

**Tyrone Township,
Livingston County, Michigan
Zoning Ordinance No. 36**

Adopted October 7, 1997
Amended April 8, 2002
Amended March 9, 2004
Amended as No. 36D August 19, 2008
Amended October 1, 2009 (36D.01)
Amended May 30, 2010 (36D.02)
Amended November 2, 2010 (36D.03)
Amended May 15, 2012 (36D.04)
Amended June 5, 2012 (36D.05)
Amended September 18, 2012 (36D.06)
Amended October 16, 2012 (36D.07)
Amended January 15, 2013 (36D.08)
Amended October 15, 2013 (36D.09)
Amended September 16, 2014 (36D.10)
Amended January 6, 2015 (36D.11)
Amended April 21, 2015 (36D.12)
Amended July 21, 2015 (36D.13)
Amended April 19, 2016 (36D.14)
Amended October 18, 2016 (36D.15)
Amended February 6, 2018 (36D.16)
Amended March 6, 2018 (36D.17)
Amended September 4, 2018 (36D.18)
Amended December 18, 2018 (36D.19)
Amended July 16, 2019 (36D.20)
Amended November 19, 2019 (36D.21)
Amended September 7, 2021 (36D.22)
Amended September 21, 2021 (36D.23)

**This zoning ordinance was last amended or revised
September 21, 2021**

**And is cataloged as revision
36D.23**

*Contact the Tyrone Township Clerk @ 810-629-8631
to verify the current version of this ordinance.*

RECENT AMENDMENTS INCLUDED IN THIS ORDINANCE VERSION:

The following amendment was approved on September 21, 2021:

Section 21.28 Stables and Animals: the amendment revises the requirements and standards for keeping of animals that are not pets in certain zoning districts, to clarify the method used to calculate the number of animals allowed, and to add standards for the keeping of chickens, rabbits and bees. The amendment replaces the current text in Section 21.28.

The following amendments were approved on September 7, 2021:

1. Article 11 Planned Unit Development (PUD), Table 11.1 PUD Uses Permitted updated Table 11.1 to be consistent with Table 20 in the Master Plan.
2. Article 21 Supplemental District Regulations, Section 21.21.F. Swimming Pool Covers to allow for the use of approved safety covers to fulfill residential swimming pool enclosure requirements consistent with the Michigan Residential Building Code, which had been amended in recent years to recognize certain safety covers as viable alternatives to fencing.

PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENTS, THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF "THE TOWNSHIP RURAL ZONING ACT," ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, "THE MICHIGAN ZONING ENABLING ACT," ACT 110 OF THE PUBLIC ACTS OF 2006, as amended, THE "TOWNSHIP PLANNING ACT," ACT 168 OF THE PUBLIC ACTS OF 1959, AS AMENDED, AND ALL OTHER PROVISIONS AS CONTAINED IN THE COMPILED LAWS OF THE STATE OF MICHIGAN, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.

WHEREAS, the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006 (being the Michigan Zoning enabling Act), as amended; and

WHEREAS, Act 184, P.A. of 1943 as amended, empowers the Township to enact a Zoning Ordinance and to provide for its administration, enforcement, and amendments, and the Township Board of Tyrone Township deems it necessary for the purpose of promoting the health, safety, and general welfare of the Township of Tyrone to enact such an ordinance; and

WHEREAS, the Township Board, pursuant to the provisions of Act 168, P.A. of 1959 as amended, has appointed a Planning Commission to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning Commission has prepared and officially adopted the "Tyrone Township Comprehensive Plan" to guide the future development of the Township; and

WHEREAS, the Planning Commission has divided the Township, hereinafter also referred to as "municipality" into districts and has prepared regulations pertaining to such districts in accordance with the Comprehensive Plan designed to promote public health, safety and general welfare; to encourage the use of natural resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; to facilitate provisions for a system of transportation, sewage disposal, safe and adequate water supply, recreation and other public movements and services; and

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WHEREAS the Planning Commission has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of the improvements thereto and encouraging the most appropriate use of land throughout the municipality; to protect and conserve environmentally sensitive lands from wanton destruction and untimely development; and

WHEREAS the Planning Commission has submitted its report to the Township Board, and the Township Board and the Planning Commission have given due public notice of hearing related to zoning districts, regulations, and restrictions, and have held such public hearings; and

WHEREAS all requirements of Act 184, P.A. of 1943, as amended, and Act 168, P.A. of 1959, as amended, with regard to the preparation of this Ordinance and subsequent action of the Township Board have been met; and

WHEREAS, the continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006 (being the Michigan Zoning Enabling Act), as amended;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP OF TYRONE, COUNTY OF LIVINGSTON, STATE OF MICHIGAN, AS FOLLOWS:

TYRONE TOWNSHIP ZONING ORDINANCE
ORDINANCE NO. 36D.23
(Adopted 9/21/2021)

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REGULATORY ORDINANCES INCLUDED:

LAND DIVISION ORDINANCE NO. 25 *(revised August 20, 2019)*

EXTRACTIVE INDUSTRIAL REGULATORY ORDINANCE NO. 21

**ARTICLE 1
GENERAL PROVISIONS**

SECTION 1.00 TITLE

This Ordinance shall be known and cited as the Tyrone Township Zoning Ordinance No. 36.

SECTION 1.01 PURPOSE

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the residents of Tyrone Township. The Ordinance imposes certain regulations and restrictions in order to more effectively protect and promote the general welfare, preserve property values, and to accomplish the aim, policies, and recommendations in the Tyrone Township Master Plan. The Township is divided into districts of such number, boundaries, shape and area, and of such community of purpose, adaptability or use, that are deemed most suitable to provide the best civil use, protect the common rights and interests of all, and promote improved wholesome, harmonious, aesthetic development of Tyrone Township. Further regulations and restrictions limit the location, the height, bulk, number of stories, the size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, industrial or other purposes. The size of front, rear and side yards, courts, or other open spaces are regulated. The provisions create a Zoning Board of Appeals, defining and limiting the power and duties of said Board and providing the means for enforcing said Ordinance.

SECTION 1.02 CONSTRUCTION

This Ordinance shall be liberally construed in such manner as to best accomplish its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. The provisions of this Ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with each other, provided, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provision shall control and prevail.

SECTION 1.03 ENABLING AUTHORITY

This Ordinance is adopted pursuant to Act 184 of the Public Acts of 1943, of the State of Michigan, as amended. Said Enabling Act covering Township Rural Zoning, is hereby made a part of this Ordinance. The continued administration of this Ordinance, amendments to this Ordinance, and other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) hereinafter referred to as the "Zoning Act."

SECTION 1.04 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are important or required by the provisions of any other law or Ordinance, the provisions of this Ordinance shall govern.

SECTION 1.05 EXEMPTION OF ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by state law and ordinances of Tyrone Township. The construction of buildings associated with essential services shall be subject to the provisions of Article 23, SITE PLAN REVIEW. Otherwise, the construction, maintenance and alteration of essential services shall be exempt from the provisions of this Ordinance. Those services considered dangerous to the health, safety, and welfare of township residents shall not be permitted.

SECTION 1.06 COMPLIANCE

Any structure or part thereof shall not be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained, nor shall any structure or land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance. Hereafter, every building erected, altered or moved, shall be located on a parcel of record. Except in the case of an approved multiple family development complex with more than one (1) apartment building, there shall be no more than one (1) principal building and its permitted accessory structures located on each such parcel in any residential district. The principal building may contain one-family, two-family, or multiple-family dwelling units depending on the residential zoning district.

SECTION 1.07 RELATIONSHIP TO MASTER PLAN

This Ordinance has been developed and designed to compliment the Tyrone Township Master Plan, and to ensure that the guidelines detailed in that Plan will be considered and adhered to as future decisions regarding requested zoning changes are made.

SECTION 1.08 VESTED RIGHT

Nothing in this Ordinance shall be interpreted as imparting, or construed to give rise to any permanent, vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. All such considerations are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 1.09 USES IN DISTRICT

Permitted and special land uses allowed in each zoning district are listed in the article for each district. Any use not expressly listed in a district article is prohibited in that district unless the district article provides for the use to be found a “similar use” according to Section 21.44. All special land uses require review by the Planning Commission and approval by the Township Board, subject to the requirements of Article 22, SPECIAL LAND USES, herein. Special land uses also require the submittal, review, and approval of a site plan, subject to the requirements of Article 23.

SECTION 1.10 SEVERABILITY

This Ordinance and the various articles, sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

SECTION 1.11 GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the provisions within the Ordinance. Said Board is hereby empowered in the name of Tyrone Township to commence and pursue any and all necessary and appropriate action and/or proceedings in the Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of

any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

SECTION 1.12 TRANSFER OF ZONING COMMISSION POWERS

The Tyrone Township Board of Trustees hereby transfers all powers of the Zoning Commission, as provided in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, to the Tyrone Township Planning Commission, having been properly established prior to the effective date of Public Act 110 of 2006.

SECTION 1.13 ZONING ORDINANCE REPORT

At least once per year, the Planning Commission shall prepare a report for the Township Board of Trustees on the administration and enforcement of the Zoning Ordinance and recommendations of amendments or supplements to the Ordinance. This shall be a written report to be discussed at a joint meeting of the two bodies.

REVISIONS:

2007 APRIL - Section 1.03; Section 1.12; Section 1.13

ARTICLE 2 DEFINITIONS

SECTION 2.00 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In case of any differences of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
- I. The terms "abutting" or "adjacent to" include property "across from", such as across a street or an easement. "Abutting" or "adjacent to" shall not be considered land across US-23. This term shall also apply to adjacent zoning districts in an adjacent community.

- J. The term "this Zoning Ordinance" or "this Ordinance" includes the Zoning Ordinance and any amendments thereto.
- K. The phrase "such as" shall mean "such as, but not limited to."
- L. The word "including" shall mean "including, but not limited to."
- M. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.01 DEFINITIONS

Whenever used in this Zoning Ordinance, the following words and phrases shall have the meaning ascribed to them in this section.

AASHTO STANDARDS. Unless otherwise specified, the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets" constitutes the preferred street and road design standards for Tyrone Township.

ACCESS EASEMENT. See Section 24.01.E.

ACCESSORY BUILDING. A subordinate building on the same lot or parcel of land as the principal building or buildings or part of the principal building, occupied by or devoted exclusively to any accessory use. The accessory building shall not include any building used for dwelling, residential or lodging purposes, or sleeping quarters for human beings unless so specified herein.

ACCESSORY USE. A use normally and naturally incidental to, subordinate to and devoted exclusively to the principal use of the land or buildings.

ACCESSORY STRUCTURE. A structure that is clearly incidental to, customarily found in connection with, subordinate to, and located on the same lot or parcel as the principal use to which it is exclusively related.

ADULT DAY CARE. A facility which provides care for over twelve (12) adults for less than 24 hours.

ADULT FOSTER CARE FACILITY. A residential structure licensed to provide room, board and supervised care, but not continuous nursing care, for unrelated adults over the age of 17, in accordance with Public Act 218 of 1979, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Social Services. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

ADULT FOSTER CARE FAMILY HOME. Private residence for six (6) or fewer adults. Licensee must live in the home. Adult foster care family homes shall be treated similar to single family homes in the permitting and review process.

ADULT FOSTER CARE SMALL GROUP HOMES. Residence for twelve (12) or fewer adults. Licensee is not required to live in the home. Adult foster care small group homes may not be exempt from local planning and zoning requirements.

ADULT FOSTER CARE LARGE GROUP HOMES. Residence for thirteen (13) to twenty (20) adults. Licensee is not required to live in the home. Adult foster care large group homes shall not be exempt from local planning and zoning requirements.

CONGREGATE CARE FACILITY. See "Housing for the Elderly."

AGRI-BUSINESS. A retail or tourism based business operation conducted in FR Farming Residential and RE Rural Estate Districts clearly incidental to the principal permitted agricultural use on the property in which no less than 50% of the agricultural products or services sold or offered have been raised or grown on the site.

AGRICULTURE. Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry, nurseries, orchards and other similar enterprises or uses. Farms shall not be operated as commercial feeding operations, or for the disposal of garbage, sewage, rubbish or rendering plants or for the slaughtering of animals, except such animals raised on the premises or that have been maintained on the premises for the use and consumption of persons residing on the premises.

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 consummate act of which may be referred to herein as "altered" or "reconstructed."

ANIMAL, DOMESTICATED. Any animal that is commonly considered capable of being trained or is capable of adapting to living in a human environment and being of use to human beings, and which is not likely to bite without provocation, nor cause death, maiming, or illness to human beings. Domestic animals include, but are not limited to, cattle, horses, pigs, sheep, goats, turkeys, chickens, ducks, emus, camels, and household pets as defined in this Section.

ANIMAL, EXOTIC. Any animal of a species not indigenous to the State of Michigan and not a domesticated animal, including any hybrid animal that is part exotic animal. Exotic animals include, but are not limited to, non-human primates, venomous snakes and reptiles, non-venomous snakes greater than ten (10) feet in length, reptiles (other than snakes) greater than four (4) feet in length measured from snout to end of tail, large cats, sharks greater than two (2) feet in length, ostriches, piranha, venomous insects, elephants, bears, gamecocks, hyenas, and other non-domesticated, non-wild animals.

ANIMAL UNIT. A unit of measurement for determining the kind and number of animals permitted for private use in certain residential zoning districts. An animal unit is equivalent to the following:

- ✧ 1 horse or donkey or mule or cow, or
- ✧ 3 pigs, or
- ✧ 15 sheep or goats, or
- ✧ 30 fowl, or
- ✧ 4 miniature equine.

ANIMAL, WILD. Animals of a species indigenous to the State of Michigan or the Midwest region, and which are not a common household pet, including any hybrid animal that is part wild animal. Wild animals include, but are not limited to, badgers, bears, wild birds, large cats, coyotes, deer, wolves, dog-wolf hybrids, and weasels.

APARTMENTS. A room or a suite of rooms in a multiple-family building arranged and intended for place of residence of a single family or a group of individuals living together as a single housekeeping unit.

EFFICIENCY OR STUDIO APARTMENT is a dwelling unit consisting of not more than one (1) room including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a one (1) room unit.

ONE BEDROOM UNIT is a dwelling unit consisting of not more than two (2) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density shall be considered as a two (2) room unit.

TWO BEDROOM UNIT is a dwelling unit consisting of not more than three (3) rooms including kitchen, dining and necessary sanitary facilities, and for the purposes of computing density, shall be considered as a three (3) room unit.

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).

ARCHITECTURAL FEATURES. Architectural features of a building shall include but not be limited to cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

ATTACHMENT. The joining of two (2) or more structures by the continuation of foundations and roof lines, utilizing the same construction materials to create a single unit with interior access from the existing structures.

AUTOMOBILE REPAIR GARAGE. A place where 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 automobiles. The sale of engine fuels is optional.

AUTOMART. The primary use is the retail sale of engine fuels and packaged food and drink products from a single location, usually along a major road or highway. Many automarts were formally automobile service stations. Automarts also are commonly known as convenience stores.

AUTOMOBILE SERVICE STATION. 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 automobiles) are retailed directly to the public on the premises; including sale of minor accessories and services for automobiles. Such stations may dispense gasoline as "self-service," "full-service," or "self-service and full-service" retail outlets.

AUTOMOBILE CAR WASH. A building, or portion thereof, where automobiles are washed as a commercial enterprise.

AWNING. An unenclosed roof structure attached to a wall or roof of a building. An awning projects from the building and relies on support from the building to remain in place.

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 in floor area measurements.

BED AND BREAKFAST (B&B) OPERATIONS. A use that is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room and board in return for payment, provided that not more than twenty-five (25) percent of the total floor area of the dwelling unit shall be used for bed and breakfast rooms, and provided that there shall not be separate cooking facilities for bed and breakfast use. A length of stay at a B&B establishment shall not exceed three (3) nights in succession. (21.14.C.5)

BERM. A landscaped earthen mound used to physically and visually screen development from view.

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.

BOARDING HOUSE. A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent or nursing home.

BOAT. Shall mean any type of watercraft or vessel used and/or operated upon a lake or other body of water. This definition shall also include amphibious craft capable of moving on land or in the air and floating on water.

BOAT LAUNCHING. Shall mean the placement of a boat in a lake by any means.

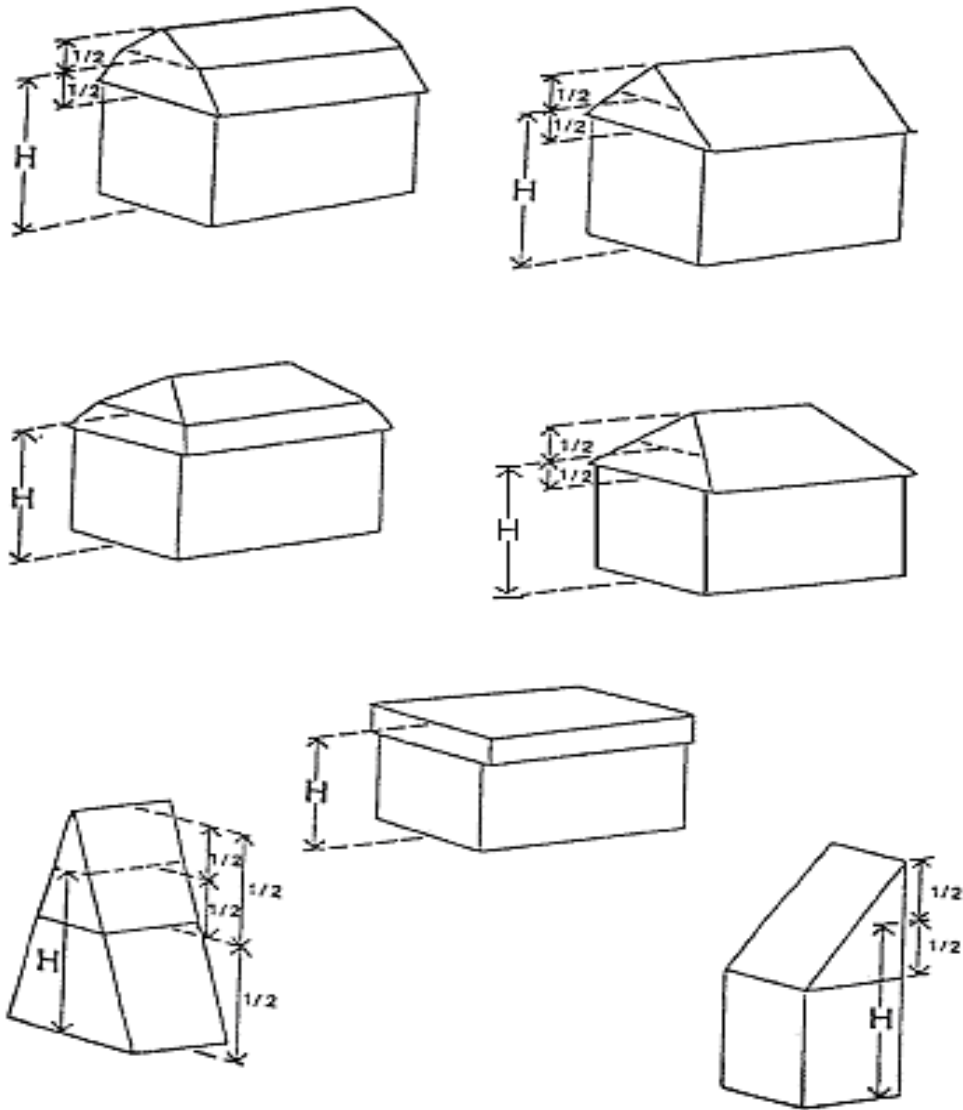
BOAT TRAILER. A licensed or unlicensed vehicle that is not self-propelled, is designed to be pulled by an automobile, van or pick-up truck, and is the normal equipment used to transport a boat(s) on the road.

BUILDING. An independent structure, either temporary or permanent, having a roof supported by columns or walls.

BUILDING HEIGHT. The vertical distance from the established grade to the highest point of the roof surface for flat roofs to the dock 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. (See Figure 2.1)

BUILDING LINE. A line formed by the front face of the building, and extending to the side lot lines. For purposes of this ordinance, a minimum building line is the same as the front setback line.

Figure 2.1 BUILDING HEIGHT REQUIREMENTS



CAMPGROUND. A parcel or tract of land under the control of a person or persons in which sites are for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreation units. A recreation unit means a tent, travel trailer, camping trailer, motor home, recreational vehicle, and truck camper. Campgrounds are licensed according to Section 12501 in Act 368 of 1978, as amended, the Michigan Public Health Code.

CANOPY. An unenclosed structure with a roof which is supported fully or partially with poles, columns or other support members. A canopy may be attached to a building but relies on poles, columns or other members to fully or partially support the weight of the roof.

CARE ORGANIZATION. A facility for the care of children under 18 years of age, as licensed and regulated by the State under Act No. 116 of the Public Acts of 1973 and Act No. 218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

CHILD CARE CENTER OR DAY CARE CENTER. A facility other than a private residence, receiving more than six (6) preschool or school age children for group day 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. It 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. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

FAMILY DAY CARE HOME. A private home in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except 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 (4) weeks during a calendar year.

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 adoption, 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.

FOSTER FAMILY GROUP HOME. A private home licensed by the Michigan Department of Social Services in which more than four (4) but less than seven (7) children, who are not related to an adult member of the household by blood, marriage, or adoption, 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.

GROUP DAY CARE HOME: A private home in which more than six (6) but not more than twelve (12) children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian except 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 during a calendar year.

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 therein overnight.

COMMUNITY SEPTIC SYSTEM. A facility designed to accept and provide limited treatment of sewage waste from more than one residence. Such community septic system shall be designed to the applicable Livingston County standards and dedicated for maintenance by the appropriate governmental agency.

COMMERCIAL FEEDING OPERATION. A feedlot or any parcel of land or premises, other than a pasture, on which the principal use is the concentrated feeding of farm animals for income, including but not limited to beef cattle, hogs and poultry.

COMMERCIAL VEHICLE. Any motor vehicle used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and/or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

COMMON USE LOT OR LOTS. Shall mean a Lot, Parcel, or Condominium Unit with Water Frontage on a Lake, which is or has been created with the intent to allow the common use thereof by non-owners of the Common Use Lot, multiple owners of a Common Use Lot, non-riparian Lot or Parcel owners or owner, the public, members of an association, or to more than one Dwelling Unit.

CONDOMINIUM TERMS:

COMMON ELEMENTS. Portions of the condominium project other than the condominium units.

CONDOMINIUM. A condominium is a system of separate ownership of individual units and/or multi-unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by other unit owners.

CONDOMINIUM ACT. Shall mean Public Act 59 of 1978, as amended.

CONDOMINIUM LOT OR SITE. That portion of the land area of a site condominium project intended to function similar to a platted subdivision lot for purposes of determination of minimum lot area, minimum lot width, minimum yard (setback) requirements and other requirements set forth in Section 20.01 Schedule of Regulations.

CONDOMINIUM SUBDIVISION PLAN. Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM UNIT. Shall mean that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project regardless of whether it is intended for residential, office, industrial, business, recreational, time share unit use, or any other type of use.

CONTRACTIBLE CONDOMINIUM. A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

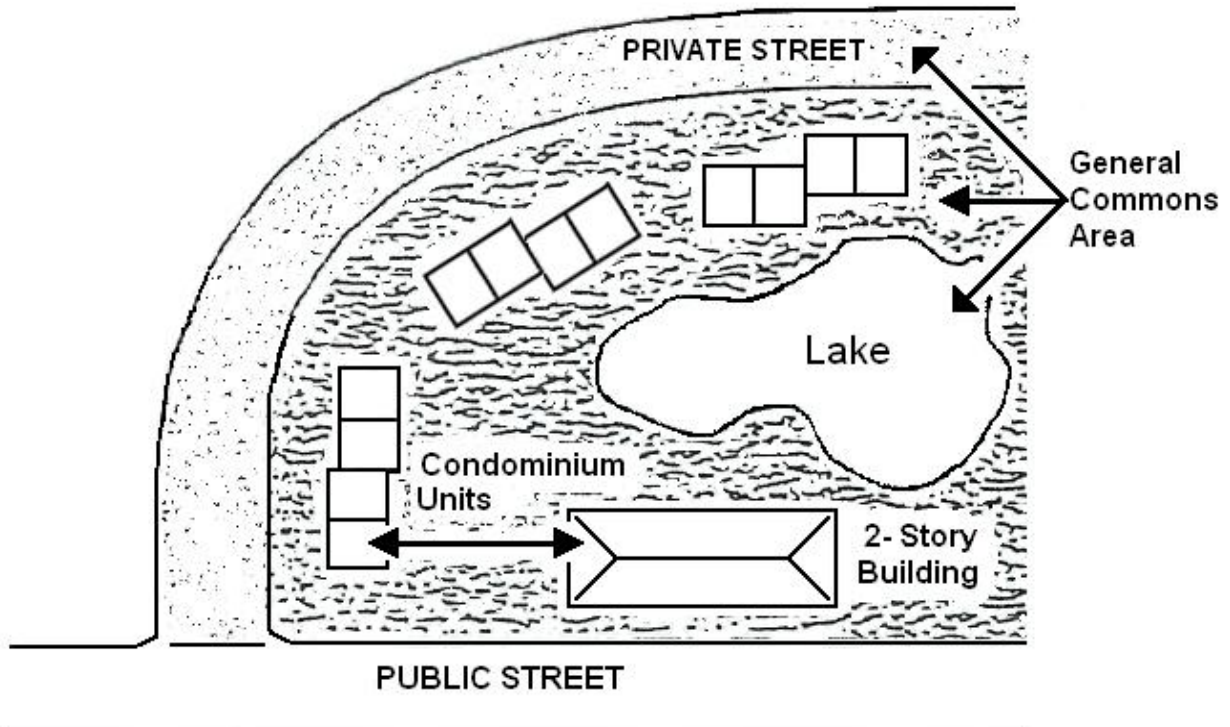
CONVENTIONAL CONDOMINIUM PROJECT. A condominium designed to include only general common elements and usually consisting of only attached residential units. (See Figure 2.2, page 2-10)

CONVERSION CONDOMINIUM. A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

CONVERTIBLE AREA. A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

EXPANDABLE CONDOMINIUM. A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with the Zoning Ordinance and the Condominium Act.

Figure 2.2 CONVENTIONAL CONDOMINIUM



GENERAL COMMON ELEMENTS. Common elements other than the limited common elements, intended for the common use of all co-owners.

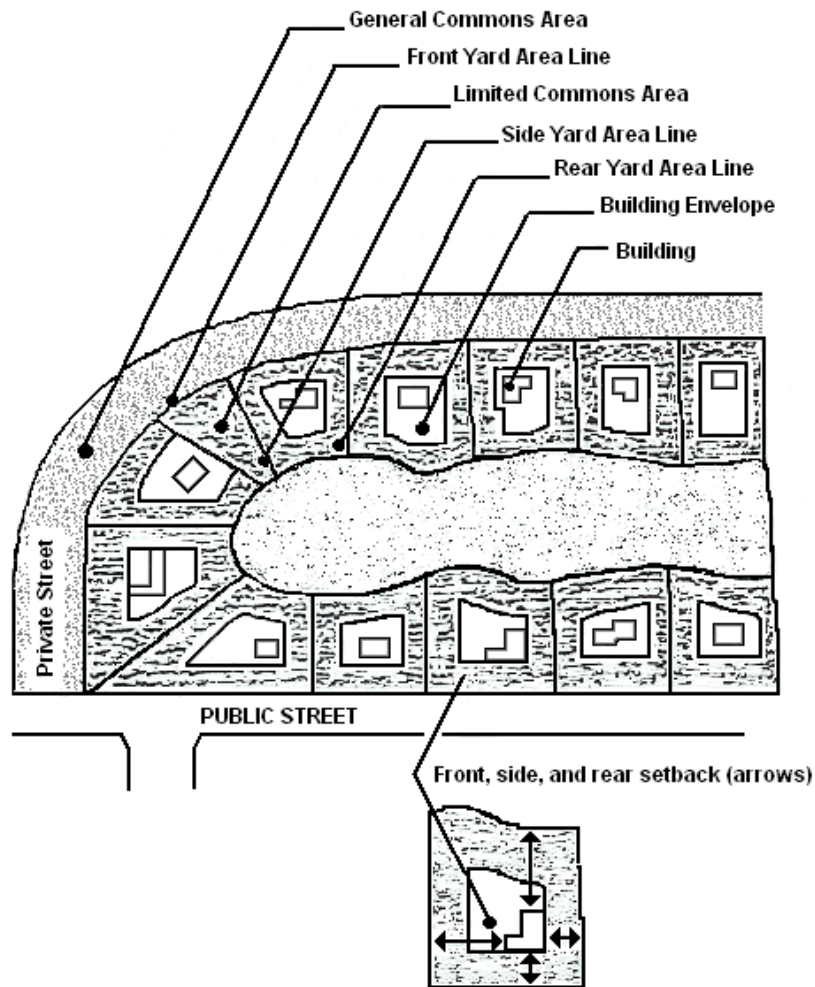
LIMITED COMMON ELEMENTS. Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.

MASTER DEED. The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.

SITE CONDOMINIUM PROJECT. A condominium project is designed to function in a similar manner, or as an alternative to a platted subdivision, but has limited common and general common area elements. A site condominium shall be equivalent to a

subdivision as used in this ordinance and in the Tyrone Township Subdivision Control Ordinance. The subdivision may consist entirely of single-family detached or attached condominium units in the case of a residential project and also may consist of a nonresidential project such as an industrial park. (See Figure 2.3, *below*)

Figure 2.3 - SITE CONDOMINIUM



CONVALESCENT OR NURSING HOME. A structure with sleeping room where persons are housed or lodged and are furnished with meals, nursing and radical care.

CONVENIENCE STORE. The primary use is the retail sale of packaged food and drink products from a location, usually along a major road or highway. It also may be known as a party store. See AUTOMART.

CUL-DE-SAC. A roadway closed at one end, usually with a lane for vehicular turnaround. See also STREET.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DEVELOPABLE AREA. Net lot area not intended to be included as open space as described in Section 21.51 of the Township Zoning Ordinance.

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.

DOCK, DOCKED or DOCKING. Means the mooring of a Boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or placed in the water off the shore, and directly accessible to a Water Frontage; and shall also mean the regular anchoring of a Boat adjacent to a Water Frontage, and shall also mean the placement or storage of a Boat, temporarily or permanently, upon the shoreline or at the Lake frontage of a Lot or Parcel of land.

DRIVE-IN. The term "drive-in" shall mean a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle, rather than within a building or structure.

DWELLING, MULTIPLE FAMILY. A building, or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, ONE FAMILY. A building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY. A 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 or by a family or unrelated persons either permanently or transiently. In no case shall a travel trailer, motor home, automobile chassis, tent or other portable building be considered a dwelling in Single, Multiple, or Single-Family Residential Areas. In cases of mixed occupancy where a building is occupied in part as a dwelling, 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 dwellings.

EASEMENT. A grant by a property owner of the uses of a strip of land by the public, a corporation, or private person or persons for a specified purpose or purposes.

ELDERLY HOUSING. See “Housing for the Elderly”.

ERECTED. Built, constructed, altered, reconstructed, moved upon or any physical operations on the premises which are required for the construction. Excavation, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution system, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar equipment in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION. Any breaking of ground, except common household gardening and ground care.

EXCEPTION. A use permitted only after review of an application by the Zoning Board of Appeals or Planning Commission. Such review may be necessary because the provisions of this ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by this ordinance.

FAMILY means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity, marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise operating as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the Building and Zoning Administrator in the first instance that the

number of persons who may reside as a functional equivalent family shall be limited to six (6). Such presumption may be rebutted by application for a special land use based upon the applicable standards in this Ordinance.

FARM. All of the contiguous, neighboring, or associated substantially undeveloped land operated as a single unit devoted to the production of plants and animals useful to man, including forages and sod crops; grain and feed crops; dairy and dairy products; livestock including breeding and grazing; orchards and vegetables; Christmas trees, greenhouses, and landscape nurseries; and apiaries. All farming is carried on directly by the owner, operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees, provided however that land to be a farm hereunder shall include a continuous parcel of five (5) acres or more in area. Stone quarries or gravel or sand pits shall not be considered farms hereunder.

FARM BUILDING. Any building or structure other than a dwelling, moved upon, 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 equipment, produce or farm animals.

FARM WORKERS, SEASONAL. Persons engaged in tending or harvesting crops during the growing or harvesting season only and that may reside temporarily in housing facilities on the farm during the season of work. Seasonal farm workers are transient and do not reside on the farm year-round and they are principally engaged in farm related activities on a full-time basis during their stay on the farm. Excluded from this definition are persons living on the farm year-round or persons who are not principally engaged in crop tending or harvesting.

FARM CARETAKER. A single person that lives on the farm and is principally engaged in overseeing or managing farm operations during the seasons of crop raising or harvesting and that may reside on the farm year-round also having general responsibilities to oversee and tend farm property and facilities year-round. A caretaker is distinguished from seasonal farm workers by having general responsibilities to oversee farm operations as opposed to strictly performing farm labor during only the seasons of crop raising or harvesting.

FEEDLOT. See Commercial Feeding Operation.

FILLING STATION. See Automobile Service Station.

FINANCIAL GUARANTEE. Any monetary based security that may be accepted by the Township as assurance that required improvements shall be installed consistent with the terms of approval. Any bond proposed to be accepted as a financial guarantee must be provided from a bond company with offices in the State of Michigan.

FLOOR AREA. For the purpose of computing the minimum allowable floor area, the sum of the horizontal areas of each story of a building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished

attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators or stair bulkheads, common hall areas (included with residential dwellings), and accessory structures.

FLOOR AREA, GROSS (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include the basement floor area when more than one-half ($\frac{1}{2}$) of the basement height is above the established curb level or finished lot grade. See definition of "basement." Any space devoted to off-street parking or loading shall not be included in "floor area." Areas of dwelling basements, unfinished attics, utility rooms, breezeways, porches (enclosed or unenclosed) or attached garages are not included. (See Figure 2.4, page 2-16)

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 ($\frac{1}{2}$) the lot area, or a two-story building covering one-fourth of the lot.

FLOOR AREA, USABLE (UFA). Seventy-five (75) percent of the gross floor area of a unit or structure. An applicant may use a different percentage if they can demonstrate sufficiently that the square footage area of the interior floor of a structure used or, intended to be used for, or available to be used for the provision of services to the public as customers, patrons, clients, or patients; as work space for office or industrial employees; or for residential inhabitants as measured from the interior face of the exterior walls is different than 75% of the gross floor area. Utility or mechanical equipment rooms, hallways, emergency or access stairwells, sanitary facilities, and/or storage areas shall be excluded from the measurement unless the storage area is used or intended to be used for the primary function of the unit or structure. Note: For residential structures, hallways, stairwells, and sanitary facilities shall be included in the measurement of gross floor area. (See Figure 2.4, page 2-16)

GARAGE, PRIVATE. An accessory building for parking or storage of not more than the number of vehicles as may be required in connection with the permitted use of the principal building.

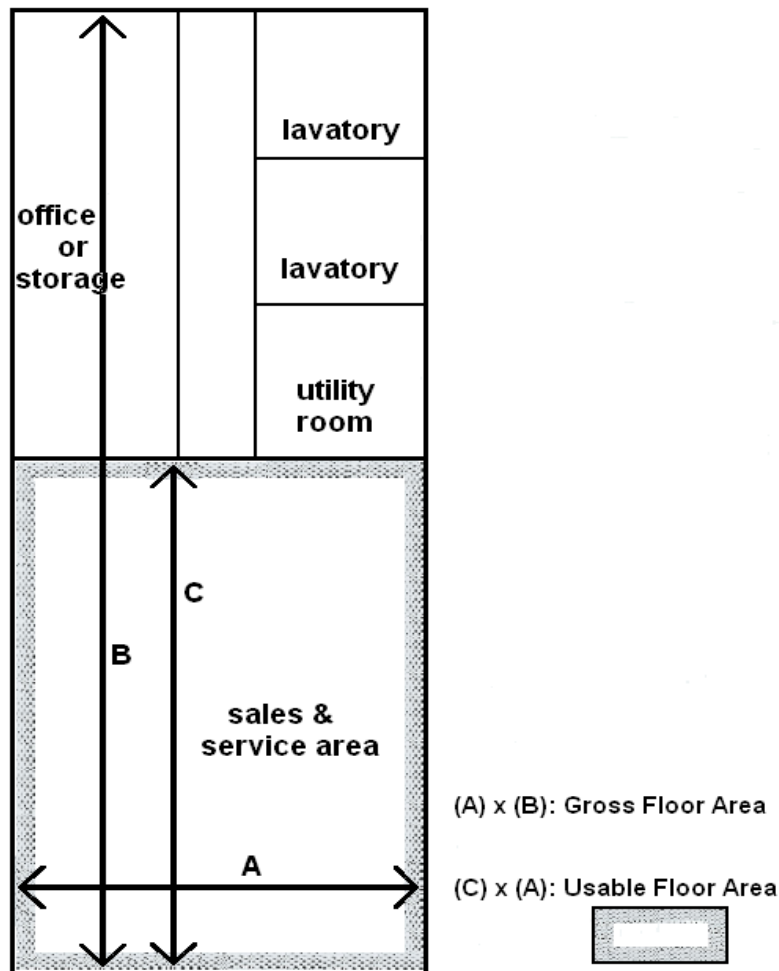
GRADE. A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

GREENBELT. The strip of land not less than fifteen (15) feet in width which is planted and maintained with trees or shrubs acceptable, as to species and density, to the Planning Commission and Zoning Administrator. See also BERM.

GROSS LEASABLE AREA (GLA). The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. It is all the floor area on which tenants pay rent.

GROUP HOME. See ADULT FOSTER CARE FACILITIES.

Figure 2.4 FLOOR AREA TERMINOLOGY



HARD SURFACE ROADWAY. A roadway surface consisting of asphalt or concrete which meets the prevailing Livingston County Road Commission specifications and standards for subdivision streets and/or roads.

HIGHWAY. Any public thoroughfare dedicated and maintained for operation of vehicular traffic.

HISTORICAL SITES AND/OR USES. 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.

HOUSING FOR THE ELDERLY. Housing constructed for the exclusive use of an individual fifty-five (55) years of age or older, or for a couple where at least one (1) of the individuals is over the age of fifty-five (55) or where the occupant is differently abled. Housing for the elderly may include the following:

SENIOR APARTMENTS. Multiple-family dwelling units where occupancy is restricted to persons as outlined above.

ELDERLY HOUSING COMPLEX. A building or group of buildings containing dwellings where the occupancy is restricted to persons as outlined above.

CONGREGATE HOUSING. A type of semi-independent housing facility for more than twenty (20) adults containing congregate kitchen, dining, and living areas, but with separate sleeping rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

DEPENDENT HOUSING FACILITIES (nursing homes). Facilities which are designed for older persons who need a wide range of health and support services, including personal nursing care.

HOME OCCUPATION. Any use conducted wholly within a dwelling and carried out by the inhabitants therein, providing that (1) it does not involve employees other than members of the immediate family residing on the premises; (2) it is clearly incidental and secondary to the use of the dwelling for dwelling purposes; (3) it does not change the character thereof; (4) it does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

HOTEL. A building occupied or used as a rare 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 provision is made for cooking in any individual room.

HOUSEHOLD PET. A domesticated animal typically found in residential dwellings and not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs other than dog/wolf hybrids, small domesticated cats, gerbils, hamsters, turtles, non-venomous snakes under ten (10) feet in length, tropical fish, parrots, canaries and parakeets.

JUNK / SALVAGE / USED MATERIALS. For the purpose of this ordinance, the terms JUNK/SALVAGE/USED MATERIALS shall mean any unlicensed vehicle on a single lot, any motor vehicles, machinery, appliances product, or merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK / SALVAGE / USED MATERIALS YARD. Any lot, parcel, field or tract of land on which there is an accumulation of junk, salvage, or used materials bought and sold, exchanged, stored, baled, packaged, disassembled, reclaimed and recycled. Uses established and conducted entirely within an enclosed building are not yards under this provision.

KENNEL. Any lot or premises wherein or whereon three (3) or more dogs of six (6) months or older are kept either temporarily or permanently, for sale, boarding, breeding or training purposes, for remuneration.

LAKE. A body of water including, but not necessarily limited to, lakes of one acre or more in area with a water depth at any location of twenty-four (24) inches or more and rivers, streams, and other watercourses whether a natural body of water or artificially made.

LANDFILL, SANITARY. A solid waste disposal facility approved and licensed in accordance with the Solid Waste Management Act, Public Act 641 of 1978, as amended.

LAND USE PERMIT. A land use permit is the written authority issued by the Zoning Administrator permitting the construction, removal, moving, alteration or use of a building, excavations, ponds and swimming pools, or signs in conformity with the provisions of this ordinance.

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.

LOCAL FIRE OFFICIALS. The entity or organization empowered to provide fire protections services to the Township as stated in contracts currently in effect for these services and available for review at the Township Hall.

LODGING HOUSE. A building where lodging, with or without meals is provided for compensation to three (3) or more persons, as opposed to hotels open to transients.

LOT. A parcel of land or platted lot, occupied, or intended to be occupied, by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this ordinance. A lot may or may not be specifically designated as such on public records.

LOT AREA, GROSS. The total horizontal area within the lot lines of a lot.

LOT AREA, NET. The total horizontal area within the lot lines of a lot exclusive of all private and public road easements or rights-of-way.

LOT AREA, DEVELOPABLE. The net lot area not intended to be included as open space as describe in Section 21.51 of the Township Zoning Ordinance.

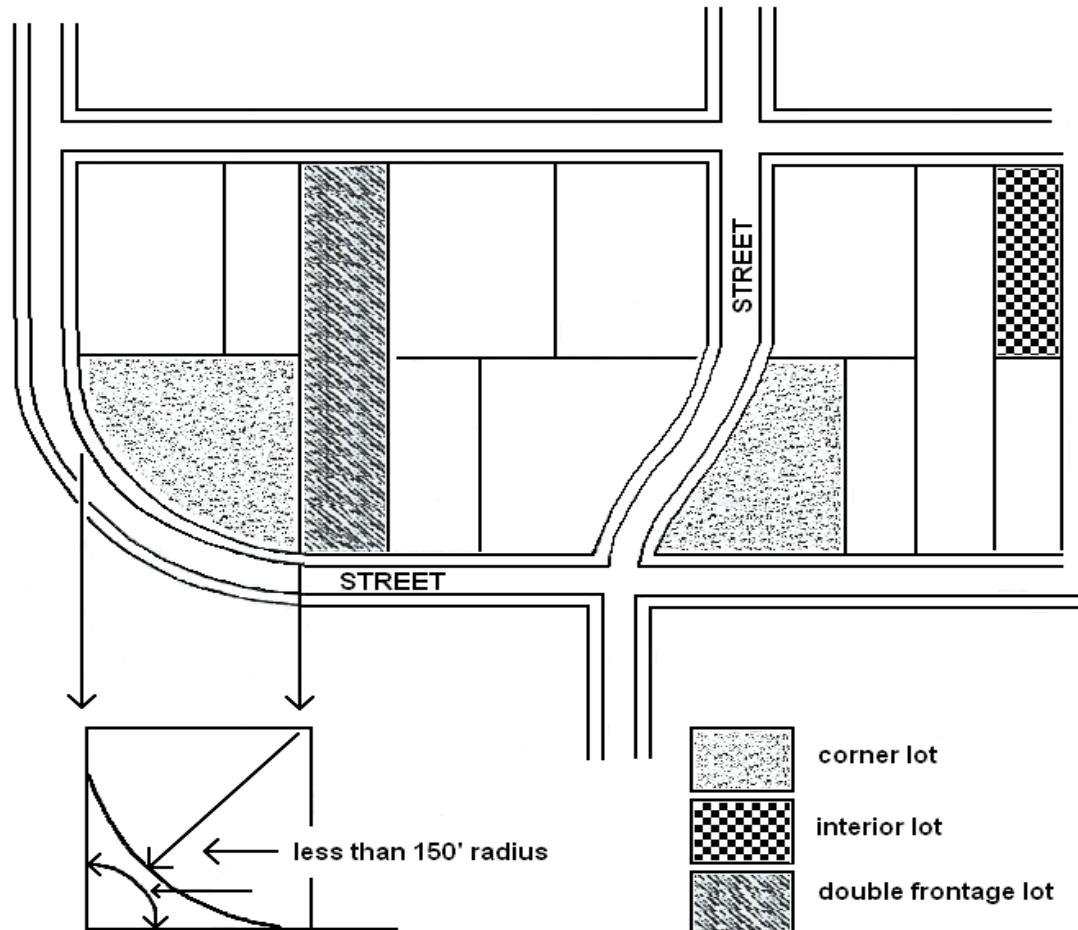
LOT, CORNER. A lot at the junction of and fronting on two or more intersecting street rights-of-way (see Figure 2.5, *below*).

LOT, DOUBLE FRONTAGE. Any interior lot having frontages on two (2), more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required (see Figure 2.5, *below*).

LOT, FLAG. A lot which has a narrow appendage used primarily to provide access to the larger body of the lot which does not have direct road frontage.

LOT, INTERIOR. Any lot other than a corner lot (see Figure 2.5, *below*).

Figure 2.5 CORNER, INTERIOR & DOUBLE FRONTAGE LOTS



LOT COVERAGE. The part or percent of the lot occupied by buildings, including accessory buildings.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines.

LOT FRONTAGE. The legal line of demarcation between a lot or parcel and a road right-of-way or easement. See also LOT, LOT LINES.

LOT LINES. The lines bounding a lot as defined herein:

FRONT LOT LINE. In the case of an interior lot, that line separating the lot from the public or private street right-of-way or easement that provides access to the lot. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating the lot from that street which is designated as the front street in the plat and in the application for a land use permit. For a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained. It is the intention of this definition to provide for a logical continuation of observed front lot lines consistent with any existing, conforming lots of record adjacent to a proposed lot. See also LOT FRONTAGE.

REAR LOT LINE. The 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 10 feet long lying farthest from the front lot line and wholly within the lot.

SIDE LOT LINE. Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

ZERO LOT LINE. The line which marks the point of abutment between the adjoining wall of two structures in zoning districts wherein abutting or attached structures, buildings or units are allowable. Zero lot lines shall not be allowed with respect to any property line

LOT OR PARCEL OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the deed to which has been recorded in the office of the County Register of Deeds at the time this ordinance is passed.

LOT OR PARCEL WIDTH. The horizontal distance between side lot lines, measured parallel to the front lot line at the minimum required front setback. For irregularly shaped lots with access easements or flag lots connecting to a public street, lot width shall be measured at the point where the narrow access appendage connects to the main body of the parcel. (Methods for measuring lot widths are provided in Section 20.02.)

MANUFACTURED HOME PARK. A parcel or tract of land under the control of an individual, partnership, association, trust or corporation upon which three or more manufactured homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park. A Manufactured Home Park is subject to licensing, construction, operation and management rules of the Michigan Manufactured Housing Commission as established by P.A. 96 of 1987, as amended, and any township regulations approved by the Manufactured Housing Commission.

MANUFACTURED HOUSING:

MODULAR HOME. A type of factory-built housing with one or more three-dimensional components. A modular home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A modular home is subject to state and local building codes.

PANELIZED HOME. A type of housing using factory-built panels - a whole wall with windows, doors, wiring, or outside siding, for example. A panelized home is usually brought to a building site on a flat-bed carrier and erected or assembled there. A panelized home is subject to state and local building codes.

MANUFACTURED HOME. A structure, transportable in one or more sections which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities, and includes plumbing, heating, air conditioning and electrical systems contained in the structure.

MASTER PLAN. The comprehensive plan, including graphic and written proposals, indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan or part thereof may or may not be adopted by the Township Planning Commission.

MDEQ. Michigan Department of Environmental Quality.

MEDICAL MARIJUANA. Medical Use of Marijuana, also known as **Marihuana**, also known as **Cannabis**, has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008, as amended. (For additional definitions pertaining to the MMMA see Section 21.55.D DEFINITIONS.)

MOTEL OR MOTOR COURT. A motel or motor court is a business comprising a dwelling unit or a group of dwelling units so arranged as to furnish overnight Lodging accommodations for transient guests, open to the traveling public for compensation.

MOTOR HOME. 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 manufactured homes.

MOTOR VEHICLE FUELING STATION. A place used for the retail sale and dispensing of fuel or lubricants, either full or self-service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile fueling stations may also incorporate a convenience store, restaurant, automotive service center, or similar operations as an accessory use, provided it is clearly incidental to the fueling station use.

MOTOR VEHICLE MAJOR REPAIR. Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; clutch, differential, axle and spring repairs; repairs of the radiator that require removal; recapping or retreading of tires; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing the automobiles on the premises for longer than twenty-four (24) hours.

MOTOR VEHICLE MINOR REPAIR. Engine tune-ups, servicing of spark plugs, batteries, distributors and distributor parts; servicing of brakes and shocks, air conditioning and exhaust systems; oil change or lubrication; tire servicing and repair to include replacement of mufflers and tail pipes, water hoses, fan belts, break-fluid, light bulbs, fuses, floor mats, wiper blades, grease retainers, wheel bearings, mirrors, auto glass, accessory equipment, and the like; radiator cleaning and flushing; fuel pump, oil pump and line repairs; minor servicing and repair of carburetors; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises for more than twenty-four (24) hours.

NONCONFORMING BUILDING. A nonconforming 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 zoning provisions in the district where located.

NONCONFORMING LOT. A lawfully existing lot that does not conform to the applicable area and yard regulations for the zoning district, either at the effective date of this ordinance or as a result of subsequent amendments thereto.

NONCONFORMING USE. A nonconforming 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 FACTORS. 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 but not limited to:

- a. Noise;
- b. Dust;
- c. Smoke;
- d. Odor;
- e. Glare;
- f. Fumes;
- g. Flashes;
- h. Vibration;
- i. Shock waves;
- j. Heat;
- k. Electronic or Atomic Radiation;
- l. Objectionable effluent;
- m. Noise of congregation of people, particularly at night.

OFF-STREET PARKING LOT. A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering to provide access for entrance and exit for the parking of vehicles. The term does not apply to single family and two-family residential uses on individual lots.

OPEN SPACE. An unoccupied space open to the sky. When open space is required as part of a cluster development proposal or other development that specifically requires open space, such open space areas shall be designed in accordance with the provisions of Section 21.51.

OPEN SPACE MAINTENANCE AGREEMENT. A legally binding document, satisfactory to the Planning Commission, intended to assure maintenance and preservation for the intended purpose of open space required by this Ordinance. Protective covenants, deed restrictions, a condominium master deed, condominium association bylaws, subdivision association bylaws and similar written, legally enforceable devices may be used to assign responsibility and otherwise provide for the continuing ownership and care of privately owned open space.

ORDINARY HIGH WATER MARK. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil and the vegetation.

OUTDOOR DISPLAY. Objects or merchandise set out for viewing by the public, arranged so they are brought to the attention of person from off-site, as in goods that are displayed for sale. Outdoor display is typically arranged in an attractive and orderly fashion, for easy access and viewing by customers. Those goods, vehicles, and materials displayed shall be samples, not in large quantities or primarily as inventory storage.

OUTDOOR STORAGE. A large supply or stock of goods or materials kept for future use; a supply of goods from which things are taken when required. Vehicles, goods, and materials left in one place for 48 hours or more are considered to be stored, unless such items are part of an approved outdoor display as permitted under this Ordinance.

OWNER. A person holding any legal, equitable, option, or contract interest in land.

PARALLEL PLAN. A plan that conceptually demonstrates the total number of lots that may be created on a parcel for use in a particular zoning district. The lots indicated on the parallel plan shall be conforming in all respects to lot requirements for the zoning district where the land is located, including providing sufficient area, width, depth to width ratio, frontage on public or private access routes, and otherwise complying with open space requirements and indicating undevelopable wetland areas. A parallel plan is generally intended to establish the maximum number of lots that could be developed on a parcel in accordance with requirements of this Ordinance and other applicable regulations.

PARCEL. Shall mean a continuous area or acreage of land that is not included in a subdivision as regulated by the Michigan Land Division Act nor included in a condominium as regulated by the Michigan Condominium Act.

PARKING SPACE. An area not less than 18 feet in length and 9 feet in 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.

PERSON. Shall mean a human being, partnership, corporation, limited liability company, trust, association, including a condominium association, homeowners or lake association, governmental entity or agency, and any other entity to which the law provides or imposes rights or responsibilities.

PLANNED UNIT DEVELOPMENT. A land development project comprehensively planned as an entity via a unitary site plan, which permits flexibility in building sites, mixtures of housing types and land uses, including condominiums, usable open spaces, and the preservation of significant natural features.

POND. Pond means an excavation or alteration of a watercourse by damming or excavation or combinations thereof, for the purpose of creating a body of water greater than 500 square feet in area for use as an irrigation source, for livestock watering, for fish or aquatic life production, for recreational or aesthetic purposes, or for a landscape amenity.

PRIMARY ROAD. See STREET.

