

# ZONING ORDINANCE

## Howell Township

January 2021



# **Township Of Howell Certification**

*This compilation of ordinances is printed by authority of the Township Board and contains those ordinances printed herein, compiled with all amendments up to December 22, 2020.*

*Jean Graham*

*Howell Township Clerk*

## **Proof of Ordinances**

## **Evidence in Court**

*Michigan compiled laws of 1970, Section 600.2116; as amended by Public Act No. 140 of the Public Acts of 1973, being M.S.A.27A.2116*

*Provides:*

*All laws, bylaws, regulations, resolutions, and ordinances of the common council or of the board of trustees of an incorporated city or village or the Township Board of a Township in this state may be read in evidence in all courts and in all proceedings before any officer, body, or board in which it is necessary to refer thereto, from a record thereof, kept by the Clerk or recorder of the city, village, or Township; or from a printed copy thereof, purporting to have been published by authority of the common council, board of trustees, or Township Board, in a newspaper published in such city, village, or Township; or from any volume of ordinances, codification, or compilation of ordinances purporting to have been printed by authority of the common council or board of trustees of such city, village, or Township; and the record, certified copy, volume, codification, or compilation shall be prima facie evidence of the existence and validity of such laws, regulations, resolutions, and ordinances, without proof of the enactment, publishing, or any other thing concerning the same.(C.L. '70 600.2116, as amended by P.A. No. 140 - 1973 - M.S.A.27A2116)*

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## ARTICLE I TITLE, PURPOSES, ENABLING AUTHORITY AND CONDITIONS OF ENACTMENT

### Section 1.01 Title.

This Ordinance shall be known and cited as the Howell Township Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 1.02 Purposes of this Zoning Ordinance.

An Ordinance for the protection of the public health, safety and other aspects of the general welfare of Howell Township through the establishment in the unincorporated portions of Howell Township, Livingston County, Michigan of zoning districts for the planned orderly growth and development of the Township within which the proper uses of land and natural resources may be encouraged or regulated, and within which zoning districts' provisions may also be adopted designating the location of, the size of, the land and structural uses that may be permitted without or with [special use](#) conditions, the minimum [open spaces](#), sanitary, safety and protective measures that shall be required for, and the maximum number of families that may be housed in [dwellings](#), [buildings](#) and [structures](#) that may be erected or altered; to provide, based upon the planned orderly growth and development of the Township, in an orderly manner and through the wise and efficient use of public services required to be provided to the residents of Howell Township; to provide for the conservation of the use of energy; the conservation of agricultural, forest and [open space](#) lands, wetlands and land [areas](#) containing natural or cultural resources or features necessary to the social and economic well-being of present and future generations; to provide for a method for adoption of amendments to this Ordinance, to provide for the administration of this Ordinance; to provide for conflicts with other state laws and state administrative rules and regulations and local ordinances and regulations with this Ordinance; to provide for the penalties for violations of this Ordinance; to provide for the assessment, levy and collection of taxes on property zoned, developed and used in accordance with the provisions of Public Act 110 of 2006, as amended, being MCLA 125.3101 - 125.3701 and this Ordinance; to provide for the collection of fees for zoning permits required under this Ordinance; to provide for petitions, public hearings and referenda in accordance with the provisions of Public Act 110 of 2006, as amended, and this Ordinance, and to provide for [appeals](#) of the provisions of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983, (Amended by Ord. No. 202 eff. Dec. 21, 2006)

### Section 1.03 State Legislation Enabling Authority.

This Ordinance is adopted pursuant to Public Act 110 of 2006 (MCLA 125.3101 - 125.3701), and insofar as it is applicable, Public Act 33 of 2008 (MCLA 125.3801 - 125.3885), as amended, of the State of Michigan. Said Public Acts covering Michigan Planning (Act 33) and Zoning (Act 110) are hereby made a part of this Ordinance as if contained verbatim in their complete textual forms, as amended.

(Ord. No 1 eff. Jan. 8, 1983, further amended by Ord. No. 202 eff. Dec. 21, 2006)

**Section 1.04 Enactment Declaration.**

This Zoning Ordinance and its contained provisions are hereby declared to be necessary to the providing of a planned orderly growth and development of Howell Township, in the interest of providing for the public health, safety, peace, enjoyment, convenience, comfort and other aspects of the general welfare of the residents of this Township in order to provide adequately for the necessities in the pursuit of their daily living patterns. This Zoning Ordinance is hereby ordered to be given immediate effect upon its passage by the Howell Township Board of Trustees and subsequent publication of notice as required by law.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 1.05 Adoption of this Zoning Ordinance and Repeal of present Zoning Ordinance.**

The Howell Township Zoning Ordinance previously adopted on June 2, 1979, and all amendments thereto, are hereby repealed on the effective date of this Ordinance; provided, however, if this Zoning Ordinance as a whole shall subsequently be judicially determined to have been unlawfully adopted, such judicial determination shall then automatically reinstate the present Zoning Ordinance and all of its amendments to their full effect.

(Ord. No. 1 eff. Jan. 8, 1983)

Secs. 38-8 - 38-40. Reserved.

## ARTICLE II DEFINITIONS

### Section 2.01 RULES APPLYING TO TEXT.

All words used in the present tense shall include the future, all words in the singular number include the plural number, and all words in the plural number include the singular number; the word “**building**” includes the word “**structure**,” and “**dwelling**” includes “**residence**”; the word “**person**” includes “**corporation**,” “**copartnership**,” and “**association**” as well as an “**individual**”; the word “**shall**” is mandatory and directory. Terms not herein defined shall have the meaning customarily assigned to them.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 2.02 DEFINITIONS.

For the purposes of this Ordinance, the following terms and words are defined as follows:

**Accessory Building.** See “**Building, Accessory.**”

**Accessory Use.** See “**Use, Accessory.**”

**Adult Day Care Facility.** A facility that, for compensation, provides supervision, personal care, protection, and meals to adults for a period of less than twenty-four (24) hours per day, five (5) or more days a week, and for two (2) or more consecutive weeks.

**Adult Foster Care Family Home.** A private residence with the approved capacity to receive not more than six (6) adults who shall be provided foster care for five (5) or more days a week and for two (2) or more consecutive weeks.

**Adult Foster Care Large Group Home.** A facility with the approved capacity to received at least thirteen (13), but not more than twenty (20), adults, who shall be provided with **foster care**.

**Adult Foster Care Small Group Home.** A facility with the approved capacity to received not more than twelve (12) adults, who shall be provided with **foster care**.

**Agriculture.** The **use** of land for tilling of the soil, raising of tree and field crops, or animal husbandry as a source of income, and as defined in the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471 et seq.).

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

**Alterations.** The term **Alterations** shall mean any change, addition or modification in **construction** or type of occupancy, any change in the structural members of a **building**, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “**altered**” or “**reconstructed**.”

## ARTICLE II

**Appeal.** See “Zoning Appeal.”

**Apartments.** The term “Apartments” shall mean the **dwelling units** in a multiple **dwelling** as defined herein:

- (a) Efficiency Unit: is a **dwelling unit** and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing **density**, shall be considered as a one (1) room unit.
- (b) One **Bedroom** Unit: is a **dwelling unit** consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing **density**, shall be considered as a two (2) room unit.
- (c) Two **Bedroom** Unit: is a **dwelling unit** consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing **density**, shall be considered as a three (3) room unit.
- (d) Three or More **Bedroom** Unit: is a **dwelling unit** wherein for each room in addition to the three (3) rooms permitted in a two (2) **bedroom** unit, for the purpose of computing **density**, said three (3) **bedroom** unit shall be considered a four (4) room unit, and each increase in a **bedroom** over three (3) shall be an increase in the room count by one (1) over the four (4).

**Area, Net.** The total **area** within the property lines of a project excluding external **Road** Right of Ways or easements.

**Automobile Car Wash.** A **building**, or portion thereof, where self-propelled motor vehicles are washed as a **commercial** enterprise.

**Automobile Repair.** A place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; painting and undercoating of motor vehicles.

**Automobile Sales.** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

**Automobile Service.** A place where gasoline or any other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to public on premises; including sale of minor accessories and service for automobiles.

**Basement.** That portion of a **building** partly below **grade**, but so located that the vertical distance from the **grade** level to the **basement** floor is greater than the vertical distance from the **grade** level to the **basement** ceiling. A **basement** shall not be included as a **story** for height measurement, nor counted as floor **area**, unless the room has walk-out capability. A walk-out **basement** shall be defined as a room with at least one wall below **grade** which provides barrier free access to the exterior of the **structure** and with at least fifty percent of one wall with no **grade** and two exits which are fire escape routes.

**Bedroom.** A **bedroom** is a **dwelling** room used for or intended to be used safely for sleeping purposes by human beings.

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

**Board of Appeals.** See “Zoning Board of Appeals”.



**Buffer Area.** A strip or [area](#) of land as specified in this Ordinance or, if not specified, of not less than fifteen (15) feet in width which is planted and maintained with trees or shrubs, including earth berms, fencing, walls or other means of screening or separating the [land uses](#) located on opposite sides of the buffer, approved by the Planning Commission in accordance with the Site Plan Review Procedures of this Ordinance.

**Building.** An independent [structure](#), either [temporary](#) or permanent, having a roof supported by columns or walls and includes sheds, garages, stables, greenhouses, or other accessory [structures](#). A detached [building](#) is one separated on all sides from adjacent [buildings](#) by [open spaces](#) from the ground up. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such [structure](#) shall be deemed a separate [building](#).

**Building, Accessory.** A supplementary [building](#) or [structure](#) on the same [lot](#) or [parcel](#) of land as the main [building](#) or [buildings](#) or part of the main [building](#) occupied by or devoted exclusively to any [accessory use](#); but such [use](#) shall not include any [building](#) used for [dwelling](#), [residential](#) or lodging purposes, or sleeping quarters for human beings except for these [dwellings](#) or [residential buildings](#) specifically permitted in this ordinance.

**Building Area.** The space remaining after the minimum yards, [setbacks](#) and [open space](#) requirements of this Ordinance have been complied with.

**Building Coverage.** See "[Lot Coverage](#)".

**Building, Farm.** Any [building](#) or [structure](#) other than a [dwelling](#), maintained, used or built on a [farm](#) which is essential and customarily used on [farms](#) of that type for the pursuit of their agricultural activities, including the storage or housing of [farm](#) implements, produce or [farm](#) animals.

**Building Height.** The vertical distance from the established [grade](#) to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a [building](#) is located on sloping terrain, the height may be measured from the average ground level of the [grade](#) at the [building](#) wall.

**Building Line.** A line formed by the face of the [building](#), and for the purposes of this Ordinance, a minimum [building line](#) is the same as the front setback line.

**Building Permit.** A [building permit](#) is the written authority issued by the Building Inspector permitting the [construction](#), removal, moving, alteration, or [use](#) of a [building](#), [fence](#) or [sign](#) in conformity with the provisions of the Livingston County Construction Ordinance (Code).

**Building, Principal.** A [building](#) in which is conducted the principal [use](#) of the premises on which it is situated.

**Building Setback Line.** The line formed by the outer surface of a [structure](#) or enclosure wall at or with the finish [grade](#) or surface of the ground; pertaining to and defining those minimum ([building](#)) setback lines which are established, in general, parallel to the front [road right-of-way](#) and within which setback [area](#) no part of a [building](#) shall project or be located, except as otherwise provided for by this Ordinance.

**Building Site.** That portion of a [parcel](#) of land independently identified and delineated upon which a [structure](#) will be constructed and be appurtenant thereto. (See also "[Condominium Unit](#)").

**Building, Temporary.** See "[Use, Temporary](#)".

## ARTICLE II

**Cafeteria.** A dining facility typically located within an office or educational facility that does not offer its services to the public, where there is little to no waitstaff service, and food, either brought from home or purchased at a counter, may be eaten. A Cafeteria is not to be used synonymously as a restaurant or café.

**Certificate of Compliance and Occupancy.** A Certificate issued by the Zoning Administrator or lawful use of land, buildings and/or structures that have met the provisions and requirements of this Zoning Ordinance.

**Child Day Care Center and Day Care Center.** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Such terms do not include any of the following:

- (a) Sunday school, vacation Bible school or a religious instructional class that is conducted by a religious organization where (1) children are attending for not more than a period of three (3) hours per day for an indefinite period of time or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve (12) month period.
- (b) A facility operated by a religious organization, where children are cared for not more than a period of three (3) hours while (2) persons responsible for the children are attending religious services.
- (c) A facility or program for school age children that is operated at a school by a public school or by a person or entity with whom (3) a public school contracts for services, in accordance with section 1285a(2) of the revised school code, Public Act No. 451 of 1976 (MCL 380.1285a(2)), if that facility or program has been granted an exemption under Public Act No. 116 of 1973 (MCL 722.111(2)).

**Church.** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

**Clinic.** A building or group of buildings where human patients are admitted for examination and treatment by more than one (1) professional; such as a physician, dentist, or the like, except that such human patients are not lodged herein overnight.

**Club or Lodge, Private.** A non-profit association of persons who are bonafide members paying annual dues, which owns, hires or leases a building or portion therein, the use of such premises being restricted to members and their guests. The affairs and management of such a private club or lodge are conducted by a board of directors, executive committee or similar body chosen by the members at a meeting. It shall be permissible to serve food and drink on such premises provided adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages is in compliance with the applicable Federal, State, and Township laws.

**Commercial.** A business operated primarily for profit, including those of wholesale and retail trade and professional, personal, technical and mechanical services.

**Common Areas, Uses and Services.** Land areas, improvements, facilities and utilities, the use, enjoyment and maintenance of which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

**Condominium Unit.** That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance.

**Confined Animal Feed Lot.** Any [parcel](#) of land or a premises on which the principal [use](#) is the concentrated feeding of livestock, including beef and dairy cattle, goats, hogs, poultry, or sheep, within a confined [area](#). A [commercial](#) feedlot consists of more than then (10) [farm](#) animals that are on feed and may be owned by a person other than the owner of the feedlot.

**Construction.** The act or process of constructing a [building](#) or other [structure](#) or changing the natural existing configuration of the landscape, including any alteration of the ground surface or subsurface and vegetation.

**Convalescent or Nursing Home.** A [structure](#) with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.

**Density.** The number of [dwelling units](#) located upon, or to be developed upon a gross acre of land.

**District.** See 'Zoning District'.

**Drive-in Restaurant.** A [Drive-in Restaurant](#) shall be deemed to be any [restaurant](#) designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main [building](#).

**Driveways.**

- (a) [Driveway-Residential](#). A way of at least 12 feet in width which shall serve the residents of one [single-family dwelling](#), or one [two-family dwelling](#).
- (b) [Driveway-Commercial](#). A way of at least 30 feet in width providing access to a public [road right-of-way](#) to land which is used for [industrial, institutional](#) or [commercial](#) purposes. (Ord. eff. Aug. 6, 1992)

**Dwelling.** A [building](#) designed or used exclusively as a living quarters for one (1) or more families but not including automobile chassis, [tents](#) or portable [buildings](#).

**Dwelling, Conventional.** A [dwelling](#) which is constructed in accordance with the requirements of the Livingston County Construction Ordinance and has the following characteristics:

- (1) The [building](#) has a minimum width across all sections of 20 feet and complies in all respects with the Livingston County [Construction Code](#), including being attached to a permanent foundation.
- (2) The [building](#) meets all of the requirements of this Ordinance, including those for (1) minimum floor [area](#) and (2) connections to public sewer and water supply facilities or to such private facilities approved by the Livingston County District Health Department.
- (3) The [building](#) contains enclosed storage space, exclusive of that for automobiles, equal to at least 15% of the net floor [area](#) of the [dwelling](#), located in either the [basement](#), attic, closets or attached [structure](#) of similar [construction](#) to the principal [dwelling structure](#).
- (4) The [dwelling](#) is aesthetically compatible in design and appearance with other residences in the vicinity and (1) has a roof overhang of at least 6 inches on all sides, (2) a roof drainage gutter system which collects rainwater at the edges of the [structure](#), (3) has not less than 2 exterior entrance and exit doors with one located as a front door and the other located as side or rear door and (4) the [building](#) has no additions which are not similar in design and [construction](#) character with the [principal building](#) and built in accordance with the Livingston County Construction Code.

## ARTICLE II

**Dwelling, Farm.** A [dwelling](#) used to house the principal [family](#) operating a [farm](#), and which is accessory to the operation of the [farm](#), which is the principal [use](#) of the land upon which it is located.

**Dwelling, Group.** (Group Housing) Two (2) or more [multiple family dwellings](#) on a [parcel](#) of land under single ownership.

**Dwelling, Mobile Home.** A mobile home is a [dwelling](#) manufactured for the purpose of being transported on a wheeled undercarriage from the place of manufacture to an initial and any subsequent [temporary](#) or permanent location on a [lot](#), [parcel](#) or [mobile home park](#) site, and shall not be classified as a [conventional dwelling](#) unless it meets the same requirements that a [conventional dwelling](#) is required to meet under the Livingston County Construction Ordinance and those additional characteristics listed in the definition of [Dwelling, Conventional](#) in this Zoning Ordinance.

**Dwelling, Mobile Home Park.** A mobile home that meets all of the requirements of the United States Department of Housing and Urban Development under that agency's current regulations entitled "Mobile Home Construction and Safety Standards" or those standards established by the American National Standards Institute under that Institute's current mobile home [construction](#) and safety standards as evidenced by that Institute's label if found affixed to the mobile home.

**Dwelling, Multiple Family.** A [conventional dwelling/building](#), or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

**Dwelling, One Family.** A [conventional dwelling/building](#) designed exclusively for occupancy by one (1) [family](#).

**Dwelling, Two Family or Duplex.** A [conventional dwelling/building](#) designed exclusively for occupancy by two (2) families independent of each other, such as a [duplex dwelling](#) unit.

**Dwelling Unit.** A [dwelling unit](#) is any [building](#) or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) [family](#), either permanently or transiently, but in no case, shall a [travel trailer](#), [motor home](#), trailer coach, automobile chassis, [tent](#) or other portable [building](#) be considered a [dwelling](#) in single, multiple, or two [family residential areas](#). In cases of mixed occupancy, where a [building](#) is occupied in part as a [dwelling unit](#), the part so occupied shall be deemed a [dwelling unit](#) for the purpose of this Ordinance and shall comply with the provisions thereof relative to [dwelling](#).

**Emergency Services Facility.** A public, semi-public or private facility from or within which a public service is provided by a legally established and operational organization or [institution](#) which provides immediate action for those persons in need of immediate help or assistance in order to overcome a mental or physical problem which, if not provided, would otherwise be harmful to such persons seeking immediate short term attention.

**Essential Services.** Shall mean the erection, construction, alteration or maintenance by public utilities or municipal governments, departments, commissions, boards, or by other governmental agencies of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply, or disposal systems, including public safety communication towers, structures and facilities, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or signs and hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such Public Utilities or Municipal Departments, Commissions, or Boards, or other governmental agencies, or for the public health, safety, or general welfare, and buildings which are primarily enclosures or shelters of such essential service equipment. An essential service shall not include other buildings associated with an essential service, or cellular telephone facilities, including cellular telephone transmitting towers, the use of essential service public safety communication towers, structures and facilities for cellular telephone or other [wireless communication facilities](#), or commercial broadcast television and radio facilities.

**Excavation.** Any breaking of ground, except [farm use](#), common household gardening and ground care.

**Exception.** See “[Zoning Interpretation](#)”.

**Family.**

- (a) One (1) or more persons related by blood, marriage or adoption with their direct lineal descendants, and including the (1) domestic employees thereof, living as a single, nonprofit housekeeping unit; or
- (b) A collective number of individuals living together in one (1) house under one (1) head, whose relationship is of a permanent (2) and distinct domestic character, and working as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, [lodge](#), combine, federation, group, coterie or organization, which is not a recognized religious order, nor a group of individuals whose association is [temporary](#) and resort-seasonal in character or nature.

**Family Day-Care Home.** A private home in which more than one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, for more than four (4) weeks during a calendar year, unattended by a parent or legal guardian, except children related to an adult member of the [family](#) by blood, marriage, or adoption. .

**Farm.** All of the contiguous neighboring or associated land, operated as a single unit, on which “[farming](#),” as defined by the Michigan Right to Farm Act No. 93 of 1981 (MCL 286.471 et seq.), is carried on directly by the owner-operator, manager, or tenant-farmer, by his or her own labor or with the assistance of members of his or her household or hired employees. Land to be considered a [farm](#) under this definition shall include a continuous [parcel](#) of not less than ten (10) acres in [area](#). [Farms](#) may be considered as including establishments operated as greenhouses, sod [farms](#), nurseries, orchards, chicken hatcheries, livestock and poultry [farms](#), and apiaries, but establishments keeping fur-bearing animals, game or operating fish hatcheries, confined animal feedlots, stone quarries, or gravel or sand pits shall not be considered [farms](#) under this definition unless combined with a [farm operation](#) on the same continuous tract of land.

**Farm Building.** See “[Building, Farm](#)”.

**Farming.** See “[Agriculture](#)”.

**Farm Operation.** The operation and management of a [farm](#), or a condition or activity that occurs at any time as necessary on a [farm](#) in connection with the [commercial](#) production, harvesting, and storage of [farm products](#), and includes operations defined by the Right to Farm Act, MCL 286.471 et. seq. as amended, but is not limited to:

- (a) Marketing produce at [roadside stand](#) or [farm](#) markets.
- (b) The generation of noise, odors, dust, fumes, and other associated conditions.
- (c) The operation of machinery and equipment necessary for a [farm](#), including but not limited to [irrigation](#) and drainage systems and pumps and on-[farm](#) grain dryers, and the movement of vehicles, machinery, equipment, and [farm products](#) and associated inputs necessary for the [farm operations](#) on the roadway as authorized by the Michigan Vehicle Code, Public Act No. 300 of 1949, as amended, MCL sections 257.1 to 257.923.
- (d) Field preparation and ground and aerial seeding and spraying.
- (e) The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides.

## ARTICLE II

- (f) Use of alternative pest management techniques.
- (g) The fencing, feeding, watering, sheltering, transportation, treatment, use, handling, and care of [farm](#) animals.
- (h) The management, storage, transport, utilization, and application of [farm](#) by-products, including manure or agricultural wastes.
- (i) The conversion from a [farm operation](#) activity to other [farm operation](#) activities.
- (j) The employment and use of labor.

**Farm Product.** Those plants and animals useful to human beings, produced by [agriculture](#), and includes but is not limited to forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bee and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan Commission of [Agriculture](#). Those plants and animals useful to man and includes, but is not limited to: forages and sod crops, grains and feed crops, dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and similar products; or any other product which incorporates the use of food, feed, fiber or fur.

**Fence.** A structural barrier of posts and boards, wire, pickets, rail and any other material which provides a means of preventing escape or intrusion, to mark a boundary or used to enclose all or a portion of a field or [yard](#) or a [lot](#) or [parcel](#) of land.

**Fence, Decorative.** A [fence](#) which in addition to its utility as a barrier has something added to it that adorns, embellishes, enriches and beautifies the appearance of its character, excluding chain link, woven wire and stockade.

**Filling Station.** See "[Automobile Service](#)".

**Flood Plain.** That portion of land adjacent to a water body or water course which is subject to periodic inundation, as defined by the U.S. Army Corps of Engineers for the National Flood Insurance Program based upon the 100-year flood cycle.

**Floor Area, Gross (GFA).** The sum of the gross horizontal [areas](#) of the several floors of the [building](#) measured from the exterior face of the exterior walls or from the center line of walls separating two (2) [buildings](#). The [gross floor area](#) of a [building](#) shall include the [base-ment](#) floor [area](#) when more than one-half (2) of the [basement](#) height is above the established curb level or finished [lot grade](#). Any space devoted to [off-street parking](#) or loading shall not be included in [gross floor area](#). [Areas](#) of [dwelling basements](#), unfinished attics, utility rooms, breeze-ways, porches (enclosed or unenclosed) or attached garages are not included.

**Floor Area, Usable (UFA).** The measurement of [usable floor area](#) shall be that portion of floor [area](#) (measured from the interior face of the exterior walls) used for or intended to be used for services to the public as customers, patrons, clients, or patients; including [areas](#) occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including [areas](#) used or intended to be used principally for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a [half story area](#), the [usable floor area](#) shall be considered to be only that portion having a clear height of more than ninety (90) inches of headroom.

**Floor Area Ratio (FAR).** The ratio between the maximum amount of floor [area](#) permitted on all floors in a [building](#) or group of [buildings](#) and the total [lot area](#) or total site [area](#). For example, a FAR of 2.0 would allow a maximum floor [area](#) equal to twice the [lot area](#) (a two-[story building](#) covering the entire [lot](#) or a four-[story building](#) covering half the [lot](#)). A FAR of 0.5 would allow a maximum floor [area](#)

equaling one-half (2) [lot area](#) (or a two-story building covering one-fourth (1/4) of the [lot](#)).

**Foster Care.** The provision of supervision, personal care, and protection, in addition to room and board, for compensation, which occurs twenty-four (24) hours a day, five (5) days a week, for two (2) or more consecutive weeks.

**Foster Family Group Home.** A private home in which more than four (4), but less than seven (7) minor children who are not related by blood or marriage to an adult member of the household, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21-710.70), are provided care for twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Foster Family Home.** A private home in which at least (1), but not more than four (4), minor children who are not related by blood or marriage to an adult member of the household, or who are not placed in the household pursuant to the Michigan Adoption Code, chapter X of the probate code of 1939, Public Act No. 288 of 1939 (MCL 710.21-710.70), are provided care for twenty-four (24) hours a day, four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Frontage, Street.** See "[Road Frontage](#)".

**Garage, Commercial.** Any garage, other than a [private garage](#) available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting, or equipment of automobiles or other motor vehicles.

**Garage, Private.** An [accessory building](#) not over one (1) [story](#) in height used for parking or storage of vehicles as may be required in connection with the permitted [use](#) of the [principal building](#).

**Garage, Public.** See "[Garage, Commercial](#)".

**Gasoline Service Station.** See "[Automobile Service](#)".

**Grade.** The term 'Grade' shall mean a ground elevation established for the purpose of regulating the number of stories and the height of the [building](#). The [building grade](#) shall be the level of the ground adjacent to the walls of the [building](#) if the finished [grade](#) is level. If the ground is not entirely level, the [grade](#) shall be determined by averaging the elevation of the ground for each face of the [building](#).

**Greenbelt.** See "[Buffer Area](#)".

**Highway.** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation. (Also see "[Road](#)")

**Historical Building, Site or Area.** Those [parcels](#) and/or [uses](#) of land and/or [structures](#) whose basic purpose is to (a) safeguard the heritage of the local unit by preserving or allowing a [structure](#) or [use](#) which reflects elements of the community's cultural, social, economic, political, or architectural history; (b) stabilize and improve property values in the [area](#); (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of such sites for the education, pleasure, and welfare of the local residents and of the general public.

**Home, Motor.** A motorized vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term does not include mobile homes.

**Home, Nursing.** See "[Convalescent Home](#)".

## ARTICLE II

**Home Occupation.** Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Providing further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations of construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas.

**Hospital.** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices.

**Hotel.** A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms, and in which no provisions are made for cooking in any individual room. (Also See "Motel")

**House Hold Pets.** Any domesticated animal customarily kept as a pet in the home as an incidental accessory to the principal use as a residence. No more than 4 such animals six (6) months or older, excluding caged animals, may be kept per dwelling unit. No more than one litter of such animals six (6) months or younger shall be permitted at any one time.

**Indoor Recreation Facilities.** Facilities for recreation activities conducted entirely within a building, which typically receives a fee in return for providing some recreational activity or part of a facility. Such activities and facilities include but are not limited to: indoor courts and fields for various sports, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, sport shooting ranges, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

**Industrial.** A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise or area.

**Industrial Park.** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

**Institution.** An organization having an enduring social, educational or a religious purpose, established by law, custom, practice or a system to serve the public in the form of governmental, religious, educational and charitable facilities or facilities for the sick, abused, unwanted or aged.

**Irrigation.** Is the artificial application of water on a lot or portion of a lot or parcel of land

**Junk.** All rubbish, refuse, waste material, garbage, including but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, putrescible and non-putrescible solid waste (except body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery, household appliances, industrial wastes, discarded, inoperative, dismantled, or partially dismantled motorized vehicles or parts thereof.



**Junk Yard.** Any lot, parcel, field or tract of land on which there is an accumulation of junk, equipment or machinery, whether operated for profit or not-for-profit basis. The term junk yard includes automobile wrecking yards and salvage areas of more than 200 square feet for the storage, keeping or abandonment of junk or for the dismantling, demolition or abandonment of automobiles or other vehicles of machinery or parts thereof, but does not include uses established entirely within an enclosed building.

**Kennel, Commercial.** Any combination of buildings and/or land used, designed or arranged for the commercial boarding, breeding, training, and/or care of three (3) or more household pets subject to the regulations in Section 14.42. This definition shall not be construed to include, retail pet stores, or veterinary clinics unless boarding occurs in a way that is not incidental to the primary purpose of those operation.

**Kennel, Rural.** Any combination of buildings and/or land used, designed or arranged for breeding, training and/or care of three (3) or more household pets six (6) mouths or older which are kept for purposes of sale, show, or hunting. Rural kennels do not include commercial boarding. No more than one litter of such animals six (6) mouths or younger shall be permitted at any one time. The keeping of such animals shall be strictly incidental to the principal use of the premises. Rural kennels are subject to the regulations in Section 14.44.

**Laboratory.** A place devoted to experimental, routine study or basic study such as testing and analytical operations and in which manufacturing of a product or products, except prototypes, is not performed.

**Land Use Permit.** See "Zoning Permit".

**Lighting, Source of.** For purposes of this Ordinance, the source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

**Loading Space.** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and/or unloading merchandise or materials.

**Lodge.** See "Club or Lodge, Private".

**Lot.** A portion of land divided in conformance with all of the provisions of Public Act 288 of 1967 in accordance with Public Act 288 Land Division Act of 1967 as amended, Subdivision Control Act and the Subdivision Regulations of Howell Township.

**Lot Area.** The total horizontal area within the lot lines of a lot or parcel excluding road right of ways and road easements.

**Lot of Record.** A lot existing prior to the adoption of this Ordinance and recorded in the office of the County Register of Deeds. For the purposes of this Ordinance, land contracts and purchase options not recorded in the County Register of Deeds' Office, but dated and executed prior to the effective date of this Ordinance shall also constitute a "lot of record". (Includes "Parcel of Record")

**Lot, Corner.** A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) roads are less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot for the purpose of this Ordinance if the arc is of less radius than 150 feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight road line extended, form an interior angle of less than 135 degrees.

**Lot Coverage.** The percentage of the lot or parcel covered by all buildings and structures located on a lot or parcel, elevated above the surface, on the surface or below the surface of the ground and which impairs the percolation of surface water into the subsurface ground-water areas and causes additional surface runoff.

## ARTICLE II

**Lot Depth.** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

**Lot, Double Frontage.** Any interior lots having frontages on two (2) more or less parallel roads as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to roads shall be considered frontages, and front yards shall be provided as required.

**Lot, Interior.** Any lot other than a corner lot.

**Lot, Lakefront.** See "Lot, Waterfront".

**Lot Lines.** The exterior perimeter boundary; lines of a lot or parcel excluding road right of ways and easements.

**Lot Line, Front.** In the case of an interior lot, that line separating said lot from the road. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that road which is designated as the front road in the plat and in the application for a Zoning Compliance Permit.

**Lot Line, Rear.** That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet long farthest from the front lot line and wholly within the lot.

**Lot Line, Side.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot, Waterfront.** A lot having a frontage directly upon a lake, river or other reasonably sized impoundment of water. The portion adjacent to the water shall be designated as the lake frontage of the lot, and the opposite side shall be designated the road frontage of the lot.

**Lot Width.** The horizontal distance between the side lot lines measured at the point where the building line intersects the side lot line and measured where the front lot line intersects the side lot lines.

**Manufactured Home Park.** A residential development which meets the regulations of PA 96 of 1987, as amended, the Manufactured Housing code and the provisions of Article XXIX of this ordinance.

**Master Plan.** (Or Comprehensive Development Plan) The plan prepared and adopted by the Township Planning Commission in accordance with Public Act 33 of 2008 relative to the agreed upon desirable physical land use pattern for future Township development. The plan consists of a series of maps, plans, charts and written material, representing in summary form, the soundest planning direction to the Township as to how it should grow in order to realize the very best community living environment in the Township in the intent of the public health, safety and general welfare of its inhabitants.

**Mini Warehouse.** A building or group of buildings in a controlled access and fenced area that contains varying sizes of individual, compartmentalized and controlled access storage stalls for storage of the customer's property.

**Manufactured Home.** A unit primarily designed for year-round dwelling purposes, built upon a chassis, which equals or exceeds eight (8) feet in width and exceeds thirty-two (32) feet in length, and is not motorized or self propelled. Also may be known as a trailer coach or house trailer. Does not include a unit which must be transported in two (2) or more separate sections and involving installation of heating or extensive siding elements after such transport.

**Manufactured Home Sales.** Any space used for display, sale or rental of mobile homes, in new or used and operable condition.

**Mobile Home Park.** For the purpose of this Ordinance, a specifically designated [parcel](#) of land constructed and designed to accommodate three (3) or more mobile homes for [residential dwelling use](#). See [Manufactured Home Park](#) definition.

**Motel.** (Also see “Hotel”) A [motel](#) or [motor court](#) is a business comprising of a [dwelling unit](#) or a group of [dwelling units](#) so arranged as to furnish lodging accommodations for the public for compensation.

**Motor Court.** See “[Motel](#)”.

**Natural Undeveloped State.** Means preserving natural resources, natural features, or scenic or wooded conditions; [agricultural use](#); [open space](#); or similar [use](#) condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic [area](#), children’s play [area](#), a passive recreation [area](#) where no intensely active recreation takes place, greenway, linear park, conservation easement, as defined in Section 2140 of P.A. 451 of 1994, the Natural Resources and Environmental Protection Act, flora and fauna preserve, natural study [area](#) and similar types of undeveloped [areas](#) essentially kept in their natural state. (See definition of [Open Space Preservation](#)).

**Non-Conforming Building or Structure.** A [non-conforming building](#) is a [building](#) or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance in the [zoning district](#) in which it is located.

**Non-Conforming Use.** A [non-conforming use](#) is a [use](#) which lawfully occupied a [building](#) or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the [use](#) regulations of the [zoning district](#) in which it is located.

**Nuisance.** Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or [use](#) across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things such as: noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of a congregation of people (particularly at night), passing traffic, invasion of [street frontage](#) by traffic generated from an adjacent [land use](#) which lacks sufficient parking and circulation facilities.

**Nursing Home.** See “[Convalescent Home](#)”.

**Office.** An enclosed [area](#) which has as its primary [use](#), rooms for professional or financial organizations, individuals, labor unions, civic, social, fraternal and/or other various related organizations or enterprises.

**Off-Street Parking.** See “[Parking, off-street](#)”.

**Off-Street Parking Space.** See “[Parking, Off-street, space](#)”.

**Off-Street Parking Lot.** See “[Parking, off-street, lot](#)”.

**Open Air Business Uses.** Display or storage of merchandise or equipment for sale or rent outside of a permanent structure. Such merchandise or equipment shall include the following:

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- (a) Sports equipment, motorcycles, watercraft, snowmobiles, off road vehicles, utility truck or trailer, farm implements, construction or home equipment, and similar products.
- (b) Garages, sheds, play structures, mobile homes, swimming pools, and similar products.
- (c) Trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, and similar products.

**Open Space.** Any space suitable for growing vegetation, recreation, gardens or household service activities such as clothes drying, but not occupied by any [buildings](#).

- 1) **Open Space, Useable:** A separate [area](#) of land from all other [use areas](#) which is set aside, planned and developed as a park and recreation [area](#) for [use](#) by residents living in an [area](#) or on a site which provides facilities and [areas](#) for active and passive recreation purposes for such residents.
- 2) **Recreations, Active:** Activities by residents living in an [area](#) or on a site conducted on facilities provided on [areas](#) set aside, planned and developed for such purposes, including, but not limited to, court and field game [areas](#), swimming and bathing facilities, [family gathering and picnic areas](#), shelters, bathroom facilities and other related activity facilities, [areas](#) and [structures](#).
- 3) **Recreation, Passive:** Refer to Definition No. 115a "[Natural Undeveloped State](#)" for the type of [area](#), development and typical activities associated with such [areas](#).

**Open Space Preservation.** Land which has been set aside in accordance with Section 506b of P.A. 110 of 2006, The Michigan Zoning Enabling Act in its [natural undeveloped state](#). (See definition of [Natural Undeveloped State](#).)

**Open Storage.** All outdoor storage of [building](#) materials, sand, gravel, stone, lumber, equipment and other supplies.

**Outdoor Recreation Facilities.** Facilities for recreation activities conducted outside a building, which typically receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: pools, splash pads, fields or courts for various sports, skateboard parks, shuffleboard, horseshoe courts, archery range, sport shooting ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

**Parcel.** A continuous [area](#), tract or acreage of land that has not been divided or subdivided according to the provisions of Public Act 288 as amended of 1967, the Subdivision Control/Land Division Act and the Subdivision Regulations of Howell Township.

**Parking, Off-Street.** Vehicular parking provided on a [lot](#) or [parcel](#), but not within a [highway](#) or [road right-of-way](#).

**Parking, Off-Street, Space.** An [area](#) of definite length and width; said [area](#) shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on [lots](#) or [parcels](#), but not within a public [highway](#) or public or [private road right-of-way](#).

**Parking, Off-Street, Lot.** A facility providing vehicular [parking spaces](#) along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**Parking Space.** A land [area](#) exclusive of [driveways](#) and aisles, and so prepared as to be usable for the parking of a motor vehicle and so located as to be readily accessible to a public [road](#) or [alley](#).

**Pet.** Shall mean only such animals as may commonly be housed within domestic living quarters.

**Planned Unit Development.** ([Residential](#), [commercial](#) or [industrial](#)). This is a tract of land which includes two (2) or more [principal buildings](#), developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding [area](#), and where the specific requirements of a given [district](#) may be modified and where the minimum [area](#) is fixed. Such development shall be based on a plan which allows for flexibility of design not available under normal [zoning district](#) requirements.

**Plat.** A map or plan of the layout of the subdivision of a [parcel](#) of land which is in conformance with all of the provisions of Public Act 288 of 1967, The Subdivision Control/Land Division Act and The Subdivision Regulations of Howell Township.

**Porch, Enclosed.** (Includes patio). A covered entrance to a [building](#) or [structure](#) which is totally enclosed, and projects out from the main wall of said [building](#) or [structure](#) and has a separate roof or an integral roof with the [principal building](#) or [structure](#) to which it is attached.

**Porch, Open.** (Includes patio). A covered entrance to a [building](#) or [structure](#) which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said [building](#) or [structure](#) and has a separate roof or an integral roof with the [principal building](#) or [structure](#) to which it is attached.

**Private Road.** See "[Road, private](#)".

**Public Utility.** Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish and furnishing, under federal, state, or municipal regulations, to the public; electricity, gas, steam, communications, telegraph, transportation, water, storm water collection or wastewater collection and treatment.

**Recreation Vehicle (RV).** A motorized vehicle primarily designed and used as [temporary](#) living quarters for recreational camping or a non-motorized vehicle mounted on or drawn by another vehicle to be used for recreation, vacation or traveling purposes.

**Residential.** A development of land with [dwelling units](#) for the purpose of housing families and including all accessory or related uses necessary to normal everyday [family](#) living.

**Restaurant.** Is 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 grills, cafes, and nightclubs.

**Restaurant, Drive-in.** See "[Drive-in Restaurant](#)".

**Right-of-Way.** A [street](#), [alley](#) or other thoroughfare or easement permanently established for passage of persons, vehicles or the location of utilities. The [right-of-way](#) is delineated by legally established lines or boundaries.

**Road.** Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Livingston County Road Commission.

**Road Frontage.** The legal line of demarcation between a dedicated [road right-of-way](#) or easement and abutting land.

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**Road, Frontage Access.** A public or private road paralleling and providing ingress and egress to adjacent lots and parcels but connected to the major highway or road only at designed intersections or interchanges.

**Road, Hard Surface.** A highway or road built to the concrete or asphalt surface road building specifications of the Livingston County Road Commission or the Michigan Department of Transportation.

**Road Line.** The line which forms the outer limits of a road right-of-way or easement and which forms the line from which all road setbacks and front yards are measured.

**Road, Major Area.** Those roads designated by the Livingston County Road Commission as Primary Roads and any roads and any roads designated as major by the Howell Township Board of Trustees.

**Roads, Major Regional.** Those roads designated as Federal Interstate or United States Highways and those designated as Michigan State Highways.

**Roads, Minor.** All other roads public or private

**Road, Private.** An access road or drive which provides ingress and egress to two (2) or more principal buildings located upon separate lots or parcels from a public highway or public road.

**Roadside Stand.** A temporary or permanent building operated for the purpose of selling only produce raised or produced on the same premises by the proprietor of the stand or his family; its use shall not make, in a commercial district, land which would be otherwise classified as agricultural or residential, nor shall its use be deemed a commercial activity.

**Sanitary Landfill Dump.** A private or public dumpsite that meets all of the requirements of Public Act 641 of 1978 and the rules promulgated under this Act by the Department of Natural Resources.

**Service Road or Drive.** See "Road, Frontage Access".

### Setbacks.

- 1) Front yard setback. The minimum horizontal distance between a front property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.
- 2) Side yard setback. The minimum horizontal distance between a side property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.
- 3) Rear yard setback. The minimum horizontal distance between a rear property line of a lot, parcel or site and all buildings and structures located on a lot, parcel or site.

**Sign.** See definitions in Section 19.02.

**Special Use.** A use which is subject to approval by the Planning Commission. A special use may be granted when specified by this Ordinance. A permitted special use is not considered to be a nonconforming use.

**State Licensed Day Care Facilities.**

(a) **Adult Day Care Facility** includes the following definitions:

- (1) **Adult Family Day Care Home.** A private home in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults, who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, **residential** centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult care center.
- (2) **Adult Group Day Care Home.** A private home in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, **residential** centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.
- (3) **Adult Day Care Center.** A facility, other than a private residence, receiving one (1) or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically that require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, **residential** centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

(b) **Child Day Care Facilities** includes the following definitions as defined and regulated by Public Act No. 116 of 1973 as amended:

- (1) **Child Family Day Care Home.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the **family** by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (2) **Child Group Day Care Home.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by apparent or legal guardian, excepting children related to an adult member of the **family** by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- (3) **Child Care Center.** Also known as “day care center”, a state-licensed facility, other than a private residence, receiving one (1) or more minor children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**State Licensed Foster Care Facilities.**

(a) **Adult Foster Care Facility.** A state-licensed establishment that provides **foster care** to adults. It includes facilities and **foster care** homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult **foster care** facility does not include **convalescent or nursing homes**, homes for the aged, **hospitals**, alcohol or substance abuse rehabilitation centers, **residential** centers for persons released from or assigned to a correctional facility, or any other facilities which have been exempted from the definition of adult

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**foster care** facility by the Adult **Foster Care** Facility Licensing Act, Public Act No. 218 of 1979 as amended. The following additional definitions shall apply in the application of this Ordinance.

- (1) **Adult Foster Care Small Group Home.** A facility with the approved capacity to receive (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  - (2) **Adult Foster Care Large Group Home.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.
  - (3) **Adult Foster Care Family Home.** A private residence with the approved capacity to receive six (6) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation. The **adult foster care family home** licensee must be a member of the household and an occupant of the residence.
  - (4) **Adult Foster Care Congregate Facility.** An adult **foster care** facility with the approved capacity to receive more than twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks for compensation.
- (b) **Child Foster Care Facility.** A state-licensed establishment that provides **foster care** to minor children. The following definitions shall apply in the application of this Ordinance.
- (1) **Child Foster Family Home.** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, Chapter X of Public Act No. 288 of 1939 as amended, being sections 710.21 to 710.70 of the Michigan Compiled Laws, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
  - (2) **Child Foster Family Group Home.** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to Chapter X of Public Act No. 288 of 1939 as amended, are provided care for twenty-four (24) hours a day, for four (4) or more days a week, for two (2) or more consecutive weeks, unattended by a parent or legal guardian.

**Story.** That part of a **building**, except a mezzanine included between the surface to one (1) floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A **story** thus defined shall not be counted as a **story** when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

**Story, Half.** An uppermost **story** lying under a sloping roof, the **usable floor area** of which, at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the **floor area** in the **story** directly below, and the height above at least two hundred (200) square feet of floor space is seven feet, six inches (7'6").

**Story, Height.** The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.



**Street.** See “Road”.

**Street Line.** See “Road Line”.

**Structure.** See “Building”, and in addition any manmade surface or subsurface feature or designed earth feature, other than normal finished grading for drainage purposes, including garden houses, pole barns, sheds, tents, pergolas, decks, porches, play houses, game courts, walls, trailers, septic tanks, underground storage tanks, above ground dispensing devices, among others, but not including wires and their supporting poles, towers, or frames for electrical, telephone, gas or television utilities or other public utilities located above or below ground.

**Structural Alterations.** Any change in an existing structure which would expand the size of the structure, significantly change the outside dimensions of the structure, or which would effectively convert the building into a different structure.

**Swimming Pool.** Any permanent, non-portable structure or container, for public or private use, located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

**Temporary Building.** See “Use, Temporary”.

**Temporary.** See “Use, Temporary”.

**Tent.** Tent, as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children’s recreational purposes.

**Travel Trailer.** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for periodic overnight lodging. This term also includes folding campers and truck mounted campers but does not include mobile homes

**Travel Trailer Park.** A family recreation oriented facility for the overnight or short term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.

**Use.** The lawful purpose for which land or premises of a building thereon is designed, arranged, intended, or for which is occupied, maintained, let or leased.

**Use, Accessory.** A use normally and naturally incidental to, subordinate to, and devoted exclusively to the main use of the land or buildings.

**Use, Agricultural.** Any use permitted in the “AR” Agricultural Zone in this Ordinance. See definition of “Agriculture”.

**Use, Building and Structural.** The use or uses made of a building or structure.

**Use, Commercial.** Any use permitted in the various Commercial Zones (NSC, RSC, HC, HSC or OS) in this Ordinance. See definition of “Commercial”.

**Use, Industrial.** Any use permitted in the AI Industrial Zone in this Ordinance. See definition of “Industrial”.

**Use, Institutional.** Any of the public or private Institutional uses permitted in this Ordinance.

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**Use, Land.** The principal and accessory uses being made of all land areas and buildings and structures located upon a lot or parcel.

**Use, Public.** Any of the publicly owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

**Use, Residential.** Any of the uses permitted in the various Residential Zones (AR, SFR or MFR) in this Ordinance. See definition of "Residential".

**Use, Temporary.** A use or building permitted to exist during period of construction of the main building or use, or for special events.

**Variance.** See "Zoning Variance".

**Water Park (Public).** A recreational area for public use consisting of a splash pad, water playground, wave pool, lazy river, swimming pool or any other similar water feature, including area(s) for bathing or swimming, in solitude or within a group. Although a water park may include one or more swimming pools, a swimming pool by itself is not considered a water park.

**Wetland.** Land characterized by the presence of water at a frequency and duration sufficient to support and under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh, and which includes the following:

- (a) Such an area contiguous to a lake, pond, river or stream.
- (b) Such an area located in an inland area and more than five (5) acres in area.
- (c) Such an area of less than five (5) acres if the DEQ determines that it is essential to the preservation of natural resources from pollution, impairment or destruction.

**Wireless Communication Facilities or Facility.** Shall mean all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals or other wireless communications services, and include wireless communications equipment, wireless communications support structures, and wireless communications equipment compounds, as defined herein. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, ham amateur radio facilities, private/stand-alone satellite dishes, essential services structures and facilities, and governmental facilities which may be subject to state or federal law or regulations which preempt municipal regulatory authority. For purposes of this Chapter, the following additional terms are defined:

- (a) Attached Wireless Communications Facilities shall mean wireless communication equipment attached to an existing wireless communications support structure or in an existing wireless communications equipment compound.
- (b) Substantial change in physical dimensions means one or more modifications of the height, width, length, or area of a wireless communications facility at a location, the cumulative effect of which is to materially alter or change the appearance of the wireless communications facility.
- (c) Wireless communications equipment means the equipment and components, including antennas, transmitters, receivers, base stations, equipment shelters or cabinets, emergency generators, and power supply, coaxial and fiber optic cables used in the provision

of wireless communications services, but excluding wireless communication support structures.

- (d) Wireless communications equipment compound means a delineated area surrounding or adjacent to the base of a wireless communications support structure within which any wireless communications equipment related to that support structure is located.
- (e) Wireless Communication Support Structures or Support Structures shall mean structures designed to support or capable of supporting wireless communication equipment. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, utility poles, wood poles and guyed towers, buildings, or other structures with such design capability.
- (f) Collocation shall mean the location by two (2) or more cellular communication providers of cellular communication facilities on a common wireless communication support structure.

**Yard.** The [open spaces](#) on the same [lot](#), [parcel](#), or [building site](#) with the nearest of all [buildings](#) and other [structures](#), unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance and as defined herein.

- (a) **Front Yard.** An [open space](#) extending the full width of the [lot](#), [parcel](#), or [building site](#) the depth of which is the minimum horizontal distance between the front property line or front [building site](#) line and the nearest point of the nearest [buildings](#) and other [structures](#) located on the [lot](#), [parcel](#) or site. Front yards shall include all [areas](#) of [lots](#) and [parcels](#) of land fronting on all [roads](#) and lakes, ponds and rivers.
- (b) **Rear Yard.** An [open space](#) extending the full width of the [lot](#), [parcel](#), or [building site](#) the depth of which is the minimum horizontal distance between the rear property line or rear [building site](#) line and the nearest [buildings](#) and other [structures](#) located on the [lot](#), [parcel](#) or site.
- (c) **Side Yard.** An [open space](#) between all [buildings](#) and other [structures](#) and the side [lot](#), [parcel](#), or [building site](#) line extending from the front [yard](#) to the rear [yard](#) the width of which is the minimum horizontal distance between the side property line or side [building site](#) line and the nearest point of the nearest [buildings](#) and other [structures](#) located on the [lot](#), [parcel](#) or site.

**Zoning Appeal.** An entreaty or demand for a hearing and/or review of facts and/or actions.

**Zoning Board of Appeals.** As used in this Ordinance, the term “[Board of Appeals](#)” means the Township of Howell, Livingston County, Michigan, [Zoning Board of Appeals](#).

**Zoning District.** A portion of the unincorporated [area](#) of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Zoning Exception.** See “[Zoning Interpretation](#)”.

**Zoning Interpretation.** A principal or [accessory use](#) permitted within the intent and purpose of this Ordinance only after review of an application by the [Board of Appeals](#) with the advice and counsel of the Planning Commission, such review being necessary because the provisions of this Ordinance in respect and the listed permitted principal and [accessory uses](#) are not precise enough to all applications without interpretation, and such review is therefore required by the Ordinance.

**Zoning Permit.** A permit issued by Howell Township for commencing [construction](#) issued in accordance with a plan for [construction](#) that complies with all the provisions of this Zoning Ordinance.

## ARTICLE II

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**Zoning Variance.** The term **Variance** shall mean a modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the **variance** is granted. The crucial points of **variance** are (a) undue hardship, (b) unique circumstances, and (c) exceptional and unusual elements are present that would preclude the same type of development permitted in a **zoning district**, but, which with a **variance**, would permit similar and compatible development to the character of development permitted in a **zoning district**.

**Zoning Violation.** Any **land use** development or activity which does not conform to (1) the provisions of this Zoning Ordinance, (2) an approved **special use** of land, **building(s)** or **structure(s)**, (3) an approved **planned unit development**, (4) an approved site plan, (5) a decision of the **Zoning Board of Appeals**, (6) a decision of the Planning Commission, (7) a decision of the Township Board, (8) a court order of a Michigan Court of jurisdiction, or (9) a court order of any United States Federal Court relative to the provisions of this Zoning Ordinance.

(Ord. No. 271 eff. Oct. 3, 2017; further amend. eff. Nov. 22, 2018; further amend. eff. Mar. 31, 2019; further amend. eff. Jan. 4, 2021)

## ARTICLE III GENERAL PROVISIONS

### Section 3.01 ESTABLISHMENT OF ZONING DISTRICTS.

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance:

- AR - AGRICULTURAL-RESIDENTIAL DISTRICT
- SFR - SINGLE FAMILY RESIDENTIAL DISTRICT
- MFR - MULTIPLE FAMILY RESIDENTIAL DISTRICT
- MHD - MANUFACTURED HOUSING DISTRICT
- OS - OFFICE SERVICE DISTRICT
- NSC - NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT
- RSC - REGIONAL SERVICE COMMERCIAL DISTRICT
- HSC - HIGHWAY SERVICE COMMERCIAL DISTRICT
- HC - HEAVY COMMERCIAL DISTRICT
- I - INDUSTRIAL DISTRICT
- RT - RESEARCH AND TECHNOLOGY DISTRICT

(Ord. No. 1 eff. Jan. 8, 1983, Amend. by Ord. 255 eff. April 12, 2013)

### Section 3.02 PROVISION FOR OFFICIAL ZONING DISTRICT MAP.

These [Districts](#), so established, are bounded and defined as shown on the map entitled:

“ZONING MAP OF HOWELL TOWNSHIP”

Adopted by the Township Board, and which, with all notations, references, and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the [Districts](#) shown thereon were fully set forth herein.

(Ord. No. 1 eff. Jan. 8, 1983)

## ARTICLE III

### Section 3.03 CHANGES TO OFFICIAL ZONING DISTRICT MAP.

If, in accordance with the procedures of this Ordinance and of Public Act 110 of 2006, as amended, a change is made in a [zoning district](#) boundary, such change shall be made by the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the [Zoning District Map](#) may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Zoning Administrator.

(Ord. No. 1 eff. Jan. 8, 1983, further Amended by Ord. No. 202 eff. Dec. 21, 2006)

### Section 3.04 AUTHORITY OF OFFICIAL ZONING DISTRICT MAP.

Regardless of the existence of other copies of the Official [Zoning District Map](#) which may from time to time be made or published, the Official [Zoning District Map](#), which shall be located in the [office](#) of the Zoning Administrator, shall be the final authority as to the current zoning status of any land, [parcel](#), lot, [district](#), [use](#), [building](#) or [structure](#) in the Township.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 3.05 INTERPRETATION OF ZONING DISTRICTS.

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official [Zoning District Map](#), the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a [highway](#), [street](#), [alley](#), railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a [parcel](#), section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official [Zoning District Map](#) shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any [zoning district](#) not clearly shown on the Official [Zoning District Map](#) shall be determined by the [Zoning Board of Appeals](#) consistent with the intent and purpose of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 3.06 APPLICATION OF REGULATIONS.

The regulations established by this Ordinance within each [zoning district](#) shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved [use](#) of land or [building](#), dwelling and [structure](#) throughout each [district](#). Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the [Zoning Board of Appeals](#) shall have power in passing upon [appeals](#) to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of [Article XXII](#) of this Ordinance and Public Act 110 of 2006.

