land fill.

Kennels: Any activity involving the permanent or temporary keeping or treatment of four or more adult animals as a business other than ordinary agricultural operations.

Lot or Premises: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for which a lot is situated and having the required frontage on a street.

Lot Area: The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two (2) sides by a curving street, any two (2) cords of which form an angle of 135 degrees or less as measured on the lot lines in the "corner". In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the language above.

Lot Depth: The mean horizontal distance from the front street line to the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot, Front Line: That side of the lot abutting upon a public or private street right of way or abutting upon a lake; in the case of a corner lot, either street right of way line may be considered the front line of the lot if it contains the minimum required frontage.

Lot, Rear Line: Ordinarily that lot line which is opposite and most distant from the front lot line as herein before defined. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

Lot, Side Line: Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right of way shall be known as an interior side lot line.

Lot Width: The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines. The average horizontal distance measurement between non-parallel side lot lines shall not be applied to waterfront lots.

Lot of Record: A lot which is part of a subdivision and is shown on a plot or map thereof which has been recorded in the office of the Register of Deeds for Alcona County prior to the effective

date of this ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date. Any one lot of record created before the effective date of this ordinance without frontage on any public street or right of way must have access provided by easement or other right of way no less than twenty (20) feet.

Manufactured Home Park: Any parcel or tract of land on which three (3) or more occupied trailer coaches or manufactured homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such house trailers.

Manufactured Home Site or Space: A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual manufactured home or house.

Motorhome-Trailer Coach: Any vehicle, whether self-propelled or non-self-propelled, used or adapted to be used as a means of transportation upon the public street and highways and for occupancy as a dwelling sleeping place for one or more persons, office or other business use, and whether or not the same has a foundation thereunder, if said foundation is to be designed to permit the removal of sale motor home or trailer coach and its re-adaptation to use upon the public streets or highways.

Non-Conforming Uses or Structures: A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present regulations of the district within which it is located.

Nuisance: Refer to Ordinance #93001 adopted 10-06-94.

Office: A room, suite of rooms or building in which are located desks, chairs, tables, couches, bookcases, equipment (i.e. accounting, filing, recording/copying, computer, drafting/drawing, communication and/or stenographic) for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties, and other similar, related or incidental furniture equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or buildings.

Open Space: An unoccupied space open to the sky on the same lot with a building.

Performance Standard: A criterion established to control noise, odor, smoke, particulate matter, toxic or noxious matter, vibration fire and explosion hazards, or glare or heat generated by or inherent in uses of land or buildings.

Permitted Use: A use which may be lawfully established in a particular district or districts provided it conforms to all requirements, regulations, and performance standards, if any of such district.

Premises: Means a lot as otherwise used in this ordinance.

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent units.

Restaurant: A lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, cocktail lounges, taverns, night clubs, drive-ins, and fast food establishment permitting consumption on the premises.

Right of Way: A street, alley, other thoroughfare, or easement permanently established for the passage of persons and vehicles.

Satellite Receiving Dish: A dish shaped antenna designed to receive communication signals.

Septic Tank: A water tight receptacle having an inlet and outlet receiving liquid wastes and so designed to permit the separation of solids in suspension from such wastes and to permit such retained solids to undergo decomposition therein.

Setback: The minimum horizontal distance a building or structure or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is located.

Sewage: The liquid waste from all habitable buildings and human excreta as well as from toilets, urinals, sinks, laundries, shower baths, bath tubs, dishwashers, garbage grinders, and septic tank overflow or effluent.

Sewer: Any pipe or conduit for transporting sewage.

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

Slab on Ground: A concrete slab made by pouring concrete directly on the prepared ground surface and over the top of the foundation and footings.

Solar Collector Panels: Any wide variety of devices that collect solar energy and converts it to heat.

Special Exception Use or Special Approval: Use of land which may be appropriate and compatible with existing or permitted land uses in a particular zoning district if individualized care is taken to assure that the characteristics of the use under consideration are compatible with adjacent land uses, the natural aspects of the site, and the general character of the area, including availability of public services and facilities. After due consideration in each case the Township Zoning Board may or may not grant approval to the application for special exception use. An appeal of a decision on a special exception use shall be made to the Township Zoning Board of Appeals.

Street, Highway, Road: A public or private thoroughfare which affords principal means of access to abutting property.

Tile Disposal Field and/or Absorption Bed: A means of distributing septic tank overflow or effluent below the ground surface by means of a line of drain tile or series of lines of drain tile laid with open joints so as to allow the effluent to be absorbed by the surrounding soil.

Use: The purpose or activity for which the land or building thereon is designed, arranged, intended, or for which it is occupied or maintained.

Utilities: Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance: Action taken by the Zoning Board of Appeals granting a property owner relief from certain provisions of the ordinance when because of the particular physical surroundings, shape or topographical contour of the property, compliance would result in an undue hardship upon the owner, as distinguished from a more inconvenience or desire for an increased economic return. The burden of showing a variance is warranted falls upon the applicant.

Yard: An open space to the sky between a building and lot lines of the parcel of land on which located, unoccupied or unobstructed by any encroachment or structure except as otherwise provided in this ordinance. See illustration of “yards” in this ordinance.

Yard, Front: A yard across the full width of the lot extending from the line of the principal building to the front lot line, street right of way line or ordinary high water mark as the case may be and bounded by the side lot lines.

Yard, Rear: A yard extending across the full width of the lot from the rear lot line of the principal building to the rear lot line and bounded by side lot lines.

Yard, Side: A yard extending between the side lot line and the nearest sideline of the building and bounded by the front and rear lot lines.

Zones or Zoning District Boundaries: Where uncertainty exists relative to the boundaries of any of the districts or zones shown on the zoning map, the following rules shall apply:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
2. Where zone boundaries are indicated as approximately following the street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
3. Where zone boundaries are so indicated that they approximately follow lot lines are not more than twenty-five (25) feet distant therefrom, such lot lines shall be such boundaries.

4. If un-subdivided property or where a zone boundary divides a lot, location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
5. If all or any portion of any public street, alley, right of way, or easement land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent zones, if there be more than one.

Zoning Board: A board established by the general legislative body of a municipality for the purpose of developing, implementing and administering a zoning ordinance. In township government, the Township Board is responsible for appointing members to the Zoning Board. Michigan law requires that a Zoning Board be comprised of four (4) to nine (9) members. However, by resolution, the Township Board may establish a limitation of seven (7) members on the Zoning Board. Zoning Board members serve staggered terms which are established in the enabling legislation and such terms are established in relation to whether said board is comprised of four (4) or more than four (4) members. No elected official or employee of the Township Board shall serve simultaneously as a member of the Zoning Board. Michigan law also makes it possible for a township Planning Commission (comprised of five (5) to nine (9) members) to serve as its Zoning Board as long as its members and their terms are in accordance with the enabling legislation; the combined Planning and Zoning Board body is called a Township Planning and Zoning Commission. These two (2) appointed boards are often consolidated in rural communities to enhance coordination of related responsibilities and achieve great economy.

In Millen Township, the Township Board has established a Planning and Zoning Commission and any references within this ordinance to Zoning Board and Planning and Zoning Commission shall be synonymous or interchangeable, with Zoning Board being used to economize on wording.

**ARTICLE III
ZONING DISTRICTS – DIVISION OF TOWNSHIP**

Section 3.0 – Division of Township

The Township of Millen shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as “permitted uses” under each separate zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the Zoning Board for such special exception uses.

Section 3.1 – Classification of Zoning Districts

For the purpose set forth in the Preamble, the Township of Millen, County of Alcona, Michigan, shall be divided into the following zoning districts:

- | | |
|-------------------------------|------|
| 1. Agricultural District | AG |
| 2. Residential | R-1 |
| 3. Resort Residential | RR-1 |
| 4. Mixed Use District | R-2 |
| 5. Commercial | C-1 |
| 6. Forest Recreation District | FR |

Section 3.2 – Zoning Maps

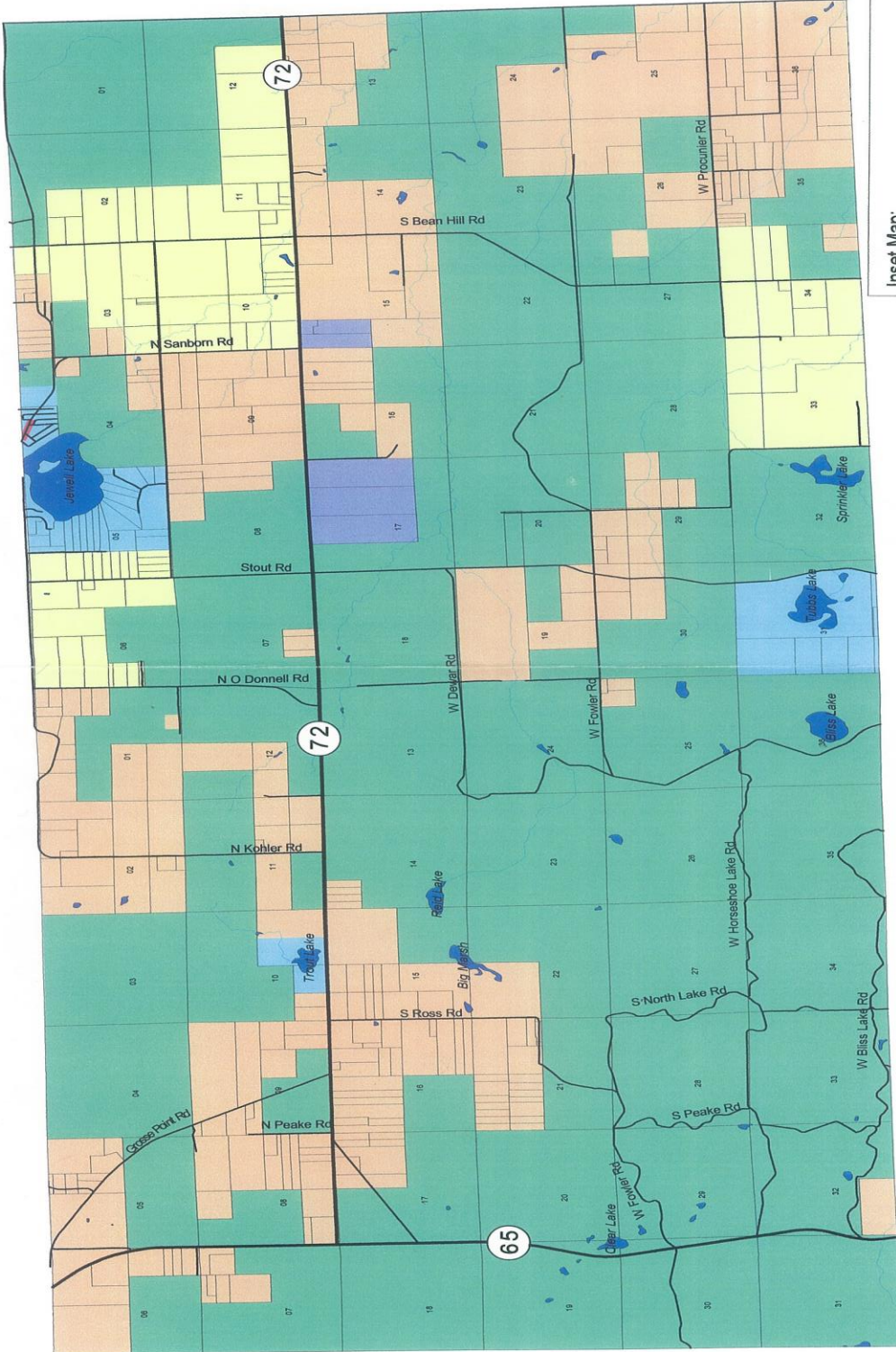
The areas assigned to each zoning district and the boundaries thereof shown or described upon the map entitled “Zoning Districts Map of Millen Township, Alcona County, Michigan are hereby established and said maps and all proper notations and other information shown thereon are hereby a part of this ordinance.

Section 3.3 – Boundaries of Zoning Districts

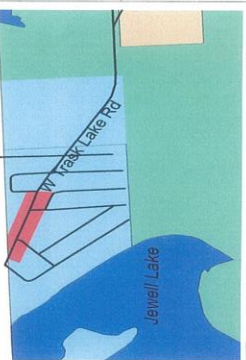
Unless, otherwise specified, the boundary lines of zoning districts shall be determined or interpreted in accordance with the rules established in the definition of “Zones or Zoning District Boundaries”.

Section 3.4 – Interpretation of Zoning Map

Where, due to scale, lack of detail or illegibility of the zoning maps, there is uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may by written application appeal such interpretation to the Zoning Board of Appeals. The Zoning Administrator and the Zoning Board of Appeals shall apply the rules established in the definition of “Zones or Zoning District Boundaries” in interpreting the zoning maps or deciding any appeal.



Inset Map:
Commercial District east of Jewell Lake



Zoning Districts Map of Millen Township

Alcona County, Michigan



- State Roads
- Roads
- Rivers
- Surface Water
- Zoning Districts**
- R-1 Residential
- R-2 Mixed Use
- RR-1 Resort Residential
- C-1 Commercial
- AG Agricultural
- FR Forest Recreation

Section 3.5 – “AG” Agricultural District

Statement of Purpose: Agricultural districts are those open areas of the Township where farming, dairying, forestry operations, and other such agricultural/rural type activities exist and should be preserved or encouraged. Large vacant areas, fallow land, wooded areas and wetlands may also be associated with agricultural lands. The conservation of such areas is important due to their usefulness for water retention, and groundwater recharge areas, and as habitat for plant and animal life. This district is established to provide the basis for and tax assessments which reflect its existing agricultural nature and owing to these regulations, its limited use for other purposes. Although the demand for other uses in these districts may intrude upon and ultimately outweigh their use as zoned, any such zoning changes should be made cautiously with long range consideration toward future food supplies essential for the health and welfare of the township, county, state, and nation. The intent of this district is to control the conversion of agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in premature disinvestments in agriculture. Many people unaccustomed to living in rural areas cherish a dream of “a place of their own in the country” someday. Unfortunately, many newcomers to agricultural areas are unable to cope with the seasonal around the clock machinery noise and odors associated with agricultural operations and their complaints often create problems for farmers trying to carry out their livelihoods. Although non-farm dwelling units are permitted use, anyone contemplating such residency in the AG District should become familiar with its pros and cons.

Permitted Uses

1. Farm dwellings, barns, stables, silos, housing for farm labor, and accessory buildings and structures and uses customarily incidental to any of the foregoing permitted uses.
2. No more than three (3) single family non-farm dwellings, house trailers or mobile homes per forty (40) acre farm, which shall meet all requirements of this ordinance, the District Health Dept. 2 Sanitary Code, the Michigan State Construction Code, and any other codes or requirements cited herein shall be permitted. On a vacant forty (40) acre agricultural tract without a farm dwelling unit or farm buildings, up to four (4) single family non-farm dwelling units meeting all requirements contained in this ordinance shall be allowed. In addition, the following criteria and/or requirements must be met:
 - a. Non-Farm dwelling units will be designed and utilized for single family occupancy and said residents shall not be engaged in growing or production of farm products for primary income on said premises.
 - b. All new non-farm dwelling units are prohibited from occupying land greater than two (2) acres in area, except first, if the District Health Dept. 2 requires more land for a safe well and septic system or second, when an existing farm dwelling is split from a farm then the non-farm dwelling unit may occupy three (3) acres.
 - c. Non-farm dwelling units shall not be located on the best quality agricultural soils of the parent parcel, unless due to practical problems of access or to meet spacing requirements or no other location is available.

d. Soil shall be suitable for a septic tank tile disposal field. Adequate area shall be maintained between the well and septic tank tile disposal field as required by the District Health Dept. 2.

e. Site development standards for non-farm dwelling units are:

Minimum Lot Width = 165 ft
Minimum Lot Depth = 132 ft
Minimum Lot Coverage = 10%

Minimum Set Back – Front = 40 ft
Minimum Set Back – Side = 20 ft
Minimum Set Back- Corner = 50 ft

Maximum Dwelling Height = 2 ½ Stories or 35 ft

f. The driveway serving a lot shall be separated from adjacent driveways on the same side of the road by the following distances:

Local Secondary Road = 100 ft
County Primary/State Highway = 125 ft
Minimum Distance From
Intersection of Two Or
More of the Above = 80 ft

g. After the date of this ordinance, all non-farming dwelling units and accessory structures on adjoining lots shall be sited a minimum of 300 ft from all farm buildings.

h. Each lot for a non-farm dwelling unit shall be a separately conveyed parcel meeting all requirements of this subsection.

i. Non-farming dwelling units shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the Alcona County Register of Deeds upon or prior to the effective date of this ordinance, or on a lot or parcel of land that would have been a lot of record if the document conveying the lot had been recorded on the date of its execution, provided they are able to meet all applicable standard and requirements of this ordinance and all other applicable Township and County ordinances.

3. Agricultural, horticultural, viticultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry, and other similar bona fide farming or agricultural enterprises on ten (10) or more acres excluding, however, rendering plants, commercial fertilizer production, garbage feeding or disposal activities.

4. Greenhouses or nurseries.

5. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which

are an unsubstantial part of said business including an advertising sign not more than eight (8) square feet in area advertising such products.

6. Home occupations as described in the Home Occupation definition.
7. Kennels as an accessory use.
8. Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.
9. Essential services.
10. Cemeteries.
11. Community buildings, parks, public recreational areas, and cross-country ski trails.
12. Private aircraft landing fields.
13. Satellite receiving dishes (no aesthetic screening or location requirements) and solar collector panels of all types.
14. Non-commercial saw mills.

Special Exception Uses

1. Agricultural service establishments as per the Agricultural Service Establishment definition.
2. Public or private utility and service buildings.
3. Nursing and convalescent homes.
4. Wildlife reserves.
5. Hunting preserves.
6. Animal feedlots and piggeries must have a minimum of forty (40) or more acres.
7. Gasoline service stations, public garages, small engine repair and welding shops on no larger than a three (3) acre parcel and no more than one (1) per section (Government Lot) of land.
8. Retail grocery, convenience, hardware, lawn and garden, bait and sporting goods stores each of which must be located on no larger than a three (3) acre parcel and no more than one (1) establishment per section (Government Lot) of land.
9. Raising of fur bearing animals on twenty (20) or more acres.