PRINCIPAL BUILDING. A building in which is conducted the main use of the lot upon which it is situated.

PRINCIPAL USE. The main lawful use devoted to the premises and the main purpose for which the premises exist.

PRIVATE DRIVEWAY. See Article 24.01.C.

PRIVATE ROAD. See **STREET**, also Article 24.01.B.

PRIVATE ROAD LAND DEVELOPMENT. A division of land, other than subdivisions as defined by the Michigan Land Division Act, as amended, resulting in one (1) or more parcels having a lot width not less than the width required by the residential district in which it is located on a nonpublic or private road, or a public road. See also Article 24.01.A

PUBLIC UTILITY. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state, or municipal regulations, to the public; electricity, gas steam, communications, telegraph, transportation, or water.

RECREATIONAL APPARATUS. Includes recreational vehicles, recreational equipment, antique or racing automobiles, boats, aircraft, utility trailers, demountable travel equipment of the type adaptable to light duty trucks, snowmobiles, all-terrain or special terrain vehicles, utility trailers, floats, rafts, trailers used to transport any of the aforementioned vehicles or equipment, and equipment or vehicles of a similar nature. Recreational apparatus shall not include vehicles used for daily transportation.

RECREATIONAL SITE. Shall mean a Common Use Lot intended for recreational purposes including but not limited to, swimming, sunbathing, lounging, beach uses, boating, water sport and other water related activities.

RECREATIONAL VEHICLE. A portable vehicular unit that can legally travel Michigan highways with a standard license, or that may be mounted on or drawn by another vehicle. The unit is primarily designed for travel and/or recreational usage, and also may contain facilities for periodic overnight lodging. This term also includes folding campers, travel trailers, camping trailers, truck mounted campers and caps, and motor homes, but does not include manufactured homes.

RECREATIONAL VEHICLE PARK. A recreation oriented facility for the overnight or short term parking of travel trailers, tents, motor homes, vans and other types of vehicles that provide sleeping shelter for vehicle occupants. May also be known as a campground.

REGULATED FACADE. An exterior building surface located in a B-1, B-2, OS, ES, M-1, M-2, ROM, EI, RM-1, PCI, PCS, PIRO, or PO zoning district and the surface is visible from and located within five hundred (500) feet of a public or private road *or* is visible from a height of five (5) feet above grade and located within five hundred (500) feet of an FR, RE, R-1, R-2, or RM-1 residential zoning district.

ROAD. See **STREET** definitions for different types of roads regulated by this Ordinance.

ROADSIDE STAND. A temporary or permanent building operated for the purpose of selling produce. Its use shall not make into a commercial district land which otherwise would be classified as agricultural or residential, and its use shall not be deemed a commercial activity.

SANCTUARY, ANIMAL OR WILDLIFE. A USDA-accredited facility where animals are kept and protected from negative human intervention for the remainder of their natural lives.

SATELLITE DISH ANTENNA. A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth orbiting satellite. It may be a solid, open mesh, or bar-configured structure in the shape of a shallow dish or parabola. These antennas may be principal or accessory structures.

SEASONAL MOBILE HOME PARK. A parcel or tract of land under the control of a person or persons upon which three (3) or more manufactured homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. A seasonal manufactured home park is not a campground as defined by Act 368 of 1978. Seasonal manufactured home parks are licensed according to Act 96 of 1987, the Mobile Home Commission Act. See **CAMPGROUND**.

SERVICE ROAD. A roadway parallel to an arterial and which provides access to abutting properties and protection from through traffic.

SETBACK. The distance required to obtain the minimum front, side, or rear yard open space as required by this ordinance.

SHARED PRIVATE DRIVEWAY. See Section 24.01.D.

SIGHT LINES. A line across the width of a lake Lot which connects the point closest to the lake on the foundation of the adjacent principal structure on either side of the Lot or parcel of land upon which the proposed structure is to be constructed, provided that the adjacent principal structures are contiguous to the Lot or parcel upon which the proposed structure is to be constructed or are located on a Lot within 300 feet of the proposed structure. (See Figure 2.6, *page 2-28*)

SIGNS. The use of any words, numerals, figures, devices, designs or trademarks by which anything is made known, such as are used to show, advertise and promote an individual firm, profession or business, and are visible to the general public.

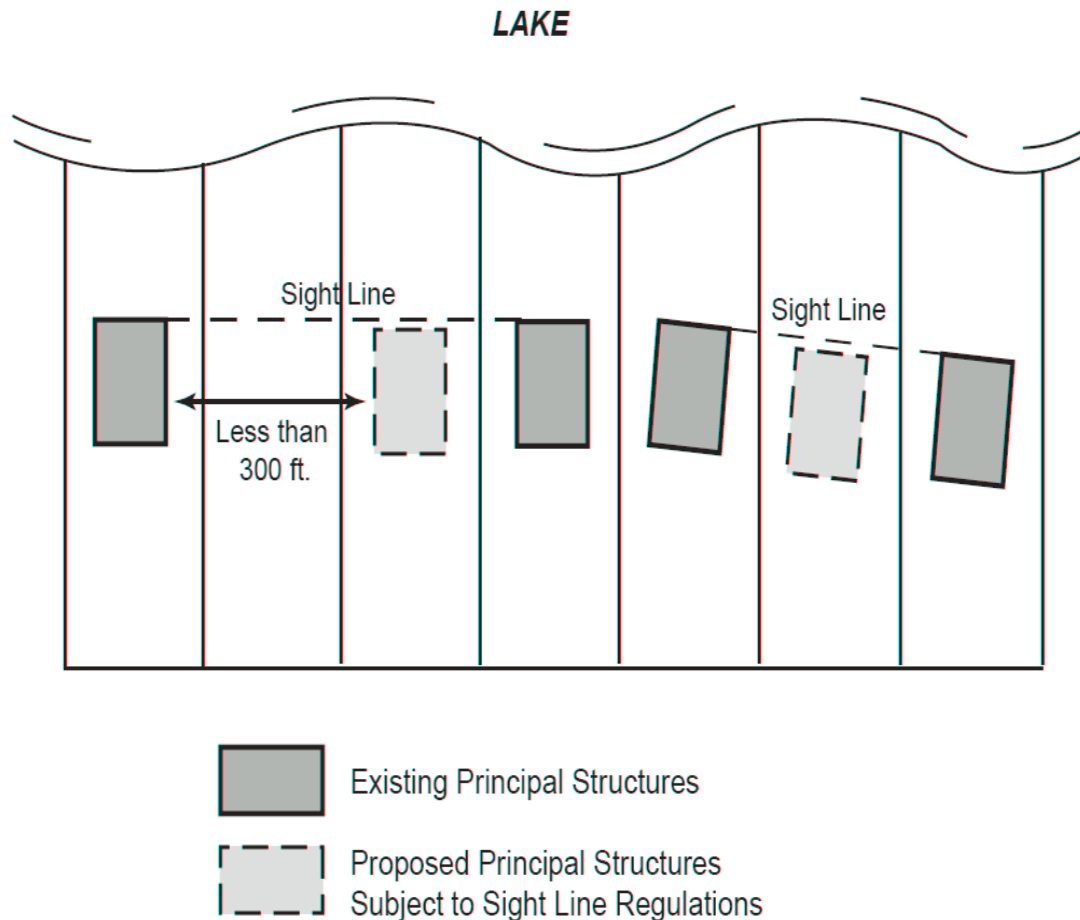
SPECIAL LAND USE. A use permitted by the Township Board, with the recommendation of the Planning Commission, to accommodate certain land uses that are not normally compatible with other land uses permitted in a district or whose effect upon adjoining land uses are not

immediately determinable; therefore, requiring certain conditional regulations to guide their development within a given district. Such uses are reviewed by the Planning Commission including site plan review and the addition of specific requirements to insure conformity within the district.

SPECIAL LAND USE PERMIT. The permit issued for a special land use after review by the Planning Commission and approval by the Township Board.

STATE LICENSED RESIDENTIAL FACILITY. A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737 or 1973 PA 116, MCL 722.111 to 722.128 and provides residential services for six (6) or fewer persons under 24 hour supervision or care.

Figure 2.6 SIGHT LINES



STORY. That part of a building included between the surface of one (1) floor and the surface of the next floor, or if there is not a 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. (See Figure 2.7, *below* and Figure 2.8, *page 2-29*)

STORY, HALF. An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling (see Figure 2.7, *below* and Figure 2.8, *page 2-29*.)

Figure 2.7 BASIC STRUCTURAL TERMS

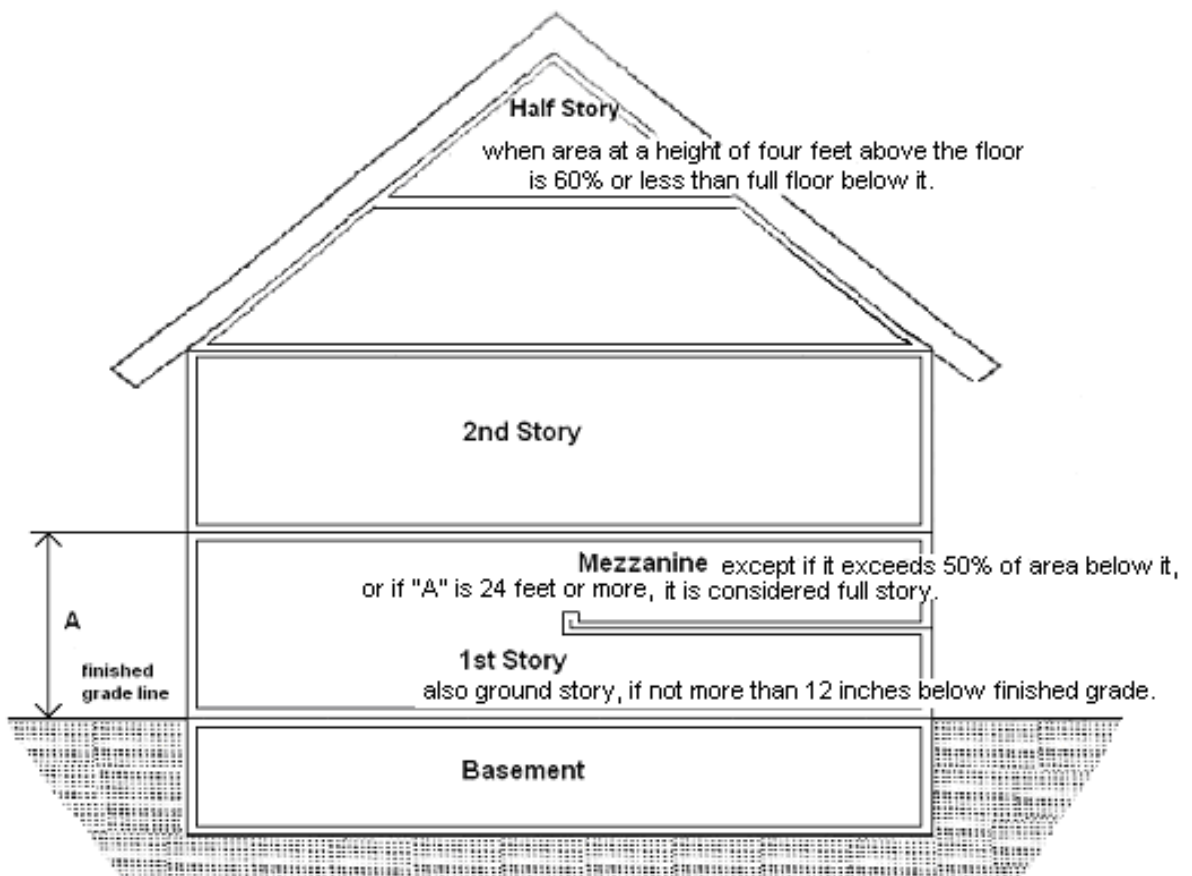
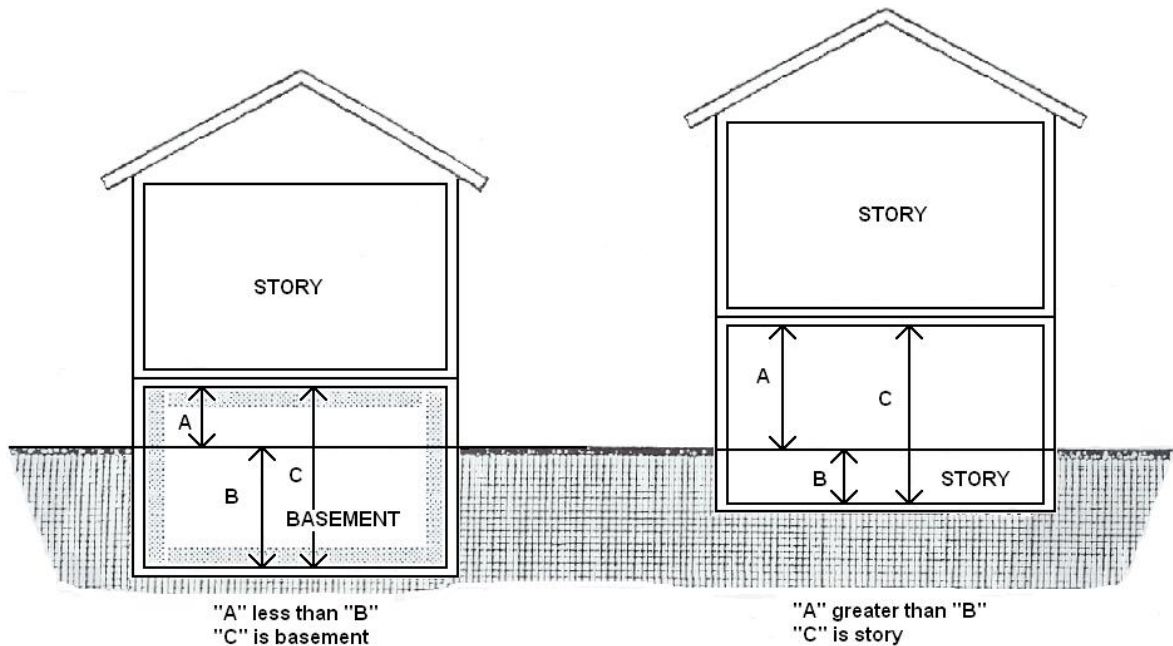


Figure 2.8 BASEMENT AND STORY



STREET. Any public or private arterial or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, avenue, highway, boulevard, drive lane, place, court, or any similar designation. Various types of roads are defined as follows:

PRIVATE ROAD. Any road which is to be privately maintained and has not been accepted for maintenance by the Tyrone Township, Livingston County, the State of Michigan or the federal government, but which meets the requirement of these Zoning Regulations or has been approved as a private road by the Township under prior ordinances.

PUBLIC STREET. Any road or portion of a road which has been dedicated to and accepted for maintenance by Livingston County, the State of Michigan, or the federal government.

ARTERIAL ROAD OR AN ARTERIAL. A paved road which carries high volumes of traffic and serves as an avenue for circulation of traffic onto, out of, or around the Township. An arterial road may also be an arterial.

COLLECTOR STREET. A road whose principal function is to carry traffic between minor and local roads and arterial roads but may also provide direct access to abutting properties. A collector road is usually paved.

CUL-DE-SAC. A road that terminates in a vehicular turnaround.

LOCAL OR MINOR STREET. A road whose principal function is to provide access to abutting properties and is designed to be used or is used to connect minor and local roads with collector or arterial roads.

PRIMARY ROAD. A road that is part of the existing primary road system as defined in Michigan Public Act 51 of 1951, as amended. A primary road may be paved or unpaved. For purposes of this Ordinance, the following roads shall be considered Primary Roads:

- Faussett Road (from McGuire to Old US 23)
- White Lake Road (from Bennett Lake Road to eastern Township border)
- Center Road (from US 23 to Denton Hill Road)
- Linden Road (north of Bennett Lake Road)
- Bennett Lake Road
- Denton Hill Road
- Old US 23

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, but not including driveways, walkways and similar items less than eight (8) inches above the surface of the ground.

SUBMERGED LAND. The land under the ordinary high-water mark of an inland lake, pond, river, or stream owned by a riparian property owner, as defined by Michigan Public Act 451 of 1994.

SWIMMING POOL. Any permanent, nonportable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or wading. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

TEMPORARY USE OR BUILDING. A use or building permitted by the Township Board to exist for a temporary period of time during construction of a main building, or for special events. A temporary dwelling or use permit is required.

USABLE LAND. The total horizontal surface area within the lot lines of a lot, exclusive of: all public and private road easements and rights-of-way; wetlands regulated by the Goemaere-Anderson Wetland Protection Act; and submerged land.

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.

UTILITY-SCALE SOLAR ENERGY FACILITIES. A system to produce electricity for sale back to, or use in, an electrical energy grid system and not primarily consumed on site.

VARIANCE. A modification of the literal provisions of the zoning ordinance granted by the Zoning Board of Appeals.

VEHICLE MAINTENANCE AND REPAIR - MINOR. General maintenance activities on motor vehicles such as oil change and lubrication; servicing or installation of spark plugs, batteries, air filters, and windshields wipers; sale and installation of automobile accessories such as tires, radios, and air conditioners; wheel alignment, balancing, and undercoating. Minor Vehicle Repair and Maintenance excludes major mechanical repairs, collision and body work, painting, work which requires removal of the engine, and similar extensive work. Minor Vehicle Repair and Maintenance typically requires less than one day and vehicles are not kept overnight.

VEHICLE REPAIR - MAJOR. All general repair and reconditioning of motor vehicles, including engine rebuilding, repair of collision damage, and overall painting. Major Vehicle Repair is characterized by overnight storage of vehicles, machining, use of solvents, large parts, painting booths, the need for special environmental controls like noise protection, and similar.

WATER FRONTAGE. Shall mean that portion of a Lot, Parcel or Condominium Unit of land of record as documented by an instrument duly recorded with the Livingston County Register of Deeds, that abuts or intersects with the ordinary high water mark of a Lake, whether such a Lot or Parcel or Condominium Unit is owned by one or more Persons, or commonly owned by several Persons, or combinations of Persons.

WATER FRONT LOTS. A lot adjoining a body of water, such as a Lake, river, or canal, but not including interior ponds or County drains less than 12 inches in depth. Lots adjoining a retention pond shall be considered waterfront lots, provided the retention pond satisfies the definition of a Lake.

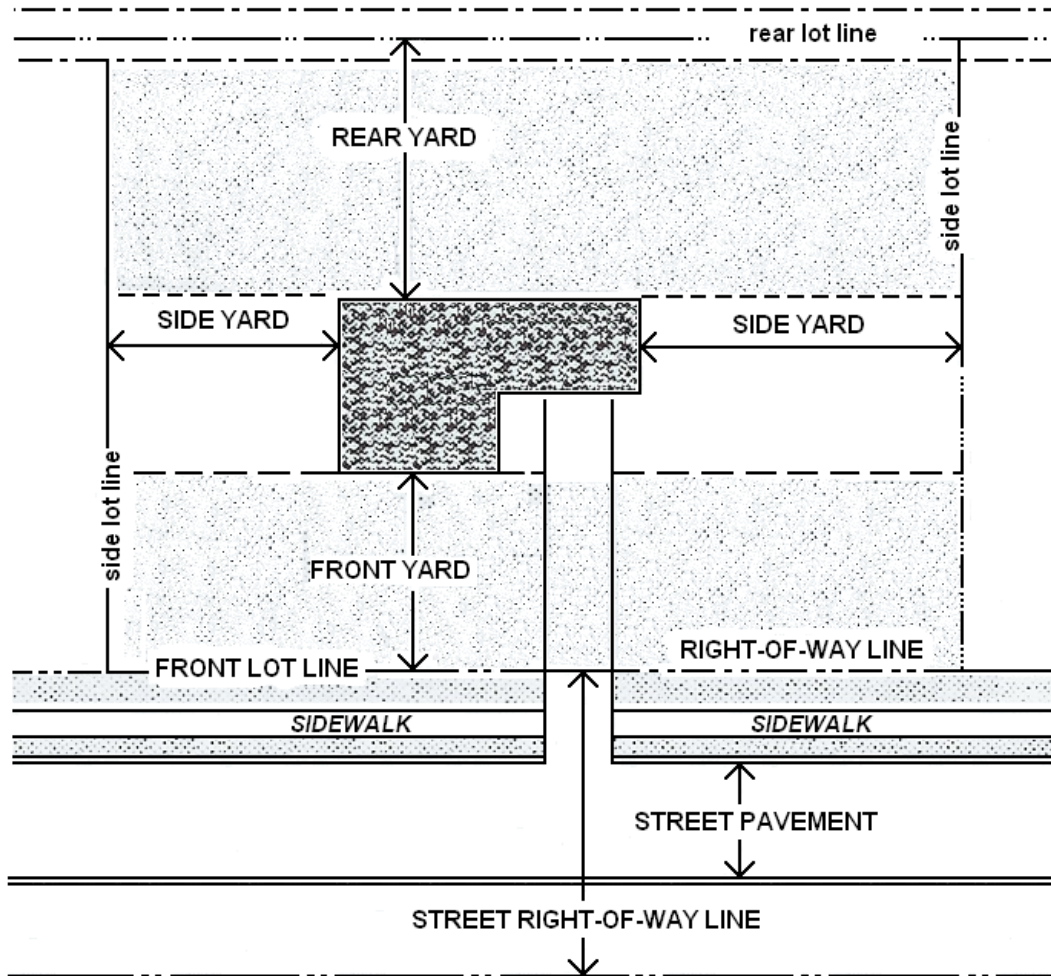
YARD. The open space between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein (see Figure 2.9, *page 2-32*). The minimum required setback is the depth of a front, side, or rear yard necessary to conform to the required yard setback provisions of this ordinance.

FRONT YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.

REAR YARD. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building. In the case of a corner lot, the rear yard may be opposite either street frontage, but there shall be only one rear yard.

SIDE YARD. An open space between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the principal building.

Figure 2.9 YARD TERMS



ZOOLOGICAL PARK (ZOO). A USDA-accredited facility that maintains a collection of wild, exotic, domestic, or any combination thereof, animals, typically in a park or garden setting, for study, display, or conservation.

ZONING ADMINISTRATOR. The official of Tyrone Township or authorized representative charged with the responsibility of administering this ordinance.

REVISIONS:

- 2000 DECEMBER - Attachment, Front Lot Line, Open Space.
- 2003 MAY - Boat, Boat Launching, Condominium Unit, Common use Lot, Dock- Docked- Docking, Dwelling Unit, Lot, Parcel, Person, Recreational Site, Water Frontage.
- 2004 MARCH - Awning, Canopy, Regulated Facade.
- 2005 SEPTEMBER - Lot Area - Developable, Ponds, Ordinary High Water Mark, Useable Floor Area, Water Frontage.
- 2007 APRIL - Adult Day Care, Adult Foster Care Family Home, Adult Foster Care Small Group Home, Adult Foster Care Large Group Home, ~~Board of Appeals~~, Exception, Floor Area, Useable (UFA), Foster Family Home, Foster Family Group Home, Local Fire Officials, Ordinary High Water Mark, State Licensed Residential Facility, Variance, Water Frontage, Waterfront Lots.
- 2007 JULY - Agri-Business, Roadside Stand.
- 2007 DECEMBER - Sight Lines.
- 2009 OCTOBER – Added: Motor Vehicle Fueling Station, Motor Vehicle Major Repair, Motor Vehicle Minor Repair, Elderly Housing.
- 2010 MAY – Revised: Boat, Recreational Vehicle. Added: Boat Trailer, Commercial Vehicle, Recreational Apparatus.
- 2012 MAY – Added: Accessory Structure, Structure, Street, Primary Road.
- 2012 OCTOBER – Added: Household Pet, Kennel.
- 2013 OCTOBER - Added: Medical Marijuana.
- 2013 OCTOBER- Revised Section 2.01 Definitions of Accessory Building, Accessory Use, and Accessory Structure
- 2014 SEPTEMBER – Revised: 2.00.I to add “abutting” and “adjacent to”; revised Regulated Façade, Satellite Dish Antenna, Setback, Yard, Front Yard, Rear Yard, Side Yard.
- 2015 JANUARY – Added Outdoor Display, Outdoor Storage, Vehicle Maintenance and Repair – Minor, and Vehicle Repair – Major.
- 2016 OCTOBER – Added: Animal, Domesticated; Animal, Exotic; Animal, Wild; Sanctuary, Animal or Wildlife; Zoological Park (Zoo). Revised: Household Pet.
- 2019 JULY – Added definitions for "Submerged Land" and "Utility-scale Solar Energy Facilities".

**ARTICLE 3
ZONING DISTRICTS AND MAP**

SECTION 3.00 DISTRICT DESIGNATIONS

For the purpose of the ordinance, Tyrone Township is hereby divided into the following zoning districts:

DISTRICT	ARTICLE
FR Farming Residential	4
RE Rural Estates Residential	4
R-1 Single Family Residential	5
R-2 Single Family Residential	6
LK-1 Lake Front District	7
CDO Cluster Development Option	8
RM-1 Multiple Family Residential	9
MHP Manufactured Home Park	10
PUD Planned Unit Development	11
B-1 Local Business	12
PCS Planned Commercial Services	12A
B-2 Community Business	13
PCI Planned Commercial Industrial	13A
ES Expressway Service	14
OS Office Service	15
M-1 Light Manufacturing	16
PIRO Planned Industrial, Research, and Office	16A
M-2 Heavy Industry	17
ROM Research-Office-Manufacturing	18
EI Extractive Industry	19

SECTION 3.01 BOUNDARIES OF DISTRICTS

The boundaries of the above described districts are hereby established as shown on the official Zoning Map which map with all notations, references, and other information shown thereon shall be as much a part of this ordinance. Unless otherwise shown, the boundaries of the districts are lot lines, the center lines of streets and roads or such lines extended, and the limits of the Township of Tyrone.

SECTION 3.02 ZONING MAP

The official zoning map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk. A record is to be kept by the Township Clerk's office of all changes in district boundaries or locations lawfully made, to include the date of official action, district boundaries or location change description, and names of property owners involved. One (1) copy of the official zoning map and above mentioned record shall be maintained and kept up to date by the Township Clerk's office, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in Tyrone Township.

SECTION 3.03 INTERPRETATION

Where, due to the scale, lack of detail or illegibility on the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon the written application to, or upon its own motion, by the Zoning Board of Appeals.

SECTION 3.04 ZONING OF VACATED AREAS

Whenever any street, road or other public way within Tyrone Township shall have been vacated by official governmental action, the lands within the boundaries thereof attach to and become a part of lands adjoining such street, road, or public way. Moreover, these lands shall automatically and without further governmental action thenceforth acquire and be classified in the same zoning district as the property to which it attaches.

SECTION 3.05 ZONING OF FILLED LAND; USE OF WATERS

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subjected to the same zoning regulations as are applicable to lands to which the same shall attach or be adjacent, and the same shall be used for the same purposes as are permitted under this ordinance for such adjoining lands. Use of the surface of any lake or stream shall not be permitted for any purpose not permitted on the land from which the use emanates.

SECTION 3.06 DISTRICTS AND USES

Land contained within any zoning district in Tyrone Township shall not be used for any purpose other than those uses specifically set forth in the zoning districts, except as otherwise permitted by Article 26 Nonconforming Uses.

SECTION 3.07 PERMITTED PRINCIPAL USES

Uses shall be permitted by right only if specifically listed as permitted principal uses in the various zoning districts. All other uses are prohibited. In addition, certain permitted principal uses shall be subject to specific additional requirements. The additional requirements are referenced and placed in Article 21 Supplemental District Regulations.

SECTION 3.08 ACCESSORY USES AND BUILDINGS

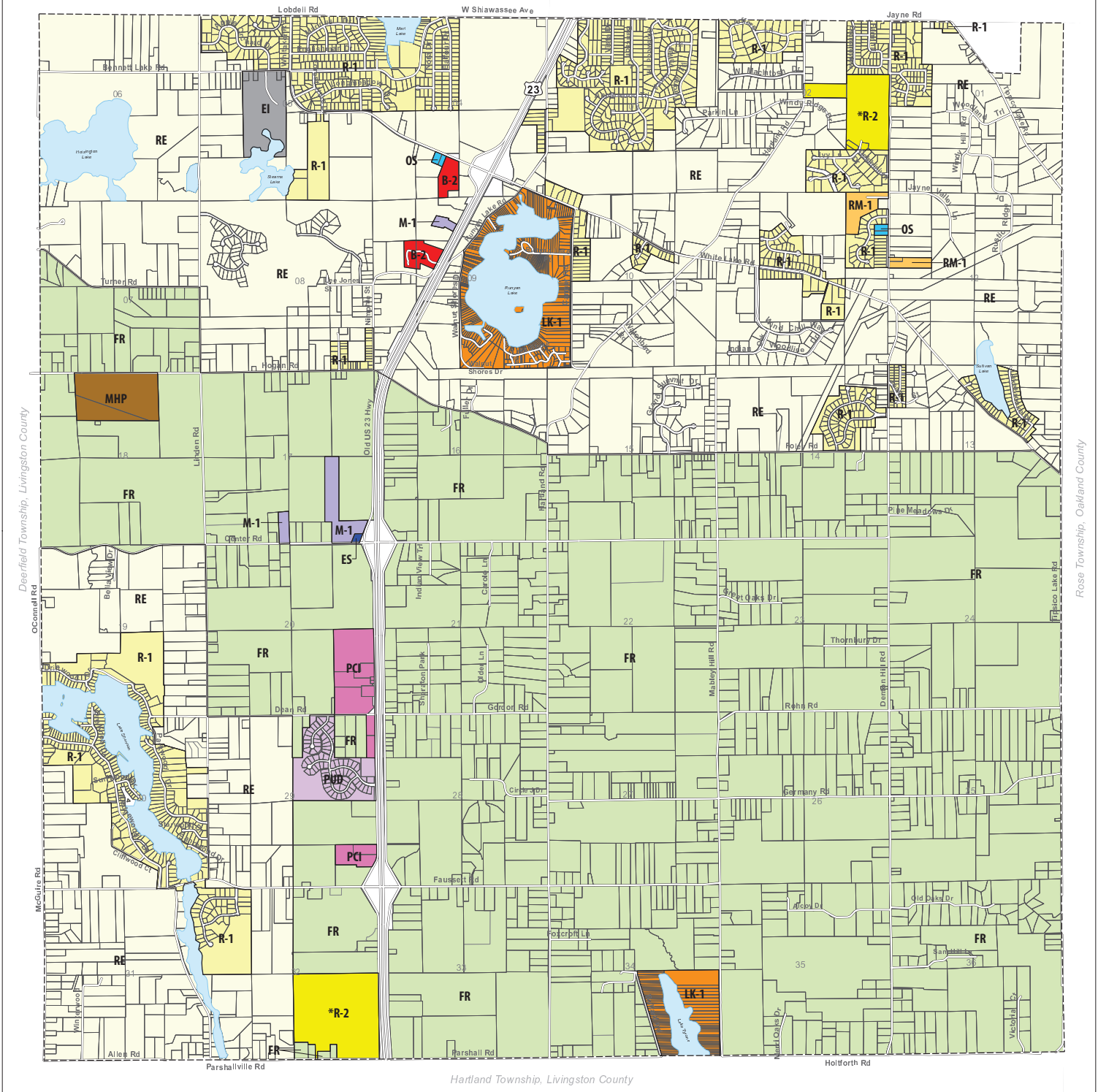
Accessory uses are permitted as listed in the various zoning districts and only if such uses are clearly incidental to the permitted principal uses. Other accessory uses not listed may be permitted by the Planning Commission if customarily incidental to any principal use. Certain accessory uses shall be subject to additional restrictions. The additional requirements are referenced and placed in Article 21 Supplemental District Regulations.

SECTION 3.09 SPECIAL LAND USES

Special land uses are permitted as listed. All special land uses are subject to the provisions in Article 22 Special Land Uses and Article 23 Site Plan Review.

REVISIONS:

- 2012 JUNE - Added: PCS District.
- 2013 JANUARY – Added: PIRO District.
- 2016 APRIL – Added PCI District.



July 20, 2017

Zoning Map

Tyrone Township, Livingston County, Michigan

Zoning District

- FR Farming Residential
- RE Rural Estate
- R-1 Single Family Residential
- R-2 Single Family Residential
- RM-1 Multiple Family Residential
- LK-1 Lake Front Residential
- MHP Manufactured Home Park
- B-1 Local Business
- B-2 Community Business
- OS Office Service
- ES Expressway Service
- M-1 Light Manufacturing
- M-2 Heavy Industrial
- ROM Research-Office-Manufacturing
- EI Extractive Industry
- PUD Planned Unit Development
- PCS Planned Commercial Services
- PCI Planned Commercial Industrial
- PIRO Planned Industrial Research and Office
- Township Boundary
- * Consent Judgment

NOTE

This map represents generalized zoning district boundaries. Exact zoning district boundaries should be confirmed by parcel descriptions and detailed maps that accompany rezoning ordinances and that are maintained as separate by Tyrone Township

CERTIFICATION

I, MARCELLA HUSTED, CLERK OF THE TOWNSHIP OF TYRONE, LIVINGSTON COUNTY, DO HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF TYRONE ON OCTOBER 21, 2003, AS WELL AS THOSE AMENDMENTS MADE AS OF REVISION DATE.

MARCELLA HUSTED, CLERK, TYRONE TOWNSHIP

Date: _____

REVISION DATES

Revision Date	Description
October 17, 2003	May 5, 2016
April 7, 2009	
December 3, 2013	
January 6, 2015	

FEET 0 1,000 2,000



Base Map Source: Tyrone Township, Livingston County 2014

ARTICLE 4
FR - FARMING RESIDENTIAL DISTRICT
RE - RURAL ESTATE RESIDENTIAL DISTRICT

SECTION 4.00 INTENT

The intent of the FR Farming Residential District is to protect lands best suited to agricultural uses from the encroachment of incompatible uses, while designating an area appropriate to the type of single family residential development that does not alter the general agricultural character of the district. Moreover, the intent also is to protect vital natural resources, including wetlands, inland lake water quality, groundwater supplies, fertile and stable soils, and significant stands of wood lots and vegetative cover. Lands in the FR and RE District are not likely to be served with centralized public water and sewer facilities.

The intent of the RE Rural Estate District is to provide a transitional area between the FR District and other more intense land utilization districts. However, the RE District will generally maintain the same types of land uses permitted in the FR District. The primary difference between the two districts is that the RE District permits the creation and use of smaller lots than the FR District. In order to preserve natural features and to provide design flexibility in the FR and RE Districts, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to March 18, 2018 with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

SECTION 4.01 PERMITTED PRINCIPAL USES

- A. Agriculture.** Agriculture, including general farming, truck gardening, fruit orchards, greenhouses, nurseries, and the customary farm buildings, except commercial feeding operations and feedlots.

- B. Dwellings.** Single family dwellings. See also Article 8 and Section 21.25.

- C. **Home Occupations.** See also Section 21.14.
- D. **Essential Services** excluding outside storage. (Site plan review according to Article 23 is required for all essential services.)
- E. **Stables.** Stables for breeding, rearing, and housing of horses, mules and similar domestic animals. See Section 21.28.
- F. **Storage.** Travel trailer storage - noncommercial. See Section 21.19.
- G. **Care Facilities.** Child and adult care facilities as permitted by Section 21.42.

SECTION 4.02 ACCESSORY USES BUILDINGS AND STRUCTURES. (See Section 21.02)

- A. **Accessory Buildings.** Buildings and structures customarily accessory to the operations of an agricultural enterprise.
- B. **Accessory Buildings.** Buildings and structures customarily accessory to single family residential houses.
- C. **Signs.** Outdoor advertising signs related to the permitted agricultural enterprise, provided that all such signs shall conform to the requirements of Article 27, herein.
- D. **Swimming pools.** See also 21.21.

SECTION 4.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. **Agri-Business** (as defined in Section 2.01). The accessory retail sale of agricultural products and similarly related uses when such commercial or tourist-based activity is conducted in conjunction with an additional agriculture- related use permitted in this Article and when such retail use is clearly incidental to the principal use of the property. Not less than fifty percent (50%) of the products offered for sale during a growing season shall be raised or produced on the same premises by the proprietor.

Besides retail sales and roadside stands, other commercial and tourism based uses may include, at the discretion of the Township, food service utilizing products (except livestock) grown on the site; retail sales of specialty products incorporating items

grown or raised on site; tours of historic, natural, or educational areas on site; and special events as provided for in Section 22.05.R. See also Section 22.05.K, Section 25.11.C.13, and Section 25.11.C.25.

- B. Churches and Schools.** Churches, schools and other public facilities normally accessory thereto and subject to additional requirements in Section 22.05.D.
- C. Cemeteries.** Public and private cemeteries. See also Section 22.05.C.
- D. Golf Courses.** Golf courses, country clubs, and golf driving ranges that may or may not be operated for profit; also subject to additional requirements in Section 22.05.I.
- E. Colleges and Universities.** Colleges, universities and other institutions of higher learning, public or private, offering courses in general, technical, professional, or religious education. See also Section 22.05.E.
- F. Airports.** Airports and aircraft landing fields. See also Section 22.05.A.
- G. Feedlots.** Feedlots and commercial feeding operations. See also Section 22.05.H.
- H. Recreational Areas.** Recreational areas, institutional or community recreation centers, swimming pool or similar clubs, seasonal recreation areas, and other similar or unique recreational uses, whether public or private, and those uses found substantially similar by the Township may be considered subject to additional requirements in Section 22.05.F.
- I. Kennels.** Kennels for dogs. See also Section 22.05.G.
- J. Campgrounds.** Campgrounds and day camps. Campgrounds must comply with the minimum licensing requirements of Act 368 of 1978, and the additional township provisions listed in Section 22.05.B.
- K. Care Facilities.** State licensed child and adult care facilities as permitted by Section 21.42.
- L. Public utilities.** Public Utilities and telecommunications such as: electrical receiving transforming stations; radio, communications, microwave relay and transmitting antenna; television broadcasting and receiving towers, dishes or antennas. See also Section 21.32

- M. Hospitals.**
- N. Livestock sales.**
- O. Additional Housing.** Facilities for a single farm caretaker and his immediate family and seasonal farm workers directly associated with the operation of a farm as defined in Article 2.
- P. Contractor's Limited Storage.** Contractor's office which shall meet the requirements for a home occupation, and related storage of vehicles and equipment as permitted under Section 22.05.S.
- Q. Medical Marijuana Caregiver Operation.** A registered primary caregiver subject to the standards of Section 21.55 of this Ordinance, the Michigan Medical Marihuana Act, as amended, and the regulations of the State of Michigan Department of Community Health adopted pursuant to the Michigan Medical Marihuana Act.
- R. Zoological Park or Wildlife Sanctuary -** Permitted in the FR Farming Residential District only. United States Department of Agriculture (USDA)-accredited zoological parks and wildlife sanctuaries for the care, protection, and display of exotic and/or wild animals. In addition to the requirements of Article 22 Special Land Uses of this Ordinance, these facilities are also subject to the requirements of Section 21.58, Keeping and Display of Exotic Animals and Wild Animals.
- S. Utility-scale Solar Energy Facilities (in FR only).**

SECTION 4.04 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- Article 2: Definitions
- Article 8: CDO Cluster Development Option
- Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennas; limitations on clearing and grading site; open space design requirements, Medical Marijuana Caregiver Operation.
- Article 23: Site Plan Review and Project Evaluation Report

Tyrone Township Zoning Ordinance #36

- Article 24: Private Road and Shared Private Driveway Standards
- Article 25: Off-Street Parking and Loading Regulations
- Article 27: Outdoor Advertising and Sign Regulations
- Ord. 16: Subdivision Control Ordinance
- Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 JULY - Added: Section 4.03.A.
- 2012 JUNE – Added: Section 4.03.P.
- 2013 OCTOBER – Added Section 4.03.Q Medical Marijuana.
- 2016 OCTOBER – Added Section 4.03.R Zoological Park or Wildlife Sanctuary.
- 2018 MARCH - Revised Section 4.00 Intent to address open space elimination.
- 2018 SEPTEMBER – Revised 4.03.H to include provisions for commercial recreational uses in the FR District.
- 2019 JULY - Added Section 4.03.S Utility-scale Solar Energy Facilities.

**ARTICLE 5
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

SECTION 5.00 INTENT

In general, the R-1 single family zoning districts will occupy land areas deemed acceptable for medium density residential uses by the soils suitability analysis performed in concert with the Tyrone Township Master Plan. The intent of this district is to establish and preserve single family home neighborhoods free from other uses, except those which are normal accessory, compatible, and supportive uses convenient to the residents of such a district. The district will provide a transition from strictly agricultural use areas to suburbanized residential uses. The provision of public sewer and water is not expected in the foreseeable future. In order to preserve natural features and to provide design flexibility in the R-1 District, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to March 18, 2018 with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

SECTION 5.01 PERMITTED PRINCIPAL USES

- A.** Single family detached dwellings. See also Article 8 and Section 21.25.
- B.** Publicly owned parks and other public open space.
- C.** Public buildings and uses.
- D.** Essential services excluding outside storage. (Site plan review according to Article 23 is required for all essential services.)

- E. Recreational vehicle storage - noncommercial. See also Section 21.19.
- F. State licensed child and adult care facilities as permitted by Section 21.42.
- G. Permitted home occupations meeting the standards and conditions of Section 21.14.

SECTION 5.02 PERMITTED ACCESSORY USES

- A. Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 21.02.
- B. Swimming pools. See also Section 21.21.

SECTION 5.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. Churches and schools. See also Section 22.05.D.
- B. State licensed child and adult care facilities as permitted by Section 21.42.
- C. Private swimming clubs. See also Section 22.05.F.

SECTION 5.04 GENERAL REQUIREMENTS FOR R-1 USES

- A. Site plan review also is required for any proposed land subdivision including site condominiums; any development that includes lakeshore, wetlands, or stream bank properties; any permitted land use except single family dwellings.
- B. Any development that proposes to generate more than three hundred (300) vehicle trips per day, as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers, is required to be sited on and have direct access to an arterial or collector road.

SECTION 5.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- . Article 2: Definitions
- . Article 8: CDO Cluster Development Option
- . Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- . Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses; temporary structures; fences; reception antennas; limitations on clearing and grading site; open space design requirements.
- . Article 23: Site Plan Review and Project Evaluation Report
- . Article 24: Private Road and Shared Private Driveway Standards
- . Article 25: Off-Street Parking and Loading Regulations
- . Article 27: Outdoor Advertising and Sign Regulations
- . Ord. 16: Subdivision Control Ordinance
- . Ord. 25: Land Division Ordinance

REVISIONS:

2018 MARCH - Revised Section 5.00 Intent to address open space elimination.

**ARTICLE 6
R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

SECTION 6.00 INTENT

The intent of the R-2 district is the same as in the R-1 district, except that the district is intended for areas served with public sewer and water, or locations adjacent to urbanizing centers in which public sewer and water is expected in the foreseeable future. In order to preserve natural features and to provide design flexibility in the R-2 District, cluster development shall be permitted as described in Article 8.

It is the intent of the Township to retain property values and continued investment in land, and recognizes that updated dimensional zoning regulations create a situation in which previously approved parcels can no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that parcels and lots created prior to March 18, 2018 with an associated open space were permitted based on the zoning regulations in effect at the time of their creation, and shall henceforth be considered in accordance with Article 26.10, Open Space Dependent Properties.

SECTION 6.01 PERMITTED PRINCIPAL USES

- A.** All of the permitted principal uses defined in Section 5.01, Permitted Principal Uses in the R-1 district.
- B.** Two-family dwelling units.

SECTION 6.02 PERMITTED ACCESSORY USES

- A** Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 21.02.
- B.** Swimming pools. See also Section 21.21.

SECTION 6.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. All of the special land uses defined in Section 5.03, Special Land Uses in the R-1 district.

SECTION 6.04 GENERAL REQUIREMENT FOR R-2 USES

- A. Site plan review also is required for: any proposed land subdivision including site condominium; any development that includes lakeshore, wetlands, or stream bank properties; two-family units, although plot plans may be acceptable as determined in writing by the Planning Commission.
- B. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers, is required to be sited on and have direct access to an arterial or collector road.

SECTION 6.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- . Article 2: Definitions
- . Article 8: CDO Cluster Development Option
- . Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- . Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site; open space design requirements.
- . Article 23: Site Plan Review and Project Evaluation Report
- . Article 24: Private Road and Shared Private Driveway Standards
- . Article 25: Off-Street Parking and Loading Regulations
- . Article 27: Outdoor Advertising and Sign Regulations
- . Ord. 16: Subdivision Control Ordinance
- . Ord. 25: Land Division Ordinance

REVISIONS:

2018 MARCH - Revised Section 6.00 Intent to address open space elimination.

ARTICLE 7
LK-1 LAKE FRONT SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION 7.00 INTENT

The LK-1 district shall allow relaxed standards for existing uniquely shaped Lots designated as Medium Density Single Family Detached Residential-Lakeside in the Tyrone Township Master Plan which are currently developed around Runyan Lake and Lake Tyrone. Many of these Lots were previously platted at higher densities than desired for today's year-round family residential use. The purpose of the relaxed standards is to allow for the continued use and enjoyment of these parcels without regular need for variances. However, it is not intended that such relaxed standards be used for the creation of new Lots (or developments) at this same density, as this is contrary to the Township Master Plan and not compatible with existing adjacent development. Furthermore, the parcels and Lots in the LK-1 district are served by public sewer and are required to connect to the public sewer system by the Township Sewer Ordinance. Lots, parcels, or units not served by the public sewer would be inappropriate in this district due to the proximity of valuable water resources.

It is also the purpose of these regulations to protect the public health, safety and welfare threatened by the over-use of inland lakes, and to avoid situations which create a nuisance, impair important irreplaceable natural resources or destroy property values. This objective is accomplished with restrictions limiting the use of a riparian Lot for boat dockage and launching by non-riparian owners. These regulations are also intended to reinforce the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).

SECTION 7.01 PERMITTED PRINCIPAL USES

- A. Residential Uses.** All permitted principal uses defined in Section 5.01, Permitted Principal Uses in the R-1 district.
- B. Boat Docks.** Boat docks, boat docking, boat launching, and common use lots subject to the restrictions of Section 21.02D and Section 21.52.

SECTION 7.02 PERMITTED ACCESSORY USES

- A. Accessory Structures.** Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See Section 21.02.

1. **Location Requirements.** Permitted accessory uses shall be located such that Sight Lines to the water are not obstructed. See Sections 20.02.X, 20.02.Z and 21.02.D.

- B. **Swimming Pools.** Swimming pools. See also Section 21.21.

SECTION 7.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. **Residential Special Uses.** All of the special land uses defined in Section 5.03, Special Land Uses in the R-1 district.

SECTION 7.04 GENERAL REQUIREMENTS FOR LK-1 USES

- A. **Existing Lots of Record.**

1. **Nonconforming Lots.** Lots of record with water frontage less than 50 feet wide or net lot area less than 6,250 square feet shall be considered nonconforming Lots and shall be subject to the provisions of Section 26.01 except as noted in Section 7.04.A.1.(a).

- a. **Developed Nonconforming Lots.**

- i. **Nonconforming Lots of Record.** Nonconforming Lots of record with existing structures shall not be required to obtain variances or be required to bring the entire structure up to current standards as a result of required maintenance or reasonable home improvements which do not alter the structure footprint. These activities shall include re-roofing, window replacement, residing, driveway maintenance or improvement, heating and cooling improvements, deck repair, electrical upgrades, or the addition of a garage if these improvements would not otherwise require a variance.
- ii. **Administrative Discretion.** Additional activities which do not alter the structure foot print shall be allowed at the discretion of the Zoning Administrator subject to the provisions of Sections 26.03 and 26.04. This section only

applies to activities which require a variance because the structure/Lot combination is nonconforming and not due to any other proposed deviation from the Zoning Ordinance.

- iii. **Footprint Expansion.** Additions or new construction resulting in expansion of the footprint shall be in accordance with the yard and setback standards provided in Section 7.04.C below. A variance shall be obtained as required in Article 28 for any deviations from these standards.

- b. **Undeveloped Nonconforming Lots.** Nonconforming Lots of record that do not meet the lot area and frontage requirements stated in Section 7.04.B and that cannot be combined with adjacent land under common ownership may be developed as permitted by this ordinance, provided that a variance is obtained as required by Article 28 for any deviations from the standards set forth in Section 7.04.B and/or any other standards set forth in this Ordinance for yard, setback, width, area, coverage, sight lines, or height restrictions in the LK-1 district.

- c. **Adjacent Nonconforming Lots.** Whenever two or more nonconforming Lots under common ownership are adjacent they must be combined to result in a single Lot, parcel, unit or tract of land that conforms to the lot width and area requirements of this district, or to form a site that is the least nonconforming possible. This requirement applies only when two or more Lots, or combination of Lots, with contiguous frontage of common ownership and if one or more of the individual Lots does not meet the requirements established for lot width or area. This section is not intended to require the acquisition and assembly of land to create conforming sites. These requirements shall not apply when the contiguous Lots are currently occupied by a single family home on each Lot.

For example, when a single Lots that is not in conformance with the lot area or width requirements for the LK-1 district is proposed for development, any adjacent undeveloped property under the same ownership must be combined with the subject Lot to create a conforming site or to create the least non-conforming site possible.

- 2. **Conforming Lot Provisions.** Lots of record with water frontage of 50 feet or more and net lot area of 6,250 square feet or more shall be considered conforming Lots of record. All such Lots may be developed in accordance

with the standards (i.e. uses and setbacks) set forth in this chapter and ordinance. Conforming Lots of record may not be divided or split into two new Lots or parcels unless the Lots or parcels are in conformance with the standards of Section 7.04.B and the other standards set forth within the Ordinance.

3. **Subdividing of Lots or Parcels.** Existing Lots of record – whether nonconforming, conforming, and/or created through the combination of adjacent Lots – shall not be used, occupied, or sold in a manner which diminishes compliance with lot width or area requirements of Section 7.04.B nor shall any division be permitted which creates a Lot, parcel, unit, or tract of land with width or area less than Ordinance requirements for the LK-1 District. (See also Section 7.04.F).
- B. New Development.** Any Lot, parcel, or unit created within the LK-1 Zoning District through land division, subdivision, condominium, site condominium or similar procedures shall meet the following standards:
1. **Minimum Lot Area.** The minimum Lot area shall be 21,780 square feet.
 2. **Minimum Lot Width.** The minimum Lot width shall be 60 feet.
 3. **Lake Frontage.** Each new Lot, parcel, or Unit created shall have lake frontage and shall meet the minimum requirements for lot width at the water frontage (see Section 20.02.A).
 4. **LK-1 Standards.** All other standards for the LK-1 district shall apply.
 5. **Permitted Use.** Only one single family dwelling per Lot, parcel, or unit shall apply.
 6. **Yards and Setbacks.** Yards and Setbacks for new development shall conform to the standards in Section 7.04.C.
 7. **Combination of Lots.** New Lots or Parcels created through the combination of existing adjacent Lots, units or parcels, within the district that bring the resulting Lot, unit, or parcel closer to conformance with the requirements of this Ordinance section and reduce the density of the subject area shall not be considered “new development” for the purposes of the standards above.
 8. **Open Space Preservation Option.** Any new development created under the Cluster Development Option shall also satisfy the development standards of Article 8.00. Open space provided through such a development shall not be

used to provide public access to the water and shall comply with the standards set forth in Section 21.52 of this Ordinance.

C. Yards and Setbacks

- 1. Location and Width.** For waterfront Lots, parcels, or units, the rear yard and lot width shall be the lake side of the Lot and the setback shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and the setback shall be measured from the edge of the road right-of-way.
- 2. Yards without Water Frontage.** For existing Lots, parcels, or units without water frontage, the front and rear yards shall be designated as approved with the original development approval (as indicated in the approved subdivision plans, condominium plans, or land division plans). Where this cannot be determined, the designation shall be established using the standards set forth in the R-2 Zoning District. However, the minimum required setback distances shall remain as stated in this Article for the LK-1 District. The Zoning Administrator and/or Planning Commission shall review and establish these yards, particularly on corner and double-frontage Lots, to ensure they are compatible with existing adjacent development.
- 3. Accessory Structures.** Structures, except for structures provided for in Section 21.02.D., shall not obstruct the Sight Lines to the water of existing adjacent structures, inclusive of height obstructions. See Section 20.02.X, Section 20.02.Z. and Section 21.02.D

D. Site Plan Review. Site Plan review is required for any proposed land division, including site condominiums, and any development including lakeshore, wetlands, or stream-bank properties. Site plan review for stand alone single family structures not part of a condominium, site condominium or subdivision development shall be as set forth in Article 23.00 of this Ordinance.

E. Vehicle Trip Threshold. Any development that proposes to generate more than three hundred (300) vehicle trips per day as determined by the Planning Commission utilizing trip generation rates prepared by the Institute of Transportation Engineers is required to have frontage and direct access to an arterial or collector road.

