

MILAN TOWNSHIP ZONING ORDINANCE

FREQUENTLY ASKED QUESTIONS

(Information presented below if for reference only and subject to change, refer to the Milan Township Zoning Ordinance (MTZO) for additional details)

ZONING DISTRICTS

How do I find out what zoning district that I live in?

Find your property on the Township Zoning Map to determine which district it is in. Reference the Township Zoning Map posted in the Township Hall or ask our Clerk.

What type of uses are permitted in my Zoning District?

It depends on the Zoning District in which the property resides.

Reference Article 4 Zoning District description and Article 5 Permitted Uses in the MTZO for a description of the Zoning District's intended uses.

What is the minimum lot size permitted in my Zoning District?

It depends on the Zoning District in which the property resides.

Reference: Article 6.00 Schedule of Regulations of the Milan Township Zoning Ordinance (MTZO) for details.

Can I change the zoning for my property?

Yes, provided the Planning Commission and Township Board agrees that the new zoning would be appropriate. An application for Zoning change can be obtained from the Township Clerk.

Reference Article 4 Zoning District description, Township Zoning Map and Article 5 Permitted Uses in the MTZO for a description of the Zoning District's intended uses.

PROPERTY REGULATIONS

How much road frontage do I need?

It depends on the Zoning District in which the property resides.

Reference: Article 6.00 Schedule of Regulations of the Milan Township Zoning Ordinance (MTZO) for details.

Is there a building height, placement or design restrictions for my residence or main building?

Yes, there are design, location and height restrictions.

Reference: Article 3.04 regarding Design Standards for residences and Article 6.00 Schedule of Regulations of the MTZO for location and height restrictions.

Are there any restrictions regarding unattached accessory buildings?

Yes, size, location and height restrictions for accessory bldgs depend on the size and location of the property.

Reference: Articles 6.00 Schedule of Regulations and 6.02 Schedule of Regulations for Accessory Buildings of MTZO for details.

Am I allowed to sell or transfer a portion of my property to someone else?

Yes, the State of Michigan requires that all land divisions obtain prior approval from the local governing body in order to insure compliance with ordinances. See the Township Clerk for the application.

In addition, for properties in the AG1 Zoning District with area less than 40 acres, there are specific Township Land Division restrictions.

Reference: Article 6.03 Land Division Provisions of the MTZO for details.

How many homes or residences can I have on my property?

Not more than one single-family dwelling unit shall be located on a residential lot.

Reference: Article 3.01 and Article 5, Permitted Uses, of the MTZO for details.

NON-CONFORMANCE OF LAND OR BUILDINGS

What is a NON-CONFORMING USE?

Any use of land or buildings which are located in a district in which it would not be permitted as a new use. The use of land or buildings would be considered a “non-conforming use” and would not be an Ordinance violation. Reference: Article 3.02.1 of the Milan Township Zoning Ordinance (MTZO) for details.

My Zoning District has changed, my USE OF LAND is now non-conforming, what can I do with my property?

Land use may be continued so long as it remains lawful and provided:

- A. Such non-conforming use shall not be enlarged or increased, nor extended to use a greater area of land than was utilized for that use.
- B. No non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use.
- C. If any non-conforming use of land ceases for any reason for a period of more than twelve (12) months, the land shall be made to conform to the MTZO regulations.
- D. No additional non-conforming structures shall be erected in connection with the use of its property.

Reference: Article 3.02.2 of the Milan Township Zoning Ordinance for details.

My Zoning District has changed and USAGE OF BUILDINGS is now non-conforming, what can I do with my buildings:

Buildings may be continued as it remains lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered, except by special approval of the Township Board, in a way which increases its non-conformity, but, with approval of the building inspector, any structure or portion thereof may be altered to decrease its non-conformity.
- B. If the non-conforming use of a structure ceases for any reason for a period of more than twelve (12) months, such use shall be made to conform to the MTZO regulations.
- C. Any non-conforming use may be extended throughout any parts of a building that was manifestly arranged or designed for such use, but no such use shall be extended to occupy any land outside the building.
- D. With Special Approval and if no structural alterations are made, any non-conforming use of a structure and premises may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district.
- E. Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed to a non-conforming use or a use not permitted in the district.
- F. In non-residential districts, existing single family dwellings and related acc. Bldgs may with Special Approval continue the non-conforming use while the remaining property is used for permitted commercial, office or industrial uses.