10. Commercial horse or pony riding with or without stables and academies located on not less than twenty (20) acres and not less than 300 ft from any neighboring dwelling.
11. Snowmobile trails available for public use.
12. Commercial sawmills.
13. Guest ranches, hunting and/or fishing resorts, golf courses, resort hotels, including accessory facilities such as stables, corral, swimming pools, food services and incidental retail sales and services when located on not less than forty (40) acres.
14. Sand and Gravel pit operations in accordance with the applicable provisions of the Home Occupation definition.
15. A complex or development of a multiple number of “permitted” or designated “special exception” uses, which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses.

Section 3.6 – “R-1” Residential District

Statement of Purpose: In keeping with the unique, low density resort settlement characteristics of vast areas of Millen Township, this district classification is designed to provide for a stable and sound low density year round and seasonal residential environment on lots of sufficient area (two (2) or more acres, unless otherwise specified) to accommodate the safe and healthful use of on-site private water wells and septic wastewater disposal systems and to allow for a minimum of other residentially related facilities and activities primarily of service to year round and seasonal residents in the area.

Permitted Uses

1. Private single family dwellings widely dispersed on lots of two (2) or more acres in keeping with the low density settlement characteristics of this district.
2. Home occupations as defined in the Home Occupation definition.
3. Schools, libraries and other municipal structures and uses. The school or community shall provide and maintain a ten (10) foot wide greenbelt buffer strip between this permitted use and adjacent residential uses.
4. Churches and parish halls. The church shall provide and maintain a ten (10) ft wide greenbelt buffer strip between this permitted use and adjacent residential uses.
5. Day nurseries.
6. Essential services. Any utility substation or its likeness shall provide and maintain a ten (10) ft wide greenbelt buffer strip between this essential service use and other permitted or incompatible special exception uses.

7. Golf courses, parks and other municipally owned or operated public recreational facilities.
8. Hospitals. The hospital shall provide and maintain a ten (10) ft wide greenbelt buffer strip between this permitted use and any residential uses
9. Satellite receiving dishes installed in accordance with the Right of Way definition.
10. Solar collector panels of an aesthetic design compatible with the dwelling and adjacent landowner dwellings.
11. The keeping of limited numbers of domesticated livestock for the sole use and enjoyment of their owner/occupant and, all contained and properly maintained with neat accessory buildings and adequately fenced areas on parcels of not less than two and a half (2.5) acres in a manner so as to not create a nuisance, annoyance or economic detriment to adjacent property owners/occupants and their premises, and that such use shall not constitute a farm as defined in the Farm definition.
12. No more than one storage building or shed per lot without a principle building and utilized for the sole purpose of storage property maintenance and recreational equipment while the lot owner is making property improvements for future full-time or seasonal occupancy of said lot. Said storage building shall be securely anchored to the ground and shall be maintained so that it presents a neat appearance in order that said storage building does not detract from neighboring property values or create an eyesore or nuisance.
13. Hunting and fishing camps or cottages for seasonal use only on parcels of five (50 or more acres, provided that no public services or utilities shall be required or provided at public expense other than law enforcement. Seasonal use of a hunting or fishing camp or cottage shall mean continuous or intermittent occupancy of not more than 120 days per calendar year. Such seasonal hunting and fishing camps or cottages shall provide and maintain a 10 ft greenbelt buffer strip between this permitted use and adjacent residential uses, exception shall be allowed when such use is surrounded by undeveloped or public forest land. Access openings in the buffer strip are permitted when they do not defeat the screening purpose of the greenbelt buffer strip.
14. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot and not involving the conduct of a business.

Special Exception Uses

1. Private two (2) or three (3) family dwellings on sufficiently large lots to accommodate safe private water well and properly functioning septic tank sewage disposal systems as per the District Health Dept. 2 Sanitary Code.
2. Private recreational complex developments, which may include ski hills, cross-country ski trails, snowmobile trails, golf courses, pro shops, tennis courts, swimming pools, playing fields, guest ranches, resorts, retreat facilities, summer camps, restaurant, dining and group sleeping and accessory use facilities all on lots of forty (40) or more acres. The

owner/operator shall provide and maintain a thirty (30) foot wide greenbelt buffer between the special except use recreational development and permitted uses.

3. Gasoline service stations, public garages, small engine and appliance repair, and welding shops, and car washes. The owner or operator of the above retail/service business shall comply with the applicable general lighting and screening requirements found in Article XI General Lighting and Screening Requirements.
4. Retail grocery, convenience, pharmacy, hardware, sporting goods, bait shops, jewelry, antique, souvenir and gift shops, boutique stores, beauty salons, barber shops, bake shops, variety stores, real estate, insurance, branch financial institutions, restaurants, and motels. The owner/operator of the above commercial businesses shall comply with the applicable general lighting and screening requirements found in Article XI General Lighting and Screening Requirements.
5. Kennels as an accessory use of lots of 2.5 or more acres. Kennels shall be located at least 132 ft from adjacent lot lines.
6. Medical, dental chiropractic, optometric, veterinary clinics, law, and other professional and social service offices. The owner/operator of the above service businesses/agencies shall comply with the applicable general light and screening requirements found in Article XI - General Lighting and Screening Requirements.
7. Farming and agricultural operations of lots of thirty (30) or more acres, together with a reasonable number of accessory buildings, and the right to sell products, poultry or domestic livestock animals produced, raised or grown on the premises.
8. Sand and gravel pit operations in accordance with the applicable provisions of Article IV Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Business.
9. Industrial operations of lots of ten (10) or more acres. Such operations must meet all applicable local, state and federal governmental codes and requirements. The owner/operator shall comply with the residential buffer requirements of this ordinance.
10. A complex or development of a multiple number of “permitted” or designated “special exception”: uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses.

Section 3.7 – “RR-1” Resort Residential District

Statement of Purpose: In keeping with the unique resort character of Millen Township and the special attraction of its lake, river, stream, and woodland areas for year round and seasonal residential use which has resulted in medium density settlement patterns, this district is designed to provide a stable and sound residential environment on lots of sufficient area to accommodate the safe and healthful use of onsite private water wells and septic tank wastewater disposal

systems, while endeavoring to accommodate a diversification of uses usually attendant with such resort residential areas and yet limiting the uses applicable to this district when such uses would constitute a detriment to the natural environment and scenic characteristics of the district. The RR-1 District shall comprise all lots or parcels located in whole or part within 2,000 lineal feet (0.4 mile) from ordinary high water mark of any lake, reservoir, or pond with a surface area in excess of five (5) acres and constantly flowing river, stream or creek, but excluding intermittent streams and drainage ditches. A forty-five (45) ft minimum greenbelt shall be maintained by all waterfronts lots, for the RR-1 District shall also comprise those outlying medium density woodland and/or open country residential settlement areas as delineated on the Township Zoning Map.

Permitted Uses

1. Waterfront (lakes, ponds, river, streams, and contiguous or adjacent wetlands) single family dwellings on lots with a minimum total area of 15,000 square feet and a minimum lot width of 100 feet measured along the waterfront. As per the District Health Dept. 2 Sanitary Code, lakefront septic tanks shall have a minimum 75 foot setback and tile absorption fields a minimum 100 foot setback from the ordinary high water mark of the water body and/or shall be installed and operated in compliance with the other District Health Dept. 2 directives.
2. Waterfront two-family dwellings on lots with a minimum total area of 20,000 square feet and a minimum lot width of 125 feet, as measured along the waterfront, meeting all septic tank and tile absorption field requirements of the District Health Dept. 2.
3. Waterfront three-family dwellings on lots with a minimum total area of 25,000 square feet and a minimum lot width of 150 feet, as measured along the waterfront, meeting all septic and tile absorption field requirements of the District Health Dept. 2.
4. Single family dwellings on non-waterfront lots with a minimum total area of 125,000 square feet.
5. Two family dwellings on non-waterfront lots with a minimum total of 15,000 square feet.
6. Three and four family dwellings on non-waterfront lots with a minimum total area of 20,000 square feet.
7. No non-waterfront lot shall have private access to adjacent waters unless such private access is at least 100 feet wide at the water's edge to allow adequate area for swimming and beach activities for non-waterfront owners and guests and to eliminate the use of other waterfront private property for such purposes. Not more than 12 non-waterfront single family lots or 12 non-waterfront dwelling units may be granted such private access for each 100 feet of waterfront width. A 15 foot wide beach strip is permitted at the water's edge.
8. Home Occupations
9. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.
10. Essential Services

11. Public parks, campgrounds and other state or municipally owned or operated public recreational facilities.
12. No more than one storage building or shed per lot without a principal building for a period not to exceed five (5) years and utilized for the sole purpose of storage of property maintenance and recreational equipment while the lot owner is making property improvements for future full time or seasonal occupancy of said lot. Said storage building shall be securely anchored to the ground and not to exceed 12 ft x 10 ft x 8 ft in dimensions.

Special Exception Uses

1. Marinas, boat liveryes and associated repair services. Owner/operator must provide and maintain a residential buffer between this special exception use and adjacent residential uses.
2. Summer camps on not less than 10 (ten) acre parcels. Waterfront camps must provide and maintain a 45 (forty five) foot wide greenbelt along the waterfront as per the Greenbelt definition a residential buffer between this special exception use and adjacent residential uses.
3. Resorts on not less than 10 (ten) acres. No golf course within 1,056 lineal feet (0.2 miles) of a lake, reservoir or pond with the surface area in excess of 5 (five) acres in order to protect lakes from degradation resulting from run-off of herbicides, pesticides and fertilizers. Greenbelt requirements apply as well as a residential buffer.
4. Churches and parish halls on non-waterfront lots of 1 (one) acre or more. Churches and parish halls must provide and maintain a residential buffer.
5. Restaurants on waterfront lots with a minimum total area of 25,000 square feet and 125 foot frontage along the water's edge. RR District water front restaurants exclude bars, taverns, grills, night clubs, and any establishment with a predominant income derived from the sale of alcoholic beverages. Owner/operator must adhere to greenbelt requirements, as well as maintain a residential buffer.
6. Small retail convenience stores, bait and tackle shops, professional offices, financial services, real estate, beauty and barber shops, jewelry, souvenir and gift shops located on non-waterfront lots of a minimum total area of 20,000 square feet. None of the forgoing businesses may exceed a total of 3,000 square feet of retail floor space.
7. Motels, bed and breakfast, tourist homes, tourist cabins on non-waterfront lots. One off-street parking space must be provided for each double occupancy rental unit. Lots must be of sufficient area to accommodate properly functioning private sewage disposal systems while not endangering private well water supplies. All local, state and federal codes must be satisfied. The owner/operator shall provide and maintain a residential buffer.

8. A complex or development of a multiple of “permitted” or designated “special exception” uses which do not comply with all conditions and pertinent thereto but which still comply with the approval of this ordinance with the approval of the Zoning Board under the procedures and standards specified in the ordinance for special exception uses.

Section 3.8 – “R2” Mixed Use District

Statement of Purpose: The purpose of this district and its accompanying regulation is to recognize the fact that certain portions of the township are not separated into homogeneous land uses especially along a major transportation corridor. This district recognizes this “mixed use” characteristic and is designed to authorize land use that insure compatibility between different density residential and more intensive land uses. One goal of the district is to provide for a stable and sound residential environment on lots of sufficient area to accommodate the safe and healthful use of onsite private water wells and septic tank wastewater disposal systems. It is further the purpose of this zoning district to create low, medium and high density areas for single family dwelling units and manufactured home parks. Lastly this district incorporates commercial development amongst the residential development in a harmonious manner.

Permitted Uses

1. All uses permitted by right in the R-1 Residential District as on page 52.
2. Two-Family Dwellings. For minimum square foot regulations see Table 20, 1712 on page 52.
3. Multiple-Family Dwellings. For minimum square foot regulations see Table 20.1712 on page 52.
4. Manufactured Home Parks. Together with accessory buildings and uses customarily incident thereto, including a residence for the manufactured home park owner or operator and his family, but excluding any retail sales of manufactured homes unless the same are located upon a developed manufactured home site subject to the following conditions and limitations: all manufactured home parks shall comply with the requirements imposed by Michigan Public Act 96 of 12987 as amended and with any regulations promulgated by the Michigan manufactured Housing Commission and the Michigan department of Public Health.
5. State Licensed Residential Facilities. Such as homes for the developmentally disabled. This is required per state law Act 218 of 1979. The law contains its own regulations about minimum footage between facilities, etc.
6. All uses permitted by right in the C-1 Commercial District as listed on page 24.

Special Exception Uses

1. All Special Exception uses allowed in the r-1 Residential District as listed on page 19.
2. All Special Exception uses allowed in the C-1 Commercial District as listed on page 24 and 25.

Section 3.9 – “C1” Commercial District

Statement of Purpose: This district is designed to accommodate retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

Permitted Uses

1. Retail sales businesses with less than 4,000 square feet of retail floor space and where no assembling, treatment or manufacturing is required.
2. Offices
3. Banks, Building and Loan Associations, Credit Unions, and Lending Institutions
4. Funeral Parlors
5. Restaurants
6. Essential Services
7. Indoor Theaters
8. Hotels, Motels and Apartment Houses
9. Cleaning and Laundry Service Customer Stations
10. Bake Shops
11. Barber Shops and Beauty Parlors
12. Shoe Repair Shops
13. Churches and Parish Halls
14. Accessory buildings and uses customarily incident to and of the foregoing, not including any manufacturing or treatment activities.

Special Exception Uses

1. Automatic Dry Cleaning or Laundry/Laundromat Facilities
2. Gasoline Service Stations, Automobile Repair or Public Garages, and Car Washes
3. Super Market Grocery Stores, Department or Discount Stores with retail floor space in excess of 4,000 square feet
4. Outdoor Automobile, Truck, Farm Implement, Recreation Vehicle, Boat, and Mobile Home sales

5. Indoor Recreation Facilities, such as Bowling Alley, Racquetball Club
6. Lumber and Building Supply yards
7. Automobile Body Repair and Paint Shops
8. Shopping Malls or Neighborhood Shopping Centers
9. Kennels
10. Any uses allowed as permitted or special uses in any zoning district classification herein before set forth.
11. A complex or development of a multiple number of “permitted” or designated “special exception” uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Zoning Board under the procedure and standards specified in the ordinance for special exception uses.

Section 3.10 – “FR” Forest Recreation District

Statement of Purpose: The purpose of this district and its accompanying regulations is to preserve the Huron National Forest in Millen Township.

Permitted Uses

1. Nature Parks and Similar Recreation Areas
2. Historical Sites
3. RV Parks and Recreational Camps
4. Parks and Playgrounds

Article IV
Special Exceptions

Section 4.0 – Special Exception Standards

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Zoning Board, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exception Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain circumstances and without property controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such Special Exception uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Zoning Board, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Board, would be compatible with other uses expressly permitted within said district, which the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereto; or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Board for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

Section 4.1 - Special Exception Procedures

1. All applications for Special Exception Use Permits shall be filed with the Township Zoning Board Secretary and shall include pertinent plans, specifications and other data upon which the applicant intends to rely for a Special Exception Use Permit.
2. The Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within 300 feet of the boundary of the property proposed for consideration as shown by the latest tax assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five (5) and fifteen (15) days prior to the hearing. Notification need not be given to more than one occupant of structure, except that if a structure contains more than one dwelling unit or partial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or partial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct partial areas owned or leased by different

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

All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special and use request will be considered, and indicate when and where written comments will be received concerning the request.

3. Following such hearing, such Board shall either grant or deny permit for such special Exception Use and shall state its reasons for its decision on the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said board in its decision and shall be filed with the Zoning Administrator of the Township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect the natural resources, the health, safety and welfare and the social and well-being of the owners and occupants of the land in question, of the land adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are affected by the proposed use of activity; be consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with the adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
4. The Zoning Board shall have the right to limit duration of a Special Exception Use when the same is of a temporary nature and may reserve the right of an annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions after a hearing upon application of any aggrieved party.
5. The plot plan and specifications and all conditions, limitations and requirements imposed by the Board shall be recorded with the Township and shall be incorporated as a part of the Special Exception Permit. Violations of any of these at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
6. Any property which is the subject of a special exception permit which has not been used for a period of six (6) months without just cause being shown which is beyond the control of the owner and which is acceptable to the Zoning Board for the purposes for which such Special Exception Use was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and permit for such Special Exception Uses shall thereupon terminate.
7. To insure compliance with the zoning ordinance and any conditions, limitation or requirements imposed by the Zoning Board as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project area, the Zoning Board may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the

Township Clerk at the issuance of the permit authorizing the commencement of such construction activity where the improvement required will take more than six (6) to be completed, the Zoning Board may authorize a rebate of all cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

Section 4.2 – Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Business

Prior to the approval by the Zoning Board of a Special Exception Use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township said Board shall be satisfied the following conditions and limitations are or shall be strictly complied with in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations.

1. All such operations shall be located on a primary road or all-weather road, as defined by the County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.
2. Minimum lot area shall be 40 or more acres and such lot area shall be determined by the nature and scope of the extractive activity.
3. Sufficient setbacks shall be provided from all property lines and public and private roads to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger set back as may be required by the Zoning Board to adequately protect adjoining properties.
4. No such excavation operation shall be located within 300 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
5. A heavy gauge cattle wire fence posted with warning signs shall be erected and maintained around the perimeter of the excavation pit to prevent injury to curious children and other.
6. Sight barriers shall be provided along all boundaries of the site which lack sufficient natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a. Earth berms constructed to a height of 6 feet above the main elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of 1 foot vertical to 3 feet horizontal and shall be planted with grass, trees or shrubs.

- b. A 75 foot wide greenbelt buffer strip shall be retained, created or maintained around the boundaries of the site.
7. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area or immediately upon termination of the mining or excavation activities in areas of 1 acre or more. Substantial completion of reclamation and rehabilitation shall be effected within 1 year after termination of mining or excavation activity. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity. The following standards shall control reclamation and rehabilitation:
- a. All excavation shall be either to a water-producing depth or not less than 5 feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids not collect stagnant water and not permit the same to remain therein; or that the surface of such area which is not permanently submerged is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than 1 foot vertical to 3 feet horizontal.
 - c. Top soil of a quality to that occurring naturally in the area shall be replaced on excavated areas not covered by water except where streets, beaches or other planned improvements.
 - d. Vegetation shall be restored by the appropriate seeding of grasses and/or the planting of native trees and shrubs to establish a permanent vegetative cover on the land and to minimize erosion.
 - e. Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles, and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

Section 4.3 – Type III Landfill Operations

Will be reviewed and considered utilizing all aforementioned applicable Special Exception Use procedures and/or procedures, rules and regulations promulgated by the Michigan Department of Natural Resources as specified in Michigan Public Act 641, as amended governing solid waste management and any other applicable local and state codes and any other applicable local and state codes and regulations.