F. Division or Splitting of Combined Platted Lots. As provided under state statute, the owner of two or more adjacent platted Lots which have been previously combined may split those Lots in such a way that they are returned to the original platted configuration. However, the resulting Lots shall become nonconforming

Lots of record if they do not meet the current LK-1 development standards for area, width, water frontage, or coverage, as set forth in Section 7.04.B. The failure to meet these standards shall result in the owner or developer being denied building or use permits until such time as the Lots are recombined to create one or more conforming Lots as required in Section 7.04.A.1.(c). It is the purpose of this section to prohibit development upon Lots created or reestablished by splitting previously combined platted Lots if those Lots do not meet the standards set forth in Section 7.04.B.

SECTION 7.05 COMMON USE ("KEYHOLE") RESTRICTIONS

See Section 21.52 for common use or “keyhole” regulations.

SECTION 7.06 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 8: OSP Open Space Preservation Option
- C. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- D. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, etc.
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 26: Nonconformities
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 DECEMBER - 7.00 Intent (New); 7.01B; 7.02 A, A.1; 7.04, 7.04.A, 7.04.A.1, 2,3 (New); 7.04.B (New); 7.04.C (New), 7.04.D; 7.04.F (New)

**ARTICLE 8
OPEN SPACE PRESERVATION (OSP) OPTION**

SECTION 8.00 INTENT

The intent of open space development is to provide a procedure for residential development that will result in concentrated and enhanced living environments. OSP development can permit more economical residential development and encourage a variety of architectural types and styles for residential dwellings. It will provide a basis for ingenuity and originality in residential lot and street design and development and will preserve open space to serve recreational, scenic, and public service purposes. The provisions have been modified in compliance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended.

SECTION 8.01 OSP APPROVAL PROCEDURE

An OSP development shall be constructed in accordance with a subdivision plan, condominium plan, or land division plan.

- A. Parallel Plan.** Applicants shall submit a parallel plan, a location map, a topography map, an aerial photo, a concept plan and other such information as is necessary, and shall seek advice from and confer with the Tyrone Township Planning Commission, prior to formal submission of a preliminary subdivision plat or condominium plan or land division application.
- B. Preliminary Plan.** A preliminary subdivision plat, condominium plan or land division application shall be filed and processed in accordance with the procedures set forth in this ordinance and in the Tyrone Township Subdivision Control Ordinance or Land Division Ordinance, as may be appropriate, and otherwise required by these separate Ordinances.
- C. Site Plan Compliance.** All condominium plans shall conform to the plan preparation requirements, review and approval procedures, and design, layout and improvement standards in Section 21.43.
- D. Land Division Compliance.** All land division applications shall comply with the requirements of the Land Division Ordinance in addition to the requirements of this Zoning Ordinance.

- E. Impact Assessment.** In addition to submitting the other materials required by this Ordinance, a developer may be required to submit an Impact Assessment according to Section 23.04 in this Ordinance if such an assessment is determined to be necessary in the sole opinion of the Planning Commission.
- F. Zoning Ordinance Compliance.** All information shall be submitted in accordance with the procedures of this Zoning Ordinance.

SECTION 8.02 CLUSTER DEVELOPMENT OPTION

Development under the CDO development option is permitted only in the FR, RE, R-1, R-2, and LK-1 zoning districts, and is subject to approval of the Township Planning Commission and Township Board, provided the requirements contained in this ordinance are satisfied. Cluster development included in PUD Districts shall be limited to those circumstances where the Planning Commission and Township Board find the proposed cluster development will provide open space benefits in the development of single family detached dwellings in a planned unit development.

- A. Reserved.**
- B. Arterial or Collector Road.** Each development utilizing CDO provisions shall have at least one (1) property line abutting an arterial or collector road. Access routes for the cluster development shall be provided to the arterial or collector road(s) in accordance with the published design standards of the American Association of State Highway and Transportation Officials (AASHTO).
- C. Number of Dwelling Units.** The total number of dwelling units permitted in the cluster development shall be determined by dividing the total land area of the subdivision by the minimum lot area required for the applicable zoning district before lot area modification.
- D. Sanitary Sewer Requirements.**
 - 1. RE and R-1 Zoning Districts.** Cluster development will only be permitted when community septic systems or public sanitary sewer systems are available to serve all lots at the reduced lot size.
 - 2. R-2 and LK-1 Zoning Districts.** Sanitary sewer service must be available for any development utilizing cluster development. In the event that sanitary sewer is not available to service proposed dwellings, cluster development shall not be allowed.

E. Modification of Requirements. Modification of lot area, width and yard setback requirements.

1. Lots may be reduced in area below the lot size required by the residential zoning district in which the subdivision is located. Lot area reductions may be up to fifty (50) percent in the FR, RE, R-1, R-2, and LK-1 Districts according to the following schedule:

Zoning District	Minimum Lot Area in Zoning District	Proposed Minimum Lot Area with Cluster Option	Minimum Open Space Required per Proposed Lot with Cluster Option
FR	3 acres	1.5 acres	1.5 acres
RE	1.75 acres	0.875 acre	0.875 acre
R-1	1 acre	0.5 acre	0.5 acre
R-2	21,780 sq. ft.	10,890 sq. ft.	10,890 sq. ft.
LK-1	21,780 sq. ft.	10,890 sq. ft.	10,890 sq. ft.

2. All land remaining after lot area reductions shall be preserved and maintained in perpetuity for its scenic value or for recreation and conservation purposes. Such open space shall be protected to remain as open space by a conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with ownership of the land.
3. Front yard setbacks may be staggered to provide for a variety in the size of such yards, subject to review and approval of such a design by the Planning Commission. The minimum average setback distance shall not be less than the front yard setback requirement for the applicable district.

F. Public Sewer. When the development is located in an area served by public sewers, the design, construction and connection to the public sewer shall conform to the requirements of Tyrone Township, Livingston County, and the Genesee County District Sewer associated with the specific district where the development will be located.

SECTION 8.03 OPEN SPACE PRESERVATION DESIGN STANDARDS

Open space preservation areas shall be provided in compliance with the provisions of Section 21.51. All open space areas preserved under these provisions must meet the requirements of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. In particular, open space

areas must be preserved in an undeveloped state as defined in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, which excludes golf course development on open space preserved by these provisions.

SECTION 8.04 CLUSTER DEVELOPMENT PROCEDURES FOR SUBMITTAL

- A. Individual lots, buildings streets, and parking areas shall be designed and situated to minimize alteration of the natural site features.
- B. The usefulness of open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.
- C. Open space shall include irreplaceable natural features located on the parcel such as, but not limited to, stream beds, significant stands of trees, and individual trees of significant size.
- D. Isolated steep slopes shall be preserved when open flatter land is available for development.
- E. Open space intended for recreation or public use shall be easily accessible to pedestrians. Accessibility shall meet the need of the handicapped older citizens.
- F. The suitability of open space intended for scenic value and purposes shall be determined by its visibility from a significant number or units or buildings.
- G. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land.
- H. Individual lots, buildings, and units shall be arranged and situated to relate to surrounding properties, to improve the view from the view of buildings, and to lessen the area devoted to motor vehicle access.
- I. Individual lots, buildings, units, and parking areas shall be situated to avoid the adverse effects of shadows, noise and traffic.

SECTION 8.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- Article 2: Definitions
- Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, etc.
- Article 23: Site Plan Review and Project Evaluation Report
- Article 24: Private Road and Shared Private Driveway Standards
- Article 25: Off-Street Parking and Loading Regulations
- Article 27: Outdoor Advertising and Sign Regulations
- Ord. 16: Subdivision Control Ordinance
- Ord. 25: Land Division Ordinance

REVISIONS:

- 2007 APRIL - Intent
- 2007 DECEMBER - 8.02; 8.02.D and E as part of LK-1 revision.
- 2012 MAY - Removed PUD from 8.02.
- 2018 MARCH - Revised Section 8.00 & 8.03 to reference Michigan Zoning Enabling Act, 8.02.A, D, and E, to address open space elimination.

**ARTICLE 9
RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT**

SECTION 9.00 INTENT

The RM-1 multiple family residential district is designed to provide for multiple-family dwellings and related uses. The RM-1 district also serves the basic need for an apartment type of housing unit in an otherwise low density single family community. RM-1 districts, because of their more intensive and extensive demands on community services, will be situated near proposed urban-like concentrations and an arterial road, as determined in the Tyrone Township Master Plan.

SECTION 9.01 PERMITTED PRINCIPAL USES

Site plan review, as defined in Article 23, shall occur for all uses in the RM-1 district. The review is required to find proper relationships and mitigate adverse effects from RM-1 uses upon adjacent properties, service roads, driveways, parking areas, open space and accessory buildings and uses.

- A. Single Family Dwellings.** Single family attached dwellings (townhouses, row houses, quadraplexes). See also Section 21.25.
- B. Duplex Dwellings.** Two-family dwellings. See also Section 21.25.
- C. Multiple Dwellings.** Multiple dwellings (garden-type apartments). See also Section 21.25.
- D. Essential Services.** Essential services excluding outside storage. (Site plan review according to Article 23 is required for all essential services.)
- E. Care Facilities.** State licensed child and adult care facilities as permitted by Section 21.42.

SECTION 9.02 PERMITTED ACCESSORY USES

- A. Customary Buildings.** Buildings and structures customarily accessory to the principal permitted uses. See also Section 21.02.

SECTION 9.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review and issuance of a special land use permit according to Articles 22 and 23 are required.

- A. Convalescent homes.**
- B. Licensed Care Facilities.** State licensed child and adult care facilities as permitted by Section 21.42.

SECTION 9.04 GENERAL REQUIREMENTS FOR RM-1 USES

Multiple-Family Dwellings. Multiple-family dwellings are subject to the following conditions:

- A. Arterial Road.** The proposed use shall have one (1) property line abutting a paved arterial road. All ingress and egress shall be directly onto or from said arterial.
- B. Service Area.** The entire area of the site shall be treated so as to service only the residents of the multiple-family development, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main buildings. Uses considered hereinafter as accessory uses include: temporary sales, or leasing offices, parking structures, swimming pools, recreation areas and other similar uses.
- C. Landscaping.** Landscaping shall be provided as defined in Section 21.35.
- D. Utilities.** Waste water disposal facilities and water system shall meet all requirements of and be approved by the appropriate health authorities.

SECTION 9.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- Article 2: Definitions
- Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary

buildings and structures; fences; reception antennae; limitations on clearing and grading site, etc.

- Article 23: Site Plan Review and Project Evaluation Report
- Article 24: Private Road and Shared Private Driveway Standards
- Article 25: Off-Street Parking and Loading Regulations
- Article 27: Outdoor Advertising and Sign Regulations
- Ord. 16: Subdivision Control Ordinance
- Ord. 25: Land Division Ordinance

REVISIONS:

2007 April - 9.03.B

**ARTICLE 10
MHP MANUFACTURED HOME PARK DISTRICT**

SECTION 10.00 INTENT

This district is established to provide for the harmonious use of manufactured home dwellings in a concentrated area to meet the housing needs of the residents. The development of the manufactured home park is governed by the provisions of this ordinance, and also by the requirements of Public Act 96 of 1987, as amended, and by the Michigan Manufactured Housing Commission rules promulgated pursuant to Act 96. The manufactured home park also shall comply with the Michigan Administrative Code for Manufactured Home Parks and Seasonal Manufactured Home Parks. Compliance with State or Federal requirements does not waive the preliminary plan review and site development requirements contained in this Article.

SECTION 10.01 PERMITTED PRINCIPAL USES

- A. Manufactured home park.
- B. Seasonal manufactured home park.

SECTION 10.02 PERMITTED ACCESSORY USES

- A. Buildings, structures, and uses customarily accessory to any of the permitted principal uses.

SECTION 10.03 GENERAL REQUIREMENTS FOR MHP USES

Manufactured home parks and seasonal manufactured home parks are subject to the following provisions.

- A. **Preliminary Plan.** The developer of a manufactured home park shall provide the Tyrone Township Planning Commission with ten (10) copies of the manufactured home park preliminary plan prepared pursuant to Section 11 of Act 96. Copies of the preliminary plan may be submitted simultaneously to the County Health Department, County Drain Commissioner and County Road Commission. The preliminary plan shall contain the following information:

1. **Area and Dimensions.** Area and dimensions of the tract of land at a scale of at least one inch equals one hundred feet (1" = 100'). A north arrow also shall be included;
 2. **Location Map.** A location map indicating the relationship of the site to surrounding land uses including the respective zoning of the abutting properties whether separated by roadways or not;
 3. **Sites and Open Space.** Number, location, and dimensions of manufactured home sites and common open space;
 4. **Emergency Shelter.** Location and capacity of the manufactured home park severe weather shelter, if any;
 5. **Roads and Parking.** Location and width of roadways, walkways (if any), and parking areas;
 6. **Water and Wastewater.** Source of water supply system, waste water treatment facility, and storm water retention, if applicable; and
 7. **Permanent Buildings.** Location and usage of permanent community service buildings.
- B. Site Standards.**
1. **Minimum Parcel.** Manufactured home parks shall not be permitted on parcels less than fifteen (15) acres in size.
 2. **Minimum Unit Area.** An individual manufactured home site shall have a minimum area of 5,500 square feet. The size may be reduced by up to twenty (20) percent, provided that the site shall be at least 4,400 square feet. For each square foot of land gained through the reduction, an amount of land equal to the total area reduction shall be dedicated as open space. The open space requirement shall be the standard in R125.1946, Rule 946 of the Michigan Administrative Code.
- C. Rezoning.** If the request is to rezone property for a manufactured home park, the rezoning review and public hearing notice are pursuant to the requirements of the Township Rural Zoning Act, Act 184 of 1943, as amended, being sections 125.271-125.301 of the Michigan Compiled Laws.

- D. Review Period.** The Planning Commission shall have sixty (60) days from receipt of the preliminary plan from the developer, to either approve, modify, or disapprove the plan. If the Planning Commission fails to return the plan to the developer within the 60-day period, the plan shall be considered approved.
- E. Building Codes.** All site-built structures and utilities, subject to the referenced standards of rules 125.1934 through 125.1940 of the Michigan Administrative Code, to be erected, constructed, altered, or repaired in a manufactured home park shall comply with all applicable codes of the Township, the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured home built prior to June 15, 1976 shall have been constructed to the State of Michigan Standards in effect at that time.
- F. Certificate of Occupancy.** Before any manufactured home can be occupied in the manufactured home park, the unit shall be inspected and receive a certificate of occupancy from the county building official. The occupancy permit is to supplement licensing requirements in R125.1816 and R125.1817 of the Michigan Administrative Code.
- G. Improvements and Additions.** A county building permit shall be required before the construction or erection of any porch whether enclosed, partially enclosed or unenclosed. A building permit shall be required for any additions to the principal unit. A building permit shall be required for any detached structure, such as a garage or carport that exceeds one hundred (100) square feet in size.
- H. On-Site Storage.** The on-site storage of boat trailers, boats, camping trailers, horse trailers and similar recreational equipment shall be prohibited on manufactured home sites and in designed open space areas. The manufactured home park may provide, within the confines of the park, a common outdoor storage area for the storage of the above mentioned equipment. Said storage area shall be screened from view with plant material or man-made screening devices. Common laundry drying areas, trash collection stations, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.
- I. Travel Trailers.** Travel trailers or recreational vehicles shall not be occupied as permanent living quarters in a manufactured home park.
- J. Additions and Alterations.** Project changes that are additions and alterations to the approved plans and specifications under which the park was originally constructed, may require a county building permit. Such additions and alterations shall include

storage sheds, other accessory buildings and utility installations proposed to be located in the manufactured home park where such sheds, accessory buildings and utility lines were not included in the plans that were approved by the Planning Commission. The permit shall be secured only after the State of Michigan approves all changes and alterations according to R125.1950 of the Michigan Administrative Code. The developer of a manufactured home park shall not be required to obtain a building permit to alter or expand the park, a process exclusively governed by Michigan Administrative Rule 950. Building permits may be required for site constructed structures within the park, such as community buildings, sheds, carports and garages, as specified herein.

**ARTICLE 11
PLANNED UNIT DEVELOPMENT**

SECTION 11.01 INTENT

The Planned Unit Development (PUD) provisions are intended to permit flexibility to achieve development that is substantially in accordance with the goals and objectives of the Township’s Master Plan, to encourage innovation in land use and variety of design, to preserve significant natural and historical features and open space, to promote efficient layout and provision of public services and utilities, to encourage environmental sustainability in development, to minimize adverse traffic impacts and to encourage development of convenient recreational facilities and useful open space particularly suited to the needs of the development. It is intended as well that each PUD afford reasonable protection to uses within and near the development, and that the development be laid out so that the various land uses and bulk of buildings relate to each other and to adjoining existing and planned uses in such a way that they will be compatible, with no material adverse impact of one use on another.

The PUD provisions and standards are intended to facilitate retaining the rural image of the Township, accommodate development on sites with significant natural, historical, and architectural features and on sites which exhibit difficult development constraints, provide opportunities to mix compatible land uses or housing types, allow for smaller lot sizes to preserve common open spaces and natural features, and to accomplish a particular development or land use objective identified by the Township.

Except as required under Section 12A.04.G, development permitted under this Article shall be considered as an optional means of development, and each PUD application shall be judged on its own merits. The availability of this option imposes no obligation on the Township to approve a proposed PUD. The decision whether to approve the use of the PUD option shall be at the sole discretion of the Township Board, upon recommendation of the Planning Commission.

All decisions made pursuant to this Ordinance shall give reasonable consideration to the following:

- density of land uses,
- effects on nearby and adjacent lands,
- general appearance and character of the surrounding area,
- reasonable compatibility with nearby land uses,
- effects on surrounding property values,
- water supply and wastewater disposal,
- storm water management,

- groundwater quality,
- ease of providing public safety services,
- traffic congestion,
- pedestrian safety,
- blighting influences, and
- other considerations pertaining to the effects or possible effects of a PUD.

The PUD option shall not be used for circumventing the applicable requirements of this Ordinance. Rather, this option is intended to result in development which is substantially consistent with the zoning standards as generally applied to the proposed activity, building or use, but with specific modifications to the general standards that, in the judgment of the Township, assure an improvement of the public health, safety and welfare in the area affected. Further, the PUD option shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

It is the intent of this Ordinance to provide for the consideration and approval of a PUD for the following general purposes:

- A. To encourage innovation and creativity in land use planning and development.
- B. To promote and enhance housing and recreational opportunities for the public.
- C. To encourage the use of lands in ways which are most in accord with their character and adaptability by taking advantage of the existing natural features, including ravines and topography when determining locations for various types of structures.
- D. To promote and encourage the conservation and preservation of natural resources and natural features.
- E. To encourage the efficient use of land by facilitating economically suitable arrangements for buildings, streets, utilities, and other land use features.
- F. To encourage the availability of open space, as a part of the development of land, and to promote the development of passive and recreational land uses.
- G. To provide for and promote coordinated, flexible, and comprehensive planning and development of lands within the Township to the benefit of property owners and to serve the public interest.
- H. Ensure that adequate traffic patterns are created and acceptable through the maintenance and enhancement of the county road system.

- I. Encourage a balance of mixed uses, under unified control whenever possible, allowing for implementation of architectural standards.
- J. Encourage a fabric of diversity by mixing land uses, lot sizes, building types, and architectural design.

SECTION 11.02 GENERAL REQUIREMENTS

- A. **Location.** A PUD may be approved at any location in the Township as a special use as specified in Table 11.1 and further subject to review and approval as provided herein.
- B. **Ownership.** At the time of Preliminary PUD approval, the proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for the development of the project. This provision shall not prohibit a transfer of ownership or control of separate parcels or phases following approval of the Preliminary PUD, however all phases and parcels shall continue to be subject to the approved Preliminary PUD plan and all of its terms and conditions.
- C. **Minimum Area.** The minimum area required for a PUD shall not be less than 20 contiguous acres of land. The Township Board may, upon recommendation from the Planning Commission, permit a PUD project on a smaller site if the proposed development would have a recognizable and material benefit consistent with the standards and intent of this Article.
- D. **Utilities.** The PUD shall be located at a site that is able to provide adequate water and wastewater disposal service to the proposed development without adversely impacting the community and surrounding neighbors.
 - 1. Non-residential uses in a PUD shall be connected to a public wastewater disposal system. The Township Board may approve exceptions to this standard based upon recommendation of the Planning Commission for locations where sanitary sewer is not available and subject to the approval of the County Health Department.
 - 2. Single family detached residential uses in a PUD may provide on-site wastewater treatment with the approval of the County Health Department.

- E. **Access.** The PUD shall be located so that it can be accessed from a paved, County primary road able to safely serve the proposed development without adverse impact on the community.
- F. **Uses.** The following uses may be permitted in PUDs:
1. Any use listed in the Tyrone Township Zoning Ordinance, uses determined to be similar to those listed in the Ordinance, and mixed uses shall be eligible for inclusion in a PUD. The specific uses that may be permitted at a particular site shall generally be consistent with the master-planned designation for that site as shown on the Tyrone Township Master Plan Future Land Use Map and the corresponding zoning district(s) associated with that master-planned designation, in accordance with Table 11.1, which follows.

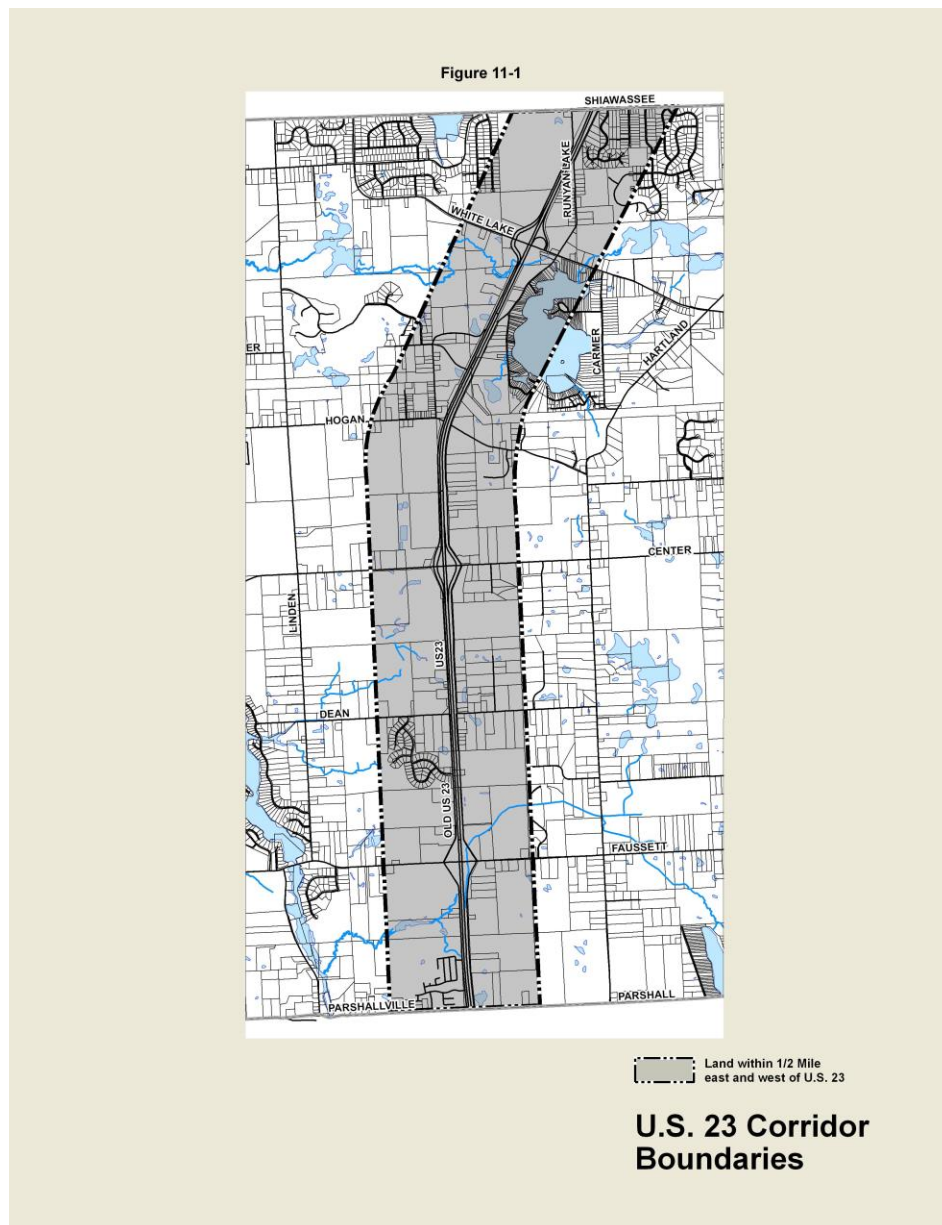
**Table 11.1
PUD Uses Permitted**

Master Plan Designation	Uses Permitted in PUD		
	Corresponding Zoning District – Uses Permitted	Maximum % PCS Uses (d)	Maximum % of Other Uses Permitted
Residential/Natural Resources Preservation	RE, EI	(h)(i)	0
Agricultural/Residential	FR	(h)(i)	0
Low Density Single Family Detached Residential	R-1	(h)(i)	(e)
Medium Density Single Family Detached Residential	R-1, R-2	(a) (h)	(e)
Medium Density Single Family Detached Residential – Lakeside	LK-1	0	0
High Density Attached Residential	RM-1	30	(f)
Manufactured Single Family Detached Residential	MHP (j)	30	0
Planned Commercial Services	PCS, B-1, B-2, ES	100	(f) (g)
Planned Office	OS	50	(g)
Planned Services	OS, RM-1 (b)	50	0
Planned Industrial, Research, and Office	ROM, M-1, M-2, PIRO	20	0
Public/Quasi-Public	OS (c)	50	(f)

Footnotes:

- (a) *Non-residential uses may be permitted only on land within the U.S. 23 Corridor as defined in this Ordinance. Up to 20% of the PUD site area may be permitted as such non-residential uses.*
- (b) *Government facilities including post office, educational facilities, township hall, township fire station; library; public or private recreation uses; senior citizen housing.*
- (c) *Parks, public utility rights-of-way, churches, and similar public/quasi-public uses.*
- (d) *Percentage of PUD site area, as defined in 11.02.F.2 of this Ordinance.*
- (e) *Up to 30% of the PUD site area may be permitted as attached dwelling units, subject to a determination by the Township Board, upon recommendation of the Planning Commission, that adequate buffering, access management, and transitions are provided, that the location of such uses will not adversely impact neighboring established residential areas, and that compliance with all other requirements of this Ordinance exists. Each building shall contain no more than four dwelling units. Attached dwellings shall be subject to special use approval.*
- (f) *Senior housing development(s), subject to special use approval, on up to 50% of the PUD site area.*
- (g) *Residential uses may be permitted subject to the standards of the RM-1 zoning district. If the residential uses are in separate buildings, or are a distinct use apart from the nonresidential component of the PUD, the residential development shall not exceed 50% of the PUD site area. If the residential and nonresidential uses are mixed, the limit on the extent of residential development shall not apply. The permitted number of units, square footage to be constructed and density allowed shall be calculated for each use as if each were being developed independently on that site.*
- (h) *Allowable non-residential uses shall be limited to those permitted by right in the Planned Commercial Services District. Automotive supply retail businesses, outdoor sales, and outdoor storage shall not be permitted. All such uses shall be compatible with the predominant single family residential character of the PUD and neighboring area.*

- (i) *Non-residential uses may be permitted only on land located within the U.S.23 Corridor as defined in this Ordinance. Up to 10% of the developed area may be permitted as such non-residential uses.*
 - (j) *No residential density bonus shall be permitted.*
2. For the purposes of this section, “PUD site area” shall be the total area of the PUD, not including the area for any portion of the site set aside as open space, regulated wetlands, and/or dedicated public right of way.
 3. The U.S. 23 Corridor shall be defined as that land within ½ mile east or west of the centerline of U.S. 23 (See Figure 11-1).



4. If a use proposed as a part of the PUD is listed as a special land use in the zoning district associated with the master-planned designation at the PUD site, that use shall be subject to the respective specific special land use requirements and standards of this Ordinance. Separate notice, public hearing and special land use approval shall not be required, if, at the time of Final PUD plan approval the special land use is identified and delineated with all information required for a Final PUD plan. All special land uses that are part of a proposed PUD shall be listed on the Preliminary and Final PUD plans in a format so that approvals and changes can be easily tracked. If, however, a PUD is proposed for construction in phases, or where construction is not proposed to begin immediately, or if a special land use is added, moved, or changed to another special land use, special land use proceedings shall be required with the review and approval of the Final PUD plan. The special land use proceedings shall include the required public hearing and notice.

G. **Residential Density / Parallel Plan.** To assist the Planning Commission in determining the number of lots, units, or square footage permitted in a residential PUD or the residential component of a PUD, the applicant shall submit a parallel plan (see also Sections 11.04.B and 11.06.A.4) for the development. The parallel plan shall comply with the requirements for a site plan in Section 23.02, and shall show how the site could be reasonably developed in compliance with adopted zoning and subdivision ordinances and standards. The parallel plan should be drawn to contain the maximum number of lots or dwelling units allowable and reasonable per the dimensional and other Ordinance standards and practical engineering limitations that would apply to the site if zoned in accordance with the site's future land use designation (see Table 11.1).

The Planning Commission shall review the parallel plan and determine the number of lots or dwelling units that could be constructed (based on adopted ordinances and standards, site conditions, engineering, cost and similar factors). For example, parallel plans showing lots with dwellings on extremely steep slopes, in bodies of water, or in a right-of-way will have these lots rejected, as they are not reasonable and do not meet ordinance requirements. This number, as recommended by the Planning Commission and approved by the Township Board, will be the base number of dwelling units allowable for the residential PUD. Any density bonus (see Section 11.02.H) granted by the Township Board will be applied to this base number. For residential PUDs which do not request a density bonus, the parallel plan requirement may be waived, subject to the determination of the Planning Commission.

H. **Residential Density Bonus.** The number of units permitted in a residential PUD or the residential component of a PUD, as determined from the parallel plan may

be increased at the discretion of the Planning Commission and the Township Board, in accordance with the following:

1. Each element listed in Section 11.02.H.2 below, is worth an additional, incremental bonus. The bonus for each element may range from 0% to 5% of the units identified on the parallel plan. The specific amount of the bonus shall depend on the degree to which the PUD has addressed that element and the impact the element has in contributing to the objectives sought to be achieved by the PUD. The maximum density increase any development may receive shall be 15% of the residential units identified on the parallel plan.
2. For those residential PUDs eligible to receive a density bonus, the proposed development is required to meet or exceed one or more of the requirements of this section of the Ordinance.
 - a. Providing clustered development where a minimum of fifty percent (50%) of the gross land area of the development is protected open space.
 - b. Inclusion of a variety of building types, quality architecture, durable materials and superior site design.
 - c. Providing frontage transition areas along all public roads that are at least one hundred fifty (150) feet in depth with suitable landscaping.
 - d. Providing public amenities such as trails for non-motorized use, children's playgrounds, picnic facilities, or community centers.
 - e. Providing paths, trails, greenways, or other pedestrian and non-motorized transportation facilities, accessible to the public, and connected to or creating a network of trails throughout the community.
 - f. Cleanup of site contamination.
 - g. On-site storm water management that relies upon natural systems to the greatest extent possible and preserves the quality and integrity of such systems.
 - h. Other similar elements as determined by the Planning Commission.

- I. **Development Standards and Flexibility.** The purpose of this Section is to ensure that PUDs are compatible with adjacent properties and the Township. All development standards of this Ordinance and the requirements of the zoning district corresponding to the site's future land use designation (see Table 11.1) shall be followed in the design of PUDs. However, modifications to any of these standards may be approved as part of a Preliminary PUD plan provided that such modifications are determined by the Township Board to be consistent with the purpose and intent of this Article, are consistent with sound planning and design, are necessary for the preservation of significant features or open space on the site, or are otherwise necessary to result in a higher quality design.
1. Any regulatory modification shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards and that it will meet the criteria of this Article.
 2. Regulatory modifications are not subject to variance approval by the Zoning Board of Appeals. An appeal of a PUD decision shall not be heard by the Zoning Board of Appeals. Such an appeal shall be to the Circuit Court of Livingston County.
 3. A table shall be provided on the Preliminary PUD plan which specifically details all deviations from the applicable zoning district's area, height and setback regulations, off-street parking regulations, general provisions, or subdivision regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD article. This specification should include Ordinance provisions, from which deviation is 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 those deviations consistent with the intent of this Ordinance shall be considered.
- J. **Phasing.** Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of services and facilities, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the community. A phase shall not be substantially dependant upon subsequent phases for safe and convenient vehicular and pedestrian access
1. A written description of the phasing process that describes all work to be done in each phase and the proposed timing shall be submitted to the Planning Commission with the Preliminary PUD plan for approval.

2. Each phase shall require Final PUD review and approval and shall be consistent with the approved Preliminary PUD plan and agreements.
3. Construction for each phase shall commence within one (1) year of the schedule set forth in the phasing plan or the phasing plan will expire. The phasing plan may be modified and/or extended upon recommendation of the Planning Commission and approval of the Township Board, as provided under Section 11.06.E.
4. In PUD developments that include residential and nonresidential components, the Planning Commission may recommend and the Township Board may require that all or portions of the residential and nonresidential components be constructed concurrently. The required percentages of residential and nonresidential uses as approved, shall be identified on the Preliminary PUD plan, in the phasing plan and included in the PUD contract.

K. Open Space.

1. **Residential.** PUDs containing a residential component shall provide and maintain open space at a minimum of 30 percent of the total land area of the portion of the site that is designated for residential use. However, the Planning Commission may recommend, and the Township Board may approve, modifications of the 30 percent requirement if it finds that the site characteristics, surrounding natural features, and proposed design features and uses lend themselves to different open space area requirements. For residential uses, open space shall conform to the requirements of Section 21.51 of this Ordinance, however up to 50% of the area of storm water basins which utilize best management practices to provide for an aesthetic site amenity may be considered to be open space, at the discretion of the Planning Commission and Township Board based on review of the specific solution.
2. **Non-Residential.** For the purposes of this section, as determined appropriate by the Township Board, upon recommendation of the Planning Commission, for the character of the proposed PUD's uses and design, a minimum of 10 percent of the total land area of the portion of the site that is designated for non-residential uses shall be provided and maintained as open space. In addition to those features permitted as open space under Section 21.51 of this Ordinance, non-residential open space may also include plazas, sidewalks, accessory outdoor eating or entertainment areas, landscaping and buffer areas and green space (provided they exceed the minimums required by this Ordinance), road boulevard medians that exceed 30 feet in width and that are landscaped

as a site amenity, active or passive recreation space, developed outdoor spaces intended for the users of the PUD, storm water basins which utilize best management practices to provide for an aesthetic site amenity at the discretion of the Planning Commission and Township Board based on review of the specific solution, and other open spaces as determined consistent with the intent of the PUD and this Article.

3. **Character and Arrangement.** The arrangement and characteristics of such open space shall reflect sound planning and design principles, and shall take into account the following considerations:
 - a. Open spaces shall be conveniently located in relation to the structures developed within the PUD.
 - b. Open spaces shall have reasonable, minimum dimensions that are usable for the functions intended and that will be maintainable.
 - c. Open spaces shall be integrated into the overall design of the development, and shall be located and designed to benefit the residents and users of the PUD.
 - d. Significant natural amenities such as, but not limited to ravines, rock outcrops, wooded areas, tree or shrub specimens, unique wildlife habitat, ponds, streams and wetlands should be preserved as part of the open space.
 - e. Open space shall be provided in locations, amounts, and timing in accordance with an approved phasing plan.
 - f. Non-contiguous off-site open space may be permitted in satisfying these requirements, subject to the approval of the Township Board, as follows:
 - i. The off-site open space shall be located in Tyrone Township.
 - ii. The off-site open space shall be set aside in perpetuity and recorded in accordance with the requirements of Section 11.02.K.4, below.
4. **Protection of Open Space.** As each phase is developed, the required open space for that phase shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according

to the site plan and never changed to another use. Such conveyance shall:

- a. Describe the permitted activities within the dedicated open space, and assure permanent protection from all forms of development, except as shown on an approved PUD plan.
 - b. Identify who will be responsible for maintenance of the dedicated open space, how such maintenance will be funded, and what standards shall be applied to such maintenance.
 - c. Be submitted at the time of Preliminary PUD plan review and approved during the Final PUD plan review on a phase by phase basis. The legal instrument by which the open space is dedicated shall be submitted to and approved by the Township Attorney prior to Final PUD plan review at the applicant/developer's cost.
 - d. Upon approval, the applicant shall record the open space conveyance with the Livingston County Register of Deeds. A recorded copy shall be given to the Township prior to issuance of any construction permits. The conveyance shall be binding upon the applicant/developer and all successors and assigns of the grantor and grantee of all lots or parcels within the project area.
 - e. The Final PUD plan shall be incorporated by reference and attached as an exhibit to the recorded open space document.
- L. **Emergency Access.** The configuration of buildings, driveways, and other improvements shall permit convenient and direct emergency vehicle access. A PUD in excess of 50 dwelling units and/or 500 average daily vehicle trips shall, at the discretion of the Township Board, provide at a minimum of two points of ingress and egress.
- M. **Site Circulation.** The vehicular and pedestrian circulation system within each development shall accommodate, where appropriate, the movement of vehicles, bicycles, and pedestrians throughout the proposed development and to and from surrounding areas in a safe and convenient manner. Sidewalks and streets shall be connected into the overall Township network, and shall be extended to adjacent undeveloped properties to provide future connections. Any improvements, if necessary, shall be at the applicant's expense. Private roads shall comply with the standards in Article 24. PUDs must also satisfy the Access Management Standards in Section 21.54.

- N. **Streets.** All public and private streets within a PUD shall comply with the applicable standards of the Livingston County Road Commission and Tyrone Township.
- O. **Infrastructure Improvements.** All infrastructure improvements, including roads, water, wastewater, storm water drainage, street lights, and street signage, within and adjacent to the PUD and necessary to serve the site, shall be provided by the developer as a part of the development of the site. All such infrastructure shall be subject to the approval and meet the requirements of the Fire Department and all other agencies with authority.
- P. **Availability and Capacity of Public Services.** The proposed type and intensity of use shall not exceed the existing or planned capacity of existing public services and facilities, including police and fire protection, traffic capacity of the public roads, drainage and storm water management facilities, and capacity of existing or planned water and sanitary sewer facilities. The expansion or provision of public services shall not create an unreasonable burden on the Township. Approval of the appropriate County agencies, other agencies with authority, Fire Department and the Township Engineer shall be required for all facilities necessary for the development.
- Q. **Utilities.** All utilities except electrical transmission lines constructed or relocated within the site, including: electrical service lines, appurtenances and accessories, shall be placed underground. Any utility pad or transformer, where required to be placed above ground because of size or function, shall be fully screened or obscured by mature landscaping and/or a decorative masonry wall, or may be fully enclosed in a dedicated building constructed consistent with these regulations.
- R. **Landscaping.** Landscaping, screening and buffering shall be required. A landscaping plan shall be submitted with both the Preliminary and Final PUD plans consistent with the requirements in Article 21A.
- S. **Parking and Loading.** Parking and loading facilities in a PUD shall comply with the standards in Article 25. However, the numerical requirements for parking may be modified, based on evidence that other standards would be more reasonable because of the level of current or future employment, the level of current or future customer traffic, shared parking by uses that have peak parking demands that do not overlap, and other considerations. A decision to reduce the number of parking spaces shall be based on technical information provided by a qualified planning, parking or traffic consultant, that verifies that the reduction will not impair the functioning of the developments served, or have an adverse impact on traffic flow on or adjacent to the development.

Additionally, the Township may approve land banking up to 20% of the required spaces provided the following conditions are met:

1. The reserved area is of sufficient size to meet the parking, circulation and maneuvering requirements of Article 25 and is retained as open space.
 2. The area designated as land banked parking shall be on the same lot as the use it is to serve.
 3. The Final PUD plan shall show the area where parking is being land banked, including dimensions and dotted parking lot layout.
 4. The area proposed shall not be in a required setback, required landscape area or required greenbelt.
 5. The applicant shall include a written agreement to construct the land banked parking on the Final PUD plan and within the PUD Agreement.
 6. The owner agrees to construct the land banked parking at such time as there have been three (3) documented violations from the Township Zoning Administrator.
- T. **Conditions of Construction.** The hours of construction activity shall be stated on the PUD plan and shall be determined based on the scale and schedule of construction, and proximity to and type of adjacent developments. Noise, dust, odors, traffic and other impacts of construction of the PUD shall be limited so as to not create negative impacts for the Township or surrounding area. The applicant shall present a plan for review that includes specific measures to ensure that construction operations do not create nuisance conditions. The Township Board may place reasonable limitations on hours and other construction activities to prevent potential negative impacts.

SECTION 11.03 DESIGN REQUIREMENTS

Within a PUD approved under this Article, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

- A. **General Design.** For the overall design of the development and its components, particular attention and consideration must be given to the following:
1. The Township Board, upon recommendation of the Planning Commission, may at its discretion require sidewalks and/or street lights in any

development. The decision shall be based on circulation within the development and the surrounding area, connections to amenities within and around the development, and the safety of residents.

2. The relationship of the proposed architecture to other structures within the same development, and to those structures adjacent to the proposed development that establish the intended character of the district. PUDs shall comply with the Architectural Standards in Section 23.18, however the Planning Commission may recommend and the Township Board may approve alternatives that are determined consistent with the purposes and intent of this Article.
 3. Providing an interconnected road and pedestrian network through connections to adjacent development(s) where it will not negatively impact adjacent uses.
 4. Open space and active recreational areas connected or accessible to users of the development.
 5. Integration and blending of various types and styles of housing types and mixed uses within a proposed PUD.
- B. **Screening.** Screening, buffering and greater setbacks may be required by the Planning Commission along the perimeter of the development or between areas of different density or uses within the PUD, in addition to landscaping required in Article 21A if deemed necessary to create an appropriate transition and to protect the neighbors from adverse impacts.
- C. **Signs.** All signs in a PUD shall be subject to the requirements in Article 27 Outdoor Advertising and Sign Regulations, as well as any additional requirements provided in the development standards for the particular zoning district in which the development is located. Signs shall be reviewed and approved as a part of the overall development plan. A sign plan including locations and types of all proposed signs and materials of signs shall be submitted with the Preliminary PUD plan to the Planning Commission for review and recommendation to the Township Board. After approval by the Township Board, and subject to issuance of sign permits by the Township Zoning Administrator, signs may be installed if they comply with the approved plans. The Planning Commission shall consider compliance with the following criteria before making any decision in this regard:
1. The harmonious relationship of signs and their design to buildings and landscaping within and adjacent to the PUD.

2. The distance of any proposed sign from the boundaries of the PUD and its visibility from adjacent properties or public highways.
3. The number, quality, character and location of entrances to the development as well as the uses served by such entrances.

SECTION 11.04 PROCEDURAL REQUIREMENTS

A PUD shall be considered a Special Land Use. A public hearing, subject to the notification standards of P.A. 110 of 2006, as amended, shall be held prior to approval of a Preliminary PUD plan. Applications shall be submitted in accordance with the following procedures:

- A. **Optional Pre-Application Conference.** An optional first step allows for the review of a concept by the Planning Commission. This pre-application conference (Section 11.05) allows the applicant to discuss the proposed development with the Planning Commission and how the proposed PUD relates to the Township's Future Land Use Plan. Information regarding the applicable standards of the Ordinance, technical issues, compliance, and procedures may also be discussed at this time.
- B. **Preliminary PUD Plan.** The first required step shall be the submittal of a Preliminary PUD plan and information required by Section 11.06.A. If residential uses are included, a residential "parallel plan" will be required with the submission for plans seeking a density bonus. The Planning Commission shall review the Preliminary PUD plan, hold a public hearing on the Preliminary PUD plan, and make a recommendation to the Township Board. The Township Board shall have the final authority to act on a Preliminary PUD plan.
- C. **Final PUD Plan.** A Final PUD plan and related documents shall be submitted per Section 11.07 for review and recommendation by the Planning Commission and final approval by the Township Board.
- D. If the PUD also requires the submission and approval of a plat, for all or part of the development, the simultaneous filing of a preliminary plat prepared according to the regulations in the Tyrone Township Subdivision Control Ordinance is encouraged. If any part of the PUD is a condominium project as defined by Act 59 of 1978, as amended, and by this Ordinance, the project shall conform to all requirements of the statute, its rules, and the provisions in this Ordinance.

SECTION 11.05 PRE-APPLICATION CONFERENCE

Prior to the submission of an application for PUD approval, the applicant may meet with the Planning Commission for the purpose of preliminary discussion and review regarding the eligibility for consideration, appropriateness, general content and design approach of a proposed PUD. An applicant desiring a pre-application conference must submit to the Township Clerk a written request that the conference be placed on the Planning Commission's agenda. A copy of that written request shall be forwarded to the Planning Commission.

The applicant shall present at such conference or conferences, at minimum, the following:

- A. An overall conceptual land use plan for the PUD, drawn to scale. The overall plan shall graphically represent the development concept using maps and illustrations to indicate each type of use, square footage or acreage allocated to each use, and approximate locations of each principal structure and use in the development. The overall plan shall indicate types of residential use; office, commercial, industrial, and other non-residential uses; each type of open space; community facility and public areas; and other proposed land uses.
- B. A legal description of the land on which the PUD is proposed and associated tax identification numbers.
- C. The total number of acres in the project.
- D. A statement regarding the proposed uses, the number of acres for each use, and the number of residential units and square footage of non-residential uses proposed.
- E. The number of acres to be preserved or used for recreation space, and the number of acres to be preserved or used for open space.
- F. All known natural resources or features to exist on the site as well as those being preserved; and including general locations and approximate dimensions of wetlands, floodplains, soil types, tree stands, unusual slopes, streams, water bodies and water drainage areas.
- G. The existing conditions on the site.
- H. A description of the proposed sewage treatment and water supply systems and proposed stormwater management and drainage systems.

No formal action shall be taken at a pre-application conference. Statements made by any person during the course of a pre-application conference shall not be deemed to constitute legally binding commitments.

SECTION 11.06 PRELIMINARY PUD REVIEW PROCEDURES

Preliminary PUD review is the first step of the two-step PUD approval process. It is an opportunity for the Township to review the plans and make sure they satisfy the standards and intent of the Zoning Ordinance prior to further development of the PUD plans and investment in the project.

A. Preliminary PUD Application.

An application for Preliminary PUD approval requires submission of the following items to the Township. The number of copies to be required to be submitted, and how far in advance of the Planning Commission meeting at which the request will first be considered shall be as determined by the Planning Commission.

1. Application fee in the amount established by resolution of the Township Board.
2. A completed application form as supplied by the Township. The application form must be signed by the applicant, and by the owners of all of the land to be included within the PUD (if different than the applicant).
3. A site plan, containing all information as specified in Section 23.02, encompassing all phases of the proposed PUD.
4. If a residential PUD or the residential component of a PUD seeks a density bonus, a parallel plan containing all the information specified in Section 23.02 shall be submitted. The parallel plan shall comply with the development standards of the Zoning Ordinance, Subdivision Ordinance or condominium regulations as appropriate, and shall show street layout, lot orientation, and lot size. The plan shall determine the base residential density for the residential portion of the project.
5. A thorough, written narrative responding to the following:
 - a. The reasons why the proposed project qualifies as a PUD.

- b. The reasons why PUD is preferred at this location over conventional zoning.
 - c. The possible impacts of the proposed development on adjacent properties and on public facilities and services.
 - d. The potential benefits of the development to Tyrone Township.
 - e. A description and rationale for modifications to Zoning Ordinance standards.
6. Legal documentation that the proposed site is under single ownership, single control, or joint unified control in the form of agreements, contracts, covenants, and deed restrictions.
 7. An impact statement, consistent with the requirements in Article 23.04 – 23.05, may be required by the Planning Commission.
 8. Identification and description of any proposed modification to the standards of this Ordinance. All proposed modifications shall be listed on the plan and in a table noting the Ordinance section, Ordinance requirement, and proposed modification.
 9. Depiction of proposed development phases and estimated schedule for completion, including location, amount, and timing for provision of open space.
 10. The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.
- B. **Technical Review.** Prior to the public hearing, the PUD application and development plan shall be distributed to appropriate Township officials and staff for review and comment. The Planning Commission may also submit the application and development plan to designated Township consultants for review. The applicant shall be responsible for submitting the plan to applicable outside agencies for review.
- C. **Public Hearing.** Upon receipt of a complete Preliminary PUD submittal, a public hearing shall be scheduled and held before the Planning Commission within a reasonable time after filing of an application, with notice and publication given in

accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and Section 22.03.C, Public Hearing and Notices.

D. Planning Commission Review and Township Board Approval

1. Prior to making a recommendation for approval of a Preliminary PUD plan, the Planning Commission must find that the proposed PUD meets the following standards in addition to those in Section 11.08:
 - a. Granting the PUD will result in recognizable and substantial benefits to the ultimate users of the project and to the community.
 - b. The PUD is designed to ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development.
 - c. The PUD is designed to protect the public health, safety, and welfare of the individuals in the development and those immediately adjacent, and the community as a whole.
 - d. The PUD is designed and laid out to preserve and protect natural resources and natural features to the fullest extent possible.
 - e. The PUD is designed to promote the use of land in a socially and economically desirable manner.
 - f. The PUD is compatible with the Township Master Plan objectives for the area and consistent with the intent and purpose of this Ordinance as presented in Section 11.01.
2. The Preliminary PUD plan shall be reviewed by the Planning Commission in relation to applicable standards and regulations as well as its consistency with the intent and spirit of the PUD concept.
3. Based on the Preliminary PUD plan review, comments received during the public hearing, and any reports and reviews from consultants, staff, and other reviewing agencies, the Planning Commission shall make a recommendation to the Township Board to approve, approve with conditions, or deny the Preliminary PUD plan.
4. After receipt and review of the Planning Commission report and recommendation, the Township Board shall approve, approve with

conditions, or deny the Preliminary PUD plan, provided that the request may be approved only if the PUD meets all of the standards for PUD approval contained above and in Section 11.08.

E. Effect of Action on the Preliminary PUD Plan. Preliminary PUD plan approval is intended to provide direction for preparation of the Final PUD plan, but shall not assure approval of the Final PUD plan.

1. Preliminary PUD plan approval, including any phasing plan, shall expire three years after the date of approval, unless the first phase Final PUD plan has been submitted to the Planning Commission for review. Upon written request, the Preliminary PUD plan approval, including any phasing plan may be extended for one year by the Township Board upon recommendation from the Planning Commission upon determining that the applicant is making reasonable efforts to pursue a Final PUD plan giving weight to existing economic conditions, and that site conditions have not changed in a way that would affect the character, design or use of the site or it's compatibility with surrounding uses. If the Township Board denies the extension of the Preliminary PUD plan approval, the applicant may pursue development or use of the site as allowed under this Zoning Ordinance.
2. The applicant may at any time following approval of the Preliminary PUD and phasing plan submit a revised phasing plan for review by the Planning Commission and recommendation to the Township Board. The revised plan shall be accompanied by a statement indicating the conditions that made the previous phasing plan unachievable. Planning Commission review and Township Board approval of the revised phasing plan shall be based on the proposed phasing plan's conformance to Section 11.02.J, Phasing, of this Ordinance.
3. Amendments to an approved Preliminary PUD plan shall be subject to the same review and approval process as required for a new Preliminary PUD plan, including public hearing, in conformance with Sections 11.06.A. – 11.06.D. above.
4. Approval (or approval with conditions) of a Preliminary PUD plan shall not qualify as approval of a land division, subdivision plat or a condominium subdivision plan for the purposes of recording with the Livingston County Register of Deeds.
5. A Preliminary PUD plan which has been approved or subject to conditions shall not be modified or revoked or otherwise impaired by action of the Township pending an application or applications for final approval

without the express consent of the applicant; provided an application for final approval is filed, or in the case of phased development, provided applications are filed within the time or times specified in the action granting approval or tentative approval of the Preliminary PUD plan by the Township Board.

- F. **Zoning Board of Appeals Authority.** The Zoning Board of Appeals shall not have the authority to consider an appeal of a decision by the Planning Commission or Township Board concerning a PUD.

SECTION 11.07 FINAL PUD PLAN REVIEW PROCEDURES

- A. **Phased Development.** If the PUD is to be built in phases, then plans for separate phases can be submitted as long as each phase of development is in conformance with all requirements of this Ordinance and provided a phasing plan has been submitted and approved during preliminary plan review and is being satisfied by the timing of the phase submittals.
- B. **Phased Permits.** Land use permits for development in a particular phase of development shall not be issued until plans for that phase of the PUD have received Final PUD plan approval by the Township Board upon recommendation of the Planning Commission.
- C. **Final PUD Application.** Application for Final PUD approval may be requested for an entire PUD, or for one or more sequential phases of the PUD if the phases conform to the provisions for phased development contained in the Preliminary PUD approval. Application for Final PUD approval shall be made by submittal to the Township. The number of copies required to be submitted, and how far in advance of the Planning Commission meeting at which the request will first be considered shall be as determined by the Planning Commission. The following items shall be required:
1. A completed application form as supplied by the Township. The application form must be signed by the applicant and by all of the owners of the land to be included within the PUD, if different than the applicant.
 2. Application fee as established by resolution of the Township Board.
 3. A final site plan containing all of the information required by Section 23.02 of this Ordinance. Final site plans shall also comply with the requirements of the Township Subdivision Ordinance as necessary for a final plat or the Ordinance Standards for Site Condominiums for a site condominium, as necessary.