(Ord. No. 1 eff. Jan. 8, 1983, further Amended by Ord. No. 202 eff. Dec. 21, 2006)

### Section 3.07 SCOPE OF PROVISIONS.

- A. Except as may otherwise be provided in [Article XXII](#) herein, every [building](#) and [structure](#) erected, every [use](#) of any lot, [building](#), or [structure](#) established, every structural alteration or relocation of any existing [building](#) or [structure](#) occurring, and every enlargement of, or addition to an existing [use](#), [building](#) and [structure](#) occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the [zoning district](#) in which such [use](#), [building](#), or [structure](#) shall be located.
- B. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. [Accessory uses](#) are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. [Special uses](#) are permitted as listed or if similar to the listed [special uses](#) and if the required conditions are met.
- C. All uses, [buildings](#), and [structures](#) shall conform to the area, placement, and height regulations of the [district](#) in which located, unless, otherwise provided in this Ordinance.
- D. No part of a [yard](#), or other [open space](#), or [off-street parking](#) or [loading space](#) required about or in connection with any [use](#), [building](#) or [structure](#), for the purpose of complying with this Ordinance, shall be included as part of a [yard](#), [open space](#), or [off-street parking lot](#) or [loading space](#) similarly required for any other [use](#), [building](#), or [structure](#). Refer to Section 14.06.
- E. No [yard](#) or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or [area](#) below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein except as otherwise provided in this Ordinance.
- F. No lot, out lot or other [parcel](#) of land in a recorded [plat](#) shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Subdivision Control Act of 1967 and the Land Division Act of 1996, as amended.
- G. There shall be no more than one (1) principal [use](#) located on a lot, [parcel](#) or [building site](#), except as otherwise permitted in this Ordinance. See Section 14.06.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

## ARTICLE III

### Section 3.08 SITE PLAN REVIEW PROCEDURES.

All uses permitted under the provisions or consequence of this Zoning Ordinance, applying for a [zoning permit](#), shall follow the requirements of [Article XX](#), "Site Plan Review"; except that all [farm dwellings](#), [farm buildings](#) and single [family](#) homes located on a single lot or [parcel](#) shall only be required to submit a site plan, prepared in accordance with those relative portions of [Article XX](#), "Site Plan Review", and submitted with the application for a [zoning permit](#).

(Ord. No.1 eff. Jan. 8, 1983)

### Section 3.09 ZONING PERMITS IN RELATION TO COUNTY BUILDING PERMITS.

Prior to the issuance of any County [Building Permit](#) in Howell Township it shall be necessary for any applicant for [construction](#) under the provisions of the Livingston County Construction Ordinance to first apply for and obtain a [Zoning Permit](#) from the Zoning Administrator of Howell Township in accordance with the provisions of this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 3.10 PERMITTED ZONING DISTRICT USES AND OTHER PROVISIONS IN THIS ORDINANCE.

While each [Zoning District](#) and the uses it permits are designed to represent separate categories of compatible [land uses](#) and the regulations controlling, other Articles in this Zoning Ordinance may also appropriately apply including those provisions included in [Article XIV](#) "Supplemental Regulations", [Article XV](#) "Environmental Provisions", [Article XVI](#) "Special Uses", [Article XVII](#) "Nonconforming Land, Building and Structural Uses", [Article XVIII](#) "Off-Street Parking, Loading and Unloading Requirements", [Article XIX](#) "Sign Regulations", [Article XX](#) "Site Plan Review", [Article XXVI](#) "Roads, Driveways and Related Land Use Developments and Construction in Private Developments", [Article XXVII](#) "PUD-Planned Unit Development Projects" and [Article XXVIII](#) "Landscaping Requirements". Applicants for zoning permits should relate their requests to both the appropriate [zoning district](#) as to [use](#) and the above Articles for applicability.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 3.11 CONTINUED CONFORMANCE WITH REGULATIONS.

The maintenance of yards, [open spaces](#), [lot areas](#), height and bulk limitations, [fences](#), walls, clear vision [areas](#), parking and [loading spaces](#), [signs](#) and all other requirements for a [building](#) or [use](#) specified within this Ordinance shall be a continuing obligation of the owner of such [building](#) or property on which such [building](#) or [use](#) is located.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 3.12 WETLAND DEVELOPMENT.

All "[Wetland Areas](#)" in Howell Township as designated by the Michigan State Department of Environmental Quality shall be required to meet



the provisions of this Ordinance and the provisions of Public Act 203 of 1979 “The [Wetland Protection Act](#)” and any rules promulgated by the Department of Environmental Quality.

(Ord. No. 1 eff. Jan. 8, 1983)

### **Section 3.13 CONFORMANCE TO OTHER PUBLIC LAWS, RULES AND REGULATIONS.**

All uses of land, [buildings](#) or [structures](#) shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of the Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

### **Section 3.14 PROJECT PLANNING AND PLAN INFORMATION FROM OTHER AGENCIES AND OFFICIALS.**

All township, county, school district, state and federal agencies and officials are required to submit their planning programs and project plans relative to all [building](#), structural and land improvements to be made within Howell Township prior to the final approval of site acquisition or [construction](#) plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCL 124.3861 “[Construction](#) of certain projects in [area](#) covered by municipal [master plan](#); approval; initiation of work on project; requirements; report and advice.”, being Section 61 of the Township Planning Act, Public Act 33 of 2008.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

### **Section 3.15 CONFORMANCE OF LOTS AND PARCELS TO THE SUBDIVISION CONTROL/PUBLIC ACT 591 OF 1996, LAND DIVISION ACT AS AN AMENDMENT TO PUBLIC ACT 288 OF 1967, THE SUBDIVISION CONTROL ACT , AS AMENDED.**

All uses permitted in any [District](#) shall be located on lots or [parcels](#) of land subdivided in accordance with the provisions of Public Act 591 of 1996, The Land Division Act.

(Ord. No. 1 eff. Jan. 8, 1983 further amended by Ord. No. 202 eff. Dec. 21, 2006)

### **Section 3.16 CHANGES TO TOWNSHIP MASTER PLAN; AIRPORT LAYOUT PLANS AND AIRPORT APPROACH PLANS.**

- A. If the Township adopts or revises its [Master Plan](#) pursuant to the procedures set forth in the Zoning Enabling Act, 2006 PA 110, as amended, after an airport layout plan or airport approach plan has been filed with the Township, the Township must incorporate the airport layout plan or airport approach plan into the [Master Plan](#) adopted.
- B. In addition to other applicable legal requirements, any ordinance amendment that the Township adopts after the date that this ordinance amendment takes effect must be adopted after reasonable consideration of both of the following:
  1. The environs of any airport within a [district](#).

2. Comments received at or before a public hearing of the Township regarding potential adoption of a proposed zoning ordinance or amendment, or transmitted from the airport manager of any airport to the Township regarding a hearing on the proposed zoning ordinance.
  
- C. A zoning ordinance amendment or [variance](#) granted after March 28, 2001, must not increase any inconsistency that may exist between this Ordinance or [structures](#) or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This provision does not limit the right to petition for submission of a zoning ordinance or amendment hereto to the electors under 2006 PA 110, as amended.

(Ord. No. 202 eff. Dec. 21, 2006)

### **Section 3.17 SCHEDULE OF AREA, HEIGHT, AND SETBACK REGULATIONS**

The following regulations regarding lot sizes, [yards](#), [setbacks](#), [lot coverage](#), building size, and densities apply within the [zoning districts](#) as indicated. No [building](#) shall be erected, nor shall an existing building be altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations established in this section for the district in which such building is located. No portion of a [lot](#) used in complying with the provisions of this section for yards, courts, or lot area occupancy in connection with an existing or projected building or [structure](#) shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

ZONING DISTRICT	MINIMUM LOT SIZE PER UNIT		MAXIMUM BUILDING HEIGHT		MINIMUM YARD SETBACK REQUIRED			MAXIMUM LOT COVERAGE AREA AS PERCENT OF LOT AREA	MINIMUM FIRST FLOOR AREA
	AREA	WIDTH AT BUILDING SITE	STORIES	FEET	FRONT YARD <sup>1</sup>	SIDE YARD	REAR YARD		
AR, Agricultural Residential	1 acre	150 feet	2	45	50	20	50	20%	900 sq. ft.
SFR, Single-Family Residential	10,000 sq. ft. with sewer	70 feet	2 1/2	35	30	10 foot minimum	40	30%	600 sq. ft. minimum, first floor
	1 acre without public sewer or water	120 feet							
MFR, Multiple-Family Residential	see Section 7.06	200 feet	5	60	30, plus 1 foot for every foot over 30 feet in height	30, plus 1 foot for every foot over 30 feet in height	50, plus 1 foot for every foot over 50 feet in height	40%	--
OS, Office Service	--	--	5	60	30	10, minimum both side yard setbacks total of 25 ft.	50	50%	--
NSC, Neighborhood Service Commercial	1 acre	150 feet	2	30	35	10, minimum both side yard setbacks total of 25 ft.	50	60%	--
	10,000 sq. ft. with public sewer	80 feet with public water and sewer							
RSC, Regional Service Commercial	2 acres	200 feet	--	70	35	10, minimum both side yard setbacks total of 25 ft.	50	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public water and sewer							
HSC, Highway Service Commercial	2 acres	200 feet	--	70	35	10, minimum both side yard setbacks total of 25 ft.	50	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public water/ sewer							

IF, Industrial Flex Zone	2 acres	200 feet	--	70	35	10, minimum both side yard setbacks total of 25 ft.	10, minimum both side yard setbacks total of 25 ft.	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public water/sewer							
I, Industrial	2 acres	200 feet	--	50	35	10, minimum both side yard setbacks total of 25 ft.	10 feet	60% with public water/sewer	--
	40,000 sq. ft. with public sewer/water	120 feet with public water/sewer					50 feet where abutting AR, SRF, MFR	75%	
RT, Research & Technology	2 acres	200 feet	--	70	35	10, minimum or height of building	50	75%	--
	20,000 sq. ft. with public sewer/water	120 feet with public water/sewer							
MHD, Manufactured Housing District	Manufactured Housing Code Requirements, Section 29.06								
<sup>1</sup> Minimum front yard setback requirements are further subject to Section 26.05, Setback requirements along M-59, Grand River Road, Oak Grove Road and County Primary Highways									

(amended by Ord. No. 285, eff. January 4, 2021)

## ARTICLE IV AR AGRICULTURAL - RESIDENTIAL DISTRICT

### Section 4.01 PURPOSE

The purpose of this [district](#) is to provide for the compatible arrangement and development of [parcels](#) of land for conventional [residential building](#) purposes in a pastoral, agricultural, woodland or open land [areas](#), that will remain unserved by public water distribution and waste water disposal systems in the foreseeable future and that is more suitable for [residential](#) purposes and which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive [land use](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986)

### Section 4.02 PERMITTED PRINCIPAL USES

A. General [agriculture](#) in accordance with PA 93 of 1981, The Right to Farm Act, including general [farming](#), [farming](#) for crops, dairy and beef cattle, sheep, horses and similar kinds of domestic animals, including the following:

- 1) Tree Fruit Production
- 2) Small Fruit Production
- 3) Field Crop Production
- 4) Forage and Sod Production
- 5) Livestock and Poultry Production
- 6) Fiber Crop Production
- 7) Apiary Production
- 8) Maple Syrup Production
- 9) Mushroom Production
- 10) Fur Bearer Production
- 11) Greenhouse Production
- 12) Silviculture

B. [State Licensed Day Care Facilities](#).

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- 1) Child **Family** Day Care Homes (six (6) or fewer minor children).
  - 2) Adult **Family** Day Care Homes (six (6) or fewer adults).
- C. **State Licensed Foster Care Facilities.**
- 1) **Adult Foster Care Family Home**, excluding an adult **foster care** facility licensed by a state agency for the care and treatment or persons released from or assigned to adult correctional **institutions** (six (6) or fewer adults).
  - 2) Child **Foster Care Family** Homes (four (4) or fewer minor children).
  - 3) Child **Foster Family Group Homes** (five (5) or six (6) minor children).
- D. Agricultural **buildings** necessary to and functionally related on-site agricultural **land uses**.
- E. Single **family farm**-related or non-**farm conventional dwelling** on a minimum one (1) acre **parcel**.
- F. Public and private developments designed for the purpose of conserving natural resources including woodlands, watersheds, surface water, soil, wildlife and underground natural resources including ground water, minerals, oil and gas or any other natural resource important to the present and future local, regional or national economy.
- G. The growing, harvesting and sale of nursery stock, plants, trees, and shrubs and any equipment, improvements and **structures** that are necessary to and designed to be functionally a part of such a **land use**.
- H. The growing, stripping and sale of sod and any equipment improvements and **structures** that are necessary to and designed to be functionally a part of such a **land use**, providing that any **area** stripped of sod shall be seeded by the fall season in which it was stripped, so as to prevent possible wind and water eroding the otherwise exposed soil.
- I. **Churches.** (Group Day Care Facilities which are affiliated with the **church** on the same site may be permitted after special **land use** approval - See Sections 4.03 and 16.17)
- J. Stables for breeding, rearing, and housing horses and similar animals, subject to the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. no. 8 eff. Dec. 7, 1983; Ord. No. 62 eff. Oct. 8, 1997; Ord. No. 97 eff. Feb. 23, 2000; amend by Ord. No. 254 eff. 2/10/2013.)

### Section 4.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Confined animal feedlots and similar concentrated feeding **areas**, **buildings** and **structures**.
- 1) A minimum lot of forty (40) acres.
  - 2) A minimum distance of seven hundred and fifty (750) feet shall be required from any **residential use**.

## B. Removed.

## C. Airports and airplane landing fields.

- 1) These regulations shall not apply for private air strips which are used only by the owner or lessee of the premise for the maintenance and flight of his/her aircraft.
- 2) Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
- 3) The [parcel](#) shall be located so as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

## D. Campgrounds and day camps.

- 1) Minimum lot size shall be forty (40) acres. The lot shall provide direct vehicular access to a public [street](#) or [road](#). The term lot shall mean a campground or [travel trailer park](#).
- 2) Each site on a lot designated for camping [use](#) may accommodate a [travel trailer](#) or [tent](#), and shall be provided with individual electrical outlets.
- 3) Public stations, housed in all-weather [structures](#) containing adequate water outlet, toilet, waste container and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- 4) Each campground and day camp containing more than sixty (60) sites shall provide a masonry [building](#) containing machine laundry (wash and dry) facilities.
- 5) No [commercial](#) enterprises shall be permitted to operate on the lot, except that a convenience goods shopping [building](#) may be provided on a lot containing more than eighty (80) sites.
- 6) Each lot shall provide a hard surfaced vehicle parking [area](#) for site occupant and guest parking. Such parking [area](#) shall be located within four hundred (400) feet of the site it is intended to serve (except in the case of sites specifically designated only for [tent](#) camping). Each [parking space](#) shall be two hundred (200) square feet in [area](#) and guest parking shall be provided at a ratio of not less than one (1) space per each two (2) sites. Occupant [parking space](#) for two (2) vehicles shall be provided on each site.
- 7) Each site shall contain a minimum of fifteen hundred (1500) square feet. Each site shall be set back from any [right-of-way](#) or property line at least seventy-five (75) feet, and from any private [street](#) at least forty (40) feet.
- 8) A common [use area](#) shall be provided on each lot at a ratio of not less than one thousand (1000) square feet of such [area](#) per each site. This common [area](#) shall be developed by seeding, landscaping, picnic tables, barbeque stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general [use](#) of all occupants of the entire lot.
- 9) Each [travel trailer](#) site shall have direct access to a hard-surfaced roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public [roads](#) shall be paved

## ARTICLE IV

with asphalt or concrete. Sites specifically designated for, and only used for, tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in paragraph six (6). Access to the parcel or development shall be a hard-surfaced major thoroughfare.

10) Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the county drain systems subject to approval by the Drain Commissioner of Livingston County.

11) The development of the entire lot is subject to all applicable requirements of the Department of Environmental Quality.

12) A minimum distance of fifteen (15) feet shall be provided among all travel trailers and tents.

13) Fences and green belts may be required by the Planning Commission. The location of common use areas, roadways, streets, and buildings shall be subject to approval by the Planning Commission.

14) Maximum lot density of not more than twelve (12) lots per acre (including roads and other common areas) shall be required.

### E. Public and private cemeteries.

1) All cemeteries shall be developed on sites of at least forty (40) acres.

2) Refer to Ordinance No. 68 Cemetery Ordinance for additional regulations.

### F. Agribusiness.

1) All agricultural industrial and commercial uses shall be located and developed on sites of at least forty (40) acres, and shall have a direct relationship to the existing types of permitted agricultural uses.

### G. State Licensed Day Care Facilities.

1) Adult Group Day Care Homes (seven (7) to twelve (12) adults.)

2) Child Group Day Care Homes (seven (7) to twelve (12) minor children).

(Amend. Ord. No. 119 eff. Dec. 27, 2000, Amend. Ord. No. 160 eff June 20, 2003 Amend. Ord. No. 220 eff. Feb. 13, 2009; Amend. Ord. No 254, eff. Feb. 10, 2013.)

### H. Home Business.

In those AR - Agricultural Residential areas of the Township which have direct access to Grand River Avenue, it is anticipated that Grand River Avenue will eventually be devoted primarily to commercial types of uses but also be subject to the existence of single-family dwellings on parcels of property with sufficient size to accommodate a residence and a business that is operated by the owner of the single-family dwelling. It is the intent of this section to allow and provide for the gradual change in uses along Grand River Avenue from low density residential to high density residential or commercial and allow for certain home businesses. A home business shall be considered as a technical, personal or professional service, or other type of commercial enterprise as permitted un-



der Section 9.02 (A or C) which business either takes place in a home or one of its accessory **structures** which is operated and carried on by the inhabitants thereof or with no more than one non-**family** employee which **use** is generally, but not necessarily, secondary to the **use** of the **dwelling** for **dwelling** purposes. Such **use** shall not significantly change the character of the properties adjacent to the subject **parcel** and it shall not endanger the health, safety, or welfare of any other persons residing in that **area** by reason of noise, obnoxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such home business. Such home business shall be further subject to the requirements of **Article XVI, "Special Uses"**, of this zoning ordinance and shall also be subject to the following conditions:

- 1) There shall be no outside display or storage of goods or materials.
- 2) The home business shall involve no more than one non-**family** employee or other employee who is not an inhabitant of the **dwelling** on the premises.
- 3) Uses related to the repair of motor vehicles and/or heavy equipment shall be specifically excluded.
- 4) The home business shall be entitled to a small announcement **sign** which shall not exceed four (4) square feet in **area**.

I. **Church** affiliated group day care facilities.

Replaced by Section 16.17.

J. Agribusinesses.

- 1) An agribusiness shall be **buildings**, **structures**, lots, **parcels** or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An agribusiness may include, but is not limited to:
  - a) **Farm** machinery, sales, service, rental and repair.
  - b) Bulk feed and fertilizer outlets and distribution centers.
  - c) Seed dealership outlets and distribution centers.
  - d) Truck and cartage facilities.
- 2) Agribusiness uses are permitted in the AR **Zoning District** on lots and **parcels** having frontages on Grand River or Burkhart Road.
- 3) Minimum lot or **parcel area** shall be five (5) acres and a minimum **road frontage** shall be 330 feet.
- 4) These uses shall meet all other requirements of the AR **District**.

K. Prohibited Principal Uses.

- 1) Slaughter houses and **commercial** processing.

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(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 46 eff. Nov. 4, 1993; Ord. No. 52 eff. May 3, 1995; Ord. No. 62 eff. Oct. 8, 1997; amend. by Ord. No. 254 eff. Feb. 10, 2013; amend. by Ord. 271 eff. Oct. 3, 2017)

### SECTION 4.04 PERMITTED ACCESSORY USES.

- A. **Buildings** and **structures** customarily incidental to the operation of an agricultural enterprise.
- B. **Accessory buildings** and **structures** customarily incidental to single **family residential**.
- C. **Signs** related to the permitted agricultural enterprise, provided that all such **signs** shall conform to the requirements of this Ordinance.
- D. **House Hold Pets**.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. 271 eff. Oct. 3, 2017)

### SECTION 4.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

- A. **Roadside Stands**.

In agricultural **districts** each **farm** may have one (1) **temporary roadside stand** for the purpose of selling produce raised or produced on that **farm** in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

- 1) The **structure** shall not be more than one (1) **story** in height.
- 2) The floor **area** shall not exceed 400 square feet for **farms** having forty (40) acres or less in **area**, and **farms** in excess of forty (40) acres may increase the floor **area** at the rate of 100 square feet for each additional ten (10) acres of **area**.
- 3) The stand shall be located no closer than forty (40) feet from the nearest **highway** pavement or other traveled surface. In no case, shall the stand occupy any part of the **right-of-way**.

- B. **Mobile homes and trailer homes**.

Trailer coaches or mobile homes may be permitted as accessory **dwelling**s to a permanent **dwelling** under the following circumstances:

- 1) The **parcel** of land shall be used for agricultural production, and shall not be less than eighty (80) acres in **area**.
- 2) The occupants of a said trailer shall qualify by being either:
  - a) in direct **family** relationship to the principal **dwelling**, or

- b) a bona fide employee of the occupant of the principal **dwelling**, and engaged in an agricultural occupation on the premises.
  - 3) The permit for such **use** shall terminate at such time as any of the above conditions shall cease to be met. In any case, the permit must be renewed each year, on the anniversary of its initial issue.
  - 4) All mobile homes and **travel trailers** shall be located within the appropriate setback lines, and, in no case, shall be located in the front **yard** of the principal **dwelling**.
- C. The rearing and housing of horses, mules and similar domestic animals.
- 1) The rearing and housing of horses, mules, and similar domestic animals for non**commercial** purposes shall be subject to the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471).
- D. **Rural Kennels** subject to Section 14.44.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 46 eff. Nov. 4, 1993; Ord. No. 97 eff. Feb. 23, 2000; further amend Ord. No. 125 eff. March 25, 2001, amend Ord. No. 160 eff. June 20, 2003, amend Ord. No. 254 eff. Feb. 2013; Amend. by Ord. 271 eff. Oct. 3, 2017)

#### **SECTION 4.06 DIMENSIONAL REGULATIONS.**

- A. **Lot area**. A non-**farm** single **family residential parcel** or lot shall have a minimum of one (1) acre in **area**, provided the **parcel** or lot contains a developable **area** or **areas** adequate to locate and space all **buildings** and **structures** proposed and required to be constructed on it.
- B. **Lot width**. Minimum of 150 feet at the **building setback line**.
- C. **Lot coverage**. Maximum of twenty (20) percent.
- D. **First floor area**. The minimum first floor **area** of a one (1) **story dwelling** is 900 square feet, and for a two (2) **story dwelling** is 600 square feet and minimum total of 900 square feet for both stories.
- E. **Yard** and setback requirements.
  - 1) **Front Yard**. Minimum of fifty (50) feet from the **road right-of-way** line or as specified in Section 26.05, whichever is greater.
  - 2) **Side Yard**. Minimum of twenty (20) feet for each side **yard**.
  - 3) **Rear Yard**. Minimum of fifty (50) feet.
- F. **Height limitations**. Maximum of 2.5 stories or forty-five (45) feet, except on all non-agricultural **parcels**, **accessory buildings** and **structures** shall not exceed twenty-five (25) feet.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 8 eff. Dec. 7, 1983; further amend. Ord. No. 119 eff. Dec. 27, 2000, further amend. Ord. No. 217 eff. May 1, 2009)

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## ARTICLE V RT RESEARCH AND TECHNOLOGY DISTRICT

### Section 5.01 PURPOSE

The purpose of the RT Research and Technology Zoning District is to provide an area surrounding the Livingston County Airport property and other areas of the Township for the planning and development of land uses that directly relate to airport service, research and technology, and research office-type uses. The RT District is designed to recognize the growing convergence of office, industrial and research in terms of function, location, appearance and activities. However, this district is intended to permit only those uses which emit a minimum of noise, vibration, smoke, dust and dirt, gases or offensive odors, glare and radiation. Storage of materials, supplies, products and equipment shall be within a structure. Further, the RT District is so structured as to permit, along with any specific uses, the light assembly and/or treatment of finished or semi-finished products from previously prepared material. The processing of raw material for shipment in built form, to be used in an industrial operation at another location, is not permitted.

### Section 5.02 PERMITTED PRINCIPAL USES

The following principal uses are permitted as long as they are conducted completely within a building or other type of enclosed structure or in a completely enclosed structure:

- A. Airport related office service uses for passenger travel, air freight handling, public relations, pilot training, aircraft sales, renting, leasing and financing, airport related banking, emergency services, airport research and development services, airport inspection and security services, airport contractor services, intermodal transportation services, literature, education and library service facilities, professional and scientific office and other similar office service uses and activities.
- B. Airport related stores for the sales and service of airplanes and airplane parts; airplane equipment, clothing, medical supplies and electronic equipment; stores which sell food, hardware and pharmaceuticals; car and truck rental agencies, freight warehousing, handling and shipment facilities and other similar airport related store land uses and activities.
- C. Industrial research, pilot manufacturing, experimental product development, and testing laboratories.
- D. Scientific research, computer applications, data processing, computer programming, development and testing laboratories.
- E. Business research, development and testing laboratories.
- F. Photography, art and graphic art studios.
- G. Educational and training facilities.
- H. Administrative, professional office, medical, and healthcare facilities.
- I. Public, organizational or institutional offices.

### Section 5.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

The following [special uses](#) of land, [buildings](#) and [structures](#) are permitted subject to the provisions of [Article XVI](#), “Special Land Uses”;

- A. Tool and die, machine shops, light assembly, injection molding.
- B. Mini-warehouse facilities.
- C. Warehousing, wholesaling, refrigerated, and general storage.
- D. [Restaurants](#).

### Section 5.04 PERMITTED ACCESSORY USES

Normal [accessory uses](#) to all permitted uses in Sections [5.02](#) and [5.03](#) above.

### Section 5.05 PERMITTED CONDITIONAL ACCESSORY USES

The following [accessory uses](#) are permitted when they are an integral part of the permitted principal [use](#) or permitted principal [special use](#) and are located within the [building](#) or [structure](#) housing the permitted [use](#) or permitted principal [special use](#) or are included as a separate [accessory use structure](#) on the site plan upon the site upon which the permitted principal [use](#) or permitted principal [use](#) or permitted [special use](#) are located:

- A. Cafeterias
- B. Medical and health care facilities
- C. [Office](#) facilities
- D. Warehouses and storage facilities
- E. Recreation and physical fitness facilities
- F. Banking facilities
- G. Education, library and training facilities
- H. Research, experimentation and development facilities
- I. Truck, other vehicular and equipment maintenance and repair service
- J. Storage Facilities

- K. Sales display facilities and areas

### Section 5.06 REQUIRED CONDITIONS FOR ALL AC DISTRICT USES

- A. Access Roads: All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved driveway intersection with a road or highway, which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a frontage access road located parallel and adjacent to a major road or highway arterial in conformance with Section 26.04.
- B. Other Provisions and Requirements: Refer to Section 3.10 of this Ordinance.
- C. Disposal of Toxic Wastes: All uses shall dispose of toxic wastes in accordance with all State and Federal laws, rules and regulations governing their disposal.

### Section 5.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE

- A. Lot Area: Minimum of two (2) acres, except where a lot is served by public sewer and water supply systems, in which case the lot or parcel may have a minimum of 20,000 square feet in area.
- B. Lot Width: Minimum of 200 feet at the required minimum building setback line when on-site well water supply and septic tank and tile field wastewater disposal systems are used or a minimum of 120 feet at the required minimum building setback line when public sewer and water systems are available and connections made to the lot or parcel.
- C. Lot Coverage: Maximum of 75%.
- D. Yard and Setback Requirements:
- 1) Front yard: Minimum of thirty-five (35) feet from the road right-of-way line or as specified in Section 26.05 of this Ordinance, whichever is greater.
  - 2) Side Yards: Minimum of ten (10) feet, except a setback equal to the height of the building shall be required from all side lot lines.
  - 3) Rear Yard: Minimum of fifty (50) feet.
- E. Height Limitations: Maximum of seventy (70) feet unless reduced by the maximum permitted by the Livingston County Airport Zoning Ordinance.

(Ord. #225 eff. May 1, 2009 – Deleted) (Ord. eff. June 2, 2014)

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## ARTICLE VI

### SFR SINGLE FAMILY RESIDENTIAL DISTRICT

#### Section 6.01 PURPOSE.

The purpose of this [district](#) is to provide for single [family](#) housing neighborhoods free from other uses except those which are (1) normally accessory and (2) compatibly supportive and convenient to the residents living within such a [district](#). The size of lots and [parcels](#) in this [district](#) should be planned to be of such an [area](#) and width and [density](#) so that on-site water supply and wastewater disposal systems are not to be permitted and development can only be allowed if and when public water supply and wastewater sanitary sewer systems are available as a direct abutting service to each lot or [parcel](#) planned to be used for housing or other permitted [use](#) in the [district](#). The language of the PURPOSE shall not preclude development of existing lots and [parcels](#) where sewer and or water are not available provided they or any future subdivision of them can meet the onsite water supply and wastewater disposal permit requirements of the Livingston County Public Health Department and other requirements of the SFR [Zoning District](#) and this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983, Amend. by Ord. No. 223 eff. May 1, 2009, Amend. by Ord.247 eff. July 1, 2011)

#### Section 6.02 PERMITTED PRINCIPAL USES.

- A. Single [family conventional dwellings](#).
- B. Single [family conventional dwelling](#) that meet the requirements of the Single [Family Residential District](#). (Amend. By Ord. No. 223 eff. May 1, 2009)
- C. [State Licensed Day Care Facilities](#).
  - 1) Child [Family Day Care Homes](#) (six (6) or fewer minor children).
  - 2) Adult [Family Day Care Homes](#) (6) or fewer adults).
- D. [State Licensed Foster Care Facilities](#).
  - 1) [Adult Foster Care Family Home](#), excluding an adult [foster care](#) facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional [institutions](#) (six (6) or fewer adults).
  - 2) Child [Foster Family Homes](#) (four (4) or fewer minor children).
  - 3) Child [Foster Family Homes](#) (five (5) or six (6) minor children).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000, by Ord. No. 107 eff. June 28, 2007; amend by Ord. No. 254 eff. Feb. 10, 2013)

## ARTICLE VI

### Section 6.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following [special uses](#) of land, [buildings](#) and [structures](#) are permitted subject to the provisions of [Article XVI](#) "Special Uses":

A. [State Licensed Day Care Facilities](#).

- 1) Adult Group Day Care Homes (seven (7) to twelve (12) adults).
- 2) Child Group Day Care Homes (seven (7) to twelve (12) minor children).

B. The rearing and housing of horses, mules and similar domestic animals.

(Relocated to become 6.05C under Permitted Accessory Uses with Conditions)

### Section 6.04 PERMITTED ACCESSORY USES.

A. Normal existing [accessory uses](#) to single [family](#) housing and existing [agricultural uses](#).

B. Normal [accessory uses](#) to permitted and approved "[Special Uses](#)."

C. [House Hold Pets](#).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. 271 eff. Oct. 3, 2017)

### Section 6.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

A. [Roadside stands](#) for existing [agricultural land uses](#) in conformance with the provisions of [Section 4.05A](#).

B. Private swimming pools for [use](#) as a part of single [family dwellings](#) in conformance with the provisions of [Section 14.25](#).

C. The rearing and housing of horses, mules and similar domestic animals.

- 1) The rearing and housing of horses, mules or similar domestic animals, for non[commercial](#) purposes shall be in accordance with the Michigan Right to Farm Act, Public Act 93 of 1981 (MCL 286.471)

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 12 eff. Sept. 5, 1986; further amend by Ord. No. 62 eff. Oct. 8, 1997; further amend by Ord. No. 125, eff. March 25, 2001, further amend. by Ord. No. 160 eff. June 20, 2003; further amend. by Ord. No. 254 eff. Feb. 10, 2013)

### Section 6.06 DIMENSIONAL REQUIREMENTS EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

A. [Lot area](#). Minimum of 10,000 square feet with public sewer.

- B. **Lot area.** A minimum of one (1) acre with on-site water supply and waste water disposal providing public sanitary sewer or public water supply systems are not available to the lot or **parcel**.
- C. **Lot width.** Minimum of 120 feet for a one (1) acre or more **parcel** and a minimum of 70 feet for a 10,000 square feet to less than (1) acre **parcel**.
- D. **Lot coverage.** Maximum of 30%.
- E. **Gross Floor Area.** Minimum for:
- 1) One (1) **story dwellings**: 900 square feet.
  - 2) Two (2) **story dwellings**: 600 square feet on the first floor and at least 900 square feet for both stories.
- F. **Yard** and setback requirements.
- 1) Front **yard**. Minimum of thirty (30) feet from the **road right-of-way** line, or as specified in Section 26.05, whichever is greater.
  - 2) Side **yard**. Minimum of ten (10) feet for each side **yard**, but a minimum total of twenty (20) feet for both side yards.
  - 3) Rear **yard**. Minimum of forty (40) feet.
- G. Height limitations. Maximum of two and one-half (2 1/2) stories or 35 feet, except that detached accessory **structures** shall not exceed twenty (20) feet.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend. Ord. No. 119 eff. Dec. 27, 2000, further amended by Ord. No. 128 eff. Oct. 21, 2001 further amend. Ord. No.223 eff. May 1, 2009)

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## ARTICLE VII MFR MULTIPLE FAMILY RESIDENTIAL DISTRICT

### Section 7.01 PURPOSE

The purpose of this [district](#) is to provide a relatively small and inexpensive type of housing as well as a broader range of choice of housing types to the people who desire to live in Howell Township in condominium, owner or rental units and their normal [accessory uses](#) which are compatibly supportive or convenient to the residents living within such a [district](#). The [buildings](#) containing the [dwelling units](#) may be in single or group [building](#) arrangements having group [use](#) facilities held in common to which all residents have equal access and share equally in the financing for operation and maintenance. These developments will only be allowed to develop if State Department of Health and locally approved on-site, common or public water supply system and wastewater disposal sanitary sewer system including wastewater treatment is available adjacent to or can be extended to a multiple [family building site](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 7.02 PERMITTED PRINCIPAL USES.

[Multiple family dwelling structures](#), including duplexes, triplexes, quadruplexes, garden [apartments](#), townhouses, and other similar types of multi-[family dwelling unit buildings](#).

A. State Licensed Facilities.

- 1) [Adult Foster Care Small Group Home](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. 254 eff. Feb. 10, 2013)

### Section 7.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following [special uses](#) of land, [buildings](#), and [structures](#) are permitted subject to the provisions of Article XVI, "[Special Uses](#)".

A. State Licensed Facilities.

- 1) [Adult Foster Care Large Group Home](#) (thirteen (13) to twenty (20) adults).
- 2) [Adult Foster Care Congregate Facility](#) (more than twenty (20) adults).
- 3) [Child Care Centers](#).
- 4) [Adult Day Care Centers](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 62 eff. Oct. 8, 1997; amend. by Ord. 254 eff. Feb. 10, 2013)

## ARTICLE VII

### Section 7.04 PERMITTED ACCESSORY USES.

- A. Normal [accessory uses](#) to [multiple family dwelling](#) units.
- B. Normal [accessory uses](#) to permitted and approved "[Special Uses](#)."
- C. [House Hold Pets](#).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. 271 eff. Oct. 3, 2017)

### Section 7.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

- A. Private swimming pools as a part of the multiple [family](#) housing development for [use](#) in common by all residents who will finance the operation and maintenance of such facilities in conformance with the provisions of Section [14.18](#).
- B. Common [open space](#) and recreation [areas](#) and facilities as a part of the multiple [family](#) housing development for [use](#) in common by all residents who will be required to finance the operation and maintenance of such facilities.
- C. Drives and [off-street parking areas](#) in accordance with Section [7.07D](#).
- D. Recreation, meeting and other group activity facilities located in [buildings](#) or as a part of a [structure](#) developed as a part of the multiple [family](#) housing project for the common [use](#) and enjoyment by all residents who will be required to operate and maintain such facilities and financed through a nonprofit association representing the owners and renters.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 7.06 DIMENSIONAL REQUIREMENTS EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

- A. Lot [area](#). The first [multiple family dwelling](#) unit in a [residential structure](#) shall occupy a lot or [parcel](#) comprising not less than one-half (1/2) acre, and meet the requirements of Section [7.07B](#). Each additional [multiple family dwelling](#) unit shall require the following additional lot or [parcel area](#):

1) Efficiency	2,000 square feet
2) One <a href="#">bedroom</a>	2,500 square feet
3) Two <a href="#">bedroom</a>	3,500 square feet
4) Three <a href="#">bedroom</a>	5,000 square feet
5) Four <a href="#">bedroom</a>	6,500 square feet
6) Extra <a href="#">bedrooms</a> over four	1,500 square feet

- B. [Lot width](#). Minimum of 200 feet.

- C. **Lot coverage.** Maximum of 40%.
- D. Number of **dwelling units** per gross acre. Maximum of Eight (8) **dwelling units**.
- E. **Yard** and setback requirements.
  - 1) **Front yard.** Minimum of thirty (30) feet plus one (1) foot for each foot of height of **structure** in excess of thirty (30) feet from the **road right-of-way** line, or as otherwise required in Section 26.05, whichever is greater.
  - 2) **Side yards.** Minimum of thirty (30) feet for each side **yard**, and one (1) foot for each foot of height of **structure** in excess of thirty (30) feet from the **side lot line**.
  - 3) **Rear yard.** Minimum of fifty (50) feet plus one (1) foot for each foot of height of **structure** in excess of fifty (50) feet from a property line.
- F. **Height limitations.** Maximum of five (5) stories and sixty (60) feet, except that detached accessory **structures** shall not exceed twenty (20) feet.
- G. Spacing between **buildings.** Shall be at least the height of the highest of the abutting **buildings**.
- H. **Gross floor area** requirements. Minimum standards for **gross floor area** for each type of a **family dwelling unit** shall be as follows:

1) Efficiency	450 square feet
2) One <b>bedroom</b>	600 square feet
3) Two <b>bedroom</b>	750 square feet
4) Three <b>bedroom</b>	900 square feet
5) Each additional <b>bedroom</b>	150 square feet

- I. Number of **multiple family dwelling** units per **building.** Multiple **Family Residential structures** shall contain no more than twenty-four (24) units provided public water and appropriate fire protection equipment are available, otherwise the **structures** shall contain no more than twelve (12) units.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 97 eff. Feb. 23, 2000; further amend. Ord. No. 98 eff. Feb. 23, 2000; Ord. No. 100 eff. Feb. 23, 2000; further amend. Ord. No. 119, eff. Dec. 27, 2000; Ord. No. 200, eff. 12/11/06)

**Section 7.07 LOCATIONAL AND OTHER REQUIREMENTS.**

- A. Available common or public water supply system and wastewater disposal sanitary sewer and sewage treatment system to which all **dwelling units** in the **multiple family dwelling** unit project shall be connected on a permanent basis.
- B. **Open spaces** comprising at least 10% of the total gross **area** of the project with the **open spaces** of at least three (3) acres in size and planned and built as a common facility to be used, operated and maintained by the developer or a nonprofit association representing the property owners and financed by means of a monthly or annual assessment.

## ARTICLE VII

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- C. Access shall be provided from a major arterial [road](#) when the frontage of the side [road](#) is directly connected to the major arterial [road](#). Drives shall be located at least twenty (20) feet from any [building](#).
- D. [Off-street parking](#) shall be provided in accordance with [Article XVIII](#), "Off-Street Parking" with [parking spaces](#) located within 200 feet of an entrance to the [building](#) for which the parking is designated. Each [dwelling unit](#) shall be provided with at least one (1) covered [parking space](#) which shall be of the same type of [construction](#) as the [principal building](#).
- E. Landscaping shall meet the requirements of Section [28.03B](#) and other appropriate Sections of [Article XXVIII](#), Landscaping Requirements and Section [14.26](#), Fences.
- F. Enclosed storage space for garden equipment, supplies, tools, toys, bicycles and other household goods and supplies shall be provided in conjunction with covered [parking spaces](#) and shall be of the same type of [construction](#) as the [principal building](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No 74 eff. Sept. 30, 1998; further amend. Ord. No.97 eff. Further amend. Feb. 23, 2000)



## ARTICLE VIII OS OFFICE SERVICE DISTRICT

### Section 8.01 PURPOSE.

This District is intended to provide the necessary professional, technical and personal office related services to the residents of the Township and the surrounding area. The areas are generally to function as transition uses between residential and all other types of land uses such as industrial and commercial and transportation facilities.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 8.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as they are conducted completely within a building:

- A. Offices for professionally, commercially or technically skilled persons who provide a personal or commercial service.
- B. Veterinary clinics and hospitals.
- C. General office buildings in which no manufacturing, trading or selling of goods is conducted on site, except those incidental to the principal use.
- D. Financial institutions.
- E. Photographic, art and graphic art studios.
- F. Educational and training facilities.
- G. Public, organizational or institutional office.
- H. Personal service establishments, such as barber shops, beauty shops and health salons.
- I. Churches.
- J. Other uses similar to the above.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 62 eff. Oct. 8, 1997; Ord. No. 97 eff. Feb. 23, 2000)

### Section 8.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following special uses of land, buildings and structures are permitted subject to the provisions of Article XVI, "Special Uses":

## ARTICLE VIII

- A. Funeral Homes when adequate assembly [area](#) is provided off [street](#) for vehicles to be used in funeral procession provided further that such assembly [area](#) shall be provided in addition to any required [off-street parking area](#). A caretaker's residence may be provided within the main [building](#) of funeral homes.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 62 eff. Oct. 8, 1997; Ord. No. 102 eff. Mar. 26, 2000)

### Section 8.04 PERMITTED ACCESSORY USES.

- A. Normal [accessory uses](#) to "Permitted Principal Uses."
- B. Normal [accessory uses](#) to approved "Permitted Principal [Special Uses](#)."
- C. Incidental [commercial](#) services that serve only the occupants of the [offices](#) and have access only from inside the [building](#) in which the occupants are located.
- D. See Section [14.34](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 8.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

Private swimming pools for [use](#) as a part of an [Office District](#) used in conformance with the provisions of Section [14.18](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 8.06 DIMENSIONAL REQUIREMENTS EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

- A. [Lot area](#). Minimally adequate to accommodate all of the specific requirements for [lot area](#) coverage, [off-street parking](#), yards and [setbacks](#), from [roads](#) and [highways](#) and other requirements specified for particular uses in this Ordinance.
- B. [Lot width](#). Minimally adequate to accommodate the [building](#) width, yards and [off-street parking](#).
- C. [Lot coverage](#). Maximum of 50% for all principal and [accessory buildings](#) and [structures](#).
- D. [Yard](#) and setback requirements:
  - 1) Front [yard](#). Minimum of thirty (30) feet from the [road](#) or [highway right-of-way](#) line, or as specified in Section [26.05](#), whichever is greater.
  - 2) Side yards. Minimum of ten (10) feet for one (1) side [yard](#), but a minimum total of twenty-five (25) feet for both side yards.
  - 3) Rear [yard](#). Minimum of fifty (50) feet.

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E. Height limitations. Maximum of five (5) stories and sixty (60) feet, except that a detached accessory [structure](#) shall not exceed twenty (20) feet.

F. Locational and other requirements.

1) The site shall have at least one (1) property line abutting a major [road](#) or [highway](#) arterial.

2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved [driveway](#) intersection with a [road](#) or [highway](#), which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a [frontage access road](#) located parallel and adjacent to a major [road](#) or [highway](#) arterial in conformance with Section 26.04.

3) No interior display shall be visible from the interior to the exterior for [commercial](#) purposes.

4) The outdoor storage of goods or materials is not permitted.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000; further amend. Ord. No. 119 eff. Dec. 27, 2000)

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## ARTICLE IX NSC NEIGHBORHOOD SERVICE COMMERCIAL DISTRICT

### Section 9.01 PURPOSE.

This [District](#) has the intent of providing [areas](#) wherein retail trade and service outlets can be located in order to satisfy the day to day needs of the residents in the immediate neighborhood.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 9.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as the [use](#) is conducted completely within an enclosed [building](#):

- A. Retail establishments; including those selling groceries, meats, bakery products, fruits, vegetables, delicatessen foods, drugs and sundries, hardware goods, gifts, dry goods, notions, clothing, wearing apparel, shoes and boots.
- B. [Restaurants](#); except that food is not permitted to be consumed in parked vehicles on premises.
- C. Service establishments; including medical, dental, veterinary, financial, hair cutting and hair dressing, millinery, dressmaking, tailoring, shoe repairing, fine arts studios, laundry and dry cleaning and household and personal equipment repair shops.
- D. Vehicle service and repair facilities for automobile and light trucks, however specifically excluding body shops.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986)

### Section 9.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

- A. Automotive gasoline and service stations in accordance with the provisions of [Article XVI](#), "Special Uses" for this [use](#). See Section [16.11](#).
- B. Drive-in retail and service establishments in accordance with the provisions of [Article XVI](#), "Special Uses" for these uses.
- C. Neighborhood Shopping Centers in accordance with the provisions of [Article XVI](#), "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this [District](#).
- D. (Deleted by Ordinance #107).
- E. Not for profit shelters for [temporary](#) housing of small animal domestic [pets](#) in accordance with the provisions of [Article XVI](#), "Special Uses", and also in compliance with the terms and conditions of Section [16.16](#) of said Article XVI.

## ARTICLE IX

- F. [Commercial Kennels](#) subject to Section 14.42.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 13 eff. Mar. 6, 1987; further amend. by Ord. No. 19 eff. Aug. 3, 1988; Ord. No. 31 eff. Oct. 3, 1991; Ord. No. 62 eff. Oct. 8, 1997, further amend. by Ord. No. 107, eff. May 24, 2000; further amend. by Ord. 271 eff. Oct. 3, 2017)

### Section 9.04 PERMITTED ACCESSORY USES.

- A. Normal [accessory uses](#) to all “Permitted Principal Uses.”
- B. Normal [accessory uses](#) to all “Permitted Principal [Special Uses](#).”
- C. See Section [14.34](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 9.05 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

- A. [Lot area](#). Minimum of one (1) acre, except where a lot or [parcel](#) is served by a public or common water supply system and a public wastewater sewer and treatment system, in which [use](#) of the lot or [parcel](#) may have a minimum [area](#) of 10,000 square feet. Neighborhood Shopping Centers shall meet the requirements of [Article XVI](#), “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this [District](#).
- B. [Lot width](#). Minimum of 150 feet at [building setback line](#) when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 80 feet at [building setback line](#) when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or [parcel](#).
- C. [Lot coverage](#). Maximum of 60%.
- D. [Yard](#) and setback requirements.
  - 1) Front [yard](#). Minimum of thirty-five (35) feet from the [road](#) or [highway right-of-way](#) line, or as specified Section [26.05](#), whichever is greater.
  - 2) Side yards. Minimum of ten (10) feet for one (1) side [yard](#), but a minimum total of twenty-five (25) feet for both side yards.
  - 3) Rear [yard](#). Minimum of fifty (50) feet.
- E. Height limitations. Maximum of two (2) stories or thirty (30) feet, except that a detached accessory [structure](#) shall not exceed 20 feet.
- F. Locational and other requirements.

- 1) The site shall have at least one (1) property line abutting a major [road](#) or [highway](#) arterial.
- 2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved [driveway](#) intersection with a [road](#) or [highway](#), which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a [frontage access road](#) located parallel and adjacent to a major [road](#) or [highway](#) arterial in conformance with Section [26.04](#).
- 3) The storage of goods or materials is not permitted outside of the principal [structure](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000; further amend. Ord. No. 119 eff. Dec. 27, 2000)

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## ARTICLE X RSC REGIONAL SERVICE COMMERCIAL DISTRICT

### Section 10.01 PURPOSE

This [District](#) is to recognize the unique regional location existing in Howell Township around the combination of I-96, M-59 and Grand River Road and therefore plan the surrounding adjacent [area](#) in part for regionally accessible [commercial](#) developments.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 10.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as the [use](#) is conducted completely within an enclosed [principal building](#) and enclosed accessory [structures](#) and [areas](#) having controlled entrances and exits with the exits having operating cashier stations where the payment of goods or services purchased can be paid by customers:

- A. Retail establishments, including supermarkets, department stores, home appliance stores, hardware stores, home improvement stores and other similar types of retail outlets that sell food items, hardware goods, drugs and sundries, home improvement items, gifts, dry goods, clothing and dressmaking equipment and supplies, notions, home appliances, wearing apparel, shoes and boots, automotive equipment, parts and supplies, photographic equipment and supplies, electrical equipment and supplies, [office](#) equipment and supplies, home interior decorating equipment and supplies, art equipment and supplies, furniture, antiques, showrooms with interior and/or exterior exposure, home garden equipment and supplies, candy and confections, alcoholic and non-alcoholic beverages, toys and games, electronic equipment and supplies, musical instruments and supplies, outdoor and indoor recreation equipment and supplies, [pets](#) and [pet](#) equipment and supplies, [building](#) and [construction](#) equipment and supplies, medical and dental equipment and supplies, graphic arts equipment and supplies, computer and data processing equipment and supplies, leasing, rental, and sale of new and used motorized vehicles including but not limited to cars, trucks, recreational vehicles, and motorcycles, and other uses of a similar character that are normally an integral part of a regional shopping center.
- B. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in A. above, and additionally including service outlets for insurance, real estate, medical and dental clinics, veterinary clinics and hospitals, nursing and convalescent homes, theatres, assembly and concert halls, indoor recreation facilities (subject to Section 16.18), clubs, fraternal organizations and lodge halls, restaurants, private and business schools, churches, public and private office buildings, motels and hotels, and uses of a similar character that are normally an integral part of a regional shopping center.
- C. [Mini Warehouses](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986, further amend. by Ord. No. 107 eff. May 24, 2000; Ord. No 200 eff. December 11, 2006; amend. by Ord. No. 285, eff. January 4, 2021)

### Section 10.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

- A. Automotive gasoline and service stations in accordance with the provisions of [Article XVI](#), "Special Uses" for this [use](#). See Section 16.11.

- B. Drive-in retail and service establishments in accordance with the provisions of [Article XVI](#), “Special Uses” for this [use](#).
- C. Regional shopping centers in accordance with the provisions of [Article XVI](#), “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this [district](#).
- D. [Commercial Kennels](#) subject to Section 14.42.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 61 eff. Oct. 8, 1997; Ord. No. 62 eff. Oct. 8, 1997, further amend. by Ord. No. 107 eff. May 24, 2000; further amend. by Ord. 271 eff. Oct. 3, 2017)

**Section 10.04 PERMITTED ACCESSORY USES.**

- A. Normal [accessory uses](#) to all “Permitted Principal Uses.”
- B. Normal [accessory uses](#) to all “Permitted Principal [Special Uses](#).” See Section [14.34](#).

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 10.05 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.**

- A. [Lot area](#). Minimum of two (2) acres, except where a lot or [parcel](#) is served by a public or common water supply system and a public wastewater sewer and treatment system, in which [use](#) the lot or [parcel](#) may have a minimum [area](#) of 40,000 square feet. Regional Shopping Centers shall meet the requirements of [Article XVI](#), “Special Uses” for a collective grouping of two (2) or more of the uses permitted in this [District](#).
- B. [Lot width](#). Minimum of 200 feet at [building setback line](#) when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at [building setback line](#) when public or approved on-site common water supply and wastewater sewer and treatment systems are directly accessible to the lot or [parcel](#).
- C. [Lot coverage](#). Maximum of 75%.
- D. [Yard](#) and setback requirements.
  - 1) Front [yard](#). Minimum of thirty-five (35) feet from the [road](#) or [highway right-of-way](#) line, or as specified in Section [26.05](#), whichever is greater.
  - 2) Side yards. Minimum of ten (10) feet for one (1) side [yard](#), but a minimum total of twenty-five (25) feet for both side yards.
  - 3) Rear [yard](#). Minimum of fifty (50) feet.
- E. Height limitations. Maximum of seventy (70) feet.

F. Locational and other requirements.

- 1) The site shall have at least one (1) property line abutting a major [road](#) or [highway](#) arterial.
- 2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved [driveway](#) intersection with a [road](#) or [highway](#), which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a [frontage access road](#) located parallel and adjacent to a major [road](#) or [highway](#) arterial in conformance with Section [26.04](#).
- 3) The storage of goods or materials is not permitted outside of the principal [structure](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000; further amend Ord. No. 119 eff. Dec. 27, 2000; Ord. No. 200 eff. Dec. 11, 2006)

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## ARTICLE XI HSC HIGHWAY SERVICE COMMERCIAL DISTRICT

### Section 11.01 PURPOSE

The highway service commercial district is designed to provide for servicing the needs of highway traffic at the interchange areas of public roads and highway facilities. The avoidance of undue congestion on public roads, the promotion of smooth traffic flow at the interchange area and on the highway, and the protection of adjacent properties in other districts from the adverse influences of traffic are prime considerations in the location of this district.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 11.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as they are conducted completely within a building except as otherwise provided for specific uses:

- A. Vehicle service and repair stations for automobiles, trucks, busses and trailers. See Section 14.34.
- B. Emergency facilities related to highway travelers.
- C. Parking garages and parking areas.
- D. Parking areas, if enclosed by a six (6) foot high fence, wall or berm. All berms shall be completely planted with grass, ground covers, shrubs, vines and trees.
- E. Bus passenger stations.
- F. Retail and service establishments providing foods and services which are directly needed by highway travelers.
- G. Transient lodging facilities, including motels and hotels.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 11.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following uses are permitted as long as they are conducted completely within a building except as otherwise provided for specific uses, and located in the District so as not to interfere with or interrupt the pattern of development of the "Permitted Principal Uses" in Section 11.02 and shall further meet the requirements of Article XVI, "Special Uses":

- A. Indoor recreation facilities (subject to Section 16.18).
- B. Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.

## ARTICLE XI

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C. [Commercial Kennels](#) subject to Section 14.42.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. 271 eff. Oct. 3, 2017; amend. by Ord. No. 285, eff. January 4, 2021)

### Section 11.04 PERMITTED ACCESSORY USES.

A. Normal [accessory uses](#) to all “Permitted Principal Uses.”

B. Normal [accessory uses](#) to all “Permitted Principal [Special Uses](#).”

(Ord. No. 1 eff. Jan. 8, 1983)

C. See Section [14.34](#).

### Section 11.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

Swimming pools for [use](#) as a part of a [Highway Service Commercial District](#). [Use](#) in conformance with the provisions of Section [14.18](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 11.06 REQUIRED CONDITIONS OF ALL DISTRICT USES.