Section 4.4 – Solid Waste Transfer Facilities

Will be reviewed and considered utilizing all aforementioned applicable procedures for Special Exception Use as stipulated in this ordinance.

Article V
Non-Conforming Uses

Section 5.0 – Non-Conforming uses

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance:

1. Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance and meet all setback requirements of the respective zoning and the building to coverage ratio requirements of this ordinance.
2. A non-conforming building damaged by fire, explosion, act of God, or the public enemy, exceeding one-half of its usable cubic or floor space at the time of damage shall not be repaired except in conformity with the provisions of this ordinance, and approval of the Zoning Board of Appeals. All repairs shall be complete within two years from the date of the damage.
3. If the non-conforming use of any land or structure shall terminate or a continuous period of time exceeding 2 years, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.
4. If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.
5. Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt. Subject to review by the Planning Board.

Article VI
Setback and Side Line Spacing

Section 6.0 – “AG” Agricultural District

In the “AG” Agricultural District there shall be a setback, from all road right-of way lines of not less than 40 feet for all buildings, provided that when 25% or more of all the frontage on the side of a road between two interesting roads has, at the time of the passage of this ordinance, been built up with permanent farm and non-farm dwellings, the average setback of such dwellings, but not more than 40 feet, shall be the minimum setback line for the side of such road intersecting roads; no building in such district shall be erected closer than 20 feet to the interior side line of 50 feet from the rear line of the lot or parcel of property upon which the building is located.

Section 6.1 – “R-1” Residential District and “R-2” Mixed Use District

In the “R-1” Residential District and “R-2” Mixed Use District there shall be a setback from all street right of way lines of not less than 40 feet for all buildings, provided that when 25% or more of all the frontage on one side of the street between 2 streets has, at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more than 40 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such district shall be erected closer than 20 feet to the interior side or 50 feet of the rear line of the lot or parcel of property upon which the building is located; provided, however, that private garages, erected not less than 60 feet from the front street line, may be erected not less than 7.5 feet from the interior side line. When computing built up frontage for a permanent residence, there shall be included the dwelling and curtilage thereof. See page 10.

Section 6.2 – “RR-1” Resort Residential District

In the “RR-1” Resort Residential District, waterfront lots, where such lots have frontage along lakes, ponds and reservoirs with a surface in excess of 5 acres and/or frontage along a constantly running river, stream or creek, exclusive of intermittent streams and drainage ditches front setback shall be not less than 75 feet from the ordinary high water mark of such water body for all buildings; no building in the “RR-1” Resort Residential District, waterfront lots, shall be erected closer than 7.5 feet to the interior side or rear line or 40 feet from a rear lot line abutting a street right-of-way of the lot or parcel of property upon which the building is located, except private unattached garages maybe located no less than 7.5 feet from the interior side line. When computing built-up frontage for a permanent residence, there shall be included the dwelling and curtilage thereof. See page 10. In the “RR-1” Resort Residential District, non-waterfront lots, where such lots have frontage along streets or roads, there shall be a setback from all street right-of-way lines of not less than 40 feet for all buildings provided that 25% or more of all the frontage on one side of a street between 2 intersecting streets has at the time of the passage of this ordinance, been built up with permanent residences, the average set back of such residences, but not more than 40 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such district shall be erected closer than 7.5 feet of the rear line of the lot or parcel of property upon which the building is located; except private unattached garages may be located no less than 7.5 feet from the interior side line. When

computing built up frontage for a permanent residence, there shall be included the dwelling and curtilage thereof.

Section 6.3 – “C-1” Commercial District

In class “C-1” Commercial District the minimum setback line for commercial buildings shall be 75 feet from all street/road right-of-way lines abutting the property and there shall be a minimum setback line for the parking and storage of automobiles and vehicles outside buildings or structures of not less than 25 feet; provided, however, that in any such districts where there are commercial buildings other than private residences or buildings originally constructed as private residences already existing on the effective date of this amending ordinance, on the side of the street between 2 intersecting streets, the minimum setback for buildings on such side of the street between such intersecting streets, shall be to the depth as established by such existing commercial building which is closest to the street line. In no event however, shall vehicle parking be allowed on private premises closer than 10 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking beyond said 10 feet setback requirement. There shall be no side or rear line restriction for the interior lot lines for commercial districts unless otherwise specified in this ordinance. Any residential buildings, however, constructed within said district shall be set back not less than 7.5 feet from such interior, side and rear lot lines.

Section 6.4 – Gasoline Pumps, Display Racks, Air Pumps, Other Equipment

It is further provided that notwithstanding anything herein contained to the contrary, the minimum setback line shall be 15 feet for gasoline pumps, display racks, air pumps, and other equipment; 75 feet for cars stored or placed upon property used for storage of, or occupancy by, junk cars or used cars for the purpose of sale of parts or junk there from; and 25 feet for cars and other vehicles on property used for sale of used cars. The minimum setback line for poultry or animal shelter, coops, barns, or sheds shall be 75 feet; provided, however, that in platted property no such structure shall be erected closer than 20 feet to the interior side line of the lot upon which such structure is located.

Section 6.5 – Outside Toilets

No temporary outside toilets shall be erected closer than 15 feet to the side and rear lines of the premises upon which such structure is to be placed; provided, however, that such structure shall not be erected closer than 25 feet to any building being used as a permanent habitation upon adjoining premises or 50 feet from any water well.

Article VII
Area Requirements

Section 7.0 – Area Requirements for Private Dwellings

All private dwelling units hereafter constructed containing not more than 2 bedrooms shall contain not less than 576 square feet of first floor habitable floor space. All private dwelling units hereafter constructed containing more than 2 bedrooms shall contain an additional 150 square feet of habitable floor area for each bedroom in excess of two within said dwelling unit; provided, however, that a 3 bedroom, single level private dwelling unit shall contain not less than 900 square feet of habitable floor space.

No dwelling shall be less than 24 feet in width as measured along the exterior front elevation of the dwelling. All measurements and area requirements herein set forth shall be computed without regard to porches, garages, breezeways, and carports.

Section 7.1 – Board of Appeals

In the event of any controversy concerning what constitutes habitable floor area, the Board of Appeals is hereby given the authority to determine the same upon application thereto by either the County Building Inspector or by the applicant for a building permit.

Article VIII
Off-Street Parking of Motor Vehicles

Section 8.0 – Property Owner Responsibilities

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

Section 8.1 – Planned Parking with Building Permit

A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

Section 8.2 – Pre-existing Parking Spaces

Parking space shall be provided in the manner and location herein specified.

1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.

Section 8.3 – Requirements for Parking Spaces and Parking Lots

1. Each automobile parking space shall not be less than 200 square feet nor less than 10 feet wide (20 ft x 10 ft) exclusive of driveway and aisle space.
2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets.
3. Any lighting fixtures used to illuminate any off-street parking area shall be arranged as to reflect the light away from any adjoining residential lots.
4. No parking space shall be closer than 5 feet from the property line.
5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than 4 feet or more than 8 feet in height. Plantings shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, providing that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

7. Space for necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
8. Requirements for the provision of parking facilities with respect to 2 or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces requirements and provided further that the specifications in regard to location, plan, etc., are complied with.
9. The number of parking spaces required for land or buildings used for 2 or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for 1 use shall not be considered as providing the required parking facilities for any other use.

Section 8.4 – Minimum Required Parking Spaces

1. Dwellings – 2 parking spaces per family unit.
2. Banks, Offices, Professional Offices – 1 parking space with a minimum of 4 spaces.
3. Retail Stores, Supermarkets, Department Stores, Personal Services Shops and Shopping Centers – 1 parking space for each 150 square of usable floor space.
4. Churches, Theaters, Auditoriums (except schools) – 1 for each 4 seats.
5. Bowling Alleys – 3 for each bowling lane.
6. Community Center, Library, Museum or Art Centers – 10 plus 1 additional for each 200 square feet of floor area in excess of 2,000 square feet.
7. Hospitals, Clinics, Similar Establishments – 1 for each 4 beds and 1 for each 2 employees or staff members.
8. Laundromats – 1 for each 2 washing machines.
9. Motels, Tourist Homes, Bed and Breakfast, Lodging House – 1 for each sleeping room.
10. Manufacturing or Industrial Establishments, Warehouse or Similar Establishment – 2 for every 3 employees on maximum working shift plus space to accommodate all vehicles used in connection with the operations of the establishments.
11. Plumbing, Printing, Similar Service Shops and Businesses – 1 for each 2 persons employed.
12. Private Clubs, Night Clubs, Dance Halls, Restaurants – 1 for each 100 square foot of floor space.

13. Schools, High – 1 for each 6 seats in main auditorium or 3 for each classroom, whichever is greater.
14. Schools, Except High Schools – 1 for each 10 seats in main assembly room or 4 spaces plus 1 additional space for each classroom whichever is greater.
15. Loading and Unloading Space – Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking for the loading, unloading and standing for all vehicles to avoid undue interference with public use of the highway.
16. Roadside Stand – 2 parking spaces.
17. Other Uses Not Specifically Mentioned – In the case of buildings used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
18. Mixed Uses in the Same Building – In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for 1 use shall not be considered providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

Section 8.5 – Zoning Board of Appeals

The Zoning Board of Appeals shall have the authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking unnecessarily too large for the particular development.

Article IX
Use District Boundaries

Section 9.0 – Use District Boundaries

The location and boundaries of the zones established in the Township shall be show on a map entitled Zoning Districts May of Millen Township, Alcona County, Michigan, and said map section, or portion thereof, together with all notations, dimensions and other date shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

Section 9.1 – Official Zoning Map

The official copy of the Zoning Map, properly attested, shall be in the custody of the Township Clerk.

Section 9.2 – Zoning Map Amendments

Such Zoning Map may be amended from time to time to reflect changes in zones and the rezoning of the property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

Article X
Residential Buffer Area

Section 10.0 – Residential Buffer Area

Although this ordinance provides classifications for Commercial Districts, the number and scattered location of commercial uses did not lend to the delineation of such districts on the Zoning Districts Map of Millen Township at the effective date of this ordinance. Until definitive commercial land use patterns evolve meriting such delineation on said map, such uses shall be accommodated as Special Exception Uses with the Residential and Agricultural Districts established in this ordinance and delineated on said zoning map.

Section 10.1 – “C-1” Commercial District

In order to protect the existing dwellings in the AG, R-1, RR-1 Districts, as well as to provide protection to dwellings impacted by absorption and evolution into future C1 District and any future delineation of an R-2 District, is herein provided that no new commercial activities or structures shall hereafter be located closer than 100 feet to any dwelling purposes and further such new commercial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions on page 7 of this ordinance, or whichever provides the most appropriate and satisfactory buffer.

The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

Article XI
General Lighting and Screening Requirements

Section 11.0 – General Lighting and Screening Requirements

Section 11.1 – General Lighting

All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or the traveling public on public highways.

Section 11.2 – Screening Requirements

Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a “C-1” Commercial District or lower district classification shall be screened from adjoining premises located in any Residential District classification by any of the following:

1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
3. No such planting area, wall or fence shall be closer than ten feet from any adjoining right-of-way line.

Section 11.3 – Zoning Board of Appeals

In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished of the screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.

Article XII
Tents, Travel Trailers, Mobile Homes

Section 12.0 – Tents, Travel Trailers, Mobile Homes

Section 12.1 – Tents and Travel Trailers

Tents and travel trailers shall not be used for dwelling purposes with the township limits for more than 30 days per year provided, however, that travel trailers or automobile trailers may be used for temporary dwellings for a total of not more than 183 days in any one year when located upon premises having running water and sewage facilities, and provided further that automobile trailers and travel trailers may be occupied for dwelling purpose within duly licensed travel trailer camp and subject to the requirements thereupon imposed.

Section 12.2 – Manufactured Homes

Manufactured homes which do not conform to the standards on pages 3, 4 and 5 of this ordinance shall not be used for dwelling purposes within the township unless located with a mobile home park or mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided. A variance permit may be secured from the Zoning Board of Appeals to use a mobile home as a temporary residence for a period not to exceed one year provided that the ability and intent to erect a house on the premises is shown; provided that the mobile home is located upon premises having running water and sewage facilities; and provided further that upon expiration of the one year period, the Zoning Board of Appeals may renew the permit for an additional period of one year upon sufficient showing that the house construction could not be completed with said one year but has substantially progressed during said period. Said board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limited in an amount satisfactory to said board.

Article XIII
Dismantled, Non-Operating or Unlicensed Motor Vehicles

Section 13.0 – Dismantled, Non-Operating or Unlicensed Motor Vehicles

Section 13.1 – Time Restrictions

No person, firm or corporation shall store, place, or permit to be stored or placed, allowed to remain on any parcel of land for a period of more than 90 days in any one year as dismantled, partially dismantled or inoperable motor vehicle, unless the same is kept in a wholly enclosed structure, or is located in an approved junkyard by special exception as here provided, or unless a variance therefore is first obtained from the Township Zoning Board of Appeals to be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations is still observed.

Section 13.2 – Vehicles in Operating Condition

No person, firm or corporation shall park or store upon premises within the Township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless a variance is first obtained therefore from the Zoning Board of Appeals, to be granted only in special hardship cases beyond the control of the applicant, where special peculiar circumstances exist, where no adjoining property owner is adversely affected thereby, and where the spirit and purpose of these regulations are still observed.

Section 13.3 – Purpose of Regulations

The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operation motor vehicles upon any land in the Township except within areas where a junk dealer is permitted to operate or the area is zoned for such purpose.

Section 13.4 – Interpretation

These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

Article XIV
Advertising Signs and Billboards

Section 14.0 – Advertising Signs and Billboards

Section 14.1- “R-1” or “RR-1” Residential District Classifications

No advertising signs or bill boards of any kind or nature shall be erected in an “R-1” or “RR-1” Residential District or any variation of the same except as follows:

1. In an “R-1” or “RR-1” Residential District, a name plate not exceeding 8 square feet in area containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises not exceeding 8 square feet in area may be installed or constructed. In the absence of a delineated “C-1” Commercial District on the official Township Zoning Map, a business or company may make application for a Special Exception Use Permit to allow a commercial-type sign for their business, company. If such special exception permit is granted, all other requirements pertaining to commercial signs contained herein and/or applicable in this ordinance shall apply.

Section 14.2 – “AG” Agricultural District and “R-2” Residential District Classifications

In the “AG” Agricultural District and “R-2” Residential District classifications, a sign not exceeding 32 square feet in area advertising permitted or Special Exception Use services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which may be governed by #1 above) may be constructed provided it is located not less than one half the required building setback from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the area; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to neighbors or which would create any electrical disturbance therein.

Section 14.3 – Permit

None of the foregoing signs shall be erected or installed until a permit is first obtained from the Zoning Administrator of the Township.

Section 14.4 – “C-1” Commercial District or Lower Zoning Classifications

Advertising signs, advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located, may be installed or constructed within a “C-1” Commercial District or lower zoning classification provided they are located not less than 10 feet from the side line of the property nor less than one-half required building setback distance from the abutting street right-of-way line; in no manner constitute traffic hazard; are not less than 11 feet above any sidewalk or passage ways for pedestrians’ vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable

size, and are not constructed or installed until a permit has first been obtained therefore from the Zoning Administrator of the Township.

Section 14.5 – Permit and Zoning Administrator Approval

No advertising sign or billboard permit shall be issued until the Zoning Administrator is satisfied the sign being constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy and durable manner with proper bracing anchorage, and foundation.

Section 14.6 – Highway Advertising Act of 1972 (1972 P.A. 106)

Signs within business, commercial or industrial areas, as defined in the “Highway Advertising Act of 1972” (1972 P.A. 106) bordering interstate highways, freeways or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of the zoning ordinance.

Article XV
Miscellaneous Protection Requirements

Section 15.0 – Miscellaneous Protection Requirements

Section 15.1 – Running Potable Water

Every structure hereafter erected for dwelling purposes shall be provided with running potable water, adequate inside water closet accommodations and sewage facilities.

Section 15.2 – Outside Toilets

No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises.

Section 15.3 – Basement Limitations

No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals for a limited period of two years to permit the construction of the above-grade dwelling submitted by the applicant and provided said board is satisfied of the applicant's ability and intent to complete such construction within said period.

Section 15.4 – Garage Limitations

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

Section 15.5 – Animals, Pets, Livestock, Poultry, Etc. Limitations

The keeping of more than four adult dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses, or livestock is prohibited within or upon any platted properties used primarily for residential purposes or within or upon any area located with 132 feet of such aforesaid platted properties unless such latter area is located in a "C-1" Commercial District Classification or lower or said use is on an "R-1" Residential District parcel of 2.5 or more acres and is in compliance with all requirements therein and/or herein; provided, however, that any litter of dogs or cats which causes the aforesaid limit of four to be exceeded shall not constitute a violation of this provision for a period of 6 months after birth; and provided further however, that no more than 2 such litters shall be allowed to remain on the afore described premises within any consecutive 12 month period. All such poultry, pigs, hogs, horses, livestock or more than 4 dogs and/or cats shall also be prohibited in any area of the Township if the same become obnoxious by reason of odor or noise. The determination of the Zoning Board of Appeals, established under statute and this ordinance, shall in the absence of fraud, be conclusive on the question of whether such are so obnoxious.

Section 15.6 – Accessory Buildings

Accessory buildings with a total interior floor space area of 100 square feet or less do not require a zoning permit, notwithstanding, such buildings must comply with all other requirements of this ordinance regarding accessory buildings.

Section 15.7 – Conveyance

The applicant for a zoning permit shall agree that neither he nor his successor in title, shall sell, convey, lease, or otherwise dispose of any land surrounding a structure if such conveyance will result in the structure being left on a lot which fails to meet the minimum requirements set forth in this ordinance.