4. Typical elevation sketches, with identification of facade materials of all sides of each principal building type included in the PUD, drawn at a scale of 1 inch = 8 feet.
5. Engineering drawings including compliance with road, drainage, utility, and infrastructure requirements.
6. Summary data schedules containing the following:
 - a. Underlying master plan designation.
 - b. Total gross site area.
 - c. Area of existing or proposed rights-of-way and/or easements.
 - d. Area and percentage of site covered by buildings.
 - e. Area and percentage of site covered by pavement.
 - f. Area and percentage of total open space.
 - g. Area and percentage of wetlands with regulated wetlands specifically called out.
 - h. For residential development, number, sizes and bedroom mix of proposed dwelling units.
 - i. For non-residential development, total floor area for each category of use.
 - j. Parking required, and parking provided with supporting calculations.
7. Proof of preliminary reviews and compliance with comments from required external agencies such as the Livingston County Road Commission, Livingston County Drain Commissioner, DEQ, and Livingston County Health Department, supplied by his or her agent.
8. Draft copies of master deed, by-laws, condominium documents, covenants, and similar regulations.
9. Statement indicating compliance with the Preliminary PUD plan and any conditions of approval.

10. A draft PUD Agreement, setting forth the terms and conditions negotiated and to be agreed to by the applicant and the Township, and upon which approval of the PUD proposal will be based. The PUD Agreement shall, at minimum, include the following:
 - a. A description of the land that is subject to the agreement.
 - b. A description of the permitted uses of the property, the density or intensity of use, and the maximum height and size of proposed buildings.
 - c. History of the review procedures and action taken by the Planning Commission or Township Board.
 - d. Review and explanation of all special provisions and list of all modifications agreed to by the applicant and Township in conjunction with the proposed PUD.
 - e. An explanation of all public improvements to be undertaken by the applicant or the Township in conjunction with the proposed PUD.
 - f. Description of any dedications and required permits.
 - g. Confirmation that the proposed development is consistent with applicable Township Ordinances and planning objectives.
 - h. Duration of the PUD Agreement, along with terms under which a termination date may be extended by mutual agreement.
 - i. Applicability of future amendments to the general zoning regulations to land that is subject to the proposed PUD Agreement.
 - j. Extent to which the PUD plan may be modified subject to administrative approval, Planning Commission approval, or Township Board approval.

11. The Planning Commission may waive any of the application requirements provided above (except for the application fee), if the Commission determines that the requirement to be waived is not applicable to the PUD under consideration or is otherwise unnecessary to meet the intent and purposes of this Article.

- D. **Planning Commission Action.** The Planning Commission shall review the Final PUD plan, together with any reports and recommendations from staff, consultants, and other reviewing agencies. The Planning Commission shall address whether the Final PUD plan conforms to the following objectives and requirements, and shall then report its findings and recommendation to approve, approve with conditions, or deny to the Township Board:
1. The Final PUD plan is consistent with the approved Preliminary PUD plan, any conditions of approval, and the land use goals and objectives of the Master Plan.
 2. All conditions of Preliminary PUD plan approval have been addressed.
 3. All applicable engineering requirements have been satisfied, and the applicant has obtained all necessary outside agency permits or approvals.
- E. **Township Board Action.** Within a reasonable time, the Township Board shall review all findings and take action to approve, approve with conditions or deny the Final PUD plan and PUD Agreement, and shall set forth the reasons for its action.

Approval of the Final PUD plan and PUD Agreement by the Township Board shall allow the applicant to submit construction and building plans for the project to the Zoning Administrator, Livingston County Building Department and other agencies with authority for review. All construction and building plans and permits shall conform to the approved Final PUD plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved Final PUD plan.

- F. **Expiration.** An approved Final PUD plan shall expire three (3) years after the date of approval of the Final PUD plan, unless building permits have been issued or construction has commenced on the project or on the first phase of the project. If such construction has commenced, Final PUD plan approval shall continue for a period of five (5) years from the date thereof. For significant projects, the Township Board may approve a period longer than five (5) years. This should be done during Preliminary PUD review and the agreed upon term of approval inserted into the PUD Agreement.

The applicant may seek subsequent extensions of approval at any point prior to expiration. Any extension shall be tied to the phasing plan and any necessary amendments demonstrating when certain phases are to be completed and others are to commence. If construction lapses for more than nine (9) months during the process, approval shall immediately expire. Upon written request

received by the Township prior to the expiration date, the Planning Commission may recommend and the Township Board may grant an extension of up to twelve (12) months provided that site conditions have not changed in a way that would affect the character, design or use of the site. The number of extensions shall not exceed two (2).

- G. **Completion of Site Design.** It shall be the responsibility of the owner of a property for which approval has been granted to maintain the property in accordance with the approved Final PUD on a continuing basis until the property is razed, or unless an amendment to the PUD is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the Zoning Ordinance and shall be subject to the penalties for that violation.

SECTION 11.08 STANDARDS FOR PUD APPROVAL

An approval, approval with conditions, or denial of a Preliminary PUD plan or Final PUD plan will be determined by the Township Board based on compliance with the standards below. Approval of a Preliminary PUD plan or Final PUD plan will only be granted by the Township Board if the PUD plan complies with all of the following standards:

- A. Documentation is complete, unless a requirement is specifically waived by the Township Board.
- B. Satisfies the standards of this article.
- C. Satisfies the standards and requirements of the Zoning Ordinance, including site plan requirements, unless specifically noted modifications have been granted.
- D. Satisfies the goals and objectives of the Master Plan.
- E. Does not adversely affect and is compatible with adjacent property areas.
- F. Does not result in a significant increase in demand for public services or facilities when compared to the development that would otherwise be permitted in that district, unless the proposal contains an acceptable plan for providing necessary services
- G. Protects the natural environment as well or better than conventional development could have at the same location.
- H. Establishes a safe and efficient circulation system that is integrated into the existing and potential future road network, provides for the pedestrian, and minimizes impacts of parking, loading, and access areas.

- I. Creates coordinated, visually appealing development by emphasizing the relationship between building form, signage, landscaping, and the overall theme of the development.
- J. Results in recognizable and substantial benefits to future residents and users of the site, surrounding property, and Township.

SECTION 11.09 RESCINDING APPROVAL OF A PUD

Approval of a PUD may be rescinded by the Township Board upon determination that the approved PUD plan or PUD agreement has been violated, or that the site has not been improved, constructed or maintained in compliance with the approved permits, approved PUD plan or PUD agreement or the approval has expired. Such action shall be subject to the following:

- A. **Public Hearing.** Such action may be taken only after a public hearing has been held by the Township Board in accordance with the procedures set forth in Section 22.03, Public Hearing and Notices. The applicant for the PUD, the owners of any land subject to the PUD and the occupants of any buildings within the PUD shall be given notice of the hearing in accordance with P.A. 110 of 2006, as amended. At the hearing the applicant for the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
- B. **Determination.** After the public hearing, the decision of the Township Board with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

SECTION 11.10 AMENDMENTS TO AN APPROVED FINAL PUD PLAN

Changes to an approved Final PUD plan may occur only under the following circumstances:

- A. **Notification.** The applicant or the property owner who has been granted Final PUD approval by the Township Board shall notify the Township Clerk if they desire to change an approved final development plan.
- B. **Minor Changes.** The Planning Commission may approve minor changes to a Final PUD plan provided that the proposed revision does not alter the basic design or conditions of the plan. Changes considered minor shall include:

1. A change in residential floor area of less than five percent (5%).
 2. An increase or decrease of any use by five percent (5%) or less.
 3. A change in a proposed use of the development to other uses by right in the applicable zoning district.
 4. Minor design variations in site layout.
 5. Reductions of the number and or units in residential and non-residential uses and the conversion of that space to open space or drainage.
- C. **General Revisions.** The Planning Commission may refer any decision regarding any proposed change to the Final PUD plan to the Township Board for review and approval. If the Township Board determines that the modifications exceed the standards for a minor change, but will not adversely affect the initial basis for granting approval and will not significantly alter the original concept of the project as represented in the Preliminary PUD plan and PUD contract, an amended Final PUD plan illustrating the modification and satisfying the requirements of Section 11.08, shall be submitted for review by the Planning Commission and Township Board, and processed in accordance with the procedures for Final PUD plan approval.
- D. **Major Revisions.** If the Planning Commission or Township Board determines a major amendment to an approved Final PUD plan has been submitted (major being defined as a change other than minor or general as defined above) the PUD plan must follow the procedures set forth in Section 11.06, Preliminary PUD Review Procedures, inclusive of a public hearing, to ensure the amended Final PUD plan remains consistent with the objectives sought to be achieved by the original Final PUD plan, and remains compatible with existing and planned adjacent development.

SECTION 11.11 PERFORMANCE GUARANTEES

To ensure compliance with the Zoning Ordinance and any conditions imposed there under, the Township Board may require that a certified check, irrevocable letter of credit, or surety bond acceptable to the Township and the Township Attorney covering the estimated cost of improvements associated with a project, be deposited with the Township to ensure faithful completion of the improvements.

Revisions:

- | | |
|------|---|
| 2009 | OCTOBER - New article, replaces prior PUD text. |
| 2021 | SEPTEMBER – Updated Table 11.1 to be consistent with Table 20 in the Master Plan. |

**ARTICLE 12
B-1 LOCAL BUSINESS DISTRICT**

SECTION 12.00 INTENT

The B-1, local business district as herein established, is designed to provide a district where local service and convenience shopping facilities can be optimally located to best serve neighborhoods of the Township. These regulations are meant to discourage strip or linear development because of its detrimental characteristics, and instead, to encourage stable and desirable development in a cluster or planned pattern.

The following regulations shall apply in all B-1 districts. Buildings, structures, or premises, except as otherwise provided in this section, shall not be erected, altered or used except for one or more of the specified uses. Site plan review, as defined in Article 23 shall be required for all uses in the B-1 district.

SECTION 12.01 PERMITTED PRINCIPAL USES

- A. Retail.** Generally recognized retail businesses that supply commodities on the premises for persons residing in adjacent residential areas, such as but not limited to, groceries, meats, dairy products, books, stationary, newspapers, baked goods or other foods, drugs, dry goods, clothing and hardware.

- B. Personal Service.** Personal service establishments that perform services on the premises such as but not limited to, repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios and self-service laundries.

- C. Dry Cleaning.** Dry cleaning establishments or pick-up stations, dealing directly with the consumer. Dry cleaning plants serving more than one (1) retail outlet shall be prohibited.

- D. Services.** Business establishments which perform services on the premises such as, but not limited to, insurance offices and real estate offices.

- E. Essential Services.** Essential services excluding outside storage. (Site plan review according to Article 23 is required for all essential services.)

- F. Publicly Owned Buildings.** Publicly-owned buildings.

SECTION 12.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 12.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 23, and issuance of a special land use permit according to Article 22, are required.

- A. **Service Stations.** Automotive service stations, provided that there is no more than one dispensing unit per grade of fuel, and that landscaping is provided as stated in Section 21.35.
- B. **Restaurants.** Restaurants, not including drive-in's or drive-thru's, or fast food restaurants.
- C. **Bars.** Bar and tavern.
- D. **Child Care.** Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.05(J).
- E. **Nonconforming Uses.** Expansion of an existing, nonconforming building or use in accordance with the provisions of Section 26.07
- F. **Similar Uses.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 12.04 GENERAL REQUIREMENTS FOR B-1 USES

- A. **General Restrictions.** All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises will be sold at retail on premises where produced, provided that not more than four (4) persons are employed on the premises in such production.
- B. **Enclosed Building.** All business, servicing or processing, except for off-street parking or loading, shall be conducted within a completely enclosed building.

- C. Arterial Road.** All proposed sites for any such use shall have one (1) property line abutting an arterial road. The site shall be so planned as to provide all access directly onto or from an arterial road.
- D. Service Roads or Parking Areas.** Service roads and parking areas shall be required between adjacent land uses when designated by the Master Plan or an adopted corridor plan.

 - 1. Maintenance.** Owners of all property shall submit to the Township Board a properly executed agreement describing that the property owners are responsible for building, repairing, maintaining, and clearing said service roads and parking areas on private land. The agreement should also state that the service roads and parking areas will not impede vehicle flow but facilitate the safe and efficient movement of traffic.
 - 2. Access.** Not less than two (2) driveways shall be available to such coordinated parking areas and service road system; provided that said driveways shall be at least one thousand, three hundred, twenty (1320) feet apart; provided further, this requirement may be waived by the Planning Commission when clearly unnecessary for a particular use and when traffic hazards will not be increased thereby.
 - 3. Additional Standards.** The following standards shall apply, in addition to those listed above.

 - a. Impervious Surface.** Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials as specified by the Township Engineer and maintained in a usable dirt free condition.
 - b. Parking Layout.** Parking layout shall follow standards prescribed in Article 25.
 - c. Service Roads.** Service roads and driveways shall have a paved width of twenty-four (24) feet.
 - d. Landscaping.** The service roads shall be separated from required parking areas by a landscaped buffer of not less than ten (10) feet in width.
 - e. Curb Cuts.** Curb cuts within one hundred, fifty (150) feet of right-of-way line of an intersection shall not be permitted. Existing plotted corner lots which are less than two hundred (200) feet in width shall conform as close as practical to the curb cut distance to the intersection right-of-way line.

SECTION 12.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; reception antennae; limitations on clearing and grading site, etc.
- D. Article 22: Special Land Uses
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 25: Off-Street Parking and Loading Regulations
- H. Article 27: Outdoor Advertising and Sign Regulations
- I. Ord. 16: Subdivision Control Ordinance
- J. Ord. 25: Land Division Ordinance

REVISIONS:

2000 DECEMBER - 12.03.E

ARTICLE 12A
PCS PLANNED COMMERCIAL SERVICES DISTRICT

SECTION 12A.00 INTENT

The PCS District is designed to accommodate high quality commercial, retail, service, and entertainment uses serving both residents and visitors to the Township. The PCS District is the primary commercial zoning district in the Township. Standards are provided to create an environment of consistent character and design with generous landscaping and attractive buildings, where permitted uses will not negatively impact adjacent uses in other zoning districts. The PCS District is intended to be located near the freeway and interchanges, and act as a gateway to the community. Therefore, the appearance of uses in this district is critical to establishing the character of the community and maintaining the quality of life.

The following regulations shall apply in all PCS districts. Buildings, structures or premises, except as otherwise provided in this section, shall not be erected, altered or used except for one or more of the specified uses. Site plan review, as defined in Article 23 shall be required for all uses in the PCS District.

SECTION 12A.01 PERMITTED PRINCIPAL USES

Any use listed below with a floor area greater than 20,000 square feet, or a business center, shopping center, supermarket, or retail store with a floor area greater than 20,000 square feet shall automatically be considered a special land use and shall be subject to the additional standards provided in Section 12A.04.L. Otherwise, the following uses are permitted as principal uses:

- A. Generally recognized retail businesses, such as but not limited to groceries, meats, dairy products, books, stationary, newspapers, baked goods or other foods, drugs, dry goods, clothing, hardware, and automotive supplies.
- B. Personal service establishments that perform services on the premises such as but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries.
- C. Service establishments with an office, showroom, or workshop, such as an electrician, decorator, dressmaker, painter, upholstery, photographer, or similar service establishment with retail adjunct.
- D. Dry cleaning establishments or pick-up stations, dealing directly with the consumer. Dry cleaning plants serving more than one retail outlet shall be prohibited.

- E. Business establishments which perform services on the premises such as, but not limited to medical, insurance and real estate offices, personal, financial, professional, or business services.
- F. Stores that principally dispense products relating to medical facilities such as pharmacies, optical shops, medical supply, and/or home health care equipment.
- G. Administrative, general, and professional offices and office buildings, such as, but not limited to executive, accounting, writing, clerical, drafting, and sales offices.
- H. Essential services excluding outside storage.
- I. Publicly-owned buildings and structures.
- J. Restaurants, not including drive-in, drive-through, or fast food restaurants.
- K. Public and private educational facilities and institutions.
- L. Indoor commercial athletic or physical fitness establishments.
- M. Financial institutions.
- N. Motels and hotels.
- O. Public or private parks and open space.

SECTION 12A.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with Section 21.02.

SECTION 12A.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 23 and issuance of a special land use permit according to Article 22 are required for the following:

- A. Motor vehicle fueling stations.
- B. Drive-in or drive-through restaurants.
- C. Bars and taverns.

- D. Child day care or nursery school, unlimited by size and meeting the conditions of Section 22.05.J.
- E. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely within enclosed buildings.
- F. Clubs, civic, and fraternal organizations and lodge halls.
- G. Greenhouses and landscape material sales, including lawn and garden centers, open-air sales of plant material not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies. Such uses shall not be located forward of the front building line of the building, and shall not be permitted in the required setback areas for the principal building.
- H. Outdoor display of goods for sale, accessory to any of the principal permitted or special land uses in the PCS District, except that there shall be no outdoor display in conjunction with vehicle servicing and collision repair establishments. Outdoor display shall be permitted only if there is a building on the site that houses the principal use. No outdoor sales or display shall be permitted in the required setback areas for a principal building. Outdoor display areas shall be surfaced with asphalt, concrete or similar dust-proof surface. Where an outdoor display area abuts a street, landscaping shall be provided so as to buffer and breakup the appearance of the outdoor display without circumventing the total view of the product, as determined by the Planning Commission.
- I. Outdoor storage of goods, materials and equipment, accessory to any of the principal permitted or special land uses in the PCS District. Outdoor storage shall not be permitted in any required setback area and must be located behind the front building line. All outdoor storage shall be screened from view, using an opaque fence or wall, or other method satisfactory to the Township, and shall comply with the provisions of Section 21.19.B, Outdoor Storage - Non-residential Districts. Approval of outdoor storage does not constitute approval of outdoor sales or display; see Sections 12A.03.H and 12A.04.F.
- J. Bowling alleys, billiard halls, indoor archery ranges, indoor skating rinks, or similar forms of indoor commercial recreation. Any such use shall be setback at least 100 feet from any lot line or street right-of-way line in an adjacent residential district.
- K. Limited outdoor recreation facilities, such as sand volleyball, miniature golf, and similar uses, only if the outdoor recreation use is accessory to a principal permitted use, and screened as determined by the Planning Commission. No such use shall be permitted if it is determined by the Planning Commission to negatively impact surrounding uses or the planned character of the PCS district.

- L. General sales, service, minor repair, and rental of automobiles, trucks, recreational vehicles, watercraft, and motorcycles. Sales of used vehicles shall not be permitted except as accessory to a new vehicle dealership.
- M. Animal hospitals.
- N. Car washes.
- O. Self-service lumber yards.
- P. Vehicle repair – major, collision, and painting, with a new vehicle dealership only. Repair of heavy equipment, construction vehicles, farm equipment and similar items shall not be permitted.
- Q. Campgrounds.
- R. Religious institutions, churches.
- S. Parking garages, bus passenger stations.
- T. Single family and multiple family dwellings, subject to recommendation of the Planning Commission and determination by the Township Board, that such uses will not adversely affect the intent and purpose of the PCS District as a location for commercial uses. In addition the following conditions shall apply:
 - 1. No dwelling unit shall occupy any portion of the building at ground level or below ground level. Businesses may occupy any number of total floors.
 - 2. In those instances where residential uses are proposed to occupy the same floor as a business use, the Planning Commission shall review the mixed use and may approve the mixed use based on findings that the business will be compatible with residential occupancy. These findings may include but are not limited to:
 - a. Compatible hours of operation.
 - b. Noise, lights, dust, odors or other impacts of the operation or occupancy that would be detrimental to the business operation or vice versa.
 - c. Excessive traffic.
 - 3. Each dwelling unit shall have a minimum floor area consistent with the requirements of Sections 20.02.G and 20.02.H based on the type of structure.

- 4. Off-street parking shall be provided in accordance with Article 25 Off-Street Parking and Loading Regulations and shall be provided in designated off-street parking areas within 300 feet of the dwelling unit the spaces are to serve.
- U. Utility-scale Solar Energy Facilities.
- V. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 12A.04 GENERAL REQUIREMENTS FOR PCS USES

Consistent with the intent of this district, the following conditions are required to be met by all uses in the PCS district.

- A. **Architecture.** All proposed development in the PCS District shall be subject to the requirements of Section 23.18, including review by the Architectural Review Committee per Section 23.18.G, and the requirements of this section. Design of sites shall utilize quality architecture to ensure that buildings are compatible with natural and man-made surroundings, protect property values in the district, and blend harmoniously with the overall development of the district.

Building materials and colors shall relate well and be compatible in character and harmonious with other buildings planned or existing within the surrounding area. For multi-building developments, building design shall be coordinated throughout, and the layout of buildings shall form an orderly relationship. Buildings shall provide architectural variety, and enhance the overall character of the district. Buildings shall provide architectural features, details, and ornaments - such as, but not limited to archways, colonnades, towers, cornices, cupolas, or peaked rooflines - that will make each building unique. The Planning Commission may require corporate or franchise design schemes to be modified as necessary to meet these objectives.

- B. **Utilities.** All utilities except electrical transmission lines constructed or relocated within the site, including: electrical service lines, appurtenances and accessories, shall be placed underground. Any utility pad or transformer, where required to be placed above ground because of size or function, shall be screened or obscured by mature landscaping, a decorative masonry wall, or may be fully enclosed in a dedicated building constructed consistent with these regulations, and subject to the requirements of Article 21A of this Ordinance.

- C. Access.** Access to any site, including requirements for acceleration and deceleration lanes, shall meet the standards of MDOT or the Livingston County Road Commission (LCRC) as appropriate, and satisfy the standards of Section 21.54, Access Management, of this Zoning Ordinance. In those instances where the Planning Commission finds that the dimensions or configuration of the site and/or neighboring sites will result in an excessive number of ingress and egress points onto a public thoroughfare, the Planning Commission may limit such access points by requiring marginal access (frontage) roads, service drives, and/or shared driveways to prevent vehicular congestion or other traffic impairment.
- D. Primary Roads.** All sites shall have at least one property line abutting a paved, County Primary road, or shall be a part of a larger development planned to provide access directly onto or from a paved, County Primary road.
- E. Service Areas.**
- 1. Location.** Loading zones, service drives, loading docks and ramps, overhead doors, and similar access and service facilities shall be at the side or rear of the building, shall be located entirely within the lot lines of the site, and shall be physically separated from public streets.
 - 2. Screening.** Service areas shall be screened from view from common public areas, general parking areas, public or private roads, service drives, and adjacent land that is zoned or used for residential purposes.

Screening shall comply with the requirements of Article 21A and shall, in the determination of the Planning Commission, be sufficient to effectively reduce the adverse effects of the proposed use, in particular, glare of headlights, lighting, noise, unsightly areas such as trash pickup points, and unsightly views. Where necessary to effectively mitigate the impacts of service areas, the Planning Commission may require additional measures, such as greater setbacks, obscuring walls, berms, grade changes, and similar devices.
- F. Outdoor Storage.** Outdoor storage of goods or materials shall be prohibited, and all business shall be conducted, and materials and equipment shall be stored, within a fully enclosed building unless special land use and site plan approval have been granted for outdoor storage or operations. Any area of outdoor storage shall be limited to that area delineated on the site plan as recommended by the Planning Commission and approved by the Township Board.
- G. Temporary Outdoor Sales.** Grand openings, tent sales, special sales or special events may be permitted in the PCS District only upon approval of the Planning Commission, and shall be subject to the following conditions and considerations:

1. The use shall be temporary. A permit for the temporary sales may be granted for a period not to exceed 14 days. A permit shall not be issued more than two (2) times per year for any one (1) business, parcel or lot.
 2. All merchandise offered for sale shall be a product(s) normally offered or sold by the principal business or occupant of the subject business, parcel or lot.
 3. In review of the request, the Planning Commission shall consider factors such as the adequacy of parking and access; adequacy of drainage; compatibility with surrounding land uses; size, height and type of construction of any proposed buildings and structures in relation to the surroundings; sufficient setbacks from road rights-of-way and lot lines; adequate utilities; trash disposal and site clean-up; sanitary facilities; hours of operation; outdoor lighting and signs; other licenses or permits required; potential noise, odors, dust and glare; and other concerns that may impact the public health, safety or general welfare.
 4. A performance guarantee may be required to ensure prompt termination and removal of the use, clean-up or compensation for the impacts of the temporary use.
- H. Adjacent Lots.** In conjunction with the access management standards (See 12A.04.C above), shared service roads and parking area connections may be required between adjacent lots in order to limit points of conflict along the public road and promote access management. The owners of such lots shall submit to the Township Board a properly executed agreement, to be recorded and run with the land, describing that the property owners are responsible for building, repairing, maintaining, and clearing the shared service roads and parking area connections. The agreement should also state that the service roads and parking areas will not impede vehicle flow and will facilitate the safe and efficient movement of traffic. In the event a required cross access drive, shared service drive or parking lot connection can not be reasonably obtained in the determination of the Planning Commission, the applicant may be required to execute an easement agreement to allow the adjacent parcel(s) rights to access his site, and construct the portion of the easement that he controls in anticipation of future cooperation.
- I. Building Separation.** There shall be a minimum separation between freestanding buildings of no less than 30 feet.
- J. Pedestrian; Non-motorized Vehicular Circulation.** All developments shall provide sidewalks or other paved pedestrian and non-motorized vehicular circulation routes, to the satisfaction of the Planning Commission.

K. Additional Requirements for Any Use or Building with a Floor Area Greater Than 20,000 Square Feet, Shopping Centers, Business Centers, or Supermarkets. The following additional requirements shall be met by all buildings or uses having a floor area greater than 20,000 square feet.

- 1. Overall Plan; Floor Area Required.** The proposed development shall be constructed in accordance with an overall plan, shall be of a unified design with appropriate landscaping, and shall provide initially for the construction of a minimum of 10,000 square feet of floor area. All buildings shall be arranged in an orderly manner, reflecting a compatible and consistent design character.
- 2. Parking Lots, Access Drives, Service Areas; Location.** No part of any parking lot, access drive, and/or service area(s) may be located closer than 50 feet to any property line of an adjacent residential district. All parking shall conform to the requirements of Article 25.
- 3. Perimeter Buffer Area.** Any development adjoining residential zoned or used land shall provide and maintain a visual perimeter buffer of at least 50 feet in width. This perimeter buffer shall be located adjacent to and along the entire length of the property line(s) shared with the residential zoned or used land. The buffer shall be designed to obscure the view of building(s), vehicular use areas and other features of the commercial development from view by adjacent non-commercial lots and to muffle sound and provide a physical barrier to discourage the trespass of people and objects, including trash and debris on to the adjacent properties. The buffer shall be planted with a mixture of evergreen and deciduous trees, shrubs and other suitable plantings, The trees shall be spaced no more than 15 feet on center and shall be provided and spaced to form a solid visual screen within three years of planting.

Decorative masonry screening walls, grade changes, berming, or a combination thereof may be used to enhance the screening effect created by the buffer. The buffer area shall be used for no other purpose.

L. Open Space. All PCS sites shall provide open space consisting of not less than 10% of the total development area. Open space may include plazas, sidewalks, accessory outdoor eating or entertainment areas, landscaping and buffer areas and green space provided they exceed the minimums required by this Ordinance, active or passive recreation space, storm water basins which utilize best management practices to provide for an aesthetic site amenity at the discretion of the Planning Commission based upon review of the specific solution, developed outdoor spaces intended for the users of the site, and other open spaces as recommended by the Planning Commission to be consistent with the intent of this Article.

- M. Public Sanitary Sewer System.** All uses in the PCS district shall be connected to a publicly owned and operated sanitary sewer.
- N. Landscaping.** Landscaping shall be provided as required by Article 21A of this Ordinance. Landscaping shall be provided and maintained along all street frontages, service drives, in open space areas, and within parking lots, and shall meet all requirements of Article 21A.
- O. Outdoor Lighting.** Lighting shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities shall be arranged so as to not create unreasonable glare or hazardous interference of any kind on abutting streets and adjacent properties, in accordance with Section 21.37 of this Ordinance.
- P. Alternatives.** Within the intent of this Article, the Planning Commission may approve alternatives to the above standards that it determines to be necessary to accommodate peculiar circumstances or unforeseen problems or to carry out the spirit, intent and purpose of this Article.

SECTION 12A.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: Supplemental District Regulations
- D. Article 21A: Landscaping and Screening
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

REVISIONS:

- 2009 OCTOBER - General amendment, creates new zoning district.
- 2014 SEPTEMBER – Revised sewer connection requirements (12A.04.M).
- 2015 JANUARY – Amended the permitted and special uses in this district.
- 2019 JULY – Added 12A.03.U. Utility-scale Solar Energy Facilities.

ARTICLE 13
B-2 COMMUNITY BUSINESS DISTRICT

SECTION 13.00 INTENT

The B-2 community business districts are designed to accommodate the needs of a larger consumer population than is served by the local business districts, and are generally characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. The following regulations shall apply in all B-2 districts and no building, structure or premises, except as otherwise provided in this ordinance, shall be erected, altered or used, except for one or more of the following specified uses.

Site plan review, as defined in Article 23, shall be required for all uses in the B-2 district.

SECTION 13.01 PERMITTED PRINCIPAL USES

- A. Retail Uses.** Any retail business or service establishment permitted in B-1 districts, subject to the regulations applicable in the following sections of this article.

- B. Floor Area:** All retail business, service establishments or processing uses in a shopping center or supermarket provided that the floor area of the shopping center or store is less than 20,000 square feet, as follows:
 - 1. Sale of Merchandise.** Any retail business whose principal activity is the sale of merchandise in an enclosed building including but not limited to department stores; grocery stores; drug stores; clothing, shoe, and hardware stores, and automotive supplies.

 - 2. Service Establishment.** Any service establishment with an office, showroom or workshop. Electrician, decorator, dressmaker, baker, painter, upholstery, photographic reproduction and similar service establishments that require a retail adjunct;

 - 3. Clubs and Organizations.** Clubs, civic and fraternal organizations and lodge halls;

4. **Restaurants.** Restaurants or other places serving food or beverage, including those having the character of a "drive-in" and "drive-thru," so called;
5. **Theaters.** Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings;
6. **Educational Facilities.** Public and private educational facilities and institutions;
7. **Fitness Facilities.** Athletic, physical fitness establishments;
8. **Greenhouses.** Greenhouses, landscape sales, including lawn and garden centers;
9. **Financial Institutions.** Financial institutions;
10. **Bars and Taverns;**
11. **Services.** Personal, financial, professional or business services.

SECTION 13.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 13.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 22, and issuance of a special land use permit according to Article 23 are required.

- A. **Businesses.** Indoor and outdoor businesses developed in planned relationship with the B-2 district as follows:
 1. **Garden Supplies.** Open-air retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment and garden supplies; provided further that such uses shall not be located forward of the front building line of the building mass located in a B-2 district;

2. **Recreational Space.** Open-air recreational space providing children's amusement park and other similar recreation part of a planned development; provided further that such use shall not be located forward of the rear building line of the building mass located in a B-2 district, but not at the intersection of two arterials. Such recreation space shall be fenced on all sides with a four (4) feet chain link type fence;
3. **Indoor Recreation.** Bowling alley, billiard hall, indoor archery range or indoor skating rink, or similar forms of indoor commercial recreation when located at least one hundred (100) feet from any lot line or street right-of-way line in an adjacent residential district;
4. **Vehicles.** General sales, service and rental of automobiles, trucks, recreational vehicles, motorcycles;
5. **Motels and hotels;**
6. **Lumber Yards.** Self-service lumber yards;
7. **Drive-in theaters;**
8. **Animal hospitals;**
9. **Automobile car wash;**
10. **Automobile service stations;**
11. **Dealership Repair.** Vehicle collision repair and painting, with dealership only;
12. **Livestock Sales.** Livestock, agricultural products associated with raising or handling of livestock;
13. **Equipment Sales and Service.** Equipment and machinery sales and service for farm, construction, and industry.
14. **Campgrounds.**
15. **Storage Facilities.** Mini-warehouses or self-storage facilities, subject to the requirements of Section 22.05.M.

- B. Shopping Centers.** Business centers, supermarkets and retail stores with a floor area over 20,000 square feet subject to the requirements of Section 13.05.
- C. Child Care.** Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.05(J).
- D. Nonconforming Uses.** Expansion of an existing, nonconforming building or use in accordance with the provisions of Section 26.07.
- E. Similar Uses.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 13.04 GENERAL REQUIREMENTS FOR ALL B-2 USES

- A. Direct Sales.** All business establishments shall be retail or service establishments dealing directly with consumers.
- B. Enclosed Building.** All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being special land uses above, shall be conducted within completely enclosed buildings.
- C. Paved Roads.** Paved road requirements are the same as the provisions in Section 12.04.C.
- D. Service Roads.** Service road and parking area requirements are the same as in Section 12.04.D.

SECTION 13.05 REQUIREMENTS FOR SHOPPING CENTERS OR STORES OVER 20,000 SQUARE FEET

The following additional requirements shall be met by all projects having a floor area greater than 20,000 square feet.

- A. Overall Plan; Required Floor Area.** The proposed development shall be constructed in accordance with an overall plan, shall be designed as a single architectural unit with appropriate landscaping, and shall provide initially for the construction of a minimum of ten thousand (10,000) square feet of floor area.

- B. Arrangement of Buildings.** All buildings shall be arranged in an integral development.
- C. Ingress and Egress.** Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow. The use of acceleration and deceleration lanes shall be determined by the County Road Commission. All points of vehicular access to and from public streets shall be located not less than three hundred (300) feet from any road intersection.
- D. Parking Access/Service Area Location.** No part of any parking access and/or service areas may be located closer than fifty (50) feet to any property line or street right-of-way line of an adjacent residential district. All parking shall conform to the requirements of Article 25.
- E. Street Separation.** Parking, loading or service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.
- F. Buffer Area.** Any shopping center development adjoining any residential development shall be provided for and maintained with a visual buffer of at least fifty (50) feet in width, which buffer shall be provided adjacent to the property line.

 - 1. Plantings.** Such buffer shall be planted with evergreen and other suitable plantings and used for no other purposes.
 - 2. Landscaping.** Landscaping shall also be provided and maintained along all street frontages and within parking lots meeting the requirements of Section 21.35.B.
- G. Circulation.** All shopping center developments shall have access to a paved road and provide pedestrian and nonmotorized vehicular circulation.
- H. Drainage; Sewer and Water.** The site shall be developed and facilities shall be provided in such a manner so as to ensure adequate storm water drainage. Public sewer and water shall be required to service this type of development.
- I. Lighting Facilities.** Lighting facilities shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities will be so arranged in such a manner so as to protect abutting streets and adjacent properties from unreasonable glare or hazardous interference of any kind.

SECTION 13.06 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading site, and similar issues.
- D. Article 22: Special Land Uses
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 25: Off-Street Parking and Loading Regulations
- H. Article 27: Outdoor Advertising and Sign Regulations
- I. Ord. 16: Subdivision Control Ordinance
- J. Ord. 25: Land Division Ordinance

REVISIONS:

2000 DECEMBER - 13.03.D

ARTICLE 13A
PCI PLANNED COMMERCIAL INDUSTRIAL DISTRICT

SECTION 13A.00 INTENT

The PCI Planned Commercial Industrial District is designed to accommodate land extensive commercial uses serving both residents and businesses in the Township. These uses typically include outdoor storage or display, may require large sites, access to a major thoroughfare, and may have offsite impacts. Standards are provided to create an environment of consistent attractive character and design with generous landscaping, screening, and attractive buildings, where permitted uses will not negatively impact adjacent uses in other zoning districts. The PCI District is intended to be located near the freeway, with interchange access but not immediately adjacent to the interchange. Therefore, the appearance of uses in this district is important to the image of the community and maintaining the quality of life.

The following regulations shall apply in all PCI districts. Buildings, structures, or premises, except as otherwise provided in this section, shall not be erected, altered or used except for one or more of the specified uses. Site plan review, as defined in Article 23 shall be required for all uses in the PCI District.

SECTION 13A.01 PERMITTED PRINCIPAL USES

The following uses are permitted as principal uses:

- A. Service establishments with an office, showroom, or workshop, such as an electrician, plumber, painter, heating and cooling service, upholsterer, or similar service establishment with retail adjunct.
- B. Business establishments which perform services on the premises such as, but not limited to medical offices and personal, financial, professional, business, engineering or architectural services.
- C. Essential services facilities excluding outside storage.
- D. Publicly-owned buildings and structures.
- E. Public or private parks and open space.
- F. Monument sales and mortuaries.

- G. Printing, plotting, publishing, photographic processing and blueprinting establishments.
- H. High technology service uses including computer information transfer, communication, distribution, processing, laboratory, experimental, development, technical or testing services.
- I. Alarm and security businesses, phone message centers, telemarketing businesses.
- J. Offices of manufacturers agents, sales representatives and others requiring display area and limited warehousing, subject to the following:
 - 1. Display areas shall not be for selling to the general public and shall be for restricted use of wholesale buyers and specialized merchandise not available to the public.
 - 2. Display areas shall be within a totally enclosed structure.
 - 3. Warehousing shall be accessory to the office, sales or display area, and shall be limited to quantities to support the display area and sales staff. Outbound shipment by tractor trailer or semi-truck type vehicles shall be prohibited.
- K. Vocational schools and any use charged with the principal function of technical training provided all instruction, training and testing is conducted within a completely enclosed building.
- L. Assembly halls, banquet centers, clubs, civic and fraternal organizations and lodge halls.
- M. Retail uses which typically require extensive land area including:
 - 1. Building materials establishments
 - 2. Furniture, home furnishings, and equipment stores
- N. Indoor commercial recreation facilities, including but not limited to, bowling alleys, billiard halls, indoor archery ranges, golf or soccer domes, field houses, and indoor skating rinks. Any such use shall be setback at least 100 feet from any lot line or street right-of-way line in an adjacent residential district.

SECTION 13A.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with Section 21.02.

SECTION 13A.03 SPECIAL LAND USES

Due to the unique characteristics of special land uses, site plan review according to Article 23 and issuance of a special land use permit according to Article 22 are required for the following:

- A. Car washes.
- B. General sales, service, minor repair, and rental of automobiles, trucks, utility trailers, recreational vehicles, watercraft, and motorcycles, excluding heavy commercial vehicles and equipment, semi tractors and trailers, and large commercial equipment.
- C. Greenhouses and landscape material sales, including lawn and garden centers, nurseries, open-air sales, and sales of lawn furniture, playground equipment, and garden supplies.
- D. Outdoor display of goods for sale, accessory to any of the principal permitted or special land uses in the PCI District, except that there shall be no outdoor display in conjunction with vehicle servicing and repair establishments. Outdoor display shall be permitted only if there is a building on the site that houses the principal use. No outdoor sales or display shall be permitted in the required setback areas for a principal building. Outdoor display areas for vehicles and in high traffic areas shall be surfaced with asphalt, concrete, or similar dust-proof surface or any material determined by the Planning Commission to be appropriate for the goods displayed. Where an outdoor display area abuts a street, landscaping shall be provided so as to buffer and breakup the appearance of the outdoor display without circumventing the total view of the product, as determined by the Planning Commission. Outdoor display shall be limited to those areas as delineated on the approved site plan, and may be permitted in front of the front building line.
- E. Outdoor storage of goods, materials and equipment, accessory to any of the principal permitted or special land uses in the PCI District. Outdoor storage shall not be permitted in any required setback area and must be located behind the front building line. All outdoor storage shall be screened from view, using an opaque fence or wall, or other method satisfactory to the Township, and shall comply with the provisions of Section 21.19.D, Outdoor Storage - Non-residential Districts. Approval of outdoor storage does not constitute approval of outdoor sales or display; see Sections 12A.03.H and 12A.04.F.
- F. Outdoor commercial recreation facilities (large scale), including but not limited to, archery ranges, paintball courses, driving ranges, and amusement parks.
- G. Drive-in theaters.
- H. Animal hospitals, kennels, and animal boarding facilities.
- I. Self-service lumber yards.

- J. Storage and warehousing facilities.
- K. Mini-warehouses.
- L. Machine shops, tool and die operations.
- M. Light assembly, fabrication, or packaging of jewelry, silverware, musical instruments and parts, toys, novelties, sporting and athletic goods, office and artist's materials, permanent signs, and advertising displays.
- N. Sales of livestock and agricultural products associated with raising or handling of livestock.
- O. Sales, rental, and service of smaller scale personal use commercial equipment such as skid steers, small footprint excavators (like those that can be rented from a typical rental store), and attachable farm-type implements as are typically used by the landscape industry behind compact tractors.
- P. Propane storage and sales.
- Q. Parking garages, bus passenger stations.
- R. Religious institutions, churches.
- S. Wind and solar energy production facilities. This use shall not include oil or gas production, processing, sweetening plants, or related operations.
- T. Essential services facilities, including outside storage. Examples of such uses include utility service yards, vehicle and equipment storage yards, and similar uses.
- U. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 13A.04 GENERAL REQUIREMENTS FOR PCI USES

Consistent with the intent of this district, the following conditions are required to be met by all uses in the PCI district.

- A. Architecture.** All proposed development in the PCI District shall be subject to the requirements of Section 23.18, including review by the Architectural Review Committee per Section 23.18.G, and the requirements of this section. Design of sites shall utilize

quality architecture to ensure that buildings are compatible with natural and man-made surroundings, protect property values in the district, and blend harmoniously with the overall development of the district.

Building materials and colors shall relate well and be compatible in character and harmonious with other buildings planned or existing within the surrounding area. For multi-building developments, building design shall be coordinated throughout, and the layout of buildings shall form an orderly relationship. Buildings shall provide architectural variety, and enhance the overall character of the district. Buildings shall provide architectural features, details, and ornaments - such as, but not limited to archways, colonnades, towers, cornices, cupolas, or peaked rooflines - that will make each building unique. The Planning Commission may require corporate or franchise design schemes to be modified as necessary to meet these objectives.

- B. Utilities.** All utilities except electrical transmission lines constructed or relocated within the site, including: electrical service lines, appurtenances, and accessories, shall be placed underground. Any utility pad or transformer, where required to be placed above ground because of size or function, shall be screened or obscured by mature landscaping, a decorative masonry wall, or may be fully enclosed in a dedicated building constructed consistent with these regulations, and subject to the requirements of Article 21A of this Ordinance.
- C. Access.** Access to any site, including requirements for acceleration and deceleration lanes, shall meet the standards of MDOT or the Livingston County Road Commission (LCRC) as appropriate, and satisfy the standards of Section 21.54, Access Management, of this Zoning Ordinance. In those instances where the Planning Commission finds that the dimensions or configuration of the site and/or neighboring sites will result in an excessive number of ingress and egress points onto a public thoroughfare, the Planning Commission may limit such access points by requiring marginal access (frontage) roads, service drives, and/or shared driveways to prevent vehicular congestion or other traffic impairment.
- D. Primary Roads.** All sites shall have at least one property line abutting a paved, County Primary road, or shall be a part of a larger development planned to provide access directly onto or from a paved, County Primary road.
- E. Service Areas.**

 - 1. Location.** Loading zones, service drives, loading docks and ramps, overhead doors, and similar access and service facilities shall be at the side or rear of the building, shall be located entirely within the lot lines of the site, and shall be physically separated from public streets.

2. **Screening.** Service areas shall be screened from view from common public areas, general parking areas, public or private roads, service drives, and adjacent land that is zoned or used for residential purposes. Screening shall comply with the requirements of Article 21A and shall, in the determination of the Planning Commission, be sufficient to effectively reduce the adverse effects of the proposed use, in particular, glare of headlights, lighting, noise, unsightly areas such as trash pickup points, and unsightly views. Where necessary to effectively mitigate the impacts of service areas, the Planning Commission may require additional measures, such as greater setbacks, obscuring walls, berms, grade changes, and similar devices.

- F. **Outdoor Storage.** Outdoor storage of goods or materials shall be prohibited, and all business shall be conducted, and materials and equipment shall be stored, within a fully enclosed building unless special land use and site plan approval have been granted for the outdoor storage or operations. Any area of outdoor storage shall be limited to that area delineated on the site plan as recommended by the Planning Commission and approved by the Township Board.

- G. **Tent Sales, Special Events, and Similar Uses.** Grand openings, tent sales, special sales, or special events may be permitted in the PCI District only upon approval of the Zoning Administrator. Outdoor assemblies, as defined under Tyrone Township Ordinance No. 3, Outdoor Gatherings (Large), are excluded from this use category and shall only be permitted as regulated under said Ordinance No. 3. The outdoor sales of items on a non-permanent basis by persons other than the owner or tenant of the premises upon which such sales are proposed shall be subject to the requirements of Section 21.31 Temporary Uses and Structures.

Grand openings, tent sales, special sales, or special events shall be subject to the following conditions and considerations:

1. The use shall be temporary. A permit may be granted for a period not to exceed 14 days. A permit shall not be issued more than two (2) times per year for any one (1) business, parcel, or lot.
2. All merchandise offered for sale shall be a product(s) normally offered or sold by the principal business or occupant of the subject business, parcel or lot.
3. In review of the request, the Planning Commission shall consider factors such as the adequacy of parking and access; adequacy of drainage; compatibility with surrounding land uses; size, height, and type of construction of any proposed buildings and structures in relation to the surroundings; sufficient setbacks from road rights-of-way and lot lines; adequate utilities; trash disposal and site clean-up; sanitary facilities; hours of operation; outdoor lighting and signs; other licenses

or permits required; potential noise, odors, dust and glare; and other concerns that may impact the public health, safety or general welfare.

4. A performance guarantee may be required to ensure prompt termination and removal of the use, clean-up or compensation for the impacts of the temporary use.
- H. Adjacent Lots.** In conjunction with the access management standards (See 13A.04.C above), shared service roads and parking area connections may be required between adjacent lots in order to limit points of conflict along the public road and promote access management. The owners of such lots shall submit to the Township Board a properly executed agreement, to be recorded and run with the land, describing that the property owners are responsible for building, repairing, maintaining, and clearing the shared service roads and parking area connections. The agreement should also state that service roads and parking areas will not impede vehicle flow and will facilitate the safe and efficient movement of traffic. In the event a required cross access drive, shared service drive, or parking lot connection cannot be reasonably obtained in the determination of the Planning Commission, the applicant may be required to execute an easement agreement to allow the adjacent parcel(s) rights to access his/her site, and construct the portion of the easement that he/she controls in anticipation of future cooperation.
- I. Pedestrian and Non-motorized Vehicular Circulation.** All developments shall provide internal sidewalks or other paved pedestrian and non-motorized vehicular circulation routes, to the satisfaction of the Planning Commission.
- J. Open Space.** All PCI sites shall provide open space consisting of not less than 10% of the total development area. Open space may include plazas, sidewalks, accessory outdoor eating, or entertainment areas, landscaping and buffer areas and green space provided they exceed the minimums required by this Ordinance, active or passive recreation space, storm water basins which utilize best management practices to provide for an aesthetic site amenity at the discretion of the Planning Commission based upon review of the specific solution, developed outdoor spaces intended for the users of the site, and other open spaces as recommended by the Planning Commission to be consistent with the intent of this Article.
- K. Public Sanitary Sewer System.** All uses in the PCI district shall be connected to a publicly owned and operated sanitary sewer.
- L. Landscaping.** Landscaping shall be provided as required by Article 21A of this Ordinance. Landscaping shall be provided and maintained along all street frontages, service drives, in open space areas, and within parking lots, and shall meet all requirements of Article 21A.

M. Outdoor Lighting. Lighting shall be required where deemed necessary for the safety and convenience of shoppers and employees. These facilities shall be arranged so as to not create unreasonable glare or hazardous interference of any kind on abutting streets and adjacent properties, in accordance with Section 21.37 of this Ordinance.

N. Alternatives. Within the intent of this Article, the Planning Commission may approve alternatives to the above standards that it determines to be necessary to accommodate peculiar circumstances or unforeseen problems, or to carry out the spirit, intent, and purpose of this Article. The Planning Commission may approve front, side, and rear setbacks less than the minimums required on a nonconforming lot that is of record as of the date of this amendment, subject to finding that all the following are met: that the reduced setback will not negatively impact the public health, safety, or general welfare; that the reduced setback(s) will allow construction of a building that is consistent with the intent of the PCI District; and that the modification of existing building(s) will not harm the neighboring properties or traffic flow.

SECTION 13A.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, maximum height, etc.)
- C. Article 21: Supplemental District Regulations
- D. Article 21A: Landscaping and Screening
- E. Article 23: Site Plan Review and Project Evaluation Report
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord.25: Land Division Ordinance

REVISIONS:

- 2014 SEPTEMBER – New district established consistent with the Master Plan.
- 2016 APRIL – Amended 13A.04.N. to address the PCI District.

**ARTICLE 14
ES EXPRESSWAY SERVICE DISTRICT**

SECTION 14.00 INTENT

The ES expressway service districts are designed to provide for servicing the needs of highway traffic at expressway interchange areas. The avoidance of undue congestion on local roads, the promotion of smooth traffic flow at the interchange area, and the protection of adjacent properties in other zones from adverse influences of traffic are prime consideration in the application of this district. The following regulations shall apply to all ES districts, and no building, structure or premises, except as otherwise provided in this section shall be erected, altered, or used except for one or more of the following specified uses. Site plan review, as defined in Article 23, shall be required for, all uses in the ES district.

SECTION 14.01 PERMITTED PRINCIPAL USES

- A. Business Uses.** All principal uses permitted in the B-1 Local and B-2 Community Business Districts.
- B. Service Stations.** Automobile service stations, parking garages and bus passenger stations.
- C. Retail Uses.** Retail establishments to service the needs of the highway traveler, including such facilities as: drugstores, gift shops, restaurants and drive-in restaurants, and convenience stores.
- D. Housing.** Motels, hotels and transient lodging facilities.
- E. Essential Services.** (See Article 23 - site plan review required.)
- F. Public Services.** Publicly-owned buildings and structures.

SECTION 14.02 PERMITTED ACCESSORY USES

Accessory structures and uses customarily incidental to the above permitted uses. See also Section 21.02.

SECTION 14.03 SPECIAL LAND USES

- A. Business Uses.** All special land uses permitted in the B-1 Local and B-2 Community Business Districts.
- B. Storage.** Mini-warehouses in accordance with the provisions of Section 22.05(M).
- C. Uses of the Same Nature or Class.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 14.04 GENERAL REQUIREMENTS FOR ALL ES USES

- A. Barriers.** All development shall be physically separated from the local road by a curb and a landscaped strip or berm or other suitable barrier. Such barrier shall effectively eliminate unchanneled vehicle ingress or egress except for authorized access ways.
- B. Access Ways.** Each separate use, grouping of buildings or grouping of uses as a part of a single planned development shall not have more than two (2) access ways from a local road. Such access way shall not be located closer than three hundred (300) feet from the point of intersection of an expressway entrance or exit ramp baseline and the local road centerline.

In cases where the ramp baseline and the local road centerline do not intersect, an access way shall not be located closer than three hundred (300) feet from the point of tangency of the ramp baseline and the local road centerline. In those instances where properties fronting on a local road are of such width or are in multiple ownership, and access ways to property cannot be provided in accord with the minimum three hundred (300) feet distance from the intersection of the local road and entrance or exit ramps, a marginal access road shall be provided to service such properties. The access way to a marginal access road shall not be located closer than three hundred (300) feet from the point of intersection or of tangency of the ramp baseline and the local road pavement.

- C. Review of plans.** Site plans for the highway service facilities shall be submitted to and shall be reviewed and approved by the Planning Commission with respect to the above required conditions and such other site relation problems as it deems necessary to assure maximum traffic safety and maximum protection to abutting properties.

SECTION 14.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; reception antennae; limitations on clearing and grading site, etc.
- D. Article 23: Site Plan Review and Project Evaluation Report
- E. Article 24: Private Road and Shared Private Driveway Standards
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

**ARTICLE 15
OS OFFICE SERVICE DISTRICT**

SECTION 15.00 INTENT

The OS district is primarily for office buildings. The office service district classification will be applied as a transitional use zone between residential uses and those uses which would be incompatible in direct contact with residential districts. The office service district is intended to provide for low-rise style traditional office buildings. The office service district is established to accommodate uses such as certain basic personal services, banks and public owned offices, subject to the limitations contained below.

Site plan review, as defined in Article 23, shall be required for all uses in the OS district.