All principal and [accessory uses](#) in this [District](#) shall be required to meet the following conditions, except as otherwise specified for specific uses:

A. Barriers. Replaced by [Article XXVIII](#).

B. Access ways. Each separate [use](#), grouping of [buildings](#) or groupings of uses as a part of a single planned development shall not have more than two (2) access ways from a public [road](#). Such access way shall not be located closer than 300 feet to the point of intersection of an interstate [highway](#) entrance or exit ramp baseline and the public [road](#) centerline. In cases where the ramp baseline and the public [road](#) centerline do not intersect, no access way shall be located closer than 300 feet from the point of tangency of the interstate [highway](#) ramp baseline and the public [road](#) centerline. In those instances where properties fronting on a public [road](#) are of such width or are in multiple ownership and access ways to property cannot be provided in accord with the minimum 300 feet distance from the intersection of the public [road](#) an entrance or exit ramps of an interstate [highway](#) a [frontage access road](#) shall be provided to service such properties. The access way to a [frontage access road](#) shall not be located closer than 300 feet from the point of intersection or of tangency of the interstate [highway](#) ramp baseline and the public [road](#) pavement.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 74 eff. Sept. 30, 1998)

**Section 11.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.**

- A. **Lot area.** Minimum of two (2) acres, except where a lot or **parcel** is served by a public or common water supply system and a public wastewater sewerage and treatment system, in which **use** the lot or **parcel** may have a minimum **area** of 40,000 square feet. **Highway Service Uses** shall meet the requirements of **Article XVI**, Special Uses for a collective grouping of two (2) or more of the uses permitted in this **district**.
- B. **Lot width.** Minimum of 200 feet at **building setback line** when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at **building setback line** when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or **parcel**.
- C. **Lot coverage.** Maximum of 75%.
- D. **Yard** and setback requirements.
- 1) **Front yard.** Minimum of thirty-five (35) feet from the **road** or **highway right-of-way** line, or as specified in Section **26.05**, whichever is greater.
  - 2) **Side yards.** Minimum of ten (10) feet for one (1) side **yard**, but a minimum total of twenty-five (25) feet for both side yards.
  - 3) **Rear yard.** Minimum of fifty (50) feet.
- E. **Height limitations.** Maximum of seventy (70) feet.
- F. **Locational and other requirements.**
- 1) The site shall have at least one (1) property line abutting a major **road** or **highway** arterial.
  - 2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved **driveway** intersection with a **road** or **highway**, which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a **frontage access road** located parallel and adjacent to a major **road** or **highway** arterial in conformance with Section **26.04**.
  - 3) The storage of goods or materials is not permitted outside of the principal **structure** or contained within an **area** on site screened from the public view and adjacent properties by a screen **fence**, wall or other means not to exceed twelve (12) feet in height.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 75 eff. Sept. 30, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000, further amend. Ord. No. 119 eff. Dec. 27, 2000)

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## ARTICLE XII IF INDUSTRIAL FLEX ZONE

### Section 12.01 PURPOSE AND INTENT

The purpose of the Industrial Flex Zone Classification is to provide flexibility for land uses while being more prescriptive regarding design and quality of development. Many industrial or large format commercial uses could be compatible, because such uses often have the same or similar building and spatial requirements such as floor area and building height. The design requirements of this district are intended to allow for the mixing of certain industrial and commercial uses, and promote the reuse of buildings and sites for multiple such uses. The flexibility of this district is intended to foster economic development, create employment opportunities, and increase the tax base by promoting the development, redevelopment, or continued use of land adjacent to existing industrial and commercially developed property.

It is also the intent of the Industrial Flex Zone to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 11 eff. Apr. 4, 1986; amend. by Ord. No. 285, eff. January 4, 2021)

### Section 12.02 PERMITTED PRINCIPAL USES

The following uses are permitted within the Industrial Flex Zone District.

- A. General office buildings, public or private.
- B. Educational and training facilities.
- C. Facilities for experimental product development, business and scientific research, and testing laboratories.
- D. Photography, art and graphic art studios.
- E. Sale or leasing of new motorized passenger vehicles including cars, and trucks. Outdoor sales/display lots in connection with such use shall not require a special use permit for an open air businesses. (Subject to Section 16.22)
- F. Sale or leasing of used motorized passenger vehicles in conjunction with a new car dealership.
- G. Warehouses and distribution centers.
- H. Warehousing, wholesaling, refrigerated, and general storage conducted completely within a building, or structure.
- I. Mini-warehousing, when conducted completely within a building, or structure.
- J. Retail sales and wholesale of parts equipment, and supplies for: plumbing, electrical, building and construction, furnace and air conditions, home appliances, outdoor and indoor recreation, gardening and landscaping.

## ARTICLE XII

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- K. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in J. above.  
Public and private office buildings.
- L. Contractor buildings, structures and equipment and materials storage yards for building and other types of construction such that any area used for outdoor storage is completely enclosed and screened from external visibility beyond such storage area.
- M. Woodworking or furniture making shops.
- N. Tool and die, machine shops, light assembly, injection molding.
- O. Any manufacturing plants and uses having performance characteristics similar to those listed in this district that conform with the performance standards in Section 14.45.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amend. by Ord. No. 76 eff. Sept. 30, 1998, further amend. by Ord. No. 107, eff. May 24, 2000; further amend. By Ord No152 eff. Mar. 23, 2003; amend. by Ord. No. 285, eff. January 4, 2021)

### **Section 12.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.**

The following uses are permitted as [special uses](#) in accordance with [Article XVI](#), "Special Uses":

- A. Indoor recreation facilities (subject to Section 16.18).
- B. Outdoor recreation facilities (subject to Section 16.18).
- C. Water Parks if completely enclosed with fences, walls or berms with controlled entrances and exits.
- D. Commercial Kennels (subject to Section 14.42).
- E. Veterinary clinics and animal hospitals.
- F. Storage of recreational vehicles.
- G. Open Air Business as a Principal Use. (Subject to Section 16.22)
- H. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from beyond the lot lines of the parcel:
  - 1. Electrical machinery, equipment and supplies, electronic components and accessories.
  - 2. Professional, scientific and controlling instruments, photography and optical goods.
  - 3. Fabricating metal products, except heavy machinery and transportation equipment.

4. Contract plastic material processing, molding and extrusion.
- I. Vehicle repair facilities for automobiles, trucks, busses and trailers (subject to section 16.20).
- J. Towing facilities (subject to Section 16.21).
- K. Propane Storage/Distribution.
- L. Sale, leasing, or rental of used motorized vehicles not in conjunction with a new car dealership.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 61 eff. Oct. 8, 1997; Ord. No. 62 eff. Oct. 8, 1997, further amend. by Ord. 107 eff. May 24, 2000, further amended by Ord. 110 eff. July 23, 2000, further amended by Ord. 113 eff. August 30, 2000; further amend. by Ord. 271 eff. Oct. 3, 2017; amend. by Ord. No. 285, eff. January 4, 2021)

#### **Section 12.04 PERMITTED ACCESSORY USES.**

- A. All normal accessory uses to all "Permitted Principal Uses" and "Permitted Principal Special Uses" including:
  1. Restaurants.
  2. Cafeterias.
  3. Medical and health care facilities.
  4. Office facilities.
  5. Warehouse and storage facilities.
  6. Physical fitness facilities.
  7. Work clothing sales and service facilities.
  8. Banking facilities.
  9. Education, library and training facilities.
  10. Research and experimentation facilities.
  11. Truck or other vehicular and equipment service maintenance, repair and storage facilities conducted completely within a building, or structure.
  12. Indoor sales display areas.

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13. See Section 14.34.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 285, eff. January 4, 2021)

### **Section 12.05 REQUIRED CONDITIONS OF ALL DISTRICT USES.**

- A. All lots are permitted one (1) driveway unless the Planning Commission determines that any additional drives are necessary in promoting the efficient and safe use of the site due to size, layout, general circulation, or the need to separate drives for truck, or heavy equipment operations from general traffic (see subsection 3 below). The applicant shall provide all information deemed necessary to justify the necessity of any additional driveways.
- B. Sites must be designed with sidewalks along building frontages where entrances are located. Such sidewalks should provide for safe and convenient access from parking lots and must connect to adjacent public or private roadways. Where sidewalks cross parking areas and drives the sidewalk material must be carried through. Color changes to highlight the crossing may be appropriate.
- C. Parking lots should be designed to accommodate general vehicular and pedestrian traffic as well as employees and commercial traffic. Where heavy equipment and large trucks may be present, sites must be designed to separate such traffic from the general public. Parking areas for customers and employees must be separated physically and visually from loading areas.
- D. All toxic wastes shall be disposed of in accordance with all state laws, rules and regulations governing their disposal.
- E. The developer of any permitted use or special use with conditions within the IF district must demonstrate that such use will not produce any noise, smoke, fumes, glare, or odors beyond the property boundaries. The Planning Commission may request additional studies to demonstrate compliance with the requirement.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 74 eff. Sept. 30, 1998, further amended by Ord. No. 113 eff. August 30, 2000, further amended by Ord. No. 209 eff. June 28, 2007; amend. by Ord. No. 285, eff. January 4, 2021)

### **Section 12.06 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.**

- A. Lot Area: A minimum of two (2) acres or 40,000 square feet for sites with direct access to water, wastewater, and sewer systems on site.
- B. Lot Width: Minimum of 200 feet at the required minimum building setback line when on-site well water supply and septic tank and field wastewater disposal systems are used or a minimum of 120 feet at the required minimum building setback line when public sewer and water systems are available and connections made to the lot or parcel.
- C. Lot Coverage: Maximum of 75%.
- D. Yard and Setback Requirements:
  - Front yard: Minimum of 35 feet (from the road right of way)
  - Side yards: Minimum of ten (10) feet

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Minimum total of both sides: 25 feet

Rear yard: Minimum of ten (10) feet, but minimum of fifty (50) feet when abutting AR, SFR, MFR property lines.

- E. Height Limitations: Maximum of seventy (70) feet unless reduced by the maximum permitted by the Livingston County Airport Zoning Ordinance.
- F. Locational Requirements: Any storage of materials outside of the permitted structure must be proposed and approved by the Planning Commission and be screened from public view and adjacent properties by a wall or fence of no greater than 12 feet in height unless stated otherwise in the Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000, further amend. Ord. 113 eff. August 30, 2000; further amend. Ord. No. 119 eff. Dec. 27, 2000; amend. by Ord. No. 285, eff. January 4, 2021)

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## ARTICLE XIII I INDUSTRIAL DISTRICT

### Section 13.01 PURPOSE.

It is the intent of this District to provide for the development of sites for industrial plants in which the manufacture of goods in the form of finished or semi-finished products or the assembly, compounding, or treatment of product parts or ingredients in order to create finished or semi-finished goods for sale to other industrial manufacturers, or to bulk or wholesale commercial purchasers. It is the further intent of this District to permit only those industrial manufacturing uses having performance characteristics which emit a minimum of noise, vibration, smoke, dust, dirt, glare, toxic materials, offensive odors, gases, electromagnetic radiation or any other physically adverse effect to the extent that they are abnormally discernible beyond the lot lines of the parcel or site upon which the industrial manufacturing activity is located.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 13.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from external visibility beyond the lot lines of the parcel upon which the use is located, except as otherwise provided in this Ordinance:

- 1) Agricultural products.
- 2) Food and kindred products, excluding slaughterhouses and abattoirs.
- 3) Furniture and fixtures.
- 4) Converted paper and paper board products.
- 5) Printing, publishing and allied industries.
- 6) Biological products, drugs, medical, and pharmaceutical preparation.
- 7) Glass products made of purchased glass.
- 8) Electrical machinery, equipment and supplies, electronic components and accessories.
- 9) Professional, scientific and controlling instruments, photographic and optical goods.
- 10) Jewelry, silverware, musical instruments and parts, toys, amusements, sporting and athletic goods, pens, pencils and other office and artists' materials, and signs and advertising displays.
- 11) Canvas products made of purchased canvas.

## ARTICLE XIII

- 12) Fabricating metal products, except heavy machinery and transportation equipment.
- 13) Metalworking machinery and equipment; general [industrial](#) machinery and equipment.
- 14) [Office](#), computing and accounting machines.
- 15) Jobbing and repair machine shops.
- 16) Monuments.
- 17) Any uses which are charged with the principal function of research, such as [industrial](#), scientific and business research and development, testing laboratories and [offices](#).
- 18) Any other manufacturing plants and uses having performance characteristics similar to those listed in this [District](#) in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, and glare.
- 19) Major repair of automobiles, trucks, and [construction](#) equipment.
- 20) Lumber yards, manufacturers of woods, plastic, fabric, synthetic specialties, wood patterns.
- 21) Warehouses and distribution centers.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 39 eff. June 3, 1993)

### Section 13.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following [special uses](#) are permitted in this [District](#) as long as they are conducted completely within a [building](#), [structure](#) or an [area](#) enclosed and screened from external visibility beyond the [lot lines](#) of the [parcel](#) upon which the [use](#) is located, except as otherwise provided in this Ordinance and in [Article XVI](#), "Special Uses":

- A. [Junk yards](#) which disassemble, convert or otherwise treat used or damaged goods for the purpose of reclaiming them for parts or scrap and removing them from the site either as sales items or for disposal in an approved dump site.
- B. Asphalt and Portland cement concrete mixing plants.
- C. Any permitted principal [use](#) or permitted principal [special use](#) which cannot meet the minimum performance requirements for noise, vibration, smoke, dust, glare, toxic materials, offensive odors, gases, electromagnetic radiation or other external adverse effect, but because of location, orientation or environmental conditions will not have an adverse effect upon lots, [parcels](#), or sites either within the [District](#) or in adjacent [Districts](#) as determined under the provisions of [Article XVI](#), "Special Uses" and [Article XX](#), "Site Plan Review Procedures."
- D. Any of the uses listed in Section [13.05](#), provided they are developed and operated primarily to serve the principal uses permitted by right as listed in Section [13.02](#) and/or permitted as principal [special uses](#) as listed in this Section 13.03.



(Ord. No. 1 eff. Jan. 8, 1983, further amend. by Ord. No. 113 eff. August 30, 2000)

#### **Section 13.04 PERMITTED ACCESSORY USES.**

- A. Normal [accessory uses](#) to all Permitted Principal Uses.
- B. Normal [accessory uses](#) to all Permitted Principal [Special Uses](#).
- C. See Section [14.34](#).

(Ord. No. 1 eff. Jan. 8, 1983)

#### **Section 13.05 PERMITTED ACCESSORY USES WITH CONDITIONS.**

The following uses are permitted when they are an integral part of the [building](#) or [structure](#) or are included as a part of the site development upon which the principal [use](#) is located:

- 1) [Restaurants](#)
- 2) Medical and health care facilities
- 3) [Office](#) facilities
- 4) Warehouse and storage facilities
- 5) Recreation and physical fitness facilities
- 6) Work-clothing sales and service facilities
- 7) Banking facilities
- 8) Education, library and training facilities
- 9) Research and experimentation facilities
- 10) Truck and equipment service, maintenance, repair and storage facilities
- 11) Sales display facilities and [areas](#)
- 12) See Section [14.34](#).

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 62 eff. Oct. 8, 1997)

**Section 13.06 REQUIRED CONDITIONS FOR ALL DISTRICT USES.**

- A. Access roads. All uses shall only have vehicular access via Burkhart Road, Grand River Road and M-59 State Highway (Highland Ave.).
- B. Barriers. Replaced by Article XXVIII – Landscaping Requirements.
- C. Sewage disposal. Permitted industrial uses shall be served by public sewer service or an approved packaged sanitary treatment facility, approved by Livingston County Health Department. All packaged treatment plant facilities shall provide a minimum of secondary level treatment and shall meet all other applicable federal, state, and local standards and regulations. The effluent from same shall be disposed of in a manner and method which conforms to or exceeds the minimum standards of the State of Michigan Water Resources Commission and the Livingston County Health Department. The collection system used in conjunction with a packaged treatment facility shall be located and designed to readily connect into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- D. Toxic waste disposal. All toxic wastes shall be disposed of in accordance with all state laws, rules and regulations governing their disposal. Refer to Section 14.38 Hazardous Materials for additional regulations.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 74 eff. Sept. 30, 1998)

**Section 13.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.**

- A. Lot area. Minimum of two (2) acres, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewerage and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet.
- B. Lot width. Minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or common water supply and wastewater sewerage and treatment systems are directly accessible to the lot or parcel.
- C. Lot coverage. Maximum of sixty (60%) percent except when the lot or parcel is served by a public waste water sewerage and treatment system in which case the lot coverage may be increased to a maximum of seventy-five (75%) percent.
- D. Yard and setback requirements.
  - 1) Front yard. Minimum of thirty-five (35) feet from the road or highway right-of-way line, or as specified in Section 26.05, whichever is greater.
  - 2) Side yards. Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty-five (25) feet for both side yards.
  - 3) Rear yard. Minimum of ten (10) feet, except when adjacent to an AR, SFR, or MFR zoning district, the rear yard setback shall be a minimum of fifty (50) feet.
- E. Height limitations. Maximum of fifty (50) feet, except that a detached accessory structure shall not exceed the height of the principal structure.

F. Locational and other requirements.

- 1) The site shall have at least one (1) property line abutting a major [road](#) or [highway](#) arterial.
- 2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved [driveway](#) intersection with a [road](#) or [highway](#), which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a [frontage access road](#) located parallel and adjacent to a major [road](#) or [highway](#) arterial in conformance with Section 14.32.
- 3) The storage of goods or materials is not permitted outside of the [principal building](#) or contained within an [area](#) on site screened from the public view and adjacent properties by a screen [fence](#), wall or other means not to exceed twelve (12) feet in height.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 24 eff. Dec. 7, 1989; Ord. No. 39 eff. June 3, 1993; Ord. No. 75 eff. Sept. 30, 1998; Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000; further amend. Ord. No. 119 & Ord. No. 120 eff. Dec. 27, 2000)

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## ARTICLE XIV SUPPLEMENTAL REGULATIONS

### Section 14.01 PURPOSE.

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific [exceptions](#), regulations or standards in addition to the requirements of the [Zoning District](#) in which they are permitted to be located.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.02 EXISTING USES OF LANDS, BUILDINGS AND STRUCTURES.

The provisions of this Ordinance shall not be retroactive. At the discretion of the owners, the lawful [use](#) of any [dwelling](#), [building](#) or [structure](#), and of any land or premises as existing and lawful at the time of enactment of this Ordinance may be continued even though such [use](#) does not conform with the provisions of this Ordinance, or in the case of an amendment, then at the time of the amendment.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.03 FARM BUILDINGS AND STRUCTURES OTHER THAN DWELLINGS ACCEPTED FROM REGULATIONS.

The provisions of this Ordinance shall not apply to [farm buildings](#) and [structures](#) customarily erected and used in agricultural activities in the township; provided, that no [building](#) or [structure](#) other than an open [fence](#) shall be erected less than the [setbacks](#) required in the [zoning districts](#) in which they are located, except as otherwise required in this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

### Section 14.04 SCOPE OF ORDINANCE.

Except as provided by Sections 14.02 and 14.03 all land and premises shall be used, and all [buildings](#) and [structures](#) shall be located, erected and used in conformity with the provisions of this Ordinance following the effective date thereof.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.05 AREA LIMITATIONS.

In conforming to land [setbacks](#) and [yard](#) requirements, no [area](#) shall be counted as accessory to more than one (1) [dwelling](#) or main [building](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

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### Section 14.06 LIMITATIONS OF STRUCTURES UPON LOTS OR PARCELS.

There shall be no more than one (1) [principal building](#) or [structure](#) located on a [lot](#) or [parcel](#) except in accordance with Section 14.33 of this Zoning Ordinance. See Sections 3.07 D. and G.

(Ord. No. 1 eff. Jan. 8, 1983 amend. by Ord. eff. May 7, 1992)

### Section 14.07 ACCESSORY BUILDING PROVISIONS.

[Accessory buildings](#), except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Any [structure](#) having two-hundred (200) square feet or less of internal floor area, which is used for any purpose other than the housing of humans, but is primarily to be use for the housing of non human purpose such as pets, yard equipment, yard maintenance supplies, tools, toys, including motorized or non motorized bicycles and types of household equipment, and which buildings do not have to meet the requirements of the Livingston County Construction Code and will not be built on a structural foundation as required in the Construction Code for other types of buildings, shall be excluded from the requirements of this Section and any required zoning permits and payment of fees required under other provisions of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend by Ord. 249, eff. Nov. 25, 2011)

- B. Detached [accessory buildings](#) shall be located entirely in the rear [yard](#) outside of the side and rear setback, unless said [building](#) is being constructed pursuant to a [Special Use](#) Permit, and in that case, the Township Board after receiving the recommendation of the Planning Commission may authorize the location of the [accessory building](#) in any required [yard](#). In no instance shall an [accessory building](#) be located within a dedicated easement [right-of-way](#).

- C. [Accessory buildings](#) located on [lots](#) and [parcels](#) in all [Zoning Districts](#) shall be subject to the following regulations:

LOT OR PARCEL AREA REGULATION	REGULATION	MAXIMUM SQUARE FOOTAGE*
12,000 sq. ft. to 0.9 acre	4% of <a href="#">lot area</a>	800 sq. ft.
1 acre to 1.9 acres	4% of <a href="#">lot area</a>	2000 sq. ft.
2 acre to under 19.9 acres	4% of <a href="#">lot area</a> , except that <a href="#">commercial agricultural farm operations</a> shall be excluded from this regulation	3000 sq. ft.
20 acres and above	No limit	No limit

- D. No detached [accessory building](#) – shall be located closer than ten (10) feet to any main [building](#).

- E. No detached [accessory building](#) in AR, SFR, MFR, NSC, OS [Districts](#) shall exceed one (1) [story](#) or twenty (20) feet in height. [Accessory buildings](#) in all other [districts](#) may be constructed to equal the permitted maximum height of [structures](#) in said [districts](#). Height shall

be measured in accordance with [Article II Definition 24](#).

- F. When [accessory buildings](#) or [structures](#) are located on a [corner lot](#), they shall not be located in any front [yard](#) or side [yard](#), but if it is determined by the Zoning Administrator that there is insufficient rear [yard](#) in which to locate them, the Zoning Administrator shall determine the most appropriate location for them in the side [yard](#) with minimum encroachment upon the required side [yard](#) setback area.
- G. In no instance shall an [accessory building](#) be allowed until there is a [principal building](#) or [structure](#) located on the [lot](#) or [parcel](#) of land.
- H. No [accessory building](#) or [structure](#) shall be used as a [dwelling](#), lodging or sleeping quarters for human beings, except as otherwise permitted in this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 12 eff. Sept. 5, 1986; Ord. No. 20 eff. Feb. 8, 1989; Ord. No. 82 eff. Apr. 5, 1999; Ord. No. 97 eff. Feb. 23, 2000; Ord, 249, eff, Dec. 23, 2012)

#### **Section 14.08 USE OF YARD SPACES AROUND DWELLINGS.**

No required [yard](#) surrounding a [dwelling](#), [building](#) or [structure](#) utilized for [dwelling](#) purposes shall be employed, occupied or obstructed by [accessory buildings](#) or [structures](#), either permanently or temporarily, provided however, that a side or rear [yard](#) may be used for the parking of not more than five (5) passenger automobiles in active service, but not for the storage of trucks, or for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of [junked](#) vehicles, machinery, second-hand [building](#) materials, or other discarded, disused or rubbish-like materials or [structures](#), except as otherwise provided in this Zoning Ordinance. See Section [14.24](#).

(Ord. No. 1 eff. Jan. 8, 1983)

#### **Section 14.09 LOT-BUILDING RELATIONSHIP.**

Every [building](#) erected, altered, or moved shall be located on a [lot](#) as defined herein, and there shall be no more than one (1) [principal building](#) and its permitted accessory [structure](#) located on each [lot](#). Any proposed divisions of individual [building sites](#) shall conform to the requirements of this Ordinance for minimum width, [area](#), and [building](#) setback requirements and shall be approved by the Zoning Administrator. In the event of any proposed relocation of boundaries of any [building site](#) or sites, such relocation shall comply with all setback requirements of this Ordinance for the [district](#) in which the project is located and shall be approved by the Zoning Administrator.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

#### **Section 14.10 ACCESSORY BUILDING AS DWELLING.**

No [building](#) or [structure](#) on the same [lot](#) with a [principal building](#) shall be used for [dwelling](#) purposes, except as specifically permitted in this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

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### Section 14.11 BASEMENT AS DWELLING.

No [basement structure](#) shall be used for human occupancy unless a completed [story](#) is situated immediately above the [basement structure](#) and is used as a [dwelling](#), except underground homes designed and built in accordance with the [Construction Code](#) in effect in the Township.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.12 DAMAGED BUILDINGS.

Any [building](#) that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within six (6) months from the date of the occurrence of the damage.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.13 REQUIRED WATER SUPPLY AND WASTEWATER DISPOSAL FACILITIES.

In addition to the requirements established by the Livingston County Health Department and the Michigan Department of Health, the following site development and [use](#) requirement shall apply:

- A. No [structure](#) for human occupancy or [use](#) shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment, and disposal of wastewater.
- B. No drain field for a septic tank system shall be located nearer than fifty (50) feet from the normal high water line of any surface body of water nor located in an [area](#) where the base of the drain field is less than four (4) feet above the normal high water table level.
- C. Refer to Ordinance No. 21 Waste Water Collection and Treatment System Ordinance for additional regulations.
- D. Refer to Ordinance No. 181 Water Use and Rate Ordinance for additional regulations.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 14.14 HEIGHT REGULATIONS.

The height requirements established by this Ordinance shall apply uniformly in each [zoning district](#) to every [building](#) and [structure](#) except that the following [structures](#) and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennae, silos, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, the Michigan Aeronautics Commission, other public authorities having jurisdiction and any regulations established by authorized federal, state, county and township agencies and the provisions of P.A. 23 of 1978, "The Airport Zoning Act."

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(Ord. No. 1 eff. Jan. 8, 1983; amended by Ord. No. 229 eff. July 24, 2009)

### **Section 14.15 LANDSCAPE REQUIREMENTS.**

All uses shall meet the requirements of [Article XXVIII](#), Landscaping Requirements and Section [14.26](#), Fences, except for single family and duplex homes located in platted subdivisions on separate [lots](#) or on separate metes and bounds [parcels](#) of land.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 74 eff. Sept. 30, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

### **Section 14.16 SHORELINE EXCAVATION AND DREDGING.**

No persons shall alter, change, transform, or otherwise vary the edge, bank or shore of any lake, river or stream except in conformance with the following:

- A. As provided in the Inland Lakes and Streams Act, Public Act 346 of 1972, as amended, and in the Soil Erosion and Sedimentation Control Act No. 347 of 1972 and in accordance with the requirements of the Michigan Department of Environmental Quality and Livingston County Drain Commissioner.
- B. If any edge, bank or shore of any lake, river or stream is proposed to be altered in any way by any person, such person shall submit to the Planning Commission all data, exhibits and information as required by the Department of Environmental Quality.

(Ord. No. 1 eff. Jan. 8, 1983)

### **Section 14.17 ESSENTIAL SERVICES.**

- A. This shall include the erection, [construction](#), alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including [offices](#) and [buildings](#) or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies except when located in the Zoning Districts in which they are permitted.
- B. No [building](#) shall be used for human occupancy.
- C. An opaque [fence](#) or screening materials may be required by the Township Planning Commission when deemed necessary.
- D. The surface of land used for pipeline and other [essential services right-of-ways](#) or easements shall be restored and maintained as near as possible to its original condition prior to the [construction](#) of the pipeline.
- E. Essential service in all [Districts](#) shall meet the requirements of the SFR Single [Family Residential District](#) for all [buildings](#), [structures](#)

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and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services. See Sections 14.36 and 20.08 E.

- F. Refer to Ordinance No. 85 Pipeline Ordinance for additional regulations and Refer to Ordinance No. 204 Ordinance to Approve with reservations, a Uniform Video Service Franchise Agreement Submitted by Comcast.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

### Section 14.18 SWIMMING POOLS (OUTDOOR).

Private pools shall be permitted as an accessory use in all zoning districts within the rear and side yards only, provided they meet the following requirements:

- A. There shall be a distance of not less than twenty (20) feet between the adjoining property line and the outside of the pool wall.
- B. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot.
- C. No swimming pool shall be located less than thirty-five (35) feet from any front lot line.
- D. No swimming pool shall be located less than the distance required for a side yard by the zoning ordinance.
- E. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make satisfactory arrangements with the utility involved for the relocation of wires before a permit shall be issued for the construction of a swimming pool.
- F. No swimming pool shall be located in an easement.
- G. For the protection of the public, all yards containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gate shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence are enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.
- H. Above ground pools require removable ladders, or deck with self latching gate. (Ord. No. 240 eff. September 3, 2010)

(Ord. No. 1 eff. Jan. 8, 1983; amend. By Ord. No.107 eff. May 24, 2000)

### Section 14.19 HOME OCCUPATIONS AND ON-SITE SALES.

Home occupations shall be permitted in all residences in all districts and include such customary home occupations as small workshops and businesses: hairdressing, millinery, dressmaking, bookkeeping and accounting service, real estate and insurance sales; professional office for occupancy by not more than one (1) physician, surgeon, dentist, attorney, architect, engineer or similar recognized professional practitioner provided such home occupation shall satisfy the following conditions:

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- A. The nonresidential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor area of the principal structure or an accessory structure not to exceed twenty-five (25) percent of the gross floor area of the principal structure.
- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional office shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family residing on the premises except one non-resident employee shall be permitted per dwelling unit.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal or accessory structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations except a small announcement sign not to exceed two (2) square feet in area and attached to the principal or accessory structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. Garage sales, rummage sales, yard sales and similar activities may be conducted for no longer than three (3) days and no more than twice per calendar year on the same property.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend. by Ord. No.107 eff. May 24, 2000)

#### **Section 14.20 TEMPORARY BUILDINGS AND STRUCTURES.**

Temporary buildings and structures are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, and structures shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Also refer to Sections 14.28 and 16.09 for permits to park or use mobile homes on a temporary basis.

Also, refer to Sections 14.25 and 14.28.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Mar. 31, 2019)

**Section 14.21 SOLID WASTE RECEPTACLE AREAS.**

- A. Truck-lifted or transported receptacle [areas](#). All such receptacle [areas](#) shall be enclosed by a six (6) foot high wooden or a masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and [pets](#) from having access to these [areas](#).
- B. Man-lifted or transported receptacle [areas](#). All such receptacle [areas](#) shall be enclosed by a four (4) foot high wooden or a masonry wall to prevent the unsightly deposit or collection of solid waste and to prevent children and [pets](#) from having access to these [areas](#).

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 14.22 EXTERIOR LIGHTING.**

All sources of lighting for parking [areas](#) or for the external illumination of [buildings](#) or grounds or for the illumination of [signs](#) shall be directed away from and shall be shielded from adjacent properties and shall also be so arranged as to not affect driver visibility adversely on adjacent public [roads](#) and [highways](#). Lighting of parking [areas](#) are required when the number of [parking spaces](#) is more than five (5).

(Ord. No. 1 eff. Jan. 8, 1983 further amended by Ord. No. 200, eff. Dec. 11, 2006)

**Section 14.23 RATIO OF LOT WIDTH TO LOT DEPTH.**

[Lots](#), [parcels](#), and [building sites](#) shall not have a ratio of width to depth that exceeds 1:4.

(Ord. No. 1 eff. Jan. 8, 1983 amend. by Ord. eff. May 7, 1992)

**Section 14.24 OUTDOOR PARKING OR STORAGE OF RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND TRUCKS ON RESIDENTIAL LOTS AND PARCELS.**

- A. Recreational Vehicles: The outdoor parking and/or storage of not more than two (2) non-[residential](#) type recreational vehicles such as [motor homes](#), [travel trailers](#), boats and their respective trailers, may be permitted on [residential lots](#) and [parcels](#) only in a side or rear [yard](#), but not in a required side or rear [yard](#) setback.
- B. Pick-up trucks of one (1) ton or less rated capacity for personal or occupational [use](#) may be parked on [residential lots](#) or [parcels](#) in the same manner as cars.

One single bottom truck of over one (1) ton rated capacity may be parked on [residential lots](#) or [parcels](#), provided that 1) the vehicle is necessary to the occupation of the occupant of the housing located on a [residential lot](#) or [parcel](#), 2) the [lot](#) or [parcel](#) is not located in a platted subdivision or condominium project or on a [private road](#), 3) the [lot](#) or [parcel](#) has at least two (2) acres of [area](#), 4) the vehicle is not a refrigeration truck, a truck which requires the continuous running of motors or exceeds the total length of 65', 5) it is parked only in a rear or side [yard](#), but not in a required side or rear [yard](#) setback.

Trucks and other equipment necessary to the function of permitted uses and activities on [parcels](#) of land of 2 or more acres in [area](#) shall be permitted only in a side or rear [yard](#), but not in the required side or rear [yard](#) setback.

- C. School busses may be parked or stored on school or [church](#) property, but are otherwise prohibited to locate on other [lots](#) and [parcels](#) in [residential districts](#).
- D. Busses, other large vehicles and equipment not otherwise specified in this Section are prohibited from locating on [residential lots](#) and [parcels](#).
- E. See Section [14.08](#).

(Ord. No. 1 eff. Jan 8, 1983, Amend by Ord. No. 124 eff. May 6, 2001)

### **Section 14.25 TEMPORARY USE.**

[Temporary](#) land, [building and structural uses](#) may be permitted in any [district](#), upon approval of the Planning Commission, upon finding that the location of such uses and their related activities will not adversely affect public health, safety, morals and general welfare in the [district](#) in which it is to be temporarily located. All [-](#)s, if approved by the Planning Commission, shall have a reasonable time limit placed upon their [use](#) based upon the normal periods of time such uses need to exist for their expressed purpose. The time limit shall be expressed in calendar dates for the number of days authorized by the Planning Commission. [Temporary uses](#) may be granted on the basis of compliance with the criteria stated in Section [20.08](#).

Also, refer to Sections [14.20](#) and [14.28](#).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 75 eff. Sept. 30, 1998)

### **Section 14.26 FENCES.**

- A. Any permanent [fence](#), partition, [structure](#), or gate erected as a dividing marker, barrier, or enclosure, and not a part of a [structure](#) for which a [building permit](#) is required. An ornamental [fence](#) is one that is less than four (4) feet in height, normally used in setting off planting [areas](#), may be located on a property line of a [lot](#) or [parcel](#) provided the owner of the adjacent [parcel](#) agrees in writing to the location of the [fence](#) on the mutual property line; otherwise the [fence](#) shall be located adjacent to the mutual property line.
- B. The erection, [construction](#), or alteration of any [fence](#) or other type of protective barrier shall be approved through a permit by the Zoning Administrator as to their conforming to the requirements of the [zoning districts](#) herein they are required because of [land use](#) development.
- C. Delete entire section – Amendment #208 eff. June 28, 2007.
- D. Any existing [fence](#) not in conformance with this Ordinance shall not be altered or modified except to make it more conforming.
- E. [Fences](#), not including [farm fences](#), which are not specifically required otherwise under the regulations for the individual zoning districts shall conform to the following requirements:
  - 1) No [fence](#) shall hereafter be erected along the line dividing [lots](#) or [parcels](#) of land or located within any required side or rear [yard](#) in

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excess of six (6) feet, or less than three (3) feet in height above the [grade](#) of the surrounding land.

- 2) No [fence](#) shall hereafter be located in any required front [yard](#) except as provided in this Section 14.26 and where otherwise specified in this Ordinance.
- 3) Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any [fence](#) is prohibited. Barbed wire cradles may be placed on top of [fences](#) enclosing [public utility buildings](#) or wherever deemed necessary in the interests of public safety.
- 4) In an [Industrial District](#), no [fence](#) shall exceed twelve (12) feet in height.
- 5) Electric current or charged wire fencing shall be permitted in all [districts](#) on [lots](#) or [parcels](#) of land five (5) acres or more in [area](#) for the purpose of containing [pet](#) and domestic animals. Underground invisible electric current wiring shall be permitted in all [Districts](#) on all [lots](#) or [parcels](#) of any size in [area](#) for the purpose of containing [pet](#) animals.
- 6) No [fence](#) or [structure](#) shall be erected, established or maintained on any [corner lot](#) which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corners shall mean a triangular [area](#) formed by the [street](#) property lines and a line connecting them at points twenty-five (25) feet from the intersection of the [street lines](#) or in the case of a rounded property corner, from the intersection of the [street](#) property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.

F. Also refer to Sections [28.08](#) and [28.09](#) of [Article XXVIII](#), Landscaping Requirements.

(Ord. No. 1 eff. Jan. 8, 1983; amend. By Ord. No. 161 eff. June 15, 2003 further amended by Ord. No. 208 eff. June 28, 2007)

### Section 14.27 WALLS, FENCES AND PROTECTIVE SCREENING.

- 1) Refer to [Article XXVIII](#), Landscaping Requirements for Required Screening for specified uses and uses permitted in [zoning districts](#).
- 2) Refer to Sections [28.08](#) and [28.09](#) of [Article XXVIII](#), Landscaping Requirements for Walls and Fencing, and to Section [14.26](#), Fences, for additional requirements.

(Ord. No. 74 eff. Sept. 30, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000)

### Section 14.28 MOBILE HOMES LOCATED OUTSIDE OF A MOBILE HOME PARK.

From and after the effective date of this Ordinance, it shall be unlawful for any person to move a mobile home onto any [lot](#), [parcel](#) or tract of land in Howell Township for any purpose, except as provided and permitted hereinafter in this Section, or as specifically permitted elsewhere in this Ordinance.

- A. Mobile homes shall be permitted when parked by visitors in the [yard](#) of a permitting [dwelling](#) owner or lessee without charge, upon application by the owner or the issuance of a [Temporary](#) Permit by the Zoning Administrator. Application shall be made at least three (3) days prior to the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the

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mobile home with sanitary facilities approved by the Township. A [Temporary](#) Permit may only be issued to one (1) mobile home at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home shall be removed from the property on or before the 30th day of the permit period.

B. A mobile home shall be a permitted [use](#) when it is to be temporarily located on the [lot](#) or [parcel](#) of a free title owner or land contract purchaser upon the application by the owner and issuance of a [Temporary](#) Permit by the Zoning Administrator during the [construction](#) of a permanent [dwelling](#) thereon. Prior to the occupancy of a mobile home, the following procedure will be as follows:

- 1) The location shall be deemed as not being injurious or constitute a [nuisance](#) to adjacent properties or the neighborhood.
- 2) A "[Temporary](#) Permit" may be issued upon the approval of the location of the mobile home on the property by the Zoning Administrator and the approval of the method of providing water supply and sewage disposal service to the mobile home by the Livingston County Health Department.
- 3) The Zoning Administrator shall issue the owner and occupant a "[Temporary](#) Permit" for [temporary use](#) of a mobile home on the property for a period of up to six (6) months, with an additional twelve (12) months allowed by the Zoning Administrator if substantial [construction](#) has been started and completed during the first six (6) month period of the permit. The mobile home shall be removed from the property at the expiration of the "[Temporary](#) Permit." The owner and occupant shall verify in a space allotted for that purpose on the permit that they have full knowledge of the terms of the permit and penalty applicable in the event of violation of the Zoning Ordinance, and that no permit shall be transferable to any other owner or occupant.

C. Also, refer to Sections [14.20](#) and [14.25](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 11 eff. Apr. 4, 1986)

### **Section 14.29 VALID NONCONFORMING USE OF MOBILE HOMES.**

The [use](#) of any mobile home placed on a [lot](#), [parcel](#) or tract of land in Howell Township prior to the effective date of this Ordinance, which [use](#) is prohibited by this Ordinance, shall be a "Valid Nonconforming Use" that may be continued, subject to the provisions pertaining to "Nonconforming Uses" contained in [Article XVII](#).

A. Nonconforming [use](#) of mobile homes. It is hereby provided that as of the effective date of this Ordinance that any mobile home shall become a legal nonconforming [use](#), and said mobile home may not be thereafter moved onto or used upon the premises in the event of any one or more of the following conditions pertaining to the mobile home or premises occur, except as otherwise provided in this Ordinance:

- 1) If said mobile home is removed from the [lot](#), [parcel](#) or tract of land on which it has been located.
- 2) If said mobile home is moved from its original location to another location on the same [lot](#), [parcel](#) or tract of land.
- 3) If the wheels of said mobile home are removed, except for repair of wheel or tire.
- 4) If any structural additions or [alterations](#) are made to a mobile home or within ten (10) feet of a mobile home or for the purpose of expanding the [use](#) of a mobile home outside of the manufactured design of the mobile home.

5) If said mobile home is not connected with fresh water supply and septic tank/drain field wastewater disposal system prior to or on the effective date of this Ordinance.

6) If the yards surrounding a mobile home are not properly maintained and become unsightly enough, in the opinion of the Zoning Administrator, to be declared a [nuisance](#).

B. Any and all "ILLEGAL NONCONFORMING USES OF MOBILE HOMES" on [lots](#), [parcels](#) or tracts of land in Howell Township shall as soon as reported or detected be listed by the Zoning Administrator. Due written notice and complaint shall be served on the owner or occupant of the land being thus illegally used. Any such unlawful [use](#) shall cease forthwith or be subjected to the penalties provided by this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984)

### **Section 14.30 PERFORMANCE GUARANTEES REQUIRED FOR TEMPORARY USES.**

Prior to the issuance of all [temporary](#) permits pursuant to the Howell Township Zoning Ordinance, except for [signs](#) issued pursuant to [Article XIX](#), the applicant must give performance guarantees such as performance bonds, irrevocable bank letters of credit, cash deposit or other forms of security as shall be approved by the Township Treasurer in an amount not to exceed Two Thousand Dollars (\$2,000.00), as shall be determined by the Howell Township Planning Commission, which performance guarantees are provided to insure the removal of the [structure](#) or [building](#) at the termination of the [temporary](#) permit period. The performance guarantees shall include payment to the Township of its expenses including actual attorney fees, costs and fees paid by the Township or incurred by the Township in the removal of the [structure](#) and/or [building](#) at the termination of the permit period. The bond shall be good for ninety (90) days beyond the date of the permit expiration. Refer to Sections [14.20](#), [14.25](#), [14.28](#) and Section [20.15](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 13 eff. Mar. 6, 1987)

### **Section 14.31 LICENSED OR REGISTERED FAMILY DAY-CARE HOMES.**

A [Family Day-Care Home](#) licensed or registered under Act 116 of Public Acts of 1973, shall be considered a principal, permitted [residential use](#) of property for the purposes of this Zoning Ordinance in all [residential zoning districts](#), including those zoned for single [family dwellings](#), and shall not be subject to a [special use](#) permit or procedure different from those required for other [dwellings](#) of similar [density](#) in the same zone.

A [Family Day-Care Home](#) as defined in the definition section of the ordinance shall apply only to bona fide private residence of the operator of the [Family Day-Care Home](#).

### **CARE FACILITIES FOR ADULTS AND CHILDREN**

The following care facilities for Adults and Children are permitted as either a permitted [use](#) by right with prescribed conditions listed below, or as a [special use](#), which meets the requirements of [Article XVI](#) Special Uses, in the [zoning districts](#) listed in the following:

A. State Licensed [Residential Facility](#) or [Foster Care Home](#) as a [use](#) permitted by right providing 24 hour or more of extended care for six



(6) or less number of adults or children per single [family dwelling](#) located in any [zoning district](#).

- B. State Licensed [Residential Facility](#) or [Foster Care Home](#) as a [special use](#) providing 24 hour or more of extended care for more than six (6) but not more than twelve (12) adults or children located in MFR, OS, NSC and RSC [zoning districts](#).
- C. State Licensed [Family Day Care Facility/Home](#) as a [use](#) by right providing for six (6) or less children or adults in a single [family dwelling unit](#) located in any [zoning district](#) provided that no adult or child stay in the facility for a period not to exceed sixteen (16) hours of each 24 hour day.
- D. State Licensed Group Day Care Facility/Home as a [special use](#) providing for more than six (6) but no more than twelve (12) people per single [family dwelling unit](#) located in any [zoning district](#) provided that no person shall stay in the facility for a period not to exceed sixteen (16) hours of each 24 hour day.
- E. State Licensed Group Day Care Facility/Home as a special principle [use](#) or [accessory use](#) permitted by right providing for any number of adults or children in a facility located in the MFR, OS, NSC, RSC, HSC, HC or I [zoning districts](#) provided that no adult or child shall stay in the facility for a period not to exceed sixteen (16) hours of each 24 hour day.
- F. Homeless and needy persons and families may be temporarily housed and fed in [churches](#) and other public and semi-public [buildings](#) which are occupied and governed by organizations established to serve homeless and needy persons and families.
- G. See Section [16.17](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 23 eff. Oct. 6, 1989; further amend. by Ord. No. 112 eff. August 30, 2000)

### **Section 14.32 ADJUSTMENT TO DIMENSIONAL REGULATIONS.**

Dimensional regulations in each [Zoning District](#) may be reduced by 10% upon approval by the Planning Commission, provided the Planning Commission determines that such reduction will not have a detrimental effect on surrounding [parcels](#), and states its reasons for the reduction for the record in the meeting minutes of the Planning Commission. See Section [27.07A](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 20 eff. Feb. 8, 1989, further amended by Ord. No. 129 eff. Oct. 21, 2001)

### **Section 14.33 MULTIPLE PRINCIPAL BUILDINGS UPON A PARCEL OF LAND.**

As set forth in Section [14.06](#), more than one (1) [principal building structure](#) may be located on a [parcel](#) of land subject to approval by the Planning Commission following the site plan review as required by [Article XX](#) and upon compliance with this Section 14.33. In determining whether to approve the applicant's site plan under this section, the Planning Commission may consult with the Zoning Administrator, Township Planner, Township Attorney, and Township Engineer regarding the adequacy of the site plan, deed restrictions, master deed, if any, utility systems and [streets](#), overall development layout and design and compliance with all the requirements of Act 59 of Public Acts of 1978, as amended, if the proposed project is a condominium.

(Ord. eff. May 7, 1992; amend. by Ord. No. 50 eff. Oct. 5, 1994; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 14.34 ACCESSORY RESIDENTIAL USES.**

- A. Purpose. Because of the need to provide 24-hour property protection, observation, operation and maintenance of the principal uses permitted in the OS, NSC, RSC, HSC, HC, and I [Zoning Districts](#), it may be necessary to require the presence of an on-site, continuously available daytime, and particularly, a nighttime employee, with or without a [family](#), to live-in an on-site [residential](#) facility in order to carry out the necessary functions of the employee.
- B. Requirements. Each such residence shall meet all of the necessities and requirements for a separate [single-family dwelling unit](#) or a [single-family](#) apartment. Whether a separate [dwelling unit structure](#) or an apartment incorporated into the same [structure](#) as the principal [use](#) or a [building](#) accessory to the principal [use](#), the residence shall be provided with an on-site outdoor [yard area](#) which at least meets the minimum requirements of the SFR [Residential Zoning District](#).
- C. Location. Such residences shall be permitted as an [accessory use](#) to a permitted principal [use](#) in the OS, NSC, RSC, HSC, HC and I [Zoning District](#).

(Ord. No. 69 eff. Aug. 12, 1998)

**Section 14.35 RETENTION OR DETENTION PONDS LOCATED ON ADJACENT PARCELS OF LAND.**

Retention and/or detention ponds, as [structures](#), are permitted in all [zoning districts](#), and shall meet the requirements of this Zoning Ordinance, including the setback requirements from property lines and [highway](#) and [road right-of-way](#) lines, and, depending upon the location of retention and/or detention pond, they shall meet the following additional requirements and/or [exceptions](#):

- A. If a retention and/or detention pond is located entirely within the boundary property lines of a [lot](#) or [parcel](#), the pond shall meet all the requirements of a [structure](#), including those for [setbacks](#) from all property lines and [highway](#) and [road right-of-way](#) lines.
- B. If a detention and/or retention pond is to be shared by adjacent [lots](#) or [parcels](#) of land, having a common property line or common property lines, but not including [highway](#) and [road right-of-way](#) lines, and the pond straddles such a property lines or property lines, the [setbacks](#) from such property lines shall be abated within the [area](#) of the pond, provided that the pond shall be designed to meet the present and future storm water volume required for such adjacent properties as determined by and/or approved by the Livingston County Drain Commissioner. Such a pond may be built in phases as development of such adjacent [lots](#) or [parcels](#) occurs, provided that an adequate [area](#) of land for such a pond of the required storm water volume is reserved to serve the ultimate development of all of the adjacent [lots](#) or [parcels](#).
- C. If a detention and/or retention pond is to be shared by all [lots](#) or [parcels](#) of land located within a subdivision of land, but the pond is completely located off-site from such [lots](#) or [parcels](#) of land, but within the boundaries of a subdivision of land of which such [lots](#) or [parcels](#) are a part, the [lot](#) or [parcel](#) of land upon which a pond is located shall meet all of the requirements of a [structure](#), including those for [setbacks](#) from all property lines and [highway](#) and [road right-of-way](#) lines, provided that the pond shall be designed and built to meet the storm water volume required for the ultimate development of all [lots](#) and [parcels](#) included in the subdivision of land as determined by and/or approved by the Livingston County Drain Commissioner. Such a pond may be built in phases as development of the [lots](#) or [parcel](#) of land occurs, provided that an adequate [area](#) of land for such ponds is reserved to serve the ultimate development of all [lots](#) or [parcels](#) in the land subdivision.

(Ord. No. 109 eff. June 18, 2000)

### **Section 14.36 UTILITY EASEMENTS ALONG AND ADJACENT TO RIVERS AND STREAMS.**

Within the required front [yard setbacks](#) established along rivers and streams by this Zoning Ordinance there shall be located within these [setbacks](#) a utility easement for the purpose of providing for the [construction](#) of the gravity flow systems for Township approved engineered sanitary sewers and gravity flow County Drain Commissioner approved engineered storm water drains and Township Board approved engineered pressurized water mains if and when needed to serve future development. The location of such easements within the front [yard setbacks](#) from rivers and streams shall be determined by the Township engineer as the need for such easements exist with the approval of the Township Board in the case of the Township sanitary sewer and water systems and by the County Drain Commissioner in the case of the storm water drain system. The specific sewer and storm water drains shall be determined by a Michigan State licensed professional engineer based upon topography, soil types floodplains and wetlands existing in the required front [yard setbacks](#) established by the Zoning Ordinance.

When a site plan is submitted for processing by the Planning Commission, and it is determined that a utility easement may be required, the Township Engineer shall make a determination as to the need for the easement and present his/her findings to the Planning Commission for its approval, approval with conditions or disapproval of the need for and requirement of the utility easement. If the need for the utility easement is approved by the Planning Commission along with the approval or approval with conditions of the site plan, the applicant shall record the easement portion of the site plan with the Livingston County Register of Deeds as a deed restriction in perpetuity on the property.

(Ord. No. 127 eff. October 21, 2001)

### **Section 14.37 WATER SUPPLY AND DISTRIBUTION FOR IRRIGATION PURPOSES.**

All water systems and use of water in Howell Township shall meet the provisions of the "Water Use and Rate Ordinance" of Howell Township. [Land uses](#) located on [lots](#) and [parcels](#) not located in a Howell Township established water [district](#) shall be permitted to drill their own onsite wells as an [accessory use](#) for the purpose of constructing on site water [irrigation](#) distribution systems. [Land uses](#) located in a Howell Township established water [district](#) shall be required to apply for a [special use](#) permit in accordance with [Article XVI](#) "Special Uses" of this Ordinance, except that a [special use](#) permit shall not be required for any [lot](#) or [parcel](#) or portion of a [lot](#) or [parcel](#) of land connecting to the Township public water supply and distribution system which irrigates a contiguous [area](#) on a [lot](#) or [parcel](#) which is less than 12,000 square feet in [area](#) including those previous [areas](#) with exposed soil capable of growing vegetation, but not including those impervious [areas](#) covered by [buildings](#), paved [areas](#) and other [structures](#).

### **Section 14.38 HAZARDOUS MATERIALS.**

Whenever hazardous materials are involved with any permitted [use](#) in this Zoning Ordinance, the applicant shall refer to Ordinance No. 53 Hazardous Spill Recovery Ordinance for additional regulations.

(Ord. No. 165 eff. July 27, 2003)

**Section 14.39 LAND USES RESULTING IN PUBLIC NUISANCE ACTIVITIES.**

Refer to Ordinance No. 123, Public [Nuisance](#) Ordinance for additional regulations.

**Section 14.40 OUTDOOR FREESTANDING FURNACES AND BOILERS.**

- A. An outdoor freestanding furnace or boiler is defined as a furnace, stove, boiler or any other similar type of solid or liquid material burning device which is constructed or installed outdoors on a [lot](#) or [parcel](#) for the purpose of transmitting dry heat or heated liquids produced by them over extended periods of time from it to [buildings](#) or other [structures](#) located on the same [lot](#) or [parcel](#).
- B. The Applicant shall submit a Site Plan showing the location of the proposed outdoor furnace or boiler [structure](#) on the site and all existing or planned [buildings](#) and [structures](#) located or to be located on the site and the required side and rear [yard setbacks](#) of the [lot](#) or [parcel](#) and those of all properties adjacent to the rear [yard](#) of the Applicants [lot](#) or [parcel](#).
- C. *Spacing and Setback Requirements.* The furnace, stove or boiler shall be located in the rear [yard](#) or a [lot](#) or [parcel](#) upon which it is located and be at least ten (10) feet from all onsite [buildings](#).

Outdoor Furnaces, Stoves or Boilers shall be located at least one hundred fifty (150) feet from the side [yard](#) and rear [yard](#) setback requirements of the adjacent properties.

Furnaces, Stoves, or Boilers shall be located at least the required [setbacks](#) from the side and rear property lines upon which they are located.

- D. *Limitations on Types of Fuels to be Used in Outdoor Furnaces, Stoves or Boilers.* Outdoor furnaces, stoves or boilers shall only burn seasoned firewood, processed liquid fuels, dried corn cobs and stalks and other biomass burnable materials which have been specifically processed and designed to be burned in them.

In no case shall the burning of trash, burnable household and [yard](#) materials and other burnable materials not specifically designed to be burned in any outdoor furnace, stove or boiler be permitted to be used in them.

- E. An [area](#) surrounding the furnace or boiler shall be kept clear of all types of burnable materials for a distance of at least five (5) feet in all directions.
- F. The Applicant shall submit evidence that the proposed installation of the outdoor furnace or boiler will comply with the manufacturer's specifications with particular reference of the specific fuels to be burned in the model of outdoor furnace, stove or boiler to be constructed or installed in accordance with the Site Plan as presented for consideration and approval.
- G. The plans for each installation of an outdoor furnace or boiler on a [lot](#) or [parcel](#) shall be reviewed by the County Construction Code Administrator and the Township Fire Marshall for compliance with their respective regulations with the reports of the County [Construction](#) Code Administrator and the Township Fire Marshall submitted to the Township.
- H. When the use of fuel produces discernable smoke, odor or fly ash, as determined by a reasonable person, that impact adjoining properties the Township may impose any additional requirements, such as extending the height of a chimney to mitigate any objectionable effects.

(Amended by Ord. 239 eff. Sept. 3, 2010)

## **Section 14.41 WIRELESS COMMUNICATIONS FACILITIES.**

### A. 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 communication facilities needed to operate wireless communication systems. However, it is further the purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of residential neighborhoods and the character, property values, and aesthetic quality of the Township 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, and changes in State and Federal legislation, it is the further purpose and intent of this section to:

1. Facilitate adequate and efficient provision of sites for [wireless communication facilities](#) and ensure that [wireless communication facilities](#) are situated in appropriate locations and relationships to other land uses, structures and buildings.
2. Establish predetermined districts 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. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval, and use of such facilities.
4. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
5. 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.
6. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.
7. Minimize the negative visual impact of [wireless communication facilities](#) on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment of as few structures as reasonably feasible, the use of structures which are designed for compatibility, and the use of existing structures.
8. Implement and provide for compliance with State and Federal legislation through new and amended application, review, and decision standards, requirements and procedures for [wireless communication facilities](#) requests.

