

**117.000**

**ZONING ORDINANCE**

**Ordinance No. 20**

**Adopted: June 12, 1975; as amended December 11, 1979  
March 17, 1988, June 19, 2000 August 12, 2002,  
April 19, 2003**

An ordinance to provide for the establishment of zoning districts in Milton Township, Antrim County, Michigan in accordance with the provisions of the Township Rural Zoning Act, Act 184 of Public Acts of 1943 as amended, to provide for the administration of said ordinance and penalties for the violation thereof.

THE PEOPLE OF THE TOWNSHIP OF MILTON DO ORDAIN:

**CHAPTER I**

**117.100**

**TITLE, PURPOSE AND DEFINITIONS**

**117.101 Title.**

Sec. 1.01. This Ordinance shall be known as the Milton Township Zoning Ordinance.

**117.102 Purpose.**

Sec. 1.02. The fundamental purpose of this Ordinance is to promote the health, safety and welfare of the inhabitants of the Township by:

- A. promoting the orderly development of the Township by following the policies developed in the Milton Township Future Land Use Plan;
- B. encouraging the use of land and resources in the Township in accordance with their suitability;
- C. promoting the economic progress of the Township and to protect and enhance the property values thereof;
- D. reducing the hazards to life and property, promoting safety in traffic and providing protection from the spread of fire and other hazards;
- E. conserving the use of public funds for public improvement and services to conform with the most advantageous use of lands, properties and resources of the Township.

- F. insuring that plans for development within Milton Township proposed under the provision of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, shall be reviewed with the objective and intent of achieving the same characteristics and land use result as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288, of the Public Acts of 1967, as amended, including without limitation, conformance with all the requirements of the Milton Township Zoning Ordinance, as amended.

### **117.103 Definitions.**

Sec. 1.03. When used throughout this Ordinance, the word "shall" is mandatory and the word "may" is permissive. Unless otherwise specified herein, the terms used in this Ordinance shall be defined as follows:

*Accessory structure.* A structure on the same lot, with, and of nature customarily incidental and subordinate to the principal structure. Accessory structures shall be construed to include, but not be limited to, garages, playground equipment, sports courts, children's play houses, dog houses or similar pet accommodations, fallout shelters, swimming pools, gazebos, barbecue stoves, parking lots, loading docks and radio and television antennas, but shall not include fences.

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

*Apartment.* A room or group of rooms designed to function as a single, complete dwelling unit and located in a multiple family dwelling. Apartments may be leased or purchased as a condominium or cooperative housing.

*Basement.* The floor of a building next below the principal or first floor. A basement shall not be counted as a story for the purpose of height regulations.

*Bed and breakfast establishments.* Transient lodging accommodations located within a single family dwelling and having limited food service, limited to coffee, tea, and commercially prepared beverages and baked goods.

*Board.* The Board of Zoning Appeals for the Township.

*Boarding or lodging house.* A building other than a hotel where, for compensation and by prearrangement for definite periods, lodging, meals, or both are provided for three (3) or more but not exceeding twenty (20) persons.

*Building.* Any enclosed structure having a roof supported by columns, walls, or other support used for the purpose of housing or storing of persons, animals or chattels or carrying on business activities or other similar uses.

*Clerk.* The Clerk of Milton Township.

*Condominium.* A form of housing ownership by which a person may purchase and own a dwelling unit in a multi-unit building or development. In addition, together with other condominium owners, the person owns a proportionate interest in the common elements of the development and pays a monthly maintenance fee or charge for the cost of administering and maintaining the common elements.

*Condominium Lot(s).* That portion(s) of a condominium project designed and intended for separate ownership interest and/or exclusive use, as described in the Master Deed, which contains no less than the minimum square footage and road frontage as indicated in the Milton Township Zoning Ordinance.

*Condominium Structure or Building Envelope.* The principal building or structure intended for or constructed upon a lot or condominium unit, together with any attached accessory structures. In a residential development, the condominium structure or building envelope refers to the house and any accessory building.

*Condominium Unit.* That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use, as a time-share unit, or any other type of use.

*Cooperative Housing.* A form of housing ownership in which a person may acquire a form of property interest akin to ownership in one dwelling unit of a multi-unit building or

development. Rather than owning a direct interest in the real estate, the person owns shares of stock in a corporation that owns the entire building or development. A monthly fee is charged to cover the cost of maintaining the building, administering the cooperative, real estate taxes and amortization of the mortgage.

*Development plan.* The documents and drawings required by the Zoning Ordinance necessary to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

*Dwelling.* A building or portion thereof designed or used for residential occupancy but not including house trailers, mobile homes, tourist homes, hunting or fishing cabins.

*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 footage requirements of this ordinance for the zone in which it is located.
2. It complies in all respects to the minimum height, bulk, density, area, square footage and width requirements as set forth in Article IX, Section 9.03 of this ordinance. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction different from those imposed by the building code, then and in that event, such federal or state standards or regulations shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accord with the building code in effect, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local Health Department.

6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to, or of better quality, than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

7. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

8. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance.

10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

*Dwelling, two-family.* A building consisting of two dwelling units occupied exclusively by two families living independently of each other.

*Essential services.* Essential services shall mean the erection, construction, alteration or maintenance by public utilities, municipal departments or commissions, or any governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, and hydrants reasonably necessary for the furnishing of utility service. All structures, including towers, electric substations, telephone exchange buildings, gas regulator stations, elevated and underground tanks, sewer lift stations and similar structures shall require a special use permit in accordance with Chapter XVIII, Section 18.07 Special Uses of this Ordinance.