SECTION 15.01 PERMITTED PRINCIPAL USES

- A. Office Buildings.** Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- B. Medical Buildings.** Medical offices, including clinics, specialty stores that principally dispense products relating to medical facilities such as pharmacies, medical supply and/or home health care equipment. Such specialty stores must occur in conjunction with a medical office use. Video rental businesses are excluded from this category of use and not permitted.
- C. Financial Institutions.** Banks, credit unions, savings and loan associations and similar uses.
- D. Personal Services.** Personal service establishments including barber shops, beauty shops and health salons; and business services such as mailing, copying and data processing.
- E. Religious Institutions.** Churches. See also Section 22.05.D.
- F. Essential Services.** Essential services excluding outside storage. (See Article 23 - site plan review required.)

SECTION 15.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to permitted principal uses. See also Section 21.02.

SECTION 15.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 23 and issuance of a special land use permit according to Article 22 are required.

- A. Related Services.** A use customarily related to a principal use authorized by this section, such as, but not limited to, pharmacy, stores limited to corrective garments or bandages, or optical services.
- B. Mortuary Services.** Mortuary establishments, when adequate off-street vehicle assembly area for funeral processions is provided. Furthermore, such assembly area shall be in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments.
- C. Public Service Buildings.** Publicly owned buildings, telephone exchange buildings and public utility offices, but not including storage yards, electrical transformer stations, substations or gas regulator stations.
- D. Animal Clinics.** Animal hospital and veterinarian clinics.
- E. Child Care Facilities.** Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.05(J).
- F. Uses of the Same Nature or Class.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 15.04 GENERAL REQUIREMENTS FOR ALL OS USES

- A. Paved Frontage.** The site shall have at least one (1) property line abutting a paved arterial road.

- B. Arterial Access.** All vehicular ingress and egress to the site shall be to and from an arterial or collector road.
- C. Minimum Setback.** The minimum distance of any principal or accessory building from any adjacent residential district boundary line or street right-of-way lines shall be one hundred (100) feet.
- D. Displays.** Interior displays shall not be visible from the exterior of the building.
- E. Outdoor Storage Prohibited.** The outdoor storage of goods or materials shall be prohibited.
- F. Incidental Warehousing.** Warehousing or indoor storage of goods or materials, beyond that normally incidental to the above permitted uses, shall be prohibited.
- G. Parking Requirements.** Parking shall conform to requirements of Article 25.

SECTION 15.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary structures; fences; reception antennae; limitations on clearing and grading, etc.
- D. Article 23: Site Plan Review and Project Evaluation Report
- E. Article 24: Private Road and Shared Private Driveway Standards
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

ARTICLE 16
M-1 LIGHT MANUFACTURING DISTRICT

SECTION 16.00 INTENT

The M-1 light manufacturing district provides for a wide range of commercial and industrial uses, all of which shall provide a nuisance-free environment. The zone specifically excludes most residences on the premise because residential uses with attendant public services and facilities conflict with those services for industry. For those industries requiring caretaker residences, provisions are made herein. The M-1 district is designed primarily to accommodate wholesale and warehouse activities and industries, whose external effects from normal operating procedures are restricted to the zoned district and do not affect adversely any of the surrounding districts. The M-1 district is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semifinished products from previously prepared materials. The processing of raw materials for shipment in bulk form, to be used in an industrial operation at another location, is not permitted.

The regulations also are designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and functioning of the district. Manufacturing plants and uses shall have performance characteristics similar to those listed below, in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors, gases, glare or electromagnetic radiation. All uses within this district shall be so designed, constructed and operated so that sound levels do not exceed those outlined in Section 21.16, and any production of heat or glare is not discernible at the lot lines. Site plan review (Article 23), shall be required for all uses in the M-1 district.

SECTION 16.01 PERMITTED PRINCIPAL USES

- A. Building Trades.** Building trade contractors, building materials and wholesalers.

- B. Public Utilities.** Public utilities and telecommunications such as: electrical receiving transforming stations and radio, and TV studios, excluding microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas.

- C. Warehousing.** Warehousing, refrigerated and general storage.

- D. Transportation Facilities.** Local and suburban transit and passenger transportation facilities, truck and motor freight terminals, maintenance and service facilities.
- E. Laundry Services.** Laundries, laundry services and dry cleaning and dyeing plants.
- F. Collision Repair.** Vehicle collision repair and painting.
- G. Industrial Plants.** Industrial plants manufacturing, processing or assembling the following:
 - 1. Agricultural Products.**
 - 2. Food Products.** Food and kindred products including freezer locker plants and cold storage, excluding slaughter houses;
 - 3. Furniture.** Furniture and fixtures;
 - 4. Paper Conversion.** Converted paper and paper board products;
 - 5. Printing.** Printing, publishing and allied industries;
 - 6. Pharmaceuticals.** Biological products, drugs, medical and pharmaceutical preparations;
 - 7. Glass Conversion.** Glass products made of purchased glass;
 - 8. Professional Instruments.** Professional, scientific and controlling instruments, photographic and optical goods;
 - 9. Light Assembly.** Jewelry, silverware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils and other office and artists' materials, costume jewelry and miscellaneous notions, and signs and advertising displays;
 - 10. Canvas Products.** Canvas products made of purchased canvas;
 - 11. Office Equipment.** Office, computing and accounting machines;
 - 12. Repair Machine Shops.** Jobbing and repair machine shops;

- 13. Monuments.** Monuments and burial vaults; and
- 14. Tool and Die Shops.** Tool and die machinery shops.
- H. Lumber Sales.** Lumber yards, manufacturer of wood, plastic, fabric, synthetic specialties, wood patterns, concrete and cinder block products.
- I. Propane Sales.** Propane storage and sales.
- J. Essential Services.** Essential services including outside storage. (Article 23, site plan review required.)
- K. Storage.** Mini-warehouses.

SECTION 16.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 16.03 SPECIAL LAND USES

- A. Communications.** Radio, TV, and cellular microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas. See also Section 21.32.
- B. Compost.** Composting centers.
- C. Care Facilities.** Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.05(J).
- D. Mixing Plants.** Asphalt and Concrete mixing plants subject to the standards in Section 22.05(O).
- E. Outside Storage.** Outside storage subject to the standards in Section 22.05(P).
- F. Existing Nonconforming Uses.** Expansion of an existing, nonconforming building or use in accordance with the provisions of Section 22.05(Q).

- G. Uses of the Same Nature or Class.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.
- H. Medical Marijuana Caregiver Operation.** A registered primary caregiver subject to the standards of Section 21.55 of this Ordinance, the Michigan Medical Marihuana Act, as amended, and the regulations of the State of Michigan Department of Community Health adopted pursuant to the Michigan Medical Marihuana Act.

SECTION 16.04 GENERAL REQUIREMENTS FOR ALL M-1, M-2, AND ROM USES

- A. Wastewater Treatment.** Light industrial development in the M-1, M-2, and ROM districts shall be served by public sewer service or an approved sanitary treatment facility. If the facility is a packaged treatment plant it 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 designed to connect easily into a future public sewer service system without the need for reconstruction of any main or lateral sewer links.
- B. Arterial Roads.** The proposed site for any such use shall have at least one property line abutting an arterial road. All vehicle access shall be directly onto or from an arterial road.
- C. Industrial Building Construction.** Where a building or accessory building in an M-1, M-2, and ROM district is erected or placed within two hundred (200) feet of the front lot line of any parcel of land fronting upon any public street, the front walls of said building or accessory building shall be constructed of stone, face brick or approved ornamental material.
- D. Landscaping.** Landscaping shall be provided for as defined in Section 21.35.

SECTION 16.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; reception antennas; limitations on clearing and grading site, Medical Marijuana Caregiver Operation, etc.
- D. Article 23: Site Plan Review and Project Evaluation Report
- E. Article 24: Private Road and Shared Private Driveway Standards
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25 Land Division Ordinance

REVISIONS:

2003: DECEMBER - 16.03.D, E and F

2013: OCTOBER – Added 16.03.H Medical Marijuana Caregiver Operation.

ARTICLE 16A
PIRO PLANNED INDUSTRIAL, RESEARCH, AND OFFICE DISTRICT

SECTION 16A.00 INTENT

The intent of the PIRO District is to encourage the development of a high quality office, research and industrial environment, in campus-type settings with generous landscaping, low intensity lot coverage, and preserving significant natural features. Such areas are often visible from freeways, in high image locations and can impact the impression the Township makes on visitors and travelers, which influences the marketability of the land and the community.

The PIRO District is intended to provide a desirable location for larger office, light industrial, and limited heavier industrial uses as provided in the table of permitted and special uses provided below. The District provides opportunities for enterprises to locate office facilities with laboratories or small assembly or distribution sites nearby. By integrating these uses into a planned development, potential impacts of the heavier uses may be mitigated.

The distribution of land uses in the PIRO District is regulated in three sub-districts: PIRO-A (Research and Office), PIRO-B (Light Industry), and PIRO-C (General Industry). The sub-districts are designated to ensure that appropriate land transitions occur and that potential use incompatibilities are avoided. The planned location of these sub-districts is illustrated and described in the Future Land Use Plan chapter of the Tyrone Township Master Plan. Development of PIRO-zoned land shall be consistent with this Plan, as determined by the Township. The boundaries of the sub-districts as illustrated on the Future Land Use Map are general, allowing for flexibility when rezoning to one or more of the PIRO sub-districts. When reviewing a potential rezoning, the Township shall consider the proposed location and range of uses that would be permitted in the context of the overall PIRO planned district, to ensure that the purpose and intent of these regulations will be maintained, including proper land transitions and protections from negative impacts and incompatible uses. The Township's Zoning Map shall identify the boundaries of each sub-district as it is adopted, and the land within each sub-district shall be regulated as provided herein.

Use of the Planned Unit Development (PUD) process is encouraged for sites larger than 20 acres. This will provide additional flexibility to the property owner and designer, and further enable coordination among various on-site uses.

SECTION 16A.01 APPLICABILITY OF SUB-DISTRICT

The PIRO District is a combination of three sub-districts: the PIRO-A (Research and Office), PIRO-B (Light Industry), and PIRO-C (General Industry) districts. The sub-districts are mapped zoning districts that impose requirements in addition to the general requirements that apply throughout the PIRO District.

SECTION 16A.02 TABLE OF PERMITTED AND SPECIAL LAND USES

The following “Table of Permitted and Special Land Uses in the PIRO District” designates the land uses permitted in each of the sub-districts.

- A. Permitted Uses.** All uses listed in the following and signified with a letter “P” shall be uses permitted by right in the corresponding PIRO sub-district.
- B. Special Land Uses.** All uses listed in the following “Table of Permitted and Special Land Uses in the PIRO District” and signified with a letter “S” shall be permitted special land uses in the corresponding sub-district, subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 23.
- C. Uses Not Permitted.** Uses not permitted in a particular sub-district are designated with the letters “NP”.
- D. Accessory Uses.** Buildings, structures, and uses customarily accessory to any permitted or special land use shall be permitted as approved during site plan review, in accordance with Section 21.02.
- E. Summary Table of Permitted and Special Land Uses in the PIRO District.** The table below lists uses permitted as follows: “P” = Permitted Use; “S” = Special Land Use; and “NP” = Use Not Permitted.

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
High technology service uses including computer information transfer, communication, distribution, management, processing, administrative, laboratory, experimental, developmental, technical, or testing services.	P	P	S

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Any use with the principal function of conducting research, design testing, and pilot or experimental product development	P	P	S
High technology industrial or research use including but not limited to agricultural technology, biological or pharmaceutical research, software technology, telecommunications, biomedical technology, fluid transfer and handling technology, defense and aerospace technologies or other technology oriented or emerging industrial or business activity but not including heavy manufacturing or stamping	P	P	S
Data processing / computer centers, including service and maintenance of electronic data processing equipment and software development	P	P	P
Research labs / testing facilities	P	P	P
Corporate offices	P	P	P
General / professional offices for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales	P	P	S
Alarm and security businesses, phone message centers, telemarketing businesses	P	P	NP
College / university / vocational schools, and any use charged with the principal function of technical training provided all instruction, training and testing is conducted within a completely enclosed building	P	P	S
Outdoor instruction, training and testing accessory to a permitted use	NP	S	S
Conference centers	S	S	NP

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Assembly halls, display halls, banquet centers, convention centers or similar place of assembly, excluding movie theaters	S	S	NP
Hospitals, clinics and medical offices; medical laboratories; sports medicine, physical therapy, and 24-hour emergency or urgent care	S	S	NP
<p>Offices of manufacturers agents, sales representatives and others requiring display area and limited warehousing, subject to the following:</p> <ul style="list-style-type: none"> a. Display areas shall not be for selling to the general public and shall be for restricted use of wholesale buyers and specialized merchandise not available to the public. b. Display areas shall be within a totally enclosed structure. c. Warehousing shall be accessory to the office, sales or display area, and shall be limited to quantities to support the display area and sales staff. Outbound shipment by tractor trailer or semi-truck type vehicles shall be prohibited in the PIRO-A (Research and Office) sub-district. 	S	P	NP
Messenger services, mailing and delivery services, all limited to drop-off and pick-up facilities. Processing, sorting or distribution functions other than to serve the district shall not be permitted.	S	P	NP
Indoor recreation facilities	S	S	NP
Religious institutions, churches	S	S	NP

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
<p>Uses secondary to principal permitted uses:</p> <ul style="list-style-type: none"> a. Restaurants or other places serving food or beverage, but not including drive-in/fast food, or drive-through restaurants b. Child care centers c. Personal service establishments, such as but not limited to: repair shops, tailor shops, beauty parlors or barber shops, laundries or dry cleaners d. Business services such as printing, copying or mailing e. Corporate fitness centers, health spas, indoor recreation facilities f. Office equipment and office supply sales and rental g. Banks, credit unions, savings and loan associations, and similar financial institutions, including drive-through and walk-up automatic teller machines on the face of the building. No free-standing or kiosk-type automatic teller machines shall be permitted separate from a financial institution. 	S	S	S
<p>Publicly owned buildings, libraries, post offices, telephone exchange buildings, and public utility offices. (Storage yards, electrical transformer stations, and gas regulator stations are not permitted in the PIRO-A (Research and Office) sub-district.</p>	P	P	NP
<p>Public or private parks and open space</p>	P	P	P

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Motor vehicle fueling stations	NP	S	S
<p>Manufacturing, assembly, processing, fabrication, packaging, or treatment of the following from previously prepared materials:</p> <ul style="list-style-type: none"> • agricultural products; • food products; • furniture and fixtures; • converted paper and paper board products; • textiles and canvas products; • pharmaceuticals including biological products, drugs, medical and pharmaceutical preparations; • glass products made of purchased glass; • professional, scientific and controlling instruments; • photographic and optical goods; • office equipment; • electrical instruments; • small appliances; and • monuments and burial vaults. 	NP	P	P
Light assembly, fabrication, or packaging of jewelry, silverware, musical instruments and parts, toys, novelties, sporting and athletic goods, office and artist's materials, signs and advertising displays.	NP	P	P
Tool and die, jobbing and machine repair	NP	P	P
Building trade and landscape contractors; building and landscape materials and wholesalers.	NP	SP	P

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Contractors equipment yards	NP	S	P
Printing, publishing, duplicating and photographic processing plants	NP	P	P
Radio, TV and cellular microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas; public utility electrical receiving transforming stations, wireless communications towers (subject to Section 21.32).	NP	S	S
Public utility and telecommunications buildings	NP	P	P
Composting centers	NP	S	S
Essential services without outside storage	P	P	P
Essential services with outside storage permitted	NP	S	P
Transportation facilities, including passenger transit facilities, truck and motor freight terminals, maintenance and service yards	NP	S	S
Air transportation companies, airports	NP	NP	P
Wholesaling, warehousing, distribution, refrigerated and general storage of any product or commodity which is permitted to be manufactured in the district.	NP	P	P
Mini-warehouses and self-storage facilities	NP	S	P
Outdoor storage and display	NP	S	P
Vehicle Repair - Major	NP	NP	S
Vehicle Maintenance and Repair - Minor	NP	S	S
Bottling plants	NP	NP	P

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Lumber yards (non-retail), including sale of wood, plastic, fabric, synthetic specialties, wood patterns, concrete and cinder block products	NP	S	P
Central laundries, laundry services, dry cleaning and dyeing plants	NP	NP	P
<p>Manufacturing, processing, fabricating, packaging, treating or assembling the following:</p> <ul style="list-style-type: none"> • Prefabricated buildings and structural members • Chemical products and plastics, excluding petroleum plants • Leather and leather products • Stone, clay and glass products such as: flat glass, pressed or blown glass and glassware; brick and block; • Concrete, abrasives, asbestos and other non-metallic mineral products. • Wood containers • Aluminum, bronze, copper-base alloy and other nonferrous castings • Heavy machinery such as engines and turbines, farm machinery, industrial machinery • Transportation equipment, such as motor vehicles, motor vehicle equipment and parts, motorcycles, bicycles and parts 	NP	S	P
Light assembly, fabrication, packaging of small items – from previously processed and prepared materials	NP	P	P
Vehicles, equipment and machinery sales and service for farm, construction, and industry	NP	S	S
Asphalt and concrete mixing plants	NP	NP	S

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
Slaughter houses	NP	NP	S
Junk/Salvage/Used materials yards, recycling centers	NP	NP	S
Petroleum oil and gas processing plants	NP	NP	S
Explosive, toxic and hazardous materials receiving, handling, storing, and production.	NP	NP	S
Propane storage and sales; bulk storage of refined petroleum products, with or without a retail outlet	NP	S	S
Retail sales of propane, and accessory storage of limited quantities to support the retail operation	NP	S	S
Wind and solar energy production facilities, not including oil or gas production, processing, sweetening plants, or related operations	NP	S	S
Outdoor / open air entertainment venues	NP	NP	S
Adult uses	NP	NP	S
Uses of the same nature or class as uses listed in this district, as determined by the Planning Commission based on the standards of Section 21.44.	S	S	S
Medical Marijuana Caregiver Operation. A registered primary caregiver subject to the standards of Section 21.55 of this Ordinance, the Michigan Medical Marihuana Act, as amended, and the regulations of the State of Michigan Department of Community Health adopted pursuant to the Michigan Medical Marihuana Act, as amended.	NP	S	S
Utility-scale Solar Energy Facilities	S	S	S

Uses	PIRO-A Research and Office *	PIRO-B Light Industry**	PIRO-C General Industry***
"NP" – Use Not Permitted			
"P" – Permitted Use			
"S" – Special Land Use			

Footnotes

- * Outdoor storage and display of goods and materials is prohibited.
- ** Outdoor storage and display of goods and materials requires special approval.
- *** Outdoor storage and display of goods and materials is permitted.

SECTION 16A.03 GENERAL REQUIREMENTS FOR ALL PIRO DISTRICT USES

Consistent with the intent of this district, the following conditions are required to be met by all uses in the PIRO District, irrespective of the sub-district in which they are located.

- A. Non-Residential Uses.** Residential uses shall not be permitted in the PIRO District, except that caretaker quarters may be permitted, as provided under Section 21.10 Dwellings in Nonresidential Districts.
- B. Physical Features and Site Relationships.** All development in the PIRO District shall minimize its impact on the natural environment and adjacent properties. Site design shall preserve and incorporate any natural features unique to the site. Specifically:
 - 1. Topography and Grading.** Site improvements shall be designed to minimize changes to the existing topography when possible. Use of existing topography and vegetation is encouraged for screening, buffering, and transition of uses and developments. Grading should be blended with the contours of adjacent properties.
 - 2. Existing Site Features.** The site design shall retain existing site features that are worthy of preservation as determined by the Planning Commission. The design shall also incorporate natural site amenities, such as creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.
 - 3. Building Orientation.** The site design shall be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces shall be sensitive to views, climate, the nature of outdoor activities that could occur in association

with the project, and other factors deemed relevant by the Planning Commission.

4. **Building Relationship.** The design of buildings shall neither impair nor interfere with the development or enjoyment of other properties in the area. Through site planning and design, projects proposed near dissimilar land uses shall carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns. Consistent with the purpose of the PIRO District, creation of a campus-like environment is encouraged and should be reflected in the site design and relationship between buildings. A variety in building size and massing shall be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials and design.
 5. **Applicability to Entire Site.** Site plans must address the entire parcel whenever new development is proposed, be it an addition to an existing structure, development or redevelopment of a portion of a site, or development or redevelopment of the entire site. Site plans shall address the need for improvements throughout the site to assure that proposed construction will be in compliance with this Article.
- C. **Building Design.** The design of buildings in the PIRO District shall meet the standards of Section 23.18 Architectural Standards and this Article, and shall be compatible with the natural and man-made surroundings, protect property values in the district, and blend harmoniously with the overall development of the district. All proposed development shall be subject to review by the Architectural Review Committee per Section 23.18 G. The Architectural Review Committee shall be responsible for reviewing for compliance with the requirements of this Section and Section 23.18.
1. **Materials and Colors.** Building materials and colors shall relate well and be harmonious with other buildings planned or existing within the surrounding area. For multiple building developments, building design shall be coordinated throughout the project to support a campus-like character. Buildings shall provide architectural variety, but enhance the overall character of the district. Architectural features and details - such as, but not limited to archways, colonnades, towers, contrasting bases, contrasting masonry courses or bands of color, stone or accent features, cornices, cupolas, or peaked rooflines – are encouraged.
 2. **Mass.** The mass and proportion of larger buildings shall be made to appear smaller by varying building lines and rooflines to provide a series of smaller scale sections.

3. **Entrance.** All buildings shall have at least one main public entrance. Main entrances to buildings shall incorporate devices such as canopies, roof overhangs, recessed entranceways, or other similar features to provide protection from the elements. Main entrances shall be clearly defined to public view.
4. **HVAC.** All roof top ventilation or mechanical equipment shall be completely shielded from view in all directions accessible by the public from the highest ground elevation within three hundred (300) feet of the structure.

D. Building Length / Required Offsets.

1. Any portion of a building face that exceeds 150 feet in width shall contain a setback or offset of at least five feet in the building face at a maximum distance of 100 feet between setbacks or offsets.
2. A vertical offset, or change in roofline, is encouraged in conjunction with any horizontal offset in order to create further interest and articulation of the facade.

E. Utilities. All utilities constructed within the site, including but not limited to: service lines, transmission lines, appurtenances and accessories, shall be placed underground. Any utility pad, where required to be placed above ground because of size, shall be fully screened by a masonry wall and further obscured by landscaping or may be fully enclosed in a dedicated building constructed consistent with these regulations. Utility meters shall also be located in screened areas.

F. Access.

1. **Road Access.** Access to any site, including required acceleration and deceleration lanes, shall meet the standards of MDOT or the Livingston County Road Commission (LCRC), as appropriate and satisfy the standards of Section 21.54 – Access Management, of this Zoning Ordinance. In those instances where the Planning Commission finds that the dimensions or configuration of a site and/or neighboring sites will result in an excessive number of ingress and egress points onto a public thoroughfare, the Planning Commission may limit such access points by requiring cross access between sites, marginal access (frontage) roads, service drives, and/or shared driveways to prevent vehicular congestion or other traffic impairment.
2. **Cross Access Agreement.** In the case where shared service roads, parking area connections, or similar cross access is required between adjacent lots, the owners of such lots shall submit to the Township Board a properly executed agreement, to be recorded and run with the land, describing that

the property owners are responsible for building, repairing, maintaining, and clearing the shared service roads and parking area connections. The agreement should also state that the service roads and parking areas will not impede vehicle flow but facilitate the safe and efficient movement of traffic.

3. **Pedestrian; Non-motorized Vehicular Circulation.** All developments shall provide sidewalks or other paved pedestrian and non-motorized vehicular circulation routes to the satisfaction of the Planning Commission.
- 4 **Paved Primary Road Access Required.** All sites shall have at least one property line abutting a paved, County primary road, or shall be a part of a larger development planned to provide access directly onto or from a paved, County primary road. See Section 2.01 DEFINITIONS, under the definition of STREET – PRIMARY ROAD for list of County primary roads in the Township.

G. Service Areas.

1. **Location.** Loading zones, on-site service drives, loading ramps, truck docks and wells, overhead doors, and similar access and service facilities shall be located at the side or rear of the building, shall be located entirely within the lot lines of the site, and physically separated from public streets.
2. **Screening.** Service areas shall be screened from view from common public areas, general parking areas, public or private roads, service drives, and adjacent land unless that land is similarly zoned and similarly situated. Screening shall comply with the requirements of Article 21A and shall, in the determination of the Planning Commission, be sufficient to effectively reduce the adverse effects of the proposed use, in particular, glare of headlights, lighting, noise, unsightly areas such as, but not limited to, loading zones, dumpsters, and unsightly views. Where necessary to effectively mitigate off site impacts of the use, the Planning Commission may require additional measures, such as greater setbacks, obscuring walls, berms, grade changes, and similar devices.

- H. Required Open Space.** Total open space within a PIRO development shall not be less than 20% of the total developable area. Such open space shall not include parking areas, loading spaces, access aisles, or required building setback areas consistent with the standards of Section 21.51. In addition to those features permitted as open space under Section 21.51 of this Ordinance, open space may include landscaping and buffer areas and green space (provided they exceed the minimums required by this Ordinance), active or passive recreation space, storm water basins which utilize best management practices to provide for an aesthetic site amenity at the discretion of the Planning Commission based upon review of the specific solution, developed outdoor spaces intended for the users

of the site, and other open spaces as recommended by the Planning Commission to be consistent with the intent of this Article.

Where a development site includes portions of the Open Space sub-area of the PIRO district as described in the Township Master Plan, the master planned Open Space land shall be included in the protected open space for that site in at least the percentage required above.

- I. **Wastewater Treatment.** All uses in the PIRO district shall be connected to a publicly owned and operated sanitary sewer. Wastewater disposal shall comply with all applicable federal, state, and local standards and regulations.
- J. **Landscaping.** Landscaping shall be provided for as required by Article 21A of this Ordinance, and in accordance with the specific requirements for the PIRO A, B and C sub-districts.
- K. **Site Plan.** Site plan approval shall be required in accordance with the requirements of Article 23. If the proposed use is identified as a special land use, special land use approval shall be required in accordance with the standards in Article 22.

SECTION 16A.04 SUB-DISTRICT BOUNDARIES

The PIRO-A (Research and Office), PIRO-B (Light Industry) and PIRO-C (General Industry) sub-district boundaries shall be as established on the Official Zoning Map. The PIRO sub-districts may be adopted or amended according to the Zoning Ordinance amendment procedures in Article 3. The permitted location of each sub-district and land uses shall be based on the Tyrone Township Future Land Use Map for the PIRO area. The boundaries of the sub-districts as illustrated on the Future Land Use Map are general, allowing for flexibility when rezoning to one or more of the PIRO sub-districts. When reviewing a potential rezoning, the Township shall consider the proposed location and range of uses that would be permitted in the context of the overall PIRO planned district, to ensure that the purpose and intent of these regulations will be maintained, including proper land transitions and protections from negative impacts and incompatible uses.

SECTION 16A.05 PIRO-A (RESEARCH AND OFFICE) PERMITTED USES AND STRUCTURES

- A. **Permitted Principal Uses.** The uses designated as Permitted Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-A (Research and Office) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 23.

- B. Special Land Uses.** The uses designated as Special Land Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-A (Research and Office) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 22.
- C. Permitted Accessory Uses.** Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with Section 21.02.
- D. Prohibited Uses.** In the PIRO-A (Research and Office) sub-district, the following uses shall not be permitted:
1. Any use that provides a drive-through, drive-up, or pick-up window as either principal or accessory to the permitted or special land use, except as provided in Section 16A.02.E.
 2. Any uses which employs stamping in the manufacturing and assembly process of any product or material.
 3. Any use which involves manufacturing, processing and assembling from basic raw materials.
 4. Terminals, including truck, rail and bus.
 5. Retail sales, except as provided in Section 16A.02.E.
 6. Petroleum storage, sales, processing and production.
 7. Hazardous materials handling and similar related uses.
 8. The following uses or similar uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration shall be considered as not meeting the minimum standards of this Ordinance as to performance and potential negative impact on surrounding properties:
 - a. Processing of corrosive acid, cement, lime, gypsum or plaster.
 - b. Distillation of bone, tar, petroleum refuse, grain or wood.
 - c. Processing or storage of explosives.
 - d. Processing of fertilizer or storage of compost.
 - e. Processing of products from animal refuse or offal including glue, size or gelatin.
 - f. Processes using steam or board hammers or forging presses.

- g. Tanning, curing or storage of skins or hides.
- h. Processing sulfurous, sulfuric, nitric, picric, carbolic, hydrochloric or other corrosive acid.

SECTION 16A.06 PIRO-A (RESEARCH AND OFFICE) DEVELOPMENT STANDARDS

Buildings and uses in the PIRO-A (Research and Office) sub-district shall comply with the following requirements, in addition to all applicable requirements of the PIRO District and this Zoning Ordinance.

- A. Outdoor Storage.** Outdoor storage of goods, materials, inventory or equipment shall be prohibited.
- B. Outdoor Sales and Display.** Outside sales or display of goods, materials, inventory or equipment shall be prohibited.
- C. Pedestrian Circulation.** Sidewalks shall be provided along all public streets and major thoroughfares. Interior sidewalks shall be provided within the development to provide circulation on site and between developments.
 - 1. Dimensions.** Interior sidewalks shall be a minimum four feet in width except where such walks directly abut a parking area. In cases where sidewalks abut a parking area, a minimum width required shall be seven feet. Sidewalks located along public streets shall be five feet in width.
 - 2. Locations.** Pedestrian access to building entrances from public sidewalks and parking areas shall be provided. The pedestrian access routes shall be designed to separate pedestrian and vehicular traffic, and shall not detract from the design of the building and adjacent properties. Pedestrian linkages between adjacent uses shall be provided and emphasized.
 - 3. Design.** Unintentional pedestrian routes, which provide unsafe "shortcuts" and tend to damage landscape areas, shall be discouraged by providing appropriately located pedestrian routes along with pedestrian friendly barriers such as decorative fencing, feature walls, or landscaping to protect inappropriate pedestrian routes.

Pedestrian access routes shall be buffered from the street, vehicular traffic, and parking areas through the use of green space and landscaping where possible. Pedestrian amenities such as benches, gazebos, and water features along pedestrian access routes are strongly encouraged.

- 4. Sidewalk Feasibility Determination.** In cases where sidewalk installation is found to be impractical or not feasible, the Planning Commission may

recommend and the Township Board may approve, waiver of sidewalk construction. In such cases, the Planning Commission shall review the site to determine the feasibility and practicality of the installation of the required sidewalk, considering the following features of the site and the surrounding area as well as planned future development:

- a. The existing grades where sidewalk would be required, especially referencing pertinent structures and proposed future development;
- b. The apparent and expected use by pedestrians;
- c. Site-specific features impacting the feasibility of the installation of a sidewalk;
- d. Future and/or expected utility, structure, or road installations, improvements or modifications;
- e. Any plan created by or utilized by the Township concerning the installation of sidewalks, walking paths, bike paths or other pedestrian resources in the area;
- f. Possibility of alternative installations, i.e. elevated boardwalks, bridges or pedestrian resources in the area; and
- g. Any other engineering consideration or environmental feature likely to impact the practicality and feasibility of the installation of sidewalks.

The Planning Commission shall determine and recommend to the Township Board, whether the installation of a sidewalk on any given site or parcel is practical or feasible based on the above factors. In making its recommendation, the Planning Commission may request and consider comments from the Township engineer, other consultants, experts, the public and agencies with jurisdiction.

Upon a determination that the installation of a sidewalk on a particular lot, unit or parcel is impractical or not feasible, a sum shall be paid, equivalent to the estimated cost of providing the otherwise-required sidewalk improvement. The estimated amount shall be paid by the applicant to the Township in lieu of the installation of the sidewalk.

D. Landscaping. In addition to the requirements of Article 21A, sites shall be subject to the following requirements:

- 1. Screening.** Where landscaping is required for proposed screening, the Planning Commission shall insure that the landscape plan meets the following objectives:

- a. The proposed plan effectively forms a complete visual and physical separation between the two unlike land uses.
 - b. The proposed plan forms a transition zone between the unlike uses, affords sufficient protection and is compatible with the character of the adjacent unlike, less intense area.
 - c. The proposed plan effectively reduces the adverse effects of the proposed use, in particular, glare of headlights, lighting from parking areas, noise, unsightly areas such as trash pickup points and contrasting views such as parking areas and access drives.
- 2. Buffer or green area.** When the landscape treatment is required as a buffer or green area, the Planning Commission shall insure that the plan proposed meets the following objectives:
- a. The proposed plan breaks up the area and the proposed plan material creates a partial visual separation.
 - b. The proposed plan forms a transition zone which helps break up the visual pattern of paving areas.
 - c. The proposed plan, through the use of plant material, creates a ground and overhead area which consists of plant material which is more compatible with the general character of the Township and the residential districts in the Township.
- 3. Setbacks.** All setback areas shall be landscaped with lawn, trees, shrubs and/or other plantings and may include reflecting pools, retaining walls and other landscape construction harmonious with the overall landscape scheme. The use of grade changes to enhance screening or landscape interest shall be encouraged.
- 4. Foundation plantings.** All buildings within the PIRO-A (Research and Office) sub-district shall provide foundation plantings around the perimeter of the building.
- 5. Right-of-way planting.** Street trees shall be installed parallel, adjacent to, and outside of the right-of-way of any shared access drives and roads, internal or public, at a maximum interval of 1 deciduous shade tree, minimum 2 ½ inches in caliper, per each 40 linear feet of roadway frontage. In cases where shared drives are proposed as private, the requirement for street trees shall be required at the same interval.
- 6. Exceptions.** The Planning Commission may approve alternatives to the above landscape standards as it deems necessary to accommodate

peculiar circumstances, unforeseen problems to protect the natural vegetation or to achieve the intent of this article.

- E. **Pavement Required.** Parking lots, driveways and service roads shall be surfaced with concrete or bituminous materials as specified by the Township Engineer.
- F. **Minimum Lot Area.** The minimum lot area in the PIRO-A (Research and Office) sub-district shall be three acres. The Planning Commission may recommend, and the Township Board may approve a lot area smaller than three acres, if such smaller lot is part of an overall development plan that meets the intent of the PIRO-A (Research and Office) sub-district.
- G. **Maximum Building Coverage.** The percentage of the lot area covered by buildings shall not exceed 40% of the total lot area.

SECTION 16A.07 PIRO-B (LIGHT INDUSTRY) PERMITTED USES AND STRUCTURES

- A. **Permitted Principal Uses.** The uses designated as Permitted Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-B (Light Industry) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 23.
- B. **Special Land Uses.** The uses designated as Special Land Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-B (Light Industry) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 22.
- C. **Permitted Accessory Uses.** Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with Section 21.02.
- D. **Prohibited Uses.** In the PIRO-B (Light Industry) sub-district, the following uses shall not be permitted:
 - 1. Any use that provides a drive-through, drive-up, or pick-up window as either principal or accessory to the permitted or special land use, except as provided Section 16A.02.E.
 - 2. Any uses which employs stamping in the manufacturing and assembly process of any product or material.
 - 3. Any use which involves manufacturing, processing and assembling from basic raw materials.
 - 4. Terminals, including truck, rail and bus.

5. Retail sales, except as provided in Section 16A.02.E.
6. Hazardous materials handling and similar related uses.
7. The following uses or similar uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration shall be considered as not meeting the minimum standards of this Ordinance as to performance and potential negative impact on surrounding properties:
 - a. Processing of corrosive acid, cement, lime, gypsum or plaster.
 - b. Distillation of bone, tar, petroleum refuse, grain or wood.
 - c. Processing or storage of explosives.
 - d. Processing of fertilizer or storage of compost.
 - e. Processing of products from animal refuse or offal including glue, size or gelatin.
 - f. Processes using steam or board hammers or forging presses.
 - g. Tanning, curing or storage of skins or hides.
 - h. Processing sulfurous, sulfuric, nitric, picric, carboic, hydrochloric or other corrosive acid.

SECTION 16A.08 PIRO-B (LIGHT INDUSTRY) DEVELOPMENT STANDARDS

- A. **Outdoor Storage.** Outdoor storage of goods, inventory, materials, or equipment shall be prohibited within the PIRO-B (Light Industry) sub-district unless specifically approved through special land use approval and site plan approval.
 1. **Screening.** All outdoor storage shall be screened from view, using an opaque fence or decorative masonry wall, dense evergreen buffer or other method satisfactory to the Township. All such screening shall be a minimum of six (6) feet tall, but may be required to be higher where the surrounding terrain, including roadways, would allow for off-site view of the storage area.
 2. **Location.** Outdoor storage shall not be permitted in any required setback area and must be located behind the front building line.
 3. **Service or repair facilities.** All service and repair facilities shall be contained within an enclosed building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked vehicles shall be located behind the building and screened from view off site.

2. **Buffer or green area.** When the landscape treatment is required as a buffer or green area, the Planning Commission shall insure that the plan proposed meets the following objectives:
 - a. The proposed plan breaks up the area and the proposed plan material creates a partial visual separation.
 - b. The proposed plan forms a transition zone which helps break up the visual pattern of paving areas.
 - c. The proposed plan, through the use of plant material, creates a ground and overhead area which consists of plant material which is more compatible with the general character of the Township and the residential districts in the Township.
 3. **Setbacks.** All setback areas shall be landscaped with lawn, trees, shrubs and/or other plantings and may include reflecting pools, retaining walls and other landscape construction harmonious with the overall landscape scheme. The use of grade changes to enhance screening or landscape interest shall be encouraged.
 4. **Foundation plantings.** All buildings within the PIRO-B (Light Industry) sub-district shall provide foundation plantings around the perimeter of the building.
 5. **Right-of-way planting.** Street trees shall be installed parallel, adjacent to and outside of the right-of-way of any shared access drives and roads, internal or public, at a maximum interval of 1 deciduous shade tree, minimum 2 ½ inches in caliper, per each 40 linear feet of roadway frontage. In cases where shared drives are proposed as private, the requirement for street trees shall be required at the same interval.
 6. **Exceptions.** The Planning Commission may approve alternatives to the above landscape standards as it deems necessary to accommodate peculiar circumstances, unforeseen problems to protect the natural vegetation or to achieve the intent of this article.
- D. **Minimum Lot Area.** The minimum lot area in the PIRO-B (Light Industry) sub-district shall be three acres. If the site is part of a larger subdivision or condominium development, with road access from other than a County primary road, the minimum lot area shall be one acre.
- E. **Maximum Building Coverage.** The percentage of the lot area covered by buildings shall not exceed 40% of the total lot area.

SECTION 16A.09 PIRO-C (GENERAL INDUSTRY) PERMITTED USES AND STRUCTURES

- A. Permitted Principal Uses.** The uses designated as Permitted Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-C (General Industry) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 23.
- B. Special Land Uses.** The uses designated as Special Land Uses in Section 16A.02.E, Table of Permitted and Special Land Uses for the PIRO-C (General Industry) sub-district shall be permitted subject to review and approval of the Planning Commission in accordance with the standards and procedures of Article 22.
- C. Permitted Accessory Uses.** Buildings, structures, and uses customarily accessory to any permitted principal uses shall be permitted as approved during site plan review, in accordance with Section 21.02.
- D. Prohibited Uses.** In the PIRO-C (General Industry) sub-district, the following uses shall not be permitted:
1. Any use that provides a drive-through, drive-up, or pick-up window as either principal or accessory to the permitted or special land use, except as provided in Section 16A.02.E.
 2. Retail sales, except as provided in Section 16A.02.E.
 3. Hazardous materials handling and similar related uses.
 4. The following uses or similar uses which may create unusual danger for fire, explosion, toxic or noxious matter, radiation or which may cause noxious, offensive, unhealthful or harmful odors, fumes, dust, smoke, lights, waste, noise or vibration shall be considered as not meeting the minimum standards of this Ordinance as to performance and potential negative impact on surrounding properties:
 - a. Processing of corrosive acid, cement, lime, gypsum or plaster.
 - b. Distillation of bone, tar, petroleum refuse, grain or wood.
 - c. Processing or storage of explosives.
 - d. Processing of fertilizer or storage of compost.
 - e. Processing of products from animal refuse or offal including glue, size or gelatin.
 - f. Processes using steam or board hammers or forging presses.
 - g. Tanning, curing or storage of skins or hides.

- h. Processing sulfurous, sulfuric, nitric, picric, carbolic, hydrochloric or other corrosive acid.

SECTION 16A.10 PIRO-C (GENERAL INDUSTRY) DEVELOPMENT STANDARDS

A. Outdoor Storage. Outdoor storage of goods, inventory, materials, or equipment may be permitted within the PIRO-C (General Industry) sub-district subject to special land use and/or site plan review and approval, as required by Section 16A.02.E for the principal use.

1. **Screening.** All outdoor storage shall be screened from view, using an opaque fence or decorative masonry wall, dense evergreen buffer or other method satisfactory to the Township. All such screening shall be a minimum of six (6) feet tall, but may be required to be higher where the surrounding terrain, including roadways, would allow for off-site view of the storage area.
2. **Location.** Outdoor storage shall not be permitted in any required setback area and must be located behind the front building line.
3. **Loose materials.** The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any affects on adjacent uses.
4. **Service or repair facilities.** All service and repair facilities shall be contained within an enclosed building except for the storage of repaired and wrecked cars. All areas used to store repaired or wrecked vehicles shall be located behind the building and screened from view off site.
5. **Separate approval for outdoor sales or display.** Approval of outdoor storage does not constitute approval of outdoor sales or display; see Sections 12A.03.H and 12A.04.F.

B. Outdoor Sales and Display. Outside sales or display of goods, inventory, materials, or equipment may be permitted within the PIRO-C (General Industry) sub-district subject to special land use and/or site plan review and approval, as required by Section 16A.02.E for the principal use.

1. **Location.** No outdoor sales or display shall be permitted in required setback areas for a principal building.
2. **Building on site.** Outdoor sales or display shall be permitted only if there is a building on the site that houses the principal use.
3. **Prohibited sales or display.** Outdoor display of junk, used or wrecked vehicle or parts shall not be permitted. There shall be no outdoor display in conjunction with vehicle servicing and collision repair establishments.

- 4. Display surface.** All outdoor sales or display areas shall be surfaced with asphalt or concrete or other similar dust-proof surface.
- 5. Buffering.** Where an outdoor display area abuts a street, landscaping shall be provided so as to buffer and breakup the appearance of the outdoor display without circumventing the total view of the product, as determined by the Planning Commission.
- C. Setbacks.** In order to reduce the off-site impacts of General Industry uses within the PIRO District, including but not limited to outdoor storage, truck staging and loading areas, outdoor operations, noise, dust, fumes, lights, hours of operation and others, the Planning Commission may modify the setback requirements of this Ordinance.
- D. Minimum Lot Area.** The minimum lot area in the PIRO-C (General Industry) sub-district shall be three acres. If the site is part of a larger subdivision or condominium development, with road access from other than a County primary road, the minimum lot area shall be one acre.
- E. Maximum Building Coverage.** The percentage of the lot area covered by buildings shall not exceed 40% of the total lot area.

REVISIONS:

- 2013 JANUARY – Added PIRO District, creating new Article 16A.
- 2013 OCTOBER – Section 16A.02.E, added Medical Marijuana to summary table.
- 2014 SEPTEMBER – Revised sewer connection requirements (Section 16A.03.I).
- 2015 JANUARY - Amended the permitted and special uses in this district.
- 2019 JULY – Section 16A.02 to include Utility-scale Solar Energy Facilities.

ARTICLE 17
M-2 HEAVY INDUSTRIAL DISTRICT

SECTION 17.00 INTENT

The intent of the M-2 district is to provide for heavy manufacturing industries that utilize essential public and private facilities and utilities while minimizing the incompatible aspects such industries exhibit when placed contiguous to or among other land uses. The district should not be adjacent to any residential district.

Site plan review, as defined in Article 23, shall be required for all uses in the M-2 district.

SECTION 17.01 PERMITTED PRINCIPAL USES

- A. M-1 Uses.** Any principal use permitted in the M-1 district.
- B. Contractors Yards.** Offices and yards of general contractors such as for highway and street, heavy construction and general building construction.
- C. Bulk Storage.** Bulk storage of refined petroleum products either with or without a retail outlet.
- D. Air Transport Facilities.** Air transportation companies and fixed facilities and services related thereto; includes airports.
- E. Industrial Plants.** Industrial plants manufacturing, processing or assembling the following:
 - 1. Prefabrication.** Prefabricated building and structural members;
 - 2. Chemical Products.** Chemical products such as plastic materials, biological products and pharmaceutical preparations, excluding petroleum plants;
 - 3. Leather Products.** Leather and leather products such as industrial belting and packaging; footwear, gloves and mittens; luggage and handbags;

4. **Stone, Clay and Glass.** Stone, clay and glass products such as: flat glass, pressed or blown glass and glassware; brick and block; concrete products, stone and stone products; abrasive, asbestos and miscellaneous non-metallic mineral products;
 5. **Storage Containers.** Wood containers such as boxes, crates and cooperage;
 6. **Nonferrous Castings.** Aluminum, bronze, copper-base alloy and other nonferrous castings;
 7. **Heavy Machinery.** Machinery such as engines and turbines; farm machinery and equipment, industrial machinery and equipment;
 8. **Transportation Equipment.** Transportation equipment: such as motor vehicle equipment and parts, motorcycles, bicycles and parts.
- F. **Dry Cleaning Plants.** Central dry cleaning plants.

SECTION 17.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 17.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 23, and issuance of a special land use permit according to Article 22 are required.

- A. **Mixing Plants.** Asphalt and concrete mixing plants.
- B. **Slaughter houses.**
- C. **Salvage Yards.** Scrap automotive, appliance or metal salvage yards.
- D. **Antennas.** Radio, TV, and cellular microwave relay and transmitting antennas; television broadcasting and receiving towers, dishes or antennas. See also Section 21.32.
- E. **Composting centers.**
- F. **Recycling centers.**

- G. Petroleum Processing.** Oil and gas processing plants including the production, refining or storage of petroleum or other flammable liquids subject to the standards of Section 22.05(L).
- H. Auto Repair.** Auto repair including buffing & collision.
- I. Hazardous Substances.** Receiving, handling, storing, producing gunpowder and explosives or hazardous or toxic materials (in excess of 25 gallons or 250 pounds) as defined by the Michigan Department of Environmental Quality in the listing of SARA Title III materials.
- J. Truck terminals.**
- K. Uses of the Same Nature or Class.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 17.04 GENERAL REQUIREMENTS FOR ALL M-2 DISTRICT USES

The general requirements for M-2 uses are the same as the requirements listed for M-1 uses in Section 16.04.

SECTION 17.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; reception antennae; limitations on clearing and grading site, etc.
- D. Article 23: Site Plan Review and Project Evaluation Report
- E. Article 24: Private Road and Shared Private Driveway Standards

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- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25: Land Division Ordinance

ARTICLE 18
ROM RESEARCH OFFICE MANUFACTURING DISTRICT

SECTION 18.00 INTENT

The intent of the ROM research office manufacturing district is to encourage and provide for technical research, laboratory testing, and business development and applications in the township. The regulations in this district also permit manufacturing and assembly operations that are integral to the above listed applications. Also allowed in the district are ancillary warehousing and storage facilities, which are to be totally enclosed within a building.

Site plan review, as defined in Article 23, shall be required for all uses in the ROM district.

SECTION 18.01 PERMITTED PRINCIPAL USES

- A. Research.** Research, development, and testing facilities for industrial, scientific, and business or commercial establishments.
- B. Administrative or Professional.** Administrative, professional, and business offices of principal permitted uses, including corporate headquarters offices.
- C. Scientific Production or Manufacturing.** Production, manufacturing, or assembly facilities and, operations with a high degree of scientific input, or those determined to be an integral part to a permitted operation.
- D. Laboratories.** Laboratories, interior storage, and equipment incidental to the permitted uses.

SECTION 18.02 PERMITTED ACCESSORY USES

Uses incidental to and in support of the permitted uses, such as cafeterias and shops. Any such use shall be located on the site of the principal use that it serves. The use shall be conducted primarily for the convenience of the employees of the principal use. The accessory use shall be wholly within a building, and shall have no exterior advertising or display. See also Section 21.02.

SECTION 18.03 SPECIAL LAND USES

Due to unique characteristics of special land uses, site plan review according to Article 23, and issuance of a special land use permit according to Article 22 are required.

- A. Outdoor Storage or Display.** All outdoor storage or display of products or equipment, other than the parking of motor vehicles in approved parking spaces, provided that:
 - 1. Rear Yard Storage.** The said storage or display is limited to the rear yard;
 - 2. Fencing or Screening.** The fencing and/or greenbelt plantings are provided to completely obscure the storage area;
 - 3. Maintenance.** That all such storage is undertaken and maintained in accordance with the current Michigan Building Code.

- B. Daycare.** Child day care or nursery schools unlimited by size but meeting the conditions of Section 22.05(J).

- C. Same Nature or Class.** Uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44.

SECTION 18.04 GENERAL REQUIREMENTS FOR ALL ROM DISTRICT USES

The general requirements for ROM uses are the same as the requirements listed for M-1 uses in Section 16.04.

SECTION 18.05 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2:** Definitions
- B. Article 20:** Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21:** General Provisions: Regulations for single family dwellings; site

condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; reception antennae; limitations on clearing and grading site, etc.

- D. Article 23: Site Plan Review and Project Evaluation Report
- E. Article 24: Private Road and Shared Private Driveway Standards
- F. Article 25: Off-Street Parking and Loading Regulations
- G. Article 27: Outdoor Advertising and Sign Regulations
- H. Ord. 16: Subdivision Control Ordinance
- I. Ord. 25 Land Division Ordinance

ARTICLE 19
EI - EXTRACTIVE INDUSTRIAL DISTRICT

SECTION 19.00 INTENT

The EI extractive industrial district is designated with the recognition that the sand and gravel deposits within the township's land area are nonrenewable natural resources necessary and beneficial to the economy of the township and the region, and the welfare of its citizens. To provide for the utilization of this resource in a manner compatible with nearby residential areas and to insure complete reclamation of the sand and gravel areas for other land uses at the conclusion of excavation and treatment, the EI district is hereby established.

Site plan review, as defined in Article 23, shall be required for all uses in the EI district.

SECTION 19.01 PERMITTED PRINCIPAL USES

- A. Extraction.** Extraction of sand and gravel.
- B. Processing.** Processing of sand and gravel, including but not limited to washing, sorting and grading.
- C. Mining.** Mining of deposits of limestone or other similar material.

SECTION 19.02 PERMITTED ACCESSORY USES

Buildings, structures, and uses customarily accessory to any of the permitted principal uses. See also Section 21.02.

SECTION 19.03 SPECIAL LAND USES

Application for and approval of a special land use permit consistent with the requirements of Article 22 and the standards below, shall be required for the following uses.

- A. Concrete Crushing.**
 - 1. Accessory Use.** Crushing of concrete shall be permitted only in conjunction with an approved active, operating sand and gravel extraction or mining

operation. The intent of this Ordinance is that crushing shall not be permitted in the E1 District as a principal use, therefore the amount of rubble being crushed shall not exceed the amount of material being extracted or mined from the site. The operator shall maintain an annual log reporting the volume of material extracted and volume of material crushed as separate measures. That log shall be submitted to the Township with the annual permit renewal application. At such time as the extraction or mining operation produces less material by volume than the amount of concrete crushed based on a three year average, the permit for the concrete crushing operation shall not be renewed. If at any time the annual mining permit is not approved, all operations including crushing shall cease.

2. **Operating Requirements.** All requirements of Section 19.07 Specific Operating Requirements applying to excavation and reclamation shall also apply to concrete crushing operations, except as may be more specifically provided under this subsection 19.03.A.
3. **Separation of Extraneous Materials.** All extraneous material shall be separated from the concrete. The extraneous material shall be removed from the site to a properly approved disposal area for recycling or disposal.
4. **Stockpiles.** Piles of rubble either crushed or awaiting crushing, and extraneous material shall not exceed 50 feet in height. The maximum pile height permitted may be modified by the Township Board upon recommendation of the Planning Commission following review of the surrounding topography, uses, vegetation, setbacks, and other factors so as to ensure protection of the neighbors. All such piles shall be setback no less than two hundred (200) feet from the lot line, and shall otherwise comply with Section 19.07.B. The location, size and maximum height of all piles shall be shown on the site plan.
5. **Dust Reduction.** Throughout the process of crushing concrete, the airborne dust shall be minimized as required under federal, state and county regulations.
6. **Screening.** The concrete crushing operation shall be screened to minimize view from the public right-of-way and all abutting residentially zoned lots, taking into account factors such as the distance from viewers, topography, existing vegetation and other mitigating conditions. Screening may be in the form of berms, walls, landscaped greenbelts, dense plantings and other means subject to the approval of the Township Board upon recommendation of the Planning Commission. At the discretion of the Township, landscape plantings or other means of sound absorption shall be

required to mitigate noise impacts, as required by Zoning Ordinance Section 21.16.

7. **Agency Approvals.** The crushing operation shall obtain required approvals from all federal, state and county agencies having jurisdiction. Evidence of approvals from these agencies shall be submitted to the Township prior to final approval and with any request for permit renewal.
8. **Hours of Operation.** The Township Board may limit the hours of crushing operations so as to minimize disruption to the neighbors.
9. **Special Land Use Permit.** The special land use permit for any crushing operation shall be subject to the site maintaining a valid natural resource extraction permit pursuant to Tyrone Township Ordinance 21 Extractive Industrial Regulatory Ordinance.
10. **Reclamation Plan Required.** The site plan shall include a plan for reclamation of the site upon cessation of crushing operations.