### B. Authorization.

1. As a Permitted Use Subject to Site Plan Approval.

In all [Zoning Districts](#), a wireless communication facility described in this subsection (B)(1) shall be a permitted use subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and any prior special land use or site plan approval conditions.

- (a) Wireless communications equipment attached to an existing structure not previously approved and used as a wireless communications support structure and located within a nonresidential [zoning district](#), where there will be no substantial change in physical dimensions of the existing structure.
- (b) A proposed collocation upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under subsection (B)(3).
- (c) Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.
- (d) Attached [wireless communication facilities](#) that are not permitted by administrative review under subsection (B)(3).

2. As a Special Use.

Unless permitted under subsections (B)(1) or (B)(3), [wireless communication facilities](#) require approval as a special land use, which shall be subject to the standards and conditions in subsection (C), the application requirements in subsection (D), the collocation requirements in subsection (E), the procedures in subsection (G), and a demonstration of the need for the proposed facility based on one or more of the following factors:

- i. Proximity to an interstate or major thoroughfare.
  - ii. Areas of population concentration.
  - iii. Concentration of commercial, industrial, and/or other business centers.
  - iv. Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.
  - v. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
  - vi. Other specifically identified reason creating facility need.
- (a) If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1), [wireless communication facilities](#) may be permitted as a special land use in non-residential [zoning districts](#).
- (b) If it is demonstrated by an applicant that a wireless communication facility necessary to providing services cannot be established as permitted under subsection (B)(1) or in a [zoning district](#) identified in subsection (B)(2)a, such wireless communica-

tion facility may be considered and permitted elsewhere in the Township as a special land use, subject to the following:

1. In the application, the applicant shall demonstrate that no existing structure identified in subsection (B)(1) or location in a [zoning district](#) identified in subsection (B)(2)a, above can reasonably meet the specifically disclosed service, coverage and/or capacity needs of the applicant. Such demonstration requires identification of all structures and properties considered and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
  2. [Wireless communication facilities](#) shall be of a “stealth” design, such as a steeple, bell tower, tree, or other form, which includes substantial landscape buffering and is located and compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township taking into account any alternative designs submitted by the Applicant or identified during the review and decision process.
  3. Locations outside the [zoning districts](#) identified in subsection (B)(2)a, shall be limited to the following sites:
    - i. Municipally-owned sites.
    - ii. Other governmentally owned sites.
    - iii. Religious or other institutional sites.
    - iv. Public or private school sites.
    - v. Other sites if: (i) not located in a residential [zoning district](#), and (ii) no sites identified in i – iv, above are available and suitable, as demonstrated in the application and determined by the Planning Commission.
  4. The applicant’s demonstration of good faith efforts to identify and evaluate alternate sites, locations, designs, placements, or features for the proposed facility that would or could be more consistent with the ordinance purposes stated in subsection (A).
  5. For each alternate site, location, design, placement, or feature for the proposed facility identified by the applicant or otherwise, the applicant’s demonstration that the proposed facility is more consistent with the ordinance purposes stated in subsection (A), and/or that such alternate is not feasible.
3. Wireless Communication Equipment as a Permitted Use Subject to Administrative Review by the Building Official.

A proposal for attached [wireless communication facilities](#) that satisfies the following criteria does not require special land use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review per Section 20.17 and written certification by the Building Official to the construction code building official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in subsection (C), with the certification to identify any items of noncompliance.

(a) The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this ordinance, and if not, are in compliance with a prior approval under this ordinance.

(b) The proposal complies with the terms and conditions of any prior final approval under this ordinance of the wireless

communications support structure and/or wireless communications compound.

- (c) The proposal will not increase the height of the wireless communications support structure by more than 20 feet or 10% of its original height (as first erected without any later additions), whichever is greater.
- (d) The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- (e) The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

C. Review Standards and Conditions

All applications for [wireless communication facilities](#) shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
2. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
3. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
4. Applicants shall demonstrate an engineering justification for the proposed height of the support structure, and an evaluation of alternative designs and locations which might result in lower heights. Support structures shall not exceed the minimum height necessary for collocation by at least two (2) providers, or by a larger number of providers identified and disclosed in the application as intending and contracted or otherwise committed to use of the structure. Except as needed for communication services, and regardless of the number of collocators, wireless communication support structures shall not exceed a height of 140 feet in the SFR district, 160 feet in the AR and MFR districts, and 180 feet in all other districts. 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.
5. The minimum setback of the support structure and equipment compound from an adjacent boundary of any property shall be equal to 125% of the height of the support structure.
6. There shall be unobstructed access to the support structure and equipment compound, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
7. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
8. The equipment enclosure may be located within the principal building, an accessory building, or in an equipment compound with landscaping and screening at least eight (8) feet in height and approved by the Township upon a demonstration by the applicant that placement of the equipment inside a building is not practical due to site or equipment conditions or constraints. If proposed as an accessory building or equipment compound, it shall conform to all district requirements for principal buildings, including



yard setbacks. Where a wireless communication facility is proposed on the roof of a building, any equipment enclosure proposed as a roof appliance or penthouse on the building, shall be designed, constructed and maintained to be architecturally compatible with the principal building. [Wireless communication facilities](#) mounted upon the side of a building shall be attached flush against the building surface, and shall not be allowed to protrude more than the depth of the antenna. Such facilities shall blend into the design, contour and color scheme of the building.

9. The Township shall review and approve the architecture and color of the support structure and all accessory buildings and structures 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. Lighting is only allowed if required by, and in compliance with the standards of, the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, other governmental agencies, or the Township as a special use approval condition. Any such requirements and standards shall be documented by the Applicant
10. The support structure and system shall be designed to support, or capable of supporting the proposed wireless communication equipment, which shall be demonstrated by a structural analysis and certification from a registered professional engineer that identifies any modifications to an existing structure necessary to such capability.
11. Support structures shall be constructed, and maintained in accordance with all applicable building codes. Any approval or certification under this ordinance shall be subject to and conditioned on the construction code building official's authority to require and be provided with a soils report from a geotechnical engineer, licensed in the State of Michigan, based on actual soil borings and certifying the suitability of soil conditions, and a written engineering certification from the manufacturer or designer of the support system that the support system can safely accommodate attached antennas under expected weather conditions.
12. 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. Such plans shall include the names, pager number and email addresses, if any, business and home telephone numbers, mobile telephone numbers, if any, and identity of no fewer than two persons who can be contacted at any hour of the day or night that have full authority to act on behalf of the applicant in the event of a malfunction or emergency. Such list of persons shall be kept current by immediate written notice to the Township of any changes.

#### D. Application Requirements.

All of the following information and documents shall be required for a special land use, site plan, or administrative review application to be considered complete:

1. A site plan prepared in accordance with Section 20.17 shall be submitted, showing the location, size, screening, lighting and design of all buildings and structures.
2. The site plan shall also include a detailed landscape plan prepared in accordance with the Zoning Ordinance. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of eight (8) feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
3. The application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be

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posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement accepted by the Township Board.

4. A map or plan showing the locations and heights of existing wireless communications support structures in the Township and communities adjoining the Township, and which identifies structures the Applicant is using or has the right to use and the heights at which its antennas are or may be installed.
5. The name, address identity, home and business telephone numbers, pager number and email addresses, if any, and mobile phone number, if any, of the person to contact for engineering, maintenance and other notice purposes. This information shall be kept current by immediate written notice of the Township of any changes.
6. An application fee in an amount established by Resolution of the Township Board.
7. Identification of the dates, nature and conditions of any prior zoning approvals or permits for the property.
8. If the application is for a new wireless communication support structure or to place or install additional wireless communications equipment on an existing support structure, a structural analysis and certification to the Township by a registered professional engineer that the structure is designed to support, or capable of supporting the proposed wireless communications equipment. Any modifications necessary to a structure being capable of supporting the proposed equipment shall be specifically identified in the analysis and certification.
9. If modifications to a wireless communications support structure are identified in a structural analysis under subsection (8) above, a written determination by the Township construction code building official that, subject to review of an actual building permit application and plans, the identified modifications would be allowed and that with the modifications, the structure would meet construction code requirements.
10. If the application is for a new wireless communications support structure or to increase the height of an existing structure, a written analysis and justification by a registered engineer that the proposed height is the minimum necessary for the provision of personal wireless services and one colocation.
11. If the application is for a new wireless communications support structure, identification of all other structures and properties considered for the proposed use and a factual explanation of why they are not feasible in terms of availability, suitability, or otherwise.
12. If the application is for a new wireless communications support structure, identification of possible alternative locations, designs, or features, whether those alternatives were considered, and if so, a factual explanation of why those alternatives are not proposed.
13. If the application is for a new wireless communications support structure non-residential [zoning districts](#), identification and submission in written form of the evidence and arguments the Applicant will rely on in claiming that those restrictions prohibit or have the effect of prohibiting it from providing personal wireless services and that its proposal is more consistent with the ordinance purposes stated in subsection (A), than alternate sites, locations, designs, placements and features.
14. Disclosure and copies of all other required governmental permits or approvals and the status and copies of pending applications for those permits or approvals.

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15. If the application is for a special land use approval, the name, expertise, and relationship to applicant of each licensed or registered professional that has or will provide evidence to support the application, with a summary of that evidence that includes any opinions expressed and the bases for such opinions.
16. For each professional opinion disclosed by the applicant as supporting the application, a statement of whether the applicant agrees that it should be subject to separate review by or for the Township, and if so, the type, scope, time, and cost of such a separate review that applicant believes would be reasonable.
17. The Applicant's email address, fax number or address to which the Township should direct notices regarding the Application.

#### E. Collocation.

##### 1. Statement of Policy.

It is the policy of the 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 Subsection (A), Purpose and Intent, above. Each licensed provider of a wireless communication facility must, by law, be permitted to locate sufficient facilities in order to achieve the objectives promulgated by the United States Congress. However, particularly in light of the dramatic increase in the number of [wireless communication facilities](#) reasonably anticipated to occur as a result of the change of federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of the Township that all users should collocate on Attached [Wireless Communication Facilities](#) and Wireless Communication Support Structures in the interest of achieving the purposes and intent of this section, as stated above, and as stated in Subsection (A), Purpose and Intent. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, in direct violation of and in direct contradiction to the basic policy, intent and purpose of the Township. The provisions of this subsection are designed to carry out and encourage conformity with the policy of the Township.

##### 2. Feasibility of collocation.

Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

- (a) The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.
- (b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- (c) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
- (d) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Township, taking into consideration the several standards contained in Subsections (B) and (C), above.

3. Requirements for Collocation.

- (a) The construction and use of a new wireless communication facility shall not be granted unless' and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.
- (b) All new and modified **wireless communication facilities** shall be designed and constructed so as to accommodate collocation.
- (c) The policy of the community is for collocation. Thus, if a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non-conforming structure and use, and shall not be altered, expanded or extended in any respect.
- (d) If a party who owns or otherwise controls a facility shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible collocation 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 years from the date of the failure or refusal to permit the collocation. 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 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.

F. Removal.

- 1. A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after construction.
- 2. A condition of every approval of a wireless communication facility shall be removal of all or part of the facility by users and owners when the facility has not been used for 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 nonuse.
- 3. The situations in which removal of a facility is required, as set forth in paragraph (2) above, may be applied and limited to portions of a facility no longer being used, by written application to and approval of the Zoning Administrator.
- 4. If removal of all or part of a facility is required, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
- 5. The required removal of a facility or a portion thereof shall be lawfully completed within 60 days of the period of nonuse under paragraph (2) above. If removal is not completed within that time, after at least 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 from the security posted at the time application was made for establishing the facility.

G. Procedures.

- 1. Review and administrative actions on special land use and site plan approval applications.

- (a) The Zoning Administrator shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in subsection (D). If the application is not complete, no later than 14 business days after receiving it, the Zoning Administrator shall provide a written or electronic notice to the Applicant specifying the information necessary to complete the application. Such initial review for completeness by the Zoning Administrator shall be on behalf of the Planning Commission for special land use and site plan approvals.
- (b) The Zoning Administrator shall review supplemental information submitted in response to an incomplete application notice and notify the Applicant of any remaining deficiencies.
- (c) An application shall be administratively complete upon the Zoning Administrator's determination or the expiration of 14 business days from receipt of the application without a notice to the Applicant of deficiencies.
- (d) Upon a special land use or site plan approval application being administratively complete, the Zoning Administrator shall promptly schedule it for a Planning Commission meeting that will allow for a Planning Commission site plan decision or special land use decision after the required public hearing within the time periods in subsection (2) below.
- (e) If the application has disclosed professional opinions supporting the application and the Zoning Administrator or Planning Commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the Applicant by a written notice from the Zoning Administrator, as a professional review cost to be paid in accordance with the notice.
2. Decisions on special land use and site plan approval applications.
- (a) The Planning Commission shall approve or deny a special land use application for a new wireless communications support structure not more than 90 days after it is administratively complete.
- (b) For all special land use and site plan applications other than new wireless communications support structures, the Planning Commission shall approve or deny the application not more than 60 days after it is administratively complete.
3. Post-approval costs, fees and administrative actions.
- Zoning permits to implement and grant the authority allowed by a special land use or site plan approval for [wireless communication facilities](#), and zoning certificates of use and occupancy for such facilities shall be issued subject to and conditioned on all of the following:
- (a) Any conditions of the special land use or site plan approval.
- (b) Payment of any outstanding professional review costs as described in subsection (G)(1)e.
- (c) Payment of a permit fees in an amount established by or in accordance with a Resolution of the Township Board.

**Section 14.42 COMMERCIAL KENNELS.**

1. All dog kennels shall be operated in conformance with all applicable county and state regulations, permits being valid no longer than one (1) year.
2. The minimum lot size shall comply with the dimensional requirements of the district in which the kennel is located.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling and shall not be located in any required front, rear or side yard setback area.
4. All animals shall be kept in a sound proof, enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the kennel. The Special Use Permit may limit the time during which the animals are permitted out of the building.
5. An operations and maintenance plan shall be submitted that specifically addresses how noise attenuation will be accomplished and how waste will be handled.
6. Facilities must be connected to public utilities where available.
7. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements.)
8. The owner of an approved dog kennel shall, prior to December 1st each year, fill out an Annual Dog Kennel Renewal Application and submit it to the Township Clerk for processing. The fee for this annual renewal shall be specified in the Township Fee Schedule.

(Ord. No. 271 eff. Oct. 3, 2017)

**Section 14.43 STANDARDS FOR SINGLE-FAMILY DWELLINGS, MOBILE HOMES, AND PREFABRICATED HOUSING.**

- A. No site built single-family dwelling, mobile home, modular housing dwelling or prefabricated house located outside a mobile home park, or mobile home subdivision shall be permitted unless such dwelling unit conforms to the following standards:
  1. **Square footage.** Each such dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
  2. **Dimensions.** Each such dwelling unit shall have a minimum width across any front, side, or rear elevation of twenty (20) feet and shall comply in all respects with the single state construction code act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standard or regulation for construction, and where such standard or regulation for construction is different than that imposed by the single state construction code, then and in that event such federal or state standard or regulation shall apply.
  3. **Foundation.** Each such dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the single state construction code 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. All dwellings shall be securely anchored to the

foundation in order to prevent displacement during windstorms.

4. **Undercarriage.** Such dwelling units shall not be installed with attached wheels. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. **Sewage disposal or water supply.** Each such dwelling unit shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. **Storage area.** Each such dwelling unit shall contain a storage capability area either in a basement located under the dwelling, in an attic area, or in a separate or attached structure of standard construction similar to, or of better quality than, the principal dwelling. Such storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
7. **Architecture, roofs, eaves.** All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. All homes shall have a roof overhang or eave of not less than twelve (12) inches on all sides, or alternatively with windowsills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling. The dwellings shall not have less than two (2) exterior doors, with the second one being in either the rear or side of the dwelling. Steps shall also be required for exterior door areas or to porches connected to such door areas where a difference in elevation requires such steps.
8. **Compatibility determination.** The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator or designee. Any determination of compatibility shall be based upon the character, design, and appearance of one (1) or more residential dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty percent (20%) of the lots situated within such area, or, where such area is not so developed, by the character, design, and appearance of one(1) 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, view, unique land contour, or relief from the common or standard designed home.
9. **Additions.** Each such dwelling unit shall contain no addition, room, or other area which is not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required in this section.
10. **Code compliance.** Each such dwelling unit shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and plumbing, electrical apparatus, and insulation within and connected to such 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 such standards may be amended from time-to-time. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
11. **Building and land use permit.** All construction required in this section shall be commenced only after a building and land use permit has been obtained in accordance with the applicable state construction code provisions and requirements.
12. **Exceptions.** The standards of this section 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 as otherwise specifically required in this chapter and pertaining to such parks. Mobile homes which do not conform to the standards of this section shall not be used for dwelling purposes within the Town-

ship unless located within a mobile home park or a mobile home subdivision district for such uses, or unless used as a temporary residence as otherwise provided in this chapter.

**Section 14.44 RURAL KENNELS.**

1. All dog kennels shall be operated in conformance with all applicable county and state regulations, permits being valid no longer than one (1) year.
2. For rural kennels, the minimum lot size shall be five (5) acres for the first five (5) dogs and an additional one (1) acre for each one (1) additional dog with a maximum of 10 dogs.
3. Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public and shall not be located in any required front, rear or side yard setback area.
4. All animals shall be kept in an enclosed structure, except for walking and outdoor exercise when accompanied and controlled by an employee of the kennel. The Special Use Permit may limit the time during which the animals are permitted out of the building.
5. An operations and maintenance plan shall be submitted that specifically addresses how noise attenuation will be accomplished and how waste will be handled.
6. Such facilities shall be under the jurisdiction of the Township Planning Commission, and subject to other conditions and requirements of said body deemed necessary to ensure against the occurrence of any possible nuisance (i.e., fencing, soundproofing, sanitary requirements.)
7. The owner of an approved dog kennel shall, prior to December 1st each year, fill out an Annual Dog Kennel Renewal Application and submit it to the Township Clerk for processing. The fee for this annual renewal shall be specified in the Township Fee Schedule.

(Ord. No. 263 eff. April 28, 2015; Amend. by Ord. 271 eff. Oct. 3, 2017)

**Section 14.45 PERFORMANCE STANDARDS.**

A. Airborne Emissions.

1. **Smoke and air contaminants.** It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health or safety of persons or which cause injury or damage to business or property.
2. **Odors.** Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.



3. **Gases.** The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.

B. Noise.

1. **General Requirements.** No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table 14-1 as measured at any point on property adjacent or in close proximity to the lot, parcel or other property on which the operation or activity is located.
2. **Methods and Units of Measurement.** The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

3. **Table of Maximum Noise Levels.** Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following Table 14-1:

Table 14-1 Noise Level Standards		
Use	Time	Sound Level (A-Weighted) Decibels – Db(A)
Residential and Nonresidential Uses (in AR, SRF, MFR, MHD, and PUD, districts)	7:00am to 7:00pm	60
Commercial, Business, Office Uses (in OS, NSC, HSC, and RSC districts)	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial, Office and Research Office (uses in IF, I, and RT districts)	Anytime	70

4. **Background Noise.** Where existing background noise exceeds the maximum permitted levels specified in Table 14-1, the noise caused or created by a specific operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. **Intermittent or Other Unreasonable Sounds.** Intermittent sounds or sounds characterized by pure tones might be

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a source of complaints, even though the measured sound level does not exceed the permitted level in Table 14-1. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:

- (a) The proximity of the sound to sleeping facilities;
- (b) The nature of the use from which the sound emanates and the area where it is received or perceived;
- (c) The time (day or night) the sound occurs; and
- (d) The duration of the sound.

6. **Exemptions.** Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:

- (a) Construction activity between the hours of 7:00am and sunset, Monday through Saturday and between the hours of 10:00am and 6:00pm on Sunday.
- (b) Performance of emergency work, including snow removal;
- (c) Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;
- (d) Lawn care and yard maintenance that occurs between 8:00am and 9:00pm;
- (e) Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
- (f) The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a place of religious worship between the hours of 8:00am and 9:00pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 80Db(A) at the property line of the religious facility;
- (g) An un-amplified human voice; and
- (h) Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

### C. Vibration

1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in Table 14-2. Vibration shall be measured at the nearest adjacent lot line.
2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.

- The vibration maximums set forth in Table 14-2 are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

- The following is the table of maximum ground-transmitted vibration:

Table 14-2 Vibration Standards Particle Velocity (Inches-Per-Second)	
Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

- The values stated in Table 14-2 may be multiplied by two (2) for impact vibrations, i.e., non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
- Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

(Ord. No. 285, eff. January 4, 2021)

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## ARTICLE XV ENVIRONMENTAL PROVISIONS

### Section 15.01 PURPOSE.

The purpose of this Article is to promote the conservation or wise use of important unrenewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archeological, geological, historical or agricultural significance for present and future generations.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 15.02 NATURAL ENVIRONMENT.

It is the general requirement of this Article to conserve and wisely use the natural environment in the most careful and well-planned manner possible. Under this Article where it is the judgment of the Planning Commission that the natural environment is seriously in jeopardy of being used unwisely, based upon an appraisal by the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement. For actions to be taken for violations of provisions to protect the environment, reference is made to the Michigan Natural Resources and Environmental Protection Act being MCL 324.1701 - 324.1706, in part.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000; further amend by Ord. No. 265 eff. April 28, 2015)

### Section 15.03 NATURAL RESOURCES.

In order to properly conserve and provide future access to such natural resources as sand, gravel, oil, gas, coal, minerals and other economically important unrenewable resources, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type character and location of known surface and subsurface natural resources and the method proposed to preserve future access, development and extraction of such natural resources for future use.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 15.04 AGRICULTURAL LAND.

In order to properly preserve agricultural land on the basis of either its present use or its potential use, based upon the adaptability of its soil types and elevation to future agricultural development and use, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 15.05 LAKES, PONDS, RIVERS, STREAMS, WATER COURSES AND DRAINAGE WAYS.**

In order to conserve or wisely use the lakes, ponds, rivers, streams, water courses and drainage ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:

- A. In all Zoning Districts no river, stream, water course or drainage way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with Michigan State and Federal laws, regulations and standards.
- B. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Streams Act", (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act", (3) Public Act 231 of 1970, "The Natural River Act", and (4) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act".
- C. In accordance with the provisions of Public Act 231 of 1970, "The Natural River Act" and "State Administrative Rules" adopted by the Michigan Department of Environmental Quality are hereby made a part of this Ordinance.
- D. See Sections 14.13B and 14.16.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 15.06 FLOOD PLAINS.**

- A. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding, except as provided in Section 16.06.
- B. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan public agency responsible for defining and determining flood plain areas.
- C. No building shall be located within a designated flood way. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood way, it shall be shown that such structure will not form a significant obstruction or retard the movement of flood waters, except as part of a plan for flood control.
- D. Restrictions in the flood plain shall be as follows:
  - 1) No buildings shall be built in the flood plain of a water body unless the lowest floor and the heating and electrical systems are located four (4) feet above the level of the established flood level. Such elevation may not be achieved through the use of the fill. The uses of stilts, lifts, pilings, or other similar means of elevation are permissible so long as such means are in accordance with other applicable regulations, and so long as they do not form a significant obstruction to the flow of flood waters.
  - 2) The construction of any on-site sewage disposal system or the dumping of waste materials of any type in the flood plain is prohibited.

3) The storage of buoyant, flammable, explosive or toxic materials in the [flood plain](#) is prohibited.

4) The digging or drilling of wells or other means of providing domestic water supply sources in the [flood plain](#) is prohibited.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

### **Section 15.07 WETLANDS.**

In addition to other areas that exhibit wetland characteristics, the Wetlands designated on Map No. 6 in the Howell Township Master Plan are hereby declared to be potential wetlands and shall be subject to field determination to verify the existence of wetlands. If wetlands do exist, they shall be subject to the following provisions:

- A. All wetlands in Howell Township are hereby subject to the provisions of Public Act 203 of Public Act 451 of 1994, "The Natural Resources and Environmental Protection Act", Part 303 "Wetlands Protection" in order to encourage the proper use and development of the wetlands.
- B. No [buildings](#) or [structures](#) shall be built in the [Wetland](#) Areas except those that are normally accessory to the uses which are permitted in such [areas](#).
- C. Uses permitted in [Wetland](#) Areas are only those generally classified as open [land uses](#) such as for (1) recreation, including hunting and fishing, hiking, outdoor camping and related activities, (2) education, including nature study and related outdoor education activities, (3) conservation, including the preservation or wise use of natural resources such as minerals, sand and gravel, organic materials, wildlife, trees, plants, topsoil and other natural elements, (4) agricultural activities and (5) forestry activities.
- D. All of the above uses are permitted without requiring a [zoning permit](#), except when any [building](#) or [structure](#) is proposed to be built as accessory to a permitted [use](#) or when the physical characteristics of the natural environment are significantly changed or the natural resources are to be extracted and removed from the [area](#), including the removal of topsoil, organic material, wildlife, minerals, sand and gravel and vegetation. Such changes, extractions and removals require the submission of a plan for such purposes in conformance with the permitted uses to the Planning Commission for its approval or disapproval based upon its judgment as to whether or not the plan will result in carrying out the intent of these regulations to preserve and wisely use the [Wetland](#) in which the [use](#) is to be located. In making this judgment the Planning Commission shall use the criteria and standards relevant to such uses in [Wetland](#) Areas as prescribed in Public Act 203 of 1979, "The Wetlands Act".
- E. The applicant for any such proposed use in a wetland must secure approval from the Michigan Department of Environmental Quality prior to the approval of a zoning permit by the Planning Commission.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000; further amend by Ord. No. 265 eff. April 28, 2015)

### **Section 15.08 SHORELINE AREAS.**

- A. These shoreline [areas](#) shall be defined as those [areas](#) lying within 150 feet of a stream, river, pond, lake or [wetland area](#), or the designated [flood plain](#) of these water bodies, whichever is the greater. For the purposes of this Ordinance, the measurement shall

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be taken as follows:

- 1) For any stream or part thereof, which is generally less than fifteen (15) feet in width, from the center of the channel.
- 2) For any stream or part thereof, which is generally greater than fifteen (15) feet in width, and for any pond, lake or **wetland**: the line of the mean high water level, as indicated by eroded streambanks, changes in vegetation, or other reliable indicators.
- 3) See Sections [14.13B](#) and [14.16](#).

### B. SITE IMPROVEMENT.

- 1) Sewage disposal systems in a shoreline **area** shall have a setback of at least one-hundred (100) feet from the mean high water mark and a vertical limitation of twenty-five (25) percent **grade** from the established lake level high waterline, and shall be designed so that the effluent will not degrade the quality of either ground or surface water.
- 2) The base of a septic facility tile field shall not be less than four (4) feet above the established lake level or high waterline.
- 3) The filling, grading or other alteration of natural drainage in a shoreline **area** shall be reviewed by the Planning Commission.

### C. SETBACKS.

- 1) Sewage disposal systems shall be regulated as in B.1. and B.2. above, except that the setback of such facilities from all shorelines shall be 100 feet.
- 2) **Structures** with inside plumbing shall be set back at least fifty (50) feet from the established high lake level or high waterline.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

## Section 15.09 ENVIRONMENTALLY SENSITIVE AREAS.

A. **Areas** may be designated by the Township Board upon favorable recommendation of the Planning Commission as Areas of Environmental Sensitivity, including, but not limited to:

- 1) Rare or valuable ecosystems.
- 2) Significant undeveloped agricultural, grazing or watershed **areas**.
- 3) Forests and related land which require long stability for continuing renewal.
- 4) Scenic or historical **roads/areas**, including burial grounds.
- 5) Such additional **areas** as may be determined by the Federal Government, the State of Michigan or Livingston County.



- B. General requirements for environmentally sensitive areas. All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this Section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:
- 1) The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
  - 2) The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Livingston County Health Officer or Wastewater Division of the Department of Environmental Quality and is in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.
  - 3) The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards: (1) The clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees. (2) Selective cutting which removes not more than forty (40) percent of the trees and which leaves a well distributed stand of tree foliage shall be required. (3) More than forty (40) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission. (4) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- C. Have as a portion of the application a site plan for review by the Planning Commission that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
- 1) Determine whether the regulations of this Ordinance have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
  - 2) Determine whether the true intent of State and Township regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary to minimize such adverse effects.
- D. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Article, may be required to conform to the provisions of both this Article and those of Article XX, "Site Plan Review".

### **Section 15.10 OPEN SPACE PRESERVATION.**

As prescribed in Section 125.3506 of Public Act 110 of 2006, a developer of property having desirable natural features which need to be protected and preserved for the future, shall be permitted under this Zoning Ordinance, providing that the developer shall set aside at least

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50% of the total [area](#) of a lot or a [parcel](#) of land for this purpose while being permitted to develop the remaining 50% or less of the lot or [parcel](#), with the same number of housing units as would be possible under the provisions of the [Zoning District](#) in which the development is to be located on the total (100%) of the [area](#) of the lot or [parcel](#) of land. This provision shall apply in all Zoning Districts which permit single and multiple [family](#) housing as a principal [use](#) in them. Land set aside under this provision may be, but is not required to be, dedicated to the [use](#) of the general public.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. By Ord. No. 139 eff. May 26, 2002)

## ARTICLE XVI SPECIAL USES

### Section 16.01 PURPOSE.

The formulation and enactment of this Zoning Ordinance is based upon the division of the Township into zoning districts, each of which include permitted uses which are mutually compatible. In addition to such permitted uses in [districts](#), however, it is recognized that there are certain specific or unique uses which may be necessary or desirable to allow in definable locations in certain [districts](#); but, which on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of the permitted uses in a [district](#). Such uses, on account of their peculiar locational need or the nature of the service offered, may have to be established in a [district](#) in which they cannot be reasonably allowed as an unrestricted permitted [use](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 16.02 AUTHORITY TO GRANT PERMITS.

The Township Board, after review and recommendation by the Planning Commission, shall have the authority to grant [special use](#) permits, subject to such conditions of design and operations, safeguards and time limitations as it may determine for all [special uses](#) conditionally allowed in the various [district](#) provisions of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 16.03 APPLICATION AND FEE.

All applications and fees for [special uses](#) shall meet the requirements of [Article XX](#), "Site Plan Review Procedures".

### Section 16.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS.

All data, exhibits and information required in applications for [Special Uses](#) shall meet the requirements of [Article XX](#), "Site Plan Review Procedures".

### Section 16.05 PUBLIC HEARING.

#### A. NOTICE REQUIREMENTS

- 1) The Planning Commission must hold a public hearing on the application for a [special use](#) permit and give notice as set forth below.
- 2) Notice must be given as follows:

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- a) The Township must publish notice in a newspaper of general circulation in the Township; and
  - b) The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
  - c) The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupant of all **structures** within 300 feet of the property regardless of whether the property or occupant is located in the Township.
- 3) The notice must be given not less than 15 days before the date the applicant will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification.

B. CONTENTS OF NOTICE. The notice must do all the following:

- 1) Describe the nature of the **special use** permit request.
- 2) Indicate the property that is the subject of the request. The notice must include a listing of all existing **street** addresses within the property. **Street** addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no **street** addresses, other means of identification may be used.
- 3) State when and where the request will be considered;
- 4) Indicate when and where written comments will be received considering the request.

Ord. No. 1 eff. Jan. 8, 1983; amend. By Ord. No. 11 eff. Apr. 4, 1986 and further amended by Ord. No. 202 eff. Dec. 21, 2006)

### **Section 16.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.**

The Township Board shall review the particular circumstances and facts of each proposed **special use** in terms of the following standards and required findings, and shall find and record adequate data, information and evidence showing that such a **special use** on the proposed site, **lot**, or **parcel**:

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance in terms of their uses, activities, processes, materials, equipment and conditions of operation, that will be detrimental to any persons, property, or the general welfare of the surrounding **area** in which it is located due to excessive production of traffic, noise, smoke, fumes, glare, or odors.
- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, **highways**, **roads**, water supply systems, wastewater disposal systems, police and fire protection, storm water drainage systems, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed **special use** shall be able to provide adequately any such service.

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- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
- F. Will not have a substantial adverse impact upon the natural resources and environment of the lot or parcel upon which it is to be located and adjacent areas, including, but not limited to prime agricultural areas, forest and woodlot areas, lakes, rivers, streams, watersheds, water recharge areas, flood ways, and wildlife areas.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

### **Section 16.07 SITE PLAN REVIEW.**

If a site plan is disapproved, the applicant is required to wait one (1) year before resubmittal of the same or similar site plan for review and approval consideration by the Planning Commission on the same or approximately the same parcel of land. The applicant has the right to request the review of a disapproved site plan on matters of interpretation of the provisions of this zoning Ordinance, but not of land, building or structural use. Also, refer to Section 22.06.

(Ord. No. 1 eff. Jan. 8, 1983)

### **Section 16.08 JUNK YARDS.**

In addition to and as an integral part of development, the following provisions shall apply:

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the I District, and shall be located on sites which are completely screened by opaque fences, walls or screen plantings from adjacent properties and public view.
- B. An opaque fence or wall at least seven (7) feet in height and not less in height than the height of the junk or salvageable materials, equipment, parts or supplies located within the fenced or walled area of the lots or parcel on which the junk yard is located shall screen the salvage or junk yard from public view. The fence or wall shall be located no closer to the property lines of the lot or parcel than the required yard setbacks for buildings. All gates, doors and access ways through said fence or wall shall be solid, like the fence or wall, and closed when not in use as an access way. No junk or salvageable materials, equipment, parts or supplies shall be located outside the fence or wall between the property line and the fence or wall.
  - 1) Salvage and Junk Yards shall meet the landscaping requirements specified in Section 28.03A and other appropriate Sections of Article XXVIII, Landscaping Requirements.
- C. All traffic ingress or egress shall be on major roads, as defined in Section 14.15, 14.16, 14.18, 14.20 and 14.24, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall have their surfaces paved or treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.

E. Refer to Ordinance No. 4 Litter and [Junk](#) for additional regulations.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend. by Ord. No. 107 eff. May 24, 2000)

### **Section 16.08.1 INOPERATIVE VEHICLES AND EQUIPMENT.**

Inoperative vehicles and equipment, except for usable agricultural vehicles and equipment or parts of same, shall be considered as a [junk yard](#), if located in the open, and if not completely contained within an enclosed [structure](#) or an [area](#) enclosed by an opaque [fence](#) or wall when located on a [lot](#) or [parcel](#) of land in any [zoning district](#). Refer to Ordinance No. 4 Litter and [Junk](#) for additional regulations.

Ord. No. 107 eff. May 24, 2000)

### **Section 16.09 TEMPORARY LOCATIONS OF MOBILE HOMES.**

- A. Mobile homes shall be permitted when lawfully located within a licensed [mobile home park](#).
- B. Mobile homes shall be permitted when located on a [farm](#) having eighty (80) acres or more with a minimum of sixty (60) acres being contiguous, under a “[Temporary Permit](#)” for the occupancy of [farm](#) workers. The [farm](#) owner or lessee shall first make written application to the Zoning Administrator, who shall issue the permit for one (1) or more mobile home units if they meet the following conditions:
  - 1) The location of each unit is not to be less than 200 feet from any public [highway](#) and/or boundary of adjoining property.
  - 2) An adequate pure water supply and sanitary facilities are conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home. This permit shall be valid only for a period of up to sixty (60) days. The mobile home is to be removed from the property at the expiration of the “[Temporary Permit](#)”.
- C. Mobile homes shall be permitted for [construction](#) contractor purposes when located on a [construction](#) site approved by the Zoning Administrator. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home units involved, and the expected length of [construction](#) time. The Zoning Administrator must verify that (a) the location of units will be not less than 200 feet from any public [highway](#) and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on the site. A [Temporary Permit](#) shall be issued covering the period of the specific [construction](#) job, not to exceed one (1) year; subject to an extension approved by the Township Board for good cause which shall not exceed one (1) year.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 11 eff. Apr. 4, 1986)

### **Section 16.10 TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES.**

The following provisions shall apply in addition to all applicable regulations in the [District](#) in which they are to be located:

- A. All [Temporary](#) Transient Amusement uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the [area](#) of a [lot](#) or [parcel](#) upon which it is located.

- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side or rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on major roads and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2) roads or highways.(Ord. No. 1 eff. Jan. 8, 1983)
- E. Refer to Ordinance No. 6 Assembly Ordinance for additional regulations.

### Section 16.11 GASOLINE SERVICE STATIONS.

All gasoline service stations or filling stations shall conform to the following regulations in addition to all applicable regulations in effect in the District in which they are to be located:

- A. Frontage and area. Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. Setbacks. Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of twenty-five (25) feet.
- C. Construction standards. All vehicle service areas shall be constructed to conform to the following standards:
  - 1) Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
  - 2) The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
  - 3) Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
  - 4) The maximum widths of all driveways at the public sidewalk crossing or street line shall be no more than twenty-four (24) feet.
  - 5) Minimum angle or driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
  - 6) The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
  - 7) The minimum distance between roadway curb cuts shall be no less than forty (40) feet.

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8) No [gasoline service station](#) shall be permitted within three hundred (300) feet of a wellhead protection [area](#).

D. Lighting. All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines. See Section [14.22](#).

E. The following [accessory uses](#) are permitted:

1) Car washes.

2) Sale of retail convenience store items.

3) Sale of food for stand-up or take-out consumption, but not including sit-down dining tables and chairs for the purpose of serving to or consuming food by customers.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 76 eff. Sept. 30, 1998)

### Section 16.12 SANITARY LANDFILLS.

Sanitary landfills shall (1) only be located in the AR [District](#), (2) only if planned to be located in Livingston County, including Howell Township, in accordance with Public Act 641 of 1978, "The Solid Waste Management Act" and (3) with access only permitted from a hard surface paved all-weather year-around [road](#) as defined by the Livingston County Road Commission, "Road Standards".

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 16.13 EXTRACTION OF NATURAL RESOURCES.

A. Permitted uses. The following [special uses](#) will be permitted only in the AR [District](#)

1) The [excavation](#) or mining of sand and gravel.

2) The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.

3) The mining of clay.

4) The extraction of peat or marl.

5) The quarrying of stone.

6) The operation of transit-mix concrete plant or an asphalt, oil, or tar-macadam batching plant.

7) The operation of a concrete products plant.

8) The [excavation](#) of topsoil, excluding soil attached to sod harvesting, the latter of which shall not be considered mining.



- B. Permitted [accessory uses](#). Any [use](#) customarily incidental to the permitted Principal [Special Use](#).
- C. Extractive mining [area](#), bulk and equipment location requirements.
- 1) Limits of [excavation](#). Sufficient setback shall be provided from all property lines and public [highways](#), to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public [highway](#).
  - 2) Placement of processing plants. The permanent processing plant and its accessory [structures](#) shall not be closer than 250 feet from any property line or public [highway](#).
  - 3) Elevation of plant site. Wherever practicable, the permanent processing plant shall be located within the [excavation area](#), at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant [structure](#).
  - 4) Management of storage piles and overburden. Storage piles of processed material and overburden stripped from mining [areas](#) shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public [highway](#).
  - 5) Minimum site [area](#) for natural resource extraction sites under this Ordinance shall be forty (40) acres.
- D. General requirements. Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:
- 1) Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan shall be approved by the Commission, setting forth the [area](#) or [areas](#) to be mined, the location of permanent [structures](#), the points of access upon public [highways](#), and the [highway](#) routes to be followed in the transportation of finished materials. This plan, and any necessary subsequent revisions, shall be filed with the Zoning Administrator.
  - 2) The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational [areas](#), i.e., the [area](#) stripped of overburden, the [area](#) being mined, the [area](#) used for [structures](#) and storage piles, and worked-out [areas](#) which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the [area](#), shall be calculated on the basis of the net [excavation](#) and operational [area](#) as measured in acres.
  - 3) Upon commencement of mining operations, perimeter controls shall be established for the mining [area](#):
    - a) The mining [area](#) shall be enclosed within a six (6) foot high solid wall or [fence](#) or by a screen planting or hedge [fence](#) of similar capability.
    - b) The property shall be posted against trespass, with conventional [signs](#) placed not more than 100 feet apart.
  - 4) Sight barriers shall be provided along all boundaries which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
    - a) Earth berms, which shall be constructed to a height of six (6) feet above the mean elevation of the center line of the public

**highway** adjacent to the mining property, or six (6) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.

b) Screen plantings of coniferous or other suitable species at least six (6) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.

c) Masonry walls or solid **fences** which shall be constructed to a height of six (6) feet, and colored so as to blend into the surroundings.

5) Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.

6) Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior **roads** serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.

7) No mining operation shall interfere with the natural established flow of surface waters from adjoining lands. In particular, no mining operation shall result in the diversion of waters from one watershed to another without express permission from the Michigan Water Resources Commission, Department of Environmental Quality.

8) No mining of sand or gravel shall take place within one hundred (100) feet of the margin of any stream or waterway without express permission of the Michigan Water Resources Commission, Department of Environmental Quality.

E. Reclamation of mined **areas**.

1) All natural resource extraction **areas** shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the **area** may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase **area** may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to the proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.

2) Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water **areas**, the proposed configuration of the terrain as shown on a topographic map, a **plat** of any proposed **streets** or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any **zoning permit** is issued by the Zoning Administrator.

3) Rehabilitation and Reclamation of natural resource extraction **areas** shall be in accordance with the following standards:

- a) All **excavation** shall have either a water depth of not less than ten (10) feet below the average summer level of water in the **excavation**, or shall be **graded** or backfilled with non-noxious, nonflammable, and noncombustible solids in accordance with the approved Reclamation Plan in order to insure:
  - i) that the excavated **area** shall not collect and retain stagnant water, or
  - ii) that the surface of such **area** which is not permanently submerged is **graded** or backfilled as necessary to produce gently rolling surfaces that will minimize wind and water erosion, and which will be generally compatible with the adjoining land **area**.
- b) The finished **grade** of all slopes resulting from **excavations** shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
- c) Top soil of a quality equal to that occurring naturally in the surrounding **area** shall be replaced on all excavated **areas** not covered by water, except those **areas** where **streets**, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least four (4) inches.
- d) Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant **structures**, **buildings**, stockpiles, and equipment.
- 4) The operating company shall post a minimum financial guarantee in the amount of \$5,000.00 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000.00 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, or (3) an irrevocable bank letter of credit, acceptable to the Township Board. Upon rehabilitation of mined acreage and reduction of net operational **area**, the security shall be released in accordance with the amount of security required per acre.

F. Administration of mining **districts**.

- 1) The following procedures shall be followed before establishing a mining operation:
  - a) The operating company shall file an operational plan, in accordance with the requirements of Section 16.13E of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net **area** to be excavated as measured in acres.
  - b) The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 16.13F.2 and shall provide a financial guarantee in accordance with the requirements of Section 16.13E.4 of this Ordinance.

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- c) The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
  - d) The Township Board will review the recommendation and accept or reject the plan. Upon acceptance of the plans, the Township Board will receive the financial guarantee of reclamation in accordance with Section 16.13E.4 of this Ordinance.
- 2) Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Howell Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.
- 3) Inspections and conformance.
- a) Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved [Special Use](#) Permits.
  - b) Any violations shall be reported in writing by the Zoning Administrator. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
  - c) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the [Special Use](#) Permit approved for the natural resource extraction operation.
- G. Special requirements.
- 1) Waiver of [excavation](#) limits. The Township [Zoning Board of Appeals](#) may approve a reduction of the setback limits required for [excavations](#) in Section 16.13C.1 under the following conditions:
    - a) The operating company shall have provided the [Zoning Board of Appeals](#) with acceptable proof that lateral support shall not be endangered.
    - b) Adjacent property owner or owners shall have given written consent to the waiver of limits for [excavation](#).
    - c) All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

### Section 16.14 SINGLE FAMILY EARTH HOMES.

Single-family earth homes are permitted in the AR, and SFR [Districts](#) as long as they meet all of the requirements of the [District](#) in which they are located and the bottom edge of the earth berms surrounding the [building](#) or [structure](#) meet the height and [yard](#) setback requirements for all yards.

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(Ord. No. 1 eff. Jan. 8, 1983)

## Section 16.15 WIND ENERGY SYSTEMS.

### A. Definitions

- 1) Wind Energy Systems means an accessory [land use](#) for generating electrical power by the use of wind by means of a wind turbine generator and windmill blades mounted on a tower and their related wind measuring and electrical equipment located on a [parcel](#) of land having a principal [use](#) planned to be part of a submitted Site Plan or has a principal [land use](#) already located upon a [parcel](#) of land.
- 2) Wind Site Assessment means a written assessment report to determine the specific wind speeds at a specific site and the feasibility of using that site for [construction](#) and use of a wind energy system.
- 3) Sound Level means the measurement of sound in decibels (dB (A)'s), which are the units of measure used to express the magnitude of sound pressure and intensity.
- 4) Shadow Flicker means the moving shadow of the windmill blades which are cast on the ground or against [structures](#) located on the site or on adjacent [parcels](#) of land.

### B. Wind Energy Systems shall be permitted as [Special Use Accessory Uses](#) under the following conditions:

- 1) Designed to serve the electric power needs of a home, [farm](#) or [commercial](#) or [industrial](#) business.
- 2) Towers to be designed by a licensed structural engineer with the following requirements:
  - a. Tower to be designed to collapse only on the [parcel](#) upon which it is located.
  - b. Tower to be designed to prevent climbing except for those persons required to do so.
- 3) Maximum Permitted Height of All Parts of the [Structures](#): 70 feet, as measured from the ground level of the Tower to the highest tip of the windmill blade, when revolving.
- 4) Required Minimum Clearance of Exposed Moving Parts: The minimum elevation above ground level or any pedestrian level of human access for all exposed moving parts shall be at least 20 feet above such levels.
- 5) Required Minimum [Setbacks](#) from all Property Lines: The windmill system, including the wind generator tower and a wind measuring tower, the latter if constructed, shall be setback at least the distance as measured from the ground level to the highest tip of their windmill blades when revolving. All other on site [structures](#) shall be setback at least 20 feet, including guy wire anchors, if used to support the tower.
- 6) Sound Level: the maximum level of sound permitted in the operation of the tower, as measured in decibels (dB (A)'s), shall be 55.

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- 7) Shadow Flicker: No shadow flicker shall be cast on the windows of any principal [structure](#) located on adjacent [parcels](#) at any time.
- 8) Safety requirements: Windmill generator and wind measuring towers shall have automatic braking, governing or feathering systems to prevent uncontrolled rotation or speeding of their windmills and other moving parts.
- 9) [Construction](#) Requirements: All windmill systems shall meet all of the [construction](#) requirements governing them by the Federal, State and Local [Construction](#) Requirements, including those governing the lighting on and height of a Tower affecting airport operations.
- 10) At the discretion of the planning Commission a Wind Site Assessment Report may be required if it is possible that a Tower might adversely affect existing or planned [land use](#) developments for the [area](#) adjacent to the Wind Energy System. (Ord. No 1 eff. Jan. 8, 1983; Amend. by Ord. No. 227 eff. July 2, 2009)

### Section 16.16 NOT FOR PROFIT SHELTERS FOR SMALL ANIMALS.

Non-profit shelters for the [temporary](#) housing of small animals shall be allowed in an NSC Neighborhood Service [Commercial District](#) provided they conform to the following regulations and conditions in addition to all applicable regulations in effect in the [district](#) in which they are to be located:

- A. All animals shall be housed within the [principal building](#), which [building](#) shall be constructed in such a manner that it is sound proof to prevent the noise of the animals being heard outside the [building](#).
- B. The minimum [lot](#) size shall be two (2) acres and all [setbacks](#) of the principal [structure](#) shall be fifty (50) feet from all boundary lines.
- C. Any exercise [area](#) shall only be located in the rear [yard area](#), but not within the rear setback and in compliance with the setback requirements set forth herein. Wastes shall not be allowed to accumulate and shall be disposed of as in (D) below.
- D. The disposal of all waste shall be in a manner approved by the Livingston County Health Department.
- E. Any outdoor exercise [area](#) shall be constructed in such a manner to insure that no animal can escape therefrom and shall be screened from public view in a manner approved by the Planning Commission.
- F. The facility shall be operated in accordance with all applicable local and state regulations.
- G. The facility shall be operated so as not to generate objectionable noise or odors beyond the property limits.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 31 eff. Oct. 3, 1991)

### Section 16.17 PUBLIC, SEMI-PUBLIC AND PRIVATE BUILDINGS AND RELATED STRUCTURES AND OUTDOOR ACTIVITY AREAS.

- A. Township and other government [buildings](#), except schools and pre-schools.

- 1) Located within one-half (2) mile of the M-59 - Grand River Road or the Grand River Road - Burkhart Road intersections, except the

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existing Township Hall site located at 3525 Byron Road.

- 2) Permitted in all zoning districts located within one-half (2) mile of the intersections, as specified in 1) above.
- 3) Located on at least a ten (10) acre site and have 660 feet of frontage on the [road right-of-way](#) on the [roads](#) and [highways](#) included in 1) above.
- 4) All access drives shall be provided from M-59, Grand River Road or Burkhart Road.
- 5) [Off-street parking](#) shall meet the requirements of Section [18.02A](#) - F and G17 or G19, whichever is applicable to the type of [building](#).
- 6) When located adjacent to land currently used or zoned for [residential](#) purposes, all [buildings](#), other [structures](#) and outdoor activity [areas](#) shall provide a [greenbelt](#) buffer at least twenty (20) feet wide and provide a setback, including the [greenbelt buffer area](#), at least fifty (50) feet in depth from all [residential](#) property lines.

#### B. Public and private educational and training schools and facilities

- 1) Permitted in all zoning districts which permit any type of [residential use](#), except that professional, business, and technical training schools and facilities shall only be permitted in the RSC, I and IF zoning districts as either a principal or [accessory use](#).
- 2) Shall be located with frontage on a state [highway](#) or county primary [road](#) when located in a [residential zoning district](#).
- 3) Located on [lots](#), [parcels](#) or sites according to the following:
  - a) Preschools on at least five (5) acres.
  - b) Elementary schools on at least ten (10) acres.
  - c) Middle schools on at least twenty (20) acres.
  - d) High schools on at least forty (40) acres.
  - e) Universities, Colleges, Professional, Business or Technical Training and Trade Schools.
    - i) Without outdoor athletic fields and other outdoor activity [areas](#) on at least five (5) acres.
    - ii) With outdoor athletic fields and other outdoor activity [areas](#) on at least forty (40) acres.

#### C. Convalescent and Nursing Homes

- 1) Permitted in all [Residential](#) Zoning Districts.
- 2) Minimum [lot](#) size shall be five (5) acres.

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- 3) The **lot** location shall be such that at least one (1) property line abuts a paved major **road** or **highway** as designated in the **Master Plan** for **Roads** and **Highways**. The access for **off-street parking areas** for guests and patients shall be directly from said major **road** or **highway**.
- 4) The principal and all **accessory buildings** shall be set back at least seventy-five (75) feet from all property lines.
- 5) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of **lot area open space** for each of the designed number of beds to be provided in the facility. This **open space** shall be landscaped and may not include **off-street parking areas, driveways, and accessory uses or areas**.
- 6) **Off-street parking** shall meet the requirements of Section 18.02A - F and G8.
- 7) When located adjacent to residences or land zoned for **residential** purposes, all **buildings** and **structures** and outdoor activity **areas** shall provide a **greenbelt** buffer at least twenty (20) feet wide and provide a setback including the **greenbelt buffer area** at least fifty (50) feet in depth from all **residential** property lines.

### D. Child Day Care Centers and Nurseries and Nursery Schools

- 1) Permitted as a principal **use** and **accessory use** in the MFR, OS, NSC, RSC, and I zoning districts and as a **Special Use** in all zoning districts permitting single **family residential uses**.
- 2) Nursery schools and day care centers and nurseries for children shall be licensed by the State of Michigan and meet all of the requirements of the Michigan Department of Social Services, including site size and development requirements.
- 3) **Off-street parking** shall meet the requirements of Section 18.02A - F, and shall provide one (1) space for each employee working during the maximum employment hours, plus one (1) **parking space** for each five (5) students attending during the maximum attendance hours and additionally provide at least ten (10) queuing spaces for dropping off and picking up children at or near the entrance to the facility.
- 4) The **lot** location shall be such that at least one (1) property line abuts a state **highway** or a county primary **road**. The access for **off-street parking** facilities for guests and patients shall be directly from said **road** or **highway**.
- 5) See Section 14.31.

### E. Hospitals, Clinics and Emergency Care facilities

- 1) Permitted in all zoning districts.
- 2) Located with frontage on M-59, Grand River Road, Oak Grove Road or Burkhart Road.
- 3) Minimum **lot areas** shall be twenty (20) acres for **hospitals** and one (1) acre for **clinics** and emergency care facilities and have a minimum **lot width** of three hundred thirty (300) feet as the **road right-of-way** line for **hospitals** and one hundred (100) feet for **clinics** and emergency care facilities.



- 4) The lot location shall be such that at least one (1) property line abuts a paved major road or highway as designated in the Master Plan for roads and highways. The access for off-street parking facilities for guests and patients shall be directly from said major road or highway.
- 5) Minimum setback for all hospitals and related structures shall be one hundred (100) feet from any property line, and for clinics and emergency care facilities, shall be the requirements for the zoning district in which they are located.
- 6) Off-street parking for hospitals shall meet the requirements of Section 18.02A - F and G17, and for clinics and emergency care facilities the requirements of Section 18.02A - F and G7.

Sections 16.24, 16.27, 4.03K, 6.03B.3, 7.03a.3, 8.02B, 8.02J., 8.03B, 9.03G, 10.03E, 12.03E, 13.05 - 12 as currently included in the Howell Township Zoning Ordinance are hereby repealed.

(Ordinance #103 eff. March 26, 2000; amend. by Ord. No. 285, eff. January 4, 2021)

**Section 16.18 NONPROFIT PUBLIC, SEMI-PUBLIC AND PRIVATE PARK AND INDOOR AND OUTDOOR RECREATION FACILITIES.**

A. The following public and private park and outdoor and indoor recreation facilities shall be permitted in the zoning districts indicated in Table 16-1. Their minimum land area of the parcels for each use must also conform to the requirements in Table 16-1:

Table 16-1 Minimum Parcel Sizes for Recreation Facilities		
Land Use	Zoning District/Location	Minimum Lot Area
Neighborhood parks for active and passive recreation	AR, SFR and MFR	Five (5) acres
Community parks, serving two (2) or more neighborhoods for active and passive recreation	AR, SFR and MFR	Twenty (20) acres
Playgrounds for outdoor and indoor activities	AR, SFR and MFR	Ten (10) acres, except when located in conjunction with a K - 8 school on at least five (5) acres
Tot lots serving children up to five (5) years old	All residential zoning districts	One-half (1/2) acre
Beaches	Located on parcels with the waterfront of lakes or rivers	Ten (10) acres
Indoor recreation facilities	RSC, HSC, IF, and I	Two (2) acres
Outdoor recreation facilities	RSC, HSC, IF, and I	Twenty (20) acres
Golf courses	AR, SFR, and MFR	Forty (40) acres per nine (9) holes of golf
Golf driving ranges	AR, IF	Ten (10) acres additional five (5) acres to the minimum acreage for a nine (9) hole golf course

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Golf driving ranges as an accessory use to a golf course	AR	Five (5) acres in addition to the minimum acreage for a nine (9) hole golf course
Nature study areas	AR and SFR	Ten (10) acres
Forest and woodlot preserves	AR and SFR	Ten (10) acres
Passive recreation areas and facilities related to the natural environment	AR, SFR, and MFR	Five (5) acres

\* Where no size or district is listed, the minimum lot size for the district where a recreation use is specifically permitted through Article IV through XIII shall apply.