Reference: Article 3.02.3 of the Milan Township Zoning Ordinance for details.

My Zoning District has changed and my BUILDINGS are now non-conforming, what can I do with them?

Buildings may be continued as long as it remains lawful, subject to the following provisions:

- A. No such non-conforming structure may be enlarged or altered, except by special approval of the Township Board, in a way which increases its non-conformity, but, with approval of the building inspector, any structure or portion thereof may be altered to decrease its non-conformity.
- B. If any non-conforming building ceases being used for any reason for a period of more than twelve (12) months, any subsequent use of such structure shall be made to conform to the MTZO.

Reference: Article 3.02.4 of the Milan Township Zoning Ordinance for details.

Can I build a house if my property is non-conforming and does not meet all of the requirements of the Schedule of Regulations?

A single-family dwelling and customary accessory buildings may be erected on any single vacant lot of record if permitted in that district. This provision shall apply even though such lots fails to meet requirements for area or width, or both, that are generally applicable in the district; provided that regulations for minimum front, rear, and side yard setbacks are maintained as specified in Article 6 – Schedule of Regulations.

Reference: Article 3.02.5 of the Milan Township Zoning Ordinance for details.

Can I REPAIR or FIX DAMAGE to my non-conforming buildings?

Repairs to buildings may be made in any period of twelve (12) consecutive months to an extent that costs do not exceed 25% of 2 times the current SEV (estimated market value) provided that the size is not increased.

If a non-conforming building becomes physically unsafe due to lack of repairs and maintenance, and is declared unsafe by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the MTZO. Reference: Article 3.02.6 of the Milan Township Zoning Ordinance for details.

Damage to buildings may be reconstructed and continued to be used provided that such restoration and resumption shall take place within six (6) months of the time of such damage and that it be completed within one (1) year from time of such damage, and provided further, that said use shall be identical with preceding non-conforming use. Non-conforming residential buildings damaged to the extent that they are declared non-livable may be rebuilt per this section by the current owner. However, if there is a change in ownership of the property in which such damaged non-conforming residential buildings are located, the new owner may be allowed to rebuild provided the resulting building conforms to the zoning district in which it resides.

Reference: Article 3.02.7 of the Milan Township Zoning Ordinance for details.

Can I MOVE my non-conforming building?

No, non-conforming buildings can not be moved in whole or in part to another location unless such building or structure is made to conform to district regulations.

Reference: Article 3.02.8 of the Milan Township Zoning Ordinance for details.

Can I sell my non-conforming land or building.

Yes, there may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

Reference: Article 3.02.9 of the Milan Township Zoning Ordinance for details.

Do I need a CERTIFICATE OF OCCUPANCY for a non-conforming use?

Yes, should the Township become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Zoning Administrator that his property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. Reference: Article 3.02.10 of the Milan Township Zoning Ordinance for details.

TEMPORARY BUILDINGS

Can I have a temporary dwelling on my property?

No cabin, garage, cellar, or basement, or any temporary structure whether of a fixed or movable nature may be erected, altered, or moved upon or used in whole or in part for any dwelling purpose whatsoever for any time whatsoever except during construction, replacement or repair of a permanent dwelling.

A temporary dwelling, including a mobile home, approved by the Building Inspector, may be moved onto the lot, after obtaining a permit from the Building Inspector for use as a temporary dwelling during construction, replacement or repair of a permanent dwelling.

The temporary dwelling shall be removed from the lot within two (2) weeks of the date of occupancy .

Reference: Article 3.03 of the Milan Township Zoning Ordinance for details.

RESIDENTIAL ISSUES and DESIGN REQUIREMENTS

Are there restrictions on the type or style of my house?

Yes, Milan Township has established standards governing the design and appearance of all residential structures, including mobile homes and manufactured housing, when developed on individual lots or home sites. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect existing neighborhoods. The standards are intended to prevent incompatible dwellings which would adversely affect the value of dwellings in the surrounding area or the desirability of an area to existing or prospective homeowners.

Reference: Article 3.04 of the Milan Township Zoning Ordinance for details.

On a corner lot, can I place bushes, trees or walls along the roadway at the corner of my lot?

On a corner lot, no fence, wall, hedge, screen, structure or planting shall be placed in such manner to materially impede the vision between the height of 2½ - 10 feet above the intersecting streets for at least 50 feet from the intersection.

Reference: Article 3.07 of the Milan Township Zoning Ordinance for details.