SECTION 19.04 REQUIREMENTS FOR ALL EI DISTRICT USES

- A. **EI Use Restrictions.** All extraction from new pits begun subsequent to the effective date of this ordinance shall be washed, graded and further processed and/or stored within the limits of the EI district. Natural resources extracted outside the limits of this district shall not be brought in for washing, grading or further processing, except for clay needed to process sand and gravel extracted on the site to produce road gravel and in the event of a public emergency as declared by the Tyrone Township Board, requiring use of said resource. Conditional approvals and standards as set forth by county, state and federal requirements will also be followed as a minimum standard.
- B. **Related Uses.** Resource related industries including, but not limited to, concrete batching plants and asphalt mix plants shall not be permitted as a part of this extractive industrial district. However, subject to special land use approval as recommended by the Planning Commission and approved by the Township Board, and the requirements herein, limited crushing of concrete may be permitted.
- C. **Required Approvals.**
 1. **Site Plan and Special Land Use.** All uses permitted in the EI district are subject to approval of the Township Board, subject to the review and recommendation of the Planning Commission, consistent with Article 23 of

this Ordinance. Further, any use permitted as a special land use in the EI district shall also require application for and special land use approval, consistent with Article 22 of this Ordinance.

- 2. Natural Resource Excavation Permit.** In addition, all EI district uses are subject to approval of an excavation permit in accordance with Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance.

SECTION 19.05 REVIEW AND APPROVAL PROCESS

- A. Filing of Application.** Application for site plan approval of a use permitted in the EI district shall be filed with the Planning Commission by the owners and lease holders, if any, of the land proposed for natural resources development.
- B. Site Plan Review.** The Township Planning Commission shall review the excavation site plan for compliance with requirements in this Article 19 and all other applicable ordinance provisions. The Planning Commission shall complete its review and site plan recommendation prior to a new use in the EI district receiving permit review by the Township Board. Any Planning Commission recommendation for approval of a site plan in the EI district shall be contingent upon the approval of a natural resource excavation permit by the Township Board.
- C. Planning Commission Recommendation.** The Planning Commission shall review and determine whether the site plan is in conformance with the Specific Operating Requirements listed in Section 19.07.

The Planning Commission also shall determine if the proposed excavation complies with other sections in the Zoning Ordinance, and whether the excavation is in conformance with the adopted township land use policies in the Tyrone Township Master Plan. Based on its determinations, the Planning Commission shall recommend approval, disapproval or conditional approval to the Township Board.

- D. Approvals.** The Township Board has final authority for approval, denial or conditional approval of any site plan application in the EI District. In order to assure compliance with the terms of approval, the Board may require a periodic review of the approved facilities. If such review is included in the approval, the dates for reviews must be indicated.
- E. Annual Renewals.** Changes to a site plan that are directly related to the removal of product under an approved annual Township extraction permit shall not require a new site plan review, if the changes are consistent with both of the following:

1. The operational requirements stated in Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance, and
2. The approved extraction and reclamation plan.

SECTION 19.06 APPLICATION INFORMATION

A. Site Plan Application Materials. The application for site plan approval shall be submitted as required under Section 23.06 of this Ordinance, fully supplemented by all required data and maps, and shall be accompanied by a fee as established by resolution of the Township Board. In addition to the materials required for site plan applications under Section 23.02., applications shall be accompanied by the following:

1. **Existing Topography.** A five (5) foot contour interval topographic map of the site, including the proposed location of access drives, parking and loading areas, excavation equipment, and existing streets, buildings, and drainage facilities located within two hundred (200) feet of the perimeter of the site.
2. **Watershed Impact Evaluation.** Report by a qualified soils engineer regarding the effect the proposed operation will have upon the watershed of the area, with particular attention being devoted to the water table, and if water bodies are to be created, the anticipated permanence of such.
3. **Extraction and Reclamation Plans.** A detailed plan for the extraction of the natural deposits. Such plan shall include a timetable for various stages of the operation and shall be accompanied by a reclamation plan indicating how the natural resources area will be reused in a manner compatible with the Tyrone Township Master Plan. The reclamation plan shall include:
 - a. **Proposed Use.** Proposed use of the reclaimed natural resources area;
 - b. **Proposed Topography.** Proposed topography drawn as contours at an interval of two (2) feet and indicating water bodies or other major physical features;
 - c. **Area Delineation.** Delineation of areas intended to be partitioned or subdivided, including the proposed layout as a site plan;

- d. Proposed Schedule.** A timetable shall be submitted, identifying the various phases of the operation, the phased reclamation of the site, and the end use.

- B. Operational Considerations.** Extraction, processing and mining operations in this district are subject to the natural resource excavation permit requirements of Tyrone Township Ordinance No. 21 Extractive Industrial Regulatory Ordinance. Each active site is required to maintain a valid excavation permit and shall be reviewed annually by the Township Board. The general operating requirements of Ordinance No. 21 are hereby referenced as additional considerations for Planning Commission site plan review under Article 23.

SECTION 19.07 SPECIFIC REQUIREMENTS

- A. Excavation and Reclamation Plans.** The Township Board is authorized to approve the manner and order of reclamation of proposed excavations. So as to assure faithful reclamation of the excavated area and removal of all crushing and other equipment, the applicant shall deposit a financial guarantee with the Township Clerk acceptable to the Township Board. The amount of such financial guarantee shall be established by the Township Board on recommendation from the Township Engineer, and shall be sufficient to finance reclamation of the disturbed area.

This financial guarantee shall be submitted by the applicant prior to the issuance of any permit, and shall be held in escrow by the township until reclamation is completed and has been approved by the Township Board. So as to prevent undue hardship, the Township Board may, at its discretion, approve bonds for areas less than the total acreage applied for. However, at no time shall any excavation be undertaken unless, and until, sufficient bond has been deposited to insure restoration of the area to be disturbed. In the event of deviation from an approved extractive and/or reclamation plan as determined by the Township Engineer, the Zoning Administrator shall notify the permit holder of a violation. Failure to correct said violation within thirty (30) days shall automatically void any permits issued and/or prevent the issuance of new permits until such time as the deviation has been corrected in keeping with requirements set forth by the Township Board. Appeals from a decision of the Zoning Administrator, regarding all alleged violations, shall be directed to the Township Board.

- B. Setbacks.** Excavation, washing and stockpiling of extracted material shall not be conducted closer than two hundred (200) feet to the outer boundary of the EI District. The setback area shall not be used for any use related to the extractive operation, except access roads and public notice signs identifying the use as an

excavation. Greenbelt plantings, berms and other landscaping shall be provided in the setback area as required by the Township Board. The two hundred (200) foot setback may be modified by the Township Board upon recommendation of the Planning Commission when the outer boundary of the EI District abuts a body of water or wetlands, or in consideration of surrounding topography and land uses. In granting the modification, the Township Board shall establish a specific setback so as to secure public safety.

C. Building Line for Stationary or Movable Operational Structures. To reduce the effects of airborne dust, dirt and noise, all operational structures, such as but not limited to crushers, conveyers, and other operational structures for sorting, crushing, loading, weighing and other operations, shall not be built closer than four hundred (400) feet from any public street right-of-way or any adjoining residential lot line. The four hundred (400) foot setback may be modified by the Township Board upon recommendation of the Planning Commission when the outer boundary of the EI District abuts a body of water or wetlands, or in consideration of surrounding topography and land uses.

D. Frontage and Access.

1. Frontage. Each tract of land for extractive development shall have a minimum frontage of at least 250 feet on a county primary road designated as a haul route, except that the Township Board may approve:

- a. Frontage Exception.** A lesser frontage if written consent of the owner in fee of adjoining property is first secured;
- b. Adjacent Use.** A tract with no road frontage but which is fronted by a properly zoned, active natural resource extractive operation, if written permission for access to a primary or secondary road is first secured from the owner in fee and leaseholder, if any.

2. Access. Each tract of land for extractive development shall have access to a county primary road via an approved single use private road or driveway. That private road or driveway shall have a minimum right-of-way of 66 feet.

3. Residential Access Prohibited. All means of access to the property shall be from county primary roads and shall not be from residential streets.

4. Haul Route and Tarping. A truck haul route shall be designated and subject to Township approval. Roadways and driveways used by the trucks shall be regularly cleaned by the excavation owner so as to maintain a clear surface for the safe transport of people and goods on the roads. At the discretion

of the Township, a schedule for cleaning and other necessary maintenance of roadways at the point of access may be required. Trucks hauling sand, gravel, mined or crushed materials to or from the site shall be loaded and covered in accordance with all state, county and local regulations.

E. Fencing. All extraction operations shall be subject to the following safety requirements:

- 1. Slope Requirements.** Where slopes steeper than thirty (30) degrees exist for a period of one (1) month or more, access to such slopes shall be barred by a cyclone fence or similarly effective barrier at least six (6) feet high and at least fifty (50) feet outside the edge of the excavation, with suitable gates controlling access to the excavation area.
- 2. Ponding Requirements.** Where collections of water are one (1) foot or more in depth for any period of at least one (1) month, and occupying an area of two hundred (200) square feet or more, access to such collections shall be similarly fenced, as required in the preceding paragraph for slopes.
- 3. Swamps or Wetlands.** In those instances where the extractive industrial district is situated on marginal land areas consisting of swamps or wetland or is bounded by natural bodies of water, the fence shall be required only on those sides accessible to public rights-of-way, or as the Township Board may determine as required fencing so as to secure safety. The Township Board may require the posting of signs "Keep Out - Danger" or similar sign, as needed.
- 4. Site Perimeter Fence.** The installation of a six (6) foot high fence around the entire site with suitable gates shall be considered as compliance with the requirements of Sections 19.07.E.1 and 2 above.

F. Environmental Performance Standards. Each site plan reviewed by the Planning Commission in the EI district shall address compliance with all applicable environmental performance standards of the Township Zoning Ordinance, including Sections 21.16, 21.20, 21.37, and Article 21A , and shall be designed in a manner that ensures continuing compliance with this Ordinance.

G. Access Roads. All private access roads shall be treated so as to create dust-free surfaces.

H. Finished Slopes. Finished slopes of the excavations shall be no steeper than three (3) feet to one (1) foot (three feet horizontal to one foot vertical). Where ponded water results from the operations, the 3:1 slope must be maintained and extended into the water to a depth of five (5) feet. The time for completion of said slopes

shall not extend beyond one (1) year from the date of beginning the reclamation, provided that the Township Board may extend the above one (1) year period to such longer period as satisfactory under the circumstances. Sufficient top soil shall be stockpiled on the site so that the entire area, when excavating operations are completed, may be recovered with a minimum of six (6) inches of top soil, and that the replacement of top soil shall be made immediately following the termination of excavating operations. So as to prevent erosion of slopes, all replaced top soil shall immediately be planted with grass or other plant material acceptable to the Township Board.

- I. **Stockpiles.** Stockpiles of material excavated shall not exceed 50 feet in height. The maximum pile height permitted may be modified by the Township Board upon recommendation of the Planning Commission following review of the surrounding topography, uses, vegetation, setbacks, and other factors so as to ensure protection of the neighbors. All such piles shall be setback no less than two hundred (200) feet from the lot line, and shall otherwise comply with Section 19.07.B. The location, size and maximum height of all piles shall be shown on the site plan.

SECTION 19.08 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations applicable to any proposed use in this district:

- A. Article 2: Definitions
- B. Article 20: Schedule of Regulations (minimum lot area, lot width, setbacks, max. height, etc.).
- C. Article 21: General Provisions: Regulations for single family dwellings; site condominiums; illegal dwellings; accessory uses, temporary buildings and structures; fences; noise; reception antennae; limitations on clearing and grading site, etc.
- D. Article 22: Special Land Uses
- E. Article 23: Site Plan Review and Impact Assessment
- F. Article 24: Private Road and Shared Private Driveway Standards
- G. Article 25: Off-Street Parking and Loading Regulations
- H. Article 27: Outdoor Advertising and Sign Regulations
- I. Ord. 21: Extractive Industrial Regulatory Ordinance
- J. Ord. 16: Subdivision Control Ordinance
- K. Ord. 25: Land Division Ordinance.

REVISIONS:

2007: July - Section 19.07.B

2010: September - General revision to permit concrete crushing (Section 19.03)

**ARTICLE 20
SCHEDULE OF REGULATIONS**

SECTION 20.00 SCHEDULE OF REGULATIONS

The Schedule of Regulations regarding lot sizes, yards, setbacks, lot coverage, building size, densities, and uses within zoning districts consists of three sections.

- Section 20.01 Schedule of Regulations in tabular form;
- Section 20.02 Footnotes to Schedule of Regulations;
- Section 20.03 Table of Land Uses by Zoning District.

Buildings shall not be erected, nor shall any existing building be altered, enlarged, overbuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located.

A portion of a lot utilized for complying with the provisions of this zoning ordinance regarding occupancy of yards, courts, or lot area, shall not be used again to qualify or justify any other building or structure existing or intended to exist at the same time.

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SECTION 20.01 TABLE OF SCHEDULE OF REGULATIONS DIMENSIONAL REQUIREMENTS

DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
Footnotes	F.G. H.I.M. N.Y.	F.G. H.I.M. N.Y.	F.G. H.I.M. N.Y.	D.E. F.G. H.I.M. N.Y.	E.F. G.H.I. M.N.V. Y.	D.G.H. I.N. O.P.Y.	L.	I.J.N. Y.	G.H.I.J. N.Y.DD.	G.H.I.J. N.Y.DD	G.H.I.J.N .Y.DD.	G.H. I.J. N.Y.	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. J.N.Y	G.H.I. K.N.Y	G.H.I. J.N.Y	G.H.I. K.N.Y
Principal Structure Minimum Lot Width (feet) See note A.	250	200	130	110	60	330	—	150	200	250	250	150	150	150	105	150	200	330	200	250
Area Restriction	—	—	—	—	—	1 bedroom per 7,500 sq.ft. up to 4 bedrooms 5,000 sq.ft. per add'l bedroom	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Minimum Site and Lot Area see notes W.	3 acres	1.75 acres	1 acre	21,780 sq.ft.	21,780 sq.ft.	5 acres	15 acres; 5,500 sq.ft. per manu- factured home site (see note CC)	1 acre	3 acres	5 acres EE.	5 acres EE.	1 acre	1 acre	1 acre	1 acre	1 acre	3 acres	10 acres	3 acres	40 acres

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DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
Maximum Building or Structure Height (feet) See notes B. & S.	30	30	30	30	30	35	—	35	35	45	50	35	35	30	35	40	45	50	35	50
Maximum Building Coverage (percent)	25	25	30	30	35	35	—	40	40	40	40	40	40	40	40	40	40	40	40	40
Minimum Floor Area Per Dwelling Unit (sq.ft.)	G.H	G,H	G.H	G.H	G.H.	G.H	720 sq. ft.	—	G.H.	G.H.	G.H.	G.H	G.H	G.H	G.H	G.H	G.H	G.H	G.H	G.H
Minimum Front Yard Setback (feet) See notes C.I. Y., BB & FF..	150	100	50	50	35	100	—	20	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Side Yard Setback (feet) See notes C.M., Y & FF..	30	20	20	15	10	20	—	20	30	30	50	30	30	20	20	30	30	50	30	400
Minimum Rear Yard Setback (feet) See notes C, Y & FF.	75	75	50 X.	35	50 X.	30	—	50	30	30	50	50	50	20	20	30	30	50	30	400

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DISTRICTS	FR	RE	R-1	R-2	LK-1	RM-1	MHP	PCS	PIRO			B-1	B-2	ES	OS	PCI	M-1	M-2	ROM	EI
									PIRO-A Research and Office	PIRO-B Light Industry	PIRO-C General Industry									
ACCESSORY BUILDINGS																				
Minimum Building Setback (feet); see notes O and Y.	T.	T.	T.	T.	T.	T.		20	100	100	100	100	100	100	100	100	100	100	100	100
Minimum Side Yard Setback (feet) see notes O, and Y	20	20	15	15	10	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15
Minimum Rear Yard Setback (feet) see notes O and Y	20	20	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Maximum Building Height (feet)	40	40	20	20	20	20	—	15	25	25	25	15	15	15	15	25	25	25	25	25
Maximum Building Coverage see note O.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Minimum Setback from Water's edge see note Z	50	50	50	50	50	50	—	50	50	50	50	50	50	50	50	50	50	50	50	50

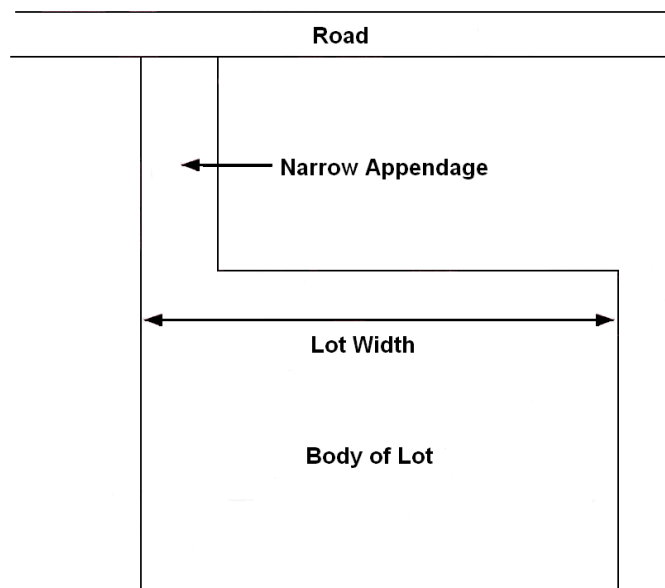
SECTION 20.02 FOOTNOTES TO SCHEDULE OF REGULATIONS

The descriptive elements contained herein are referenced as footnotes in the table of Schedule of Regulations, Section 20.01.

Footnotes:

- A. Methods of lot width measurement:**
- 1.** Minimum lot width is measured along a straight line between the points where the front setback line intersects with the side lot lines, except for cul-de-sac lots, lots located on curves and flag-lots.
 - 2.** On all waterfront lots within the Township, the minimum lot width shall be also be maintained between the side lot line at the ordinary high water mark along all water frontages. The width at the water frontage shall be measured along a straight line between the points where the ordinary high water mark intersects with the side lot lines. Where the lot has more than one yard with water frontage, the frontage at each yard shall be measured separately between the property lines creating the yard where they intersect with the ordinary high water mark, and each shall maintain the minimum lot width for the district.
 - 3.** The width of flag lots is measured at the point where the narrow appendage of the lot joins the body of the lot. (See Figure 8)

Figure 8



- 4. The width of lots located on a concave curve is measured along a straight line tangent to the arc of the front setback line. The tangent line shall only have one point of contact with the required front yard area. The one point of contact shall be located at the center of the arc. (See Figure 9)
- 5. The width of lots located on a convex curve is measured along a chord, which shall be a straight line that has its end point located where the front setback line intersects with the side property line. (See Figure 9)

- B. Excepting public buildings, churches and farm buildings.
- C. In determining the required side, rear or front yard areas, the setback distance specified shall be measured from the appropriate lot line, or in the case of acreage parcels, the appropriate property line. In the case of lots or acreage parcels adjacent to an arterial road, or a major or minor arterial as designated in the Tyrone Township Master Plan or as specified in the Livingston County Segment of the Intercounty Highway Commission Plan, the setback distance specified shall be measured from any proposed right-of-way line adopted for such an arterial.

For corner lots, both sides fronting on the road or street shall meet the front yard requirement; one of the other two yards shall comply with the rear yard requirement and one shall comply with at least the side yard requirement as illustrated in Figure 10. (See Figure 10)

- D. Public sanitary sewers and centralized water systems must be installed.
- E. Public sanitary sewers and centralized water systems may be required. A hydrogeological survey and soils evaluation shall be completed by a qualified engineer or geologist for all subdivisions of more than five (5) lots.
- F. In single family residential districts, only one principal building shall be placed on a lot of record, or condominium building site.
- G. The required minimum floor area per dwelling unit in each structure shall be:

One story	1,200 sq. ft. on ground floor
One and one-half story	1,250 sq. ft., with 850 sq. ft. minimum on ground floor
Two story	1,500 sq. ft., with 900 sq. ft. minimum on ground floor
Tri or Quad Level	1,500 sq. ft., with a minimum of 460 sq. ft. on ground floor

Figure 9

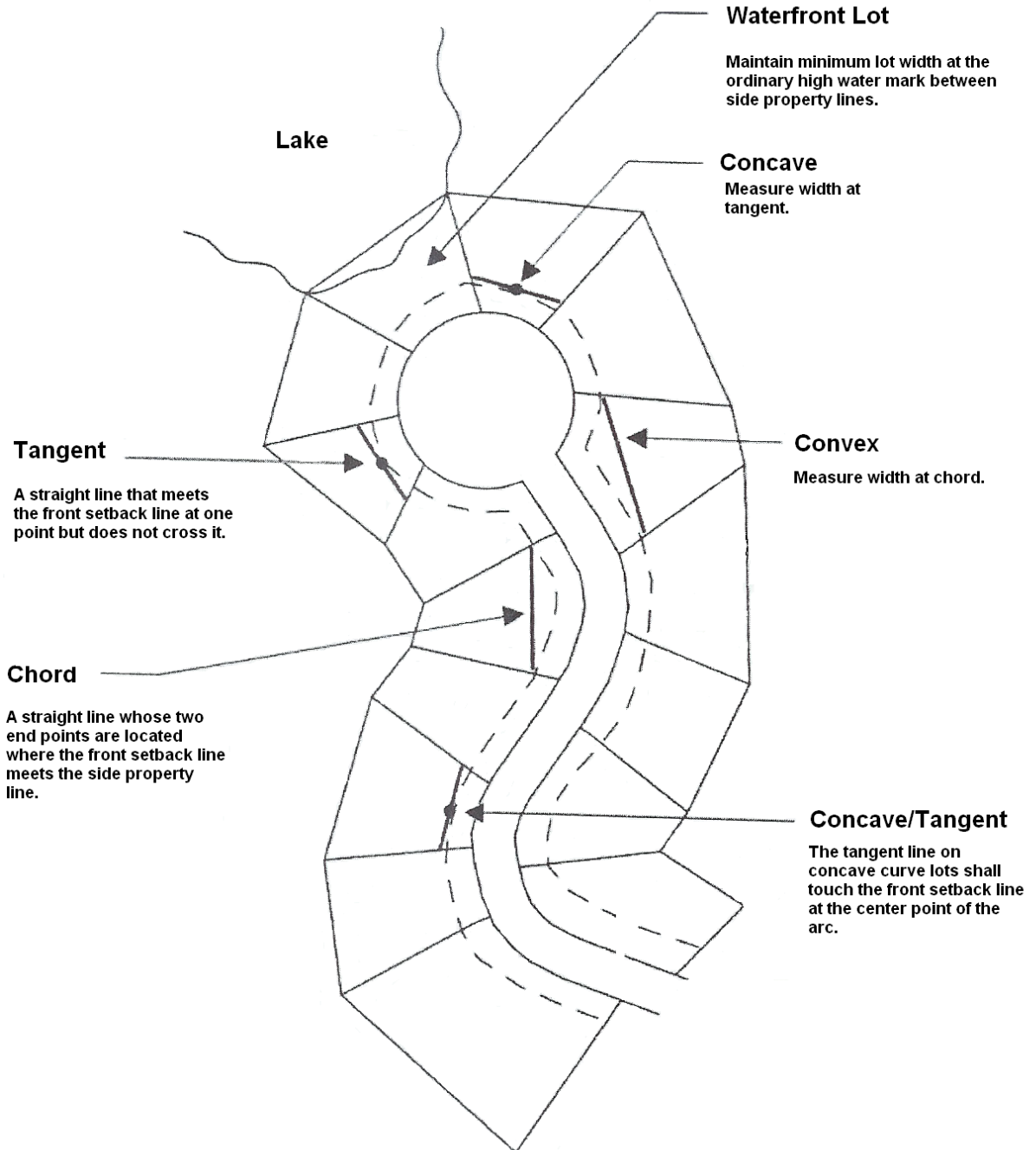
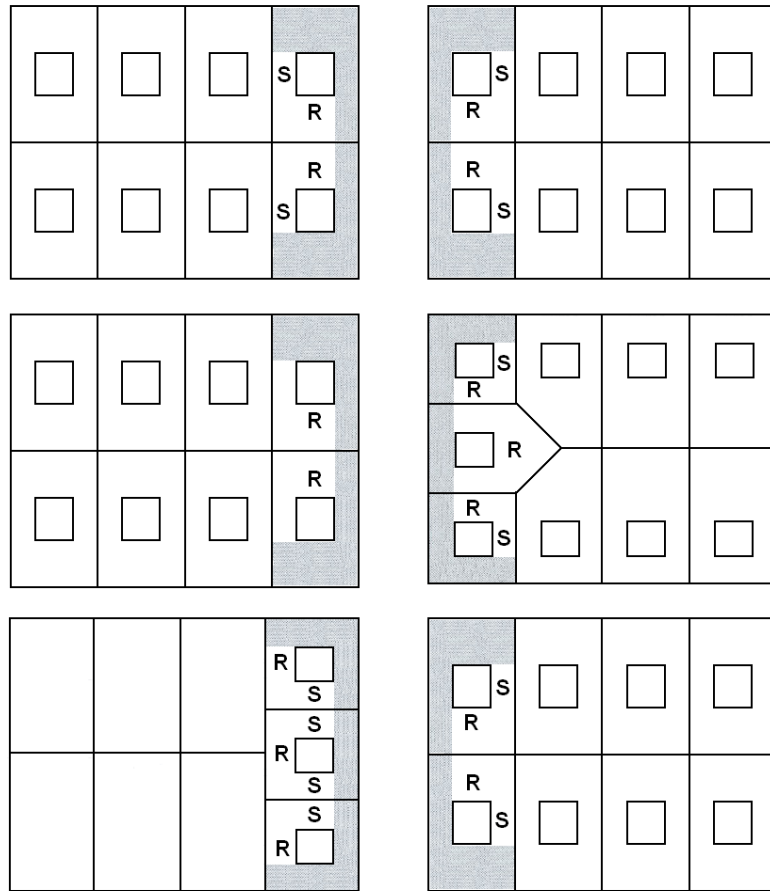



Figure 10



 Required Front Yard Setbacks
 R Rear Yard
 S Side Yard

- H.** The required minimum floor area per dwelling in each multiple dwelling structure shall be:

Efficiency apartment	500 sq. ft.
One bedroom unit	700 sq. ft.
Two bedroom unit	900 sq. ft.
Three bedroom unit	1,100 sq. ft.

Plus an additional 100 square feet for each bedroom in excess of three bedrooms in any dwelling unit.

- I.** The front yard setback shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping and vehicle access drives. The front yard setback area may not be used for off-street parking, except in PCS, B-1, B-2, or ES business districts where any portion of the front yard may be used for parking, and in FR, RE, R-1, R-2 and LK-1 districts where only the front access driveway area may be used for parking vehicles used by occupants of the residence. For the purposes of this section, the access driveway is defined to include only the paved or surfaced portion of the driveway through the front yard used to access the side or rear yard and/or garage. In no case may a building or a parking area encroach onto an existing or officially proposed public right-of-way. Where a front yard of lesser depth than specified in the Schedule of Regulations exists in front of dwellings on more than sixty (60) percent of the lots of record on one side of the street in any one block in a single family residential district, the depth of front yard for any building thereafter erected or replaced on any lot in such blocks need not be greater than the average depth of front yards of such existing buildings.
- J.** A building shall not be located closer than one hundred (100) feet to a perimeter property line that abuts a residential district.
- K.** A building shall not be located closer than one hundred (100) feet to a perimeter property line that abuts a residential or local business district.
- L.** Manufactured Housing Commission approved provisions in Article 10 apply to all manufactured home park developments.
- M.** Fire escapes, fire towers, chimneys, platforms, decks (including cantilevered decks), balconies, boiler flues, and other projections shall be considered part of the building, subject to the setback requirements for the district in which the building is located. The following table identifies permitted projections in required yards:

<u>Projection</u>	<u>Side Yard</u>	<u>Front Yard</u>	<u>Rear Yard</u>
Air conditioning equipment	P	NP	P
Access drives	(3)	(3)	(3)
Arbors and trellises	P	P	P
Awnings and canopies projecting into 10 percent or less of yard depth	NP	NP	P
Bay windows, decks (open or enclosed), overhangings, eaves, and gutters	(1)	(1)	(1)
Flagpoles	P	P	P
Gardens	P	P	P
Hedges	P	P	P
Laundry drying equipment	P	NP	P
Light standards, ornamental	P	P	P
Paved terraces and open porches*	NP	NP	(2)
Approved signs*	NP	P	NP
Stairways, open unroofed	(1)	(1)	(1)
Steps	NP	P	P
Television or radio towers or antennas*	NP	NP	P
Trees, shrubs, and flowers	P	P	P
Window air conditioning units	(1)	(1)	(1)

* See other regulations in this ordinance.

“P” means permitted; “NP” means not permitted; (#) refers to notes below.

Notes Related to Table in Footnote M:

- 1.** Architectural Features: Bay windows, window sills, belt courses, cornices, eaves, overhanging eaves, and other architectural features may project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard, and may extend into any front or rear yard not more than twenty-four (24) inches.
- 2.** Terraces and Porches: Open paved terraces and open porches may project into a required rear yard up to twelve (12) feet.
- 3.** Access Drives and Walkways: Access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. Further, any walk, terrace or other pavement serving a like function, shall be permitted in any required yard, providing the pavement is no higher than nine (9) inches above grade.

- N.** Parcels and lots shall have a -depth to width ratio not to exceed 4 to 1 (4:1). For the purposes of determining compliance with this requirement only, lot width shall be measured as the average of the widths measured at the front lot line, the building line, and the rear lot line. Overall land parcels for PUD'S, Cluster Developments, and site condominiums shall maintain this ratio.

A greater depth to width ratio than required by this subsection may be permitted if the resulting parcel(s) exhibits exceptional topographic or physical conditions such as wetlands, woodlands, and/or steep slopes, or is consistent with the land development pattern of the surrounding area, or extraordinary circumstances exist, in the determination of the Township Board. Except as specified above for overall land parcels for PUD's, Cluster Developments, and site condominiums, the depth to width ratio requirements of this subsection shall not apply to parcels larger than 10 acres nor shall they apply to the remainder of the parent parcel or parent tract retained by the proprietor.

- O.** Only applies to uses in the LK-1, R-1, R-2, and RM-1 districts. An attached accessory building not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory building floor area exceed fifty (50) percent of the total floor area of the main building. A detached accessory building also may not occupy more than forty (40) percent of any non required rear yard provided that in no case shall it exceed 800 square feet, except as may be permitted under Section 21.02.J. Where detached accessory buildings are permitted in the front yard (Section 21.02.E), such detached accessory building also may not occupy more than forty (40) percent of any non required front yard provided that in no case shall it exceed 800 square feet, except as may be permitted under Section 21.02.J. Refer also to specific provisions in Section 21.02 for regulation of accessory structures.
- P.** 30,000 sq. ft. of land area is required for the first four (4) bedrooms. In developments comprising additional units, the land area shall be increased in minimum increments of 10,000 square feet with a maximum of two (2) bedrooms per 10,000 square foot increments. The distribution of bedrooms may be in any combination of units.
- Q.** Flexible parcel and lot area and yard dimensions are permitted in this district. The CDO district, however, requires a minimum parcel size of ten (10) acres. Refer to Article 8 for specific regulations.
- R.** Reserved.
- S.** Building heights are approved by the Planning Commission after determining adequacy of fire-fighting equipment for multi-story structures.

- T.** The accessory structure in residential districts shall be in the rear yard, except as modified in other sections of this ordinance.
- U.** The minimum lot area of 11,000 square feet applies only to lots developed with public sewer service. Lots developed without public sewer service shall have a minimum area of 21,780 square feet.
- V.** In applying rear yard requirements in this district, the rear yard shall be the lake side of the Lot and shall be measured from the normal high water line of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.

For Existing Lots, parcels or units without water frontage, the front and rear yards shall be designated as approved with the original development approval. Where this cannot be determined, the designation shall be established using the standards as set forth in the R-2 District. However, the minimum required setback distances shall remain as stated in Section 7.04. The Zoning Administrator and/or the Planning Commission shall review and establish these yards, particularly on corner and double frontage lots to ensure that they are compatible with existing adjacent development.

- W.** Lot areas are measured as the horizontal area within the lot lines or boundaries, exclusive of submerged lands beneath inland lakes. For lots less than ten (10) acres in size, lot area shall not include any area outside of the lot lines including public or private road easements and rights-of-way or dedicated open spaces. Such measurement is often termed the “net area.” However, in the event the easement or right-of-way is associated with a lot of less than ten (10) acres in area and the area of the easement or right-of-way, if added to the lot area, will increase the lot to ten (10) or more acres, then the area of the easement or right-of-way shall be included in the lot area measurement.
- X.** A greater rear yard setback may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than the minimum required in the Zoning District. Where the average rear yard setbacks for the adjacent buildings on either side of the proposed use is greater than the minimum required for the district, the Planning Commission may require a rear yard setback equal to or greater than average rear yard setbacks of the adjacent buildings to preserve Sight Lines to the water. This setback requirement also applies to accessory structures.

The only exceptions to this provision shall be for cases where the subject or adjacent structures are located along a cove or peninsula or where the rear yard setbacks of adjacent structures differ by more than 40 feet. For these cases, the Planning Commission shall determine if a cove or peninsula exists, as well as the appropriate setback required such that Sight Lines for existing adjacent structures are protected.

- Y.** For any parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road, principal and accessory structures shall be set back at least 150 feet from the U.S. 23 right-of-way. This provision does not apply to manufactured home park districts.
- Z.** For all Lots with yard spaces adjacent to a lake, pond, stream, drainage-way, wetland of any size or river, no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the established edge of the water. The only exceptions to this provision shall be for those accessory structures specifically permitted in Section 21.02.D.
- AA.** Reserved.
- BB.** The required front yard setback in the FR and RE Districts indicated in the Schedule of Regulations shall be enforced on all state highways, county section line and county quarter-section line roads. The front yard setback in the FR and RE Districts may be reduced to not less than fifty (50) feet from the easement or right-of-way for a shared driveway or private or public access street other than a state highway, county section line or quarter-section line roads.
- CC.** An individual manufactured home site shall have a minimum area of 5,500 square feet. The size may be reduced by up to twenty (20) percent, provided that the site shall be at least 4,400 square feet. For each square foot of land gained through the reduction, an amount of land equal to the total area reduction shall be dedicated as open space. The open space requirement shall be the standard in R125.1946, Rule 946 of the Michigan Administrative Code.
- DD.** The Planning Commission may recommend, and the Township Board may approve a lot area smaller than three acres, if such smaller lot is part of an overall development plan that meets the intent of the PIRO-A (Research and Office) sub-district.
- EE.** If the site is part of a larger subdivision or condominium development with road access from other than a County primary road, the minimum lot area shall be one acre.
- FF.** In the PCI (Planned Commercial Industrial) District, the Planning Commission may approve front, side, and rear setbacks less than the minimums required on a nonconforming lot that is of record as of the date of this amendment, subject to finding that all the following are met: that the reduced setback(s) will not negatively impact the public health, safety, or general welfare; that the reduced setback(s) will allow construction of a building that is consistent with the intent of the PCI District; and that the modification will not cause harm to neighboring properties or traffic flow.

SECTION 20.03 TABLE OF LAND USES BY ZONING DISTRICT

Land use permits are required to erect, alter or locate structures. All structures require a land use permit in accordance with the fee schedule including habitable structures (permanent or temporary), signs, accessory structures, pools and ponds, private roads, entrance structures including their associated fence and/or walls, radio tower and/or antennas.

Farming and Residential Districts S = Special Land Use; P = Permitted Use

USE	DISTRICT						
	FR	RE	R1	R2	LK-1	RM1	MHP
Adult/Child Care Organization, State Licensed	(2)	(2)	(2)	(2)	(2)	(2)	
Agri-business (sale of produce raised on-site)	P	P					
Agriculture	P	P					
Airports	S	S					
Camp Grounds/Day Camps	S	S					
Cemeteries, Public/Private	S	S					
Churches	S	S	S	S	S		
Colleges, Universities	S	S					
Convalescent Homes						P	
Dog Kennels	S	S					
Elderly Housing						S	
Essential Services w/out outside storage	P	P	P	P	P	P	
Feedlots	S	S					
Golf Course County Club	S	S					
Greenhouses	P	P	S	S	S		
Home Occupations	P	P	P		P	P	
Hospitals	S	S					
Livestock Sales	S	S					
Manufactured Home Park, Seasonal MHP							P
Multiple Dwellings						P	
Private Swimming Club	S	S	S	S	S		
Public Utilities	S	S	S	S	S		
Public Parks and Open Space	P	P	P	P	P	P	P
Public Buildings & Uses	S	S	P	P	P	S	S
Recreation Areas	S	S					
Road Side Stands	S	S					
Schools	S	S	S	S	S		
Single Family Dwelling	P	P	P	P	P	P	
Stables	P	P					

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USE	DISTRICT						
	FR	RE	R1	R2	LK-1	RM1	MHP
Travel Trailer Storage	P	P	P		P		
Two Family Dwellings				P		P	

Commercial and Industrial Districts (4)

USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
GENERAL RETAIL/SERVICE USES									
Adult/Child Care Organization, State Licensed		(2)	(2)		(2)				
Animal Hospital	S		S						
Archery Range, Indoor	S		S						
Assembly Halls, Banquet	S		P						
Athletic/Fitness/Exercise Establishment	P		P						
Auto Parts, Retail Store	P		P	P					
Auto Service Stations		S	S	P					
Auto Repair, Buffing & Collision			S						
Auto/Truck Sales, Service & Rentals	S		S						
Automobile Car Wash	S		S	P					
Banks, Drive-ins	S		P						
Banks, Savings & Loan, Credit Union	P		P						
Bar & Tavern	S	S	P						
Beauty & Barber Shops	P	P	P						
Bowling Alleys	S		S						
Business Services (mailing, copying, data processing)	P		P		P				
Campgrounds	S		S	S					
Civic Clubs	S		P						
Clubs, Private, Non-commercial	S		P						
College University Vocational Schools	P		P					P	
Construction Equipment Sales & Services	S		S						
Dance Studios	P		P						
Department Stores	P		P						
Drive-in Theater	S		S						
Dry Cleaners, Pickup Stations	P	P	P						
Essential Services without outside storage	P	P	P	P	P	P	P		
Essential Services with outside storage						P	P		
Exhibition Halls & Indoor Assembly Halls	S		P						
Farm Equipment Sales & Service	S		S						
Fraternal Clubs	S		P						
Furniture & Household Furnishings & Sales	P		P						

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Garden Shops	S		P						
Grain Equipment & Processing			S						
Greenhouse & Nursery	S		P						
Groceries, convenience foods, bakery goods, and dairy products	P	P	P	P					
Hospital			P						
Hotel/Motel	S		S	P					
Insurance Sales	P	P	P						
Laundromat	P	P	P						
Lawn and Garden Center	S		P						
Liquor Package Sales	P	P	P	P					
Livestock Sales	S		S						
Lumber & Feed Yards	S		S				P		
Machine Shops		S	S						
Machinery/Heavy Equipment Sales/Indoors			S						
Mini-warehouses or Self-storage Facilities			S	S		P			
Motels/Hotels	S		S	P					
Motor Vehicle Fueling Station	S								
Motor Vehicle Major Repair	S								
Motor Vehicle Minor Repair	S								
Motorcycle Sales & Service	S		S						
Music and Dancing Schools	P		P						
Night Clubs	S		P						
Nursery Schools, Day-Care unlimited by size	S	S	S	S	S	S	S	S	
Open Air Business	S		S						
Printing/Lithographic/Blueprinting			P						
Pool Rooms & Pinball Establishments	S		S						
Public Buildings & Uses	P		P						
Real Estate Sales	P	P	P						
Recreation, Commercial, Outdoors			S						
Recreation, Accessory Outdoor	S								
Restaurant	P	S	P	P					
Restaurant, Drive-thru	S		P	P					
Retail sale of: books, stationary, drugs, pharmaceuticals; newspapers; florist; hardware; sporting goods; hobby supplies; photography; radio, TV and appliance sales and service; stationery; antiques and gifts	P	P	P	P					
Roller Rinks	S		S						
RV Sales, Service, Rental	S		S						
Skating Rinks	S		S						

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Shopping Centers up to 20,000 sq. ft.	P		P						
Shopping Centers over 20,000 sq. ft.	S		S						
Supermarkets or retail stores up to 20,000 sq. ft.	P		P						
Supermarkets or retail stores over 20,000 sq. ft.	S		S						
Swim Clubs	P		P						
Tailoring and dressmaking, shoe sales and service	P	P	P						
Tennis Clubs	P		P						
Theaters, Indoor	S		P						
Theaters, Drive-In, Outdoor	S		S						
Used Car Sales	S		S						
Video Store	P	P	P		(3)				
OFFICE USES									
Medical Clinic					P				
Office Buildings - Business & Professional					P				
Public Buildings & Uses	P				S				
Public Utility Buildings	P				S				
LIGHT MANUFACTURING USES									
Automobile Repair, Buffing & Collision			S			P			
Bus/Truck Terminal						P			
Composting Centers						S	S		
Essential Services without outside storage	P	P	P	P	P	P	P		
Essential Services with outside storage						P	P		
Furniture Manufacturing						P			
Lumber and Feed Yards						P			
Manufacturing, Indoors						P			
Public Utility Buildings						P			
Propane Storage and Sales						P			
Print Shops and Publishing						P			
Radio and TV Studios						P			
Storage & Warehousing						P			
Tool & Die Machinery Shops						P			
Towers: Radio, TV & Cellular Phone Towers						S	S		
Warehouses, Fully Enclosed						P			
HEAVY INDUSTRIAL USES									
Airport							P		
Asphalt & Concrete, Ready Mix Plants							S		
Bulk Storage, With or Without Office							P		

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
Bus/Truck Terminal							P		
Central Dry Cleaning Plants							P		
Contractors Equipment Yards & Offices							P		
Essential Services							P		
Explosives and hazardous materials, manufacture, storage or handling of							S		
Food Processing and Freezer Locker Plants & Cold Storage							P		
Lumber & Feed Yards							P		
Manufacturing, Indoors							P		
Petroleum plants or Oil and Gas Processing Plants							S		
Plastics Manufacturing							P		
Recycling Centers							P		
Salvage Yards							S		
Slaughter House							S		
Storage & Warehousing							P		
Telecommunications							P		
Warehouses, Fully Enclosed							P		
HEAVY COMMERCIAL USES									
Automobile Service Stations				P					
Auto Repair, Buffing & Collision				P			S		
Automobile Car Wash				P					
Bus/Truck Terminal				P					
Truck Terminal				P			S		
OFFICE SERVICE USES									
Animal Hospital	S				S				
Banks, Drive-Ins	S				P				
Banks, S&L's, Credit Union	P		P		P				
Beauty & Barber Shops	P	S	P		P				
Books, Stationery & Newspaper	P		P		P				
Churches					P				
Corporate Offices					P				
Funeral Establishments	S		P		S				
Institutions, Charitable/Philanthropic	S				P				
RESEARCH OFFICE MANUFACTURING USES									
Corporate Offices								P	
Research Labs & Test Facilities								P	

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USE	PCS	B1	B2	ES	OS	M1	M2	ROM	EI
EXTRACTIVE INDUSTRIAL USES									
Earth Removal, Excavations, Commercial									P
Mining, Sand & Gravel									P
Quarrying									P
Sand & Gravel Processing									P
Concrete Crushing									SP

- (1) The determination of whether a use not provided for in these tables or the district regulations is permitted in a district shall be made according to Section 21.44.
- (2) See Section 21.42 of the Zoning Ordinance.
- (3) Video stores offering videos for rent are specifically excluded from the OS district.
- (4) For land uses permitted in the PIRO District, see SECTION 16A.02 TABLE OF PERMITTED AND SPECIAL LAND USES.

REVISIONS:

- 2000 DECEMBER - Section 20.01- FR and RE Side Yard Setbacks, 20.02.A, 20.02.Z, 20.02.AA, 20.02.BB.
- 2004 MARCH - Section 20.02.AA.
- 2005 SEPTEMBER - Section 20.02.AA.
- 2007 APRIL - 20.02.A.4 & 5.
- 2007 DECEMBER – 20.01 LK-1 area, LK-1 delete note U, 20.02.V, X, Z amended.
- 2009 OCTOBER - Amended to include the PCS district.
- 2010 SEPTEMBER - added concrete crushing to Extractive Industrial Uses.
- 2012 MAY – Amended 20.01 (R-1, R-2, LK-1 max. accessory height to 20 feet), Section 20.02.O to reference new Section 21.02.J (larger accessory structures).
- 2013 JANUARY – Amended Section 20.01 Table of Schedule of Regulations to include PIRO District; added Footnote (4) to Section 20.03 Table-Commercial and Industrial Districts.
- 2015 JULY – Amended Section 20.02.N. Depth to Width Ratio to allow land divisions with greater than 4:1 depth to width ratios when conditions set forth in the Land Division Act are met.
- 2016 APRIL – Added Section 20.02 FF. and 20.01 Table of Schedule of Regulations to include PCI District.
- 2018 MARCH – Section 20.01 Amended "Minimum Site and Lot Area"; removed Section 20.02.AA
- 2019 JULY – Amended Section 20.02.W. to clarify submerged land beneath a lake cannot be included in the minimum land area required for a land division.

ARTICLE 21
SUPPLEMENTAL DISTRICT REGULATIONS

SECTION 21.00 INTENT

The purpose of this section is to provide regulatory information on a variety of land uses, issues and concerns heretofore not regulated by provisions of this ordinance. The regulations detailed herein are supplementary to, but no less important than the regulations having a more broadly based focus that are presented elsewhere in this ordinance.

SECTION 21.01 PRINCIPAL BUILDING, STRUCTURE OR USE

No zoning lot may contain more than one (1) principal building, structure or use except: groups of multiple family dwellings under the same ownership, condominium developments, manufactured home parks, unified shopping centers, auto dealerships, office complexes or a planned unit development.

SECTION 21.02 ACCESSORY BUILDINGS AND STRUCTURES PROVISIONS

Accessory buildings and structures (see definition section) except as otherwise permitted in this ordinance, shall be subject to the following regulations:

A. Standards in all Districts.

- 1. Attached Accessory Buildings and Structures.** Where the accessory building or structure is attached to a principal building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the principal building.
- 2. Detached Accessory Buildings and Structures.**
 - a. Schedule of Regulations.** No detached accessory building or structure shall exceed the maximum height or be located at less than the minimum setbacks listed in Section 20.01, Table of Schedule of Regulations, for the respective districts, except as permitted in 21.02.G or otherwise permitted herein.
 - b. Location Relative to Road or Easement.** In those instances where the rear lot line is coterminous with an alley right-of-way, the detached

accessory structure shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory structure be located within a dedicated easement or road right-of-way.

- c. **U.S. 23 and Other Road Frontage.** For any parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road, accessory buildings and structures shall be set back at least 150 feet from the U.S. 23 right-of-way. This provision does not apply to manufactured home park districts.

- d. **Water or Wetland Frontage.** For all lots with yard spaces adjacent to or abutting water or a wetland (defined as a lake, pond, stream, drainageway, wetland of any size, or river), no structures, fences or decks extending more than twelve (12) inches above the grade shall be permitted within fifty (50) feet of the ordinary high water mark of the water or wetland. The only exceptions to this provision shall be for those docks, boat storage and other accessory structures specifically permitted in Section 21.02.A.2.e.

On all lots with water or wetland frontage, a rear yard setback that is greater than fifty (50) feet may be required by the Planning Commission where the established setbacks of adjacent buildings are greater than fifty (50) feet. Where the average rear yard setbacks for the adjacent buildings on either side of the proposed accessory building or structure are greater than fifty (50) feet, the Planning Commission may require the accessory building or structure to maintain a rear yard setback greater than fifty feet but not greater than the average rear yard setbacks of the adjacent buildings to preserve sight lines to the water.

The only exception to this provision shall be for cases where the subject or adjacent structures are located along a cove or peninsula or where the rear yard setbacks of adjacent structures differ by more than 40 feet. For these cases, the Planning Commission shall determine if a cove or peninsula exists, as well as the appropriate setback required such that sight lines for existing adjacent structures are protected.

- e. **Docks and Boat Storage Structures on Waterfront Lots.** On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners are permitted as accessory structures to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the ordinary high water mark of the water.

- f. **Structures Constructed Prior to Principal Structures.** Construction of an accessory structure is permitted only in conjunction with construction of a principal structure. If the principal structure is not constructed within one (1) year, the accessory structure shall be deemed a temporary structure and shall be removed. Notwithstanding this restriction, in the event the principal structure is destroyed by fire, flood, tornado, or other natural disaster to the extent of 100% of SEV or more, an existing accessory building may be permitted to remain on the site for up to two (2) years from the date of destruction in order to allow the owner time to settle insurance claims or rebuild.

3. Temporary, Incidental and Exempt Accessory Buildings and Structures.

- a. **Temporary Accessory Buildings and Structures.** Temporary accessory structures that do not require permanent attachment to the ground, but have similar characteristics to an accessory structure, including but not limited to inflatable swimming pools and moveable carports, swing sets, picnic tables, play houses, and similar shall comply with the setback requirements for detached accessory structures. Other temporary structures as may be permitted under Section 21.31, shall also meet the height, setback, and coverage requirements applicable to permanent accessory structures.
- b. **Incidental Accessory Buildings and Structures.** One (1) accessory building or structure one hundred (100) square feet or less shall be allowed per lot without a land use permit, and shall not count as one of the permitted accessory structures on a lot. Any such detached accessory building or structure with one hundred (100) square feet or less total floor area shall comply with the setback requirements for detached accessory structures.
- c. **Exempt Structures.** Flag poles, mail boxes, lawn ornaments (landscaping), and similar structures shall be exempt.

4. Regulations for Specific Accessory Structures

- a. **Gazebos.** Gazebos shall be permitted in residential districts, subject to the following limitations:

Area. Gazebos shall not exceed 180 square feet in floor area.

Height. Gazebos shall not exceed 14 feet in height. If the gazebo is part of a deck attached to the principal building, the height shall be

measured as the vertical distance from the finished floor elevation of the principal building to the highest point of the gazebo roof.

Setbacks. Gazebos shall comply with the yard and setback regulations applicable to detached accessory structures.

- b. **Swimming Pools.** See Section 21.21.
- c. **Signs.** Signs shall be permitted as accessory structures subject to the requirements of Article 27, Outdoor Advertising and Sign Regulations.
- d. **Fences.** See Section 21.13.

B. FR and RE Districts Accessory Buildings and Structures.

- 1. **Number.** On FR and RE zoned lots two (2) acres in area or less, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted. On lots larger than 2 acres in the FR and RE Districts, there is no limit on the number of accessory buildings.
- 2. **Location: Yards.**
 - a. **FR and RE Lots – Rear Yard.** Detached accessory buildings and structures in the FR and RE districts shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.
 - b. **Permitted Locations of Detached Accessory Buildings and Structures on FR and RE Lots 2 Acres or Less.** On FR and RE zoned lots two (2) acres in area or less the following shall apply:
 - i. **Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard.
 - ii. **Attached Accessory not in Front or Side Yard.** If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard.

structures shall comply with the front yard setback requirement along both street frontages.

- b. Permitted Locations of Detached Accessory Buildings and Structures in R-1 and R-2 Districts.** In the R-1 and R-2 districts, the following shall apply:

 - i. Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.C.4.
 - ii. Attached Accessory Not in Front or Side Yard.** If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.C.4.
 - iii. Detached Accessory Not Between Principal Building and Street.** A detached accessory building or structure shall not be located between the principal building and an adjacent road, except as provided in 21.02.C.4. On corner lots, the detached accessory may be closer to the side street than the principal building, but shall comply with the required front yard setback along that side street.
- 3. Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.
- 4. Location on R-1 and R-2 Lakefront Lots.** On lots that front on bodies of water that are lakes as defined in this Ordinance and that are located in the R-1 and R-2 districts, detached accessory buildings and structures shall be located in the front or side yard, and shall not obstruct views to the water from adjacent dwellings. Further, the application must demonstrate compliance with 21.02.C.6 herein. In applying rear yard requirements in these districts, the rear yard shall be the lake side of the Lot and shall be measured from the ordinary high water mark of the lake. The front yard shall be the roadside of the Lot and shall be measured from the road right-of-way.
- 5. Building Size Limitations.** In the R-1 and R-2 districts, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent

of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G. Where a detached accessory building is permitted in the front yard (Section 21.02.C.4), such detached accessory building also may not occupy more than forty (40) percent of any non-required front yard provided that in no case shall it exceed 800 square feet, or up to 1200 square feet as may be permitted under 21.02.G.