B. Recreation facilities shall at a minimum conform to the following standards in addition to any conditions placed on an individual permit by the Township Board through Section 16.01 to 16.06.

- 1) All outdoor recreation and sports areas shall be completely enclosed with fences, walls or berms with controlled entrances and exits.
- 2) The site shall maintain free and clear access for emergency service vehicles during all activities. Site access shall be reviewed during the site plan approval/special use permit process.
- 3) All activities or facilities shall be located a minimum of two hundred (200) feet from the property lines.
- 4) Hours of Operation shall be limited to the hours between sunrise and sunset but not prior to 8:00 a.m. or later than 10:00 p.m. The Township Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.
- 5) Noise. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).
- 6) All off-road vehicles are prohibited, except for vehicles used for event control and administration.
- 7) Outdoor recreation activities shall be subject to lighting in Section 14.22 of this ordinance.
- 8) Parking shall be provided at a rate of one (1) parking space per two (2) participants anticipated during peak recreational activities. The Planning Commission may allow a waiver of hard surface paving and parking requirements set forth in Section 18.02 for those situations where parking is used on a periodic basis for all or part of the parking requirements.
- 9) All sites or facilities shall comply with food and water supply regulations, health and sanitation regulations, or other regulations necessary to protect health, safety, or welfare as established by the county health department or the appropriate state agency.
- 10) All sport shooting ranges shall at a minimum conform to the following standards in addition to any conditions placed on an

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individual permit by the Township Board through Section 16.02.

- a) Design and Operation Standards. The design and operation of such facilities shall conform with the specifications and best practices provided by the National Rifle Association Range Source Book, the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting Ranges Act, Public Act 269 of 1989, applicable Environmental Protection Agency regulations and guidelines, Occupational Safety & Health Administration regulations and guidelines, and applicable federal and state law, and local ordinances.
- b) Safety. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
- c) Lead Management/Environmental. The facility shall manage lead contamination and environmental impacts consistent with applicable federal and state law, including but not limited to the Resource Recovery and Conservation Act (RCRA), the Clean Water Act (CWA), and the EPA's Best Practices for Lead at Outdoor Shooting Range.
- d) Hours of Operation. Shooting on a range shall be limited to the hours between sunrise and sunset but not prior to 9:00 a.m. or later than 8:00 p.m. The Township Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.
- e) Facility Size. Outdoor sport shooting ranges must be located on a parcel of twenty (20) acres or more.
- f) Setbacks. Any area used for firearm shooting activities must be located at least 1,600 feet from a lot line of any property zoned for residential uses, educational institution or school, public or private park, church, and house of worship or other religious facility. Any outdoor firearm shooting activities must be located at least 100 feet from all other lot lines. The minimum distance between uses shall be measured horizontally between the nearest property lines.
- g) Security. Fencing and gates shall be provided around an outdoor sport shooting range facility to maintain a level of security with a minimum height of 8 feet. Any indoor range shall be secured so as to prevent the unauthorized access to the range. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print: "DANGER SHOOTING RANGE".
- h) Reclamation: A surety bond, letter of credit or equivalent financial instrument shall be posted, in an amount determined by the Township with consultation of a registered engineer licensed in Michigan, taking into account the costs to reclaim the property to its condition prior to operation of the facility as estimated 30 years in the future. This instrument is to be used in the event the facility is not voluntarily reclaimed when operations cease to mitigate environmental contaminants, parcel grading, and public health and safety concerns associated with sport shooting range facilities. The surety bond, letter of credit or equivalent financial instrument shall be in favor of the Township and shall contain a replenishment obligation. The Township reserves the right to review the decommissioning plan every 5 years and revise the requirements and amount of any such instrument as necessary.
- i) Application Requirements: In addition to all information required by Articles XVI and XX of this Ordinance, all applications for a sport shooting range shall be accompanied with the following information:

- i) A range safety plan addressing:
  - 1. Firearm handling rules;
  - 2. Range officers;
  - 3. Shooting range rules;
  - 4. Types of firearms permitted and any applicable conditions;
  - 5. Types of activities permitted on the premises; and
  - 6. Range targets.
- ii) Shot-fall zones, backstops, berms, target locations, and relevant baffling.
- iii) Existing and proposed structures on the site.
- iv) Dwellings within one half (1/2) mile from the facility property lines.
- v) A written plan outlining the facility's Best Management Practices (BMPs) program relating to lead management.
- vi) A report of the predicted sound impact of the proposed facility shall be included with the application. The report shall demonstrate that the sound level limits required by this Ordinance are met and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). Where such standards include confidence limits or limitations of use, the report shall present them and provide an explanation of how they were addressed. It shall include:
  - 1. A description and map of the facility's sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis for the expectation.
  - 2. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to neighboring residents and occupants.
- vii) At the Township's request, the applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on lead contamination caused by repeated use of lead shot) as required by the Township for review by the Township regarding the area or surrounding areas where the facility will be placed. Each such study or report requested shall be provided to the Township prior to the time when the Township Board makes its final decision.

(Ord. No. 103 eff. March 26, 2000; amend. by Ord. No. 285, eff. January 4, 2021)

**Section 16.19 ONSITE SOLAR ENERGY SYSTEMS AND SOLAR ENERGY FARMS.**

## A. Definitions

- 1) Onsite Solar Energy Systems means an **accessory use** on a **lot** for the purpose of generating electricity by means of a solar collector or other solar energy device or a structural design feature mounted on a **building** or on the ground with the primary purpose of collecting, storage and distribution of the electricity produced to be used for space heating or cooling, water heating and other electrical purposes with the system mounted on a **building** or on the ground and is not the primary **use** of the property.
- 2) Solar Energy **Farms** means a principal **use** of a property as a system to produce electrical energy for sale back into an electrical energy grid system and not primarily consumed on site.
- 3) Solar Energy means direct, diffused and reflected radiant energy received from the sun.
- 4) Solar Panels means a **structure** containing one or more solar energy receptive cells designed to receive and convert solar energy into useable electrical energy by way of a Solar Energy System.

B. ONSITE SOLARE ENERGY SYSTEMS shall be permitted as an **Accessory Use** to an existing or planed in conjunction with a proposed Principal **Use** and located on a **lot** or **parcel** of land in any **Zoning District**.

- 1) Designed and constructed to provide and limited to the primary or supplemental electric power needs of a home, **farm**, **commercial** or **industrial** business and public or semi-public **use** located on a **lot** or **parcel** of land.
- 2) **Construction** plans for the installation of roof and wall mounted solar panels shall be presented as an amendment to an existing site development or as part of a proposed site plan development.
- 3) Solar Panels shall not exceed twenty (20) feet in height when ground level installed and shall be located in the rear and side yards of the **lot** or **parcel** upon which they are located.
- 4) Solar panels may be attached to the roof or walls of a **building** provided they are attached directly to the contour of the roof or wall of the **building**. Solar Panels shall not extend more than three (3) feet above the roof line of the **building** upon which they are located.
- 5) All solar panels shall be located on the ground or on a **building**, so that the reflection from any solar panel will be directed away from or is properly buffered from adjoining property.
- 6) Any earth disturbed by **construction** of the Solar Energy System shall be properly landscaped according to the requirements of this Zoning Ordinance.
- 7) All structural elements of the Solar Energy System shall meet all of the applicable requirements of the **Zoning District** in which they are located.
- 8) To the extent applicable the requirements of the Livingston County Construction Code shall be met.

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- 9) The Applicant shall inform the Utility Company supplying electric power to the site upon which the Solar Energy System is to be located and furnish the Township with written evidence of the Applicant's submittal to the Utility Company of this information and the Utility Company's written response to the Applicant's proposed Solar Energy System.
  - 10) Should the Applicant be a non-owner of the property, an agreement between the owner and non-owner to permit the installation of the Solar Energy System shall be submitted as a part of the Applicant's requested installation of a Solar Energy System on the site.
  - 11) All electric power generated by a Solar Energy System on the [lot](#) or [parcel](#) upon which it is located shall be utilized only by the developments located on the [lot](#) or [parcel](#), and shall not be extended to adjacent [lot](#) and [parcel](#) uses and developments and beyond, unless adjacent [lots](#) or [parcels](#) are in the same ownership, except that any surplus electric power energy produced on a [lot](#) or [parcel](#) may be mutual written agreement between the owner of the [lot](#) or [parcel](#) producing the surplus electric power energy and the [public utility](#) company providing electric power to the [area](#) in which their [lot](#) or [parcel](#) is located may be transferred and/or sold only to that [public utility](#) company.
  - 12) The manufacturer's or installer's identification and appropriate warning signage shall be posted on or near the solar panels in a clearly visible manner.
- C. SOLAR ENERGY [FARMS](#) shall be permitted as a Special Principal [Use](#) on a [parcel](#) of land located only in the AR Agricultural-Residential Zoning District.
- 1) The Applicant shall submit a Site Plan showing the design of all elements to be erected or constructed as a part of the Solar Energy [Farm](#), and a Site Plan which meets all of the requirements of the Township Zoning Ordinance and those of the Michigan Public Service Commission.
  - 2) Solar Energy [Farms](#) shall be completely enclosed by a lock gated perimeter [fence](#) at least eight (8) feet in height and in accordance with the other relevant Fencing and Protective Screening language of Section [14.26](#), [14.27](#), [28.08](#) and [28.09](#) of the Township Zoning Ordinance.
  - 3) A Solar Energy [Farm](#) shall meet the requirements of [Article XVI](#) "Special Uses" of the Township Zoning Ordinance.
  - 4) No Solar Energy [Farms](#) shall be installed until written evidence has been submitted to the township that the Electric Utility Company has been informed and the Solar Energy [Farm](#) has the approval of the Michigan Public Service Commission of the Applicant's intent to install a Solar Energy [Farm](#) which will generate electric power for distribution by interconnection to the Electric Power Grid of the Electric Utility Company serving the [area](#) in which the Solar Energy [Farm](#) is located.
  - 5) A Solar Energy [Farm](#) which becomes inactive in its generation and distribution of electricity for a continuous service period of one (1) year shall be completely removed from the site at the owner's or operator's expense, and the site shall be restored to as natural a condition as is possible within six (6) months from the determined one (1) year ending date of inactivity.

(Ord. No. 243 eff. Nov. 21, 2010)

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**Section 16.20 VEHICLE REPAIR FACILITIES.**

Vehicle repair facilities shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All work on vehicles shall take place indoors.
- B. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). No vehicle in any state of disrepair shall be stored in front of the principle building.
- C. No outdoor storage of vehicle parts shall be permitted.

(Ord. No. 285, eff. January 4, 2021)

**Section 16.21 TOW YARDS.**

Tow yards shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. Vehicles are stored on site temporarily, not to exceed 60 days, while waiting for repairs or transport to a junk yard or salvage yard. Such period shall be tolled during any period when local, state, or federal law and law enforcement agency requires the tow yards to hold such vehicles.
- B. Vehicle storage areas shall be design with individual stalls and accessible drive lanes consistent with the parking lot design standards in Section 18.02 with the exception that no interior landscaping or landscape islands shall be required. Storage areas shall be paved with asphalt or concrete. This requirement shall not be subject to a waiver as indicated in Section 18.02.E.3.
- C. Storage areas shall be drained to an oil and water separator.
- D. Storage areas shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. Such screen shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.

(Ord. No. 285, eff. January 4, 2021)

**Section 16.22 OPEN AIR BUSINESSES.**

Open Air Businesses shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

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- A. All display areas shall meet the minimum setback requirements for the district in which they are located.
- B. Any area for the storage of rental equipment shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. A screen fence or wall shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.
- C. All display or storage areas shall be paved with asphalt or concrete.

(Ord. No. 285, eff. January 4, 2021)



## ARTICLE XVII

### NONCONFORMING LAND, BUILDING AND STRUCTURAL USES AND DIMENSIONAL REQUIREMENTS

#### Section 17.01 PURPOSE.

It is the purpose of this Article to recognize that zoning cannot be retroactive upon any nonconformity of the uses of lands, [buildings](#) and [structures](#) in respect to the provisions of this Ordinance if they legally existed at the time of their enactment. It is the further purpose of this Article to assure owners and users of existing legal nonconforming uses of land, [buildings](#) and [structures](#) that such uses can continue as legal nonconforming uses which cannot be terminated by the provisions of this Ordinance, but may have limitations placed upon their future expansion, or if terminated for extended periods of time may not be able to be reinstated and continued as a nonconforming [use](#), but will be required to conform to the provisions of the [District](#) in which they are located.

(Ord. No. 1 eff. Jan. 8, 1983)

#### Section 17.02 CONTINUANCE OF NONCONFORMING USES.

- A. A nonconforming [use](#) existing at the time this Ordinance takes effect may be continued, except that if it is discontinued for one (1) year or more, it shall be deemed abandoned and any further [use](#) must be in conformity with the uses permitted in such [District](#).
- B. Any [building](#) arranged, intended or designed for a nonconforming [use](#), the [construction](#) of which has been started at the time of the passage of this Ordinance, but not completed may be completed and put to such nonconforming uses, providing it is done within one (1) year after this Ordinance takes effect.
- C. Any [building](#) or [structure](#), existing as a nonconforming [use](#) at the time this Ordinance takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within one (1) year from the date of said destruction.
- D. Nonconforming uses, if rebuilt, may not be expanded, but must be rebuilt to no more than the total square foot [area](#) of the original [structure](#). Plans for the rebuilding of a nonconforming [use](#), if destroyed, are required to be reviewed by the Planning Commission under the provisions of the Site Plan Review Procedures of [Article XX](#).
- E. Where there are practical difficulties, unnecessary hardships or the need for interpretation of any of its provisions in the way of carrying out the strict letter of any of the provisions of this Ordinance, the [Board of Appeals](#) shall have power in passing upon [appeals](#) to interpret, vary or modify any of its rules, regulations or provisions and specifically including structural changes, [alterations](#), modernization, enlargements, [reconstruction](#), extension, substitution and the moving in part or whole of the nonconforming [use](#) upon the finding of facts which support the conclusion that the structural changes, [alterations](#), modernizations, enlargements, [reconstruction](#), extension, substitution and movement of the [use](#) is necessary to implement the spirit of the Ordinance to ensure public safety or to accomplish substantial justice. The applicant for a [variance](#) of a nonconforming [use](#) and the [Board of Appeals](#) in making its determination are subject to and governed by the provisions of [Article XXII](#) entitled "[Zoning Board of Appeals](#)."
- F. The Township Planning Commission may authorize a replacement, modernization, alteration, enlargement, or substitution of one

## ARTICLE XVII

[structure](#) for another provided that such nonconforming [use](#) is not increased, and that such replacement, modernization, alteration, enlargement, or substitution creates a [structure](#) that would be in more conformance to the Zoning Ordinance than the existing [structure](#). Nothing herein shall be construed as permitting the Planning Commission to expand the [use](#) itself. The Township Planning Commission may prescribe appropriate conditions and safeguards in order to ensure the change will be in conformance with this Ordinance as much as reasonably possible. The violation of such conditions and safeguards, when made a part of the terms under which modification was made, shall be deemed a violation of this Ordinance and subject to the provision of Section 21.06 of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 12 eff. Sept. 5, 1986)

### Section 17.03 CONFORMANCE OF REBUILT NONCONFORMING USES.

Any nonconforming [use](#), if totally or partially destroyed and if rebuilt, must meet all of the requirements of this Zoning Ordinance, including those prescribed for the [District](#) in which the nonconforming [use](#) is located to the extent possible.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 17.04 CHANGE TO A LESS NONCONFORMING USE.

Any legal nonconforming [use](#) existing at the time of adoption of this Ordinance may be changed to another [use](#) which is less nonconforming in relation to the permitted uses in the [District](#) in which it is located, as determined by the [Zoning Board of Appeals](#). Such nonconforming [use](#) once changed may not revert to the original [use](#) upon commencing the less nonconforming [use](#).

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 17.05 NONCONFORMING LOTS AND PARCELS.

- A. Notwithstanding limitations imposed by other provisions of this Ordinance, any permitted [use](#) in a [District](#) and its customary, [accessory uses](#) may be erected on any [lot of record](#) subsequent to the effective date of adoption or amendment to this Ordinance. This provision shall apply even though such [lot](#) fails to meet any of the dimensional requirements for the [District](#) in which such [lot](#) is located. It is the intent to permit only minimum variances which may be granted by the [Zoning Board of Appeals](#) upon application by a property owner or a representative of the owner.
- B. If two (2) or more [lots](#), combination of [lots](#), or portions of [lots](#) are contiguous and have continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or parts of the [lots](#) do not meet the requirements for [lot width](#) and [area](#) as established by this Ordinance, the lands involved shall be considered to be an undivided [parcel](#) for the purposes of this Article, and no portion of said [lots](#) or [parcels](#) shall be used or occupied which does not meet [lot width](#) and [area](#) requirements established by this Ordinance, nor shall any division of the [parcel](#) be made which leaves remaining any [lot](#) with width or [area](#) below the requirements stated in this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

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**Section 17.06 ILLEGAL NONCONFORMING USES.**

Those alleged nonconforming uses of land, [buildings](#) and [structures](#) which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 17.07 USES AND CONSTRUCTION MADE PRIOR TO VARIANCE DETERMINATION.**

Any [use](#) made of property or [construction](#) completed on any property which is in need of an interpretation or [variance](#), but completed prior to such interpretation or granting of a [variance](#) by the [Zoning Board of Appeals](#), shall require the owner of the property to apply for the needed interpretation or [variance](#) which shall be processed by the [Zoning Board of Appeals](#) for its decision in accordance with the provisions of this Article and other provisions of this Ordinance.

(Ord. No. 97 eff. Feb. 23, 2000)

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**ARTICLE XVIII  
OFF-STREET PARKING, LOADING AND UNLOADING REQUIREMENTS**

**Section 18.01 PURPOSE.**

It is the purpose of this Article to improve and maintain the safety of the roads and highways in the Township by requiring off-street parking, loading and unloading spaces for all uses permitted by this Ordinance in order to provide for the proper function and safety in the use of roads and highways as traffic ways which are intended to be limited to moving automotive vehicles.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 18.02 OFF-STREET PARKING REQUIREMENTS.**

In all Districts, except those AR District uses relating to Agriculture, but not including Agribusinesses, there shall be provided at the time any building or structure is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automotive and motorized vehicles with the requirements specified as follows: (Ord. No. 171 eff. April 25, 2004)

- A. Plans and specifications showing required off-street parking spaces shall be submitted to the Zoning Administrator for review at the time of application for a zoning permit. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof, except that this distance shall not exceed one hundred (150) feet for single family and two-family dwellings.
- B. Parking spaces may be provided for all types of vehicles in garages, other completely enclosed structures, covered structures or designated outdoor parking areas, provided all such off-street parking shall meet all requirements of this Ordinance, including Article XVIII Off-Street Parking and Section 14.24 "Outdoor Parking or Storage of Recreation Vehicles, Commercial Vehicles and Trucks on Residential Lots and Parcels."
- C. Each off-street parking space for automobiles shall not be less than 200 square feet in area, exclusive of access drives or parking space access aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width for one-way traffic and eighteen (18) feet for two-way traffic, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking space access aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of a parking space. The minimum width of such aisles shall be:
  - 1) For 90 degree or perpendicular parking the aisle shall not be less than 22 feet in width.
  - 2) For 60 degree parking the aisle shall not be less than 18 feet in width.
  - 3) For 45 degree parking the aisle shall not be less than 13 feet in width.
- D. Required off-street parking facilities for churches located in nonresidential districts may be reduced by an equivalent number of off-street parking spaces located within 300 feet, if they are directly accessible and usable, as off-street parking spaces.

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E. Every [parcel](#) of land hereafter used as a public or private [off-street parking area](#) shall be developed and maintained in accordance with the following requirements:

- 1) All [off-street parking spaces](#) shall not be closer than the required front, side and rear [yard setbacks](#) in the [zoning district](#) in which they are located to any property line.
- 2) All [driveways](#) accessing parking [areas](#) and all parking [areas](#) shall be hard surfaced with asphalt, or concrete and planting islands and walkways in parking [areas](#) shall be edged with curb and gutter.
- 3) Under certain conditions, the Planning Commission shall have the discretion of waiving certain hard surface paving requirements where:
  - a) [Driveways](#), loading or turnaround or storage [areas](#) receive only limited [use](#) and are not used for employee parking, customer parking, or primary access.
  - b) Gravel surfacing and potential problems arising from dust or scattered gravel will not impact neighboring properties.
  - c) Hard surfacing will significantly increase stormwater runoff and create a potential for flooding and/or soil erosion. (Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. 250)
- 4) Any lighting fixtures used to illuminate any [off-street parking area](#) shall be so installed as to divert the light away from any adjoining premises and public [roads](#), and no source of light shall be observable beyond the [lot lines](#) of the property upon which it is located. Refer to Section [14.22](#) for additional lighting requirements.
- 5) All [off-street parking areas](#) providing more than five (5) [parking spaces](#) shall be lighted and landscaped in accordance with Section [28.02C](#) and other appropriate Sections of [Article XXVIII](#), Landscaping Requirements, and Section [14.26](#), Fences.
- 6) All [off-street parking areas](#) that make it necessary for vehicles to back out directly onto a public [road](#) are prohibited, except for single [family](#) and duplex [residential driveways](#).
- 7) Combined parking facilities are allowed when two (2) or more uses occur on one property or when a [building](#) on one property contain two (2) or more uses, provided that the permanent allocation of the required number of [parking spaces](#) shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one [use](#) shall not be considered as providing the required parking facilities for any other [use](#), except [churches](#).

F. For the purposes of determining [off-street parking](#) requirements, the following units of measurement shall apply:

- 1) Floor [area](#). In the case of uses where floor [area](#) is the unit for determining the required number of [off-street parking spaces](#), said unit shall mean the [gross floor area](#), except that such floor [area](#) need not include any [area](#) used for incidental service, storage installations of mechanical equipment, penthouses, housing ventilators and heating systems, and similar uses.
- 2) Places of assembly. In stadiums, sport arenas, [churches](#), and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities; each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has open assembly [area](#), requirements shall be on the basis of one (1) seat being equal to three (3) square feet of the floor [area](#) of the place of assembly.

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G. Off-street parking space requirements. The minimum required off-street parking spaces are set forth as follows:

Use	Parking Space Requirements
1) Automobile or Machinery Sales and Services Garages	One (1) space for each 200 square feet of showroom floor area, plus two (2) spaces for each service bay, plus one (1) space for each employee working during maximum employment hours.
2) Banks, Business, and Professional Offices	Two (2) parking spaces for each 200 square feet of floor are, plus one (1) parking space for each employee working during maximum employment hours.
3) Barber Shops and Beauty Parlors	Two (2) spaces for each chair, plus one (1) space for each employee working during maximum employment hours.
4) Boarding and Lodging Houses	One (1) parking space for each bed.
5) Bowling Alleys	Five (5) parking spaces for each alley, plus one (1) space for each employee working during maximum employment hours.
6) Churches, Auditoriums, Stadiums, Sports Arenas, Theaters, Dance Halls, Assembly Hall other than Schools	One (1) space for each three (3) seats, or for each three (3) persons permitted in such buildings as determined by the State Fire Marshall. Refer to Section 18.02D.
7) Clinic	Four (4) spaces for each doctor, plus one (1) space for each employee working during maximum employment hours.
8) Convalescent or Nursing Home, Orphanage, or Similar Use	One (1) parking space for each two (2) beds, plus one (1) space for each employee, including nurses, working during Maximum employment hours.
9) Drive-In Banks, Cleaners, and Similar Businesses	Five (5) parking spaces, plus one (1) parking space for each employee working during maximum employment hours.
10) Drive-In Eating Establishments	Ten (10) parking spaces, plus one (1) parking space for each twenty (20) square feet of floor area and one (1) parking space for each employee working during maximum employment hours.
11) Dwelling (Single and Two-Family)	Two (2) parking spaces for each family dwelling unit.
12) Dwelling (Multiple Family and Mobile Home Parks)	Two (2) parking spaces per dwelling unit, plus one (1) additional space for each four (4) dwelling units and one (1) space for each employee working during maximum employment hours.
13) Funeral Homes and Mortuaries	Four (4) spaces for each slumber room or one (1) space for each fifty (50) square feet of gross floor area, whichever is greater, plus (1) space for each employee working during maximum employment hours.

14) Furniture, Appliance Stores, Household Equipment, and Furniture Repair Shops	One (1) space for each 400 square feet of floor area, plus one (1) space for each employees working during maximum employment hours.
15) Gasoline Filling and Service Stations	One (1) parking space for each repair and service stall, plus one (1) space for each employee working during maximum employment hours.
16) General Office Building	One (1) parking space for each 400 square feet of gross floor area, plus one (1) parking space for each employee working during maximum employment hours.
17) Hospitals	One (1) space for each bed, plus one (1) space for each employee working during maximum employment hours.
18) Hotels, Motels, Lodging Houses, Tourist and Boarding Homes	One (1) space for each living unit, plus one (1) space for each employee working during maximum employment hours.
19) Libraries, Museums, Post Offices	One (1) parking space for each 800 square feet of floor area, plus one (1) parking space for each employee working during maximum employment hours.
20) Livestock Auction	One (1) parking space for each 100 square feet of building, pens, and all enclosed areas on the premises of the auction facility.
21) Manufacturing, Fabricating, Processing and Bottling Plants, Research and Testing Laboratories, or other related, permitted Industrial Uses	One (1) space for each employee working during the largest working shift or one (1) space for every 550 square feet of total floor space, whichever is greater.
22) Restaurants, beer Parlors, Taverns, Cocktail Lounges, Night Clubs, and Private Clubs	One (1) parking space for each four (4) customer seats, plus one (1) parking space for each employee working during maximum employment hours.
23) Retail Stores	One (1) parking space for each 150 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
24) Roadside Stands	Five (5) parking spaces, plus one (1) for each twenty-five (25) square feet of floor area.
25) Schools; Private or Public, Elementary and Junior High Schools	One (1) space for each employee working during the minimum employment hours in the building and on the grounds, plus one (1) space for each thirty (30) students of maximum enrollment capacity.
26) Senior High School and Institutions of Higher Learning, Private or Public	One (1) parking space for each employee plus one (1) for each five (5) students, plus the parking requirements for an auditorium, gymnasium, and an athletic field if they are included.
27) Self-Service Laundry or Dry Cleaning Stores	One (1) space for each two (2) washing and drying machines, plus one (1) space for each employee working during maximum employment hours.



28) Supermarket, Self-Service Food and Discount Stores	Two (2) spaces for each 200 square feet of floor area, plus one (1) space for each employee working during maximum employment hours.
29) Warehouse and Distribution Centers	Five (5) spaces plus one (1) space for each employee in the largest working shift or one (1) space for every 1,500 square feet of total floor area plus five (5) spaces, whichever is greater.
30) Mini Warehouses	Five (5) parking spaces shall be provided adjacent to the office, in addition to any parking which may be required for other permitted uses on the same site.

If a use is not specifically listed, the parking requirements of a similar or related use shall apply as determined by the Planning Commission.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 39 eff. June 3, 1993; Ord. No. 61 eff. Oct. 8, 1997; Ord. No. 97 eff. Feb. 23, 2000, further amend by Ord. No. 107 eff. May 24, 2000, further amend by Ord. No. 124 eff. May 6, 2001, further amend by Ord. No. 171)

**Section 18.03 OFF-STREET LOADING AND UNLOADING REQUIREMENTS.**

In connection with every use, except single family, two family and multiple family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for permitted or special uses which customarily receive or distribute material or merchandise or provide services by vehicle as follows:

- A. Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the Zoning Administrator for review at the time of application for a Zoning Permit for the establishment or enlargement of a use of land, building or structure.
- B. Each off-street loading-unloading space shall not be less than ten (10) feet in width, fifty-five (55) feet in length, and, if a roofed space, be not less than fifteen (15) feet in height.
- C. A loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard adjacent to a public road in the case of a corner lot. No part of a required front yard may be occupied by a loading space.
- D. A loading-unloading space shall not be located closer than fifty (50) feet to any residential lot or parcel unless wholly within a completely enclosed building, or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
- E. When two (2) or more uses are located on a lot or parcel, the total requirements for off-street loading-unloading facilities shall be the sum of all the uses computed separately.
- F. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
- G. Off-street loading space and access drives shall be paved, drained, lighted and shall have appropriate bumper or wheel guards where needed.

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- H. All lights used for illumination shall be so arranged as to reflect the light away from the adjoining premises and roads, and no light source shall be visible beyond the property lines of a lot or parcel upon which they are located.
- I. Off-street loading-unloading requirements for motels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution by trucks, having over 5,000 square feet of gross floor area, shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space or fraction thereof shall provide one (1) additional loading-unloading space.
- J. If a use is not specifically listed, the requirements of a similar or related use shall apply, as determined by the Planning Commission.

(Ord. No. 1 eff. Jan. 8, 1983)

## ARTICLE XIX SIGN REGULATIONS

### Section 19.01 PURPOSE.

The purpose of this Article is to regulate signs and advertising so as to protect the health, safety and general welfare, to protect property values, and to protect the character of the various neighborhoods in Howell Township. Additional objectives, above and beyond those found within this Article, are as follows:

- A. Recognize that the principal intent of commercial signs is to serve the public interest, for providing accurate information to the public, not for creating visual blight, and not for compromising traffic safety.
- B. Recognize that the proliferation of signs is unduly distracting to motorists and non-motorized travelers, reduces the effectiveness of signs directing and warning the public, causes confusion, reduces desired uniform traffic flow, and creates potential for accidents.
- C. Prevent signs that are potentially dangerous to the public due to structural deficiencies or disrepair.
- D. Enable the public to locate goods, services, and facilities without excessive difficulty and confusion by restricting the placement of signs.
- E. Prevent placement of signs which will conceal or obscure signs of adjacent uses.
- F. Preserve and improve the aesthetics and character of the township by encouraging signs of consistent size which are compatible with and complementary to related buildings and uses, and harmonious with their surroundings.
- G. Provide a regulation that focuses on the time, place, manner, and physical characteristics of signs, but not the content of signs in accordance with the First Amendment of the United States Constitution.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Mar. 31, 2019)

### Section 19.02 DEFINITIONS.

- A. **Abandoned Sign.** A sign that has ceased to be used, and the owner intends no longer to have used it for the display of sign copy, or any sign not repaired or maintained properly, after notice pursuant to the terms of this Article.
- B. **Billboard.** Meaning any free standing sign on a parcel of land which does not include another principal structure. Such sign shall be established as a principal use.
- C. **Candela per meter squared.** A unit of measure of the intensity of light radiating from a surface equal to one candela per square meter of surface.
- D. **Canopy, Awning or Marquee Sign.** Any sign attached to or constructed within or on a canopy, awning or marquee.

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- F. **Electronic Message Sign/LED.** A [sign](#) with a fixed or changing message composed of a series of lights or light-emitting diodes (LED) that may be changed through electronic means.
- G. **Flag.** A sign consisting of a piece of cloth, fabric or other non-rigid material.
- H. **Foot Candle.** A unit of measure of the intensity of light falling on a surface equal to one (1) foot from a given surface.
- I. **Freestanding or Ground Sign.** A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.
- J. **Height of Sign.** The vertical distance to the top edge of the copy [area](#) or [structure](#), whichever is higher, as measured from the adjacent [street grade](#).
- K. **Shopping Center.** A group of two (2) or more stores, [offices](#), research or manufacturing facilities which collectively have a name different from the name of any of the individual establishments and which have common off-[street](#) parking and entrance facilities.
- L. **Sign.** Any [structure](#) or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any [building](#), in such manner as to attract attention from outside the premises. Placards not exceeding one (1) square foot in [area](#) bearing only property numbers, post box numbers or names of occupants of premises shall not be considered signs.
- M. **Temporary Sign.** A [sign](#) that is intended to be displayed for a limited period of time.
- N. **Wall Sign.** A [sign](#) attached to or erected against the wall of a [building](#) with the face in a plane parallel to the plane of the [building](#) wall.
- O. **Window Sign.** A [sign](#) installed on or in a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 97 eff. Feb. 23, 2000; Amend. Ord. 251 eff. June 22, 2012; further amend. eff. Nov. 22, 2018; further amend. eff. Mar. 31, 2019)

### Section 19.03 GENERAL SIGN REGULATIONS.

The following regulations shall apply to all [signs](#) in Howell Township:

- A. Illuminated [Signs](#).
  - 1) AR, SFR and MFR [Districts](#) - only indirectly illuminated [signs](#) shall be allowed provided such [sign](#) is so shielded as to prevent direct light rays from being visible from the public [right-of-way](#) or any adjacent [residential](#) property.
  - 2) OS, NSC, RSC, RT, HSC, HC, and I [Districts](#) - indirectly or internally illuminated [signs](#) are permitted providing such [sign](#) is so shielded

as to prevent direct light rays from being visible from the public [right-of-way](#) or any adjacent [residential](#) property.

- 3) No [sign](#) shall have blinking, flashing or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, or which are so constructed and operating as to create an appearance of writing or printing. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to public or private celebrations. Beacon lights or search lights shall not be permitted as a [sign](#) for advertising purposes except as provided in Section 19.10 "Temporary Signs."
- B. Measurement of [Sign Area](#). The [area](#) of a [sign](#) shall be computed as including the entire [area](#) within a regular geometric form or combination of such forms comprising all the display [area](#) of the [sign](#) and including all of the elements of the matter displayed. Frames and structural members not bearing copy or display material shall not be included in computation of [sign area](#). Where a [sign](#) has two (2) or more faces, the [area](#) of all faces shall be included in determining the [area](#) of the [sign](#), except that where two (2) such faces are placed back to back, parallel to one another, and less than twenty-four (24) inches apart, the [area](#) of the [sign](#) shall be the [area](#) of one face.
- C. Height of [Signs](#). No free standing [sign](#) shall exceed a height of ten (10) feet, except a [sign](#) shall not exceed twenty-five (25) feet in height which meets the requirements of Section 19.08B. Where, because of topography of the location or other obstruction in relation to the primary [road](#) accessing a business, the visibility of its [sign](#) cannot be seen from its primary [road](#) of access, the Planning Commission may give consideration to increasing the permitted maximum height of a free standing [sign](#) provided that the following information is presented as part of a Site Plan submission:
- 1) A map showing both existing and proposed topography of the [area](#) between and around the proposed location of the proposed [sign](#) and its primary [road](#) access.
  - 2) A topographical profile showing the difference in elevation between the permitted height of the [sign](#) at its proposed location and the points along the primary [road](#) accessing the property from which the [sign](#) can be most reasonably seen.
  - 3) An indication on the topographical profile of the obstructions which prevent the [sign](#) from being reasonably seen from the primary [road](#) of access.
  - 4) A primary [road](#) of access shall be determined by the Planning Commission as that [road](#) which in its judgment will most reasonably provide visibility of the [sign](#) on the property.
- D. Setback Requirements for [Signs](#). Except where specified otherwise in this Ordinance, all [signs](#) shall be set back a minimum of ten (10) feet as measured from the [road right-of-way](#) line.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb. 23, 2000, Amend. by Ord. No. 189 eff. June 29, 2005; further amend. eff. Mar. 31, 2019)

#### **Section 19.04 SIGNS PERMITTED IN ALL DISTRICTS.**

Subject to the other conditions of this Ordinance, the following [signs](#) shall be permitted anywhere within the Howell Township:

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### A. Flagpoles and Flags

In all districts, up to three flagpoles not exceeding fifty (50) feet in height may be installed, and up to two (2) flags may be displayed per flagpole. No permit shall be required for a flag or flag pole.

- B. **Signs** which direct traffic movement onto or within a property and which do not contain any advertising copy or logo, and which do not exceed eight (8) square feet in **area** for each **sign**. Horizontal directional **signs**, on and flush with paved **areas** may exceed eight (8) square feet. A directional **sign** shall be located on the property to which it is directing traffic and shall be located on the **lot** or **parcel** behind the **road right-of-way** line.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Mar. 31, 2019)

### Section 19.05 PROHIBITED SIGNS.

- A. Miscellaneous **Signs** and Posters. Tacking, pasting, or otherwise affixing of **signs** or posters visible from a public way located on the walls of **buildings**, barns, sheds, on trees, poles, posts, or **fences** is prohibited except “no trespassing”, “no hunting”, “beware of animal”, warning or danger **signs**, and other legal postings as required by law or as provided in this Article.
- B. Banners. Pennants, banners, search lights, twirling **signs**, sandwich board **signs**, sidewalk or curb **signs**, balloons, or other gas-filled figures are prohibited except as provided in Section 19.10G “Temporary Signs”. National, State and Organizational flags may be displayed, provided they are attached to the wall of a **building** or a flagpole and meet the setback requirements of **signs**.
- C. Swinging **Signs**. **Signs** which swing or otherwise noticeably move as a result of wind pressure because of the manner of suspension or attachment are prohibited.
- D. Moving **Signs**. Except as otherwise provided in this Article, no **sign** or any portion thereof which moves or assumes any motion constituting a non-stationary or fixed condition shall be permitted.
- E. Parking of Advertising Vehicles. No person shall park any vehicle or trailer on a public **right-of-way**, public property, or on private property so as to be visible from a public **right-of-way**, which has attached thereto or located thereon any **sign** except for currently licensed vehicles and trailers which are engaged in the regular activity of service or delivery for a business.
- F. Abandoned **Signs**. Abandoned **Signs** shall be removed within thirty (30) days of the abandonment of the **use** of the premises, the time that the sign lapses into disrepair, or the time when the owner no longer intends to use the sign.
- G. Unclassified **Signs**. The following **signs** are prohibited:
- 1) **Signs** which imitate an official traffic **sign** or signal which contains the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words except as otherwise provided in this Article.
  - 2) **Signs** which are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or **street sign** or signal or which obstruct the view in any direction at a **street** or **road** intersection.

- 3) Signs which contain obscenity according to state or federal law.
- 4) Signs which are painted directly onto the wall, or any other structural part of a building except as permitted in Section 19.11D and 19.11E.
- 5) Signs which are painted on or attached to any fence or any wall which is not structurally a part of a building, except to provide for the street addresses of the lot or parcel.
- 6) Signs which emit audible sound, or odor.
- 7) Roof signs.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 97 eff. Feb. 23, 2000; further amend. eff. Mar. 31, 2019)

#### **Section 19.06 PERMITTED SIGNS IN AR DISTRICTS.**

- A. One sign on an active farm premises which is being used for a farm operation. Such sign shall not exceed sixteen (16) square feet in area.
- B. One sign shall be permitted for each vehicle entrance from public road frontage for a school, church building or other authorized special use except a home occupation. Each sign shall not exceed eighteen (18) square feet in area or eight (8) feet in height.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Mar. 31, 2019)

#### **Section 19.07 PERMITTED SIGNS AR, SFR, OS AND MFR DISTRICTS.**

- A. One sign shall be permitted for each vehicle entrance from a public road frontage for a subdivision, multiple-family, office building development or mobile home park. Each sign shall not exceed eighteen (18) square feet in area.
- B. One sign shall be permitted for each vehicle entrance from public road frontage for a school, church or public building. Each sign shall not exceed eighteen (18) square feet in area or eight (8) feet in height.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 97 eff. Feb. 23, 2000; further amend. eff. Mar. 31, 2019)

#### **Section 19.08 PERMITTED SIGNS IN NSC, RSC, RT, HSC, HC AND I DISTRICTS.**

On-site canopy or marquee signs, wall signs, and free standing signs are allowed subject to the following conditions:

- A. Signs permitted for single buildings on developed lot or group of lots developed as one lot, not in a shopping center subject to Section 19.08B.
  - 1) Area. Each developed lot or parcel shall be permitted at least eighty (80) square feet of sign area for all exterior on-site signs. The

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area of signs permitted for each lot or parcel shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces on a public street. The maximum area for all signs for each developed lot or parcel shall be two hundred (200) square feet. No freestanding sign shall exceed one hundred (100) square feet in area. No wall sign for businesses without a ground floor frontage shall exceed twenty-four (24) square feet in area.

2) Number. Each developed lot or parcel shall be permitted two (2) signs. For every developed lot or parcel which is located at the intersection of two (2) collector or arterial roads or highways, three (3) exterior on-site signs shall be permitted. Only one (1) freestanding sign shall be permitted on any single road. All businesses without ground floor frontages shall be permitted one (1) combined wall sign, in addition to the number of signs allocated to the developed lot or parcel. The total area of all signs shall not exceed the total sign area permitted in Section 19.08A.1).

B. Signs permitted for a shopping center or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 19.08A:

1) Free-Standing Signs. Each shopping center, commercial district or a lot which has at least two (2) separate businesses located upon it and which has at least 200 feet of road frontage on each of the roads upon which it fronts shall be permitted one (1) free-standing sign for each collector or arterial road that it faces. The sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one (1) public road. The maximum area for each freestanding sign shall be two hundred (200) square feet. Tenants of a shopping center shall not be permitted individual freestanding signs. Such signs shall not exceed twenty-five (25) feet in height.

2) Wall Signs. Each business in a shopping or commercial district with ground floor frontage shall be permitted one wall sign. The area for such a wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one (1) combined wall sign not more than twenty-four (24) square feet in area.

C. Window signs shall be permitted and shall not be included in total sign area computation if said signs do not occupy more than twenty-five (25) percent of the total window area of the floor level on which displayed or exceed a total of two hundred (200) square feet for any one building. If window signs occupy more than twenty-five (25) percent of said window area or exceed a total of two hundred (200) square feet for any one building, they shall be treated as exterior signs and shall conform to Section 19.08A.1) and 19.08B.2).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 97 eff. Feb. 23, 2000, further amend. Ord. 119, eff. Dec. 27, 2000; further amend. eff. Mar. 31, 2019)

### Section 19.09 BILLBOARDS.

A. **Approval.** All applications for billboards are subject to the site plan approval procedures in Article XX and shall be approved by the Planning Commission.

B. **Districts.** Subject to the provisions of Section 14.06, billboards shall only be allowed as a principle use on property in the RSC, HSC, HC, IZ, and I Districts. Such property must share a property line with the M-59 or I-96 right of way.



- C. **Area.** The total sign area of any billboard shall not exceed six hundred and seventy-two (672) square feet per face. A triangular or "V"-shaped billboard shall not have more than two (2) sign faces.
- D. **Design.** Billboard shall be square or rectangle. 3-D billboard extensions, embellishments, amplified design, or any relief projecting from the sign surface or projecting beyond the sign edge is prohibited. No billboard design shall involve motion or rotation of any part of the structure, running animation or displays, or flashing or moving lights.
- E. **Setback.** No portion of a billboard shall be located closer than twenty-five (25) feet to any right of way property line. No billboard shall be located closer than twenty-five (25) feet to any other property line. Billboard signs shall be located no closer than one thousand (1,000) feet to any adjacent district which permits or is occupied by a residential use. Except that the residential setback shall not extend across the I-96 right-of-way.
- F. **Site area.** The minimum lot area required for a billboard shall be the minimum area required for a lot in the zoning district in which it is located.
- G. **Distance from Other Signs.** Billboards shall be spaced no closer than one thousand (1,000) feet from other billboard signs on either side of an interstate highway or freeway right-of-way line.
- H. **Distance from Interchange or intersection.** A sign structure shall not be permitted adjacent to or within five hundred (500) feet of an interchange, or any highway pull off including MDOT facilities along I-96 and shall not be permitted adjacent to or within one thousand (1,000) feet of an interchange, an intersection at grade, or any highway pull off including MDOT facilities along M-59. The distance shall be measured from the point of beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
- I. **Height.** The top of any billboard shall not be higher than twenty-five (25) feet above the average normal grade beneath any portion of the structure. Normal grade is considered the preexisting grade at the time of application. Grades shall not be altered in order to increase the height of the billboard.
- J. **Illumination.** A billboard may be either externally or internally illuminated. In addition, billboards which are located along I-96 only, may use digital technology subject to the following:
- 1) A billboard shall not display light of such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. In order to reduce glare, no design shall have a white or near white background.
  - 2) The digital billboard sign shall operate at a brightness level not to exceed 6000 cd/m<sup>2</sup> (candela per meter squared) between sunrise and sunset, and a maximum brightness of 300 cd/m<sup>2</sup> between sunset and sunrise. Sunrise and sunset times shall be determined according to the National Institute of Standards and Technology (NIST "<http://www.nist.gov>"). In addition to the above maximum day/night brightness thresholds, the digital billboard sign shall be equipped with ambient light sensors that automatically adjust the brightness levels to no more than 0.3 foot candles above ambient light conditions.
  - 3) Sign owner shall provide written certification from the sign manufacturer or company furnishing the sign display system, that the above requirements have been pre-set at the factory or other facility. The sign owner shall separately certify that the above requirements setting will not be adjusted.
  - 4) The brightness of the sign shall be measured by a certified individual, other than the sign owner or an employee of the sign

owner, who is qualified to make such measurement using a handheld luminance meter e.g., “nit gun.” The required operation/level of ambient light sensors shall be measured using a handheld illuminance meter. The timing for each message change shall be verified by use of a stop watch, video camera or other appropriate measuring device. The sign owner shall certify in writing to the Township Planning Commission and Zoning Administrator before final construction inspection, and twice annually from the sign owner’s initial certification date thereafter, that the sign has been field tested by a certified individual, other than the sign owner or employee of the sign owner, and the sign is operating in compliance with the requirements in this section. The cost of all certification shall be the responsibility of the sign owner.

- 5) The digital billboard sign display system shall be configured with a self-diagnostics program that will notify the sign owner’s technical support team in the event of a malfunction of the sign. In the event of a display failure resulting in a flashing or intermittent light change, or a failure resulting in the display exceeding the brightness level or image dwell standard stated in subsection (j)(2) above, the display shall be automatically shut-off or steps shall be taken immediately by the sign owner’s technical support team to shut-off the sign remotely. Additionally, should more than one individual display panel comprising the total sign display area not function as engineered, the display shall be immediately shut-off remotely.
  - 6) All displayed images must be static.
  - 7) No flashing, animation, scrolling, blinking, or intermittent lights, or lights with changing colors or levels of light intensity shall be permitted.
  - 8) The use of video on signs is expressly prohibited.
  - 9) The transition time between images shall be instantaneous (less than one second), with no transition effects between images.
  - 10) The minimum dwell time (time an image is displayed) of each and any image will be exactly nine (9) seconds. Emergency messages may exceed this dwell time if deemed appropriate.
  - 11) Sequential images or messages (e.g. back-to-back, nine (9) second images that form one continual advertisement), are prohibited.
  - 12) The digital billboard screen shall be allowed to operate 24 hours per day, seven days per week, unless a malfunction occurs.
- K. **Conversion.** No existing static billboard may be converted to one using digital technology without first submitting site plan application for review by the Planning Commission that demonstrates that the proposed sign will meet all of the requirements of this ordinance.
- L. **Construction and Maintenance.** Any billboard shall be self-supported and pole-mounted.
- 1) All plans for billboards shall be certified by a licensed engineer registered in Michigan;
  - 2) All billboards shall be self-supported and pole-mounted;
  - 3) All billboards shall be constructed in accordance with industry-wide standards established by the Outdoor Advertising Association of America and the Institute of Outdoor Advertising, or their successor organizations. All billboards shall be structurally sound and maintained in good condition and in compliance with all applicable Michigan Building Codes;

- 4) The rear face of a single-face, **billboard** shall be painted and maintained with a single neutral color as approved by the township; and
- 5) Every three years, the owner of the **billboard** shall have a structural inspection made of the billboard by a licensed engineer registered in Michigan and shall provide to the Township a certificate certifying that the billboard is structurally sound.
- 6) No **billboard** shall be permitted to fall into a state of disrepair in accordance with Section 19.14 of this ordinance.

M. **Landscaping.** A landscape plan shall be submitted in conjunction with the sign permit application for a **billboard**. A landscape buffer a minimum of 15 feet wide shall be provided at the base of all billboards. Such landscaped area should be enhanced with a decorative wall. Trees and shrubbery, including evergreen and flowering trees, of sufficient size and quantity shall be used to achieve the effect of making the base of the structure blend with the surroundings. An irrigation system shall be installed for the landscaping area. Billboards along I-96 shall be exempt from this landscaping requirement.

N. **Guarantee.** An irrevocable, automatically renewing letter of credit from a bank chartered and located in the United States of America in an amount and form satisfactory to the Township Board shall be required for continued maintenance. In the event that a billboard is vacated, the cost of removal, if that burden is placed on the Township, shall be assessed to the property owner.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 30 eff. Aug. 8, 1991; further amend. by Ord. No. 97 eff. Feb. 23, 2000, amend by Ord. 254 eff. Feb. 10, 2013, amend. by Ord. No. eff.; further amend. eff. Nov. 22, 2018; further amend. eff. Mar. 31, 2019)

### Section 19.10 TEMPORARY SIGNS.

Un-illuminated on-site **temporary** exterior **signs** may be erected in accordance with the regulations of this Article, except that no permit shall be required.

#### A. Temporary Wall or Window Signs.

- 1) In all districts, the Zoning Administrator may allow two (2) temporary wall or window signs for up to a forty-five (45) day period, not more than three (3) times per year. All temporary signs permitted under this provision shall otherwise comply with all requirements pertaining to height and area for the zoning district in which the sign is located.
- 2) All temporary wall or window signs which are not properly maintained shall be removed at the order of the Zoning Administrator.

#### B. Temporary Ground Signs.

- 1) In all districts, up to three (3) non-illuminated temporary ground signs shall be permitted per parcel, provided that the combined sign area does not exceed forty (40) square feet. One additional non-illuminated temporary ground sign may be permitted per each twenty (20) feet that a parcel exceeds one hundred (100) feet of road frontage. For each additional sign, the parcel shall be permitted an additional four (4) square feet added to the total combined sign area. The minimum setback for any temporary ground sign from any property line or public right of way shall be ten (10) feet.

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- 2) All permitted temporary ground signs may be displayed for no more than one hundred and eighty (180) days per year. Following the expiration of the one hundred and eighty (180) day period, the landowner shall remove the temporary ground sign. Failure to timely remove a temporary ground sign constitutes a violation of this Article.
- C. Banners, pennants, search lights, balloons, or other gas filled figures are permitted at the discretion of the Zoning Administrator for the opening of a new business in a [commercial](#) or [industrial district](#) for a single period not to exceed fourteen (14) consecutive days. Such [signs](#) shall not obstruct pedestrian or vehicular view.
- D. In all districts, all types of temporary signs shall comply with the following:
  - 1) Temporary signs not be attached to any utility pole or be located within any public right-of-way.
  - 2) Temporary signs shall not be located closer than ten (10) feet from the edge of the traveled portion of the roadway, nor shall they be located within any dedicated right-of-way.
  - 3) Temporary signs shall not be erected in such a manner than they will or may reasonably be expected to interfere with, obstruct, confuse or mislead traffic, or to create a hazard of any kind.
  - 4) No temporary sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. Ord. No. 97 eff. Feb. 23, 2000; further amend. eff. Mar. 31, 2019)

### **Section 19.11 EXEMPTED SIGNS.**

The following types of [signs](#) are exempted from all provisions of this Article, except for [construction](#) and safety regulations and the following standards:

- A. [Signs](#) of a [noncommercial](#) nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as [directional signs](#), [regulatory signs](#), [warning signs](#), and [informational signs](#).
- B. [Signs](#) painted on [farm buildings](#) located on [farms](#) upon which the principal [use](#) is for agricultural purposes as defined in Section 2.02(3), [Agriculture](#).
- C. Notices indicating “no trespassing”, “no hunting”, “beware of animal”, warning or danger [signs](#), and other similar notices which don’t exceed a size of 10 inches by 14 inches.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 97 eff. Feb.23, 2000; further amend. eff. Mar. 31, 2019)

### **Section 19.12 NONCONFORMING SIGNS.**

Nonconforming [signs](#) shall not:

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- A. Be reestablished after being abandoned for ninety (90) days or longer.
- B. Be structurally altered so as to prolong the life of the [sign](#) or so as to change the shape, size, type or design of the [sign](#).
- C. Be reestablished after damage or destruction, if the estimated expense of [reconstruction](#) exceeds fifty (50) percent of the replacement cost as determined by the Zoning Administrator.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Mar. 31, 2019)

### **Section 19.13 PERMITS AND FEES.**

- A. Application for a permit to erect or replace a [sign](#), or to change copy thereon, shall be made by the owner of the property, or his authorized agent, to the Zoning Administrator by submitting the required forms, fees, exhibits and information. Fees for [sign](#) permits for all [signs](#) erected pursuant to Sections [19.06](#), [19.07](#), [19.08](#), and [19.09](#), shall be established by resolution of the Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits or reasonableness.

No person, firm or corporation shall erect or commence [construction](#) upon a [sign](#) within Howell Township without first applying for and obtaining a permit from the Howell Township Zoning Administrator, except as required herein, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee therefore, which fee shall be payable annually upon renewal of the permit in accordance with the terms and conditions hereof. Permits shall be issued for a period of one (1) year, but shall be renewable annually upon inspection of the [sign](#) by the Zoning Administrator confirming continued compliance with this Ordinance and payment of the [sign](#) permit fee.

- B. An application for a [sign](#) permit shall contain the following:
  - 1) The applicant's name and address in full, and a complete description of his relationship to the property owner.
  - 2) If the applicant is other than the property owner, the signature of the property owner concurring in submittal of said application is required.
  - 3) The address of the property.
  - 4) An accurate scale drawing of the property showing location of all [buildings](#) and [structures](#) and their uses, and location of the proposed [sign](#).
  - 5) A complete description and scale drawings of the [sign](#), including all dimensions and the [area](#) in square feet.
- C. All proposed [sign](#) locations or relocations shall be inspected on the site by the Township Zoning Administrator for conformance to this Ordinance prior to placement on the site. Foundations shall be inspected by the Zoning Administrator on the site prior to pouring of the concrete for the [sign](#) support [structure](#).
- D. A [sign](#) permit shall become null and void if the work for which the permit was issued has not been completed within a period of

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six (6) months after the date of the permit. Said [sign](#) permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Zoning Administrator.