Section 15.8 – Clear Vision Corners

All intersections of public streets shall be provided and maintained with a clear unobstructed vision of the corner extending not less than 20 feet from all right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.

Section 15.9 – Open Space

No single family, two-family or multiple family dwelling or dwellings and buildings accessory thereto shall occupy more than 30% of the lot or parcel, upon which the same is located.

Section 15.10 – Lot Accessibility

No dwelling unit shall be built on a lot unless the lot abuts upon a public street or upon a permanent unobstructed access easement of record to a public street. Such easement of record shall have a minimum width of 30 feet excepting where an access easement of record of less width existed prior to the adoption of this ordinance. All regulations contained in this ordinance shall apply to such easements of record in the same manner as if the same were dedicated streets.

Article XVI
Board of Appeals

Section 16.0 – Township Zoning Board of Appeals (Board of Appeals)

Section 16.1 – Membership

A township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by authority by statute with all powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Board of Appeals shall consist of three members; one member shall be a member of the Township Planning and Zoning Commission. An elected officer of the Township shall not serve as chairman of said board and an employee or contractor of the Township Board may not serve as a member or an employee of said board of appeals. One member may be a member of the Township Board

Section 16.2 – Membership Term

The term of each member shall be three years until a successor has been appointed and qualified, which successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and the Planning and Zoning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

Section 16.3 – Member Disqualification

A member shall disqualify himself from a vote in which he has a conflict of interest.

Article XVII

Building and Zoning Permits, Project Plans, Certificates of Compliance, Subdivision of Land and Procedures

Section 17.0 – Building and Zoning Permits, Project Plans, Certificate of Compliance, Subdivision of Land and Procedures

Section 17.1 – Building Permits

No structure shall be erected altered, or excavation started until a building permit as required under State and local building codes for such erection or alteration shall have been issued.

Section 17.2 – Zoning Permits

Before proceeding with the erection, alteration, enlargement, razing, conversion, or moving of any building or structure subject to the provisions of this ordinance, the owner of the premises shall first apply for a zoning permit from the Township Zoning Administrator. This requirement shall not apply to alterations inside a building or structure if no change is made in foundations or outside perimeter and such alterations are in accordance with all other requirements of this ordinance not requiring issuance of a zoning permit or submission of notification to the Zoning Administrator.

Section 17.3 – Zoning Permit Applications

Application for a zoning permit shall be made in triplicate upon forms provided by the Zoning Administrator and shall be accompanied by the tax description of the premises, and by evidence of ownership of all property to be covered by the zoning permit.

Section 17.4 – Project Plans

Triplicate copies of blueprints or neat pen and ink drawings made to scale shall accompany the zoning permit application and such blueprints or pen and ink drawings shall show:

1. The shape, area and dimensions of the premises.
2. The type, dimensions, height, and location of all buildings and structures to be erected, altered, enlarged, or moved on the premises, including all yard dimensions and accessory buildings, if any.
3. The location and type of sewage disposal and water supply facilities.

Section 17.5 – Plan and Specifications Provided

Nothing in this section relative to the submission of triplicate copies of scaled blueprints or pen and ink drawings of the proposed project for which the zoning permit is sought shall be construed as to prohibit a property owner or his agent from preparing his own plans and specifications provided the same are clear and legible. On examination of any site, the Zoning Administrator

may require a current boundary survey and staking of the premises by a licensed surveyor if the same may not be clearly in evidence.

Section 17.6 – Zoning Permit Issuance

If the Zoning Administrator finds the zoning permit application and all required accompanying documentation specified in this ordinance to be in conformance with this ordinance, he/she shall indicate their acceptance of said permit application and documentation by affixing a signature and date of their acceptance on the application. A signed official zoning permit application shall constitute legal issuance of zoning permit. Of the triplicate application materials, one copy shall be filed with the Zoning Board of Appeals, as the case may be; and one copy returned to the applicant with a card or other written statement specifying the term of the zoning permit for posting on the premises in a conspicuous location during the progress of any construction, alteration or movement of buildings authorized.

Section 17.7 – Permit Fee

The Zoning Administrator shall assess a fee with the submission of each and every zoning permit application, except that such fee for razing a building shall be waived if the project is completed with a reasonable time period and the site is rendered free of debris and any perils which may cause a threat to the public health, welfare, and safety. Such fees shall be established by the Township Board and may be adjusted periodically. No permit shall be valid until the required fee for issuance has been paid. No permit shall be transferable. Permits shall expire two years after issuance, but may be renewed for an additional one year period at a fee of 50% of the original fee. All such fees shall be paid to the Township and collected by either the Zoning Administrator, Township Clerk or Township Treasurer.

Section 17.8 – Revocation of Zoning Permit

The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with the provisions of this ordinance or in the case of false statements or misrepresentations applicant or zoning permit application. The applicant or zoning permit holder shall be given reasonable notice in writing of liability to voiding action before revocation.

Section 17.9 – Inspection and Issuance of Certificate of Compliance

During the construction phase of a project for which a zoning permit has been issued, said project is subject to periodic or random inspection by the Township Zoning Administrator to ensure that the applicant/zoning permit holder is proceeding with the project in accordance with the plans submitted with the zoning permit application.

Section 17.10 – Direct Issuance of Zoning Certificate

Where a zoning permit is not required for the use of land or premises, the Zoning Administrator shall issue the property owner a Zoning Certificate on application therefore certifying that the use of such land complies with all provisions of this ordinance.

Section 17.11 – Subdividing of Land-Site Plan Requirements

All land hereafter divided into two or more lots for the purpose of sale or lease for residential commercial, resort recreational, or other use shall be in compliance with the provisions of the Preamble of this ordinance. Such lots shall be subject to all provisions of governing area, width, frontage and other requirements concerning applicable land uses. No survey stakes or monuments shall be set with intent of permanent location until the proposed plan has been submitted in triplicate to the office of the Township Zoning Administrator. In proposing such subdivision of land, the applicant shall submit triplicate identical plans on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, certified by a registered land surveyor or professional engineer may be waived by the Zoning Administrator if such a requirement will place undue hardship on the proposer and provided the proposer submits a site plan meeting the requirements of this section to the satisfaction of the Zoning Administrator. Each site plan for subdivision of land shall show the following:

1. The boundary lines of the area included in the site plan including angles, dimensions, and references to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
2. Existing and proposed grades and drainage systems and structures with topographic contours at intervals not exceeding two feet.
3. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.
4. Natural features such as wood lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
5. Proposed streets, driveways, parking spaces, landing spaces, and sidewalks with indication of direction of travel for one-way streets and drives and inside radius of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
6. The size and location of all existing and proposed public and private utilities and required landscaping.
7. A vicinity sketch showing the location of the site in relation to the surrounding street system.
8. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
9. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity. Upon receipt of any land subdivision site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and all other

ordinances of Millen Township; and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial of the plan to the Township Zoning Board of Appeals.

Section 17.12 – Zoning District Requirements for Principal and Accessory Buildings on Lots and Table

To facilitate the administration of this ordinance and public understanding of zoning district requirements for principal and accessory buildings on lots, the provisions on the Table on page 52 shall apply to all buildings hereafter erected unless otherwise provided in this ordinance. Lot area, lot width, setback, side and rear yards and height limitations for buildings erected, altered, removed, or enlarged after the effective date of this ordinance shall conform to the requirements summarized in the Table on page 52 unless otherwise provided in this ordinance.

Section 20.13 – Summary of Zoning District Regulations

Zoning District	Maximum Lot Ares	Minimum Lot Width	Minimum Front	Yards Side	In Feet Rear	Min DU* (Sq Ft)	Max Bldg Height
“AG” Farm	40 Acres**	600 ft	40 ft	50 ft	50 ft	576	35 ft ***
Non-Farm	1.8 Acres	165 ft	40 ft	20 ft	50 ft	576	35 ft
“R-1”	2 acres	150 ft	40 ft	7.5 ft	7.5 ft	576	35 ft
“RR-1”	2 acres	100 ft	40 ft	7.5 ft	7.5 ft	576	35 ft
Waterfront	15,000 sf	100 ft !!	75 ft !!!	7.5 ft	7.5 ft	576	35 ft
2 Family DU	20,000 sf	120 ft !!	75 ft !!!	7.5 ft	7.5 ft	576 DU	35 ft
3 Family DU	25,000 sf	150 ft !!	75 ft !!!	7.5 ft	7.5 ft	576 DU	35 ft
Non-Water							
2 Family DU	15,000 sf	110 ft	40 ft	7.5 ft	7.5 ft	576 DU	35 ft
3-4 Family DU	20,000 sf	150 ft	40 ft	7.5 ft	7.5 ft	576 DU	35ft
“R-2”	2 acres	150 ft	40 ft	7.5 ft	7.5 ft	N/A	35 ft
“C-1”	115,000 sf	75 ft	75 ft	N/A	N/A	N/A	N/A

Notes:

*= Dwelling Unit. All DU’s are single family unless otherwise designated.

** = Under certain circumstances, a farm may be 5 or 10 acres.

*** = Farm accessory buildings up to a height of 100 ft are allowable.

! = 3 non-farm DU’s per 40 acre farm parcel without farm DU on it.

Farm DU’s per 40 acre farm parcel without farm DU on it.

!! = Minimum lot width as measured along the waterfront. Average lot with N/A.

!!! – “RR-1” waterfront lots shall maintain a 45 ft greenbelt along the water’s edge.

Thus a minimal additional front yard or 30 ft (45 ft x 75 ft if possible).

sf = square feet. All other footage is a lineal foot.

Article XVIII
Enforcement

Section 18.0 – Enforcement

The provisions of this ordinance shall be administered and enforced by a Zoning Administrator and shall have all the administrative powers in connection with this ordinance which are not specifically assigned to some other officer or body. Accordingly, he shall have no power to vary or waive ordinance requirements. The Zoning Administrator shall be appointed by the Millen Township Board for such term and subject to such conditions as said board deems desirable to carry out the provisions of this ordinance. He shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Township Board may also appoint a Deputy Zoning Administrator under such conditions and for such term and for such compensation as the Board may deem desirable to work under and assist the Zoning Administrator in the discharge of the duties of his office.

Article IXX
Rezoning and Appeal Fees

Section 19.0 – Rezoning and Appeal Fees

Section 19.1 – Fee Schedule

Neither the Township Zoning Board nor Zoning Board of Appeal shall consider any matter until there is first paid a fee as required below, except that such fee shall not be required where the Township or any official body thereof is the moving party. At the discretion and by resolution of the Township Board, such fees may be periodically adjusted by amendment to reflect any changes in cost which occur over time. The amount of required fees is as follows:

1. For consideration of a variance application - \$50
2. For consideration of an amendment of this ordinance - \$100
3. For consideration of a rezoning proposal - \$100
4. Requesting a special meeting of the Township Zoning Board or Board of Appeals for consideration of a variance, ordinance amendment or rezoning proposal - \$215

Article XX
Penalty

Section 20.0 – Penalty

Section 20.1 – Non-Compliance Penalty

Any person, corporation or firm who violates, disobeys, omits, neglects, or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Zoning Board, or Township Board issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he shall be punishable by a fine set by the Board or by imprisonment not to exceed 90 days, or both. Each day during which violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

Section 20.2 – Injunctive Relief

The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Article XXI
Severance/Validity

Section 21.0 – Severance/Validity

Section 21.1 - Severability

All parts of this ordinance shall be deemed severable. Should any section, subsection, clause, or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or any part thereof, other than the portion so declared to be valid.

Article XXII
Amendments and Supplements

Section 22.0 – Amendments and Supplements

Section 22.1 – Adoption

Amendments and supplements to this ordinance may be adopted as provided by law.

Section 22.2 – Amendments

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries of the provisions and regulations of this ordinance. Amendments may be initiated by the Millen Township Board, the Township Zoning Board or by petition of one or more property owners of Millen Township.

Section 22.3 – Amendment Procedures

The procedure for amending this ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended.

1. A signed petition form, together with the application fee for a zoning amendment, shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to proper form, then shall transmit same to the Township Board.
2. The Zoning Board shall direct the Zoning Board Secretary to establish a date for a public hearing on the rezoning application and to give proper written legal notice of the hearing as required by Act 184 of the Public Acts of 1943, as amended.
3. The Zoning Board Secretary shall also send written notice of proposed amendments of the Township Zoning Map to any adjacent municipality within 500 feet of the subject property, and to the school district in which the change is requested.
4. The applicant shall set forth a detailed description of the amendment on an application form provided by the Zoning Administrator. When the amendment involves a change in the Township Zoning Map, the applicant shall submit the following information:
 - a. A legal description and street/road address of the subject property, together with a property bounding map.
 - b. Name, address and telephone number of applicant.
 - c. Name of property owner(s) and applicants interested in the property if not the owner in fee simple title.
 - d. Filing date of application.

- e. Effect of approval of the petition on adopted goals and development strategies or policies of Millen Township and other governmental units.
- f. All findings of fact shall be made a part of the public records of the meetings of the Township Zoning Board and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety and welfare of the citizens of Millen Township or of other civil divisions where applicable.

Article XXIII
Effective Date

23.0 – Effective Date

23.1 – Immediate Effect

This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Article XXIV
Millen Township Ordinance No. 93001
Nuisance Ordinance

Section 24.0 – Nuisance Ordinance

Section 24.1 – Nuisance Defined

Whatever annoys, injures or endangers the safety, health, comfort, convenience, or repose of the public, offends public decency; interferes with obstructs or renders dangerous any public place, street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisance shall include, but not be limited to, keeping, placing or having in or about any shop, dwelling, or premises owned or occupied by any person, or in any manner, leaving in any public place, other than authorized public dumping places, any animal or vegetable matter, or substance which may cause any unwholesome, noisome or offensive smell; or carrying on any filthy or loathsome trade or occupations which may be deemed prejudicial to health.

Public nuisances shall also include, but not be limited to, that which the Township of Millen; by proper resolution, may declare as such and order abated.

Public nuisances shall also include, but not be limited to, whatever is forbidden by any provision of this ordinance.

Section 24.2 – Nuisance Prohibited

Dangerous Structures - No person shall maintain any structure which is unsafe or which is a menace to the health, morals or safety of the public.

Junk – For the purposes of this ordinance the term “junk” shall mean any machinery, appliances, products, or merchandise with parts missing or scrap metals or are in a condition which cannot be used for the purpose for which the product was manufactured.

Junk Automobiles – For the purpose of this ordinance the term “junk” automobiles shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of one hundred (120) days and shall include, whether so licensed or not, any motor vehicle which is inoperative for any reason for a period in excess of ninety (90) days.\

Rubbish-Debris – Mean the miscellaneous materials resulting from housekeeping mercantile enterprises, trade, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

Section 24.3 – Abatement

The Township Board may at its option elect to enforce the provisions of this ordinance by one of the following methods or by any combination thereof:

1. They may prosecute the person committing, creating or maintaining the nuisance for a violation of the provisions of this ordinance; or
2. They may cause the nuisance for a violation of the provision of this ordinance; or
3. When any lot, building or structure within the Township, because of accumulation of refuse of debris, the uncontrolled growing of noxious weeds, or age or dilapidation; or because of any other condition of happening, becomes, in the opinion of the Township Board, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the Township of Millen or those residing or habitually going near such lot, building, or structure, the Township Board may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Township Board, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Township Board may order such hazard or nuisance abated by the proper department or agency of the Township which is qualified to do the work required, or may do the work by contract or by hire and the cost of such abatement assessed against the lot, premises or description of the real property upon which such hazard or nuisance is located, by special assessment.

Section 24.4 – Costs

The costs of abatement by the Township of any nuisance shall be collected from the owner or occupant of the property upon which the nuisance was committed, created or maintained, or from the person committing, creating or maintaining it, in an action at law.

Section 24.5 – Enforcement and Penalties

1. This ordinance shall be enforced by law enforcement personnel and such persons who shall be designated by the Township Board.
2. The owner, if possible, and the occupant of any property upon which any of nuisances set forth in Section 3 hereof is found to exist shall be notified in writing to remove or eliminate such causes of nuisances from such property within ten (10) days after service of the notice upon him. Such notice may be served personally or by registered mail, return receipt requested. Additional time may be granted by the enforcement officer where bonafide efforts to remove or eliminate such caused of nuisances are in progress.
3. Failure to comply with such notices within the time allowed by the owner and or occupant shall constitute a violation of this ordinance.
4. Violation of the ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not exceeding One hundred Dollard (\$100.00) or by imprisonment not exceeding thirty (30) days or by both such fine and imprisonment in

the discretion of the court. Each day that a violation shall continue shall constitute a separate offence.

Section 24.6 – Validity

The several provisions of this ordinance are declared to be separate and the determination by any court of judge of competent jurisdiction that any section or provision thereof, is valid shall not affect or impair the validity of any other section or portion.

Section 24.7 – Effective Date

This ordinance shall take effect 30 days after adopted and publication.

ADOPTED: Marvin McGuire, Township Clerk

Affidavit of Publication on file at the office of the Township Clerk, Millen Township, Alcona County, Michigan

Yea: Marjorie Reeves
Lois Miller
Marvin McGuire
Alfred Scully

Nay: 0

Effective 10/06/1994

Article XXV
Township of Millen Ordinance 2000-1
Amendment of Millen Township Zoning Ordinance ZA09-04-01
Wireless Communications Facilities

Section 25.0 - Wireless Communications Facilities

Ordinance to Amend the Zoning for the Township of Millen for the purpose of providing regulations for the application, review, construction and maintenance of wireless communication facilities.

The Board of the Township of Millen ordains as follows:

Section 25.1 - Purpose and Intent

It is the general purpose and intent of the Township to carry out the will of the United States Congress by authorizing facilities needed to operate wireless communications systems. However, it is the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the pristine rural character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this Section to:

1. Facilitate adequate and efficient provision of sites for wireless communication facilities.
2. Establish predetermined districts or zones of the number, shape, and in the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.
3. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas in the community.
4. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.
5. Limit in appropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
6. Promote the public health, safety and welfare.
7. Provide for adequate information about plans for wireless communication facilities in order to permit the community to effectively plan for the location of such facilities.

8. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
9. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public right-of-way. This contemplates the establishment of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures, taking into consideration the purposes and intent of this section.
10. The legislative body of the community finds that the presence of numerous shorter tower structures, particularly if located within developed areas, would decrease the attractiveness and destroy the pristine rural character and integrity of the community. This, in turn, would have an adverse impact upon property values.

Therefore, it is necessary to promote location of wireless communication facilities to minimize the adverse impact from the presence of numerous tower structures having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety and welfare.

Section 25.2 - Definitions

The following definitions shall apply in the interpretation of this Section:

1. Wireless Communication Facilities shall mean and include 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, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulatory authority.
2. Attached Wireless Communications Facilities shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to the newly established shall not be included with this definition.
3. Wireless Communication Support Structures shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall 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.

4. 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 communication antennas with the community.

Section 25.3 - Authorization

1. In the following circumstances, a proposal to establish a new wireless communication facility shall be deemed a permitted accessory use:
 - a. An existing structure which will serve as an Attached Wireless Communication Facility where the existing structure is not, in the discretion of the Township, proposed to be either materially altered or materially changed in appearance.
 - b. A proposed co-location upon an Attached Wireless Communication Facility which had been preapproved for such co-location as part of an earlier approval by the Township.
2. Subject to the standards and conditions set forth below, wireless communication facilities shall be a permitted accessory use after special approval is granted by the Planning Commission within the following Districts:
 - a. "AG" – Agriculture
 - b. "R-1" – Residential
 - c. "RR-1" – Resort Residential
 - d. "I-1" – Industrial

Section 25.4 - Requirements

1. Standards and conditions Applicable to All Facilities

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 Planning Commission in its discretion:

- 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. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
2. Standards and Conditions Applicable to Special Land Use Facilities

Wireless communication facilities as described on page 64 in Article XXV, Section 25.2, Definitions, #1 shall be permitted only after special approval is granted by the Planning Commission Procedures, requirements and standards set forth in this Section and subject to any conditions imposed by the Planning Commission. The following standards shall be met:

- a. The maximum height of the new or modified support structure 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 structure. In no case shall the structure be higher than 300 feet. 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.
- b. The minimum lot size shall be ten (10) acres.
- c. The setback of the support structure from all lot lines shall be no less than the height of the structure. Structures shall be set back from existing or proposed right-of-way line an additional fifty (50) feet beyond the height of the structure.
- d. There shall be unobstructed access to the support structure for operation, maintenance, repair, and in section purposes which may be provided through or over an easement. This access shall have width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities need to service the tower and any attendant facilities; and the location of buildings and parking facilities; proximity to residential districts and minimizing disturbances to the natural landscape; and the type of equipment which will need to access the site.
- e. 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 to all district requirements for principal buildings, including yard setbacks.
- f. The Zoning/Planning Board shall, with respect to the color of the support structure and all accessory buildings, review and approve 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.

- g. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. The soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be noted.
- h. 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.
- i. No advertising shall demonstrate the need for the proposed facility to be located as proposal based upon the presence of one or more of the following factors:
 - (1) Proximity to an interstate or major thoroughfare.
 - (2) Areas of population concentration.
 - (3) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
 - (4) Other specifically identified reason(s) creating facility need.
- j. The proposal shall be reviewed in conformity with the co-location requirements of this Section.

3. Non-conforming Wireless Communication Towers

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restriction on area, lot, coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- a. The provisions as outlined in Requirements of this Ordinance.
- b. Co-location of antennas on legally existing non-conforming communications structures shall be considered a permitted use on the non-conforming structure.
- c. General maintenance to the non-conforming structure, such as painting and repairs, shall be permitted to ensure minimal negative visual impact.

4. Application Requirements.

For wireless communication facilities that are considered permitted with special approval, the application shall include the following information:

- a. A site plan prepared 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.

- b. The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed.

The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

- c. 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 the other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and security from children and other persons who may otherwise access facilities.
- d. The application shall include a description of a security to be posed 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 paragraph (8) below. In this regard, the security shall, at the election of the applicant, be in the form of: (1) cash; (2) surety bond; (3) letter to credit; or (4) an agreement in a form approved by the attorney for the community and recordable at the office of the Register of Deeds establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the community in securing removal. The Township Board, which will have ultimate approval of the site plan, shall review the terms of the security offered to ensure that payment will not lapse in the future and that the inflated future costs of removal are provided.
- e. The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township 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. If and to the extent the information in question is on file with the community, the applicant shall be required only update as needed. Any such information which is trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of government policy 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.
- f. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

5. Co-location

- a. State Policy. It is the policy of this Township to minimize the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the community, and encourage the use of existing structures for attached wireless communication facility purposes, consistent with the statement of purpose and intent, set forth in paragraph (2) of this section above.
- b. Feasibility of Co-location. Co-location shall be deemed to be “feasible” for purposes of this section where all of the following are met:
 - (1) The wireless communication provider entity under consideration for co-location will undertake to pay market rent or other market compensation for co-location.
 - (2) 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.
 - (3) 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.
 - (4) The height of the structure necessary for co-location will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in this Section, above.
- c. Requirements for Co-location.
 - (1) A special land use permit 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.
 - (2) All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
 - (3) The policy of the community is for co-location. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure so as to accommodate proposed and otherwise structures so as to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use and shall not be altered, expanded or extended in any respect.
 - (4) If a party who owns or otherwise controls a wireless communications facility shall fail or refuse to permit a feasible co-location, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible co-

location shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the co-location. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

6. Incentive

Review of an application for a permit for use of a facility permitted under Article II, Authorizations (a) above, shall be a use permitted by right with the Township.

7. Removal

- a. 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 upon the occurrence of one or more of the following events:
 - (1) 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.
 - (2) Six (6) months after new technology is available at reasonable cost, as determined by the legislative body of the community, which permits the operation of the communication system without the requirement of the support structure.
- b. The situations in which removal of a facility is required as set forth in paragraph (a) above may be applied and limited to portions of a facility.
- c. Upon the occurrence of one or more of the events requiring removal, specified in paragraph (a) above, the property owner or persons who had used the facility shall immediately apply secure the application for any required demolition or removal permits and immediately proceed with the complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Township. All footings shall be removed at least 36 inches below ground level.
- d. 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 at least thirty (30) days written notice, the Township 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 and/or enforced from or under the security posted at the time application was made for establishing the facility.

Section 25.5 - Repealer

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 25.6 - Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 25.7 - Savings

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Section 25.8 - Certification

The foregoing ordinance was adopted by the Board of the Township of Millen at the meeting of the public duly called and held on the 4th day September 2001.

**Article XXVI
Township of Millen Ordinance 2000
Private Road and Common Driveway**

Section 26.0 - Private Road and Common Driveway Ordinance

Section 26.1 – Purpose

In order to maintain orderly development with the township and to protect the health, safety and welfare of township residents and property owners, Millen Township shall regulate the establishment, construction and maintenance of common driveways and private roads, in residential dwellings and commercial and industrial buildings for fire, emergency and other service vehicles and equipment.

Section 26.2 – Definitions

Common Driveway: A means of approach established by easement which provides access to two (2) to eight (8) parcels or lots, and which is constructed and maintained by the proprietors and is not dedicated for general public use.

Proprietor: As defined in PA591 (wording of definition to be added)

Tentative Parcel Map: As defined in PA591 (wording of definition to be added)

Section 26.3 – Private Roads and Common Driveways Permitted

Private roads and common driveways shall be permitted provided that the road or driveway is established, constructed and maintained according to the requirements of this ordinance. It shall be unlawful to construct a residential selling, commercial building, or industrial building on any parcel or lot accessed by private road or common driveway that is not established, constructed and maintained as provided herein.

Section 26.4 – Naming

All private roads and common driveways shall have names approved by the Alcona County Road Commission.

Section 26.5 - Easement and Maintenance Agreement

When a private road or common driveway is proposed in conjunction with a land division subject to Public Act 591 of 1997, the applicant shall provide the Township Assessor other designated official the following information:

1. A tentative parcel map indicting the location, width and dimensions of all easements for private roads and common driveways.

2. A maintenance agreement binding on all current and future owners of property accessed by the private road or common driveway At a minimum, the maintenance agreement shall include the following elements:
 - a. Statement indication that the road or driveway is private and not subject to the maintenance jurisdiction of Alcona County or Millen Township. Further, that such road or driveway shall not be maintained or improved at the expense of Millen Township unless the maintenance or improvement is funded by a special assessment of the owners of property accessed by the road or driveway.
 - b. Provisions to assure that the road or driveway is maintained to provide access by emergency and service vehicles during all weather conditions, which are reasonably expected in Millen Township.
 - c. Mechanism for equitably allocating the cost of construction and maintenance among current and future owners of property accessed by the road or driveway.
 - d. Statement notifying all owners of property accessed by the road or driveway that any prohibition, restriction, limitation or any other manner of interference with normal ingress and egress or use by other owners, their guest, tradesmen, vendors, delivery persons and others having a need to use the road or driveway is prohibited.
3. The easement and maintenance agreement shall be recorded with the deed of all property accessed by the private road or common driveway at the County Register of Deeds.

Section 26.6 - General Construction Specifications

The following requirements shall apply to all private roads and common driveways:

1. Shall have a minimum twenty-four (24) feet of width cleared of all trees, stumps and brush.
2. Shall have a sand and gravel base of not less than 4" compacted gravel.
3. Shall be constructed with adequate culverts as necessary. Drainage shall not be directed to adjacent property without property easements.
4. Shall have a clear vision zone extending twenty-five (25) feet back from the point of intersection with another private road or common driveway. The same clear vision zone shall be required at the intersection of a private road or common driveway and public road except as otherwise required by the Alcona County Road Commission.
5. Shall be posted with the road name and its designation as a private road or common driveway.

Section 26.7 - Common Driveway Specifications

Common driveways shall have an improved roadbed of not less than twelve (12) feet with six (6) feet of clearance on either side of the improved roadbed.

Section 26.8 - Private Road Specifications

1. Private roads shall have an improved roadbed of not less than twenty (20) feet in width with two (2) feet of clearance either side of the improved roadbed.
2. If a private road requires access to a public road by a common driveway or nonconforming private access easement, such driveway or easement shall be improved in conformance with the requirements of a private road prior to the issuance of any land use permit.

Section 26.9 - Review and Permit Requirements

1. Common Driveways
 - a) Prior to the issuance of a land use permit for a lot or parcel accessed by a common driveway, such driveway shall require approval by the Zoning Administrator. The applicant shall submit an application and support documentation sufficient for the Zoning Administrator to determine if the common driveway will conform to the requirements of this ordinance. Evidence shall include but not be limited to the documents required by Section 4.3 and those required for approval of a land division.
 - b) The Zoning Board shall review the site plan and approve the private road if all requirements of this ordinance are satisfied by the application. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
2. Private Roads
 - a. For land divisions, which require access by a private road, the Zoning Board shall review and take action on a site plan for the private road prior to the approval of a land division by the township Assessor. The applicant shall submit a site plan for the private road, the proposed maintenance and easement agreement, as well as any additional documentation required for the approval of a land division, platted subdivision or condominium subdivision.
 - b. The Zoning Board shall review the site plan and approve the private road if all requirements of this ordinance are satisfied by the application. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.
 - c. Private roads proposed to serve more than twenty-five (25) lots or parcels shall require a special use permit to the procedures specified in the zoning ordinance.

Section 26.10 - Land Use and Occupancy Permits

1. The Zoning Administrator shall issue a land use permit for building construction on property accessed by a private road or common driveway provided that such road or driveway meets the requirements of this ordinance and all other applicable local, county and state requirements.
2. Prior to the issuance of an occupancy permit by the county building official, the common driveway which will serve the residential dwelling, commercial building or industrial building must be completed. This provision shall not be interpreted to require the extension of a common driveway to serve unimproved lots or parcels which may lie beyond the improved lot or parcel. Evidence of a valid construction contract for work-in-progress may be accepted.
3. Prior to the issuance of an occupancy permit by the county building official for any lot or parcel fronting on a private road, construction of the private road shall be completed. Evidence of valid construction contracts for work-in-progress may be accepted.

Section 26.11 - Validity of Approval for Private Road

Failure to begin construction of a private road within one (1) year of approval shall void the approval. Further, private road construction shall be completed with eighteen (18) months of the commencement of construction activities.

Section 26.12 - Enforcement and Penalties to be added.

Section 26.13 - Appeals

Administration decisions of the Zoning Administrator or the Zoning Board may be appealed to the Millen Township Zoning Board of Appeals following the procedures specified in the zoning ordinance.

Section 26.14 - Fees

The Millen Township Board may, by resolution, establish fees to be paid by the applicant to cover reasonable costs associated with the review of an application, including legal and engineering review and construction inspection as deemed necessary by the Township.

Article XXVII
Millen Township Ordinance 1462
Civil Infractions

Section 27.0 - Civil Infractions

Section 27.1 – Definitions

As used in this ordinance:

1. “Act” means Act No. 236 of the Public Acts of 1961, as amended.
2. “Authorized Township Official” means the Township Manager, Building Inspectors, Code Enforcement Officers, Township Police Officers, Township Fire Inspectors, or other personnel of the Township by this code to issue municipal civil infraction citations or municipal civil infraction violation notices.
3. “Bureau” means the Township of Millen Municipal Ordinance Violations Bureau as established by the code.
4. “Code” means the code of the Township of Millen, Alcona County, Michigan
5. “Municipal Civil Infraction” means an act or omission that is prohibited by this code, but which is not a crime under this code, and for which civil sanctions including without limitation, fines, damages, expenses and costs may be order, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this code that is a criminal offense.
6. “Municipal Civil Infraction Action” means a civil action in which the defendant is alleged to be responsible for a municipal civil infraction.
7. “Municipal Civil Infraction Citation” or “Citation” means a written complaint or notice prepared by an Authorized Township Official, directing a person to appear in court regarding the occurrence or existence of municipal civil infraction violation by the person cited.
8. “Municipal Civil infraction Notice” means a written notice prepared by an authorized township official directing a person to appear at the Township of Millen Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the Township Board, as authorized under Sections 8396 and 8707 of the Act.
9. “Repeat Offense” means any second or subsequent violation of the same ordinance, for which the person is found responsible or admits responsibility, committed by the person within one (1) year of a violation.
10. “Township” means Millen Township, Alcona County, Michigan.

11. "Violation" means an act which is prohibited and made or declared to be a municipal civil infraction by the code, including any omission or failure to act where the act is required by this code.

Section 27.2 - Municipal Civil Infraction Action Commencement

A Municipal Civil Infraction Action may be commenced upon the issuance by an authorized township official of a Municipal Civil Infraction Citation directing the alleged violator to appear in court.

Section 27.3 - Municipal Civil Infraction Citation Issuance and Service

Municipal Civil Infraction Citations shall be issued and served by authorized township official as follows:

1. The time for appearance specified in a citation shall be with ten (10) days after the citation is issued.
2. The place for appearance specified in a citation shall be the district court.
3. Each citation shall be numbered consecutively and shall be in the form approved by the state court administrator. The original citation shall be filed with the court. Copies of the citation shall be retained by the Township and issued to the alleged violator as provided by Section 8705 of the Act.
4. A citation for a municipal civil infraction signed by an authorized township official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the compliant and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury."
5. An authorized township official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
6. An authorized township official may issue a citation to a person if:
 - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the authorized township Official has reasonable cause to believe that the person is responsible for an infraction and if the prosecuting attorney or township attorney approved in writing the issuance of the citation.
7. Municipal civil infraction citations shall be served by an authorized township official as follows:

- a. Except as provided by Section 3 (G)(2), an authorized township official shall personally serve a copy of the citation upon the alleged violator.
- b. If the municipal civil infraction action involves the use or occupancy of land, a building, or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching a copy to the building structure. In addition, a copy of the citation shall be sent by first class mail to the owner of the land, building or structure at the owner's last known address.

Section 27.4 - Municipal Civil Infraction Citation Contents

- 1. A municipal civil infraction citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- 2. The citation shall inform the alleged violator that he or she may do one of the following:
 - a. Admit responsibility for the municipal civil infraction by mail, in person or by representation, at or by the time specified for appearance.
 - b. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance, in person or by representation.
 - c. Deny responsibility for the municipal civil infraction by doing either of the following:
 - (1) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity to be represented by an attorney, unless a formal hearing before the judge is requested by the township.
 - (2) Appearing in court for a formal hearing before a judge with the opportunity to be represented by an attorney.
 - (3) The citation shall also inform the alleged violator of all the following:
 - d. That if the alleged violator desires to admit responsibility "with explanation in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation with the time specified for appearance and obtain a scheduled date and time for an appearance.
 - e. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation with the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - f. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the township.

- g. That at an informal hearing that the alleged violator must appear in person before a judge or district court magistrate, without the opportunity of being represented by an attorney.
- h. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
 - a. The citation shall contain a municipal civil infraction notice in boldfaced type that the failure of the alleged violator to appear with the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction citation.

Section 27.5 - Schedule of Civil Fines

- 1. Any person who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in Section 5 (b), unless otherwise specified in the Code of Ordinances. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in an ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, up the entry of judgment. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered.
- 2. Each violation shall be considered a separate offense. The fines for the violations listed below shall be as follows:

<u>Offense</u>	<u>Fine</u>
Failure to comply with any provision of the ordinance	Not less than \$100.00
First Repeat Offense	\$250.00
Second (or any subsequent) Repeat Offense	\$500.00

Section 27.6 - Severability

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or valid by a court of competent jurisdiction the remainder of the ordinance shall not be affected hereby.

Section 27.7 - Ordinances Enforced

The township, as permitted by law, may enforce ordinances designated as municipal civil infractions by issuing a municipal civil infraction citation or by instituting a municipal civil infraction action.

Section 27.8 - Effective Date

This ordinance shall become effective thirty (30) days after publication in a newspaper and/or newsletter in general circulation within Millen Township.

Section 27.9 - Certification

The foregoing ordinance was adopted by the Board of the Township of Millen at the meeting of the public duly called and held on the 14th day of July, 2008, with an effective date of August 15, 2008.

Article XXVIII
Wind Energy Systems

Section 28.0 - Wind Energy Systems

To preserve the beauty and character of Millen Township while recognizing the desirability of developing the potential for wind energy and to provide the residents with a safe environment and with an unobstructed skyline as possible.