*Family.* An individual or two (2) or more persons related by blood or marriage or law, or a group of not more than five (5) persons who need not be related by blood, marriage, or law living together as a single housekeeping unit in a dwelling. (Amended August, 2002)

*Floor Area.* The total area of floor space within the outside walls of a building excluding porches, breezeways, garages, attic, basement, utility areas, cellar or crawl space.

*Garage-Private.* A detached accessory building or portion of a main building used only for the parking or storage of not more than three (3) passenger automobiles, of which one (1) may be a light delivery or pickup motor vehicle used by the occupants of the premises of rated capacity not to exceed one and one-half (1-1/2) tons.

*Garage-Public.* A building other than a private garage primarily used for the purpose of parking, storing, repairing or equipping motor vehicles therein as a commercial use.

*Greenbelts.* A greenbelt shall be a planting strip or buffer strip, at least ten (10) feet in width, which shall consist of deciduous or evergreen trees or a mixture of both, spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs spaced not more than five (5) feet apart and

which grow at least five (5) feet wide and five (5) feet high or more in height after one (1) full growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

*Hotel / Motel.* A building or group of buildings having two or more separate units containing sleeping accommodations, which are available for temporary occupancy to the public for compensation. As such it is open to the public as distinguished from an apartment or lodging house. A hotel or motel is also distinguished from a Bed and Breakfast from a single-family dwelling rented on a short-term basis. (Added April 2003)

*Home occupation.* An occupation clearly incidental to a residential use, when engaged in only by a resident entirely within his dwelling, and not in an accessory building or structure and with the assistance of not more than one (1) non-resident employee. Such use shall not occupy more than twenty-five (25) percent of the floor area of the dwelling.

*Housekeeping cabin park.* A parcel of land on which two (2) or more buildings, tents, or similar structures are maintained, offered, or used for dwelling or sleeping quarters for transients and operated as a commercial use, but excluding boarding or lodging houses, motels, and tourist homes.

*Junk.* Worn out and discarded material that may be returned to some use. Rubbish of any kind that may be returned to some use.

*Junkyard.* Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap metals, motor vehicles, machinery, buildings, structures, construction material or other salvage material. Also, any premises upon which two (2) or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored outside a building for a period of fifteen (15) days or more. The purchase and storage of used cars in operable condition and used or salvage materials, used furniture and household equipment are excluded from this definition if carried on within enclosed buildings.

*Lot of Record.* A lot of record in the office of the Antrim County Register of Deeds, or which is part of a subdivision on record in said office, on the effective date of this Ordinance.

*Master Deed.* The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.

*Nonconforming structure.* A structure lawfully existing at the time of adoption of the Zoning Ordinance or any amendments thereto that does not conform to the requirements of the zone within which it is located.

*Planning Commission.* For purposes of this Ordinance the term Planning Commission is deemed to mean either a Planning Commission as authorized pursuant to P.A. 168 of 1959 or a Zoning Board as authorized pursuant to P.A. 184 of 1943 as amended.

*Private Road.* Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties. (Added June 2000)

*Principal Use.* The primary and predominant use or intended use of the premises according to the zone requirements, including permitted accessory uses.

*Recreation Vehicle.* A vehicle or vehicular-type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motor power, or is mounted on or drawn by another vehicle which is self-powered. Recreational units shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chaise-mounted campers.

*Sign.* An outdoor sign, display, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform. A sign so described may be either mobile or non-mobile.

*Single Ownership.* A lot of record, on or before the effective date of the Zoning Ordinance, in separate and distinct ownership from adjacent lot or lots where such adjacent lot or lots were not at that date owned by the same owner or the same owner in joint tenancy in common or entireties with any other person or persons; or where such adjacent lot or lots were not owned by the same owner or any person or persons with whom he may be engaged

in a partnership or joint venture; or where such adjacent lots were not owned by any corporation in which the owner owned fifty-one (51) percent or more of the stock issued and outstanding.

*Site Condominium.* A residential development type similar to a subdivision including the principal structure and the land around it developed under the Condominium Act (Act 59 of 1978 as amended) rather than the subdivision Control Act (Act 288 of 1967 as amended).

*Site Condominium Subdivision Project.* A condominium project developed under Public Act 59 of 1978, as amended, comprised of more than two (2) condominium units which is not subject to the provision of the Subdivision Control Act, Public Act 288 of 1967, as amended.

*Special Use.* Means special land uses which are permitted in a zoning district only after review and approval by the Planning Commission following procedures outlined in Chapter XVIII, Section 18.07 of this Ordinance.

*Structure.* Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed, except fences; an edifice of building of any kind. A combination of materials to form a construction for occupancy whether installed on, above, or below the surface of a parcel of land.

*Structural change or alteration.* Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof.

*Timeshare.* Purchase of the ownership of or the right to use real estate or other property for a designated portion of each year which offers property value appreciation without maintenance or rental responsibilities and standard prorated real estate tax deductions.

*Uniform setback.* Where fifty (50) percent of the frontage of existing structures between two (2) intersecting streets maintain the same minimum setback.

*Variance.* A deviation from the terms of this Ordinance granted by the Board as authorized by the enabling statute, upon findings

of practical difficulties and unnecessary hardship, as prescribed in Section 17.06.

*Yards.* Front, Side and Rear Yard Setback shall mean the distance measured from the respective front, side and rear yard area lines associated with the "condominium structure" or "building envelope" to the respective front, side and rear of the lot.

1. *Front yard.* The minimum distance between the front line of the principal building, including roofed structures, and the front lot line. In the case of a principal building which fronts on a lake or other water body, the front yard shall be that area which lies between the front line of the principal building, including roofed structures and the shoreline.
2. *Rear yard.* The minimum distance between the rear lot line and the rear line of the principal building, unoccupied and extending for the full width of the lot.
3. *Side yard.* The minimum distance between the side lot line and the side line of the principal building, unoccupied and extending for the full length of the lot.