6. **Design Standards.** Accessory structures in R-1 and R-2 districts shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

D. LK-1 District Accessory Buildings and Structures.

1. **Number.** On all LK-1 zoned lots, only one attached garage or other accessory building or structure and one detached garage or other accessory building or structure shall be permitted.
2. **Location: Yards.**
 - a. **LK-1 Lots – Rear Yard.** Detached accessory buildings and structures in the LK-1 district shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein. On a corner lot, detached accessory buildings and structures shall comply with the front yard setback requirement along both street frontages.
 - b. **Permitted Locations of Detached Accessory Buildings and Structures in the LK-1 District.** In the LK-1 district, the following shall apply:
 - i. **Attached Accessory in Front or Side Yard.** If an attached accessory building or structure is located in the front or side yard, then any detached accessory building or structure shall be located in the rear yard only except as provided in 21.02.D.4.
 - ii. **Attached Accessory Not in Front or Side Yard.** If an attached accessory building or structure is not located in a front or side yard, then any detached accessory building or structure shall be permitted only in the side or rear yard except as provided in 21.02.D.4.

E. RM-1 District Accessory Buildings and Structures.

- 1. Location: Yards.** Detached accessory buildings and structures in the RM-1 district shall be in the rear yard, except as modified in other sections of this ordinance and more specifically provided herein.
- 2. Location: Lot Lines.** No detached accessory structure shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to any rear lot line.
- 3. Building Size Limitations.** In the RM-1 district, an attached accessory structure not considered to be a private garage may not occupy more than twenty-five (25) percent of a required rear yard, provided that in no instance shall the total attached accessory structure floor area exceed fifty (50) percent of the total floor area of the principal or main building. A detached accessory structure also may not occupy more than forty (40) percent of any non-required rear yard provided that in no case shall that structure exceed 800 square feet.
- 4. Design Standards.** Accessory structures in the RM-1 district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

F. MHP District Accessory Buildings and Structures.

- 1. Accessory Buildings and Structures.** The location, height, and number of accessory buildings and structures shall be governed by the regulations in Article 10, MHP Manufactured Home Park District of this Ordinance.
- 2. U.S. 23 and Other Road Frontage Setback.** Parcels in the MHP, Manufactured Home Park District are exempt from the 150 foot minimum setback requirement otherwise applicable to parcels with frontage on both U.S. 23 and either White Lake Road, Center Road or Faussett Road.
- 3. Design Standards.** Accessory structures in the MHP district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

G. Modification of Requirements.

1. The Planning Commission may approve the following modifications for detached accessory structures or buildings located in the R-1, R-2, or LK-1 districts:
 - a. An increase of up to 2 feet in the height of a detached accessory building.
 - b. An increase in the permitted building floor area up to a maximum of 1,200 square feet, subject to compliance with the percent lot coverage and placement standards in Article 20, Schedule of Regulations.
2. In order for the Commission to approve the above modifications, the following conditions must be met:
 - a. Site plan approval shall be required, in accordance with the conditions and procedures established for approval in Article 23 of this Ordinance. The Planning Commission shall hold a public hearing. Notice of the public hearing shall be given in accordance with Section 22.03, Public Hearings and Notices.
 - b. The site plan application shall include the information specified in Section 23.02 of this Ordinance, subsections A, B, C, D, E, G, H, I, J, K, and M, or as determined sufficient by the Planning Commission.
 - c. The Commission must find that the location and character of the proposed accessory building or structure will not have an adverse impact upon any of the existing dwelling units on adjacent lots, considering the following:
 - i. The potential for the generation of nuisance such as traffic, parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than which is usually compatible with the permitted uses in the district.
 - ii. The orientation of vehicular doors and circulation associated with the building.
 - iii. Drainage of the area.
 - iv. The impact on the view from nearby residential lots considering the degree of openness, topography, and vegetation.
 - v. Compatibility of accessory structure appearance with any

residential principal and accessory buildings on nearby lots. Compatibility shall be determined in the sole discretion of the Planning Commission, and shall consider factors such as but not limited to, height and size of the structure, façade materials, roof pitch, and similar considerations.

H. Detached Accessory structures located on Adjacent Lots. In limited instances an accessory structure, for the purposes of this section defined as outbuildings, may be placed on property on which there exists no structure intended for a permitted principal use, subject to the following:

1. Intent. Tyrone Township recognizes there are limited instances where a residential parcel is not large enough to accommodate a residential structure and a detached accessory structure. In these circumstances, it may be appropriate to permit a structure typically considered accessory, such as a garage, as the sole structure on a property. The Township also recognizes this situation has the potential to invite property neglect, maintenance concerns, theft due to non-occupation, change in neighborhood character, and other negative effects. This section is intended to permit outbuildings as defined herein, while simultaneously introducing safeguards to ensure proper maintenance and continuation of neighborhood character.

2. Definitions.

a. Adjacent Lots. Properties on which all the following are true:

- i. Two parcels or lots owned and utilized by the same individual or entity;
- ii. Separated by a public right-of-way, private road easement, shared driveway, or any other kind of roadway that serves multiple lots;
- iii. Nearest lot lines overlap by at least 50% for each parcel or lot (see Figure X);
- iv. Parcel boundaries are not separated by more than 66 feet at their closest point.

b. Outbuilding. The typically-accessory structure placed on a vacant parcel or lot. Said structure is subservient to a principal structure on an adjacent lot.

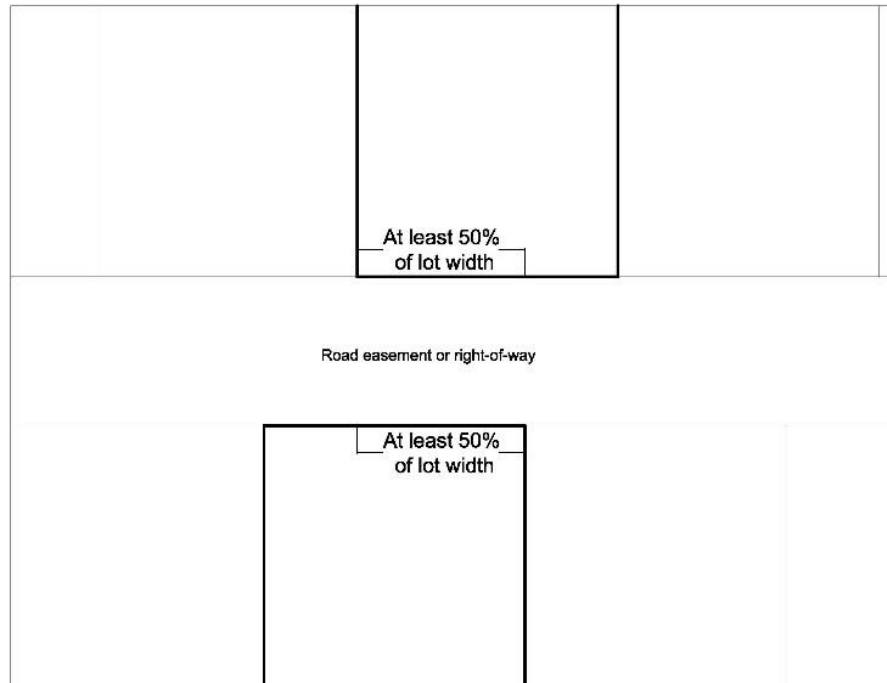


Figure X: Lot Overlap

3. **Applicability.** The ability to place an outbuilding on an adjacent lot is limited to properties in the RE, R-1, R-2, and LK-1 Zoning Districts, in instances where it is demonstrated a conforming detached accessory structure cannot feasibly be constructed on a parcel with a residence due to setback or lot coverage limitations. For the purposes of this section, a structure shall be considered attached if a legally permitted roof, or portion thereof, is shared with the primary structure. One (1) of the properties must have frontage on a lake. No outbuilding shall be permitted on a parcel or lot with lake frontage. Only one outbuilding is permitted per permitted residential structure.
4. **Special Land Use Approval Required.** Outbuildings may only be permitted subject to special land use approval by the Township Board, subject to the standards and procedures of Article 22 of this ordinance.
5. **Special Land Use Standards for Outbuildings.**
 - a. **Deed Restrictions.** In considering approval of an outbuilding, the applicant must submit proof of recorded deed restrictions tying the sale, use, and occupation of both adjacent lots together. Tyrone Township shall be a named signatory for the dissolution of the deed restrictions so that in the event the owner wishes to sell the properties independently of one another, the Township can verify the outbuilding has been removed or can be used for a permitted principal use.

- b. **Agency and Association Approval.** The applicant shall submit proof of approval, as applicable, from the agency with jurisdiction over the following:
 - i. Roadway - Livingston County Road Commission, the governing neighborhood association, or similar;
 - ii. Drainage – Livingston County Drain Commission;
 - iii. Neighborhood Association Rules and Bylaws - Neighborhood association.

 - c. **Setbacks.** Placement of outbuildings is subject to the required setbacks for principal structures in the zoning district. Such placement is intended to provide separation from adjacent properties and allow for future conversion of the structure into a habitable primary structure.

 - d. **Landscape Requirements.** A landscape plan must be provided. The front yard of any property used for an outbuilding must be landscaped in a manner characteristic of residential structures in the neighborhood.

 - e. **Architectural Guidelines.** The proposed outbuilding shall be designed to reasonably mimic the design characteristics of the residential structures of the neighborhood, including building materials, roof pitches, architectural flourishes, front door placement, windows, colors, and other unique characteristics, as determined by the Planning Commission. Exterior lighting characteristic of residential structures must be provided and should be oriented to minimize light intrusion on adjacent properties.

 - f. **Outbuilding Size.** The building footprint of any outbuilding shall comply with the following standards intended to encourage sizes characteristic of single-family residential structures:

One Story	1,200 sq. ft.
One and one-half Story	850 sq. ft. – 1,200 sq. ft.
Two Story	900 sq. ft. – 1,200 sq. ft.
6. **Ongoing Property Maintenance.** Outbuildings on adjacent lots shall be maintained in a manner characteristic of the residential properties in the neighborhood. Violations may result in civil infractions or revocation of the special land use and the forced removal of the outbuilding. Ongoing maintenance includes, but is not limited to:

- a. Regularly mowed turf, if applicable;
 - b. Vegetation remains viable and orderly;
 - c. The structure remains in good repair;
 - d. External storage of any equipment, vehicles, or materials for a duration exceeding 24 hours is prohibited;
 - e. Regular maintenance of neighborhood-appropriate landscaping.
7. **Transfer or Sale.** The terms of the special land use approval remain valid in the event of a sale or transfer of the adjacent lots. New owners are required to comply with the plans and conditions of record for the approved special land use.
8. **Occupancy.** An accessory building permitted under this section may not be used as permanent or temporary living quarters unless expressly authorized by Tyrone Township.

SECTION 21.03 BUILDING GRADES

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. This shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the runoff of surface water from flowing onto the adjacent properties. Finished grade elevations for roads without curbs shall be determined by using the elevation as the centerline of the road in front of the lot as the established grade or such grades as may be otherwise determined by the Township Engineer or Zoning Administrator.

- A. **Runoff Control.** When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the Zoning Administrator shall use the existing established finished grade or the minimum established finished grade as defined in this section in determining the proper grade around the new building. The yard around the new building shall be graded in such a manner as to meet existing codes and to preclude any additional runoff of surface water to flow onto the adjacent property.
- B. **Grading Plan.** Final grades shall be approved by the Zoning Administrator who may require a grading plan which has been duly completed and certified by a Licensed Engineer or Land Surveyor.

SECTION 21.04 BUILDING OCCUPANCY; TEMPORARY GARAGES; ACCESSORY BUILDINGS; BASEMENT DWELLINGS PROHIBITED

Buildings erected after the effective date of this ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. A basement without a structure above it shall not be used for dwelling purposes at any time. This does not preclude unique homes, such as earth sheltered dwellings.

SECTION 21.05 BUILDINGS TO BE MOVED

Specifications for moving buildings are contained in Tyrone Township House Moving Ordinance No. 19.

SECTION 21.06 CLASSIFICATION OF MOVED BUILDINGS

Any building moved within a district and placed upon a foundation or any building moved into a district from without shall be considered new construction and shall be subject to all the limitations and requirements herein set forth relating to uses, building size, construction, type, permits and certificates.

SECTION 21.07 COMMERCIAL BULK STORAGE OF INFLAMMABLE SUBSTANCE

Commercial bulk storage of gasoline or inflammable liquid substances shall be in tanks or other containers installed completely below the ground level with leak detection and groundwater monitoring measures as approved by the Township Fire Marshall, the State Fire Marshall, the County Health Department and Township Planning Commission. Any above-ground tanks exceeding 1,000 gallons capacity shall be positioned so that a tank is completely surrounded by a concrete and curbed spill containment area. The design capacity of the spill containment area shall be 1 ½ times the volume of the tank.

SECTION 21.08 CONSTRUCTION; TIME LIMIT

All construction work, including electrical, structural, plumbing, heating and cooling, must be installed in conformance with the standards of materials and methods as set forth by the State of Michigan Construction Codes and administered and enforced by the Livingston County Building Department as the agent for Tyrone Township.

The exterior of all buildings for which a permit is issued shall be completed within twelve (12) months from the date of issuance of the building permit. At the discretion of the Township

Board, or the designated representative of the Board, an extension of time for completion of the work may be granted.

SECTION 21.09 DRIVEWAY ACCESS; EQUIVALENT GRADES

This section is reserved for future use.

SECTION 21.10 DWELLINGS IN NONRESIDENTIAL DISTRICTS

Dwellings shall not be erected in the business, commercial or industrial zoning districts. However, the one-bedroom apartment of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of the particular district. The floor area of the apartment shall conform to minimum size requirements contained in this ordinance.

SECTION 21.11 DWELLINGS WITHOUT BASEMENT

Any dwelling without a basement shall be provided with a utility room.

SECTION 21.12 EXCAVATIONS; FILLING OF LAND

- A. Open Excavation.** The construction, maintenance or existence within the township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this ordinance, and/or the Extractive Regulatory Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Zoning Administrator and provided further, that this Section shall not apply to stream, natural bodies of water or drains to ditches, streams, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, the County, the Township or other governmental agencies.
- B. Excavation Permit Required.** Any excavation, filling or leveling of an area of greater than five thousand (5,000) square feet, not associated with the construction of an approved structure, shall be allowed only after review and issuance of a permit by the Zoning Administrator. The applicant for a permit under this section shall submit a plot plan meeting the applicable requirements for a plot plan in Section 21.25.E and the additional requirements of this section. The plot plan shall indicate the extent of the area to be excavated including a cross section showing the depth and steepness of the proposed hole or depression. The plot plan shall indicate where extracted material will

be deposited on the site and/or the method of disposal or removal and a time schedule for the completion of the excavation and removal of any material.

The Administrator shall determine if there is a need for further review by the Livingston County Drain Commissioner, the Soil Conservation District and/or the Michigan Department of Environmental Quality. The purpose of the review is to ensure that the proposed alteration of the land does not alter or impede a natural water course or impoundment area. If the Administrator determines further review is necessary, he shall advise the property owner to discontinue operations and notify the Township Board of the action. If a review by one of the above agencies indicates further action is needed, the Board shall be advised of the need and shall approve any studies or assessment districts before action is taken. Any emergency actions necessary to prevent erosion or short-term damage may be done. Permits from the appropriate agencies shall be the responsibility of the property owner. A fee or permit may be established by the Board.

- C. **Drainage.** The construction of structures and contouring of land to these structures shall also be done in such a manner as to prevent changes in water flow across or from the parcel.

SECTION 21.13 FENCES

Fences are permitted, subject to the following:

- A. **Light and Air.** A fence shall not obstruct the light and air rights of any neighboring household or property owner. Fences in residential districts that enclose property and are not located in a front yard shall not exceed six (6) feet in height above the grade of the surrounding ground. Fences located within a front yard setback shall not exceed a maximum height of forty-two (42) inches.
- B. **Prohibited material.** Fences shall not contain barbed wire, electric current, or charge of electricity.
- C. **Public Areas.** Fences enclosing public or institutional parks, playgrounds, or public landscaped areas shall not exceed eight (8) feet in height above the grade of the surrounding land.
- D. **Nonresidential Fencing.** Fences on property in nonresidential zoned areas shall be of an ornamental nature of standard commercial fencing not to exceed six (6) feet in height. Barbed wire, spikes, nails, or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility and industrial buildings, and radio, TV and telecommunication facilities and such fences

may exceed six (6) feet in height and be located in a front yard wherever deemed necessary in the interest of public safety, provided that shrubs or evergreens are planted which will eventually screen such barbed wire cradles.

- E. Industrial Fencing.** Security fencing is allowed in any industrial district within ten (10) feet of the front property line, provided it is suitably landscaped; and that if barbed wire cradles on top of such fences are proposed, such shall be permitted if such fences are six (6) feet or greater in height.

SECTION 21.14 HOME OCCUPATIONS

Home Occupations permitted in Section 21.14 may be administratively approved by the Zoning Administrator conditional upon the home occupation complying with all standards in Section 21.14.B and an interpretation that the delivery of goods and visits by patrons and other activities resulting from the home occupation are incidental and will not disturb adjacent homes or road traffic. The Zoning Administrator may request or require Planning Commission or Planning Commission Subcommittee review to demonstrate compliance with Section 21.14.A & B if there is uncertainty. All other home occupations must be reviewed by the Planning Commission. Home occupations, as defined herein, or as may be allowed by the Planning Commission, are permitted provided that the following conditions and standards are met:

- A. Permitted Home Occupations.** The following are permitted home occupations provided they meet all of the standards listed in Section 21.14.B below, else reference Sections 21.14.C & D:
1. Dressmaking, upholstering, sewing, and tailoring.
 2. Painting, sculpturing or writing.
 3. Telephone answering or telemarketing.
 4. Home crafts, such as model making, rug weaving, and lapidary work.
 5. Tutoring, music or singing lessons, yoga or fitness, or similar instructional activities not requiring an additional permit or agency review, limited to not more than four students at a time.
 6. Computer program development.
 7. Salesperson's office or home office of a professional person that meets all conditions of Section 21.14.B below. No sales or direct customer contact are permitted on premise.
 8. Repair of clocks, instruments, or other small appliances which do not create a

nuisance due to noise, vibration, glare, fumes, odor, and do not create electrical interference.

9. Road side stands, or other small scale sales of site originating produce or firewood, except those activities that are clearly incidental.
10. Gunsmithing, exclusive of the manufacturing of ammunition and sale of firearms.
11. Personal services, such as hairdresser, licensed massage therapist, and tax preparation.
12. Other substantially similar home occupations as determined by the Planning Commission Subcommittee or Planning Commission.

An applicant may request approval to engage in a home occupation not specifically provided for above subject to Section 21.14.D below:

- B. Required Standards.** Home occupations shall be permitted following a determination by the Planning Commission that the proposed occupation complies with all of the following standards.
1. **Dwelling Appearance.** There shall be no visible change to the outside appearance of the dwelling.
 2. **Traffic Impacts.** Traffic, parking, sewage, trash or garbage storage and removal, and water use shall not be noticeably different from impacts associated with a typical home in the neighborhood.
 3. **General Nuisance Factors.** The use shall not generate noise, vibration, glare, fumes, toxic substance, odors, or electrical interference at levels greater than normally associated with a single-family home.
 4. **Storage.** Outside storage or display of products related to the home occupation is prohibited.
 5. **Signs.** Signs related to a home occupation may be permitted at the discretion of the Planning Commission or Planning Commission subcommittee after review.
 6. **Nuisance Prohibited.** The home occupation shall not become a nuisance in any manner including but not limited to items 2 and 3 above.
 7. **Outside Employees Prohibited.** Only a resident of the dwelling may be employed or involved in the home occupation. No person outside of the residence shall participate in the home occupation.

- 8. Home Occupation Space Limits.** A home occupation shall not occupy more than ten (10) percent of the usable floor area of the dwelling. Attached garages, detached garages and other detached accessory buildings may be utilized for storage, assembly/construction, or general exercise of the craft, hobby, or business the home occupation is based upon, however such uses shall not occupy the entire structure and shall be an accessory or supplemental use of the structure and shall not be used as the primary functioning business location for home occupations.
 - 9. Time Limits** Visits by patrons and other activities exclusive of deliveries shall occur only between 8:00 a.m. and 8:00 p.m.
- C. Prohibited Home Occupations.** The following are prohibited home occupations:
- 1.** Private clubs.
 - 2.** Repair shops which may create a nuisance due to noise, vibration, glare, fumes, odors or electrical interference.
 - 3.** Restaurants.
 - 4.** Stables or kennels as defined in Article 2.
 - 5.** Tourist homes except Bed and Breakfast operations permitted in the FR Farming Residential and RE Rural Estate Districts.
 - 6.** Repair, maintenance, painting and storage of automobiles, machinery, trucks, boats, recreational vehicles and similar items.
- D. Special Land Uses.** Any proposed home occupation that is neither specifically permitted above, nor specifically prohibited above, shall be considered a Special Land Use and be granted or denied upon consideration of the "Required Conditions" contained in Section 21.14.B above and the standards specified in Article 22.
- E. Owner Occupation.** Home occupation permits shall be limited to the applicant who legally resides in the residence.
- F. Business Address.** The use of a home address as a business address for the sole purpose of meeting state or federal licensing requirements, with no business activity conducted at the home, is not considered to be a home occupation and is exempt from the provisions of this section.

SECTION 21.15 INGRESS AND EGRESS ALONG ARTERIAL ROADS

This section is reserved for future use.

SECTION 21.16 NOISE

A. Definitions. For purposes of this section the following definitions shall apply:

1. ANSI- The American National Standards Institute or its successor body. Any ANSI standard referred to in this Ordinance shall be deemed to incorporate further revisions by reference.
2. IMPULSE NOISE: Means noise of short duration (generally less than one second), especially of high intensity, abrupt onset and rapid decay, and often rapidly changing spectral composition.
3. For the purposes of this Section, “National Holiday” shall mean the days identified as National Holidays in PA 635 of 2018, as amended.
4. For the purposes of this Section, “Excluded Enforcement of Fireworks Noise” shall be as set forth in PA 635 of 2018, those conditions being for allowed ignition, discharge, or use of consumer fireworks during the following days and times:
 - 11 a.m. on Dec. 31 to 1 a.m. on Jan. 1
 - 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Memorial Day
 - 11 a.m. to 11:45 p.m. on June 29 and 30, and July 1, 2, 3, and 4
 - 11 a.m. to 11:45 p.m. on July 5, only if that date is a Friday or Saturday
 - 11 a.m. to 11:45 p.m. on the Saturday and Sunday immediately preceding Labor Day
5. For the purposes of this Section, “Day” and “Night” shall be as set forth in Table 1 below.
6. For the purposes of this Section, “Fireworks Safety Act” shall mean PA 256 of 2011, as amended, PA 65 of 2013, as amended, PA 9 of 2014, as amended, PA 634 of 2018, as amended, and PA 635 of 2018, as amended,

Time Period	All Days <u>except</u> a National Holiday as defined above
Day	7AM – 10PM
Night	10PM – 7AM

B. General Standards. It shall be unlawful for any person to willfully make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which unreasonably disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the township. Such a determination shall be made by the Township Board or its duly authorized representative. The factors which shall be considered in determining whether a violation of this subsection exists shall include, but not necessarily be limited to, the following:

- The volume of the noise;
- The intensity of the noise;
- Whether the nature of the noise is usual or unusual;
- Whether the origin of the noise is natural or unnatural;
- The volume and intensity of the background noise, if any;
- The proximity of the noise to residential sleeping facilities;
- The nature and zoning of the area within which the noise emanates;
- The density of the inhabitation of the area in which the noise emanates;
- The time of the day or night the noise occurs;
- The duration of the noise;
- Whether the noise is recurrent, intermittent, or constant;
- Whether the noise is produced by a commercial or noncommercial activity, and
- Whether the noise is permitted, or otherwise excluded from enforcement.

Additionally, a person, industry, corporation, firm or business shall not emit, cause, or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 2.

- C. Sound Measurement.** Measurement of sound levels shall be made using a microphone set at a height of four (4) feet, at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound source or sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

Whenever this Section prohibits sound over a certain decibel limit, measurement of said sound shall be made with a Type 1 or Type 2 calibrated sound level meter utilizing the A-weighting scale and the slow meter response as specified by the American National Standards Institute (A.N.S.I. S1.4-1984/85A). Noise levels shall be measured in decibels and A-weighted. The unit of measurement shall be designated as dB(A). Meters shall be maintained in calibration and good working order. Calibrations shall be employed which meet A.N.S.I. S1.40-1984. Measurements recorded shall be taken so as to provide a proper representation of the sound being measured. The microphone of the meter shall be positioned so as not to create any unnatural enhancement or diminution of the measured sound. A windscreen shall be used for the microphone.

D. Impulse Noise.

1. No person shall cause or allow the emission of impulse noise in excess of 80 dB peak sound pressure level during the nighttime.
2. No person shall allow the emission of impulse noise in excess of 100 dB peak sound pressure at any time.

E. Exclusions. The provisions of this Section shall not apply to noise or sound emitted by or related to:

1. Natural phenomena;
2. The unamplified sound of the human voice;
3. The unamplified sound made by any wild or domestic animal;
4. A motor vehicle registered for use on public highways when fitted with a factory provided or similar performing muffler;
5. Bells, carillons, or chimes associated with specific religious observances and/or organizations;

6. Snow removal and lawn maintenance equipment provided the equipment is maintained in good repair so as to minimize noise and that noise discharged from exhausts shall be adequately muffled-to prevent loud and/or explosive noises therefrom;
7. Farming equipment or farming activity; when used in compliance with PA 93 of 1981, Michigan's Right to Farm Act, as amended, and the most recently adopted Generally Accepted Agricultural Management Practices (GAAMPs);
8. Refuse, solid waste or recyclable materials collection;
9. Impulse noise caused by the legal discharge of a firearm;
10. Sounds created by emergency equipment and work necessary for law enforcement or for the health, welfare and safety of the community;
11. Sounds created by portable generators during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
12. Sounds created by stationary generators that do not exceed a sound level of 75 dBA at any property line during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
13. Sounds originating from aircraft in flight, and US-23 traffic;
14. Sounds created by safety and protective warning devices where noise suppression would render the device ineffective;
15. Sounds created by existing electrical substations and stationary equipment used to convey water, wastewater or natural gas by a utility.
16. Display Fireworks events, when permitted by, and conducted within, Tyrone Township, as set forth by the Display Fireworks Permit approved by and issued by the Tyrone Township Board;
17. Consumer or personal use of Fireworks, as defined and permitted by the Fireworks Safety Act, as amended, as required by PA 635 of 2018 consistent with the definition above for Excluded Enforcement of Fireworks Noise.
18. Consumer Fireworks between the hours of 12 PM and 11:00 PM, during the day of a commercial fireworks display for Members of a legally established association holding a valid Display Fireworks permit, unless the display event occurs during a day and time defined above as Excluded Enforcement of Fireworks Noise for which the Excluded Enforcement of Fireworks Noise times specified by PA 635 of 2018 shall apply.

19. Noise created during a Tyrone Township permitted event, as long as the noise created is consistent with the allowable noise level and duration set forth in the permit.

Table 2						
A-WEIGHTED SOUND LEVEL LIMITS - DECIBELS						
Duration	Districts		Districts		Districts	
(Duration as a fraction [percentage] of any one hour period)	FR/RE, LK-1, MHP, R-1, R-2, RM-1		B-1, B-2, ES, OS, PCI, PCS, ROM, EI, PO		M-1, M-2, PIRO	
	Night	Day	Night	Day	Night	Day
50% or greater	45 dB A	50 dB A	55 dB A	65 dB A	55 dB A	70 dB A
More than 10% but less than 50%	50 dB A	55 dB A	60 dB A	70 dB A	60 dB A	75 dB A
10% or less	55 dB A	65 dB A	70 dB A	75 dB A	70 dB A	80 dB A
Maximum, any duration	65 dB A	75 dB A	80 dB A	80 dB A	80 dB A	85 dB A

- F. **Enforcement.** The Township recognizes many noise events violating this Ordinance occur before or after Township Hall office hours. Tyrone Township has adopted Regulatory Ordinance #22, the Tyrone Township Enforcement Ordinance, to address enforcement of a “Township Ordinance” by “Public Servants” as defined within Ordinance #22.

As set forth in Article Six of Ordinance #22, the Livingston County Sheriff and any other person designated by resolution by the Township Board is authorized to issue and serve appearance tickets upon an offending person when they have reasonable cause to believe an Ordinance has or is being violated.

SECTION 21.17 NONCOMMERCIAL SATELLITE DISH ANTENNAS AND AMATEUR RADIO ANTENNAS

- A. **Residential and Business Districts.** In residential and business districts, ground-mounted satellite dish antennas or other similar devices (excluding TV antennas) up to twelve (12) feet in diameter may be permitted subject to the following criteria:
1. **Location.** Antennas may be either ground mounted or roof mounted.
 2. **Ground Mounted.** Ground-mounted dish antennas:

- shall not be located between the principal building and the front lot line;
- shall comply with setback requirements of the underlying zoning district for accessory structures;
- shall not exceed twelve (12) feet in height above existing grade.

3. Roof Mounted. Roof mounted dish antennas:

- shall not exceed six (6) feet in diameter unless approved by the Planning Commission;
- shall meet all applicable building codes for roof supported structures.

1. Interference. Antennas shall be installed to prevent electrical, electronic or reception interference to neighboring properties.

2. Number Limit. For antennas not regulated by the Telecommunications Act of 1996, as amended, only one satellite dish antenna shall be permitted per residential lot.

For antennas used to receive direct broadcast satellite services, fixed wireless signals via satellite, local television broadcasts, or fixed wireless signals for telephone service or high speed Internet access, the rules established within the Telecommunications Act of 1996, as amended shall apply.

6. Height. The top of amateur radio antennas may extend up to ten (10) feet above maximum building height restriction for the zoning district. Such antenna height of ten (10) feet above the maximum building height shall require approval from the Planning Commission. The Planning Commission may determine that certain design components, such as extensive guy wires and stabilization devices, are inappropriate for residential neighborhoods and may require changes to the design prior to approval of a request.

B. Business, Industrial and RM Districts. In the RM-1 multiple family residential district, and in business and industrial districts, roof-mounted satellite dish antennas or other similar devices up to twenty four (24) feet in diameter, may be permitted by a variance granted by the Zoning Board of Appeals and subject to the following criteria:

1. Obstruction. Demonstration by the applicant that compliance with the applicable yard, setback, and height restrictions would result in the obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the applicant's control.

2. Height. The height of the proposed installation does not exceed the maximum height restriction used for principal uses within the district; except existing

buildings that are built up to their minimum height may be permitted a roof-top installation so long as the diameter of the antenna does not exceed twenty four (24) feet or thirty-three (33%) percent of the existing height of the building, whichever is less.

3. **Engineer Review.** All applications must include certification by a licensed engineer that the proposed installation complies with those standards listed in Sections 614.0 and 615.0, or the appropriate sections of the BOCA Basic Building Code currently in effect in Michigan. Furthermore, written documentation of such compliance, including load distributions within the building's support structure, shall be furnished.

C. **Wireless Communication Excepted.** Provisions in this subsection are for the regulation of towers for commercial transmitting or receiving of electronic signals and microwave relays, operated either by a public or private utility, private enterprise, nonprofit organizations, agribusiness, business dispatching vehicles or a business that utilizes such antennas/towers for any reason. Such towers shall be unmanned facilities, except for normal maintenance and repair. Provisions for the regulation of wireless communications devices including cellular telephones and pagers are included at Section 21.32.

1. **Site Plan Review.** A site plan review is required for all commercial transmitting or receiving towers. Antennas/towers that are part of a primary business are to be included with the site plan. (Article 23)
2. **Arterial Road.** A parcel containing a transmitting or receiving tower shall be so located that at least one property line abuts an arterial road and ingress and egress shall be directly upon said arterial. This requirement is waived when the antenna/tower is used as part of an existing agribusiness (farm) operation.
3. **Setbacks.** The setbacks for each transmitting or receiving tower from adjacent rights-of-way or property lines shall be equivalent to the height of the tower plus the required setback. No structure with public access except the required support building shall be erected in the antenna/tower fall zone which is defined by a circle with its center as the tower base and a radius equal to the height of the antenna/tower. If the antenna/tower requires guy lines, the ground anchoring position of those lines shall be located so the required setback is maintained.

It is recommended that access to the antenna/tower and guy lines by unauthorized persons be restricted by use of fences or other methods reviewed and approved by the Planning Commission.

4. **Maximum Height.** In all districts, such antennas/towers shall not exceed thirty five (35) feet. In FR, commercial and industrial districts, the height of the

antenna/tower may be increased by the Planning Commission in the site plan review process.

5. **Minimum Parcel Size.** In nonresidential districts and in the FR district, the minimum lot size shall be five (5) acres.

SECTION 21.18 OCCUPIED SPACES

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts of unoccupied spaces.

SECTION 21.19 OUTDOOR STORAGE AND RELATED PARKING

A. **Intent.** The regulations in this Section are intended to prevent the storage or accumulation of unusable, inoperable or unsightly motor vehicles, machinery, or building materials that could be hazardous to the general public, or create blight or nuisances. In addition these provisions are prescribed to regulate the storage of recreational vehicles, recreational apparatus, commercial vehicles and aircraft to ensure that they do not detract from the orderly appearance of the Township and are compatible with adjacent development. Additional regulations pertaining to parking are contained in Article 25, Off Street Parking and Loading Requirements.

B. **General Requirements in All Districts.**

1. **Materials.** Except where permitted following site plan approval, machinery and building materials; unusable, rusty or inoperable machinery, equipment, or parts of machines or equipment not intended for use upon the premises; or old or used building materials shall not be kept or stored outside of a building. Further, any such storage shall be in compliance with the most current Tyrone Township Beautification Ordinance. Materials intended to be used to improve the premises, or for new construction on site may be stored outside on a temporary basis for no longer than twelve (12) months.
2. **Manufactured Homes.** The parking or storage of a manufactured home on property not located in a licensed manufactured home park or seasonal manufactured home park is specifically prohibited, except as may be permitted under Section 21.31 of this Ordinance.
3. **Vehicles or Portions of Vehicles Prohibited as Storage Units.** No vehicle, portion of a vehicle, or similar unit including, but not limited to, a tractor trailer, commercial shipping container, truck bed, trailer or temporary portable storage

unit, shall be used in lieu of a building or for storage purposes other than it's originally intended function, unless approved for such use by site plan approval.

C. Residential Districts. Parking or storage of recreational apparatus for compensation is not permitted within a residential zoning district.

1. Recreational Apparatus. The outdoor storage or parking of any recreational apparatus shall be prohibited for longer than seven (7) days within any 30 day period in all residential districts, except where expressly permitted by other provisions of this ordinance, unless the following minimum conditions are met:

a. Storage Location. All recreational apparatus shall be stored in compliance with the following location requirements:

i. Enclosed Building. The recreational apparatus to be stored shall be placed within a completely enclosed building, or

ii. Side or Rear Yard. If not stored within an enclosed building, recreational apparatus may be stored within a non-required side yard behind the front face of the principal building subject to meeting the required side yard setback in that district, or in the rear yard in compliance with the setback requirements applicable to accessory buildings in the zoning district in which it is located, or

iii. Limited Lots. In cases where site features such as slope, vegetation, existing building setbacks or other factors prohibit reasonable access to a rear or side yard, the Zoning Administrator may permit storage of recreational apparatus in the non-required front yard, subject to the following:

a) The property owner shall submit a written application for Limited Lot Storage, including a dimensioned plot plan illustrating the lot lines, footprints of all buildings, and location of the proposed storage;

b) The property owner shall demonstrate the need for the front yard storage based on the site factors described above; and

c) The items shall be of a size and location so as to not obstruct adjacent neighbors' views, obstruct street or intersection sight distance, or create a nuisance.

- iv. **Storage of Watercraft on Waterfront Lots.** Because of the special scenic and recreational character of waterfront lots, and the integral relationship of watercraft to waterfront living, the storage of boats, personal watercraft, pontoons, other watercraft, and their trailers shall depend on the season, as follows:
 - a) **Boating Season.** During the regular boating season, defined as May 1st through October 31st of the year, watercraft and their trailers shall be stored within an enclosed building or in the rear or side yard, in accordance with 21.19.C.1.a. Watercraft and their trailers stored in the rear yard shall be located not less than 10 feet from the side lot lines. If the waterfront lot has been approved as a Limited Lot, empty watercraft trailers may be stored in the approved front yard location.
 - b) **Off-Season.** During the non-boating season, defined as November 1st through April 30th of the year, all watercraft and their trailers shall be stored in the location required under this Section 21.19.C.1.a. If the waterfront lot has been approved as a Limited Lot, watercraft and their trailers may be stored in the approved front yard location.
- b. **Owner Occupied.** Storage or parking of recreational apparatus shall be limited to a lot or parcel of land upon which a dwelling unit is located, and the recreational apparatus that is parked or stored must be owned by the occupant of the dwelling unit.
- c. **Storage on Common Lots.** Notwithstanding subsection 21.19.C.1.b. above, storage of recreational apparatus may be permitted on a residentially zoned parcel that is held in common by the residents of a subdivision or condominium, and that conforms to either of the following:
 - i. The parcel is used for storage of recreational apparatus owned by the residents of that subdivision or condominium as of the date of this amendment to this Ordinance, in which case the use may continue as long as it is not expanded in area, or
 - ii. The use is located on a lot designated to remain under the control of the subdivision or condominium association, and is

approved on the site plan for a subdivision plat or site condominium. On any common lot so approved, the recreational apparatus storage must meet the following conditions:

- a) The storage area shall be designed so as not to negatively impact surrounding residential lots or detract from the residential character of the neighborhood. In making this determination, the Planning Commission shall consider features including but not limited to storm water ponding, runoff, dust, appearance, vegetation, and similar impacts.
 - b) Provisions, sufficient to ensure that the facility will be maintained and not become blight to the neighborhood, shall be included in the required subdivision or condominium documents.
 - c) Recreation apparatus storage lots shall meet the setbacks and lot coverage standards for the zoning district in which the storage lot is located.
- d. **Utility Connection.** Recreational apparatus intended or adaptable for sleeping purposes shall remain unoccupied while parked or stored on a residential lot, and shall not be connected to water, gas or sanitary sewer facilities, except as permitted under Section 21.31.C. of this ordinance.
- e. **Number of Recreational Apparatus Units.** No more than three (3) recreational vehicles, boats or trailers, one of which may be a motor home or travel trailer, may be parked or stored outside of an enclosed building on a lot of record that is zoned and used for residential purposes. No recreational apparatus unit shall exceed 32 feet in length or 9.5 feet in height, except that the one permitted motor home or trailer shall be limited to no greater than 45 feet in length, or 13.5 feet in height.

A sailboat mast which cannot be lowered shall not be counted in the height of a recreational apparatus unit. For purposes of this section, if one or more recreational apparatus is stored on a trailer designed for that purpose, the combination of apparatus and trailer shall count as one (1) of the permitted units. Lots in the FR and RE Districts greater than three (3) acres in area are excluded from limitations on the number of such units.

- f. **State of Repair.** All recreational apparatus, stored outside of a completely enclosed building must be kept in good repair.
- g. **Exemption.** This Section 21.19 does not apply to boats, rafts, floats, and similar items when moored over water.

2. Commercial Vehicle Parking

a. Number and Type.

- i. One (1) commercial vehicle with a rated capacity of 10,000 pounds gross vehicle weight or less, having no more than two (2) axles and being no more than eight (8) feet in height, which is owned or operated by a resident of the premises, may be parked outdoors on a lot located in a residential district.
- ii. The parking or storage of vehicles outdoors with a rated capacity over 10,000 pounds gross vehicle weight, or with more than two (2) axles, or more than eight (8) feet in height may be permitted where such vehicles are used in conjunction with a bonafide agricultural operation on a farm that is ten (10) acres or greater in size. The vehicles shall be parked or stored only on that farm.
- iii. The outdoor parking of no more than one (1) commercial vehicle with a rated capacity over 10,000 pounds or having more than two (2) axles, or being more than eight (8) feet in height may be permitted on a residential parcel subject to the following conditions and approval by the Zoning Administrator:
 - a) The parcel of land shall not be part of a platted subdivision, site condominium or multiple family residential development, and
 - b) The parcel of land shall have a minimum width of one hundred and ten (110) feet, and
 - c) The commercial vehicle shall be owned or operated by a resident of the premises.

Approval to park a commercial vehicle shall not constitute approval to park additional trailers, parts, or other equipment or materials associated with the operation of the commercial vehicle.

- b. **Screening.** All such vehicles shall be screened when parked. The screening may be provided by parking the vehicle in a rear yard which buffers the view of the commercial vehicle from adjacent properties. Screening of commercial vehicles located outdoors may be accomplished with landscaping, topographic barriers, or by screening walls or fences.
- c. **Impact.** A commercial vehicle parked on a residential zoned or used lot shall not create negative off-site impacts of dust, odors, fumes, and noise generated by the vehicle; the disruption from additional vehicular traffic at various times during the day; or safety or environmental hazards related to operation of a commercial vehicle on public or private residential roads.

3. Temporary Portable Storage Units

- a. **Number and Duration.** A temporary portable storage unit may be located on a temporary basis on a residential lot for a period not exceeding one week in duration from time of delivery to time of removal. A temporary portable storage unit may not be located on a specific residential lot more than two (2) times in any given 60-day period. No more than one temporary portable storage unit may be located on a residential lot at one time.
- b. **Location of Unit.** The temporary portable storage unit must be located in the driveway of the residential lot at the furthest accessible point in that driveway from the street. All locations must be improved off-street surfaces and the temporary portable storage unit shall not block vision or sight distances, overhang the public sidewalk or right-of-way, or impact vehicle safety on the street.

- D. **Non-residential Districts.** Outdoor storage in the non-residential districts shall be subject to site plan approval by the Planning Commission and shall comply with all requirements of this Ordinance. For businesses where the normal operation includes outdoor storage of products including building materials, recycled products or scrap, etc., the entire perimeter of the storage area shall be enclosed with fencing. The fence shall be visually opaque and at least six (6) feet high, but may be required to be higher where surrounding terrain, including roadways, would allow for visual contact of the storage area. Also, the entire storage area shall be enclosed with a green belt that meets the requirements of Article 21A.

SECTION 21.20 PRESERVATION OF ENVIRONMENTAL QUALITY

- A. Natural Water Formations.** In any zoning district, a river, stream, watercourse, drainage way or wetland, whether filled or partly filled with water or dry in certain seasons, shall not be obstructed or altered in any way, at any time, by any person, except when done in conformance with State and Federal law, and any other applicable standards.
- B. Alteration Prohibited.** A person shall not alter, change, transform, or otherwise vary the edge, bank, or shore of any lake, river, stream or wetland, except as provided in the Inland Lakes and Streams Act, Act 346 of the Public Acts of 1972, as amended, and in the Goemare-Anderson Wetland Protection Act, Act 203 of the Public Acts of 1979, as amended.
- C. Draining or Filling Prohibited.** A person shall not drain, remove, fill, change, alter, transform or otherwise vary the area, water level, vegetation or natural conditions of a marsh, swamp, or wetland except after receiving approval from the soil erosion officer in accordance with the Soil Erosion and Sedimentation Act, Act 347, P.A. of 1972, as amended. Any such activities also shall be in conformance with provisions in the Goemare-Anderson Wetland Protection Act, Act 203 of 1979, as amended.

SECTION 21.21 SWIMMING POOLS

Swimming pools shall be permitted as an accessory use provided a land use permit is obtained and they meet the following requirements:

- A. Property Line Setbacks.** There shall be a distance of not less than twenty (20) feet between the adjoining property line and the outside of the pool wall or raised deck or walkway.
- B. Building Setbacks.** There shall be a distance of not less than four (4) feet between the outside pool wall and any principal building located on the same lot.
- C. Building Envelope Location.** Swimming pools shall not be located within any required yard setbacks as specified in the zoning ordinance.
- D. Electrical Wires.** 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 pool.
- E. Easement Location.** A swimming pool shall not be located in an easement.

- F. Enclosure.** For the protection of the public, all areas containing swimming pools shall be completely enclosed by a fence, power safety cover, or other approved safety device/barrier in accordance with regulations of the State of Michigan. Gates 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 is enclosed, then this provision may be waived by the Zoning Administrator upon inspection and approval.

SECTION 21.22 PUBLIC AND PRIVATE LANDFILLS

A public or private landfill shall not be located, used or maintained in any district in Tyrone Township except those areas specifically designated and provided for by the Livingston County Department of Public Works and Michigan Department of Natural Resources pursuant to the requirements of the Solid Waste Management Act and Rules, P.A. 641 of 1978, as amended. The Township restrictions on traffic, roads, noise and other specific zoning controls shall apply.

SECTION 21.23 REQUIRED STREET FRONTAGE

- A. Direct Access.** Any parcel of land which is to be occupied by a use or building, shall have frontage on and direct access to either a public street or road, or private road easement. Waterfront lots shall have direct access to either a public street or road, or private road easement.
- B. Cul-de-Sac Access.** Developments which result in parcels fronting on cul-de-sacs shall limit the splits, so that all parcels are contiguous to the road right-of-way and are the minimum width at the front building line. All parcels fronting on a cul-de-sac shall have a minimum frontage of at least sixty six (66) feet.

SECTION 21.24 REQUIREMENTS FOR RUBBISH DISPOSAL

It shall be unlawful for any person to dump rubbish or waste material except in or on public or private licensed solid waste disposal facilities.

SECTION 21.25 RESIDENTIAL DESIGN STANDARDS

- A. Scope.** The purpose of this section is to establish standards governing the design and appearance of all single family detached residential structures in Tyrone Township. This does not include mobile homes or other manufactured homes located in manufactured

home parks regulated by the Michigan Manufactured Housing Commission. As used in these provisions, the term "manufactured home" shall also include all dwellings known as mobile homes. It is the intent of these regulations to allow a mix of housing types and living styles in a manner which will not adversely affect residential neighborhoods. Any residential structure shall be erected or constructed only if in compliance with the following residential design standards.

B. General Requirements.

1. **Area and Bulk Regulations.** Any residential structure, including any manufactured home dwelling unit, shall comply with the minimum floor area requirements specified for the zoning district where such structure is located.
2. **Foundation.** Any residential structure, including a manufactured home, shall be placed on a permanent foundation to form a complete enclosure under the exterior walls. The foundation shall be constructed in accordance with the Michigan State Construction Code. A manufactured home shall be securely anchored to its foundation in order to prevent displacement during windstorms. The wheels, tongue and hitch assembly, and other towing appurtenances shall be removed before attaching a manufactured home to its permanent foundation.
3. **Other Regulations.** Residential structures shall be constructed in compliance with applicable State, Federal, or local laws or ordinances, including the Michigan State Construction Code. Manufactured homes shall comply with the most recent regulations specified by the United States Department of Housing and Urban Development, Manufactured Home Construction and Safety Standards (24CFR3280), as amended.
4. **Location.** For the purposes of this Ordinance, any residential, home including a manufactured residence, may be located on an individual lot in any of the zoning districts which allow for the development of single family residential structures, subject further to the regulations contained herein.
5. **Use.** Residences and accessory structures shall be used only for the purposes permitted in the zoning district in which they are located.
3. **Attachments.** Any exterior attachments or extensions onto a dwelling unit, such as entry steps, storage buildings or additions, shall comply with the Michigan State Construction Code.
7. **Services.** Any residential structure shall be connected to a waste treatment and potable water supply system approved by the Livingston County Health Department.

C. Design Compatibility Requirements

- 1. Roof Pitch.** The pitch of the main roof shall have a minimum vertical rise of one (1) foot for each three (3) feet of horizontal run, and the minimum horizontal distance from the eaves to the ridge shall be ten (10) feet, except where the specific housing design dictates otherwise (such as French Provincial or Italianate styles of architecture). This provision shall not apply to accessory structures or extensions to the main structure.
- 2. Roof Construction.** Dwellings shall be designed with a minimum twelve (12) inch roof overhang on all sides. The roof shall have wood shake, asphaltic or other shingles, or other materials commonly used in standard residential construction in the vicinity.
- 3. Exterior Materials.** The exterior siding of a dwelling shall consist of materials that are generally comparable to existing housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss enamel, and provided further, that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- 4. Dimensions.** The dimensions and placement of dwellings shall be comparable to typical dimensions and placement of existing housing in the vicinity. Therefore, a dwelling shall be located on the lot so that the minimum width of the principal front elevation is no less than thirty-four (34) feet and the minimum dimension along any side or rear elevation is no less than twenty-four (24) feet.
- 5. Foundation Wall.** Every dwelling shall have a foundation wall constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that a manufactured dwelling is installed pursuant to the manufacturer's setup instructions, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required above herein.
- 6. Exterior Doors.** Dwellings shall have no less than two exterior doors which shall not be located on the same side of the building. Where required because of a difference in elevation, all exterior doors shall be provided with steps that are permanently attached to the building.
- 7. Design Features.** The design and position of windows and other features of dwellings, including exterior wall colors and color combinations, shall be

complementary to existing homes within two thousand (2,000) feet of the dwelling lot. If less than five (5) dwellings are located within two thousand (2,000) feet of the proposed location, then the proposed dwelling shall be compared to the nearest five (5) existing homes. The foregoing shall not be construed to prohibit innovative design concepts involving such features as solar energy, view, unique land contour, or relief from the common or standard home design.

The compatibility of relative design, scale, and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling. Appeals to the Zoning Board of Appeals may be applied for within a period of fifteen (15) days from the date of the Zoning Administrator's decision.

D. Permits. No dwelling unit shall be placed on any lot in Tyrone Township until it is shown that the requirements of Section 21.25.B and 21.25.C can be met. Prior to placement or construction, the property owner shall obtain a land use permit from the Zoning Administrator.

E. Plot Plan Submission and Contents

1. Zoning Administrator Review. Two copies of a plot plan shall be submitted to the Township Zoning Administrator. A land use permit will not be issued until the plot plan is approved by the Zoning Administrator.

2. Plot Plan Information. The plot plan shall contain the following information:

a. Scale Drawing. The plot plan shall be a scaled drawing with a minimum scale of one (1) inch equals fifty (50) feet. The drawing should be based on a boundary survey prepared by a licensed surveyor and a copy of the survey may be used for the drawing or included as a separate sheet;

b. Shape and Dimensions. The actual shape and dimensions of the lot or parcel and location and zoning relationships to adjacent parcels;

c. Existing Structures and Building Envelope. Location, shape and size of existing and proposed structures, the building envelope and required yard spaces, required open spaces, and adjacent structures within one hundred (100) feet of the property lines;

d. Septic System Location. Septic tank locations and the drainage field location and dimensions, if any, including reserved areas and the location of the well and dimensions between the well, septic system, buildings and property lines. If the plot is served by a public sewer, the

location and size of the sewer main and sewer lead shall be shown on the plan;

- e. **Easements.** Driveway location, utilities and all other easements;
- f. **Site Drainage.** Topographical information showing drainage to and from the site; the area to be excavated and graded with existing and final grades and all other information required under Sections 21.03 and 21.12. Parcels which are part of a condominium or subdivision should provide information from the recorded drawings;
- g. **Natural Features.** Significant natural or physical features such as wetlands, trees, and utility poles as referenced in Section 21.20;
- h. **Deed Restrictions.** Acknowledgment of any deed restrictions or condominium master deed restrictions. (Copies of actual deed restriction documents are not required, only written acknowledgment of the type and nature of restrictions placed on the property);
- i. **Freeholder or Agent.** The signature of the freeholder owner or an authorized representative of the premises concerned;
- j. **Public Roads and Easements.** The location and right-of-way widths of all intersecting and abutting roads and public easements including drainage easements;
- k. **Date prepared.** Date prepared, scale and north point;
- l. **General Plan Information.** Name, address and professional title (if any) of the person responsible for preparation of the plot plan;
- m. **Open Space.** Proposed or previously recorded open space.
- n. **Additional Information.** Additional information as deemed necessary by the Zoning Administrator.

SECTION 21.26 RESTORING UNSAFE BUILDINGS

Nothing in this ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the County Building Official, or required to comply with that department's lawful order.

SECTION 21.27 SANITARY FACILITIES

The use of permanent outside privies is not allowed, however, portable sanitary facilities conforming to the provisions of P.A. 368 of 1978, as amended, Section 12771, may be used under temporary permits issued by the Livingston County Health Department for uses and time periods listed below. Such temporary uses of portable sanitary facilities must also comply with provisions in the Livingston County Sanitary Health Code.

- A. Temporary Permit and Deposit.** During fairs, festivals or sporting events of temporal duration, licensed facilities must be used. The minimum number of such sanitary facilities required to service a large group of people must be stated as terms of the temporary permit. Also, a performance deposit to insure compliance and/or proper maintenance and removal may be required.