Can I have a home business or occupation?

Yes. A home occupation may be permitted in a single-family detached dwelling within a zoning district where such dwelling is permitted, subject to the conditions of Article 3.08.

Reference: Article 3.08 of the Milan Township Zoning Ordinance for details.

Can I build on a lot that does not have access to a road?

No, you can not build on a lot that does not have access to a public or private road.

However, for existing lots that do not have road access, an easement of at least 66 feet in width must be obtained prior to construction of any building.

Reference: Article 3.10 of the Milan Township Zoning Ordinance for details.

I want to build an attachment to my house, what regulations apply?

Where the accessory is structurally attached to a main building, it shall be subject to and must conform to all MTZO regulations applicable to the main building.

Reference: Article 3.11 of the Milan Township Zoning Ordinance for details.

Do I need a permit to store hazardous materials?

Yes, in non-residential zoning districts, you need Special Approval from the Township Board and from any applicable State or Federal agency. Activities which use, store or generate hazardous materials are not allowed in Residential Districts: R1, R2, RM or MHC. Farmers are exempt from the Special Approval requirement.

Reference: Article 13.00 of the Milan Township Zoning Ordinance for details.

What are hazardous materials?

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

Reference: Article 2.01 of the Milan Township Zoning Ordinance for details.

Can I store my RV or similar equipment on my property?

Recreational vehicles, boats and boat trailers, snowmobiles, trail cycles, all terrain vehicles, travel trailers, motor homes, and similar equipment, and trailers, cases, and boxes used for transporting recreational equipment whether occupied or not, shall not be parked or stored in front of the front building line of any lot in a Residential District. However, such equipment may be parked anywhere in a driveway or parking area on residential premises for a period not to exceed seventy-two (72) hours during loading or unloading.

Reference: Article 13.04 of the Milan Township Zoning Ordinance for details.

Do I need a permit for a swimming pool, hot tub or spa?

Yes, these are considered an accessory uses and Article 13.06 requires a building permit from the Township.

Do I need a permit to remove dirt from my property?

No permit is required for removing less than 50 cubic yards of dirt. Ref.: Article 13.05 of the MTZO for details.

Can I erect a fence or wall on my property?

Fences do not require approval from the Building Inspector. In a Residential District, front yard fences shall be no higher than 4 feet; Side or Rear yard fences shall be no higher than 6 feet.

Reference Article 13.08 of the Milan Township Zoning Ordinance for details.

Can I have a loud party without being hassled?

No, Noise is restricted per Article 13.09.7. Also, General Law Ordinance 23, makes unreasonable noises or disturbances unlawful.

Can I have a pond or lake on my property?

Yes, however, a pond or lake is considered an accessory use and requires a permit. Ponds or Lakes over 1 acre in size requires Special Approval from the Township Board. Reference Articles 13.16.

Can I operate a Bed and Breakfast Inn?

Yes, refer to Article 13.25 of the Milan Township Zoning Ordinance for details.

Can I convert my house into a two family residence?

Yes, Two family dwellings are permitted upon special approval in districts which allow single family dwellings, when said dwellings are accomplished through the conversion of existing single-family dwellings, so used, and contain at least eighteen hundred (1,800) square feet of floor area, provided that each new dwelling unit after conversion, shall contain at least nine hundred (900) square feet of floor area per family, said minimum area not to include basements, attached garages, breezeways, unenclosed porches, enclosed porches, or the interior area of utility rooms. Reference: Article 13.26 of the Milan Township Zoning Ordinance for details.

HORSES & STABLES

How much land do I need in order to have a equine or ovine animals (horses, sheep, goats, etc)?

The minimum lot area required to maintain a equine or ovine is 62,500 square feet (approx. 1.5 ac.). One (1) additional equine or ovine shall be permitted for each additional acre of open space.

Reference: Article 13.24.1B.2-6 of the Milan Township Zoning Ordinance for details.

Do I need a permit for a Stable?

Hobby stables shall be permitted as an accessory use in the AG-1, AG-2 and R-1 Districts subject to the restrictions set forth in Section 13.24.1.B with a minimum lot area of 62,500 sq.ft (approx. 1.5 ac.) see above.

Reference: Article 13.24.1B.2-6 of the Milan Township Zoning Ordinance for details.

Commercial stables shall be a special approval use in the AG-1 and AG-2 Districts, subject to the restrictions set forth in Section 13.24.1.B and a minimum lot area required for a commercial stable shall be ten (10) acres.