- E. Painting, repainting, cleaning and other normal maintenance and repair of a [sign](#) or a [sign structure](#), unless a structural or size change is made, shall not require a [sign](#) permit.
- F. [Signs](#) for which a permit is required shall be inspected periodically during [construction](#) by the Zoning Administrator for compliance with this Ordinance and other laws of Howell Township.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 30 eff. Aug. 8, 1991; further amend. eff. Mar. 31, 2019)

### Section 19.14 REMOVAL OF SIGNS.

- A. The Zoning Administrator shall order the removal of any [sign](#) erected or maintained in violation of this Ordinance except for legal nonconforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located, to remove the sign or to bring it into compliance with the Ordinance. Upon failure to remove the sign or to comply with this notice, the Township may remove the sign. The Township may also remove any sign immediately and without notice if it reasonably appears that the condition of the sign is such as to present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of the property on which said sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.
- B. A [sign](#) shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the sign has been abandoned. If the owner or lessee fails to remove the sign, the Township may remove it in accordance with the provisions stated in Section 19.13A preceding. These removal provisions shall not apply where a subsequent owner or lessee occupies the premise and agrees to maintain the signs provided the signs comply with the other provisions of this Ordinance.
- C. All [signs](#) shall be maintained in good condition. Any sign that has been allowed to fade peel, crack, or otherwise show signs of neglect or disrepair shall be considered a violation of this ordinance and is subject to removal provisions stated in Section 19.14A preceding.

(Ord. No. 1 eff. Jan. 8, 1983; further amend. eff. Nov. 22, 2018; further amend. eff. Mar. 31, 2019)

### Section 19.15 ELECTRONIC MESSAGE SIGNS.

Electronic message [signs](#)/LED shall be permitted subject to the [sign](#) regulations for each [zoning district](#) as permitted within Sections 19.06 through 19.08 and further subject to the following additional regulations:

- A. The frequency of the message change of an Electronic Message [Sign](#) shall be restricted to no less than once every nine (9) seconds.
- B. An electronic message board shall be considered a part of a wall [sign](#) or freestanding [sign](#) and shall be located below the main [sign](#). Such electronic message board [signs](#) shall not exceed fifty (50%) percent of the total [sign area](#) as allowed per [Zoning District](#) and [sign](#) regulations of [Article XIX](#).

- C. The maximum height of an electronic message board shall conform to the height regulations for signs allowed in each Zoning District as specified in Article XIX.
- D. The electronic message sign may not display light or such intensity or brilliance to cause glare, impair the vision of an ordinary driver, or constitute a nuisance. Maximum sign luminance shall not exceed 0.3 foot-candles above ambient light measurement based upon the area of the sign (in square feet) and distance measured perpendicular to the sign face in accordance with the following table (Table 19-1):

Table 19-1 Maximum Light Levels of Electronic Message Signs		
Maximum Allowed Ambient Light Level	Area of Sign (sq. ft.)	Measurement of Distance (ft)*
0.3 foot-candles	10	32
0.3 foot-candles	15	39
0.3 foot-candles	20	45
0.3 foot-candles	25	50
0.3 foot-candles	30	55
0.3 foot-candles	35	59
0.3 foot-candles	40	63
0.3 foot-candles	45	67
0.3 foot-candles	50	71
0.3 foot-candles	55	74
0.3 foot-candles	60	77

Source: Model Code, Illuminating Engineering Society of North America

\* Measured in feet, perpendicular to the face of the sign.

- E. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory-programmed not to exceed the above listed light levels, and that the intensity level is protected from end-user manipulation by password-protected software or other method satisfactory to the Howell Township Zoning Administrator.

(Amend. eff. Mar. 31, 2019)

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## ARTICLE XX SITE PLAN REVIEW PROCEDURES

### Section 20.01 PURPOSE.

The purpose of this Article is to establish uniform requirements of procedure for all developments in Howell Township so that the provisions of this Zoning Ordinance can be equitably and fairly applied to all persons seeking to add to the existing development; so that both those developing property and the responsible Township officials can be assured that compliance with the Zoning Ordinance is both possible and correct prior to the issuance of a [Zoning Permit](#) and the starting of [construction](#).

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

### Section 20.02 DEVELOPMENTS REQUIRING SITE PLAN APPROVAL.

The following land, [building and structural uses](#) require "Site Plan Approval":

- A. All principal and [special uses](#) and their [accessory uses](#) in the MFR, OS, NSC, RSC, HSC, HC, and I [Districts](#).
- B. All [special uses](#) and their [accessory uses](#) in all [Districts](#).
- C. Projects consisting of multiple [principal buildings](#) upon a [parcel](#) of land.
- D. Projects under Article [XXVI](#) entitled "Roads, Driveways and Related Land Use Developments."
- E. All [Planned Unit Development](#) (PUD) projects.
- F. All Condominium projects including condominium subdivisions permitted under the provisions of Public Act 59 of 1978, "The Condominium Act."
- G. All agribusiness principal and [accessory uses](#).
- H. All uses in the AR and SFR zoning [districts](#), except for those not requiring site plans listed in Section 20.03.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; Ord. No. 70 eff. Aug. 12, 1998; Amend. by Ord. No. 97 eff. Feb. 23, 2000)

### Section 20.03 DEVELOPMENTS NOT REQUIRING SITE PLAN APPROVAL.

- A. Single-[family](#) homes and their [accessory uses](#) in the AR, and SFR [Districts](#).
- B. General or specialized [farming](#) and their [accessory uses](#), except [roadside stands](#), involving crops and livestock, in the AR and SFR [Districts](#) but not including all other principal and [special uses](#) and their [accessory uses](#) permitted in the AR and SFR [Districts](#).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 20.04 ROLE OF THE ZONING ADMINISTRATOR.**

The Zoning Administrator shall inspect all parts of the set of plans comprising the required site plan submittal for completeness prior to referring the site plan to the Planning Commission for its review and action. The Zoning Administrator shall not issue a [Zoning Permit](#) for [construction](#) of or addition to any [use](#) until a final site plan requiring the Planning Commission's or Township Board's approval has been approved by the Planning Commission or Township Board and is in effect.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

**Section 20.05 SITE PLAN APPROVAL REQUIRED PRIOR TO STARTING CONSTRUCTION OR USE OF LAND.**

No grading, removal of trees or other vegetation, land filling, or [construction](#) of improvements shall commence for any development which requires site plan approval, until a final site plan is approved and is in effect, except as provided in this Article.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

**Section 20.06 SITE PLAN REQUIREMENTS.**

- A. Application. All applicants shall comply with the "Informational and Procedural Check List for Site Plan Review" of current adoption by the Township Planning Commission and the Township Board. Any person may file a request for preliminary site plan approval by filing required forms with the Township Clerk, payment of the review fee, and at least thirteen (13) copies of a preliminary site plan drawing(s). Upon receipt of such application, the Clerk shall transmit the preliminary site plan drawing(s) to the Planning Commission prior to its next regular meeting.
- B. Information required for review. Every preliminary site plan submitted under this Article shall contain information required in the "Informational and Procedural Check List for Site Plan Review" and the following:

***Stage 1 - Preliminary Information:***

- 1) Cover sheet shall include the name of the project, the names and addresses of the owners, the firm or persons preparing the plans and their addresses, the location of the project on a vicinity map and the date the plans were prepared.
- 2) A plot or survey of the property prepared by a licensed land surveyor showing all property lines, easements, adjacent [roads](#), topographical contour lines at two (2) foot intervals, location of all trees having a diameter at breast height of six (6) inches or more, boundaries of woodlots and shrub masses, existing [buildings](#) and [structures](#) located above and below the ground surface, potential wetlands and flood areas, connecting property lines and [land uses](#) of adjacent properties and utilities available to serve the project site.
- 3) A conceptual plan showing all proposed developments to be built upon the property prepared by a licensed/registered Engineer, Architect or Landscape Architect of the entire project showing all [buildings](#) and [structures](#), including [roads](#), drives, parking [areas](#), walks, [signs](#), outdoor lighting, [open space](#) uses, fencing, walls, [buffer area](#) and screen plantings, berms, outdoor storage [areas](#), trash receptacle storage [areas](#) and any other development feature proposed to be developed on the site for the project.

- 4) The Planning Commission may conditionally approve a conceptual plan at this stage.
- 5) All Preliminary Site Plans, when on and off-site improvements are included on the site plan which needs to be reviewed and reported upon by the following agencies and officials, shall be reviewed and reported upon by such agencies and officials and the Applicant shall secure copies of their reviews and reports and submit them to the Planning Commission as a part of the Preliminary Site Plan submittal:

County Road Commission  
 County Drain Commissioner  
 County District Health Department  
 Township Sewer and Water Authority  
 State Department of Transportation (MDOT)  
 State Department of Environmental Quality (DEQ)  
 State Department of Public Health  
 Howell or other school districts  
 Applicable Federal Agencies  
 Local Fire Marshall.

And additionally each Applicant shall comply with the procedures and requirements outlined in the adopted "Informational and Procedural Check List for Site Plan Review" of current adoption by the Planning Commission, and Township Board.

### ***Stage 2 - Detailed Information:***

- 1) A grading plan prepared by a licensed/registered Engineer, Architect or Landscape Architect showing all existing and proposed grading changes at two (2) foot contour intervals and including detailed cost estimates for each item of **construction**.
- 2) **Construction** drawings of all utility systems, prepared by a licensed Engineer, including water supply, wastewater disposal, storm drainage, electric power, natural gas, telephone and TV cable and off-site connections to them, and including detailed cost estimates for each item of **construction**.
- 3) **Construction** details of all improvements including, but not limited to **roads**, drives, curb and gutter parking **areas**, walks, **fences**, berms, drains, water mains or wells, sanitary sewers or septic tanks and tile fields, manholes, pumping stations, force mains and other related appurtenances to each utility system prepared by a licensed or registered Engineer, Architect or Landscape Architect, and including detailed cost estimates for each item of **construction**.
- 4) Landscape planting plans prepared by a registered Landscape Architect showing the location, name and size of trees, shrubs, vines and ground covers to be planted on-site, including plantings related to **buildings** and **structures**, **buffer areas** and **screenings**, including detailed cost estimates for each item of **construction**.

### ***Stage 1 and Stage 2 - Site Plan Information:***

- 1) Scales of Plans:
  - a) For projects of up to forty (40) acres the scale of each plan shall be at one (1) inch equals 100 feet.

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- b) For projects of more than forty (40) acres the scale of each plan shall be at one (1) inch equals 200 feet.
- 2) Other Requirements:
- a) Each plan shall have a graphic and numerical scale represented on it.
  - b) Each plan shall have a date the plan was made and the dates of any revisions made of it.
  - c) Each plan shall have the signature and stamp of the profession in which they are licensed or registered in the State of Michigan.
- 3) In order to properly and adequately analyze a Conceptual and/or Preliminary Site Plan, the Planning Commission may require an Applicant to have prepared the following informational studies:
- a) Market Feasibility by a recognized Professional Market Analyst
  - b) Environmental Impact Assessments by a Professional Environmentalist experienced in environmental impact studies in the State of Michigan.
  - c) Traffic Impact Assessment by a Experienced Professional Traffic Engineer, Licensed by the State of Michigan, which shall be used as a guide.
  - d) Public Facility, Utility and Service Impact Assessment by a Licensed Professional Engineer, State of Michigan.
- 4) The Types of Site Development Projects which in the judgment of the Planning Commission may require any one or all of the above Studies including the following:
- a) [Planned Unit Development](#) Projects
  - b) Condominium Projects
  - c) Single [Family Residential](#) Housing Projects of 30 acres or more in [area](#)
  - d) Multiple [Family Residential](#) Housing Projects of 10 acres or more in [area](#)
  - e) [Commercial Office](#) Projects of 5 acres or more in [area](#)
  - f) [Commercial](#) Retail Projects of 5 acres or more in [area](#)
  - g) [Industrial](#) Manufacturing Projects of 5 acres or more in [area](#)
  - h) Private or Semi-Private [Institutional](#) Projects of 5 acres or more in [area](#)
  - i) Private or Semi-Private Recreational Area Projects of 5 acres or more in [area](#)

In making its determination as to the need and therefore the requirements for an Applicant to complete any of the above Studies the Planning Commission shall use the criteria listed in Section 16.06 “Required Standards and Findings for Making Determinations” of this Zoning Ordinance.

- C. Planning Commission action. The Planning Commission shall study the site plan and shall, within sixty (60) days of the filing date, approve or deny the preliminary site plan. If denied, the Planning Commission shall prepare a report setting forth the conclusions of its study and the reasons for its denial. The time limit may be extended upon a written request by the applicant and approved by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant.

In addition to the above, a PUD Site Plan shall be recommended to the Township Board for its approval, approval with conditions, or denial.

- D. Effect of approval. Approval of a preliminary site plan by the Township Planning Commission and PUD Site Plans by the Township Board shall indicate its acceptance of the proposed layout of buildings, roads and drives, parking areas, and other facilities and areas, and of the general character of the proposed development. The Planning Commission or Township Board in the case of a PUD Site Plan, may, with appropriate conditions attached, authorize issuance of a grading permit by the Zoning Administrator on the basis of an approved preliminary site plan. The conditions to be attached to a permit issued for grading and foundation work may include, but not necessarily be limited to, provisions for control of possible erosion, for excluding the Township from any liability if an acceptable plan is not provided, and for furnishing a financial guarantee for restoration of the site if work does not proceed.
- E. Expiration and extension of approvals. Approval of a preliminary site plan shall be valid for a period of one (1) year from the date of approval and shall expire and be of no effect unless an application for final site plan approval is filed with the Township Clerk within that time period. A one (1) year extension may be granted upon written request of the applicant and approval of the Township Planning Commission. The approval of the preliminary site plan shall also expire and be of no effect one (1) year after approval of a final site plan, unless an extension or a Zoning Permit has been obtained for development shown on the approved final site plan within that time period.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000; further amended by Ord. No. 138 eff. May 26, 2002, further amended by Ord. No. 194 eff. March 1, 2006)

### **Section 20.07 FINAL SITE PLAN REQUIREMENTS.**

- A. Application. Following approval of a preliminary site plan, the applicant shall submit thirteen (13) copies of a final site plan as well as other data and exhibits hereinafter required to the Township Clerk, the review fee, and a completed application form. The Clerk, upon receipt of the application, shall promptly transmit the final site plan to the Planning Commission.
- B. Information required for review. Every final site plan submitted for review under this Article shall contain information as required by Township regulations for site plan review contained in Section 20.06 above. Additional information required for PUD shall be submitted in accordance with Section 27.07.
- C. Planning Commission action. The Planning Commission shall study the final site plan and shall within sixty (60) days of the date of the Planning Commission meeting at which the plan was received, approve or disapprove the final site plan. This time limit may be extended upon written request by the applicant and approval by the Planning Commission, or by mutual written agreement between the Planning Commission and the applicant. The Planning Commission may suggest and/or require changes in the plan as

are needed to comply with the Zoning Ordinance.

Upon Planning Commission approval of the final site plan, the applicant and owner(s) of record, and the Chairperson of the Planning Commission or his designated replacement, shall sign the approved plan. The Planning Commission shall transmit one (1) signed copy of the approved final site plan each to the Zoning Administrator, Township Clerk, and to the applicant. One (1) copy shall be retained in the Planning Commission files. In the case of PUD Site Plans, the Township Clerk shall sign the approved site plan and its action transmitted to the applicant and the Planning Commission.

If the final site plan is disapproved, the Planning Commission shall notify the Township Clerk, in writing, of such action and reasons who in turn shall notify the applicant. In the case of PUD Site Plans, the action of the Township Board shall be transmitted to the applicant and the Planning Commission.

- D. Effect of approval. Approval of a final site plan authorizes issuance of a [Zoning Permit](#). Approval shall expire and be of no effect after six (6) months following approval by the Planning Commission or Township Board, whichever has the final approval, unless a [Zoning Permit](#) is applied for and granted within that time period. Approval shall expire and be of no effect one (1) year following the date of approval unless authorized [construction](#) has begun on the property in conformance with the approved final site plan. (Ord. No. 216 eff. May 1, 2009)
- E. [Appeal](#) by applicant. The applicant may [appeal](#) the decision of the Planning Commission or Township Board on all matters pertaining to the provisions of this Zoning Ordinance, but not to the [use](#) of land, [buildings](#) or [structures](#), to the [Zoning Board of Appeals](#) within ten (10) days of the date of the decision of the Planning Commission or Township Board, whichever has the final approval, on the final site plan. (Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)
- F. Extension of the Time for the Purpose of Keeping Approved Preliminary and Final Site Plans Effective Beyond the Required and Approved Time Limits. If in the judgment of the Planning Commission or the Township Board, whichever has preliminary or final site plan approval, any of the following conditions prevail during the time limitations placed upon an approved preliminary or final site plan, a maximum of up to four (4) successive one (1) year extensions for any of the time limitations included in Section [20.06 E.](#), [20.07 D.](#), and [20.08 J.2\), J.2\)b\) and J.2\)d\)](#) may be approved under the following conditions:
- 1) An applicant's submittal of a written statement with supporting proof that economic or other stated conditions are currently prevailing that preclude the continuance under current conditions and it is not currently feasible to proceed toward the [construction](#) of the proposed developments affected by the time limitations placed upon an approved preliminary or final site plan.
  - 2) An applicant's submittal of a written statement with supporting proof that planned [construction](#) of public sewer or water utilities planned to serve the planned development have been delayed and are therefore not made available in order to be able to proceed toward the [construction](#) of the project in accordance with the time limitations placed upon an approved preliminary or final site plan.
  - 3) An applicant's submittal of a written statement with supporting proof that the seeking of drainage easements and the [construction](#) of connections to the County drain system in order to meet the requirements of the County Drain Commissioner are not made available within the required time limitations placed upon an approved preliminary or final site plan in order to be able to proceed toward the [construction](#) of the applicant's project as planned.
  - 4) An applicant's submittal of a written statement with supporting proof of any one or more conditions that are determined to be

beyond the control of the applicant and therefore precludes the applicant's ability to continue toward the [construction](#) of the project in accordance with the time limitations placed upon an approved preliminary or final site plan. (Ord. No. 216 eff. May 1, 2009)

### **Section 20.08 CRITERIA FOR SITE PLAN REVIEW.**

In reviewing a preliminary or final site plan, the Planning Commission or Township Board shall ascertain whether the proposed site plan is consistent with the regulations and objectives of this Ordinance and shall endeavor to assure that they conform to the following criteria:

- A. Preservation of natural environment. Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any [grade](#) changes shall be in keeping with the general appearance of adjacent and surrounding uses and development. If the Planning Commission or Township Board determines that an Environmental Impact Statement is needed, the applicant shall have such Statement prepared by a professional Environmental Consultant.
- B. Relations of proposed land, [building and structural uses](#) to environment. Proposed uses and [structures](#) shall be related harmoniously to the natural environment and to existing uses and [structures](#) in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the use of visual and noise barrier, buffer, or screening [areas](#) or [structures](#), the enclosure of space in conjunction with existing uses and [structures](#) or other proposed uses and [structures](#) and the creation of special arrangements and focal points with respect to functional [areas](#), avenues of approach, terrain features or other [structures](#).
- C. Drives, parking and circulation. Vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking [areas](#) that are safe and convenient and, insofar as practicable, do not adversely affect the design of proposed land, [buildings](#) and [structures](#) and that of adjacent and surrounding development [areas](#).
- D. Surface water drainage. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent and surrounding properties or to public storm drainage system. Storm water drainage off-site shall not exceed that which normally flowed off-site prior to any development of the site. Impoundment retention or detention basins shall be required to retain or detain surplus storm water drainage over that which was normal prior to development of the site. If practical, storm water shall be removed from all roofs, canopies and paved [areas](#) and carried away in an underground piped drainage system. Surface water in all paved [areas](#) shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved [areas](#).
- E. Utility service. Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all [buildings](#) shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission or the responsible State, County, Authority or other public, semi-public or private agency or organization.
- F. Advertising features. The size, location and lighting of all permanent [signs](#) and outdoor advertising [structures](#) or features shall be consistent with the requirements of [Article XIX](#), "Sign Regulations."
- G. Special features. Replaced by [Article XXVIII](#) - Landscaping Requirements.

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- H. Landscaping requirements. Refer to [Article XXVIII](#), Landscaping Requirements and Section [14.26](#), Fences.
- I. Additional requirements. All other standards and requirements of this Ordinance shall be met by site plans presented for review under the provisions of [Article XX](#), "Site Plan Review Procedures."
- J. Special requirements for PUDs.
- 1) Preliminary Plan Review. The purpose of the preliminary plan review and approval process of a PUD is to provide a mechanism whereby the applicant can obtain a substantial review of the proposed project and the necessary commitments, in order to prepare final site development plans including those for engineering, architecture and landscaping, and to execute whatever agreements are necessary between the applicant and the Township. A comprehensive presentation shall be made to the Planning Commission for review and recommendation to the Township Board and shall at least include the Criteria for Site Plan Review listed in Section 20.08.
  - 2) Preliminary Approval. Approval of the preliminary PUD plan by the Township Board upon the recommendation by the Planning Commission shall be effective in accordance with the regulations stated in Section [20.06E](#), for Preliminary Site Plans and Section [20.07 D](#) for Final Site Plans. In reviewing and approving the preliminary plan, the following conditions shall be set forth: (Amended by Ord #228 eff. June 19, 2009)
    - a) Approval under this Section is based on a PUD plan having been submitted and approved in accordance with Article [XXVII](#), "[Planned Unit Developments](#)." Once a PUD has been granted preliminary approval, no development nor use may be made of any part thereof, except in accordance with the PUD plan as originally approved or in accordance with any amendments thereto approved by the Township Board upon recommendation by the Planning Commission.
    - b) (Deleted by Ord. #228 eff June 19, 2009)
    - c) Final Review. The purpose of the final review is to approve the site plan for the entire PUD, including final plans for items listed and all other required conditions, and to approve the appropriate final plan for each specific [land use area](#). If the entire PUD is to be built in phases, then plans for specific [land use areas](#) may be submitted as long as each phase of development is in conformance with all requirements of this Ordinance. No [land use permit\(s\)](#) shall be issued for any or all phases of development until a PUD final site plan is in conformance with all requirements of this Ordinance, and no [land use permits](#) for any or all phases of development shall be issued until plans for the entire PUD, including those for the specific [land use areas](#), have received final approval by the Township Board upon recommendation of the Planning Commission. A presentation shall be made by the applicant to the Planning Commission for review and recommendations to the Township Board, of the following:
      - i) A final overall site plan for the entire PUD [area](#), showing [roads](#) and specified zoning districts and their included uses, densities and [lot coverage](#). Such site plans shall be in conformance with appropriate [density](#) and [lot coverage](#) requirements for the total acreage of each [district](#). Included [open space](#) may be used to compute said [density](#) and [lot coverage](#) on a [district by district](#) basis. [Open spaces](#) shall be assigned to each [land use](#) as planned and approved.
      - ii) Approval of each PUD [land use area](#) shall be based on each [area](#) meeting the standards of the [Zoning District](#) as to uses, [density](#) and [lot coverage](#). To accomplish this standard, as [open space](#) of adequate size shall be shown with each [land use area](#) being presented. This total land [area](#) shall then be used to compute [density](#) and [lot coverage](#). Land under water, including swamps, bogs, lakes and streams, public [roads](#) and [nonresidential use areas](#) shall be excluded in computing the [area](#) of a [parcel](#) for purposes of determining the [density](#) or [lot coverage](#) for PUD purposes, except as otherwise provided in



this Ordinance.

- d) Final approval. In reviewing and approving the final plans the following conditions shall be set forth: (Ord. No. 216, eff. May 1, 2009, amended by Ord. No 228 eff. June 19, 2009)
- i) Approval shall only be granted by the Township Board after review and recommendation by the Planning Commission.
  - ii) Proceeding with a PUD shall only be permitted when a mutual agreement has been reached between the Township Board and the applicant upon recommendation of the Planning Commission.
- e) All **construction** specified on a final site plan shall meet the requirements of the agencies and officials listed in Section 20.06B. Stage 1 - #5 for the following on and off-site improvements:
- i) Surface and subsurface storm water drainage systems.
  - ii) **Roads, highways, right-of-ways** and easements.
  - iii) Sanitary sewer and water supply systems or on-site water supply and wastewater disposal systems.
  - iv) Public utilities, including electric power, gas, telephone and cable television systems.
  - v) Environmental protection devices and facilities.
  - vi) **Signs**, including **street name signs**.
  - vii) Property survey monuments delineating boundaries of a **lot** or **parcel** of land.

K. Required documentation for each project shall include the following:

- 1) General requirements. The developer and/or proprietor of the project shall furnish the Planning Commission for its review and approval copies of all documents establishing easements for ingress, egress, public utilities, etc., as well as those documents creating maintenance agreements or other contracts between property owners and/or residents in the project pertaining to **roads**, drives, parking **areas** or **common areas**, any restrictive covenants and deed restrictions pertaining to the property and, if applicable, a Master Deed and exhibits.
- 2) Requirements for condominium projects. If the proposed project is a condominium project, the information to be provided to the Planning Commission shall be the condominium site or subdivision plan prepared in compliance with P.A. 59 of 1978 The Condominium Act in addition to 1 above. After submittal of the condominium plan and bylaws for recording as part of the Master Deed, the proprietor shall furnish to the Township and the County Register of Deeds a copy of the condominium site or a subdivision plan prepared in compliance with P.A. 59 of 1978, "The Condominium Act" and this Ordinance on a photographic hard copy, laminated photo static copy or a Mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one-half by fourteen (10.2 x 14) inches.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amended by Ord. No. 74 eff. Sept. 30, 1998; Ord. No. 97 eff. Feb. 23, 2000)

**Section 20.09 MODIFICATION OF PROCEDURE.**

An applicant may, except for PUDs, at his discretion and risk, combine a preliminary and final site plan in application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexities and/or scale of the site of the proposed development so warrants.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

**Section 20.10 AMENDMENT OF AN APPROVED SITE PLAN.**

A site plan may be amended upon application and in accordance with the procedure provided in Section 20.06, herein, for a preliminary site plan, and Section 20.07, herein, for a final site plan. Minor changes in a preliminary site plan may be incorporated in a final site plan without amendment to the approved preliminary site plan at the discretion of the Planning Commission. The Planning Commission shall have the authority to determine if a proposed change requires an amendment to the approved site plan.

A. Major changes which shall be considered by the Planning Commission include the following:

- 1) Changes in general concept or design of the general development plan referred by the Zoning Administrator to the Planning Commission.
- 2) Changes in the original approved use(s) for the development.
- 3) Changes in the type and design of residential, commercial, industrial, public, institutional or organizational buildings.
- 4) Increases in the number of residential dwelling units or number of nonresidential buildings on the site.
- 5) Increases in residential or nonresidential building floor area of more than ten (10) percent.
- 6) Rearrangement of building locations, lots, blocks or building sites.
- 7) Changes in function and character of roads or highways.
- 8) Changes in the location, character of use or amount of land planned as common open space.
- 9) Variations in the development represented on the approved site plan involving the deletion, relocation or addition of on-site improvements, including drives, parking areas, structures on, above and below the ground surface, berms, curbs and gutters, screen plantings and other landscaping, fencing, water supply, wastewater disposal or storm water drainage systems.
- 10) Relocation of any surface or subsurface structures or improvement, except essential public utilities and services, by twenty (20) feet or more from their planned location.
- 11) Any increase or decrease of the minor changes listed below.

12) Hear an [appeal](#) of an applicant whose request for a minor change in an approved final site plan has been disapproved by the Zoning Administrator, and decides whether to approve, approve with conditions or disapprove the applicant's requested change.

13) See Section [14.32](#).

B. Minor changes which may be made by the Zoning Administrator including the following:

1) Minor variations in concept of design of the development which are not major changes, as determined by the Zoning Administrator.

2) Increases or decreases of [residential](#) or [nonresidential](#) floor [areas](#) by ten (10) percent or less.

3) Relocation of any surface or subsurface [structure](#) or improvement by less than twenty (20) feet from its planned location.

4) Increases or decreases in planned finished grading or heights of berms which do not exceed two (2) feet or more.

5) Changes in the types of finished surfaces or [roads](#), drives, parking [areas](#), walks and loading and unloading [areas](#).

6) Changes in height of [buildings](#) or [structures](#).

7) Increases or decreases or changes in the type, height or length of walks, fencing, berms or screen plantings.

8) Additions or deletions of permitted [accessory uses](#) to the approved principal uses permitted by the approved site plan.

9) Changes in the location of essential public utilities and services from those approved on the site plan in order to accommodate their installation in accordance with the Township Engineer.

10) Changes in the species, sizes of specimens or spacing of planned and required landscaping and screen plantings, including trees, shrubs, vines and ground covers.

11) Changes due to unforeseen natural or environmental conditions or natural or constructed features, e.g. wetlands, [flood plains](#), groundwater, geological features, existing [structures](#) and improvements or man-made or natural features and other significant features located on the site.

12) If an applicant decides to [appeal](#) the disapproval of a minor change by the Zoning Administrator, the applicant's file shall be forwarded by the Zoning Administrator with the Zoning Administrator's reasons for disapproval to the Planning Commission for its review and decision as to whether to approve, approve with conditions or disapprove the requested minor change.

13) See Section [14.32](#).

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 64 eff. Jan. 12, 1998; further amend by Ord. No. 96 eff. Feb. 23, 2000)

**Section 20.11 MODIFICATION DURING CONSTRUCTION.**

All improvements shall conform to the approval final site plan. If the applicant chooses to make any changes in the development in relation to the approved final site plan, he shall do so at his own risk, without any assurance that the Township Planning Commission or Township Board will approve the changes. It shall be the responsibility of the applicant to notify the Zoning Administrator, the Planning Commission and Township Board of any such changes. The Zoning Administrator, the Planning Commission or Township Board may require the applicant to correct the changes so as to conform to the approved final site plan.

The Applicant upon completion of all **construction**, and prior to receiving a Certificate of Compliance, shall as the project was finally built, have prepared a set of as-built site plan drawings by a State of Michigan registered/licensed professional architect, civil engineer, landscape architect or land surveyor who shall upon preparing such a set of as-built plans present a written statement certifying the set of plans accurately represent the completed **construction** of the project as actually and finally constructed as-built on the site. This set of plans shall be labeled "as-built site plans" for the entitled project. The "as-built site plan" shall be submitted to the Township in the form of one (1) Mylar as-built tracing and three (3) sets of as-built prints acceptable to the Township. The as-built site plan shall show the exact location of all improvements, including **building** locations, elevations, **grades**, paved **areas**, sewer lines or on site wastewater disposal systems, water mains or onsite water supply systems, manholes, drain inlets, fire hydrants, signs, outdoor lighting, utility locations for electric power, gas, telephone and cable television, landscaping, property lines, easements and any other improvement located above, on or below ground **grade**.

In addition to the above requirements the Applicant must submit a compact disk compatible with the computer program installed at the Township which can, through the use of the compact disk and the Township computer program, bring up the Applicant's project as-built drawings of the site plan.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998; Ord. No. 130 eff. Nov. 28, 2001)

**Section 20.12 PHASING OF DEVELOPMENT.**

The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall clearly indicate the location, size, and character of each phase. A final site plan for each phase may be submitted for approval.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

**Section 20.13 INSPECTION.**

All subgrade improvements, such as utilities, subbase and base installations for drives and parking lots, and similar improvements shall be inspected by the Zoning Administrator and approved prior to covering. The Zoning Administrator shall be responsible for the inspection of all improvements for conformance to the approved final site plan. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall notify the Planning Commission and the Township Board, in writing, when a development for which a final site plan was approved has passed inspection with respect to the approved final site plan. The Zoning Administrator shall notify the Planning Commission and Township Board, in writing, of any development for which a final site plan was approved which does not pass inspection with respect to the approved final site plan, and shall advise the Planning Commission and Township Board of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Planning Commission and Township Board of progress toward compliance with the approved final site plan, and when compliance is achieved.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

### **Section 20.14 FEES.**

Fees for the review of site plans and inspections as required by this Article shall be established, and may be amended, by resolution of the Township Board.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

### **Section 20.15 PERFORMANCE GUARANTEES.**

- A. To ensure compliance with the zoning ordinance and any conditions imposed under the zoning ordinance, the Township may require a cash deposit, certified check, or irrevocable letter of credit, acceptable to the Township covering the estimated costs of improvements be deposited with the Township Clerk to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project.
- B. The Township shall prepare a schedule for rebate or reduction of performance guarantees in reasonable proportions to the ratio of work completed on the required improvements as work progresses. Such performance guarantees may only be reduced upon written verification provided by the project engineer that improvements are completed as required under the site plan, and the remaining security is sufficient to insure completion of all remaining improvements.
- C. In the event that the applicant shall fail to provide improvements according to the approved final site plan, or shall fail to maintain or renew the performance guarantee until all work required under the site plan is completed and a certificate of compliance, verifying compliance with the approved site plan, is issued for the entire project, the Township shall have the authority to take any of the following actions in its discretion:
  1. Appropriate funds from the deposited security, and therefore apply the funds toward completion of the improvements in accordance with the site plan.
  2. Issue a stop work order for the project.
  3. Commence an action against the applicant in a court of competent jurisdiction and seek penalties and injunctive relief.
- D. The Township shall be entitled to deduct reasonable administrative costs, including attorney and consultant fees, from the performance guarantees in the event the applicant fails to complete improvements under this section.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998, Ord. No. 205 eff. May 3, 2007)

### **Section 20.16 VIOLATIONS.**

The approved final site plan shall regulate development of the property. Any violation of this Article, including any improvement not in

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conformance with an approved final site plan, shall be deemed a violation of this Article, and shall be subject to the penalties of this Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 64 eff. Jan. 12, 1998)

### **Section 20.17 ADMINISTRATIVE REVIEW OF MINOR SITE PLANS.**

A. Administrative Review for Site Plans Involving Minor Modifications. Administrative review, in accordance with the procedures outlined below, shall be required instead of Planning Commission review for site plans that involve minor modifications, as defined herein.

B. Minor Modifications. For the purpose of this section, minor modifications shall include proposed alterations to a building or site that do not substantially affect the character or intensity of the use, vehicular or pedestrian traffic circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:

- 1) Changes to building height that do not add an additional floor.
- 2) Additions or alterations to the landscape plan or landscape materials.
- 3) Relocation of the trash receptacle.
- 4) Alterations to the internal parking layout of an off-street lot.
- 5) An increase in total floor area of ten percent (10%) of the existing total floor area up to a maximum of two thousand (2,000) square feet.
- 6) Alterations that would result in a decrease of total floor area.
- 7) Accessory uses incidental to a conforming existing use, where such use does not require any variance or site modification.
- 8) Provision for additional loading/unloading spaces and landscape improvements.

The Zoning Administrator shall determine if the proposed modifications on a site plan are minor in accordance with these guidelines. If the modifications are not deemed minor by the Zoning Administrator, then review and approval by the Planning Commission shall be required. Planning Commission review shall be required for all site plans as required by [Section 20.02](#).

C. Application Requirements and Procedures. The application requirements and procedures for administrative review of site plans shall be the same as for Planning Commission review, as outlined in [Section 20.06](#).

D. Submission to Review Agencies. The Zoning Administrator may request review from other agencies or professionals, including Fire, Water, and Sewer Authorities, Building Department, Planner, and Engineer.

E. Recording of Planning Commission Action. Each action taken with reference to a site plan review shall be duly recorded, and copies of the site plan shall be distributed in accordance with the provisions set forth in [Section 20.07.C](#).

F. Effect of Approval. After completion of administrative review and approval of the site plan, a building permit may be obtained, subject to review and approval of any required engineering plans by the Township Engineer or review of the construction plans by the Building Department. All other requirements for completion of site design as set forth in [Section 20.07.D](#) must be complied with.

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## ARTICLE XXI ADMINISTRATION AND ENFORCEMENT

### Section 21.01 PURPOSE.

The purpose of this Article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and review of [land use](#) and development plans, issuance of land and structural use zoning permits, inspection of properties for compliance with the zoning map and regulations, establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 21.02 ADMINISTRATION.

The provisions of this Ordinance shall be administered by the Township Board, the Township Planning Commission and such personnel as designated by the Township Board in accordance with P. A. 33 of 2006 as amended, "Michigan Planning Enabling Act"; and P.A. 110 of 2006, "Zoning Enabling Act" and this Zoning Ordinance.

The Township Board shall employ a Zoning Administrator who shall be administered by the Planning Commission to act as the officer to carry out the proper administration and enforcement of this Ordinance. The person selected, the terms of employment and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer or municipal code enforcement officer.

(Ord. No. 1 eff. Jan. 8, 1983, amended by Ord. No. 201 eff. Dec. 21, 2006)

### Section 21.03 DUTIES OF ZONING ADMINISTRATOR.

- A. Receive and review all applications for Zoning Permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the [use](#) and the requirements of this Ordinance are met. Issue Certificates of Compliance when the [use](#) and development of properties are completed and in compliance with the provisions of this Ordinance, including any required provisions resulting from site plan review procedures.
- B. The Zoning Administrator shall assist the Township Board, the Planning Commission and the [Zoning Board of Appeals](#) in the processing and administering of all zoning appeals and variances, [special use](#) permits and amendments to the Zoning Ordinance by conducting the necessary field inspections, surveys and investigations, preparation of maps, charts and other graphic materials as requested by the Township Board, Planning Commission and [Zoning Board of Appeals](#) and process all applications, including site plans, and formulate recommendations relative to all applications, including site plans, required under the provisions of this Zoning Ordinance.
- C. The Zoning Administrator shall be responsible for updating the Township Zoning Map and keep it current.
- D. The Zoning Administrator shall prepare and submit to the Township Board and Planning Commission a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, intended [use](#) and estimate cost of

construction for each permit.

E. Maintain written records of all actions taken by the Zoning Administrator.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 21.04 ZONING PERMIT.**

A. **Zoning permit** requirements. A **zoning permit** is required for and shall be obtained after the effective date of this Ordinance from the **office** of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

- 1) The administrative coordination of Zoning Permits issued by Howell Township and **Building Permits** by the Livingston County Building Inspector shall be in accordance with Section 3.09 of this Ordinance.
- 2) The **construction**, enlargement, alteration or moving of any **dwelling, building or structure** or any part thereof, being used or to be used for agricultural, **residential, commercial, industrial**, public or semi-public purposes.
- 3) Repairs of a minor nature or minor **alterations** which do not change the **use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation** of a **building** shall not require a **Zoning Permit**.
- 4) No **zoning permit** shall be issued until all of the following have been paid in full:
  - a) All previously billed and past due property taxes;
  - b) All past due special assessment installments;
  - c) All water or sewer bills outstanding
  - d) All charges levied by the Township against the property for mowing, cleanup, weed or debris removal and similar charges; and
  - e) All fees, fines, penalties and costs levied by the Township with respect to the property in connection with the enforcement of any Township ordinance.
  - f) **Certificate of Compliance and Occupancy**. Upon determination of all **construction** in accordance with the final approved Site Plan and to all requirements of the provisions of the Zoning Ordinance and all other requirements of officials, boards and agencies of the Township or other levels of government by the Zoning Administrator a **Certificate of Compliance and Occupancy** shall be issued in written published form over the signature of the Zoning Administrator to the Applicant.

B. Application for a **zoning permit**. Application for a **Zoning Permit** shall be made in writing upon a form furnished by the Zoning Administrator, including the following information:

- 1) The location, shape, **area** and dimensions for the **parcel(s), lot(s)** or acreage.
- 2) The location of the proposed **construction**, upon the **parcel(s), lot(s)** or acreage affected.

- 3) The dimensions, height and bulk of [structures](#).
- 4) The nature of the proposed [construction](#), alteration, or repair and the intended [use](#).
- 5) The proposed number of sleeping rooms, occupants, employees, customers, and other uses.
- 6) The present uses of any [structure](#) affected by the [construction](#) or alteration.
- 7) The [yard](#), open [area](#) and [parking space](#) dimensions, if applicable.
- 8) The proposed plan and specifications of [off-street parking spaces](#), if applicable.
- 9) The proposed plan and specifications of [off-street](#) loading and [unloading spaces](#) provided, if applicable.
- 10) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.

If the information included in and with the application is in compliance with the above requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a [Zoning Permit](#) upon payment of the required [Zoning Permit](#) fee.

- C. Voiding of permit. Any [Zoning Permit](#) granted under this Section shall be null and void unless the development proposed shall have its first inspection within one (1) year from the date of granting the permit. The Zoning Administrator shall make every effort to notify the holder of a Permit that is liable for voiding action before voidance is actually declared. The Zoning Administrator may suspend or revoke a Permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or in violation of any of the ordinances or regulations of the Township.
- D. Fee, charges, and expenses. The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for Zoning Permits, [appeals](#) and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the [office](#) of the Zoning Administrator and may be altered or amended only by the Township Board. No permit, certificate, [special use](#) approval, or [variance](#) shall be issued until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the [Board of Appeals](#) until preliminary charges and fees have been paid in full.
- E. Inspection. The [construction](#) or usage affected by any [Zoning Permit](#) shall be subject to the following inspections:
  - 1) At time of staking out a [building](#) foundation or location of [structure](#).
  - 2) Upon completion of the [construction](#) authorized by the permit.
  - 3) It shall be the duty of the holder of every permit to notify the Zoning Administrator when [construction](#) is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall determine whether the location of the proposed [building](#), as indicated by corner stakes, is in accordance with [yard setbacks](#) and other requirements of the Ordinance. The Zoning Administrator shall issue his written approval at the time of inspection if the [building](#) or proposed [construction](#) meets the requirements of this Ordinance.

- 4) Should the Zoning Administrator determine that the **building** or **structure** is not located according to the site and **construction** plans filed, or is in violation of any provision of this Ordinance, or any other applicable law, he shall so notify the holder of the permit or his agent. Further **construction** shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for reinspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
- 5) Should a **Zoning Permit** holder fail to comply with the requirements of the Zoning Administrator at any inspection stage, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the **construction** not conforming to the Ordinance requirements and such posting shall be considered as service upon the notice to the permit holder of cancellation thereof and no further work upon said **construction** shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permit, requiring issuance of a new permit before **construction** may proceed.

F. Procedures and penalties for failure to acquire a **zoning permit** prior to **construction**.

- 1) If a property owner and/or contractor/developer proceeds to construct any land, **building** or other structural improvement requiring a **Zoning Permit** on a **lot** or **parcel** of land in Howell Township without a **Zoning Permit**, upon such determination and notification by the Zoning Administrator the property owner and/or contractor/developer shall cease all further **construction**, apply for a **Zoning Permit** according to this Section and other applicable provisions of this Ordinance and be assessed a penalty in the amount determined by the Township Board in the ASchedule of Fees for failure to acquire a **Zoning Permit**.
- 2) If the Site Plan accompanying the Application for a **Zoning Permit** is required to be approved by either the Planning Commission or Zoning Administrator, and it is determined by either that the completed **construction** is found to be in noncompliance with the requirements of this Zoning Ordinance, the Zoning Administrator shall notify the property owner and/or contractor/developer to either remove or bring the noncomplying **construction** into compliance with the requirements of this Zoning Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 73 eff. Aug. 12, 1998; amend. by Ord. No. 173 eff. May 23, 2004; further amend. by Ord. No. 182 eff. March 15, 2005; further amended by Ord. 202 eff. Dec. 21, 2006)

**Section 21.05 VIOLATIONS.**

Any **building** or **structure** including mobile homes, which are erected, constructed, reconstructed, altered, converted, maintained or used, or any **use** of land or premise which is begun, maintained, or changed in violation of any provision of this Ordinance, is hereby declared to be a **nuisance**, a violation of this Ordinance and subject to the penalties of it. Refer to Ordinance No. 132, Civil Infractions for additional regulations, Refer to Ordinance No. 134 Municipal Ordinance Violations Bureau for additional regulations and refer to Ordinance No. 135 Enforcement Officer Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 21.06 PENALTIES.**

Any person or the agent in charge of such **building** or land who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any provision of this Ordinance or any amendment thereof, shall be fined upon conviction not more than five hundred

dollars (\$500.00), together with the cost of prosecution, or shall be punished by imprisonment in the County jail and not more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein. Persons, firms, corporations or entities in violation of a provision of this Ordinance designated as a municipal civil infraction shall be deemed responsible for a municipal civil infraction and subject to a fine not to exceed five hundred dollars (\$500.00) plus court costs and abatement costs and all other remedies pursuant to MCL 600.8701 et. seq. Each and every day during which any illegal erection, [construction](#), [reconstruction](#), alteration, maintenance or [use](#) continues shall be deemed a separate offense. The Township Board, or any owner or owners of real estate within the [district](#) in which such [buildings](#), [structures](#) or [land use](#) is situated may institute injunction, mandamus abatement or any other appropriate action, actions or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, [construction](#), maintenance or [use](#) of land, [buildings](#) or [structures](#). The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amended by Ord. No. 202 eff. Dec. 21, 2006)

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## ARTICLE XXII ZONING BOARD OF APPEALS

### Section 22.01 ESTABLISHMENT OF BOARD OF APPEALS.

There is hereby established a [Board of Appeals](#), which shall perform its duties and exercise its powers as provided by Article VI: [Zoning Board of Appeals](#) (Section 125.3601-125.3607), P.A. 110 of 2006, "Michigan Zoning Enabling Act" and as provided in this Ordinance in such a way that the objectives of this Ordinance shall be enforced, the public health and safety secured, and substantial justice done.

(Ord. No. 1 eff. Jan. 8, 1983.)

### Section 22.02 MEMBERSHIP AND TERMS OF OFFICE.

- A. The [Zoning Board of Appeals](#) ("ZBA") must consist of 5 members appointed by the Township Board. The first member of the ZBA must be a member of the Township Planning Commission. The remaining regular members, and any alternate members, must be selected from the electors of the Township residing in the unincorporated portions of the Township. The members selected must be representative of the population distribution and of the various interests present in the Township.
- B. One regular member of the ZBA may be a member of the Township Board, but that member may not serve as chairperson of the ZBA. An employee or contractor of the Township may not serve as a member of the ZBA.
- C. The Township Board may appoint not more than 2 alternate members for the same term as the regular members to the ZBA. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest; in such a case, the alternate member appointed must serve in the case until a final decision is made. In all instances, the alternate member has the same voting rights as a regular member of the ZBA.
- D. The term of [office](#) of each ZBA member is for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms are limited to the time they are members of those bodies. A successor must be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms must be filled for the remainder of the term.
- E. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in [office](#) upon written charges and after public hearing. A member must disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in [office](#).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 24 eff. Dec. 7, 1989; further amend. by Ord. eff. May 7, 1992 further amended by Ord. No. 201 eff. Dec. 21, 2006)

**Section 22.03 RULES OF PROCEDURE; MAJORITY VOTE.**

The Board of Appeals shall adopt its own bylaws of rules and procedures as may be necessary to properly conduct its meetings and activities. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, Planning Commission or Township Board or to decide in favor of the applicant any matter upon which they are required to pass under this Ordinance or to affect any variation in this Ordinance. All proposed actions on the part of the Board of Appeals shall be subject to the review and recommendation of the Planning Commission upon the request of the Planning Commission to review a specific appeal brought before the Board of Appeals. Upon receiving such a request, the Board shall delay any decision upon the appeal until it has received the written recommendations of the Planning Commission on those appeals requested to be reviewed by the Commission.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 22.04 MEETINGS.**

Meeting of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board in its bylaws may specify.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 22.05 PUBLIC MEETINGS AND MINUTES.**

A. The ZBA must hold a public hearing and give notice as set forth below on each question submitted to it for decision. The ZBA Chairman must fix a reasonable time and date for the hearing.

B. Notice Requirements.

1) Variance Requests. Following receipt of a written request for a variance, the ZBA must fix a reasonable time for the hearing of the request and give notice as set forth below.

a) The Township must publish notice in a newspaper of general circulation in the Township.

b) The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered.

c) The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.

d) The notice must be given not less than 15 days before the date the variance request will be considered for approval. If the name of the occupant is not known, the term occupant may be used in making notification.

e) Contents of Notice. The notice must do all the following:



- i) Describe the nature of the [variance](#) request;
  - ii) Indicate the property that is the subject of the request. The notice must include a listing of all existing [street](#) addresses within the property. [Street](#) addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no [street](#) addresses, other means of identification may be used;
  - iii) State when and where the request will be considered; and
  - iv) Indicate when and where written comments will be received concerning the request.
- 2) Interpretations, [Appeals](#), or other Matters. Upon receipt of a written request seeking an interpretation of this Zoning Ordinance or an [appeal](#) of an administrative decision, or any other matter properly presented to the ZBA for consideration, the Township must provide notice as follows:
- a) The Township must publish in a newspaper of general circulation within the Township a notice stating the time, date, and place of the public hearing, and send the notice to the person requesting the interpretation, [appeal](#), etc., not less than 15 days before the public hearing.
  - b) In addition, if the request for an interpretation or [appeal](#) of an administrative decision involves a specific [parcel](#), the Township must send written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request by first-class mail or personal delivery, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all [structures](#) within 2300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

(Ord. No. 1 eff. Jan. 8, 1983 amended by Ord. No. 202 eff. Dec. 21, 2006)

### **Section 22.06 POWERS AND DUTIES.**

- A. The ZBA must perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, 2006 PA 110, as amended, so that the objectives of this Ordinance are attained, the public health, safety, and welfare secured, and substantial justice done.
- B. The ZBA must hear and decide the following: (1) questions that arise in the administration of this Zoning Ordinance, including the interpretation of zoning maps; (2) matters referred to the ZBA or upon which the ZBA is required to pass under this Ordinance; (3) [appeals](#) from and review of any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance; (4) variances; and (5) matters related to [non-conforming uses](#) and [structures](#) as stated in this Ordinance.
- C. The ZBA may not change the [zoning district](#) classification of any property, may not change any of the terms of the Ordinance, and may not take any actions that result in the making of legislative changes to this Ordinance. The ZBA may not hear an [appeal](#) from a Township decision regarding a special [land use](#) or PUD.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000, further amended by Ord. No. 201 eff. Dec. 21, 2006)

**Section 22.07 VARIANCES.**

A [variance](#) from the terms of this Ordinance shall not be granted by the [Board of Appeals](#) unless and until:

- A. A written application for a [variance](#) is submitted, demonstrating:
  - 1) That special conditions and circumstances exist which are peculiar to the [land use](#), [land](#), [structure](#) or [building](#) in the same [zoning district](#).
  - 2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same [zoning district](#) under the provisions of this Ordinance.
  - 3) That granting of the [variance](#) requested will not confer on the applicant any special privilege that is denied by the provisions of this Ordinance to other lands, [structures](#), or [buildings](#) in the same [zoning district](#).
  - 4) That no nonconforming uses of other lands, [structures](#), or [buildings](#) in the same [zoning district](#), and not permitted [use](#) of lands, [structures](#) or [buildings](#) in other zoning districts, shall be considered grounds for the issuance of a [variance](#).
  - 5) Applicants shall also follow the outline of requirements prescribed by the [Zoning Board of Appeals](#) when applying for an [appeal](#) for an interpretation of or a [variance](#) from the provisions or requirements of this Zoning Ordinance.
- B. The [Board of Appeals](#) shall make findings that the requirements of this Ordinance have been met in the [zoning district](#) in which it is located by the applicant for the [variance](#) requested.
- C. The [Board of Appeals](#) shall further make a finding that the reasons set forth in the application justify the granting of the [variance](#), and the [variance](#) is the minimum [variance](#) that will make possible the reasonable [use](#) of the land, [building](#), or [structure](#) in the [zoning district](#) in which it is located.
- D. The [Board of Appeals](#) shall further make a finding that the granting of the [variance](#) will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious or otherwise detrimental to the public welfare of the [zoning district](#) in which it is to be located.
- E. In granting any [variance](#), the [Board of Appeals](#) may prescribe appropriate conditions and safeguards in order for the [variance](#) to be in conformance with this Ordinance as much as reasonably possible. Violations of such conditions and safeguards, when made a part of the terms under which the [variance](#) is granted, shall be deemed a violation of this Ordinance, and punishable under Section [21.06](#) of this Ordinance.
- F. Under no circumstances shall the [Board of Appeals](#) grant a [variance](#) to allow a [use](#) not permissible under the terms of this Ordinance in the [zoning district](#) in which the [variance](#) is to be located.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 22.08 VOIDING OF AND REAPPLICATION FOR VARIANCES.**

- A. Each [variance](#) granted under the provisions of this Ordinance shall become null and void unless the [use](#) and [construction](#) authorized by such [variance](#) or permit has been commenced within one year after the granting of such [variance](#).
- B. No application for a [variance](#) which has been denied wholly or in part by the [Board of Appeals](#) shall be resubmitted for a period of one (1) year from such denial, except on grounds of new evidence or proof of changed conditions found by the [Board of Appeals](#) to be valid.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 22.09 PROCEDURE FOR APPEALING TO THE BOARD OF APPEALS.**

- A. An [appeal](#) to the ZBA must be filed within 60 days of the date of the decision in question, and be filed with the Township Clerk, officer from whom the [appeal](#) is taken, and with the ZBA. The [appeal](#) must include a written statement describing the order, requirements, decision, or determination from which the [appeal](#) is taken and specify the grounds of the [appeal](#). The appellant may be required to submit additional information to clarify the [appeal](#). The appellant must also submit the required fee for the [appeal](#). The Clerk must notify the body or officer from whom the [appeal](#) is taken of the [appeal](#), and the body or officer from whom the [appeal](#) is taken must immediately transmit to the ZBA all of the papers constituting the record upon which the action [appealed](#) from was taken. The Clerk must also transmit a copy of the [appeal](#) and all related information to each of the ZBA members within a reasonable time after the [appeal](#) is filed.
- B. Who may [appeal](#). [Appeals](#) to the [Board of Appeals](#) may be taken by any person aggrieved or by an officer, department, board, agency or bureau of the Township, County, State, Federal or other legally constituted form of government.
- C. Fee for [appeal](#). A fee schedule prescribed by the Township Board shall be submitted to the Township Clerk at the time of filing an application for an [appeal](#). The [appeals](#) fee shall immediately be placed in the Township General Fund.
- D. Effect of [appeal](#). An [appeal](#) to the ZBA stays all proceedings in furtherance of the action [appealed](#) from unless the body or officer from whom the [appeal](#) is taken certifies to the ZBA after the notice of [appeal](#) is filed, that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life and property. If such a certificate is filed, proceedings may be stayed only by a restraining order issued by the ZBA or a circuit court on notice to the body or officer from whom the [appeal](#) is taken and on due cause shown.
- E. So long as such action conforms with this Zoning Ordinance, the ZBA may affirm or reverse (in whole or in part), or modify the order, requirements, decision, or determination [appealed](#) from; the ZBA may also issue such order, requirement, decision or determination as it deems appropriate (as if the ZBA has the powers of the public official from whom the [appeal](#) is taken), including issuance of a permit. The ZBA must state the grounds of any determination it makes.
- F. The ZBA's decision must be in the form of a roll call vote, approved by the ZBA and filed with the ZBA's meeting minutes. However, no [zoning permit](#), [building permit](#), or certificate of occupancy, or other permit or certificate may issue until 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. The ZBA's decision is final. A party aggrieved by the decision of the ZBA may [appeal](#) to the circuit court as provided by law. Notwithstanding the provisions of this section, the applicant is entitled to receive a [zoning permit](#), [building permit](#), certificate of occupancy, or other permit or certificate if the applicant submits to the

## ARTICLE XXII

ZBA a written agreement to indemnify the ZBA, Township, its officers, officials, and employees from any and all liability for claims, damages, costs (including attorney fees and litigation threatened or asserted concerning the decision of the ZBA, together with sureties (individual or corporate), in amount to be determined by the ZBA in a form approved by the Township's attorneys. If the applicant requests a waiver of the 30 day stay as part of the applicant's [appeal](#) to the ZBA, the ZBA in its resolution must establish the amount of security to be given. Upon filing of the security that the ZBA sets, the requested permit or certificate must issue. In no case may the security amount be less than \$4,000 in the form of cash, irrevocable letter of credit from a [commercial](#) bank, or corporate bond. If litigation is instituted within the 30 day period, the form of security must provide that the security continues until the litigation is determined by final judgment. If litigation is instituted after an amount of security is determined, the ZBA may re-determine and increase the security amount as it believes necessary to protect the Township's interests.