Section 28.1 - Regulations

This section includes regulations for small on-site wind energy conversion systems (residential, commercial and agricultural) and commercial wind energy systems. Anemometer towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction of commercial wind turbines or other devices. Most wind energy conversion systems currently are wind turbines.

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

Section 28.2 - Small On-Site Wind Energy Systems

An on-site wind energy system means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at the site:

1. Small on-site wind energy systems must be professionally designed and installed.
2. Tower Height – The tower height shall be limited to one hundred (100) feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
3. Blade Clearance – There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
4. Guy Wires – if the small wind energy system is supported by guy wires, such wires shall be visible to a height of a least six (6) feet above the ground.
5. Setbacks – Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors, may extend closer to the property line than the required setback for the district in which the unit is located.

6. Visual Impact – Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the system.
7. Noise – Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excessive of five (5) dB(A) above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms. dB(A) means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method of weighing the frequency spectrum to mimic the human ear.
8. Vibration – Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
9. Reception Interference – Small wind energy systems shall not cause interference with television, microwave, navigational, or radio reception to neighboring areas.
10. Shadow Flicker – Shadow flicker means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as, but not limited to a window at a dwelling. Small wind energy systems shall not cause show flicker upon any structure on a neighboring property.
11. Potential Ice Throw – The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
12. Safety – A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
13. Other Regulations – On-site use wind energy systems shall comply withal applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (PA 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

Section 28.3 - Commercial Wind Energy Facilities and Anemometer Towers

Anemometer towers (a free standing tower containing instrumentation) and wind energy facilities consisting of one (1) or more wind turbines who main purpose is to supply electricity to off-site customers shall be allowed as a special land use and shall adhere to the following requirements in addition to those contained in special requirements Article IV.

1. Principal or Accessory Use – A Wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a non-conforming use or structure.

2. Sufficient Wind Resources – The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator, provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site of a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resources study prior to acting on the application for special approval.
3. Minimum Site Area – The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.
4. Setbacks – Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. Setback from Property Line: Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty-five (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. Setback From Road – In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the ordinance.
 - c. Setback From Structures – Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and on-half (1 ½) times the total height of the wind turbine generator.
 - d. Setback From Communication and Power Lines – Each wind turbine shall be set back from the nearest above ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.

- e. Building Setbacks – Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
5. Maximum Height – The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a case by case basis. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (PA 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
- b. Or, the increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.

In subsections (1) and (2) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.

6. Tower Separation – Wind turbine separation distance shall be based on: 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.
7. Minimum Ground Clearance – The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
8. Maximum Noise Levels – The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A), the standard shall be ambient plus five (5) dB(A).
9. Maximum Vibrations – Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
10. Potential Ice Throw – The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

11. Signal Interference – No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of any existing microwave communications link where its operation is likely to produce electromagnetic interference with the link’s operation.

12. Visual Impact, Lighting, Power Lines

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer’s construction and installation standards.
- b. The design of the wind energy facility’s buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternative and design chosen:
 - (1) Shall be the intensity required under State and Federal regulations.
 - (2) Shall not be strobe lighting or other intermittent while lighting fixtures, unless expressly required by State or Federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations.
 - (3) May be a red top light that does not pulsate or blink.
 - (4) All tower lighting required by State or Federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

- f. Wind energy power transmission lines located with the Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under PA 295 of 2008 are exempt from local zoning regulations.

13. Shadow Flicker

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
- b. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker at occupied structures if it deems such an analysis necessary. 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 sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems.

14. Safety

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable up to fifteen (15) feet above the ground surface.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.
- e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment and facility entrances.
- f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

- 15. State or Federal Requirements – Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautic Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory

Commission, and any other agency of the State or Federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.

16. Hazard Planning – An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:
 - a. Certification that the electrical wiring between turbines and the utility right-of-way does not pose a fire hazard.
 - b. Location of landscaping to be designed to avoid spread of fire from any source of the turbine. Such preventative measures may address the types and locations of vegetation below the turbine and on the site.
 - c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
 - d. Certification that the turbine has been designed to not contain any hazardous fluids shall be provided.
 - e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
17. Approvals – All required approvals from other local, regional, State, or Federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, or Federal agency approval, evidence of such shall be submitted with the site plan.
18. Removal of Wind Turbine Generators –
 - a. The applicant shall submit a decommissioning plan. The plan shall include:
 - (1) The anticipated life of the project.
 - (2) The estimated decommissioning cost in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - (3) The method of ensuring that funds will be available for decommissioning and restoration.
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
 - b. Any wind turbine generator or anemometer tower that is inoperable for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day

period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

- c. In addition to removing the wind turbine generator or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
 - d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at the location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.
19. Equipment Replacement – Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

Article XXIX
Millen Township Ordinance 1464
Outdoor and Open Burning

Section 29.0 - Outdoor and Open Burning

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of the Township of Millen by regulating the air pollution and fire hazards of open burning and outdoor burning.

Section 29.1 – Applicability

This ordinance applies al all outdoor burning and open burning with the Township of Millen.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating devices within a building used for human or animal habitation.
3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

Section 29.2 – Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court or competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 29.3 – Definitions

1. “Campfire” means a small outdoor fire intended for recreation or cooking, does not include fire intended for disposal of waste wood or refuse.
2. “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as a plywood or other composite wood products.
3. “Construction and demolition waste” means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building or other structure.
4. “Fire Chief” means the Chief of the Barton City Fire Department or other person designated by the Fire Chief.
5. “Municipality” means a county, township, city, or village.

6. "Outdoor burning" means open burning, burning in an outdoor wood-fired boiler or patio wood burning unit.
7. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
8. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
9. "Patio wood-burning unit" means a chimney, patio warmer or other portable wood-burning device used for outdoor recreation and/or heating.
10. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetation matter.

Section 29.4 – General Prohibition on Outdoor Burning and Open Burning

Open burning and outdoor burning are prohibited in the Township of Millen unless the burning is specifically permitted by this ordinance.

Section 29.5 – Open Burning of Refuse

1. Open burning of refuse from a commercial or industrial establishment is prohibited.
2. Open burning of refuse from a one or two family dwelling is allowed if all of the following conditions are met:
 - a. The burning does not create a nuisance.
 - b. The material being burned is not prohibited under subsection 3.
 - c. A permit issued in accordance with Section 12 of this ordinance has been obtained.
3. Open burning of the following materials is prohibited.
 - a. Hazardous substances include but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
 - b. Tires
 - c. Most plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.

Section 29.6 – Burning Trees, Logs, Brush, Stumps Leaves, and Grass Clippings

Open burning of trees, logs, brush, stumps, leaves, and grass clippings is allowed only in accordance with all of the following provisions:

1. Except for campfires, approval issued in accordance with Section 12 of this ordinance should be obtained prior to open burning under this section when the ground is not snow covered.
2. Open burning of trees, logs, brush, and stumps must be conducted at least 1,000 feet from an incorporated city or village limit.
3. Open burning of trees, logs, brush, and stumps is prohibited in the following area which is designated as a priority area by the Michigan Department of Environmental Quality under R 336:1331 of the Michigan Air Pollution Control Rules.
4. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when the Governor of Michigan has issued a burning ban applicable to the area.
5. All allowed open burning shall be conducted in a safe, nuisance-free manner when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
6. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided they do not cause a nuisance.
7. Outdoor campfires under this section shall only be conducted a location at least thirty (30) feet from the nearest building which is not on the same property.
8. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
9. Except for barbecue, gas and charcoal grills, no burning shall be undertaken with 25 feet from any combustible material, combustible wall or partition, exit access or exit unless authorized by the Fire Chief.
10. No open burning may be conducted on days when the Department of Environmental Quality has declared an "air quality action day" applicable to the Township of Millen.

Section 29.7 – Agricultural Burning

Open burning of weeds, brush and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of the ordinance.

Section 29.8 - Prescribed Burns

1. "Prescribed Burn" means the burning, in compliance with the prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling and extinguishing a burn.
2. Fire set for forest, prairie and wildlife habitat management are allowed only if conducted in accordance with Part 515 of the Natural Resources and Environmental Protection Act. MCL 324.51501 et seq.

Section 29.9 – Outdoor Wood-Fired Boilers

An outdoor wood-fired boiler may be installed and used in the Township of Millen only in accordance with the following provisions:

1. The outdoor wood-fired boiler shall not be used to burn refuse.
2. The outdoor wood-fired boiler shall be located at least fifty (50) feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
3. The outdoor wood-fired boiler shall have a chimney that extends at least twelve (12) feet above the ground surface. If there are any residences within one hundred (100) feet, the chimney shall also extend at least as high about the ground surface as the height of the roofs of all such residences. The Fire Chief may approve a lesser height on a case by case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

Section 29.10 – Fire Suppression Training

Notwithstanding Sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions:

1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous material.
2. Any standing structure that will be used in a fire suppression training must be inspected and should be inspected by a licensed asbestos inspector. A notification of inspection must be submitted to the Michigan Department of Environmental Quality, Air Quality Division, at least ten (10) business days prior to burning a standing structure. The notification must be submitted using Form EQP 5661 "Notification of Intent to Renovate/Demolition".
3. All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.

4. All ash shall be disposed of in an approved landfill or at an alternate location approved by the Michigan Department of Environmental Quality.
5. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
6. At least 48 hours before a planned practice burn, residents with one thousand (1,000) feet of the site of the proposed burn shall be notified.
7. All fire suppression training should conform to the guidelines established by the national Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

Section 29.11 – Burning Permits

At any time the ground is not snow covered, a person shall not burn any flammable material on or adjacent to forest land, except for domestic purposes, without approval of the Michigan Department of Natural Resources. “Domestic purposes” means any fire within the curtilage of a dwelling where the material being burned has been properly placed in a debris burner constructed of metal or masonry with metal covering devices with openings no larger than $\frac{3}{4}$ of an inch, or a campfire, or any fire within a building.

Section 29.12 – Liability

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from the damage caused by the fire.

Section 29.13 – Right of Entry and Inspection

The Fire Chief or any authorized officer, agent, employee, or representative of the Township of Millen who presents credentials and with just cause of violation may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 29.14 – Enforcement and Penalties

1. The Fire Chief and Zoning Administrator are authorized to enforce the provisions of this ordinance.
2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized Order issued pursuant to the ordinance within thirty (30) days shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

Offenses	Minimum Fine	Maximum Fine
1 st Offense within 3-year period	\$75.00	\$500.00
2 nd Offense within 3-year period	\$150.00	\$500.00
3 rd Offense within 3-year period	\$325.00	\$500.00
4 th or more Offenses within 3-year period	\$500.00	\$500.00

3. The violator shall pay costs which may include all expenses, direct and indirect, which the Township of Millen has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$10.00 nor more than \$500.00 be ordered. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of the Ordinance exists shall constitute a separate violation of this Ordinance.

Section 29.15 – Effective Date

This Ordinance shall take effect 30 days after adopted and published. Affidavit of Publication on file at the office of Millen Township Clerk, Alcona County, Michigan.

Adopted this day of August 4, 2014.

Section 29.16 - Certification

The foregoing ordinance was adopted by the Board of the Township of Millen at a meeting of the Public duly called and held on the 4th day of August 2014.

Article XXX
Millen Township Ordinance 1466
Maple Ridge Cemetery

Section 30.0 – Millen Township Maple Ridge Cemetery Ordinance

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control and management of cemeteries owned by the Township of Millen, Alcona County, Michigan, to provide penalties for the said ordinance and to repeal all ordinances or parts of ordinances in conflict therewith. The “Millen Township Sexton or authorized designated person” shall be referred to throughout this ordinance as just “Sexton”.

Section 30.1 – Title

This ordinance shall be known as the Millen Township Maple Ridge Cemetery Ordinance.

Section 30.2 – Definition of Cemetery Burial Sites

1. A cemetery burial site shall consist of a land area for a single burial site five (5) feet wide and ten (10) feet in length. Or, a plot of five (5) burial sites is available which is twenty (20) feet wide and ten (10) feet in length. Each of the five (5) burial sites are four (4) feet wide and ten (10) feet in length.
2. An infant or stillborn cemetery burial site shall consist of an area three (3) feet wide and three and one half (3 ½) feet long.
3. Two infants or small children may be buried in one cemetery burial site three (3) feet wide x three and one half (3 ½) feet long.
4. Four (4) cremains may be buried in one (1) cemetery burial site two (2) feet x two (2) feet in size in addition to an adult burial site.
5. Four (4) cremains may be buried in one (1) cemetery burial site.
6. One (1) infant and one (1) adult may be buried in one (1) cemetery burial site.

Section 30.3 – Sale of Cemetery Burial Sites

1. Hereafter, cemetery burial sites shall be sold only to residents or taxpayers of Millen Township for the purpose of the burial of such purchaser, their heirs at law or next of kin. It will be at the Sexton’s discretion to allow non-resident burials.
2. No sale shall be made to funeral directors or others as heretofore set forth.
3. The Sexton is hereby granted the authority to vary the aforesaid restriction on previous residence in Millen Township or relationship to persons interred with.

4. Cemetery burial sites shall be sold individually and up to four (4) may be sold to a qualified purchaser. One (1) cemetery burial plot consisting of five (5) individual burial sites may be sold to a qualified purchaser. More than four (4) cemetery burial sites and more than one (1) cemetery burial plot may be sold if approved by the Sexton.
5. The Sexton may consult with the Township Board as necessary.
6. All such sales shall be made on a form approved by the Millen Township Board which grants a right of burial only and does not convey any other title to the cemetery burial site sold. Such forms shall be executed by the Sexton.
7. Burial rights may only be transferred to those persons eligible to be original purchasers of cemetery burial sites within Millen Township and may be affected only by endorsement of an assignment of a cemetery burial site certificate (formerly Deed) issued by the Sexton, approved by said Sexton and entered upon the official records of said Sexton. Upon such assignment, approval and record, said Sexton will issue a new Cemetery Burial Site Certificate to the assignee and shall cancel and terminate upon such records the original Cemetery Burial Site Certificate (formerly Deed) thus assigned.

Section 30.4 – Purchase Price and Transfer Fee

The Millen Township Board, by resolution, will establish fees and may periodically alter the fees by resolution to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition.

The Millen Township Board shall establish fees for the purchase of one (1) cemetery burial site for Millen Township residents or non-township residents as provided for in Section 30.3.

All charges shall be paid to the Millen Township Treasurer and deposited in the Millen Township General Fund.

Charges mentioned in this section shall be available from the Sexton.

Section 30.5 – Cemetery Burial Site Opening and Closing Charges

1. The opening and closing of any cemetery burial site prior to, following a burial and including interment of cremains shall be at a cost determined by the Millen Township Board by resolution. All fees shall be paid to the Millen Township Treasurer and deposited in the Millen Township General Fund.
2. Charges for the opening of any cemetery burial site, including interment of cremains, shall be handled through the Sexton.
3. No cemetery burial sites shall be opened and closed except under the direction and control of the Sexton. This shall not apply to proceedings for the disinterment and re-interment of human remains which matters are under the supervision of the local Health Department or law enforcement authorities with proper documentation. Although, the Sexton shall be notified.

4. Damages incurred to grave markers, monuments or burial spaces during tasks not directly assigned by Millen Township shall be the responsibility of the party responsible for said damages.

Section 30.6 – Repurchase of Cemetery Burial Sites

Millen Township will repurchase any cemetery burial site from the owner for the original purchase price paid to Millen Township upon written request of said cemetery burial site owner, his/her legal heirs or an authorized representative.

Section 30.7 – Forfeiture of Vacant Cemetery Burial Sites

After forty (40) years from date of sale all rights to unused cemetery burial sites shall revert to Millen Township providing the following events have occurred:

1. Notice has been sent by the Sexton following present day standards as established by the U. S. Postal Service for efficient notification to the last known address of the last owner of record informing the owner of the forty (40) year period.
2. Affirmatively indicated in writing to the Sexton within sixty (60) days of mailing said notice, their desire to retain burial rights to said cemetery burial sites.

Section 30.8 – Markers and Memorials

1. All markers or memorials must be of stone granite or other durable composition.
2. Suitable foundations are required for markers, memorials and monuments.
3. One (1) marker, memorial or monument is permitted per burial site. One (1) veteran's memorial and one (1) cremains memorial flush with the ground and properly set in concrete is allowed in addition to the marker, memorial or monument per burial site.
4. To maintain the integrity of the rows within the cemetery, the Sexton shall be notified for approval prior to the placing of markers, memorials or monuments on any cemetery burial site.

Section 30.9 – Interment Regulations

1. The Sexton shall be notified of all burials including adult, infant, child, and cremains.
2. Burials shall adhere to definitions and regulations as stated in Section 30.2 of this ordinance.
3. The Sexton shall be notified of all burials not less than thirty six (36) hours prior to said burial.
4. Only human remains will be accepted for burial and must be placed in a standard acceptable vault. Cremains shall be placed in plastic, metal, stone, or wood containers.

5. Presentation of Cemetery Burial Site Certificate may be required. In its absence, the Sexton shall be satisfied that the person(s) to be buried in the cemetery burial site is authorized and appropriate for burial in that site before any interment is commenced or completed.
6. Postponement of burials may occur at the discretion of the Sexton due to weather or other environmental conditions.

Section 30.10 – Ground Maintenance

1. Ground maintenance, including burial site care, shall be completed by Millen Township. Any grading, leveling or excavating requires the permission of the Sexton.
2. Planting of shrubs or trees on burial spaces shall not be allowed.
3. All live, artificial, cut, dried, or potted flowers are permitted to be placed by the grave marker or headstone. Winter wreaths and grave blankets are allowed from October 1 and shall be removed by May 1.
4. Mounds which hinder the free use of a lawn mower, weed whipping or other gardening apparatus are prohibited. Fences, railings, cornerstones, chipped stones, or other obstacles to lawn mowers, weed whipping or other gardening apparatus are prohibited. Surfaces other than sod or earth are prohibited. Solar lights, small mementos, etc. outlining a grave site will be removed. These items prohibit the free use of lawn mowing, weed whipping or use of other gardening apparatus.
5. The Millen Township Board has the right and authority to remove and dispose of any and all growth, emblems, displays, or containers, therefore, that through decay, deterioration, damage, or otherwise become unsightly, a source of litter or maintenance problem.