Reference: Article 13.24.3 of the Milan Township Zoning Ordinance for details.

What is a Hobby Stable?

A Hobby stable is for horses, mules or donkeys which are used exclusively by the owners of the property.

Reference: Article 2.01 of the Milan Township Zoning Ordinance for details.

What is a Commercial Stable?

A commercial Stable is for horses, mules or donkeys which are rented, hired, used or boarded on a commercial basis or for compensation. Reference: Article 2.01 of the Milan Township Zoning Ordinance for details.

KENNELS

Do I need a permit for a Kennel?

Hobby kennels shall be permitted as an accessory use in the AG-1, AG-2 and R-1 Districts.

Commercial kennels shall be a special approval use in the AG-1, AG-2 and C-2 Districts with a minimum lot size of five (5) acres in the C-2 District and ten (10) acres in the AG-1 and AG-2 Districts.

Reference: Article 13.24.2 of the Milan Township Zoning Ordinance for details.

What is a Hobby Kennel?

A Hobby kennel is any buildings or premises where up to 10 dogs (6 months or older) are kept for showing, working, breeding, sale or as household pets (not for profit).

Reference: Article 2.01 of the Milan Township Zoning Ordinance for details.

What is a Commercial Kennel?

A commercial kennel is any buildings or premises where 5 or more dogs (6 months or older) are kept for commercial purposes including boarding, breeding, sale or rendering of services for profit.

Reference: Article 2.01 of the Milan Township Zoning Ordinance for details.

What are the regulations restricting the keeping of animals?

Class I Animals (domesticated household pets such as dogs and cats): may be maintained in any zoning classification district, subject to specific restrictions herein. Up to 4 dogs, six (6) months of age or older, may be kept in any zoning district. The keeping of five to ten dogs would be considered either a hobby kennel or commercial kennel. The keeping of over 10 dogs would be considered a commercial kennel.

Reference: Article 13.24.1A of the Milan Township Zoning Ordinance for details.

Class II Animals (large farm animals): normally farm livestock weighing more than 75#, including cows, pigs, horses (equine) and sheep or goats (ovine) may be maintained in the AG-1, AG-2 and R-1 Districts, with a minimum lot area of five (5) acres to maintain Class II animals. One (1) Class II animal, except equine and ovine, shall be permitted for the first five (5) acres. Only 1.5 acres is required for equine or ovine. Thereafter, for each additional Class II animal including equine and ovine shall be permitted for each full one (1) acre in excess of five (5) acres. Farms 40 acres and over have no limits on the number of Class II animals.

Reference: Article 13.24.1B of the Milan Township Zoning Ordinance for details.

Class III Animals (small farm animals): rabbits, poultry, waterfowl and other animals weighing less than 75# may be maintained in the AG-1, AG-2, and R-1 Districts, with a minimum lot area required of two and one-half (2 1/2) acres to maintain Class III animals. Ten (10) Class III animals shall be permitted for the first two and one-half (2 1/2) acres. Thereafter, one (1) additional Class III animal shall be permitted for each full one-quarter (1/4) acre in excess of two and one-half (2 1/2) acres. Farms 40 acres and over have no limits on the number of Class III animals.

Reference: Article 13.24.1C of the Milan Township Zoning Ordinance for details.

Class IV Animals: furbearing animals, such as mink and other fur bearing animals, may be raised in the AG-1 District with a minimum lot size of ten (10) acres.

Reference: Article 13.24.1D of the Milan Township Zoning Ordinance for details.

Wild animals shall not be permitted to be maintained in the Township unless as authorized in a wildlife reserve approved by the Township.

Reference: Article 13.24.1E of the Milan Township Zoning Ordinance for details.

PERMITS

When do I need a building permit?

A Building Permit is required prior to:

1. **New construction:** Commencing excavation for construction of any building;
2. **Alteration or Repair :** Structural changes, alterations, remodeling or repairs in any existing building. “Alteration” or “Repair” of an existing building or structure, shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress or ingress, or any other changes affecting or regulated by the Building Code, the Michigan Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions;
3. **Change in Use of Buildings:** No building shall be changed to a use of a different class or type unless a building permit is first obtained for the new or different use.
4. **Accessory Buildings:** Accessory buildings when not erected at the same time as the principal building shall require a building permit.