- G. Any party aggrieved by a decision of the ZBA may [appeal](#) from the ZBA's decision to the circuit court. Such an [appeal](#) must be filed within 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. A party aggrieved by an order, determination, or decision of the Township ZBA regarding [non-conforming uses](#) or [structures](#) may obtain review in the circuit court as per 2006 AP 110, as amended.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amended by Ord. 202, eff. Dec. 21, 2006; further amend. Ord. No. 226 eff. July 2, 2009)

## ARTICLE XXIII AMENDING THE ZONING ORDINANCE AND MAP

### Section 23.01 INITIATING AMENDMENTS.

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the [district](#) boundaries or the provisions and regulations herein established whenever the interests of the public health, safety, convenience and other aspects of the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 23.02 AMENDMENT PROCEDURES.

- A. This Ordinance may be amended in accordance with the procedures in the Michigan Zoning Enabling Act, 2006 PA 110, as amended, and this Ordinance.
- B. Upon the Township Clerk's receipt of a petition requesting an amendment to this Ordinance, the Township Clerk must transmit the petition to the Township Planning Commission for review and report to the Township Board.
- C. Planning Commission Procedures.
  - 1) The Planning Commission must hold at least 1 public hearing on the petition, and establish a date for a public hearing on the petition.
  - 2) Notice of the time and place of the Planning Commission's public hearing must be given as follows:
    - a) If an individual property of 10 or fewer adjacent properties are the subject of the petition for rezoning, the Planning Commission must give notice of the petition as follows:
      - i) The Township must publish notice in a newspaper of general circulation in the Township; and
      - ii) The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
      - iii) The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupants of all [structures](#) within 300 feet of the property regardless of whether the property or occupant is located in the Township.
    - iv) The notice must be given not less than 15 days before the date the application will be considered for approval. If the name of the occupant is not known, the term occupant may be used in making notification.

v) Contents of Notice. The notice must do all of the following:

(1) Describe the nature of the amendment request.

(2) Indicate the property that is the subject of the request. The notice must include a listing of all existing [street](#) addresses within the property. [Street](#) addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no [street](#) addresses, other means of identification may be used.

(3) State when and where the request will be considered.

(4) Indicate when and where written comments will be received concerning the request.

b) If 11 or more adjacent properties are proposed for rezoning, the Planning Commission must give notice of the petition proposing rezoning as in the same manner as required under the preceding paragraph (15.903 Sec. 59.03 (C)(2) except that

i) the notice need not be sent by mail or personal delivery to the owners of property for which approval is being considered,

ii) the notice need not be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all [structures](#) within 300 feet of the property regardless of whether the property or occupant is in the Township, and

iii) no individual addresses of properties are required to be listed in the notice.

iv) Notice of the time and place of the meeting must also be given by mail to each electric, gas, and pipeline [public utility](#) company, each telecommunication service provider, each railroad operating within the [district](#) or zone effected, and the airport manager of each airport that registered its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.

3) All notices under this section must include the place and time at which the proposed text and any maps of this Ordinance may be examined.

4) Following the required public hearing (and within 125 days of the petition's filing date), the Planning Commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the Township Board. The 125 day time limit may be extended by agreement of the petitioner and Planning Commission.

#### D. Township Board Procedures

1) After receiving the Planning Commission's summary of comments and recommendations regarding the petition, the Township may hold a public hearing if it considers it necessary or if otherwise required by law. If the Township Board opts to hold a public hearing, the Township must give notice of it in the same manner as the Township Planning Commission was required to give notice of its public hearing regarding the petition.

2) The Township must grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk.

- 3) If the Township Board deems it advisable to make changes to the proposed amendment forwarded to it by the Planning Commission, the Township Board may refer such to the Township Planning Commission for consideration and comment within a time specified by the Township Board.
- 4) The Township Board must consider and vote upon the petition. Any amendment to this Ordinance requires a majority vote by the Township Board.
- 5) In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
  - a) Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
  - b) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
  - c) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
  - d) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

(Ord. No. 1 eff. Jan. 8, 1983 amended by Ord. No. 201 eff. Dec. 21, 2006)

### **Section 23.03 CONDITIONAL REZONING.**

- A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the zoning request.
- B. Application and Offer of Conditions.
  - 1) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer must be made either at the time the application for rezoning is filed or by an amendment to the application for conditional rezoning made at a later time during the rezoning process.
  - 2) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer or conditions, except as modified by the requirements of this Section.
  - 3) The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

## ARTICLE XXIII

- 4) The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
  - 5) Any [use](#) or development proposed as part of an offer of conditions that would require a special [land use permit](#) under the terms of this Ordinance may only be commenced if a special [land use permit](#) for such [use](#) or development is ultimately granted in accordance with the provisions of this Ordinance.
  - 6) Any [use](#) or development proposed as part of an offer of conditions that would require a [variance](#) under the terms of this Ordinance may only be commenced if a [variance](#) for such [use](#) or development is ultimately granted by the [Zoning Board of Appeals](#) in accordance with the provisions of this Ordinance.
  - 7) Any [use](#) or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such [use](#) or development is ultimately granted in accordance with the provisions of this Ordinance.
  - 8) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. **Planning Commission Review.** The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in [Section 23.02](#) of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner. The Applicant shall pay for any additional administrative costs incurred by the Township in reviewing the application for conditional rezoning.
- D. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in [Section 23.02](#) of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with [Sec. 23.02](#) to deny or approve the conditional rezoning with or without amendments.
- E. **Approval.**
- 1) If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
  - 2) The Statement of Conditions shall:
    - a) Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of



Conditions in a manner acceptable to the Township Board.

- b) Contain a legal description of the land to which it pertains.
  - c) Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d) Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owners that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the references shall specify where the document may be examined.
  - e) Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
  - f) Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
- 3) Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with the designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
  - 4) The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County in which the land is located. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
  - 5) Upon the rezoning taking effect, the [use](#) of the land so rezoned shall conform thereafter to all of the requirements regulating [use](#) and development within the new [zoning district](#) as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

- 1) Any person who establishes a development or commences a [use](#) upon land that has been rezoned with conditions shall continuously operate and maintain the development or [use](#) in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a [nuisance](#) per se and subject to judicial abatement as provided by law.
- 2) No permit or approval shall be granted under this Ordinance for any [use](#) or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or [Use](#). Unless another time period is specified in the Ordinance rezoning the subject land,

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the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

- H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification. The revision process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
- I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section H above or otherwise, the Statement of Conditions imposed under the former zoning classifications shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds in the County in which the land is located a notice that the Statement of Conditions is no longer in effect.
- J. Amendment of Conditions.
- 1) During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  - 2) The Statement of Conditions may be amended thereafter in the same as was prescribed for the original rezoning and Statement of Conditions.
- K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and 2006 PA 110, as amended.
- L. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

(Ord. No. 202 eff. Dec. 21, 2006)

### Section 23.04 REFERENDUM.

- A. Within 7 days after publication of an amendment to the Zoning Ordinance, a registered elector residing in the zoning jurisdiction of the Township may file with the clerk of the Township a notice of intent to file a petition under this section and Section 402 of the Zoning Enabling Act, 2006 PA 110, as amended.

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- B. If a notice of intent is filed under the above paragraph, the petitioner has 30 days after publication of the amendment to file a petition signed by a number of registered electors residing in the Township not less than 15% of the total votes cast within the Township for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk, requesting submission of the amendment to the electors residing in the unincorporated portion fo the Township for their approval.
- C. Upon the filing of the notice of intent, the amendment at issue will only take effect as provided by law, including 2006 PA 110, as amended.

(Ord. No. 201 eff. Dec 21, 2006)

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**ARTICLE XXIV  
VALIDITY OF THE ZONING ORDINANCE**

**Section 24.01 VALIDITY OF THIS ORDINANCE.**

Each section, subsection, provision, requirement, regulation, or restriction established by this Ordinance or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect nor render invalid the Ordinance or amendments thereto as a whole, or any other part thereof, except the particular part so declared to be invalid.

(Ord. No. 1 eff. Jan. 8, 1983)

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## ARTICLE XXV ENACTMENT

### Section 25.01 DECLARATION OF IMMEDIACY OF NEED.

The provisions of this Zoning Ordinance are hereby presented as an amendment to replace the present Ordinance which became effective on June 2, 1979. It is declared that these provisions are of immediate necessity to the preservation of the public health, safety and other aspects of the general welfare of Howell Township, and are hereby ordered to take effect and be enforced on and after the earliest date allowed by law.

(Ord. No. 1 eff. Jan. 8, 1983)

### Section 25.02 PUBLICATION.

- A. After Township Board approval of a petition to amend this Ordinance, the amendment must be filed with the Township Clerk and the Township must publish a notice of ordinance amendment within fifteen (15) days after adoption in a newspaper of general circulation within the Township.
- B. The notice of adoption must include the following information.
  - 1) Either a summary of the regulatory effect of the amendment, including the geographic [area](#) affected, or the text of the amendment.
  - 2) The effective date of the ordinance amendment.
  - 3) The place where and time when a copy of the ordinance amendment may be purchased or inspected.
- C. A copy of the notice must be mailed to the airport manager of an airport that registers its name and mailing address with the Township Clerk for the purpose of receiving notice of public hearings on ordinance amendments.

(Ord. No. 1 eff. Jan. 8, 1983, amended by Ord. No. 202 eff. Dec. 21, 2006)

Initial Publication Dates: June 23, 1982 and July 14, 1982  
 Date of Public Hearing: July 20, 1982 by Planning Commission  
 Adoption by Planning Commission: July 20, 1982  
 Date of Public Hearing by Township Board: November 22, 1982  
 Date of Publication regarding Board Public Hearing: November 10, 1982  
 Adoption by Township Board: November 22, 1982  
 Final Publication Date in Livingston County Press: December 8, 1982

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## ARTICLE XXVI ROADS, DRIVEWAYS AND RELATED LAND USE DEVELOPMENTS

### Section 26.01 PURPOSE.

The purpose of this Section is to consolidate all of the regulations included in this Zoning Ordinance in one location for more efficient use of them in relation to all road, driveway and related land use developments.

### Section 26.02 FRONTAGE ON PUBLIC ROAD OR HIGHWAY.

In any zoning district, every use, building or structure established after the effective date of the amendment of this ordinance shall be on a lot or parcel that fronts upon a public road right-of-way or a private road right-of-way which private road has been constructed and approved by Howell Township in accordance with Article XXVI of this zoning ordinance. (amend. by Ord. No. 172 eff. Apr. 25, 2004)

#### A. Pre-existing residential private roads.

- 1) Those parcels of land which existed as of January 8, 1983, (the date of the adoption of the Howell Township Zoning Ordinance) which front upon any of the following main private roads, to wit: Amberwood Trail, Donna Marie, Eason, Monterey Court, Nancy Ann, Olde Franklin Drive, Pineway Trail, Popple Lane, Santa Rosa, Solace Drive, Starlight, Suntar Valley, John Ward, Barkley Drive, Preston Knolls, and Woodhaven, may be used for residential purposes provided the parcel meets all of the requirements of the zoning ordinance for the district in which the parcel is located. The zoning administrator is empowered to issue land use permits for the developments of these lots or parcels if such developments meet the requirements of the zoning ordinance.
- 2) Any further partitioning or splits of any parcels on the private roads identified in paragraph B1 shall not be permitted unless the petitioner seeking the requested splits provides to the Howell Township Planning Commission the following information and documentation which must be approved by the Township Planning Commission.
  - a) A recorded easement agreement to the public for purposes of emergency vehicle access and other public services as necessary;
  - b) A recorded easement which will provide for all utilities, drainage, sewer, water and ingress and egress;
  - c) An equitable road maintenance agreement which is to be reviewed and approved by the Township Planning Commission and be recorded in the office of the Livingston County Register of Deeds;
  - d) A document acknowledging that no public funds of any kind will be used to build, repair or maintain the private road and further acknowledging and affirming that the Township has no responsibility or obligation regarding construction, repair, improvement or maintenance in regard to said private road or as it pertains to ingress and egress to any parcel utilizing such road;
  - e) An indemnification and hold harmless agreement acknowledging that the Township shall be indemnified, held harmless and released from any and all claims, causes of action, damages, known or unknown, in any way related to said private road and

its use thereof;

f) The aforementioned easements, agreements and other documents must be signed by all of the legal and equitable owners of all parcels which abut said private road or have access to said private road including secured parties and parties having a lien hold interest in the premises;

g) Since any such additional splits as contemplated by the preceding paragraph shall increase the burden upon said road, the road shall be constructed, maintained and brought up to the specifications for private roads as required by the Livingston County Road Commission;

h) The extension of any road in anticipation of serving other parcels shall be expressly prohibited unless the road is brought up to the road standards required by the Livingston County Road Commission.

C. The required minimum area and road frontage for each lot, parcel or site area shall be equal to the minimum lot or parcel width as required in each zoning district.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 12 eff. Sept. 5, 1986; further amend. by Ord. of July 2, 1992; Ord. No. 40 eff. June 3, 1993)

### **Section 26.03 ACCESS TO A PUBLIC ROAD OR HIGHWAY.**

Any lot or parcel of record created prior to the effective date of this Ordinance without any frontage on a public road or way shall not be occupied except where access to a public road or way is provided by a public or private easement or other right-of-way no less than twenty (20) feet in width.

(Ord. No. 1 eff. Jan. 8, 1983)

### **Section 26.04 FRONTAGE ACCESS ROADS OR SERVICE ROADS.**

Access along major thoroughfares - in order to promote efficient use of thoroughfares and to decrease hazardous traffic conditions, the following regulations shall apply to the use of all land fronting upon major thoroughfares except for existing lots, parcels and sites of record and single lots, parcels and sites described by metes and bounds on file with the Livingston County Register of Deeds.

A. Connecting service roads and parking areas shall be required between adjacent land uses.

B. Owners of all property shall submit to the Township a properly executed and witnessed license agreement which give the Township Board the authority to open and close service roads and driveways whenever necessary in order to guarantee to the satisfaction of the Township Board a safe and efficient movement to traffic. The said license may be recorded in the office of the Register of Deeds of Livingston County, Michigan. Acceptance of the said license shall, in no way, obligate the Township to build, repair, maintain or clear the said service roads or parking areas and no public funds may be spent by the Township Board to build, repair, maintain, or close the said service roads and/or parking areas. The intent of this subsection is to allow the Township to enforce its traffic Ordinance, on the said service roads and parking areas, and otherwise facilitate the safe and efficient movement of traffic thereon.

- C. No less than two (2) **driveways** shall be available to such coordinated parking **areas** and **service road** systems; provided that said **driveways** have appropriate designated **driveway** intersections with **roads** or **highways**; which meet the requirements of the Livingston County Road Commission or the Michigan Department of Transportation for acceleration and/or deceleration lanes or tapered lanes; provided further, this requirement may be waived by the Township Planning Commission where the needs of a particular **use** require and when traffic hazards will not be increased thereby.
- D. All requirements shall apply only when developed adjacent to an existing **use**. The purpose of this subsection is to minimize the length of on-site **roads** and the number of parking **areas** and to forestall their **construction** until they are needed.
- E. Parking lots, **driveways** and service **roads** shall be surfaced with concrete or bituminous materials and provided with curbs and gutters as specified by the Township Planning Commission and maintained in a usable dirt free condition.
- F. Parking layouts shall follow standards prescribed in this Ordinance in Sections 18.02 and 18.03 in **Article XVIII**, Off-Street Parking, Loading and Unloading Requirements.
- G. On-site **roads** and **driveways** shall have a paved width of twenty-four (24) feet and shall be provided with a curb and gutters.
- H. The on-site **roads** shall be separated from required parking **areas** by a landscaped buffer of not less than ten (10) feet in width.
- I. See Section 26.14B.13).

(Ord. No. 1 eff. Jan. 8, 1983, Amend. by Ord. No. 172 eff. Apr. 25, 2004))

### **Section 26.05 SETBACK REQUIREMENTS ALONG M-59, GRAND RIVER ROAD, OAK GROVE ROAD AND COUNTY PRIMARY ROADS.**

The following setback requirements shall supersede the setback requirements as specified in individual zoning districts. The setback shall be fifty (50) feet from all **buildings** and twenty (20) feet for all other **structures** from the **highway** or **road right-of-way** line of M-59, I-96, Grand River Road, Oak Grove Road and all County Primary Roads.

Existing **lots** and **parcels**, as of the date of this amendment, which do not have sufficient depth to be utilized for a principal **use** that is allowed in the **district** in which the property is located, then the Planning Commission can waive the fifty (50) foot setback but in no event shall the front setback line be less than that required by the **zoning district** in which the **parcel** is located.

(Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000; further amend. by Ord. #224 eff. May 1, 2009)

### **Section 26.06 ACCESS THROUGH RESIDENTIAL DISTRICTS.**

Public access to **commercial**, **industrial**, or other uses incompatible with **residential uses** shall not be designed so as to pass through the **residential** neighborhoods.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 26.07 VISIBILITY AT INTERSECTIONS.**

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above a road grade on any corner lot or parcel in any zoning district requiring front and side yards within the triangular area formed by the intersecting road right-of-way lines and a straight line joining the two road lines at points which are thirty (30) feet distant from the point of intersection, measured along the road right-of-way lines.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 26.08 ROAD CLOSURES.**

Whenever any road, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation, and all area included therein shall henceforth be subject to all appropriate regulations of that district within which such area is located.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 26.09 LIMITATIONS ON THE NUMBER OF DRIVEWAYS ON DESIGNATED ROADS.**

Existing lots and parcels, as of the date of this amendment, shall be permitted one "driveway curb cut" access onto M-59, Grand River Road, and Oak Grove Road and County Primary Roads. If a property owner has more than three hundred thirty (330) feet of continuous road frontage, the owner would be allowed more than one driveway curb cut, provided each driveway meet the requirements of the Livingston County Road Commission or Michigan Department of Transportation. All new lots created by lot splits or platted subdivision, or parcels which will have more than one (1) principal structure (such as site condominiums) which need more curb cuts than allowed by this paragraph, must provide access to M-59, Grand River Road or Oak Grove Road and County Primary Roads in accordance with the provisions of Section 26.14.

(Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000, amend by Ord. No. 172 eff. April 25, 2004)

**Section 26.10 DRIVEWAYS AND ROAD APPROACHES.**

All residential driveways and commercial driveways must be located, designed, constructed and maintained in accordance with the specifications of the Livingston County Road Commission's Driveway and Road Approaches.

All public and private road approaches must be located, designed, constructed and maintained in accordance with the Livingston County Road Commission or Michigan Department of Transportation Specifications for Road Approaches.

(Ord. eff. Aug. 6, 1992)

**Section 26.11 CURB CUTS FOR DRIVEWAYS.**

Curb cuts for [driveways](#) may be located only upon approval by the Zoning Administrator, and such other county and state authorities as required by law; provided, however, such approval shall not be given where such curb cuts would unnecessarily increase traffic hazards.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 26.12 DRIVEWAY ENTRANCES AND GATES.**

In [driveway](#), entranceway or gateway [structures](#) including, but not limited to, walls, columns and gates marking [driveway](#) entrances to private or [public uses](#) may be permitted, and may be located in a required [yard](#), except as provided in Section 26.07, "Visibility at Intersections," provided that such entranceway [structures](#) shall comply with all codes and ordinances of the Township and County and shall be approved by the Zoning Administrator and a [zoning permit](#) issued by Livingston County Road Commission or Michigan Department of Transportation.

(Ord. No. 1 eff. Jan. 8, 1983)

**Section 26.13 COMMON DRIVEWAYS WITH ACCESS FROM PRIVATE ROADS AND COMMON DRIVEWAYS.**

Common [driveways](#) with access from [private roads](#) or common [driveways](#) with access from [roads](#) or common [driveways](#) may be permitted along common or extended property lines or through a meandering designated [driveway](#) easement involving two (2) adjacent lots, [parcels](#) or sites with frontages on the same [road](#), or common [driveway](#), provided the following conditions are met:

- A) The [principal buildings](#), including their accessory garages or automotive parking shall meet the required [setbacks](#) from property lines.
- B) The adjacent property owners shall be required to include in their respective deeds a provision for a common [driveway](#) easement, for their and future owners and occupants mutual [use](#), presented in the form of a written recordable maintenance and financial agreement and recorded with the County Register of Deeds.
- C) The common [driveway](#) easement shall be at least twenty (20) feet in width in order to provide for two-way traffic.
- D) The [driveway](#) entrance located between the public [road](#) pavement and the property line shall meet the [construction](#) standards of the Livingston County Road Commission or Michigan Department of Transportation, whichever has jurisdiction for [driveway](#) approaches through curb cuts.
- E) A [driveway](#) surface shall be located within the twenty (20) foot on-site easement and shall be at least sixteen (16) feet in width.
- F) If the [driveway](#) exceeds 200 feet in length as measured from the front property line, the on-site portion of the [driveway](#) shall meet the requirements of the local fire department in order to assure convenient and safe access by emergency vehicles.
- G) If the [driveway](#) exceeds 200 feet in length as measured from the front property line, all trees and shrubs shall be removed from within the twenty (20) foot wide easement, and all overhead vegetation within the easement shall be removed to the height of fourteen (14) feet from the ground level of the [driveway](#) pavement in order to provide a clear access over the easement by emergency vehicles and trucking.

(Ord. No. 95 eff. Jan. 23, 2000)

**Section 26.14 LOT SPLITS, PLATTED LOTS, SUBDIVISION, SITE CONDOMINIUMS AND DEVELOPMENTS ALONG M-59, GRAND RIVER ROAD AND OAK GROVE ROAD AND COUNTY PRIMARY ROADS.**

Access along M-59, Grand River Road and Oak Grove Road and County Primary Roads shall be in accordance with the following standards:

- A) Purpose. Unlimited ingress and egress to the major arterial roads and highways greatly increase the potential for unsafe conditions at these intersections, thereby putting public safety in jeopardy. Reducing the number of access points may have a beneficial impact on traffic operations and safety, while preserving the property owner's right to reasonable access by a shared driveway or service road connecting two (2) or more lots, parcels or sites..
- B) All future lot splits, platted lot subdivisions, site condominiums and developments along the main arterial roads of M-59, Grand River and Oak Grove Road and County Primary Roads shall have access by way of a driveway, frontage roads, service drives, or internal connecting roads in accordance with the following provisions: See Section 26.04.
  - 1) All land divisions of property into lots, parcels or sites where there are not more than two (2) lots, parcels or sites shall have their own shared driveway except when not permitted by the safety standards established by the County Road Commission for the location of curb cuts in a dedicated sixty-six (66) foot easement for road and utility purposes. The driveway servicing these two (2) lots, parcels or sites shall have a minimum width of twenty (20) feet. All common driveways shall meet the requirements of the Livingston County Road Commission Standards. Plan 1 depicts an example of how two (2) lots, parcels or sites would be serviced by a common driveway which would be over a common easement for the benefit of both parcels.
  - 2) All land divisions of property where there are more than two (2) but not more than four (4) separate lots, parcels or sites shall have their own shared driveway except when not permitted by the safety standards established by the County Road Commission for the location of curb cuts in a dedicated sixty-six (66) foot easement for road and utility purposes. The driveway servicing up to four (4) lots, parcels or sites shall have a minimum width of twenty (20) feet and meet all of the requirements of the Livingston County Road Commission Standards. Further, the driveways must be hard surfaced. Plan II depicts an example of how four (4) lots, parcels or sites would be serviced by a common driveway which would be over a common easement for the benefit of four (4) lots, parcels or sites.
  - 3) All land divisions of property where there are more than four (4) lots, parcels or sites, the common road affording access from the lot, parcels or sites to the major roads shall be brought up to the Livingston County Road Commission Standards for roads in a platted subdivision which was adopted by the Board of County Road Commissioners, which standards are entitled, Specifications for Plat Developments. All land divisions of property where there are more than four (4) lots, parcels or sites shall have a dedicated sixty-six (66) foot easement for road and utility purposes, which road shall meet all of the requirements of the Livingston County Road Commission Standards for roads in a plat development which was adopted by the Board of County Road Commissioners. Road lengths upon dead end roads shall meet the County Road Commission standards for dead end roads or cul-de-sacs. Plan III depicts an example of how six (6) lots, parcels or sites would be serviced by a common road.
  - 4) When divisioning land for more than four (4) lots, parcels or sites the developer can provide internal roads or service roads which shall meet the Livingston County Road Commission Standards which are included in its publication entitled, "Specifications for Plat Development." Plan IV depicts an alternative method for developers to provide a single access from a major road by way of

internal roads.

- 5) A lot, [parcel](#) or site land division may provide for a frontage access or [service road](#) with not more than two (2) entries onto the major [roads](#), which entries must meet the requirements of the Livingston County Road Commission or Michigan Department of Transportation, whichever has jurisdiction. The frontage access or [service road](#) easement must be parallel with the major [road](#) and must be sixty-six (66) feet and run to the boundaries of the lot, [parcel](#) or site being developed so adjacent [parcels](#) may, in the future, have access or service by way of the same frontage access or [service road](#). The [frontage access road](#) for the lot, [parcel](#) or site being developed must have a minimum width of twenty (20) feet of pavement for access to those lots, [parcels](#) or sites being developed. Plan V depicts an example of how a frontage access or [service road](#) would provide access to a lot, [parcel](#) or site development with two (2) entry points from a main [road](#).
- 6) The petitioner who subdivides, partitions or develops his property must provide in writing an instrument in recordable form that gives each [parcel](#) equal access rights to the sixty-six (66) foot easement, a common [driveway](#), [frontage access road](#), service drive, or internal [roads](#) which will provide access to said [parcels](#) and further provide for a written maintenance agreement in recordable form that provides the mechanism whereby each [parcel](#) may be assessed for the improvement, maintenance and upkeep of the access [road](#) and entry point upon the major [roads](#). Further, the maintenance agreement must provide a mechanism for collecting any sums not paid by the [parcel](#) owner.
- 7) Each private easement for common [driveway](#), [frontage access road](#), service [road](#), and internal [roads](#) must be extended to the boundary line of the [parcel](#) to be subdivided. Further, in the event other adjacent [parcels](#) of land are to be developed in the future, the adjacent [parcels](#) shall be given a legal right to use the easement, [frontage access road](#), service [road](#), or other easements for both [road](#) purposes and utility purposes, provided that the new development must share in proportion the cost of constructing, maintaining and upgrading the [frontage access road](#), easement, common [driveway](#), or service drive.
- 8) The Township Planning Commission will have the right to approve any of the following:
  - a) Cul-de-sacs to be [temporary](#) or permanent.
  - b) [Temporary](#) intersections between shared [driveways](#) and service [roads](#) or major [roads](#) may be permitted until such time as adjacent properties are developed. The Planning Commission may reduce the minimum requirement of Livingston County Road Commission or Michigan Department of Transportation whichever has jurisdiction feet between [driveway](#) intersections with major [roads](#) provided the Planning Commission finds that such a requirement is a detriment to the development of the [area](#) and the reducing of the minimum distance would not put in jeopardy public health, safety and welfare. For example, the allowing of two (2) entries upon the [road](#) if one is for entrance only and the second is an exit only could be authorized by the Planning Commission.
  - c) A [temporary](#) or permanent turn around shall be built at the end of each dead end [road](#) when there are more than four (4) lots, [parcels](#) or sites being proposed, as specified in the sketch for Plan II showing Four-Lot Split Extended.
- 9) Each lot, [parcel](#) or site to be partitioned shall have the minimum required [road frontage](#) along the easement, access [road](#), service drive, frontage [road](#) or shared [driveway](#) as required by the [zoning district](#) in which the lot, [parcel](#) or site lies.
- 10) The developer shall record a restriction on each lot, [parcel](#) or site that fronts upon the existing major [roads](#) of M-59, Grand River Road or Oak Grove Road and County Primary Roads, that there is no direct access from the lot, [parcel](#) or site to the existing major [road](#) and such recorded restriction must run with each lot, [parcel](#) or site to be split. The restriction must be approved by the

## ARTICLE XXVI

Township Planning Commission on the advice of legal counsel and then recorded before any [land use permit](#) will be issued by the Township.

- 11) The Planning Commission may allow [temporary](#) access to a major [road](#) where the service [road](#), shared [driveway](#) or [frontage access road](#) is not completed if a performance bond or other financial guarantee is provided which assures the elimination of the [temporary](#) access upon completion of the service [road](#), shared [driveway](#) or [frontage access road](#).
- 12) A Certificate of Zoning Ordinance Compliance shall not be issued until such financial guarantees have been submitted to the Township and approved by the Township Board.
- 13) Service [Roads](#) and Frontage [Road](#) Design Standards.
  - a) Service [roads](#) generally will be parallel or perpendicular to the front property line and may be located either in the front of, adjacent to or behind the [principal buildings](#). In considering the most appropriate alignment for a service [road](#), the Planning Commission shall consider the [setbacks](#) of existing [buildings](#) and the anticipated traffic flow for the site. The [service road](#) may be built within the front [yard](#) setback requirements provided there is sufficient distance between the [service road](#) and the existing major [road](#) so as not to create a traffic hazard.
  - b) A [service road](#) shall be within an access easement permitting traffic circulation between adjoining properties. The easements shall be a minimum of sixty-six (66) feet wide.
  - c) The service [roads](#) and [frontage access roads](#) shall be built in accordance with the Livingston County Road Commission Standards for public [roads](#) in a subdivision with a minimum pavement width of twenty (20) feet.
  - d) Service [roads](#) are intended to be used exclusively for circulation and not as parking. The Planning Commission may require the posting of no parking signs along the service [road](#). In reviewing the site plan, the Planning Commission may permit [temporary](#) parking in an easement [area](#) where a continuous [service road](#) is not yet available, provided that the layout provides for removal of the parking in the future to allow the extension of the service [road](#).
  - e) The Planning Commission shall approve the location of all accesses from lots, [parcels](#) or sites onto the service [road](#), based upon the [driveway](#) standards as provided by the Livingston County Road Commission Standards.
  - f) The site plan shall indicate the proposed elevation of the [service road](#) at the property line and the Township shall maintain a record of all [service road](#) elevations so that the [grades](#) can be coordinated with adjacent property owners.
- C) Provisions of Section [14.32](#) shall supplement those of this Section 26.15 b. 13), except, where there is a conflict, the most restrictive shall prevail.

(Ord. No. 47 eff. Dec. 9, 1993; amend. by Ord. No. 97 eff. Feb. 23, 2000, amend. Ord. No. 172 eff. April 25, 2004)

### Section 26.15 ROADS AND DRIVEWAY DEVELOPMENT AND CONSTRUCTION IN PRIVATE DEVELOPMENTS

A. PURPOSE.

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Definitions



The purpose of this Section is to provide standards and specifications for the **construction** and development of **roads** and **driveways** within a private development within the Township of Howell; to contribute to and promote the general safety, health, and welfare of the public utilizing the **roads**, **driveways**, and **buildings** within a private development. This Section will establish standards to allow for access by emergency vehicles and to assist in the organized flow of pedestrian and vehicular traffic within a private development. This Section is not meant to supersede any part of Act No. 288, Public Acts of 1967.

(Ord. eff. May 7, 1992)

#### B. ROADS IN PRIVATE DEVELOPMENTS.

All **roads** in private developments that are not dedicated and accepted by the public shall be designed and constructed in accordance with the Livingston County Road Commission's Specifications for **Plat** Development adopted May 23, 1991 by the Board of County Road Commissioners for Livingston County and effective May 24, 1991.

(Ord. eff. May 7, 1992)

#### C. INSPECTIONS OF PRIVATE ROAD DEVELOPMENTS.

1) All inspections and reviews shall be done by the Township Engineer. Any approvals, reviews or inspections by the Township Engineer shall not be construed as a warranty or an assumption of liability on the part of the Township of Howell or its Engineer. The petitioner or applicant must pay the actual cost incurred by the Township in having the Township review, inspect and approve the design and **construction** of any **private roads** and drainage improvements and pay all legal fees incurred by the Township in reviewing the same. The applicant shall pay an inspection fee in the amount of three percent (3%) of the approved proprietor's engineer's estimate of the cost of the **road** and drainage improvements which shall be paid by cash or certified check to Howell Township at the time the **land use permit** is issued for the development of the property. This fee is to cover the administrative cost and inspections incurred and authorized by Howell Township relevant to the development. In the event the inspection costs exceed the estimated three percent (3%) charge, the proprietor, developer and/or owners shall be responsible for paying the additional sum which is in excess of three percent (3%) to Howell Township prior to receiving final approval. All references in the Livingston County Road Commission's "Specifications for **Plat** Development" to the County Engineer are hereby revised to read the Howell Township Engineer.

2. Any reference to the Livingston County Road Commission in its "Specifications for **Plat** Development" in Section 9 entitled, "Financial Requirements" for the purpose of this Ordinance shall read Howell Township, a municipal corporation.

(Ord. eff. May 7, 1992)

#### D. WAIVER OF HARD SURFACING REQUIREMENTS.

The requirement of hard surfacing the **road** in a private development may be waived by the Howell Township Planning Commission under the following conditions:

1) The private development is designed for single **family** residences, with each **parcel** consisting of five (5) acres or more. However, there will be no waiver of the requirement of hard surfacing in developments which consist of, in whole or in part, multiple **principal buildings** upon a **parcel** of land.

1b) Land divisions consisting of two (2) acres or more in **area** that do not consist of more than four (4) lots, are accessed from a public **road** which are not paved and are zoned for single **family** residences.

- 2) The development does not have more than fifteen (15) lots, [parcels](#) or sites that either abuts the [private road](#) and/or have access to the [private road](#).
- 3) In the event any of the existing lots, [parcels](#) or sites are to be partitioned or further subdivided so that the total number of potential [residential](#) units using the [private road](#) exceeds fifteen (15), the [road](#) must be brought up to the then current requirements and specifications required by the Livingston County Road Commission for a public [road](#) including hard surfacing. The developer, prior to selling any lot, [parcel](#) or site, will be required to restrict each lot, [parcel](#) or site by recording an affidavit of restrictions in the [office](#) of the Livingston County Register of Deeds whereby each lot, [parcel](#) or site that has access to the [private road](#) shall be subject to a special assessment for the purpose of bringing the [road](#) up to the Livingston County Road Commission's specifications for a public [road](#) including hard surfacing. The affidavit of restrictions must contain an appropriate mechanism for the assessing, the placing of liens and the collecting of the appropriate sums to make the [road](#) conform to the Livingston County Road Commission's specifications for a public [road](#) including hard surfacing.
- 4) The Howell Township Planning Commission and Zoning Administrator shall not authorize the [construction](#) and/or further partition of any lots, [parcels](#) or sites in a private development if that division creates a 16th lot, [parcel](#) or site which will utilize a said [private road](#), unless the [road](#) meets all of the requirements of the Livingston County Road Commission.  
(Ord. Eff. May 7, 1992)

E. ROAD MAINTENANCE AGREEMENTS.

1. [Road](#) maintenance agreements, easement agreements for ingress and egress, and deed restrictions shall provide for the perpetual private (non-public) maintenance of such [roads](#) and/or easements which are necessary and reasonable standards to serve the several interests involved. These documents shall contain as a minimum the following provisions:
  - a) A method of initiating and financing of such [roads](#) and/or easements in order to keep the [road](#) in good and useable condition and continuously meet the standards of the Livingston County Road Specifications for [Road](#) and [Plat](#) Development.
  - b) A workable method of apportioning the cost of maintenance and improvements.
  - c) A notice that if repairs and maintenance are not made, the Township Board may bring the [road](#) up to design standards specified in this [Article XXVI](#) and assess owners of the [parcels](#) on the [private road](#) or those residents who have access to the [private road](#) for the improvements plus an administrative fee in the amount of twenty-five percent (25%) payable to Howell Township.
  - d) A notice that no public funds of Howell Township are to be used to build, repair or maintain the [private road](#).
  - e) Easements to the public for the purpose of emergency and other public vehicles for whatever public access or services are necessary.
  - f) A provision that the owners of any and all property using the [road](#) shall refrain from prohibiting, restricting, limiting or in any manner interfering with the normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by [family](#), guests, invite, tradesmen, and others bound to or returning from any of the properties having the right to use the [road](#).
2. All agreements and documents required by this Section shall be approved by the Howell Township Board after receiving

recommendations from the Howell Township Planning Commission, Township Attorney and Township Engineer on this matter.  
(Ord. eff. May 7, 1992)

#### F. UTILITIES.

1. Prior to selling any lot, [parcel](#) or site, the developer or owner shall create and record an appropriate easement which will provide for all utilities to serve the project, and any expansion thereof, which easement(s) shall also provide for drainage, sewer, and water. These easements shall meet the approval of the Howell Township Planning Commission after receiving recommendations from the Township Attorney and the Township Engineer.
2. Public utilities and [driveways](#) shall be located in accordance with the rules of the Livingston County Road Commission then in effect. The underground work for utilities shall be stubbed to the [building site](#) boundary line. The developer shall make arrangements for all distribution lines for telephone, electric and cable television service to be placed underground entirely throughout the development [area](#), and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways. Those telephone and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. The proposed location of all underground wiring shall be submitted to the appropriate utility for approval. Installation shall not proceed until such approval has been granted. All telephone and electrical facilities shall be constructed in accordance with standards of [construction](#) in compliance with all applicable federal, state and local laws and regulations. Cable television facilities shall be constructed in accordance with applicable state and federal regulations, as well as in compliance with the Howell Township Cable Communications Franchise Ordinance. All drainage and underground utility installations which traverse privately owned property shall be protected by easements granted by the developer.

(Ord. Eff. May 7, 1992, Amend. Ord. 184 eff. April, 13, 2005)

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## ARTICLE XXVII

### PUD - PLANNED UNIT DEVELOPMENT PROJECTS

#### Section 27.01 PURPOSE.

The intent of [Planned Unit Developments](#) (PUD) is to provide a more reasonable procedure which will permit greater flexibility and consequently more creative plans for various types of development than are permitted under conventional zoning regulations. It is the intention of this Article to allow flexible arrangements of [land use](#) composition and design in the preparation of site plans without sacrificing the basic principles of sound zoning practice. The basic zoning districts and their permitted uses as established in this Ordinance will form the [land use](#) base for designing a combination of uses already permitted in each [district](#) without rezoning in the form of clustering principal uses and activities at a higher [density](#) than would otherwise be possible under the respective [district](#) regulations on a preferred portion of a [parcel](#) while maintaining the overall [density](#) of development of the [parcels](#) consistent with the [district](#) regulations. Another option would be to combine the planning of [land uses](#) and activities from several [districts](#) through the rezoning procedure as one project on the same clustering principle. This PUD [District](#) is further intended to minimize development impacts upon important environmental natural features, to provide for a more economical arrangement of an on-site infrastructure by permitting principal uses to have greater [density](#) on one portion of a PUD site while retaining the overall [density](#) requirements of the [Zoning District](#) in which the PUD is located or, in the case of a combination of Zoning Districts, after rezoning, to permit the various Zoning Districts involved fitting the overall plan for the design and composition of the PUD.

(Ord. No. 66 eff Feb. 16, 1998)

#### Section 27.02 PERMITTED PRINCIPAL AND ACCESSORY USES.

In pursuing the PUD - [Planned Unit Development](#) Procedure, the following provisions, regulations and restrictions shall apply:

A. Minimum lot or [parcel](#) size required for PUD projects in the various zoning districts shall be:

- 1) AR - 100 acres provided that one of its property lines is located no more than one-quarter (1/4) mile from any other [zoning district](#) boundary.
- 2) SFR - 30 acres.
- 3) MFR - 20 acres.
- 4) OS - 10 acres.
- 5) NSC - 10 acres.
- 6) RSC - 40 acres.
- 7) HSC - 20 acres.

8) HC - 20 acres.

9) I - 40 acres.

10) When a combination of uses from more than one (1) [zoning district](#) are proposed in a PUD, such a PUD shall require the PUD to include at least the minimum required acreage for the sizes of [areas](#) specified for each [zoning district](#) in Section 27.02.

B. Types of [Planned Unit Developments](#) (PUDs)

1) A "Type 1" PUD is one which can be located in any [zoning district](#) upon application to the Township Planning Commission for a PUD project which includes only those uses permitted in the [zoning district](#) in which it is to be located. This type of PUD only requires site plan approval by the Township Planning Commission and Township Board.

2) A "Type 2" PUD is one which can be located in any [zoning district](#) upon application to the Township Planning Commission for a PUD which includes uses permitted in the [zoning district](#) in which it is to be located and additionally other uses not permitted in the [zoning district](#) but which are permitted in other zoning districts. This type of PUD requires both rezoning and site plan approval and is subject to the Amending the Zoning Ordinance procedure required by [Article XXIII](#).

3) A "Type 3" PUD is one which is required of all developments in a [zoning district](#) which has the PUD designation placed upon it on the Township [Zoning District](#) Map, and which otherwise meets the specifications of "1" above.

4) A "Type 4" PUD is one which is required of all developments in a [zoning district](#) which has the PUD designation placed upon it on the Township [Zoning District](#) Map, and which otherwise meets the specifications of "2" above.

5) All types of condominium projects, including Condominium Subdivisions, provided that they comply with the requirements of this Zoning Ordinance and the required provisions of Public Act 59 of 1978, The Condominium Act, as amended (MCL Sections 599.101 - 599.275) and comply with this Zoning Ordinance as authorized by MCL Section 599.241, "Law, Ordinance or Regulation of Local Unit of Government."

Specifically Condominium Subdivisions shall meet all of the requirements of MCL Sections 599.166 and 599.167, "Condominium Subdivision Plan; Preparation; Signature and Seal; Contents; Recording; [Structures](#)" and "Improvements to be Completed by the Developer" and specified as follows:

MCL 599.166 Condominium subdivision plan; preparation; signature and seal; contents; recording; [structures](#) and improvements to be completed by developer.

**Section 66.**

1) The condominium subdivision plan for each condominium project shall be prepared by an architect, land surveyor, or engineer licensed to practice and shall bear the signature and seal of such architect, land surveyor, or engineer. The condominium subdivision plan shall be reproductions of original drawings.

2) A complete condominium subdivision plan shall include all of the following:

- a) A cover sheet.
  - b) A survey plan.
  - c) A floodplain plan, if the condominium lies within or abuts a floodplain [area](#)
  - d) A site plan.
  - e) A utility plan.
  - f) Floor plans.
  - g) The size, location, [area](#), and horizontal boundaries of each [condominium unit](#).
  - h) A number assigned to each [condominium unit](#).
  - i) The vertical boundaries and volume for each unit comprised of enclosed air space.
  - j) [Building](#) sections showing the existing and proposed [structures](#) and improvements including their location on the land. Any proposed [structure](#) and improvement shown shall be labeled either must be built or need not be built. To the extent that a developer is contractually obligated to deliver utility conduits, [buildings](#), sidewalks, [driveways](#), landscaping and an access [road](#), the same shall be shown and designated as Amust be built, but the obligation to deliver such items exists whether or not they are so shown and designated.
  - k) The nature, location, and approximate size of the common elements.
  - l) Other items the administrator requires by rule.
- 3) Condominium subdivision plans shall be numbered consecutively when recorded by the Register of Deeds and shall be designated \_\_\_\_\_ county condominium subdivision plan number \_\_\_\_\_.
- 4) The developer shall complete all [structures](#) and improvements labeled pursuant to subsection (2) (j) "must be built".  
MCL 559.167 Changes in condominium project; amendment; replat of condominium subdivision plan.

### **Section 67.**

- 1) A change in a condominium project shall be reflected in an amendment to the appropriate condominium document. An amendment is subject to sections 90 and 91.
- 2) If a change involves a change in the boundaries of a [condominium unit](#), or the addition or elimination of [condominium units](#), a replat of the condominium subdivision plan shall be prepared and recorded assigning a [condominium unit](#) number to each [condominium unit](#) in the amended project. The replat of the condominium subdivision plan shall be designated replat number \_\_\_\_\_ of \_\_\_\_\_ county condominium subdivision plan number \_\_\_\_\_, using the same plan number assigned to the original condominium subdivision plan.

- C. Permitted [accessory uses](#). [Accessory buildings](#) and uses customarily incidental to the principal permitted and social uses included on the site plan.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 70 eff. August 12, 1998; further amend. by Ord. No. 97 eff. Feb. 23, 2000)

**Section 27.03 GENERAL PROVISIONS.**

- A. Continuing applicability of information on approved PUD site plans. The location of all uses and [buildings](#), all uses and mixtures thereof, all yards, [setbacks](#), [buffer areas](#) and transition strip, and all other information regarding uses of properties as shown on or as part of a site plan which is approved shall have the full force and permanence of the Zoning Ordinance as though such site plans and supporting information were specifically set forth as requirements in the Zoning Ordinance. Such information shall be the continuing obligation of any subsequent interests in a “PUD” [district](#) or parts thereof and shall not be changed or altered except as approved by the Township through amendment or revision procedures as set forth in this Article. The approved site plan(s) and any conditions attached thereto shall control all subsequent planning or development. A [parcel](#) of land that has been approved as a “PUD” shall not thereafter be developed or used except in accordance with the approved final site plan approved by the Township Board.
- B. [Construction](#). Upon submitting an application for a PUD, no [construction](#), grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no [zoning permit](#) shall be issued until all of the requirements of this Article have been met and approved as to conformance with this Ordinance by the Township Board.
- C. Financial guarantees. Before a [zoning permit](#) is issued, financial guarantees shall be required for all public and common site improvements and developments and, if phased, all phased developments on a per phase basis, including all improvements necessary to each phase even if they extend beyond the initial and subsequent phases. Financial guarantees may be in the form of cash, certified checks, certified bank letters of credit or performance bonds as approved by type of financial guarantee and dollar amount by the Township Board. Cost estimates to be used in setting dollar amounts for the financial guarantee shall be based upon the findings regarding estimated costs as reported by the Township Engineer, Public Agency or PUD Engineer, subject to the review and recommendation of the Planning Commission to the Township Board for its approval.

(Ord. No. 66 eff. Feb. 16, 1998)

**Section 27.04 PRE-APPLICATION CONFERENCES.**

- A. An applicant for a PUD may request a pre-application conference with the Township Zoning Administrator and Planning Commission prior to filing an application for developing a PUD. The request shall be made to the Zoning Administrator or Planning Commission who shall set a date for the conference. The Planning Commission may invite other officials who might have an interest in the proposed development, or who might assist the Township in the review process. The applicant may also confer with the Zoning Administrator on the specific requirements of the Zoning Ordinance. Costs of such conferences with the Planning Commission, when held at times other than regularly scheduled, special or work session meetings, shall be paid for by the applicant.
- B. The purpose of such conferences shall be to inform the Planning Commission and other officials of the concept of the proposed development and to provide the applicant with information regarding land development policies, procedures, standards, and the requirements of the Township and other agencies. The applicant is encouraged to present schematic plans, site data and other



information that will help explain the proposed development at this pre-application conference.

- C. Statements and presentations made in the conference shall be only for the exchange of information and shall not be legally binding commitments on either the applicant nor to the Township.

(Ord. No. 66 eff. Feb. 16, 1998)

### **Section 27.05 SITE PLAN REQUIREMENTS.**

A site plan shall be submitted for the total project and approval may be given for [construction](#) of the total project or for each phase of development. Preliminary site plans shall be submitted and reviewed in accordance with, and shall meet all provisions of [Article XX](#), "Site Plan Review Procedures." Site plans for PUDs shall require the recommendation of the Planning Commission after public hearing to the Township Board and the approval, approval with conditions, or denial by the Township Board.

The Planning Commission may require the applicant to provide appropriate market feasibility studies and analyses, traffic studies, facility, utility and service studies and other information necessary for the Planning Commission to properly and adequately analyze a PUD project as the basis for recommendation to the Township Board in respect to the project being requested by the applicant.

To that end, an environmental impact assessment of the probable effect of the proposed PUD development upon the natural environment and existing and planned development for the general [area](#) surrounding the PUD may be required to be prepared by the applicant and submitted to the Planning Commission concurrently with the site plan. This document shall be prepared by a professional environmental assessment specialist in narrative form, with such accompanying charts, graphs, maps and/or tables as may prove necessary. Topics to be addressed may include, as determined by and required by the Planning Commission, such studies, statements and reports on the impact of the PUD in relationship to adjacent and other surrounding existing and planned [land uses](#), additional traffic likely to be generated per twenty-four (24) hour period, directional distribution of trips generated by the proposed development, additional police and fire service, public utilities, facilities and service needs to be anticipated and environmental components, i.e., soils to be found on the site, site topography, wetlands, groundwater and aquifers supplying water through wells, a mapped inventory of natural features of note that are located on the site and how each would be impacted by the proposed PUD development.

(Ord. No. 66 eff. Feb. 16, 1998)

### **Section 27.06 SITE PLAN; ADMINISTRATIVE REVIEW PROCEDURE.**

- A. An application for a PUD shall be made by all of the owner(s) of record of the subject [parcel](#). The applicant shall provide evidence of full ownership of all land in a PUD or execution of a binding or conditional sales agreement, prior to receiving a recommendation on the application and site plan by the Township Planning Commission.
- B. The application shall be filed with the [office](#) of the Zoning Administrator, who shall check it for completeness in accordance with this Zoning Ordinance, discuss it with the applicant, and transmit the application and the site plan to the Planning Commission. The application shall be filed, if complete, with the Zoning Administrator at least two (2) weeks prior to the Planning Commission meeting at which it is to be first considered.
- C. The Township Planning Commission shall hold a public hearing on the application, site plan and supporting information. The public

hearing shall follow the same procedure as that required in [Article XXIII](#), "Amending the Zoning Ordinance and Map."

- D. At the public hearing, the applicant shall present evidence regarding adherence to all of the standards and requirements of this Zoning Ordinance. To this end, evidence, if required by the Planning Commission, expert opinion shall be submitted by the applicant in the form of professionally prepared maps, charts, reports, models and other materials, and/or in the form of testimony by professional experts who can clearly state the full nature and extent of the proposal. Complete sets of plans and supporting information shall be submitted with the application in a sufficient number of copies, but not less than ten (10) copies for review by each member of the Planning Commission, Zoning Administrator and other Township officials. Materials submitted shall include the required site plan and any required supplementary sources of information necessary to satisfy the requirements detailed in Section 27.06 and [Article XX](#), "Site Plan Review Procedures."
- E. The Planning Commission shall undertake a study of the application and site plan and shall submit a report of its recommendation after public hearing to the Township Board. This report shall contain the Planning Commission's analysis of the application and site plan, findings regarding requirements and standards, suggested conditions for approval, if applicable, and its recommendations for approval, approval with conditions or denial with reasons stated in the official minutes of the Planning Commission. Materials and information to be considered in this study and review process shall include input from such agencies as the Sewer and Water Authority, County Health Department, County Road Commission, County Drain Commissioner, Michigan Department of Transportation, Michigan Department of Environmental Quality, among other County, State, Township and local public agencies having a public interest responsibility in the PUD development project.
- F. After making its recommendations to the Township Board, the Planning Commission shall transmit the PUD to the County Planning Commission, if amendments to the Zoning Ordinance Text or [Zoning District](#) Map are required for its approval, approval with conditions or disapproval as its recommendation to the Township Board.
- G. The Township Board shall review the application and site plan and the Township and County Planning Commission's recommendations thereon, and shall approve, approve with conditions, deny, or table for future consideration the application and site plan. Major changes in the application or site plan as determined by the Township Board shall be referred back to the Township Planning Commission for a review and recommendation back to the Township Board prior to the Township Board taking final action thereon. The Township Board may attach any one or all conditions to its approval of a PUD proposal, providing each condition has been reviewed and reported upon by the Township Planning Commission, except that dealing with financial guarantees.
- H. If the application and site plan are approved by the Township Board, the applicant and all owner(s) of record of all property included within the PUD shall sign a statement that the approved application and site plan shall be binding upon the applicant and owner(s) of record or their assigned agent(s) and upon their heirs, successors, and assigns, unless future changes mutually agreed to by any future Township Board and future applicant and owner(s) of record or the assigned agent(s) or their heirs, successors and assigns.

(Ord. No. 66 eff. Feb. 16, 1998)

**Section 27.07 SUPPLEMENTARY DEVELOPMENT STANDARDS AND REGULATIONS.**

The following requirements expand upon and are in addition to the requirements detailed in [Article XX](#), "Site Plan Review Procedures." They shall, in all cases, be adhered to by developments in a PUD project unless the Planning Commission recommends a waiver of these requirements in accordance with section 27.08.

A. The clustering of principal and accessory use structures shall be permitted provided that the overall density of dwelling units or lot coverage by commercial or industrial buildings which can be placed upon a lot or parcel of land shall not be exceeded, and all dimensional requirements shall not be reduced by more than thirty percent (30%), except as otherwise provided in the Ordinance and except that overall lot coverage requirements and perimeter front, rear and side yard setback requirements or those specified in this Article, whichever is the greater, shall be met.

The overall density of a PUD Residential Project may exceed the following SFR, RB and MFR Zoning District densities of dwelling units per acre of net developable land contained in a parcel of land by no more than 25%:

SFR	3.0	dwelling units per net developable acre of land
RB	3.63	dwelling units per net developable acre of land
MFR	12	dwelling units per net developable acre of land

assuming that the net developable land is the total gross acreage of the parcel of land less the sum of the acreage of surface water, wetlands and required open space.

B. PUD project location and minimum size:

- 1) All PUD development projects shall be limited to tracts of land having an area of at least the minimum number of acres required for the respective types of PUDs as specified in Section 27.02.
- 2) All PUD development projects shall be restricted to sites having access to a hard surfaced paved roadway and accepted and maintained by the County Road Commission or the Michigan Department of Transportation.

C. Impact of PUD on the natural environment and existing land uses:

- 1) A preliminary indication of the impact of the development upon the natural environment elements; including, but not limited to, topography, vegetation, wetlands, flood areas, surface water and wildlife prepared as part of the PUD site plan submit-tal.
- 2) The applicant shall also provide a statement of the anticipated impact of the proposed development upon the public services; including, but not limited to, education facilities, transportation system and public safety requirements and the existing land use pattern of development in the Township.

D. External and internal circulation and access:

- 1) A dedication of a system of public and private roads shall be made so as to cause continuity of public access between adjacent and connecting public roads in order to provide continuous public ingress and egress to all private developments within a PUD.
- 2) Access points to a PUD development project shall be located no less than requirements of Livingston County Road Commission

or Michigan Department of Transportation when measured parallel to the adjoining roadway(s) upon which the project fronts.