Section 30.11 – Records

The Sexton shall maintain records concerning all burials, issuance of Cemetery Burial Site Certificates, cemetery maps, and other information as it may apply to Millen Township Maple Ridge Cemetery. The same shall be made available to public inspection upon due notice to the Sexton.

Section 30.12 – Cemetery Hours

The Millen Township Maple Ridge Cemetery shall be open to the general public during daylight hours only.

Section 30.13 – Vehicles Prohibited

The use of any recreational vehicle (ORV) or snowmobile is strictly prohibited within the confines of Millen Township Maple Ridge Cemetery.

Section 30.14- Owner of Cemetery Burial Site Certificates

1. All future and existing burials will conform to this ordinance.
2. All existing, non-conforming cemetery burial sites will not be affected.

Section 30.15 – Penalties

Any person, firm or corporation who violates any of the provisions of this ordinance is responsible for a Municipal Civil Infraction as defined by Michigan Law and subject to a Civil Fine. Additionally, the violator shall pay costs which may include all direct and indirect expenses to which Millen Township incurs in connection with the violation. In no case, however, shall the costs of less than \$500.00 or more than \$1,000.00 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.

Each day a violation of this ordinance continues to exist shall constitute a separate violation.

**Article XXXI
Millen Township Ordinance 4
Pension Plan**

Section 31.0 - Pension Plan Ordinance

This article is no longer an ordinance and has been adopted into **Resolution 2023-11**

**Article XXXII
Millen Township Ordinance 97-102
Land Division**

Section 32.0 - Land Division Ordinance

The purpose of this Ordinance is to carry out the provisions of the State Land Division Act, 1967 PA 288, as amended, formerly known as the Subdivision Control Act.

Section 32.1 – Title

This Ordinance shall be known and cited as the “Millen Township Land Division Ordinance”.

Section 32.2 Definitions

This Sections defines terms and phrases used in this Ordinance.

Section 32.3 - Prior approval Requirement for Land Divisions

Sets out the requirements for prior review of land divisions.

Section 32.4 - Application for Land Division Approval

Sets out the documents required to be filed along with the application for land division approval.

Section 32.5 - Procedure for Review of Applications for Land Division Approval

Sets out the procedure to be followed when an application for land division approval has been filed and states that the divisions must be approved or disapproved within forty-five (45) days after receipt of such application.

Section 32.6 - Standards for Approval of Land Divisions

States that a proposed land division shall be approved if all criteria in this section are met, i.e. minimum width, minimum depth, minimum area, adequate accessibility.

Section 32.7 - Consequences of Non-Compliance with Land Division Approval Requirements

Any parcel created without compliance with this ordinance shall not be recognized on the assessment roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed.

Section 32.8 - Severability

Provides that is any portion of this Ordinance is declared invalid such invalidity shall not affect any other portion of this Ordinance.

Section 32.9 - Repeal

Repeals all ordinances or parts of ordinances in conflict herewith.

Section 32.10 - Effective Date

This Ordinance shall take effect upon publication after adoption.

Please take further notice: The full text of this Ordinance will be available for inspection and may be purchased at the office of the Township Clerk during regular business hours of regular business days from the date of this publication.

**Article XXXIII
Millen Township Ordinance 1465
Floodplain Management Provisions of the State Construction Code**

Section 33.0 – Floodplain Management Provisions of the State Construction Code

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Millen located in Alcona County, and to designate regulated flood hazard areas under the provision of the State Construction Code Act, Act No. 230 of the Public Acts of 1972 as amended.

Section 33.1 – Agency Designated

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Alcona is hereby designated as the enforcing agency to discharge the responsibility of the Township of Millen under Act 230, of the acts of 1972, as amended, State of Michigan. The County of Alcona assumes responsibility for the administration and enforcement of said act throughout the corporate limits of the community adopting this ordinance.

Section 33.2 – Code Appendix Enforced

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the County of Alcona.

Section 33.3 – Designation of Regulated Flood Prone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Alcona County Michigan, All Jurisdictions” and dated September 28, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26001C, 0200D, 0225D, 0250D, 0350D, 0375D, and 0400D dated September 28, 2012, are adopted by reference for the purpose(s) of the administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide the content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

Section 33.4 – Repeals

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 33.5 – Publications

This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

This ordinance duly adopted on this 5th day of June 2017, at a regular meeting of the Township of Millen and will become effective on June 5, 2017.

**Article XXXIV
Millen Township Ordinance 2020-01
Barton City Park**

Section 34.0 – Barton City Park Ordinance

An ordinance to provide for the use, protection, regulation and control of the public parks and park facilities and other matters concerning recreation, conservation, education, historic and scenic areas and preserves and parkways, and to provide for the adoption of supplementary rules and regulations and other matters related to the use of and conduct on park property.

MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:

Section 34.1: Short Title

This ordinance may be known and referred to as the **BARTON CITY PARK ORDINANCE**.

Section 34.2: Public Use and Hours

1. General public

Any group or gathering of 25 or more persons may use certain areas within the public parks in BARTON CITY PARK to the exclusion of others by making application and being granted a permit by the BARTON CITY PARK manager or her designated representative of the MILLEN TOWNSHIP BOARD.

2. Permits

- a. Applications for permits for reserved park space shall be made upon forms to be furnished by the BARTON CITY PARK manager as approved by the MILLEN TOWNSHIP BOARD.
- b. MILLEN TOWNSHIP BOARD or its agent may, upon written application, grant specific use permits for special uses when, in the opinion of the MILLEN TOWNSHIP BOARD or its agent, special consideration is warranted.
- c. Application shall be made in advance of the time of the reservation request sufficient to allow at least 12 hours posted notice of reservation of space.
- d. In the event more applications for reserved space are received than spaces available, such applications shall be considered in the chronological order received.

3. Fees and Charges

- a. Fees and charges may be assessed by the MILLEN TOWNSHIP BOARD for the use of any facility, land, area, or program on BARTON CITY PARK property of MILLEN TOWNSHIP.

- b. It shall be unlawful for any person to use any facility, land, or area for which a fee or charge has been established by the MILLEN TOWNSHIP BOARD without payment of such fee or charge.
- c. Persons reserving the BARTON CITY PARK shall complete a BARTON CITY PARK USE AGREEMENT and pay associated fees per this agreement.

4. Hours

No person or vehicle shall remain upon property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD between posted closing times and sunrise excepting at designated areas and other special use areas, provided however, that upon application to the MILLEN TOWNSHIP BOARD or its authorized agent, said hours may be extended.

Section 34.3: Protection of Property

- 1. Destruction of buildings, markers, monuments, and other properties shall be prohibited, and no person shall, on BARTON CITY PARK property:
 - a. Willfully destroy, deface, alter, change, or remove any monument, stone marker, benchmark, stake, post, or blaze, marking, or designate any boundary line, survey line, or reference point.
 - b. Cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge, or other structure.
 - c. Deface, destroy, or remove any placard, notice, or sign, whether permanent or temporary, posted or exhibited within or upon park property.
 - d. Appropriately excavate, injure, or destroy any historical or prehistorical ruin or any object of antiquity, without permission of the MILLEN TOWNSHIP BOARD or its agent.
- 2. Destruction of plant life and natural surroundings shall be prohibited, and no person shall:
 - a. Cut, remove, or destroy any tree, sapling, seedling, bush or shrub, whether alive or dead, or chip, blaze, box, girdle, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower, or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass.
 - b. Remove or cause to be removed any sod, earth, humus, peat, boulders, gravel, or sand, without written permission of the MILLEN TOWNSHIP BOARD or its agent.
- 3. The following rules shall apply to fires on BARTON CITY PARK property of MILLEN TOWNSHIP:

- a. No person shall willfully set or cause to be set on fire any tree, woodland, brushland, grassland or meadow within or upon the BARTON CITY PARK property of MILLEN TOWNSHIP.
- b. No person shall build any fire upon BARTON CITY PARK property except within the fireplaces, receptacles or open spaces approved and designated by the MILLEN TOWNSHIPBOARD for such purpose.
- c. No person shall drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable materials within or upon any the BARTON CITY PARK property of MILLEN TOWNSHIP.
- d. Fires shall not be left unattended. All fires shall be extinguished upon leaving the immediate vicinity.

Section 34.4: Camping

It shall be unlawful to camp except in such areas as may be provided and designated for such purposes by the MILLEN TOWNSHIP BOARD. No person shall camp without a written permit issued by an authorized representative **of the MILLEN TOWNSHIP BOARD.**

Section 34.5: Parking

Parking in Prohibited Areas; Standing for Loading or Unloading in Certain Places

1. It shall be unlawful to park any vehicle in any area which is designated as a prohibited parking area.
2. It shall be unlawful to drive or park any motor vehicle in or upon BARTON CITY PARK property of MILLEN TOWNSHIP which is used for recreational purposes, unless otherwise allowed by these rules.

Section 34.6: Trespass

Peddling and Soliciting

It shall be unlawful for any person to peddle or solicit business of any nature whatsoever, or to distribute handbills, or other advertising matter, to post unauthorized signs on any lands, water, structures, or property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD, or to use such lands, water, structures or property unless first authorized in writing by the MILLEN TOWNSHIP BOARD or its agent.

Alcoholic Beverages & Drugs

No person shall have in their possession any intoxicating beverage while in or upon the BARTON CITY PARK property administered by or under the jurisdiction of the MILLEN TOWNSHIP in areas determined by MILLEN TOWNSHIP and designated by posting at the main entrance or other conspicuous place to be areas in which no alcoholic beverages are permitted. No person shall sell,

use, or have in his possession any drug or narcotic; the sale, use or possession of which is prohibited by the state law.

Personal conduct

1. It shall be unlawful for any person to be under the influence of intoxicants, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene or otherwise disorderly conduct, or to disturb or annoy others, while in or on any BARTON CITY PARK property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD.
2. It shall be unlawful to conduct or to participate in any form of gambling, lottery, or game of chance upon BARTON CITY PARK property of MILLEN TOWNSHIP.

Use of loudspeaker

It shall be unlawful to use a loudspeaker, public address system or amplifier within or upon BARTON CITY PARK property without a written permit issued by the MILLEN TOWNSHIP BOARD or its agent.

Fireworks

No person shall fire, discharge or have in his or her possession any rocket, firecracker, torpedo, squib, or other fireworks or any substance of an explosive nature within or upon the BARTON CITY PARK property of MILLEN TOWNSHIP unless the MILLEN TOWNSHIP BOARD or its authorized agent shall have authorized same by the issuance of a permit therefore.

Firearms

No person shall at any time, bring into or upon the BARTON CITY PARK properties, nor have in his or her possession, nor discharge, or set off anywhere upon said properties, a revolver, pistol, shotgun, rifle, air gun, water gun or any gun, rifle, firearm or bow or other weapon that discharges projectiles either by air, explosive substance or any other force, provided, however, that this section shall not apply to any deputy sheriff, police officer, peace officer, park ranger, or other duly appointed law enforcement officer.

Littering

It shall be unlawful to discard or deposit refuse of any kind or nature in or upon BARTON CITY PARK property of MILLEN TOWNSHIP except by placing said refuse in containers provided for such purpose.

Public Exhibition

No person shall exhibit any machine or show, or any animal, or indulge in any acrobatic exhibitions in or upon any BARTON CITY PARK property of MILLEN TOWNSHIP, nor shall any person carry on any performance or do anything whatsoever which shall cause persons to congregate so as to interfere with the proper use of such property by the general public or to obstruct the passage of

vehicles or persons without first having obtained written permission from MILLEN TOWNSHIP or its agent.

Special Permits

No erection, construction or maintenance shall be made above or below ground, across or beneath BARTON CITY PARK property by any person, firm, or corporation without first having obtained written permission from the MILLEN TOWNSHIP BOARD authorizing such installation or construction and a permit specifying in detail the work to be done and the conditions to be fulfilled pursuant to the terms of such approval.

Emergency powers

Nothing in these rules shall:

1. Prohibit or hinder duly authorized agents of MILLEN TOWNSHIP or any peace officers from performing their official duties.
2. Prohibit MILLEN TOWNSHIP from establishing emergency rules required to protect the health, welfare and safety of park visitors and to protect park property; including, but not limited to, the right of MILLEN TOWNSHIP to order all persons off BARTON CITY PARK property, and close all or any portion of said park.

Section 34.7: Enforcement

Fines and imprisonment-Any person violating any provision of the foregoing rules shall be deemed guilty of a misdemeanor and upon conviction thereof be fined not more than \$500 and costs of prosecution, or imprisoned in the county jail for a period not exceeding 90 days, or both, for each offense.

Section 34.8: Definitions

1. "Person" or "persons" shall mean individuals, male or female, singular or plural; firms, corporations, or any group or gathering of individuals.
2. "Camping" means the overnight lodging or sleeping of person or persons on the ground or in any manner, or in any sleeping bag, tent, trailer-tent, trailer coach, vehicle camper, motor vehicle, boat or in any other conveyance erected, parked or placed on the premises or waters within any park or recreation area administered by the MILLEN TOWNSHIP BOARD.
3. "Rules" shall mean the rules adopted by the MILLEN TOWNSHIP BOARD to all property administered by or under the jurisdiction of the MILLEN TOWNSHIP BOARD and all amendments thereto.

Section 34.9: Saving Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 34.10: Effective date

This ordinance shall be published as required by law, to become effective on the date of final publication.

An ordinance to amend the Millen Township Zoning Ordinance Article XXXV
to address solar energy.

Millen Township, Alcona County, Michigan ordains:

Section 1: Amendments to the Millen Township Zoning Ordinance Article XXXV.

The current Article 35 is struck in its entirety and to be replaced with the following proposed article:

A. Solar Energy Definitions:

1. **Solar Energy Facility (Utility Scale/Commercial).** A facility designed to capture and utilize the energy of the sun to generate electrical power to be used primarily off-site. A solar energy facility consists of an array of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
2. **Solar Energy Panels (Accessory).** Solar collection devices designed to capture and utilize the energy of the sun to generate electrical power primarily for use on-site.
 - a. **Building-Integrated Accessory Solar Energy Panels.** Accessory solar energy panels that are an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
 - b. **Ground-Mounted Accessory Solar Energy Panels.** Accessory solar energy panels mounted on support posts, like a rack or pole, that are attached to or rest on the ground.
 - c. **Building-Mounted Accessory Solar Energy Panels:** A solar energy system mounted on racking that is attached to the wall of a building or structure or is attached to or ballasted on the roof of a building or structure.
3. **Solar Collection Device.** The actual material(s) used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected.
4. **Dual Use.** A solar energy system that employs one or more of the following land management and conservation practices throughout the project site:
 - a. **Pollinator Habitat.** Solar sites designed to meet a score of seventy-six (76) or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

- b. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
 - c. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
 - d. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
5. **Maximum Tilt.** The maximum angle of a solar collection device (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
 6. **Minimum Tilt.** The minimal angle of a solar collection device (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
 7. **Non-Participating Lot(s).** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy facility associated with the applicant project.
 8. **Participating Lot(s).** One (1) or more lots under a signed lease or easement for development of a solar energy facility associated with the applicant project.
 9. **Repowering.** Reconfiguring, renovating, or replacing a solar energy facility to maintain or increase the power rating of the solar energy facility within the existing project footprint.
 10. **Wildlife-Friendly Fencing.** A fencing system with openings that allow wildlife to traverse over or through a fenced area.

B. Solar Energy Facilities – Utility-Scale/Commercial

1. **Districts.** A Solar Energy Facility is a Special Exception Use in the Agricultural District and shall be evaluated with the standards within this Section and also the Special Exception standards in Section 4.0.
2. **Reflection/Glare.** Solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Plans to reduce glare may be required in the initial materials submitted.
3. **Groundcover and Impervious Surface/Stormwater.**
 - a. If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be

used to clean solar collection devices, details on the type of detergent, frequency, and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

- b. If dual use (groundcover such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) occurs, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover such as conservation cover, pollinator habitat, or forage cover.
4. **Screening.** Solar collection devices shall be screened from view from any residential district or residential use on non-participating lots, evergreen vegetation, or other screening of a similar effectiveness and quality, if determined as necessary by the Planning Commission. The Planning Commission may require screening to be installed which screens the facility fully from view from the time of planting or installation. Screening shall be maintained throughout the life of the facility including replacing dead vegetation within six (6) months or at the earliest feasible time of year dependent on the weather. The Planning Commission may reduce or waive screening requirements provided that any such adjustment is in keeping with the intent of the Ordinance.
5. **Setbacks and Height.**
 - a. **Setbacks.** The setbacks of all solar collection devices and ancillary equipment shall be at least one hundred (100) feet from all lot lines of non-participating lots. Solar collection devices will be kept at least five hundred (500) feet from a residence on a non-participating lot.
 - b. **Height.** Total height for the solar collection devices shall not exceed the maximum allowed height in the Agricultural District in which the system is located.
 - c. Solar collection devices shall not count toward any lot coverage limits in the Zoning Ordinance.
6. **Wiring.** Wiring (including communication lines) may be buried underground. Any above-ground wiring within the footprint of the solar energy facilities shall not exceed the height of the solar collection devices at maximum tilt.
7. **Lighting.** Solar Energy Facility lighting shall be limited to inverter and/or substation locations only. Light fixtures shall have downlit shielding and be placed to keep light on-site and glare away from adjacent properties, bodies of water, and adjacent roadways. Flashing or intermittent lights are prohibited.
8. **Sound.** The sound pressure level of a Solar Energy Facility and all ancillary solar equipment shall not exceed forty-five (45) dBA (Leq (1 hour)) at the lot line of an adjacent non-participating lot. The site plan shall include modeled sound isolines extending from the sound source to the lot lines to demonstrate compliance with this standard. If ambient sounds are at or above forty-five (45) dBA (Leq (1 hour)), then the sound pressure level shall not exceed the ambient sound plus five (5) dBA (Leq (1 hour)).

9. **Land Clearing.** Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the system and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.

10. **Access Drives.** New access drives within the Solar Energy Facility shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the Solar Energy Facility is permitted, provided that the geotextile fabrics and gravel are removed from those temporary roadways once the Solar Energy Facility is in operation. Access drives shall be removed upon decommissioning unless the property owner requests the access drives remain in place or the Planning Commission makes a determination that the access drives should remain in place.