Other required permits are:

5. **Change in USE of Land:** No use of land can be changed to a use of a different class or type unless a Land Use permit (building permit) is first obtained for the new or different use.
6. **Demolition permit** is required to dismantle or remove any building or structure;
7. **Wastewater Disposal System Permit** is required from the Monroe County Health Department and must be obtained for construction, repair, alteration or extension of any on-site sewage disposal system;

Reference: Article 17.04 of the Milan Township Zoning Ordinance for details.

How long is a Building Permit valid and can it be extended?

All building permits, when issued, shall be valid for a period of one (1) year but may be extended for a further period of not to exceed one (1) year, provided the Building Inspector finds good cause for failure to complete the work for which said permit was issued and that the exterior of the structure is completed within one (1) year from the date of the original issuance of a building permit.

Reference: Article 17.04 of the Milan Township Zoning Ordinance for details.

When do I need a Certificate of Occupancy?

You will need a Certificate of Occupancy if a building permit for a new use was required.

Reference: Article 17.05 of the Milan Township Zoning Ordinance for details.

AVAILABLE PERMITS AND APPLICATIONS

Applications are available from the Township Clerk for the following requests:

- Building Permits
- Special Use Approval
- Site Plan Review
- Zoning Board of Appeals
- Land Division
- Rezoning or Conditional Zoning
- Ordinance Amendments
- Planned Development District

For questions regarding the above applications or procedures, contact: the Township Clerk, the Building Inspector or the Zoning Administrator.

Prior to submitting the application to the Township Clerk, it is strongly recommended that you discuss your request or intentions with the Building Inspector or the Zoning Administrator.

1. **Building Permit** is required to:

- Erect, repair or modify principle or accessory buildings,
- Building Site Plan,
- Occupancy Permit,
- New use of Land and/or New use of Building,
- Temporary Dwelling, Parking Lots, Signs, Swimming Pools or Ponds.

Reference Articles 17, 3, 4, 13, 14 or 15 of the Milan Township Zoning Ordinances.

2. **Land Division Application** is required to split, divide or sell part of your property.

Reference Article 6.03 of the Milan Township Zoning Ordinances.

3. **Special Use Approval Application** is required to use your property or buildings for uses not normally permitted in your Zoning District. These uses are listed in Article 5 and are permitted when approved under the provisions of Article 10 – Standards for Special Approval Uses.

Reference Article 10 of the Milan Township Zoning Ordinances.

4. **Site Plan Review Application** is required to do any of the following:

- Construction or enlargement of any principal non-residential building or structure permitted in residential districts; Any building or structure in flood plains or Any principal non-residential non-farm structure in AG1 or AG2.
- All uses requiring Special Approval or Conditional Rezoning.
- New construction or alterations to existing buildings or use of property in a C1, C2, I1, I2, RM or TRO district.
- Public utility buildings and structures. Any changes to parking lots. Any PDD or condominium development.

Reference Article 11 of the Milan Township Zoning Ordinances.

5. **Rezoning Request Application** is required to change the zoning of your property.

Reference Articles 12 or 17 of the Milan Township Zoning Ordinances.

6. **Ordinance Amendment Request Application** is required to amend the Township's Zoning Ordinance.

Reference Article 17.11 of the Milan Township Zoning Ordinances.

7. **Zoning Board of Appeals Application** is required to appeal a decision from a township official.

Appeals can be made concerning all questions that arise in the administration of the zoning ordinance, including interpretations of the zoning map;

- All administrative orders, requirements, decisions, or determinations made by an administrative official charged with enforcement of the ordinance;
- All decisions of the Township Clerk;
- All decisions concerning site plan reviews;
- All decisions of the planning commission concerning special use permits or planned unit developments.

Reference Article 18.03 of the Milan Township Zoning Ordinances.

8. **Planned Development District Application** is required to propose a large development.

Reference Article 9 of the Milan Township Zoning Ordinances.

9. **Circus or Concert Event Permit** is required to have an outdoor event.

Reference General Law Ordinance #15.

10. **Adult Entertainment license** is required to have an adult business in the township.

Reference General Law Ordinance #20 and Article 13.15 of the Milan Township Zoning Ordinances.

11. **Utility License** is required for public or private utilities to use the township's public right of ways and transacting local business without a Township franchise.

Reference General Law Ordinance #22.

12. **Noise Ordinance 23** makes unreasonable noises or disturbances unlawful.

Reference General Law Ordinance #23.