

MILLINGTON TOWNSHIP ORDINANCE AMENDMENT NO. 25-08

An ordinance to amend Section 19.02 of the Millington Township Zoning Ordinance to clarify the appeal process, establish a thirty (30) day filing deadline, and retain escrow provisions.

MILLINGTON TOWNSHIP ORDAINS:

Section 1. Amendment to Section 19.02

Section 19.02 of the Millington Township Zoning Ordinance is hereby amended to read as follows:

Section 19.02. APPEALS

An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the Planning Commission, including special land use decisions. The Zoning Board of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. An appeal of any final decision of the Zoning Administrator or the Planning Commission must be filed in writing within thirty (30) days of the final decision. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

1. The basic application fee shall accompany any application or appeal to the Township Zoning Board of Appeals payable to Millington Township as set forth in the "fee" schedule attached hereto.
2. The basic fee is designed to cover a portion of the Township's preliminary costs of publishing and mailing any required legal notices of the Township Zoning Board of Appeals scheduled pursuant to the application, attorney costs in drafting such notice and affidavits pertinent thereto, Township's planner's costs, if any, in reviewing and making a recommendation concerning such application or appeal and the per diem meeting costs of members of such Board and their consultants pertinent to such application.
3. Where an application requires a report or an appeal requires a review of the case and findings of fact or other special reviews and procedures, an additional "escrow" fee shall

accompany the application in such amounts as set forth in the attached "escrow" schedule which shall be held by the Township Treasurer in an escrow account to cover additional costs the Township incurred in processing the application including, but not limited to the following:

A. Zoning Board of Appeals special meetings concerning the case resulting from the nature of the request or appeal, or any other reasons found necessary by the Zoning Board of Appeals.

B. Fees of the Township planner in reviewing and making recommendations concerning the application.

C. Fees of the Township attorney in ascertaining the legality of the requests, making any recommendations, and any required additional statutory notices.

D. The costs of any required public hearings or required consultants pertinent to the application.

4. If the funds in the escrow account drop below \$250, an additional deposit of \$500 by the applicant into the escrow account shall occur before the application review process will be continued. Additional amounts may be required at the discretion of the Township.

5. The Township Treasurer shall maintain records of expenditures from said escrow account, which may be viewed by the applicant upon written request. Should the Township Treasurer, in consultation with the Chairman of the Zoning Board of Appeals, determine that any of the charges payable from the escrow account are unreasonable, which decision is supported by the Township Board or by a court of law, the same may be paid from the general fund of the Township either to the creditor or to the escrow account where such sums have been disbursed from the escrow account.

6. Additional processing of the application and the final decision on said application or appeal shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account.

7. At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated to the payment of such costs and expenses shall be returned to the applicant without interest. No final decision pertinent to the application or appeal shall be issued before the escrow account has sufficient amounts to pay all of the costs and expenses attributed to it.

No determination, variance, or other approval shall be issued before the escrow account has sufficient amounts to pay all of the foregoing costs and expenses of the Township.

Section 2. Severability

The provisions of this ordinance are severable. If any section, clause, or provision is declared invalid, the remainder shall not be affected and shall continue in full force.

Section 3. Repeal

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

Section 4. Effective Date

This ordinance shall become effective seven (7) days after publication in a newspaper of general circulation in the Township.

Public Hearing: November 13, 2025

Recommendation from the Planning Commission: November 13, 2025

Review by the Tuscola County Planning Commission: December 3, 2025

Adopted by the Township Board of the Township of Millington, Tuscola County, Michigan on the 15 day of December 2025.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the Township of Millington, Tuscola County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted at a regular meeting of the Township Board held on the 15 day of December 2025, the original of which is on file in my office.

Lorah Cameron
Township Clerk

Date of Publication

12/31/25

Date and Time Ordinance shall take effect:

1/7/26