11. **Fencing.** Solar Energy Facilities may be secured with perimeter fencing to restrict unauthorized access. Fencing is not subject to setbacks in **subsection 5**. The Planning Commission may require wildlife-friendly fencing.

12. **Agricultural Protection.** Solar energy facilities shall be sited to minimize impacts to agricultural production through site design and accommodations including:
 - a. The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.
 - b. Siting panels to avoid disturbance and compaction of farmland by siting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
 - c. Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the Solar Energy Facility.
 - d. Siting the Solar Energy Facility to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
 - e. Optional: Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres consistent with a purchase of development rights ordinance adopted in the Township.

13. Repowering.

- a. In addition to repairing or replacing solar energy components to maintain the system, a Solar Energy Facility may at any time be repowered, without the need to apply for a new Special Exception Use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint.
- b. A proposal to change the project footprint of an existing Solar Energy Facility shall be considered a new application, subject to the ordinance standards at the time of the request. Expenses for legal services and other studies resulting from an application to modify a Solar Energy Facility will be reimbursed to the Township by the Solar Energy Facility owner in compliance with established escrow policy.

14. Reports. Solar energy production summary reports by month shall be provided annually for each Solar Energy Facility to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.

15. Abandonment. If a Solar Energy Facility owner or operator has an intent to abandon, and, in fact, does abandon a Solar Energy Facility for twelve (12) continuous months, the Solar Energy Facility shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township and requested to dismantle the site and return it to its original state within one hundred (180) days of receipt of notice from the Township of such abandonment. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township and request a six-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this within the one hundred (180) day period, the Township will have the removal and restoration done at the owner/applicant's expense.

16. Application Requirements and Performance Guarantee.

- a. **Site Plan.** A site plan shall be required. The site plan shall include the following:
 - (1) The location of all solar arrays, including setbacks.
 - (2) The width of arrays.
 - (3) The distance between arrays plus total height and height to the lowest edge above grade.
 - (4) Ancillary structures and electric equipment.
 - (5) Utility connections.
 - (6) Dwellings on the property and within five hundred 500 feet of the property lines (participating and non-participating lots)
 - (7) Existing and proposed structures as part of the Solar Energy Facility.
 - (8) Buried or above ground wiring.
 - (9) Temporary and permanent access drives.
 - (10) Fencing detail.

- (11) Screening/landscape detail and berm detail.
 - (12) Signs.
 - (13) Plans for land clearing and/or grading required for the installation and operation of the system, and plans for ground cover establishment and management.
 - (14) Sound modeling study including sound isolines extending from the sound source(s) to the property lines of adjoining non-participating lots.
 - (15) Completed copy of Michigan Pollinator Habitat Planning Scorecard for Solar Sites (when applicable).
 - (16) The location of prime farmland [and/or farmland of statewide importance, farmland of local importance, unique farmland, and prime farmland if drained] as defined in the U.S. Department of Agriculture, Natural Resources Conservation Service - Web Soil Survey.
- b. **Decommissioning Plan.** A decommissioning plan is required at the time of application. The decommissioning plan shall include:
- (1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district. Removal shall include removing posts, equipment, panels, foundations, and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
 - (2) The projected decommissioning costs for removal of the Solar Energy Facility and soil stabilization.
 - (3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit).
- c. **Performance Guarantee.** The Township shall require a performance guarantee at the time of approval equal to 1.25 times the estimated decommissioning cost. A review of the amount of the performance guarantee based on inflation, salvage value, and current removal costs shall be completed every five (5) years, for the life of the project, and approved by the Township Board. A Solar Energy Facility owner may at any time:
- (1) Proceed with the decommissioning plan approved by the Planning Commission and remove the system as indicated in the most recent approved plan; or
 - (2) Amend the decommissioning plan with Planning Commission approval and proceed according to the revised plan.
- d. **Additional Studies.** Additional studies may be required by the Planning Commission if reasonably related to the standards of this ordinance as applied to the application site, including but not limited to:
- (1) **Visual Impact Assessment:** A technical analysis by a third party qualified professional of the visual impacts of the proposed project, including a description of the project,

the existing visual landscape, and important scenic resources, plus visual simulations that show what the project will look like (including proposed landscape and other screening measures) a description of potential project impacts, and mitigation measures that would help to reduce the visual impacts created by the project and documented on the site plan.

- (2) **Environmental Analysis:** An analysis by a third-party qualified professional to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, wildlife, endangered and threatened species, historical and cultural sites, and antiquities. If required, the analysis shall identify all appropriate measures to minimize, eliminate or mitigate adverse impacts identified and show those measures on the site plan, where applicable.
- (3) **Stormwater Study:** An analysis by a third-party qualified professional that takes into account the proposed layout of the Solar Energy Facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
- (4) **Glare Study:** An analysis by a third-party qualified professional to determine if glare from the solar collection devices will be visible from nearby residents and roadways. If required, the analysis shall consider the changing position of the sun throughout the day and year, and its influence on the facility.

C. Accessory Solar Panels

Accessory solar panels shall be permitted as an accessory use in each district. The standards for accessory solar panels are as follows:

1. **Permitted Use.** Solar energy panels shall be allowed as a permitted accessory use in all zoning districts subject to the requirements below. A zoning permit shall be required. A building permit may be required.
2. **Submittal Requirements.** Applicants shall submit drawings that show the location of the system on the property, height, tilt features (if applicable), the primary structure, accessory structures, and setbacks to lot lines. Accessory solar energy panel applications that meet the ordinance requirements shall be granted a zoning permit by the Zoning Administrator.
3. **Height.**
 - a. Ground-mounted accessory solar energy panels shall not exceed the allowable height of structures in that district. When panels are oriented at maximum tilt, height is measured from the ground to the top of the system.
 - b. Building-mounted accessory solar energy systems shall not exceed five (5) feet above the finished roof.

4. Setbacks/Location.

a. Ground-mounted accessory solar energy panels.

(1) Ground-mounted accessory solar energy panels shall not be located in the front setback for the principal building.

(2) Ground-mounted accessory solar energy panels shall be setback back at least five (5) feet from the side and rear lot line. On corner lots where the street side lot line is a continuation of the front lot line of the lot to the rear, solar energy panels shall be subject to a setback equal to the front setback along the street side lot line.

(3) Setbacks are measured from the lot line to the nearest portion of the structure when oriented at minimum tilt.

(4) If no solar access is available in the location required by this subsection, the Planning Commission may approve ground-mounted solar energy panels in an alternate location on a case-by-case basis. Screening from the road or neighboring property may be required.

(5) Ground-mounted accessory solar energy panels shall not count toward any lot coverage limits or accessory building limits in the Zoning Ordinance.

b. Building-mounted accessory solar energy panels shall adhere to district setbacks for a principal building but may encroach into designated principal building setbacks by twelve (12) inches.

5. Glare. Panels shall not result in glare onto adjoining properties or public rights of way.

6. Nonconformities.

a. A building-mounted accessory solar energy panel installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

b. Ground-mounted accessory solar energy panels installed on a nonconforming lot or nonconforming use shall not be considered an expansion of the nonconformity.

7. Building-Integrated Solar Energy Panels. Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building and not subject to standards in this Section.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or

invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Millen Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Millen Township Supervisor

Millen Township Clerk

I, _____, Clerk for Millen Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. _____ of 2023 of Millen Township, adopted by at a meeting of the Township Board held on _____.

A copy of the complete ordinance text may be inspected or purchased at the Millen Township Offices at _____.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.

**Article XXXVI
Millen Township Ordinance 2019-01
Prohibition of Marijuana Establishments**

An ordinance to provide a title for the ordinance; to define words; to prohibit marijuana establishments within the boundaries of Millen Township pursuant to Initiated Law I of 2018, MCL 333.27951 et seq., as may be amended; to provide penalties for violation of this ordinance; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:

Section 36.0 – Title

This ordinance shall be known as and may be cited as the Millen Township Prohibition of Marijuana Establishments Ordinance.

Section 36.1 – Definitions

Words used herein shall have the definitions as provided for in Initiated Law 1 Of 2018, MCL 333.27951, et seq., as may be amended.

Section 36.2 – No Marijuana Establishments

Millen Township hereby prohibits all marijuana establishments within the boundaries of the township pursuant to Initiated Law 1 of 2018, MCL 333.27951, and et seq., as may be amended.

Section 36.3 – Violations and Penalties

1. Any person who disobeys neglects or refuses to comply with any provision of this ordinance or who causes allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.

2. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100.00 nor more than \$500.00, in the discretion of the court. The foregoing sanctions shall be in addition to the rights of the township to proceed at law or equity with other appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expense, direct and indirect, which the township incurs in connection with the municipal civic infraction.

3. Each day during which any violation continues shall be deemed a separate offense.

4. In addition, the township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.

5. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the township or by such other person (s) as designated by the township board from time to time.

Section 36.4 – Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 36.5 – Repeal

An ordinance or parts of ordinances in conflict are hereby repealed.

Section 36.6 – Effective Date

This ordinance shall be published as required by law, to become effective on the date of final publication.

**Article XXXVII
Millen Township Ordinance 2021-01
Amendment of Millen Township Zoning Ordinance Article XII – Tents, Trailers, Mobile Homes**

PURPOSE: The purpose of this ordinance is to address the dwelling minimum unit size.

MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:

Section 37.0 - Addition to the Millen Township Zoning Ordinance.

That the Millen Township Zoning ordinance is hereby amended to add Section 12.30:

Section 12.3 – Dwellings below the minimum unit size required by this ordinance are permitted use. All dwellings must be on a permanent approved foundation.

Section 37.1 – Effective Date

This ordinance shall be published as required by law, to become effective on the date of final publication.

**Article XXXVIII
Millen Township Ordinance 2021-02
Amendment of Millen Township Zoning Ordinance Article IV – Special Exceptions**

PURPOSE: The purpose of this ordinance is to address the publishing of a notice.

MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:

Section 38.0 - Addition to the Millen Township Zoning Ordinance.

That the Millen Township Zoning ordinance is hereby amended to add paragraph 8 to Section 4.1 – Special Exception Procedures:

8. The notice shall be mailed or personally delivered and published in a local newspaper at least 15 days prior to the hearing.

Section 38.1 – Effective Date

This ordinance shall be published as required by law, to become effective on the date of final publication.

**Article XXXIX
Millen Township Ordinance 2021-03
Short Term Rentals Regulations**

PURPOSE: The purpose of this ordinance is to address Short Term Rental Regulations with Millen Township.

MILLEN TOWNSHIP OF ALCONA COUNTY, MICHIGAN ORDAINS:

Section 39.0 - Zoning Permit.

A separate zoning permit is required for each Short Term Rental property regardless of whether or not properties are under the same ownership.

Section 39.1 - Districts.

Short Term Rentals are a permitted use in the AG, R-1, RR-1, R-2, and C-1 (dwellings only) Districts.

Section 39.2 - Standards.

Short term rentals are permitted uses and required to abide by the regulations as set forth by this ordinance.

1. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper or tent.
2. Exterior: All exterior premises shall be kept free from any accumulation of junk or garbage.
3. Provisions for trash removal shall be provided. Trash shall be contained in properly sealed receptacles. There will be no overflow that will be attractive to vermin.
4. Nuisance. Activities on a Short Term Rental Property shall not constitute a Nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations or trespass.
5. Traffic. Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
6. All parking associated with a Short Term Rental shall be out of the roadway and entirely onsite, in the garage, driveway or other improved area.
7. The number of occupants in a dwelling shall be two adults per bedroom.
 - A. An owner may apply for permission to have the maximum occupancy of a Short Term Rental dwelling unit increased above the number established in 7. Applications shall be a special exceptions permit (procedures Article IV). The planning commission may

grant the permit only upon determining that subsections (1) and (2) below are both satisfied:

(1) All of the following are provided:

- a. A parking site plan is provided allowing sufficient access for emergency vehicles.
- b. An automatic sprinkler system for all floors with one or more bedrooms.
- c. Fire alarm system
- d. Interconnected smoke alarm system.
- e. Fire rated corridors.
- f. Fire-rated stairwell enclosures on all stairways providing the primary means of
- g. Egress for one or more bedrooms.
- h. Fire-rated doors on all bedrooms.
- i. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission.

(2) Due to one (1) or more of the following features or other similar features of the applicant's property, an increased maximum occupancy would not have an adverse effect on the surrounding properties:

- a. Isolation from properties used as residential dwellings.
- b. Size of the setbacks on the property.
- c. Provision of fencing or other screening from adjoining properties.
- d. Topography and layout of the applicant's property or of the adjoining properties.
- e. Other characteristics and uses of the properties within the vicinity of the Applicant's property.

8. Smoke Detectors and Carbon Monoxide Devices. The owner or local agent of a dwelling unit used for Short Term Rental shall:

- A. Install and maintain an operational smoke detector in each bedroom, and test such smoke detector at least every ninety days to ensure that they are properly functioning.
- B. Install and maintain at least (1) one operational approved carbon monoxide device on each floor and test such devices at least every ninety (90) days to ensure that they are functioning properly.

9. Events. Outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.

10. Pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark or howl for a period of ten (10) minutes or longer.

11. Noise. Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a reasonable person of normal sensitivities. Quiet hours shall be from 10:00 P.M. to 8:00 A.M.
12. Fires. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
13. Fireworks. Fireworks of any kind are not allowed on rental property except in accordance with state law.
14. Street address Posted within Dwelling Unit. The street address of the property shall be posted at two prominent locations within the dwelling unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted in the kitchen and near any telephone.

Section 39.3 - Local Agent

1. Each owner of a short Term Rental must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
2. The local agent must be available twenty four (24) hours a day during the rental period and within forty-five (45) minutes travel time of the property (or portion thereof) used for a Short Term Rental.
3. The township shall have on file the name, address and telephone number of the local agent.
4. An owner meeting the requirements of subsections one (1) and two (2) above may designate themselves as local agent.
5. The name, address and 24 hour available contact phone number shall be posted in a prominent first floor rental of any dwelling unit used for a Short Term Rentals as well as the maximum occupancy allowed by this ordinance.
6. Changes in ownership or the local agent shall given to the township.

Section 39.4 - Violations

Failure to adhere to the standards shall be a violation of this ordinance per section XXVII.

Section 39.5 - Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 39.6 - Saving Clause

The Millen Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 39.7 - Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Article XL
Millen Township Ordinance 2022-01
Noise

Section 40.0 - Zoning Permit.

The Township of Millen, Alcona County, Michigan, ordains:

Section 40.1 - Title

This Ordinance shall be known and cited as the Millen Township Anti-Noise Ordinance.

Section 40.2 - Anti-Noise Regulations

1. **General Regulation.** No person, firm, corporation or other legal entity shall cause, create, or maintain any unreasonably loud noise or disturbance which is injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose, or other interests of persons of common sensibilities in the vicinity or on nearby properties. Any such noise or disturbance is hereby declared a nuisance per se.

2. **Specific Violations.** The following noises and disturbances, when unreasonable in time, manner, or volume and injurious to, or interferes with, the public health, safety, welfare, peace, comfort, convenience, repose, or other interests of persons in the vicinity or on nearby properties are declared to be a violation of this Ordinance. Each of the following acts is declared unlawful and prohibited, but this enumeration shall not be deemed to be exclusive.

a. It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday for any person to make, create, maintain, or permit any loud, unnecessary noise of such character, intensity, or duration, either steadily or intermittently, at any place which annoys, disturbs, endangers, or impairs the comfort, health, convenience, safety, welfare, enjoyment, and peace and quiet of other persons of common sensibilities in the vicinity.

b. It shall be unlawful to play, use, or operate, or permit the playing, using, or operating, or any television or radio receiving set, musical instrument, phonograph or other machine or device for producing, reproducing, or amplifying sound in such a manner as to create a noise disturbance, or at any time with a louder volume than is necessary for convenient hearing for the persons who are in the room, chamber, vehicle, or other place in which such an instrument, machine, set, or device is operated and who are voluntary listeners thereto. The operation of any such television, radio receiving set, instrument, phonograph, machine, or device between the hours specified in paragraph B.1 above in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, vehicle, or other place in which it is located shall be prima-facie evidence of a violation of this section. This subsection shall not apply to noncommercial speech.

c. It shall be unlawful to keep any animal, dog, or bird which by causing frequent or long-continuing noise or barking, causes a disturbance as defined in paragraph B.1 above.

d. Operating any automobile, motorcycle, or other vehicle or engine that causes unreasonable noise, including but not limited to noise resulting from exhaust, mechanical

defect, or modification which, by creation of unreasonable noise, shall be disturbing to other persons in the vicinity. The modification or removal of any noise abatement device or muffler on any motor vehicle or engine, or the failure to maintain same so that the noise emitted by such vehicle or engine is increased above that emitted by such vehicle as originally manufactured shall be a violation of this section.

e. Erecting, excavating, demolishing, altering, or repairing any building or premises in any part of the township, and including streets and highways, in such a manner as to emanate unreasonable or excessive noise, or disturbance annoying to other persons, other than between the hours of dawn and sundown of any day.

f. It shall be unlawful between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday and 11:00 p.m. and 7:00 a.m. Friday and Saturday for any person to operate any commercial race track, proving ground, testing area, obstacle course for motor vehicles, motorcycles, boats, racers, automobiles, or vehicles of any kind or nature in any area of the township where the noise emanating from it would be disturbing and upsetting to another person in the vicinity.

3. Exceptions. None of the above-listed prohibitions shall apply to the following:

a. Any police vehicle, ambulance, fire engine, or emergency vehicle while engaged in emergency activities.

b. Excavation or repair of bridges, streets, or highways or other property by or on behalf of the State of Michigan, County Road Commission, or other entity with jurisdiction of same.

c. Farming.

d. Industrial activities conducted in a properly zoned industrial area.

e. Warning devices emitting sound for warning purposes as authorized by law.

f. Noise emanating from the discharge of firearms providing that such discharge is otherwise authorized under Michigan law or local ordinance.

Section 40.3 – Violations

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction pursuant to Millen Township Ordinance 1462 (Article 27) “Civil Infractions” and is subject to a civil fine as specified in Section 27.5.

Section 41.4 – Severability

Should any section, clause or provision of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of the remaining portions of such section of this Ordinance or any part thereof other than the part so declared to be invalid.

Section 40.5 - Effective date

This Ordinance shall become effective thirty (30) days after the date of its publication.