- 3) Each lot or [principal building](#) or [structure](#) located in a PUD project shall have frontage upon and shall have vehicular access from a public or [private road](#) constructed to County Road Commission standards.
- 4) Each lot or [principal building](#) shall have pedestrian access to and from a public or private sidewalk or walkway which shall be at least five (5) feet wide and built to normal and accepted hard surface pavement standards in accordance with local [area construction](#) practices.
- 5) As property is developed as a PUD project, a sidewalk system linking all on-site principal and accessory and off-site adjacent principal uses which it is determined by the Planning Commission relate to the PUD, unless it is demonstrated to and determined by the Planning Commission that such a system would be inappropriate or unnecessary to the on-site development or with off-site adjoining [parcels](#). The pathway system shall be designed and constructed so as to be appropriate both for pedestrian and non motorized transport modes. The pathway shall be no less than five (5) feet in width and shall be built to normal and accepted hard surface pavement standards in accordance with local [area construction](#) practices.

The system of paved walkways connecting all principal and [accessory buildings](#) and the system of a [road](#) and walkways shall be required of each development in the PUD [district](#) and shall have the financial support for their operation and maintenance ensured through deed restrictions which shall provide that each owner, lessee, renter or occupant shall be obligated to participate in the cost of their operation and maintenance. The PUD organization's elected representatives in addition to their other duties shall function for the purpose of administering and dispensing payments for such costs.

- 6) Standards of design for widths or rights-of-way or easements for on-site [private roads](#) or drives may be modified to adequately provide the service required. The site plan shall provide for separation of pedestrian and vehicular traffic and provide for adequate off-[road](#) parking facilities. Modifications of proposed [private roads](#) and drives shall be reviewed and recommended by the Planning Commission to the Township Board for final approval. Modifications of [private roads](#) and drives shall be approved as a part of the site plan.
- 7) [Private road](#) and drive pavements may be modified as to width, but shall be no less than twenty (20) feet in width, and shall otherwise be designed and constructed according to the standards for public [roads](#) as established by the County Road Commission.
- 8) If public [roads](#) are to be included in the PUD, the applicant(s) shall plan, design and build the [roads](#) to County Road Commission standards and specifications and have them approved by the County Road Commission.

E. [Open space](#) regulations:

- 1) At least one (1) land or land and water [area](#), exclusive of the [areas](#) contained in the required perimeter and internal yards, [setbacks](#) and spacing between [buildings](#), for active or passive recreation purposes or for other specified purposes, with water [areas](#) constituting not more than twenty-five percent (25%) of the total [open space](#) shall be provided for each PUD project. The required [open space](#) shall be an [area](#) or [areas](#) equal to at least ten percent (10%) of the total land [area](#) exclusive of water surfaces of the PUD, and developed according to an [open space](#) development plan, which shall be incorporated as an integral part of the approved PUD site plan. This [open space](#) shall be for the use of the occupants and users of the PUD project or a specific phase of it, and shall be considered as an integral component of the overall PUD. This [open space](#) may be a recreation [area](#), a park, a landscape setting for [buildings](#), gardens or for some other functional purpose. The developer and owners shall provide financially for the mandatory

perpetual care and maintenance of the [open space](#) developments and plants through the use of deed restrictions which shall require the financial participation in the operation and maintenance cost of the [open space](#) by each owner, lease holder, renter or occupant within the PUD.

- 2) The prorated [open space](#) shall be irrevocably committed by dedication to an association of the residents, either as rights in fee or easement, and retained as [open space](#) for park, recreation or other common uses. All lands dedicated in fee or easement shall meet the requirements of the Township Board upon recommendation of the Planning Commission.
- 3) [Buildings, structures](#), parking lots, drives and similar improvements may be permitted within the designated [open space areas](#) if related and necessary to the designed facilities and functions of the [open space](#).
- 4) [Open space areas](#) shall be conveniently located and accessible by pedestrians and vehicles in relation to the principal uses in the PUD.
- 5) [Open space areas](#) shall have at least minimum design and [construction](#) standards, so that they can be operated, used and maintained for the activities and functions intended.
- 6) The Township Board may, upon recommendation of the Planning Commission, require that unique natural amenities located on the PUD site, such as ravines, rock outcrops, wooded [areas](#), tree or shrub specimens, unusual wildlife habitats, ponds, streams, and regulated and unregulated wetlands, shall be preserved, as part of the [open space](#) system.

#### F. Parking and circulation:

- 1) The parking and loading requirements set forth in [Article XVII, Off-Street Parking](#), Loading and Unloading Requirements, shall apply except that the number of spaces required may be reduced if approved by the Township Board, upon recommendation of the Planning Commission, and included as part of the site plan submitted.
- 2) The number of [off-street parking spaces](#) shall be in accordance with [Article XVII, "Off-Street Parking](#), Loading and Unloading Requirements," except that all PUD [Commercial](#) Developments shall require at least four (4) square feet of vehicular parking and circulation pavement for each square foot of leasable [commercial building floor area](#).

#### G. Landscaping:

- 1) Refer to [Article XXVIII](#), Landscaping Requirements.

#### H. Utilities:

- 1) Each principal and [accessory building](#) shall be connected to public water and sanitary sewer systems approved by the Township Board, Sewer and Water Authority, and the County and State Health officials as a part of the site plan.
- 2) All PUDs shall be required to provide an adequate fire protection as determined and recommended by the Fire Marshal of the Fire Department serving the Township to the Township Board for final decision. In cases where an on-site system is determined to be needed, detailed drawings, plans and/or other background materials as well as written approval from the appropriate County or State agencies shall be presented as part of the site plan submitted.

Maintenance of any, all approved on-site utility systems shall be ensured by the use of deed restrictions which shall provide for financial participation in the operation and maintenance costs by each owner, lessee, renter or occupant of the PUD served by the on-site system.

- 3) Each site shall be provided with an adequate surface and piped storm drainage system as approved by the County Drain Commissioner and the State Department of Environmental Quality. Open drainage courses and storm water retention or detention ponds may be permitted.
- 4) Electrical, telephone, natural gas and cable television lines shall be placed underground. Surface mounted equipment for underground lines shall be shown on the site plan and shall be screened from view.

I. Site design, layout and [density](#) criteria:

- 1) All [density](#) and [lot coverage](#) of developments in a PUD shall be completed on a total gross lot, [parcel](#), site or phase [area](#) basis, less surface water [area\(s\)](#), with the [exception](#) that water [areas](#) and wetlands of less than one (1) acre may be included as part of the gross land [area](#) for computing [density](#) but water [areas](#) and wetlands in excess of one (1) acre or more shall exclude the acreage of water [area](#) above the one (1) acre.
- 2) [Residential areas](#) may contain several different types of [dwelling units](#) if it can be demonstrated to the satisfaction of the Township Planning Commission and Township Board that the proposed combination will not interfere with the reasonable arrangement of lots of an [area](#) to be platted and that the overall [density](#) of [dwelling units](#) shall not exceed that specified or computed for each [zoning district](#) based upon the gross [area](#) of the lot, [parcel](#), site or phase divided by the minimum [lot area](#) per [dwelling unit](#) specified for each [zoning district](#).
- 3) All principal and [accessory buildings](#) and [structures](#) shall be located at least three (3) times their height in feet from all exterior planned or existing public or [private road right-of-ways](#) or easements, property lines and [zoning district](#) boundaries.
- 4) The outdoor storage of goods and materials shall be prohibited in a PUD, except in HC and I [districts](#).

J. Special requirements for Planned [Residential](#) Development - PRD - PUDs:

- 1) The purpose of a PRD is to permit the development of complete [residential](#) neighborhood units as a PUD, which, because of the large acreage involved, can be planned as self-contained [areas](#) of development. It is the further purpose of a PRD to permit non[residential uses](#) that are oriented primarily but not exclusively to residents of the PRD as a significant component of the overall PRD concept. On the basis of the total PRD, it is further the intent of the PRD to permit the developer to vary the specific bulk, [density](#), and [area](#) requirements of this Ordinance subject to the approval of the PRD plan by the Planning Commission and Township Board and the requirements as herein set forth. It is also the intent of this Section to encourage the provision of different housing types when this is undertaken on the basis of an overall plan for the entire PRD [area](#) which is designed to provide for compatible [land use](#) relationships between the various housing types and non[residential uses](#).
- 2) Regulations, limited height, bulk, [density](#) and [area](#) by [land use](#).
  - a) Where the outer boundaries of the [area](#) proposed for a PRD about a [residential zoning district](#) or an existing [residential](#)

development, the PRD shall meet the following minimum **yard** setback requirements:

- i) If the PRD abuts single **family** housing, the minimum **yard** setback shall be 50' for all **structures**.
  - ii) If the PRD abuts multiple **family** housing, the minimum **yard** setback shall be 50' for all **structures** except that, if the multiple **family** housing **buildings** exceed 25' in height, the **yard** setback shall be increased, in addition to the 50', by the additional height in feet above the 25' height.
  - iii) In both 1. and 2. above there shall be a screen planting or a combination berm and screen planting having an initial height of at least 8' located within the entire length of **yard** setback **area**. The screen planting shall consist of a double row of interlocking evergreen trees with the anticipated future growth height of the trees be at least 40'.
- b) Where the outer boundaries of the **area** proposed for a PRD abut a non **residential zoning district** or an existing non**residential** zoning development, the PRD shall meet the following requirements: 100' **setbacks** for all **buildings** and 50' **setbacks** for all other **structures** as defined in (Article II Definitions #166) and shall further meet the screening requirements of Section 27.07 J.2)a)3. above.
- c) The overall total permitted **density** within any PRD shall not exceed the number of **dwelling units** per acre or **lot coverage** permitted in the **zoning district** in which the PRD is located except as otherwise provided in this Ordinance. (See Section 27.07 A.) **Public roads**, and land under water, including wetlands, lakes, ponds or streams shall be excluded in computing the **area** of the **parcel** for purposes of **density** or **lot coverage**.
- d) On the final development plan of any PRD, the **common areas** and **open spaces** shown on the plan may be used to complete the overall **density** or **lot coverage** in the **zoning district** in which the PRD is located.
- e) All yards for internal lots or sites may be reduced as follows on **roads** located within the PRD:
- i) Front yards may be reduced to no less than twenty-five (25) feet or the height of the **building**, whichever is the greater.
  - ii) Side yards may be reduced to eight (8) feet, but at least sixteen (16) feet of combined side yards shall be provided between **buildings** for **single-family dwellings** and the height of **multiple family dwellings** for both side yards and the spacing between **buildings**. 3) Land **area** once used in computing **density** for one PRD or any phase of it, shall not again be used to compute **density** in another PRD or phase.
  - iii) Schedules of **construction**. In the development of a PRD, the percentage of **one-family dwelling** units under **construction** shall be at least in the same proportion to the percentage of **multiple family dwelling** units under **construction** at any one time; provided, that this requirement shall be applied only if **one-family dwelling** units comprise twenty-five percent (25%) or more of the total housing stock proposed for the PRD. **Nonresidential structures** shall not be built until the PRD has enough **dwelling units** built financially to support such **nonresidential use** based upon an economic feasibility study prepared by the applicant to this effect.
- K. Special requirements for planned shopping centers - PSC-PUDs. Such centers shall be permitted as a PUD in the NSC, RSC, and HSC zoning districts and shall comply with the following provisions:
- 1) Uses permitted. Limited to the uses permitted in each of the respective NSC, RSC and HSC **Districts** in which the PSC is to be located,

unless an application for rezoning for the non permitted uses is made as a part of the PUD.

2) Site development:

- a) Such development shall occupy a site per Section 27.02 and have a minimum of 300 feet of road frontage in the NSC district and an area per Section 27.02 and a minimum of 600 feet of road frontage in the RSC and HSC district.
- b) No building shall be located nearer to any residential property line than a distance equal to three (3) times the height of said building.
- c) No building or structure shall exceed the height limitation specified in the zoning district in which it is located, except as otherwise provided in the Ordinance.

3) Screening. When a PSC-PUD project is located in or adjacent to an AR, SFR or MFR zoning district, or when located adjacent to a school, hospital, church, or other public institution or open space, an approved fence or masonry wall of not less than four (4) feet nor greater than six (6) feet in height shall be erected and maintained along all property lines abutting such districts or use. In lieu of a fence or masonry wall, an evergreen buffer planting that may include berms that effectively screen the parking area from adjacent properties may be planted and maintained at a height of not less than six (6) feet.

4) Outdoor lighting. All outdoor lighting shall be installed in such a manner that no illumination source is visible beyond all property lines.

5) Vehicular approach. Driveways and approaches to the property shall be so designed and located as to create minimum interference with traffic on the surrounding public roads. No more than two (2) driveways, each not to exceed thirty (30) feet in width at the property line shall be permitted on each road frontage of the property. Such driveways shall be located as far from road intersections as practicable, but in no case less than fifty (50) feet.

6) Parking and circulation. There shall be provided no less than four (4) square feet of parking and circulation space for every one (1) square foot of leasable floor area within the shopping center. On-site circulation facilities shall be designed so that there shall not be backing up of traffic into public roads. All areas accessible to traffic shall be paved and maintained so as to provide a smooth, dustless, and a well-drained surface. Such areas shall be lighted for those hours of darkness during which establishments within the center are open for business.

7) Applicability of district regulations. Except as otherwise indicated in this Section, all applicable regulations in the NSC, RSC and HSC districts shall apply to the respective Neighborhood Shopping Center, Regional Shopping Center and Highway Service Shopping Centers permitted in their respective districts.

L. Legal mechanisms to ensure facility and open space administration, operation, maintenance and financing.

1) Legal instruments setting forth the manner of financing permanent maintenance of common areas, utilities and facilities shall be submitted to the Township Attorney for review before the Township Board approves a final site plan. All such legal instruments shall be filed with the Livingston County Register of Deeds and shall remain in effect unless and until the applicant/owner(s) or subsequent applicant/owner(s) and Howell Township by mutual written agreement approve any changes or amendments in the instruments.



- 2) Where a Home Owners Association (HOA) or an Association of **Commercial** Establishments (ACE) or Association of **Industrial** Establishments (AIE) is to be used to maintain **common areas**, utilities and facilities, the owner/developer shall file a declaration of covenants and restrictions that will govern the HOA, ACE or AIE as a part of the site plan submitted. The provisions shall include, but shall not be limited to, the following:
  - a) The HOA, ACE, or AIE shall be established before any **building** or **structure** in the PUD is sold or occupied.
  - b) Membership in the HOA, ACE or AIE shall be mandatory for each **building** unit owner(s) and for any successive owner(s) and shall be so specified in the covenants.
  - c) Declarations of Covenants and Restrictions shall be permanent parts of the deed to the property or any part of it separated by individual ownerships.
  - d) The HOA, ACE, or AIE shall be made responsible for liability.
- 3) **Building** unit owners shall pay their prorated share of all costs and this requirement shall be specified in the covenants. Assessments levied by the HOA, ACE, or AIE shall become a lien on individual property ownerships.

M. Project phasing:

- 1) If the proposed development is to be constructed in phases, a narrative description that describes all work to be done in each phase shall be submitted to the Planning Commission when the site plan is submitted.
- 2) A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate **public utility**, water supply and wastewater disposal services, storm drainage system and **open spaces**, but each phase shall have that which is needed to make each phase completely functional and have all of the necessary common elements planned, designed and built when needed.
- 3) Public or common water supply, wastewater disposal systems and hard-surfaced **roads** are required for any and all phases of a PUD.
- 4) The final plan of each PUD or any phase of it shall be in conformity with the overall general development plan of the entire acreage. Any changes or amendments requested shall terminate approval on the overall plan until such changes and/or amendments have been reviewed and approved by the Township as in the instance of the first submittal.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend by Ord. 108 eff. June 07, 2000, further amend by Ord. No. 126 eff. June 17, 2001, further amend by Ord. No. 264 eff. April 28, 2015).

**Section 27.08 REGULATORY FLEXIBILITY.**

- A. To encourage flexibility and creativity consistent with the planned unit development concept, the Planning Commission may recommend, and the Township Board may grant a waiver from the requirements of this article as a part of the approval process as follows:
  1. Yard, lot width, minimum lot size, density, bulk standards, and other supplementary Development Standards and Regulations may be modified, provided that such modifications result in a more creative design, an arrangement of infrastructure that is more

economical and/or sensitive to existing natural features.

- B. Any regulatory modification shall be approved through a finding by the Planning Commission and Township Board that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards.
- C. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. No part of an open space planned unit development plan may be appealed to the Zoning Board of Appeals. This provision shall not preclude an individual lot owner from seeking a dimensional variance following final approval of the planned unit development, provided, such variance does not involve alterations to open space areas as shown on the approved planned unit development site plan.
- D. A table shall be provided on the site plan which specifically details all deviations from the established zoning area, height, and setback regulations, off-street parking regulations, general provisions, subdivision regulations, or supplementary regulations which would otherwise be applicable to the uses and development proposed in the absence of this section. This specification should include Ordinance provisions from which deviations are sought, and the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought. Only deviations consistent with the intent of this article shall be considered

(Ord. No. 264 eff. Apr. 28, 2015)

**Section 27.09 STANDARDS FOR REVIEW.**

The Planning Commission with the assistance of the Zoning Administrator shall determine and shall provide evidence in its report to the Township Board to the effect that the PUD application, site plan and supplementary informational materials submitted by the applicant meet the following standards:

- A. The proposed PUD development shall conform to the Township [Master Plan for Land Use](#) or conform to a [land use](#) policy which in the Planning Commission 's opinion, is a logical and acceptable change or modification of the adopted Township [Master Plan for Land Use](#).
- B. The proposed PUD development shall conform to the intent and purpose of the Township Zoning Ordinance and the regulations and standards of this PUD Article, other provisions and requirements of this Zoning Ordinance and any other Township, County, State and Federal requirements.
- C. The proposed PUD development shall be adequately served by utilities, facilities and services such as: [roads](#), sidewalks, [road](#) lights, police and fire protection, storm drainage system, water supply and wastewater disposal system, refuse disposal; or that the persons, organizations or agencies responsible for the proposed PUD development shall be able to properly provide for such utilities, facilities and services not available from the Township or other public agency or [public utility](#) company.
- D. Common [open space](#), other common properties and facilities, individual properties, and all other elements of a PUD which provide [open space](#) shall be so planned that they will achieve a unified plan for all of its functional and activity elements in appropriate locations, which are suitably planned, designed and related to each other both on-site and in relation to adjacent uses of land.
- E. The applicant shall have made provision to ensure that all on-site utilities, facilities and services shall be irrevocably committed through recorded protective covenants or deed restrictions for that purpose, including provisions for the financing of the [construction](#), management, operation and maintenance costs of all on-site utilities, facilities and services included in the approved site plan and supporting documentation.

- F. Traffic to, from, and within the PUD shall be safe and convenient to the occupants and users of the project and the surrounding [area](#). In applying this standard the Planning Commission shall consider, among other things, convenient routes for automotive and pedestrian traffic; relationship of the proposed project to main thoroughfares and [road](#) intersections; and the general character and intensity of the existing and potential [land use](#) development of the surrounding [area](#).
- G. The mix of housing unit types and densities, and the mix of [residential](#) and non[residential uses](#) shall be acceptable in terms of their interrelationships, convenience, privacy, compatibility, and other common health, safety and welfare measures.
- F. The Planning Commission shall determine, where applicable, that noise, odor, light or other external effects which are connected with the proposed PUD shall not adversely affect adjacent and surrounding [area land uses](#) and activities.
- G. The proposed PUD development shall create a minimum disturbance to natural features, land forms and the environment generally.
- H. [Roads](#) shall be compatible with the topography, be properly spaced, and be located and aligned in accordance with the intended function of each [road](#). The PUD shall have adequate access to public [roads](#). The plans shall provide suitable [road](#) connections to adjacent [parcels](#), where applicable.
- K. Pedestrian circulation shall be provided with the PUD and shall interconnect all PUD [use areas](#) where applicable. The on-site pedestrian walkway system shall provide for a logical extension of pedestrian ways outside the PUD and to the edges of the PUD, where applicable, for future connections between the PUD and the future development of adjacent properties.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

### **Section 27.10 AMENDMENTS TO SITE PLANS.**

Preliminary and final site plans may be amended in accordance with the process detailed in [Article XX](#), Site Plan Review Procedures.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

### **Section 27.11 PUD SITE PLANS, LAND DIVISION PLANS AND CONDOMINIUM LAND DIVISION PLANS.**

The Township Board shall have the authority to deny or table an application for approval of a PUD Site Plan, Land Division Plan or Condominium Land Division Plan if, in its opinion and after a report thereon from the Planning Commission, such PUD Site Plan, Land Division Plan or Condominium Land Division Plan will result in premature development of the [area](#) involved, or will result in premature or improper scheduling of public improvements such as, but not limited to, [roads](#), public water supply and wastewater disposal systems, utilities, schools and other public facilities, utilities and services.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

**Section 27.12 REQUIRED CONDITIONS FOR FINAL APPROVAL OF A PUD.**

Before approving the PUD in either a preliminary or final manner, the Planning Commission and Township Board shall determine that:

- A. Provisions have been made to provide for the financing of all improvements shown on the plan, for the development of [open spaces](#) and [common areas](#) which are to be provided by the applicant and that maintenance of such improvements is assured by an organizational and financial means satisfactory to the Township Board.
- B. Provisions have been made to reserve or otherwise provide for necessary future sites for public or common use.
- C. The cost of installing all [roads](#) and necessary utilities, including water supply and wastewater collection and treatment and storm damage system has been assured by satisfactory organizational and financial means.

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

**Section 27.13 FINANCIAL GUARANTEES.**

Performance guarantees shall be provided in accordance with Section [20.15](#) of [Article XX](#), "Site Plan Review Procedures."

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

**Section 27.14 VIOLATIONS.**

Violations shall be dealt with in the manner provided in Section [20.16](#) of [Article XX](#), "Site Plan Review Procedures."

(Ord. No. 66 eff. Feb. 16, 1998; amend. by Ord. No. 264 eff. Apr. 28, 2015)

## ARTICLE XXVIII LANDSCAPING REQUIREMENTS.

### Section 28.01 INTENT AND SCOPE OF REQUIREMENTS.

#### A. *Intent.*

Landscaping, including screening, green belts, buffers, berms and walls and fences are necessary for the continued protection and enhancement of all land uses. Landscaping is capable of enhancing the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Landscaping is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, and for the improvement, protection and enhancement of the Township's natural and man-made environments in the interest of the public health, safety and welfare.

- 1) Improve the general appearance of the Township as development occurs.
- 2) Improve the appearance of off-street parking areas, vehicular use areas, and property abutting roads and highway rights-of-way.
- 3) Protect and preserve the appearance, character, and value of residential areas which abut nonresidential areas, parking areas, and other intensive use areas.
- 4) Reduce soil depletion resulting from erosion.
- 5) Increase water retention by pervious soils and thereby helping reduce storm water runoff and flooding.

#### B. *Scope of application.*

These requirements shall apply to all uses which are developed, expanded, or changed and to all lots, sites, and parcels which are developed or expanded upon following the effective date of this Article. No site plan shall be approved unless it shows landscaping consistent with the requirements of this Article. Where landscaping is required, a zoning permit shall not be issued until the required landscape plan is submitted and approved as a part of Site Plan Review and a Certificate of Occupancy shall not be issued unless provisions set forth in this Article have been met or a Performance Guarantee has been posted in accordance with the provisions set forth in Section 20.15.

#### C. *Minimum requirements.*

The requirements in this Article are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping.

#### D. *Design creativity.*

Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect and, equally important, the intent of the Township to coordinate landscaping on adjoining properties.

**Section 28.02 GENERAL SITE REQUIREMENTS.**

**A. General site requirements.**

All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as green belts, berms, screenings, walls or fences are required:

- 1) All unpaved portions of a site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting road pavement edge. Grass areas in the front yard of all nonresidential uses shall be planted with sod, hydroseeding, or mulched or covered seeding.
- 2) A mixture of evergreen and deciduous trees shall be planted on nonresidential parcels at the rate of one (1) tree per 3,000 square feet or portions thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Article. Required trees may be planted at uniform intervals, at random, or in groupings or clusters.

**B. Berms.**

Where required, berms shall conform to the following standards:

- 1) Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the adjacent road right-of-way or parking lot adjacent to the berm, whichever is higher, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent slope), with at least a two (2) foot flat area on top. Berms shall undulate both vertically and horizontally and the landscape plan shall show the proposed contours of the berm.
- 2) Protection from erosion. Any required berm shall be planted with sod, hydroseeding, or mulched or covered seeding, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited unless specifically reviewed and approved by the Planning Commission.
- 3) Required plantings.
  - a) Berms located in the front yard of nonresidential parcels: Berms located in the front yard of nonresidential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent to Roads, Section 28.03A3.
  - b) Berms used for screening other than in the front yard: A minimum of one (1) deciduous shade tree shall be planted for each thirty (30) lineal feet or portion thereof, plus, a minimum of one (1) ornamental tree shall be planted for each fifty (50) lineal feet or portion thereof of required berm, plus, evergreen trees or hedges that are at least six (6) feet high as measured from the top of the rootball, which, upon being planted at fifteen (15) foot staggered intervals, will create a visual barrier for at least fifty percent (50%) of the berm length.
- 4) Measurement of berm length. For the purpose of calculating required plant material, berm length shall be measured along approximate center line of the berm.

**C. Parking lot landscaping.**

In addition to required screening, all **off-street parking areas** shall also provide landscaping as follows:

- 1) Landscaping ratios. **Off-street parking areas** containing greater than fifteen (15) spaces shall be provided with at least twenty-five (25) square feet of interior landscaping per **parking space**, except that only ten (10) square feet of interior landscaping shall be required per **parking space** located in a **parking structure** in the MFR, OS, NSC, RSC, HSC, HC, and I Zoning Districts.
- 2) Minimum **area**. Landscaped **areas** located in parking lots and adjacent to any **building** wall shall be no less than twelve (12) feet in any single dimension and no less than one hundred fifty (150) square feet in **area**, except that interior landscaped **areas** shall measure no less than three hundred (300) square feet in **area** in the MFR zoning districts, unless otherwise approved by the Planning Commission. In the OS, NSC, RSC, HSC, HC, and I Zoning Districts, any planting island located within a parking lot or located adjacent to a perimeter **driveway** shall be a minimum of twenty (20) feet in any single dimension and no less than four hundred (400) square feet in **area**. Wherever possible, **parking areas** and **driveways** shall be separated from **buildings** by a landscaped **area**. Landscaped **areas** in or adjacent to **driveways** and parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

**D. Screening**

- 1) General screening requirements. Unless otherwise specified, wherever an evergreen or landscaped screen is required, evergreen screening shall consist of closely spaced plantings which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within five (5) years of planting. Wherever screening is required adjacent to **residentially zoned** or used property, the screening shall be installed prior to the beginning of site grading and general **construction**, except where such activity would result in damage to the screening. The minimum width of a screening **area** shall be fifteen (15) feet.
- 2) Screening of utility substation and mechanical equipment. Mechanical equipment, such as air compressors, pool pumps, transformers, air conditioning units, sprinkler pumps, satellite dish antennae, utility substations and similar equipment shall be screened by evergreens on at least three (3) sides. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting. Specific screening requirements for utility substations will be determined on a case-by-case basis by the Township depending on the particular character of the **area** where the substation is proposed to be located.

**E. Landscaping of rights-of-way.** Public rights-of-way located adjacent to required landscaped **areas** and green belts shall be planted with sod, hydroseeding, or mulched or covered seeding or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the **right-of-way** were part of the required landscaped **areas**. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the **road** pavement.

**F. Maintenance of unobstructed visibility for drivers.** No landscaping shall be erected, established, or maintained on any **parcel** or in any parking lot which will obstruct the view of drivers. Interior landscaping in parking lots shall not be permitted to obstruct visibility between a height of thirty (30) inches and six (6) feet above the **grade** level of the parking lot throughout the parking lot.

**G. Potential damage to utilities.** In no case shall landscaping material be planted in a way which will interfere with or cause damage to underground utility lines, public **roads**, or other public facilities. Species of trees whose roots are known to cause damage

to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any roadways, sewers, or utilities. A list of such tree species shall be kept on file with the Zoning Administrator, and shall be made available to all interested persons upon request.

H. **Landscaping of divider medians.** Where traffic on [driveways](#), maneuvering lanes, [private roads](#), or similar vehicle access ways is separated by a divider median, the median shall be curbed and have a minimum width of twelve (12) feet as measured from the back of the curb. A minimum of one (1) deciduous or evergreen tree shall be planted for each thirty (30) lineal feet or portion thereof of median. Trees may be planted at uniform intervals at random, or in groupings, but in no instance shall the center-to-center distance between interfacing trees exceed forty (40) feet.

I. **Storm water detention areas and retention ponds.** Detention [areas](#) or retention ponds shall be designed as an integral part of the overall site plan and shall be considered a natural landscape feature having an irregular or curvilinear shape. Maximum slopes and depths of such [areas](#) or ponds shall conform to the County Drain Commissioner's requirements. The following standards shall be considered minimum requirements for the landscaping of detention [areas](#) or retention ponds:

1) Groundcover: The side slopes and bottom of the pond shall be sodded or seeded. If seeding is proposed, a seed mat or seed blanket shall be installed to prevent erosion and seed washing. The Township shall withhold a portion of the required landscape financial guarantee equal to the estimated cost of the groundcover until the sides and bottom of the pond have become permanently established.

2) General landscaping: All proposed detention [areas](#) and retention ponds shall be landscaped in accordance with the following standards:

a) One (1) deciduous shade or evergreen tree and ten (10) shrubs shall be planted for every fifty (50) lineal feet of the detention [areas](#) or retention pond's perimeter as measured along the top of bank containing the [area](#) or pond, or as otherwise approved by the Planning Commission.

b) The required trees and shrubs shall be planted in a random pattern or in groupings. Placement of required landscaping may be located on top or slope of the bank of the detention [area](#) or retention pond, or as otherwise approved by the Planning Commission.

**Section 28.03 SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS.**

A. **Requirements for commercial and industrial districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02, all [lots](#) or [parcels](#) of land located in MFR, OS, NSC, RSC, RT, HSC, HC and I Zoning Districts shall comply with the following landscaping requirements:

1) Front [yard](#) berm requirements: Wherever front, side or rear yards adjacent to [road right-of-way](#) are used for parking, a berm shall be required to screen the parking from view of the [road](#). The berm shall be located totally on private property, adjacent to the [road right-of-way](#) line. The Township encourages undulation in the height and contour of the berm. Required berm height and width shall be related to [building setbacks](#) as indicated in the following schedule (see illustration):



Existing or Required Setback	Required Berm Width	Average Berm Height	Minimum Berm Height
165 feet or less:	20 feet	3 feet	2 feet
More than 165 feet:	26 feet	4 feet	2 feet

2) Protective screening requirements: Protective screening in the form of a berm and plantings shall be required wherever a nonresidential use in a commercial, office, research or industrial district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B. An alternate method of screening may be considered by the Planning Commission based on specific site characteristics and compatibility with the character of the surrounding area.

3) Landscaping adjacent to roads and highways: All front, side, or rear yards in addition to berms, shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

4) Foundation landscaping: Foundation plantings shall be provided along the front or sides of any buildings which faces a road, is adjacent to a parking lot or other area which provides access to the building(s) by the general public. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and five (5) shrubs per thirty-five (35) lineal feet of applicable building frontage. Individual planting areas shall be at least eight (8) feet in any single dimension and not less than one hundred fifty (150) square feet in area. Planting areas located directly adjacent to a building wall shall be at least ten (10) feet in depth from the building.

**B. Requirements for MFR zoning districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02 above, all lots or parcels of land located in MFR zoning districts shall comply with the following landscaping requirements:

1) General site landscaping: A minimum of two (2) deciduous or evergreen trees, plus, four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family residential development shall not be counted in meeting these requirements for trees.

2) Landscaping variety: In order to encourage creativity in landscaping and to minimize tree loss caused by species-specific disease, a variety of tree species shall be required, as specified in the following schedule:

Landscape Variety Schedule	
Required Number of Trees	Minimum Number of Species
5 to 30	2
31 to 60	3
61 to 100	4
More than 100	5

- 3) Parking lot landscaping: Multiple family residential uses requiring off-street parking areas containing greater than fifteen (15) spaces shall be provided with at least fifteen (15) square feet of interior landscaping per parking space, excluding those parking spaces abutting a public right-of-way for which landscaping is required by the various provisions of this Ordinance, and also excluding all parking spaces which are directly served by a driveway abutting and running parallel to a public right-of-way. Interior landscaping shall comply with all applicable requirements set forth in Section 28.02C.
- 4) Protective screening requirements: Protective screening in the form of a berm and plantings or an obscuring wall shall be required wherever development in a MFR district abuts directly upon land zoned for single family residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B. If a wall is used instead of a berm, the wall shall meet the requirements of Section 28.08.
- 5) Privacy screens: Where multiple family dwellings are designed so that rear open areas or patio areas front onto a road or highway, a landscaped privacy screen shall be provided. Such screen shall consist of a combination of trees, shrubs, and berms, subject to review and approval by the Planning Commission.
- 6) Landscaping adjacent to a limited access highway: Where multiple family dwellings abut a limited access highway, a landscaped buffer shall be provided to screen highway noises and views. The buffer shall consist of a combination of closely spaced evergreens and earth mounding, providing a total minimum design height of eleven (11) feet. The size and placement of plantings shall provide for a complete visual barrier at the desired height within five (5) years of planting. The Planning Commission may modify these requirements where noise mitigation measures such as walls and plantings have been constructed in the highway right-of-way.
- 7) Landscaping adjacent to roads: The front, side, or rear yards adjacent to roads shall be landscaped in accordance with the following standards:
 

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

**C. Requirements for nonresidential uses in residential districts.**

In addition to the General Landscaping Requirements set forth in Section 28.02 above, all nonresidential uses developed in

residential districts shall comply with the following landscaping requirements:

- 1) Protective screening requirements: Protective screening in the form of a berm and plantings or an obscuring wall shall be required wherever a nonresidential use in a residential district abuts directly upon land zoned for residential purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 28.02B, above. If a wall is used instead of a berm and plantings, the requirements of Section 28.08 shall be complied with.
- 2) Screening of off-street parking: A four (4) foot height obscuring wall shall be required along all sides of any off-street parking or vehicle use area constructed to serve a nonresidential use in a residential district, where said off-street parking or vehicle use area is located within twenty-five (25) feet of any land zoned for residential uses.
- 3) Landscaping adjacent to roads: The front, side, or rear yards adjacent to roads and highways shall be landscaped in accordance with the following standards:

A minimum of one (1) deciduous shade or evergreen tree shall be planted for each forty (40) lineal feet or portion thereof of road frontage, plus, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of road frontage, plus, a minimum of eight (8) shrubs shall be planted for each forty (40) lineal feet or portion thereof of road frontage. For the purposes of computing length of road frontage, openings for driveways and sidewalks shall not be counted. Trees and shrubs may be planted at uniform intervals, at random, and/or groupings.

#### **Section 28.04 STANDARDS FOR LANDSCAPE MATERIALS.**

Unless otherwise specified, all landscape materials shall comply with the following standards:

##### **A. *Plant quality.***

Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in Livingston County, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.

##### **B. *Nonliving plant material.***

Plastic and other imitations of plant materials shall not be considered as meeting the landscaping requirements of this Ordinance.

##### **C. *Plant material specifications.***

The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

- 1) Deciduous shade trees. Deciduous shade trees shall be a minimum of two and one-half (2.5) inches in caliper measured twelve (12) inches above grade with the first branch a minimum of four (4) feet above grade when planted.
- 2) Deciduous ornamental trees. Deciduous ornamental trees shall be a minimum of one and one-half (1.5) inches in caliper measured six (6) inches above grade with the first branch a minimum height of four (4) feet above grade when planted.

- 3) Evergreen trees. Evergreen trees shall be a minimum of six (6) feet in height and a minimum spread of three (3) feet when planted. The diameter of the burlap root ball shall be at least ten (10) times the caliper measured six (6) inches above [grade](#).
- 4) Shrubs. Shrubs shall be a minimum of two (2) feet in height when planted. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.
- 5) Hedges. Hedges shall be planted and maintained so as to form a continuous, unbroken, visual screen at least two (2) feet in height when planted.
- 6) Vines. Vines shall be a minimum of thirty (30) inches in height after one (1) growing season.
- 7) Ground cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present reasonably dense coverage after one (1) growing season.
- 8) Grass. Grass [area](#) shall be planted using species normally grown as permanent lawns in Livingston County. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, mulched, covered, drilled, sprigged or seeded, in any other acceptable manner approved by the Planning Commission except that sod, hydroseeding, or mulched or covered seeding shall be installed in swales on slopes or other [areas](#) that are subject to erosion, and in the front [yard areas](#) of all nonresidential uses. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other types of mulch normally used in landscaping shall be used to protect newly seeded [areas](#).
- 9) Mulch. Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in a manner as to present a neat, uniform, finished appearance.
- 10) Sod. Grass [areas](#) in the front [yard](#) of all nonresidential uses shall be planted with sod, hydroseeding, or mulched or covered seeding. Types of sods are defined as follows:
  - a) Mineral sod: Sod extracted by pieces or strips from the surface of grassland containing grass, support soil, and healthy roots, extracted with the intention of replanting in another [area](#) for the purpose of establishing lawn [areas](#). The sod shall be grown on mineral soil, commonly referred to as topsoil, and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns shall be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions in Livingston County.
  - b) Peat sod: Sod extracted by pieces or strips from the surface of grassland containing the grass, support soil, and the healthy roots, extracted with the intention of replanting in another [area](#) for the purpose of establishing lawn [areas](#). The sod shall be grown on peat and must be a minimum of two (2) years old. The grasses permitted for use in sod for landscaped lawns shall be a blend that reflects the current standards in the industry and has been demonstrated to prosper under local conditions in Livingston County.

### Section 28.05 INSTALLATION AND MAINTENANCE.

The following standards shall be observed where installation and maintenance of landscape materials are required.

- A. **Installation:** Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, hedges and vines shall be generously mulched at the time of planting.
- B. **Protection from vehicles:** Landscaping shall be protected from vehicles through use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants for snow removal, salt, and other hazards.
- C. **Off-season planting requirements:** If development is completed during the off-season when plants cannot be installed, the owner shall provide a financial guarantee to ensure installation of required landscaping in the next planting season in accordance with Section 20.15.
- D. **Maintenance:** Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately by the owner/occupant or upon notice from the Zoning Administrator, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. An automatic irrigation system is required of all proposed developments for all landscaped and/or lawn areas. This requirement may be waived by the Planning Commission if it is determined that the scope of the project is minimal and that the cost of installation of such equipment would be prohibitive to the development of the site. Trees, shrubs, and other plantings and lawn areas shall be watered regularly throughout the growing season. All constructed or manufactured landscape elements such as, but not limited to, benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Rotted, deteriorated, or damaged landscape elements shall be repaired or replaced immediately by the owner/occupant or upon notice from the Zoning Administrator.

### Section 28.06 TREATMENT OF EXISTING PLANT MATERIAL.

The following regulations shall apply to existing plant material:

A. ***Consideration of existing elements in the landscape design.***

In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Article, provided such substitution is in keeping with the spirit and intent of this Article and this Ordinance in general.

Existing hedges, berms, walls, or other landscape elements may be used to satisfy the requirements set forth previously, provided that such existing elements are in conformance with the requirements of this Article.

B. ***Preservation of existing plant material***

Site plans shall show all existing trees which are located on the site which are six (6) inches or greater in diameter, measured at four and one-half (42) feet above grade, and which will meet the minimum specifications of Section 28.04C.

Existing trees shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled To Be Saved on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree. No vehicle or other construction equipment shall be parked or stored within the drip line of any tree or other plant material intended to be saved.

In the event that healthy existing plant materials which have been approved to meet the requirements of this Ordinance are damaged or destroyed during **construction** or die within one (1) year of completion of the project, said plant material shall be replaced with the same or comparable species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Zoning Administrator based on consideration of the site and **building** configuration, available planting space, and similar considerations:

Diameter Measured 2 Feet Above Grade		
Damaged Tree	Replacement Tree	Replacement Ratio
Less than 6 inches	2 to 3 inches	1 for 1
More than 6 inches	2 to 3 inches	1 replacement tree for each 6 inches in diameter or fraction thereof of damaged tree.

**Section 28.07 MODIFICATIONS TO LANDSCAPE REQUIREMENTS.**

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Article and Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

- A. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design made in consideration of topographic features.
- B. Parking, vehicular circulation, or **land use** is such that required landscaping would not enhance the site or result in the desired landscaping effect.
- C. The public benefit intended by these landscaping regulations could be better achieved with a plan that varies from the strict requirements of this Article and Ordinance in general.

**Section 28.08 OBSCURING WALLS AND FENCES.**

A. *Obscuring wall and fence standards*

Where permitted or required by this Article and Ordinance, obscuring walls shall be subject to the following regulations:

- 1) Location. Required obscuring walls and **fences** shall be placed inside the **lot line** except in the following instances:
  - a) Where underground utilities interfere with placement of the wall or **fence** on the property line, the wall shall be placed on the utility easement line located nearest the property line.
  - b) Walls and **fences**, other than those permitted to be located adjacent to property lines or for topographical purposes, shall

conform to the [road](#) and setback requirements as set forth in other Articles and Sections of this Ordinance.

- c) When adjacent property owners agree to the [construction](#) of walls or [fences](#) on their common property line, walls or [fences](#) may be constructed on their common property line.
- 2) Time of [construction](#). Wherever [construction](#) of an obscuring wall or [fence](#) is required adjacent to [residentially](#) zoned or used property, the wall or [fence](#) shall be constructed prior to the beginning of site grading and other on-site [construction](#), except were such grading or [construction](#) would result in potential damage to the wall or [fence](#).
- 3) Corner clearance. Obscuring walls and [fences](#) shall comply with the specifications as set forth in Section [14.18](#).
- 4) Substitution. As a substitute for required obscuring wall or [fence](#), the Planning Commission may, in its review of the site plan, approve the use of other existing and/or proposed natural or man-made landscape features, such as closely spaced evergreens, that would produce substantially the same results in place of walls or [fences](#) for durability and permanence. The character of adjoining uses shall be taken into consideration in determining whether any such substitution is appropriate.
- 5) Wall specifications. Required obscuring walls shall comply with the following height requirements, unless otherwise specified in this Ordinance.

Purpose	Required Height
To screen a use in an OS, NSC, RSC, RT, HSC, HC, and I Zoning Districts from adjacent land zoned for <a href="#">Residential</a> .	Six (6) feet
To screen a non <a href="#">residential use</a> or parking <a href="#">area</a> located in a <a href="#">Residential</a> Zoning District from adjacent land zoned for <a href="#">Residential</a> .	Four (4) feet

Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the façade of the principal [structure](#) on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. Concrete block walls with no decorative features are not permitted. Required walls shall be finished on their sides, ends, and tops.

- 6) [Fence](#) specifications. [Fences](#) erected for screening purposes shall be six (6) feet in height unless otherwise specified in this Ordinance, and shall be constructed of redwood, cedar, or No. L pressure-treated wood. Chain link [fences](#) shall not be permitted for screening purposes.
- 7) Refer to Section [14.26](#) - Fences.

(Amend. By Ord. No.158 eff. May 25, 2003)

**Section 28.09 RESIDENTIAL FENCES AND WALLS.**

A. *General standards.*

Fences or walls in Residential Zoning Districts, whether for the purposes of screening or decorative landscaping, shall meet the requirements specified above in Section 28.08.

B. *Entranceway structures.*

Residential subdivision entranceway structures shall be permitted, subject to the site plan review as landscape features. These structures shall not be considered to be walls or fences.

(Ord. No. 74 eff. Sept. 30, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000; amend)



**ARTICLE XXIX  
MANUFACTURED HOUSING DISTRICT**

**Section 29.01 PURPOSE:**

It is the purpose of this Section to provide for the location and regulation of Manufactured Housing District (MHD) to assure that they are provided with necessary utilities, facilities and services in a setting that is designed to protect the health, safety and welfare and provide a high quality of living for its residents by locating them where they will be compatible with adjacent land uses and meet the comparable standards of development established in this Ordinance for other types of residential developments permitted in Howell Township.

**Section 29.02 REGULATION OF MANUFACTURED HOUSING DISTRICT (MHD).**

MHD in Howell Township shall be governed by PA 96 of 1987, as amended, the Manufactured Housing Code (MH Code), being R125.2301 et seq and R325.331 et seq of the Michigan Administrative Code (MAC) and the provisions only of this Article XXIX of this Ordinance.

**Section 29.03 DEFINITIONS:**

“COMMISSION” means the Michigan Manufactured Housing Commission.

“DEPARTMENT” means the Department of Consumer and Industry Services.

“DEVELOPER” means the developer of a new manufactured housing development or the owner of an existing development who is changing or expanding the development.

“MDEQ” means the Michigan Department of Environmental Quality.

“MHD” means Manufactured Housing District.

“MHC” means Manufactured Housing Community.

“TOWNSHIP” means Howell Township, Livingston County, Michigan.

“COUNTY” means Livingston County, Michigan.

**Section 29.04 LOCATION OF MANUFACTURED HOUSING DISTRICT (MHD).**

MHD may be located in areas zoned for Manufactured Housing District as indicated on the Howell Township Zoning Map.

## ARTICLE XXIX

### Section 29.05 PERMITTED LAND, BUILDING AND STRUCTURAL USES.

Land, [Building and Structural Uses](#) in a manufactured housing [district](#) shall be those permitted in the Manufactured Housing Code of the State of Michigan.

### Section 29.06 PERMITTED SITE IMPROVEMENTS AND STANDARDS OF CONSTRUCTION.

The following is a list of site requirements in a manufactured housing [district](#), and, if constructed, the standards of [construction](#) which shall be met. All site improvements shall meet the requirements of the Manufactured Housing Code (MH Code) and, where specified, the additional requirements of this Article XXIX.

- A. MHD/C SITE SIZE  
15 acres minimum.
- B. GRADING OF SITE  
MH CODE requirements and practice of qualified professionals licensed or registered by the State of Michigan, including, but not limited to, civil engineers, landscape architects and architects.
- C. SURFACE AND UNDERGROUND PIPED STORM WATER SYSTEM  
MH Code requirements.
- D. SOIL EROSION AND SEDIMENTATION CONTROL  
MH Code requirements.
- E. WETLANDS AND FLOODPLAINS  
MH Code requirements and review and approval of the Michigan Department of Environmental Quality.
- F. [ROAD ACCESS AND ROADS](#)  
MH Code requirements.
- G. WATER SUPPLY DISTRIBUTION SYSTEM  
MH Code requirements and review by and approval of the Michigan Department of Environmental Quality.
- H. FIRE HYDRANTS AND FIRE EXTINGUISHING EQUIPMENT  
MH Code requirements, and the requirements of the Michigan Department of Environmental Quality R325.11105 for fire hydrants and the Michigan State Fire Code per Public Act 133 of 1974 for fire extinguisher equipment.
- I. WASTEWATER DISPOSAL SYSTEM  
MH Code requirements and review by and approval of the Michigan Department of Environmental Quality.
- J. OTHER UTILITIES  
MH Code requirements and the requirements of the [Public Utility](#) Company providing the service.

K. [STREET](#) AND OTHER OUTDOOR LIGHTING

MH Code requirements, provided that excessive glare from a light source shall not be visible beyond the property line of the MHD/C.

## L. ON SITE PARKING

MH Code requirements.

## M. SIDEWALKS

MH Code requirements.

N. [OPEN SPACE](#)

MH Code requirements.

O. ENTRANCE AND OTHER ON SITE [SIGNS](#)

MH Code requirements.

P. [STREET](#) NAMES

MH Code requirements and the requirements of the Livingston County Road Commission.

## Q. ADDRESS NUMBERING OF SITES

MH Code requirements and the numbering sequence required by the Livingston County Road Commission.

R. ROAD AND [HIGHWAY SETBACKS](#)

MH Code requirements, except that [setbacks](#) from Grand River Road, M-59 State [Highway](#) and Oak Grove Road shall in accordance with Section [26.05](#) of this Ordinance as required of all other development fronting on these [highways](#) and [roads](#).

S. OTHER [SETBACKS](#)

MH Code requirements for front, side and rear [yard setbacks](#).

## T. STORAGE

MH Code requirements.

## U. STORAGE/PARKING

MH Code requirements.

## V. TRASH AND GARBAGE DISPOSAL

MH Code requirements.

W. INSTALLATION OF [MANUFACTURED HOMES](#)

MH Code requirements.

X. SPACING OF BUILDINGS AND OTHER [STRUCTURES](#)

MH Code requirements for all [accessory buildings](#) and other [structures](#).

## Y. SKIRTING

## ARTICLE XXIX

Skirting shall be installed around all [manufactured homes](#). Such skirting shall be compatible aesthetically with the appearance and [construction](#) of the home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a [temporary](#) Certificate of Occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the MH Code.

### Z. [FENCES](#)

MH Code requirements.

### AA. COOKING SHELTERS, BARBEQUE PITS, FIREPLACES, AND WOOD BURNING STOVES OR INCINERATORS

Shall be located, constructed, maintained and used so as to minimize fire hazards and smoke [nuisance](#) both on the site and neighboring properties. Open fires shall not be allowed except in facilities and equipment designed and provided for such use and provided that all fires shall be continually attended by a responsible adult. No fuel shall be used or items burned which emit dense smoke or noxious and objectionable odors. Refer to Section [14.40](#) of the Zoning Ordinance for additional regulations.

BB. INDIVIDUAL FUEL OIL, LIQUID PETROLEUM, OR OTHER FUEL TANKS OR CONTAINER. Shall not be permitted to be stored in or under any manufactured housing unit.

## Section 29.07 APPLICATION FOR ZONING AND SITE PLAN/PRELIMINARY PLAN REQUIREMENTS.

- A. Applicants proposing the development of a manufactured housing [district](#) in the Township shall fill out an Application Form for Proposed Developments. Forms are available from the Township Zoning Administrator with [offices](#) located in the Township Hall.
- B. The land [area](#) proposed for a manufactured housing [district](#) must be zoned Manufactured Housing [District](#) (MHD) as indicated on the Howell Township Zoning Map. [Parcels](#) which are not zoned MHD must be rezoned in accordance with [Article XXIII](#).
- C. SITE PLAN/PRELIMINARY PLAN INFORMATION REQUIRED. [Parcels](#) which are zoned MHD are eligible for site plan / preliminary plan approval, subject to the following submittals:
  1. Name of proposed development, names, addresses and telephone numbers of all persons having an ownership interest in the property; names, addresses and telephone numbers of professionals preparing site plans, a map showing the general location of the project and the date when site plan was prepared.
  2. Plot of Survey, including property description, and showing boundaries of the project with bearings and distances, acreage of site, existing natural features, such as wetlands, floodplains, lakes, ponds, streams and other natural features of environmental importance, existing [buildings](#) and [structures](#), easements, monuments, stakes and irons and any other property improvements.
  3. General Development Plan of the project showing the location of all proposed [manufactured home](#) sites, [roads](#), parking [areas](#), [buildings](#) and other [structures](#), landscaping [signs](#), [streets](#), and other outdoor lighting, sidewalks, fencing, [open space](#), and other site improvements, but shall not include detailed engineering drawings or [constructions](#) plans.
  4. Copies of the Grading and Drainage Plan showing changes in topography, detention basins, and retention ponds for storm water runoff shall be submitted as a part of the final [construction](#) plans approved by the Manufactured Housing Commission.

5. Copies of the Utilities Plan showing plans for piped storm water system, water supply source and distribution system, wastewater disposal sanitary sewers system, including on site treatment facility, if proposed, electrical distribution system, natural gas distribution system, telephone service system, and cable television service system shall be submitted as a part of the final [construction](#) plans approved by the Manufactured Housing Commission.
6. Copies of Landscaping Plan showing existing trees and shrubs to be preserved and proposed landscape plant materials to be planted on site, including the names and sizes of trees and shrubs and [areas](#) to be planted in grass or other ground cover shall be submitted to the Township as a part of the final [construction](#) plans approved by the Manufactured Housing Commission.
7. Copies of [Construction](#) Details of [road](#), parking [areas](#), and other pavements, water, sewer and storm water appurtenances, such as manholes, catch basins, drop inlets, fire hydrants, [signs](#), [street](#) lights and other outdoor lighting and other improvements proposed by the developer, including detailed information on their [construction](#) shall be submitted to the Township as a part of the final [construction](#) plans approved by the Manufactured Housing Commission.
8. Copies of Cost Estimates of only those portions of public utilities proposed to be located outside of the boundaries of the MHD which will be connected to utility systems provided by Howell Township for the purpose of determining the Performance Guarantee shall be submitted to the Township as a part of the final [construction](#) plans approved by the Manufactured Housing Commission.
9. Other Requirements to be filed with the Township which are a part of the final [construction](#) plans approved by the Manufactured Housing Commission.
  - a. Copy of the License from the Licensing Executive, Manufactured Housing Division authorizing the proposed [construction](#) of an MHD in Howell Township, when project is completed and copies of license become available.
  - b. Copies of letters of Approval or Permits from the various State and other Public Agencies, when required for:
    - i) Water Supply Systems.
    - ii) Sanitary Sewer and Wastewater Treatment Systems per Section 11 (3).
    - iii) Storm Water Drainage Systems.
    - iv) Wetlands and Floodplains.
    - v) Access to County and State [Highways](#).
  - c. Copies of Letters of Approval or Permits from the various Livingston County Agencies, when required for:
    - i) Access to County [Roads](#) for ingress and egress [roads](#)
    - ii) Storm water Drainage Systems for outlet drainage.
    - iii) Soil erosion and Sedimentation Control.
    - iv) Health and Sanitation Facilities.

### Section 29.08 FILING OF SITE PLAN.

- A. Seven (7) copies of the final [construction](#) plans, including letters of approval, permits and other documentation as approved by the Manufactured Housing Commission shall be submitted to the Township for distribution to and use by Township Officials.

B. REVIEW PROCEDURE

The Planning Commission shall review the submitted Preliminary Plan and communicate its approval, approval with conditions, tabling, or disapproval of the Plan to the Applicant. In cases where modifications have been recommended, the Applicant shall resubmit a site plan incorporating those modifications to the Planning Commission for its review, any required modifications shall be directed to the specific items of noncompliance and the elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified site plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the Applicant. Such modified site plan may be approved, approved with conditions, or disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.

Final Preliminary Plans shall be submitted to the Manufactured Housing Commission for its review and approval, approval with conditions or disapproval. If approved by the Manufactured Housing Commission, the approved final [Construction Plans](#) shall be requested by the Zoning Administrator for distribution to Township Officials with a request for the issuance of a [Zoning Permit](#). The Township review shall be limited by the provisions of PA 96 of 1987, as amended.

C. NONCOMPLIANCE

Any noncompliance with this Ordinance shall be reported to the Manufactured Housing Commission for remedy along with all pertaining evidence.

D. REQUIRED FEES

Fees shall be paid to the Township for the review of MHD Preliminary Plans for conformance to the provisions of this Article [XXIX](#), "Manufactured Housing Developments of Communities (MHD)" in accordance with the Fee Schedule established by the Howell Township Board.

(Ord. No. 104 eff. May 24, 2000, amend. by ord. #256 eff. 4/12/2013)

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