- B. Additional Provisions.** Sanitary units not leased from a licensed operator must conform with the following additional provisions:
 - 1. Livingston County Health Department (L.C.H.D.).** Approval of the type and location of the facility must be obtained from the Livingston County Health Department.

 - 2. Performance Bond or Letter of Credit.** A performance bond or letter of credit from the owner/operator to insure adequate maintenance and removal is required in lieu of a contract with a bonded operator.

 - 3. Annual Renewal.** An annual renewal and approval must be obtained from the Livingston County Health Department.

SECTION 21.28 STABLES AND ANIMALS

The standards described in this Section shall not apply to the keeping of animals as part of an active farm operation in the FR/RE district and maintained in conformance with the Right to Farm Act (P.A. 93 of 1981, as amended) and Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture and Rural Development (MDARD). Specifically, the keeping of farm animals are addressed in the Care of Farm Animals GAMMPs. Such animals are not regulated in this Section. All animals regulated by this Ordinance are defined as nonhuman zoological species and are classified as follows:

A. Classification of Animals

1. **Class I Animal:** Domesticated household pets. Class I animals may be maintained in any zoning district in accordance with Section 21.49 – Keeping of Pets.
2. **Class II Animal:** An animal which is normally part of the livestock maintained on a farm, including:
 - a. Bovine and like animals, such as the cow.
 - b. Swine and like animals, such as the pig and hog.
 - c. Ovine and like animals, such as the sheep and goat.
 - d. Equine and like animals, such as the horse.
 - e. Class II animals may be maintained in the FR/RE districts as a permitted principal use subject to any special conditions listed in Article 4. Class II animals shall only be permitted on a lot having three (3) or more acres.
3. **Class III Animal:** means rabbits (which are not maintained or kept as domesticated household pets); animals considered as poultry, animals considered as wildfowl, such as pheasant, quail, geese or grouse, bees, and other animals weighing less than 75 pounds not specifically classified in this definition. Class III animals may be maintained in zoning Districts R1, FR, & RE.

B. Housing Requirements Related to Class II and III Animals. Structures shall be provided for the purpose of housing, confining, sheltering, and maintaining permitted animals. Such structures shall meet requirements for height and floor area as specified in Section 21.28, but no single structure shall exceed four thousand (4,000) square feet. Structures for the purpose of housing, confining, sheltering, and maintaining of animals shall meet all requirements specified within Sections B and D. The following minimum floor area shall be provided within a structure for each animal:

1. **Class II Animals.** Class II animals shall be provided with a structure having a minimum floor area of 100 square feet for each animal. Planning Commission has the discretion to permit smaller structures for miniature horses.
2. **Class III Animals.** Class III animals, other than rabbits, chickens, and bees, as described below, shall be provided with an appropriately-sized structure. It

shall be the responsibility of the Applicant to provide evidence of the structure dimensions appropriate for the species of animal.

- a. Rabbits, when kept outdoors, are subject to the following requirements:
 - i. Rabbits must be kept in the rear yard and at least ten (10) feet from all adjacent property lines and twenty-five (25) feet from any residential structure.
 - ii. There must be a covered, predator proof hutch that provides a minimum of six (6) square feet per rabbit and two (2) feet high living area. The bottom floor of the hutch shall be elevated above grade level. Part of the hutch shall have a wire floor and a portion shall have solid surfacing. The hutch shall be well ventilated and contain windows for natural light. A hutch shall not exceed eight (8) feet in height.

- b. Chickens may be kept, subject to the following requirements:
 - i. Chickens must be kept in an enclosure, including a fence or corral, in the rear yard that provides at least ten (10) square feet of space for each hen. The enclosure must be of sufficient type, height, and strength to secure and reasonably assure that the hens will not escape. The enclosure must be at least ten (10) feet from all adjacent property lines and forty (40) feet from any residential structure. The area within the enclosure must be well drained and free from standing water.
 - ii. There shall be a covered, well ventilated, predator proof coop within the enclosure that provides at least two (2) square feet per hen, nesting boxes for each three (3) hens, twelve (12) inches of roost per hen, and access to the outdoor portion of the enclosure. A coop shall not exceed eight (8) feet in height.
 - iii. Chickens may be allowed to roam outside of the coop or fenced enclosure if within the fully fenced rear yard of the premises housing the hens, and under direct supervision by an adult in the immediate vicinity of the Chickens.
 - iv. Roosters are permitted only in the FR and RE Zoning Districts.

- c. Honey bees may be kept subject to compliance with current GAMMPs requirements and standards, however, if a nuisance is confirmed by the Township the following requirements shall apply:

- i. Hives kept in the rear and side yard shall be not less than fifty (50) feet from any adjacent property lines. If limited rear and/or side yard area is available, the front yard may be utilized if the hive is set back not less than one hundred fifty (150) feet from the front lot line and fifty (50) feet from the side yard property lines.
 - ii. Each hive shall not exceed a maximum size of twenty (20) cubic feet.
 - iii. A constant supply of water shall be provided for all hives.
 - iv. When hives are within two hundred (200) feet of any adjacent property line, the hive entrances must open toward the property keeping the bees, so that the bees fly across the property where the hive is located. If this is not possible, a solid fence (limited in height as set forth elsewhere in this Ordinance) or a dense vegetative barrier at least six (6) feet in height shall be required to redirect the bees flight pattern and prevent a direct line of flight from the hives onto a neighboring property.
 - v. Subject to additional standards determined by the Planning Commission that are necessary to abate the nuisance.
- 3. **Class II & Class III Restrictions.** Class II & Class III animals shall be restricted to areas on the premises upon which they are being maintained no less than ten (10) feet from the nearest residential lot line, or any neighboring dwelling unit in any zoning classification district, said restricted area to include areas in which animals are fenced or otherwise restrained. Structures for housing, sheltering, and/or maintaining of Class II & III animals shall be no less than twenty-five (25) feet from the nearest lot line, regardless of zoning classification district and located in side and rear lots only. Structures in excess of 200 square feet will be considered an accessory structure as defined elsewhere in this ordinance.
- C. **Animal Unit Density Requirements.** When making density calculations to determine allowable animal units on a parcel, the acreage located within a designated wetland, lake, or the 100-foot floodplain shall be excluded from the calculation unless the property owner can show the land to be excluded does not contain standing water.

1. Permitted Density in the Farming Residential (FR) Zoning District:

- a. Less than 2 acres: 0.5 animal unit.
- b. 2.00 to 2.99 acres: 1.0 animal unit
- c. 3.00 acres and larger 1.0 animal unit for the first two acres, and 1.0 animal unit per full acre owned above 2 acres.

In the Farming Residential Zoning District, an animal unit density greater than those listed above requires a Special Use Permit, with a review of existing and proposed site conditions, structures, etc.

Cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49, unless kept considered a commercial kennel pursuant to Special Land Use Approval.

2. Permitted Density in the Rural Estate Residential (RE) Zoning District:

- a. Less than 2 acres: 0.5 animal unit
- b. 2.00 to 2.99 acres: 1.0 animal unit
- c. 3.00 acres and larger: 1.0 animal unit for the first two acres, and 1.0 animal unit per full acre owned above two acres, with a limit of 20.0 animal units.

In the Rural Estate Zoning District, an animal unit density greater than those listed above or a total number of units greater than 20.0 requires a special use permit, with a review of existing and proposed site conditions, structures, etc. Cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49, unless kept considered a commercial kennel pursuant to Special Land Use Approval.

3. Permitted Density in the Single Family Residential (R-1) Zoning District:

- a. Less than 2 acres: Cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49. 0.5 animal unit is permitted for the keeping of hens, rabbits, and bees if consent from the adjacent neighbors is obtained.
- b. 2.01 to 4.99 acres: 1.0 animal unit; and cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49.

- c. 5.00 to 9.99 acres: 1.0 animal unit plus 0.25 animal unit for each additional acre owned above 5 acres, with a maximum of 2.25 animal units; and cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49.
- d. 10.00 to 19.99 acres: 2.25 animal units plus 0.5 animal unit for each additional acre owned above 10 acres, with a maximum of 7.25 animal units; and cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49.
- e. 20.00 or more acres: 7.25 animal units plus 0.5 animal unit for each additional acre owned above 20 acres; and cats and dogs or other domestic animals customarily kept as household pets are allowed on any size parcel with a density restriction pursuant to Section 21.49.

D. Performance Standards for the Keeping of Animals: In addition to, and notwithstanding the above, the following regulations shall be applicable to the maintenance of animals:

- 1. Adequate fencing shall be provided to contain the animals within the restricted areas provided for in this Ordinance.
- 2. No animal pen or fence shall be established or maintained within 75 feet of a neighboring property owner's primary structure. If the neighboring property does not have a primary structure on the property, at the time of construction of the pen or fence, the distance must be measured from the minimum side yard and front yard setback of the neighboring property
- 3. The refuse and wastes resulting from the maintenance of animals shall be controlled upon the premises, and shall be cared for or disposed of within a reasonable time so as to minimize hazards of health and offensive effects upon neighboring people and uses.
- 4. All feed and other substances and materials on the premises for the maintenance of animals shall be stored in appropriate enclosed receptacles and structures, excepting such storage as may otherwise be accomplished without adversely affecting the neighbors of the premises or the public health, safety and welfare of the citizens of the Township. Storage is permissible within required accessory structures.

5. On any premises upon which animals are situated or maintained in the Township, garbage, refuse, offal, and the like, shall not be brought upon the premises and fed to animals; said action is hereby deemed to be a nuisance.
 6. No Animals or Uses described in this section shall be allowed in Condominiums, Subdivisions or similar developments if said animals or uses are expressly prohibited in Master Deeds, Restrictions, or similar recorded documents.
 7. A nuisance or a threat to public health and/or safety shall not be created by the maintenance of animals in the Township. The Zoning Administrator, or other Township official (the Official) duly designated and authorized by the Township Board, shall inspect the premises on which animals are kept where it is alleged there exists a nuisance or a threat to public health and/or safety. Within ten (10) days written notice shall be given by the Official to the person maintaining animals on the premises, stating that it appears a nuisance or public health/safety threat does in fact exist on said premises, and that the nuisance or threat shall be abated. Upon application of the person or persons maintaining the animals on the premises, due notice being given to individuals residing within three hundred (300) feet of the said premises, and other interested parties known to the Township, the Zoning Board of Appeals shall conduct a hearing and make a determination as to whether the conditions on the premises in question constitute a nuisance or public health/safety threat. The person or persons maintaining the animals on said premises, or their legal representatives, shall be permitted to present evidence and argument. Upon a determination by the Zoning Board of Appeals that a nuisance or threat exists, the Zoning Board of Appeals shall, in writing, apprise the person maintaining the animals on the said premises as to how the nuisance or threat shall be abated, and provide a reasonable time therefor. The Zoning Board of Appeals shall order the animals upon the premises removed only in the event that the maintenance of said animals creates an imminent danger to the public health, safety and welfare, and, provided that such a removal order shall be limited to a minimum number of animals and minimum time period necessary to abate said danger.
- E. Animal Unit Density Calculation:** Animal units shall be determined by referencing Table 21.28.1. After determining the total number and type of animals being kept or desired, the animal units designated for each animal type and quantity can be calculated and compared to Section 21.28.C for compliance.

Animal Unit Calculation Table 21.28.1

<i>ANIMAL TYPE</i>	<i>NUMBER OF ANIMALS</i>	<i>ANIMAL UNIT FACTOR</i>	<i>NUMBER OF ANIMAL UNITS</i>
Cattle			
Mature Cow		1.000	0.0
Heifer		0.700	0.0
Steer		1.000	0.0
Calf		0.200	0.0
Swine			
Pig		0.400	0.0
Under 55 pounds		0.050	0.0
Horse			
Full Size Standard Horse		1.000	0.0
Minature Horse (350 pounds or less)		0.330	0.0
Sheep & Lambs			
All types		0.100	0.0
Chickens			
All types		0.033	0.0
Turkeys			
All types		0.033	0.0
Ducks & Geese			
Ducks (all types)		0.033	0.0
Geese (all types)		0.033	0.0
Rabbits			
Rabbits (all types)		0.010	0.0
Other			
Alpacas		0.200	0.0
Llamas		0.330	0.0
Donkeys		0.330	0.0
Minature Donkeys		0.200	0.0
Mules		0.700	0.0
Goats		0.100	0.0
Animals not listed above & approved by Zoning Administrator or Sub Committee			
	All	average weight of animal divided by 1,000	
Total Number of Animal Units (Add up all numbers in Column 4)			0.0

SECTION 21.29 STORAGE, DUMPING OF WASTE, JUNK, GARBAGE, AND SIMILAR ITEMS.

The use of the land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of scrap iron, junk, garbage or other refuse, or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district except as allowed in this ordinance. This section does not apply to normal agricultural organic waste material.

SECTION 21.30 STREET, ALLEY AND RAILROAD RIGHTS-OF-WAY

All street, alley, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such street, alley, or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

SECTION 21.31 TEMPORARY STRUCTURES AND USES

A. Temporary Structures. To ensure that temporary units used are safe for the occupants and customers, the unit shall be approved for the designated temporary use by the Livingston County Building Department. All water and sewage facilities shall be required and approved by the Livingston County Health Department. Each unit shall have at least one fire/smoke detector except residential units shall also have a second unit in the central sleeping area. All requirements shall be met prior to occupancy.

Occupancy is approved for the length of time as indicated in the following provisions; however, the unit shall be removed from the property within 30 days after the permanent structure is completed or the use of the temporary unit ceases, whichever occurs first.

- 1. Temporary Dwelling Permit.** The Zoning Administrator may issue a permit for a temporary dwelling unit when the permanent residence cannot be occupied as a result of a fire, flood, tornado or other natural disaster. The permit will be valid for a period of 3 months. If needed for a longer period of time, the owner must follow additional permit procedures outlined in this section.
- 2. During Construction.** A property owner constructing a new home may be allowed a manufactured home on the site to provide shelter while the new home is being constructed.

- 3. Temporary Housing Conditions.** Temporary housing may be allowed provided the following conditions are complied with:

 - a. Plot Plan and Written Statement.** A plot plan shall be submitted to the Planning Commission. The plot plan shall contain the information specified in Section 21.25.E. A written statement from the applicant describing the reasons and need for the temporary living quarters shall be included.
 - b. Planning Commission Review.** The Planning Commission shall review the plot plan and applicant statement of reason for a temporary dwelling and makes recommendation of the temporary dwelling and/or use to the Township Board.
 - c. Written Agreement.** A signed written agreement between the applicant and Township Board shall be executed. The agreement shall state that the temporary dwelling is for a single purpose not to exceed ten (10) months, at which time the unit shall be vacated and removed from the property within sixty (60) days. If the temporary dwelling is not removed, the applicant is in violation of this ordinance.
 - d. Financial Guarantee.** At the discretion of the Township Board, a financial guarantee may be required to be deposited with the Township Clerk. The principal will be rebated to the applicant when all conditions attached to the temporary use permit are met successfully. If permit requirements are not adhered to, a violation exists and deposited monies are forfeited to the Township to pay for enforcing the ordinance.
 - e. Zoning Administrator Review.** The Zoning Administrator shall review the documents submitted for a temporary use permit and make a recommendation to the Township Board.
 - f. Temporary Use Permit.** The Township Board decides on the request for temporary land use. If approved, the Board shall instruct the Zoning Administrator to issue a temporary use permit.
- B. Tents.** The use of tents as a temporary dwelling in connection with recreational activities may be permitted upon application to the Zoning Administrator showing that necessary and proper health, sanitation, plumbing, and freshwater facilities are provided. Such permit shall be limited to a period of two (2) weeks.

- C. Recreational Vehicles.** Recreational Vehicles which are brought by visitors for traveling purposes may be occupied and allowed, provided the visitors occupying said recreational vehicles have access to toilets, bathing, and laundry facilities of the dwelling of the property owner or occupants they are visiting, provided further, that the maximum period shall be limited to fifteen (15) days and to one (1) such visiting recreational vehicle at a dwelling.
- D. Construction Trailers.** Mobile offices or construction trailers may be used on site by a contractor as temporary facilities during construction of a permanent multi-family, commercial, or industrial project. The applicant shall provide a description of the temporary units and their location on the temporary land use permit. Adequate freshwater and sanitary facilities shall be provided. The mobile units shall be removed within one (1) month after an occupancy permit is issued, or at such time as the temporary land use permit expires. The Township Board has the option of requiring a financial guarantee to guarantee performance at the time the land use permit is issued. The Township Board may declare a forfeiture of the financial guarantee if the site is not cleaned up to the satisfaction of the Zoning Administrator.
- E. Temporary Offices.** Mobile office units may be erected on site of a permanent use under construction. These uses include, but are not limited to, financial institutions and real estate sales, rental, or leasing offices. The use and placement of these temporary units shall comply with all applicable provisions of Section 21.31, except the maximum time limit for uses erected under this Section shall be six (6) months.
- F. Seasonal and Temporary Outdoor Sales.** The outdoor sale of items on a non-permanent basis by persons other than the owner or tenant of the premises upon which such sales are proposed shall be subject to the standards of this Section. Seasonal or Temporary Sales Permits shall not be issued for properties that are in violation of this or any other Township ordinance.

 - 1. Seasonal Outdoor Sales.**

 - a.** Outdoor sales of seasonal items shall be permitted within the PCS, PCI, PIRO, B-1, B-2, ES, M-1, M-2 and ROM zoning districts upon issuance of a Seasonal or Temporary Sales Permit by the Zoning Administrator, pursuant to Section 21.31.F.3, below. Seasonal items shall include Christmas trees, pumpkins, produce, flowers, plants, and similar seasonal items whose sales depend upon a state or federally recognized holiday or season.
 - b.** Outdoor sales of seasonal items shall not exceed 90 days per year. Renewal of Seasonal or Temporary Sales Permits issued for such sales that occur on an annual basis shall require approval by the Zoning Administrator.

- c. This Section shall not be construed to prohibit roadside stands selling agricultural products raised or grown on the same premises.
 - d. Fireworks shall be included in this category.
- 2. Other Temporary Outdoor Sales.**
- a. Temporary sales of non-seasonal merchandise in the PCS, PCI, B-1, B-2 and ES zoning districts shall be permitted upon issuance of a Seasonal or Temporary Sales Permit by the Zoning Administrator, pursuant to Section 21.31.F.3. Permitted non-seasonal items shall include vehicles, artwork, rugs, and similar items.
 - b. Temporary sales of non-seasonal merchandise shall be permitted on a particular parcel or lot limited to no more than two (2) occurrences per year. An occurrence shall not exceed fourteen (14) consecutive days and one of those occurrences may be permitted a single seven (7) day extension, as approved by the Zoning Administrator provided that compliance with all other provisions of this Section is maintained. Only one such extension may be permitted per year.
- 3. Seasonal or Temporary Sales Permit Standards.** A Seasonal or Temporary Sales Permit pursuant to this Section shall be issued by the Zoning Administrator, as provided for in this section.
- a. **Plot Plan.** The applicant shall submit a scale drawing (plot plan) with the application which contains the following information:
 - i. The items proposed for sale on the site;
 - ii. The location and specifications of any proposed temporary structure or covered areas to be used for sales and display of items for sale;
 - iii. Any other areas outside of the temporary structure or covered areas used by employees or patrons and the method of controlling ingress and egress from the sales site;
 - iv. The proposed setbacks from all property lines and distance to any parcels zoned for residential use;

- v. The location of existing structures on the site and location of any structures within 100 feet of the property lines;
 - vi. All fire lanes and general traffic flow through the site and from the adjacent public street;
 - vii. Number of parking spaces lost due to the proposed sales site;
 - viii. Method of trash containment and disposal; and
 - ix. Other information as may be requested by the Planning Commission or Zoning Administrator.
- b. Standards.** The application and plot plan shall be reviewed by the Zoning Administrator as specified in this Section, and shall demonstrate conformance with the following standards.
- i. **Setbacks.** Seasonal or temporary outdoor sales activities shall adhere to required front yard setbacks, and may be located no closer than ten (10) feet to the side lot line where they abut non-residential property, and no closer than twenty (20) feet where they abut residential property.
 - ii. **Access.** Adequate ingress, egress and internal vehicular circulation areas shall be provided for seasonal or temporary sales activities. In no case shall a fire lane, road right-of-way or sidewalk be occupied or otherwise obstructed by such activities. Sufficient appropriate area shall be reserved and marked for emergency vehicles. Access shall be only from a paved county primary road.
 - iii. **Parking.** Adequate parking shall be provided for seasonal or temporary sales activities. In no case shall such activities occupy parking areas necessary for the principal use of the property to satisfy ordinance requirements. Under no circumstances shall parking be located within a road right-of-way. Parking shall be provided for no fewer than six vehicles, and the required number of parking spaces shall be computed based on the applicable parking requirement of this Ordinance. The proposed use may not reduce required parking on an improved site by more than ten percent.

- iv. **Impacts on Neighboring Property.** Seasonal or temporary sales operations shall not be conducted in a manner that creates a nuisance to the public or neighboring properties.
- v. **Hours of Operation.** Seasonal or temporary sales operations shall be limited to the hours of 7:00 a.m. to 7:00 p.m., unless it is demonstrated to the satisfaction of the Zoning Administrator that earlier or later hours will not create unreasonable impacts on adjoining property.
- vi. **Signage.** Signage for Seasonal or Temporary Sales operations shall comply with the standards for permanent free-standing signs in that zoning district. Banners, streamers, string lights and the like are prohibited pursuant to Section 27.07.
- vii. **Permit Conditions.** The Zoning Administrator shall have the right to place reasonable conditions, including timeframe, on the permit based on compatibility of the proposed use with the existing use, and public health, safety, and the general welfare of the community.
- viii. **Site Restoration.** As a condition of the Seasonal or Temporary Sales Permit, the site shall be completely restored to its original condition within seven (7) days following the termination of the permitted Seasonal or Temporary Sales use or expiration of the permit, whichever occurs first. This shall include the removal of all equipment, shelving, signage and/or temporary structures, site clean-up, or compensation for the impacts of the temporary use. A performance guarantee for such restoration activities shall be deposited with the Township at the time of application. The performance guarantee shall be in an amount determined each year as part of the Township fee schedule. Once the site has been restored, the performance guarantee shall be returned to the petitioner.
- ix. **Compliance with Law.** The use shall comply with all requirements of all applicable laws, rules, and ordinances, including but not limited to federal, state, county, and local authorities with jurisdiction.
- x. **Building and Fire Compliance.** Whenever a temporary structure, tent, or other enclosure is proposed, the applicant

shall be required to submit the plans for such structure, covering, or enclosure to the Livingston County Building Department for review, permits, and inspection prior to commencement of sales activity under the Seasonal or Temporary Sales Permit. All proposals for temporary structures must comply with all requirements of the state construction code, International Fire Code, NFPA regulations, and all other applicable codes, ordinances, and regulations.

- xi. **Other Permits.** Whenever an applicant for a Seasonal or Temporary Sales Permit intends to utilize a site for fireworks sales, a copy of the state permit and site plan shall be provided with the application in accordance with the requirements of Public Act 256 of 2011, PA 65 of 2013, and PA 9 of 2014, all as amended.

SECTION 21.32 WIRELESS COMMUNICATION 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 the further purpose and intent of the Township to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been made to balance these potentially competing interests.

In adopting the regulations in this Ordinance, and in recognition of the number of providers who have been authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of the Township of Tyrone to fully exercise the authority granted by law relative to the placement, construction and modification of wireless communication facilities.

It is further the purpose and intent of this Ordinance to:

1. **Regulate Towers.** Allow the Township Board and the Planning Commission to regulate and restrict wireless communication facilities and services as principal or accessory permitted land uses, with or without special conditions, or to regulate and restrict such facilities and services as prohibited land uses.
2. **Establish Tower Districts.** Allow the Township Board of the Tyrone Township to establish districts of the number, shape, and area considered best for the

location of wireless communication facilities and services as principal or accessory permitted land uses, with or without special conditions, subject to conformance with applicable standards and conditions.

3. **Specify Uses.** Provide for regulations within those established districts which may be imposed designating the uses for which wireless communication facilities and services shall or shall not be erected or altered, permitted or excluded, or subjected to special regulations.
4. **Review Locations.** Ensure that wireless communication facilities and services are situated in appropriate locations and have appropriate relationships to other land uses, structures, and buildings, and limit inappropriate physical and aesthetic overcrowding of land activities with adverse impacts upon existing population, transportation systems, and other public service and facility needs from wireless communication facilities and services by regulating and limiting the establishment, placement and manner of wireless communication facilities.
5. **Develop Regulations.** Allow the Township Board of Tyrone Township to provide by ordinance for the manner in which such districts, regulations, and limitations shall be determined and enforced or amended, supplemented, or changed.
6. **Approve Sites.** Facilitate adequate and efficient provision of sites for wireless communication facilities.
7. **Promote Health, Safety and Welfare.** Promote the public health, safety and welfare.
8. **Plan for Location.** Provide for adequate information about private and public plans for such wireless communication facilities and services in order to allow the Township to efficiently and effectively plan for their location.
9. **Request Colocation.** Limit and reduce the overall number of newly established locations for wireless communication facilities and wireless communication support structures within the Township, and encourage the use of existing structures for attached wireless communication facilities where technically feasible through the use of colocation. 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 in federal law and policy in and relating to the Federal Telecommunications Act of 1996, it is the policy of Tyrone Township that all users should colocate on existing attached wireless communication facilities, wireless communication support structures, or other buildings and/or

structures, in the interest of achieving the purposes and intentions of this Ordinance.

- 10. Require Removal.** Minimize the adverse impacts of technological obsolescence of such wireless communication facilities and services, including a requirement to remove and/or convert unused and/or unnecessary facilities in a timely manner.
- 11. Minimize Adverse Impacts.** Minimize the adverse impacts from the presence of relatively tall towers having low architectural and other aesthetic appeal to most persons, recognizing that the absence of regulation would result in a material impediment to the maintenance and promotion of property values, and further recognizing that this economic component is an important part of the public health, safety, and welfare. Tyrone Township finds that the presence of numerous tower structures, particularly if located within residential areas, would decrease the attractiveness and destroy the character and integrity of the community, which would in turn have a negative impact upon property values.
- 12. Minimize Visual Pollution.** Minimize visual pollution of the public view and view sheds.
- 13. Compatibility of Uses.** Minimize the negative visual impact of wireless communication facilities and services on neighborhoods, community land marks, historic sites and buildings, natural beauty areas and public rights-of-way. This contemplates the establishment and use of as few structures as reasonably feasible, and the use of structures which are designed for compatibility, including the use of existing structures and the avoidance of lattice tower structures that are unnecessary, taking into consideration the purposes and intentions of this Ordinance.
- 14. Consider Economic Impacts.** Recognize that the public view and the view from sites and buildings is a major economic component of a property's value.
- 15. Provide Standards for Location.** Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones. In such cases, it has been determined that it is likely that there will be greater adverse impact upon neighborhoods and areas within the community. Consequently, more stringent standards and conditions should apply to the review, approval and use of such facilities.
- 16. Require As-Built Drawings.** Require the submission of as-built drawings to Tyrone Township with clearly identified and certified capacity for colocation and

addition of equipment to facilitate the planning and administration of wireless communication facilities and services.

17. **Require Market Information.** Provide for the submission of adequate cost, price, and market information to permit administration of colocation.
18. **Develop Community Wide Plans.** Permit Tyrone Township to develop community-wide plans for such wireless communication facilities and services.

B. Review Procedures and Required Approvals

1. **Colocations and Modifications.** Applications to collocate at an existing wireless communications facility or to modify the equipment at an existing facility shall be approved via a land use permit, except under the following circumstances, when they shall require site plan and special land use approval:
 - a. The height of the existing support structure is increased by more than 20 feet or 10% of its existing height, whichever is greater.
 - b. The width of the existing support structure is increased by more than the minimum necessary to permit colocation.
 - c. An Increase to the area of the existing equipment compound to greater than 2,500 square feet.
2. **New Wireless Facilities, Including New Towers.** New wireless facilities, including new towers, shall be subject to site plan and special land use approval, as described in Section 21.32.D.2.

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

1. **Attached Wireless Communications Facilities** shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this definition.
2. **Colocation** shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the Township.
3. **Fall-zone** is a circle surrounding a wireless communication facility. The radius of the circle shall be equal to the height of a proposed wireless communication

facility. The proposed wireless communication facility shall be located at the center of the fall-zone.

4. **Wireless Communication Facilities** shall mean and include all structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving telephone, cellular telephone, television, microwave and any other form of telecommunication signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment, or building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham or amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.
5. **Wireless Communication Support Structures (Towers)** shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

D. Authorization.

1. **Location Considerations.** Subject to the standards and conditions set forth in Section 21.32.E.1 below, wireless communication facilities shall be permitted uses in the following circumstances:
 - a. **Existing Structures.** An existing structure which will serve as an Attached Wireless Communication Facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the Township Board after recommendation by the Planning Commission, proposed to be either materially altered or materially changed in appearance.
 - b. **Colocation.** A proposed colocation upon an existing wireless communication facility structure, tower, building, or Attached Wireless Communication Facility which had been previously approved for such colocation as part of an earlier approval by the Township. In the event a service provider wishes to obtain approval for colocation on an existing facility that was not previously approved for such colocation, application must be made to the Township consistent with the provisions of Section 21.32.F.

Colocations shall require the issuance of a land use permit by the Township, but shall not require site plan approval or special land use approval, except as described in Section 21.32.B.1. Applications for colocations must either show that the facility in question meets all the applicable standards of this ordinance or must propose changes to bring the facility into compliance with this ordinance.

- c. **Rights-of-Way.** An existing structure which will serve as an Attached Wireless Communication Facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Township Board after recommendation by the Planning Commission, would materially alter the structure and/or result in an impairment of sight lines or other safety interests.
 - d. **Existing Support Structure.** A Wireless Communication Support Structure established within a right-of-way having an existing width of more than two hundred four (204) feet.
 - e. **Township Property.** A wireless communication facility established on a parcel of property owned by the Township.
- 2. **Special Land Use.** If it is demonstrated by an applicant that a wireless communication facility may not be reasonably established as a permitted use as set forth in Section 21.32.D.1, above, and, is required to be established in order to operate a wireless communication service, then, wireless communication facilities may be permitted elsewhere in the Township as a special land use, subject to the criteria and standards of Section 21.32.E, in the following circumstances and in the following districts:
 - a. **PCS, B-2, or ES Zoning Districts.** A monopole wireless communication support structure within a PCS (Planned Commercial Services), B-2 (Community Business), or ES (Expressway Service) District.
 - b. **PIRO, M-1, or M-2 Zoning Districts.** A monopole or lattice wireless communication support structure within a PIRO (Planned Industrial, Research, and Office), M-1 (Light Manufacturing), or M-2 (Heavy Manufacturing) District.
 - c. **Other Districts.** Wireless communication facilities may be permitted by special approval in other zoning districts if those wireless communication facilities meet the requirements of Section 21.32.G.

E. General Regulations

1. Standards and Conditions Applicable to All Facilities.

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. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the Planning Commission in its discretion:

- a. Health, Safety and Welfare.** Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
- b. Compatibility with Surroundings.** Facilities shall be located and designed to be harmonious with the surrounding areas.
- c. Environmental Effects.** Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
- d. Height Justification.** Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
- e. Additional Standards.** The following additional standards shall be met:

 - i. Maximum Height.** The maximum height of the new or modified support structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. 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.
 - ii. Minimum Site Area.** The minimum site area shall include the necessary fall-zone as defined herein. At the discretion of the Planning Commission, the fall-zone may be reduced upon a demonstration by the applicant that the Wireless Communication Facility will not pose a danger to adjacent property. In the event the Planning Commission agrees to permit a reduction in the fall-zone, the applicant shall hold the

Township harmless from all future claims of damage resulting from property loss or personal injury associated with failure of the Wireless Communication Facility. Additionally, the minimum yard areas required by the zoning district where the site is located shall be provided for all buildings associated with a Wireless Communication Facility. Adequate drives and roads shall be provided to the facilities to permit access by maintenance, operations and emergency vehicles as may be required on the site.

- iii. **Minimum Setbacks.** Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of accessory structures shall be in accordance with the required setbacks for main or principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located. (See Section 21.32.F.3, below.)
- iv. **Access.** There shall be unobstructed access to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
- v. **Land Division Requirements.** The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.
- vi. **Roof Top Enclosures.** Where an attached wireless communication facility is proposed on the roof of a building if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

- vii. Appearance and Site Compatibility.** The Planning Commission shall, with respect to the color, structural components, design of the support structure and all accessory buildings, review and approve so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
 - viii. Compliance with Codes.** The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.
 - ix. Maintenance Plan.** 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.
 - x. Signal Coverage Documentation.** Signal coverage documentation shall be submitted to clearly indicate the need for the proposed facility in the specified location. Such documentation shall show the signal coverage in relation to the other parts of the existing and proposed coverage network within six (6) miles of the proposed site. Additionally, the documentation shall differentiate between existing and proposed signal coverage areas.
- 2. Standards and Conditions Applicable to Special Land Use Facilities.** Applications for wireless communication facilities which may be approved as special land uses under Section 21.32.D.2, above, shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions set forth in Section 21.32.E.1.
- a. Facility Need.** The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of 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(s) creating facility need.
 - b. **Conformity with Requirements.** The proposal shall be reviewed in conformity with the colocation requirements of this Section.
3. **Modifications to Existing Approved Wireless Communication Facilities.** Modifications to existing, approved Wireless Communication facilities shall require the issuance of a land use permit by the Township, but shall not require site plan approval or special land use approval, except under the circumstances provided in Section 21.32.B.1.

Applications for modifications must either show that the facility in question meets all the applicable standards of this ordinance or must propose changes to bring the facility into compliance with this ordinance.

- F. **Application Requirements.** The following information shall be required as part of all applications, regardless of the type of approval being sought.
 1. **Site Plan.** A site plan prepared in accordance with Article 23 shall be submitted, showing the location, size, screening and design of all buildings and structures, including fences, and the location and size of outdoor equipment, and the location, number, and species of proposed landscaping.
 2. **Landscaping Plan.** The site plan shall also include a detailed landscaping plan where the support structure is being placed at a location which is not otherwise developed, or where a developed area will be disturbed. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

- 3. Professional Engineer.** The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities.
- 4. Security Deposit.** The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Section 21.32.I. In this regard, the security shall, at the election of the applicant and subject to agreement by the Township, be in the form of: (1) cash; (2) surety bond; (3) letter of credit; or, (4) an agreement in a form approved by the attorney for the Township and recordable at the office of the Register of Deeds, establishing a promise of the applicant and owner of the property to remove the facility in a timely manner as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the Township in securing removal. If the applicant posts a performance bond, bank letter of credit or any other renewable form of security with a fixed expiration date, which expiration date shall occur before the removal of the facility, the applicant shall pay the Township an administration and file maintenance fee. The Township Board shall establish the administration and file maintenance fee by resolution. Additionally, if the applicant has not demonstrated that the renewable security has been renewed within ten (10) days prior to the end of a guaranteed performance period, and the applicant has not removed the facility, the Township shall be authorized to draw down the funds guaranteed by the security to assure the performance guarantee shall remain available to protect the health, safety and welfare of the Township's residents.
- 5. Wireless Facilities Map.** The application shall include a map showing existing and known proposed wireless communication facilities within the Township, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Township in the location, and in the area, which are relevant in terms of potential colocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the Township, the applicant shall be required only to update as needed. Any such information which is a trade secret and/or other confidential commercial information which, if released would result in commercial disadvantage to the applicant, may be submitted with a request for confidentiality in connection with the development of governmental policy M.C.L. 15.243(l)(g). This ordinance shall serve as the promise to maintain

confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Township.

6. **Contact Information.** The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
 7. **Valid Documents.** The application shall be accompanied by a copy of the deed, lease agreement, purchase agreement or other valid document demonstrating that the applicant has gained control of the subject site in order to be able to construct the proposed facility on the site.
- G. **Special Requirements for Facilities Proposed to be Situated Outside Designated Districts.** For facilities which are not permitted uses under Section 21.32.D.1, above, and proposed to be located outside of a district zone identified in Section 21.32.D.2, above, an application shall be reviewed and, if approved, facilities shall be constructed and maintained in accordance with the following additional standards and requirements, along with those in Section 21.32.E:
1. **Demonstration of Need.** At the time of the submittal, the applicant shall demonstrate that a location as specified in Section 21.32.D.1 cannot reasonably meet the coverage and/or capacity needs of the applicant.
 2. **Alternate Designs.** Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.
 3. **Alternate Sites.** In single-family residential neighborhoods, site locations other than as identified in Section 21.32.D.1 shall be permitted on the following sites (not stated in any order of priority), subject to application of all other standards contained in this section:
 - a. Municipally owned site.
 - b. Other governmentally owned site.
 - c. Religious or other institutional site.
 - d. Public park and other large permanent open space areas when compatible.
 - e. Public or private school site.
 - f. Other similar locations if none of the above is available.

H. Colocation

- 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 Township, and encourage the use of existing structures for Attached Wireless Communication Facility purposes, consistent with the statement of purpose and intent, set forth in paragraph (A) of this Section 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 colocate 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 Section 21.32.A. If a provider fails or refuses to permit colocation on a facility owned or otherwise controlled by it, where colocation 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 this policy.
- 2. Feasibility of Colocation.** Colocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

 - a. Compensation.** The wireless communication provider entity under consideration for colocation will undertake to pay market rent or other market compensation for colocation.
 - b. Structural Support.** The site on which colocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c. Unreasonable Interference.** The colocation being considered is technologically reasonable, for example, the colocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - d. Increased Height.** The height of the structure necessary for colocation will not be increased beyond a point deemed to be permissible by the

Township, taking into consideration the several standards contained in Sections 21.32.E and G, above.

3. Requirements for Colocation.

- a. Site Availability.** A special land use permit for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible colocation is not available for the coverage area and capacity needs.
- b. Colocation Accommodation.** All new and modified wireless communication facilities shall be designed and constructed so as to accommodate colocation. New tower facilities shall be of adequate height to permit the colocation of at least one (1) additional wireless communication broadcast/reception facility.
- c. Nonconforming Facilities.** The policy of the Township is for colocation. Thus, if a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit alteration of a structure so as to accommodate a proposed and otherwise feasible colocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.
- d. Failure to Permit Colocation.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to permit a feasible colocation, and this requires the construction and/or use of a new facility, the party failing or refusing to permit a feasible colocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of the Township, and, consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new wireless communication support structure within the Township for a period of five (5) years from the date of the failure or refusal to permit the colocation. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

4. Incentive

Review of an application for colocation, and review of an application for a permit for use of a facility permitted under Section 21.32.D.1.a, above, shall be expedited by the Township. Colocations shall not require site plan approval or special land use approval, except as provided in Section 21.32.B.1. Applications for colocations must either show that the facility in question meets all the applicable standards of this ordinance or must propose changes to bring the facility into compliance with this ordinance.

I. Removal

- 1. Removal Provisions.** A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

 - a. Lack of Use.** When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of transmission signals) shall be considered as the beginning of a period of nonuse.
 - b. New Technology.** Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
- 2. Partial Removal.** The situations in which removal of a facility is required, as set forth in paragraph (1) above, may be applied and limited to portions of a facility.
- 3. Removal Permit.** Upon the occurrence of one or more of the events requiring removal, specified in paragraph (1) above, 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.
- 4. Failure to Remove.** If the required removal of a facility or a portion thereof has not been lawfully completed within sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or

enforced from or under the security posted at the time application was made for establishing the facility.

J. Timeline for Approval

1. Colocations or Modifications. After an application for a colocation has been filed with the Township, the Township shall have 14 days to determine whether the application is complete. If, in those 14 days, the Township determines the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Township shall have 60 days to issue an approval. If the Township has not acted within 60 days, the application will be deemed approved. If the Township fails to notify the applicant that the application is not complete within 14 days, then the application shall be deemed complete and the Township shall have 60 days to issue an approval. If the Township has not acted within 60 days, the application will be deemed approved.

2. New Wireless Telecommunication Facilities. After an application for site plan and/or special approval review has been filed with the Township, Township staff or consultants shall have 14 days to determine whether the application is complete. If, in those 14 days, the Township determines the application is incomplete and notifies the applicant of the deficiencies, the applicant shall fulfill all deficiencies. When the application is complete, the Township shall have 90 days to approve or deny the application. If the Township has not acted within 90 days, the application will be deemed approved. If the Township fails to notify the applicant that the application is not complete within 14 days, then the application shall be deemed complete and the Township shall have 90 days to approve or deny the application. If the Township has not acted within 90 days, the application will be deemed approved.

K. Application Fee. The Township shall charge an application fee of no more than \$1,000 to an applicant for any type of approval for a wireless communication modification, colocation, or new facility.

SECTION 21.33 UNIQUE BUILDINGS AND DEVELOPMENTS

This section is intended to assist any person in determining the necessary steps to follow to obtain review and approval of unique buildings or specialized land uses.

A. Appropriate Zoning District. Any building or land use shall conform with the requirements included in the appropriate district defined in this ordinance.

B. Construction Requirements. The construction techniques and materials shall conform

to the requirements of the Livingston County, Building Department to insure maximum protection of the health, safety and welfare of the residents.

C. Site Plan Review. Site plan review may be required at the discretion of the Planning Commission.

D. Below Grade Buildings. Underground houses and those houses generally referred to as an earth-sheltered dwelling unit partially or totally below the adjacent surrounding grade level, shall meet the safety and construction requirements of residential dwelling units. Since the proposed land use may represent unique features and techniques, a special review by the Planning Commission may be required.

SECTION 21.34 UNLAWFUL BUILDING

In case any building or part thereof is used, erected, altered, abandoned or occupied contrary to law or the provisions of this ordinance, such building shall be declared a nuisance and shall be required to be vacated.

SECTION 21.35 LANDSCAPING, SCREENING, AND NOISE ATTENUATION

See Section 21.16 and Article 21A.00.

SECTION 21.36 INCENTIVES TO PRESERVE EXISTING TREES

See Section 21A.08.

SECTION 21.37 EXTERIOR LIGHTING

All lighting for parking areas, external illumination of buildings or grounds, or illumination of signs, shall be directed away from and shall be shielded from, adjacent residential districts. It shall also be so arranged as to not affect driver visibility adversely on adjacent arterial roads. Light shall not exceed more than 0.5 footcandle at a residential property line. Light shall not exceed more than 1.0 footcandle at a non-residential property line. In order to prevent nuisances caused by unnecessary glare, upward projection of light shall be minimized and the area of illumination of outdoor lighting fixtures shall be indicated on the plan.

The Planning Commission shall require the submission of a photometric plan prepared by an electrical engineer, or other qualified expert, graphically illustrating the planned layout and foot candles of site lighting. A photometric plan may be required to ensure compliance with the above standards and that adequate light levels are provided on the site. The plan shall also

indicate the type and heights of light fixtures proposed, the wattage proposed to be used, and all pertinent photometric information for the fixtures, site and project.

SECTION 21.38 RESIDENTIAL ENTRANCEWAY

In residential districts, so-called entranceway structures, including but not limited to, walls, columns and gates marking entrances to single family subdivisions or multiple housing projects, may be permitted, and may be located in a required yard, except as provided in Section 21.39 Clear Vision Zone. Such entranceway structures shall be adequate to permit unobstructed access by all emergency equipment and shall comply with all codes and ordinances of the township and county. Sight distance shall be approved by the Livingston County Road Commission and a driveway permit obtained. The structure shall also be approved by the Livingston County Building Department.

SECTION 21.39 CLEAR VISION AREA

A fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall not be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal connecting them at points at least twenty-five (25) feet from their intersection (see Figure 11).

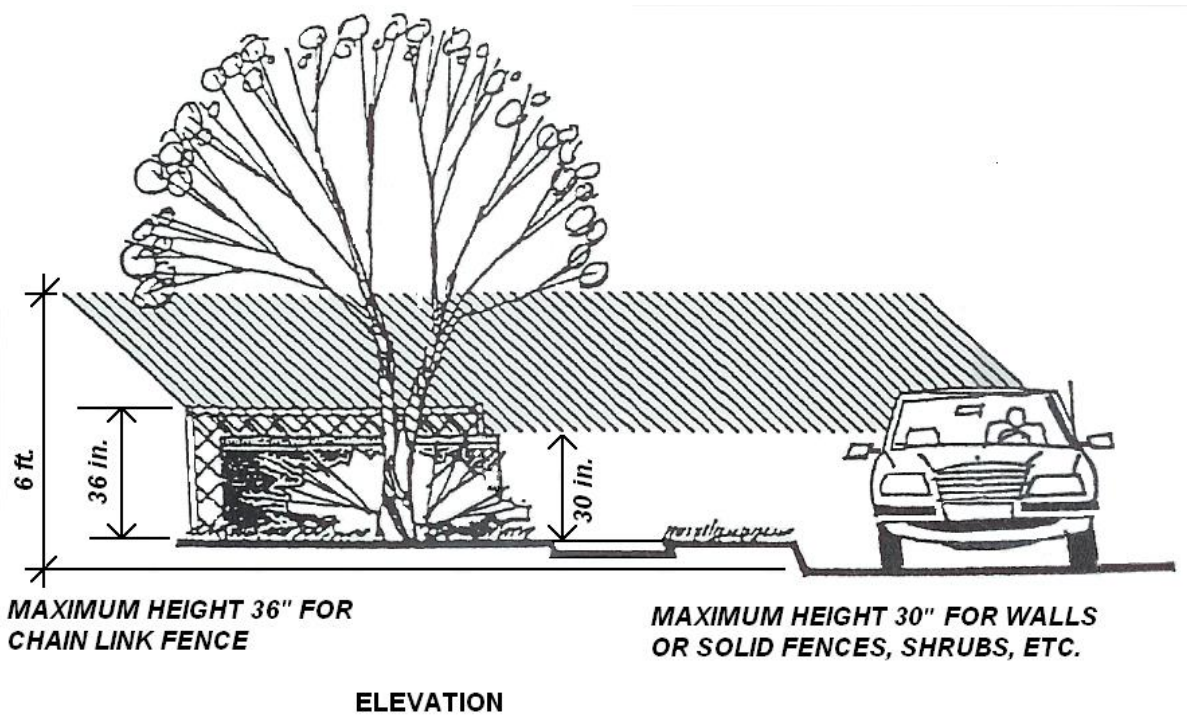
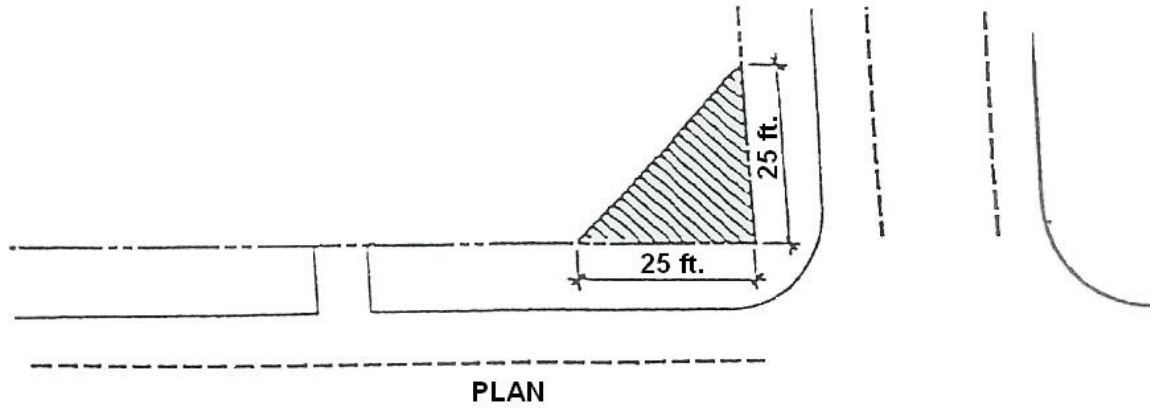
SECTION 21.40 SOLID WASTE RECEPTACLES.

See Article 21A.11.

SECTION 21.41 VOTING PLACE

The provisions of this ordinance shall not be so construed as to interfere with the temporary use of any public facility as a voting place in connection with a township or other public election, in accordance with state voting law.

Figure 11 - CLEAR VISION AREA



SECTION 21.42 STATE LICENSED CHILD AND ADULT CARE FACILITIES

- A. State licensed residential child and adult care facilities, as defined in Article 2, Definitions within a residential structure and commercial child care facilities are allowed as provided in Table 21.1 below.

TABLE 21.1

TYPE OF FACILITY	DISTRICTS					
	FR, RE, R-1, LK-1	R-2	RM-1	PCS, B-1, B-2	PCI, PIRO, ES, OS, M1, M2	EI
Adult foster care family home (6 or fewer adults)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Adult foster care small group home (12 or fewer adults)	Special Use	Special Use	Permitted	Not Allowed	Not Allowed	Not Allowed
Adult foster care large group home (13 to 20 adults)	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed	Not Allowed
Foster family home (4 or fewer children 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Congregate Care Facility (20 or more adults)	Not Allowed	Not Allowed	Special Use	Not Allowed	Not Allowed	Not Allowed
Adult day care facility (13 or more adults, less than 24 hours per day)	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed	Not Allowed
Foster family group home (5 to 6 children 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Family day care home (6 or fewer children less than 24 hours per day)	Permitted	Permitted	Permitted	Not Allowed	Not Allowed	Not Allowed
Group day care home (7 to 12 children less than 24 hours per day)	Special Use	Special Use	Special Use	Permitted	Not Allowed	Not Allowed
Commercial child care facilities (unlimited by size)	Not Allowed	Not Allowed	Not Allowed	Special Use	Special Use	Not Allowed

Permitted: Permitted by right.
 Special Use: May be allowed upon review and approval of a Special Land Use Permit, in accordance with the general and specific standards of Article 22 Special Land Uses.
 Not allowed: Not allowed in the zoning district.
 See also: Section 22.05 J and N.

SECTION 21.43 CONDOMINIUM DEVELOPMENT STANDARDS AND SITE PLAN REVIEW

The intent of this Section is to provide regulatory standards for condominiums and site condominiums similar to those required for projects developed under other forms of ownership, in accordance with the Michigan Condominium Act, Act 59 of 1978, as amended. This article is not intended to prohibit or discourage development of condominium projects.

- A. Definitions.** Definitions of condominium terms contained in Article II, Definitions, are intended to make comparison possible between the definitions of terms in the Zoning Ordinance for lots, conventional platted lots and subdivisions and to ensure that the standards in the Zoning Ordinance are properly and uniformly applied to condominiums and site condominium projects.
- B. Applicability of District Regulations.** Site condominium projects in any residential district shall comply with all setback, height, coverage and area restrictions in Article VII Schedule of Regulations in the same manner as these standards would be applied to platted lots in a subdivision.
- C. Planning Standards.** Site condominium developments shall conform to the following design standards. The review process shall be as stipulated in 21.43.G below.

 - 1. Existing Streets.** The proposed condominium shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and secondary streets, and such part shall be recorded in the location and the width indicated on such plan.
 - 2. Arrangement of Streets.** The arrangement of streets shall provide for the continuation of existing streets from adjoining areas into a new condominium, unless otherwise approved by the Township Board, following a recommendation by the Planning Commission, due to documented environmentally sensitive features, unusual lot configuration or unique site conditions.

Where adjoining vacant areas are zoned or planned for development similar to the proposed condominium, streets shall be extended to the boundary line of the tract to make provision for the future street connections. The proprietor shall demonstrate that the proposed stub street is in a reasonable location for extension into the adjacent lands, in consideration of such factors as grades, water bodies, wetlands and lot configuration. A temporary cul-de-sac may be required unless the length of the stub street only abuts one (1) lot on either side. Easements for future road extensions shall be provided to the parcel line. In the event an easement for a future street extension is provided but the

street is not installed during condominium construction, the proprietor shall place adequate funds in an escrow account to assure eventual installation of the stub street when the improvements are determined to be necessary by the Township and LCRC. The escrow account shall be established consistent with the procedures and requirements of the LCRC.

3. **Preservation of Natural Features.** Streets shall be aligned to maximize the preservation of natural features and existing grades to the extent feasible. Where practical, streets shall follow natural topography to minimize grading.
4. **Through Traffic.** The proposed condominium street layout shall discourage use by through traffic, except where a continuation of streets to adjoining properties is deemed desirable by the Township. In determining the need for such connections, the Township shall consider the need for adequate access and response time for emergency vehicles, the impacts such connections may have on reducing congestion along arterials, the projected traffic volumes and the compatibility with adjacent developments.
5. **Major Thoroughfare.** Should a proposed condominium border on or contain an existing or proposed major thoroughfare or collector, the Planning Commission may require marginal access streets, reverse frontage with an approved screen planting contained in a non-access reservation along the rear property line having a minimum width of fifteen (15) feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards. Vehicular driveway access shall be to a minor street.
6. **Expressway.** Should a proposed condominium border on or contain an existing expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation. The standards of Article 21A.00 establish minimum acceptable landscape buffer requirements in these circumstances.
7. **Half Streets.** Half streets shall be prohibited, except where the parcel is adjacent to another recorded and dedicated half street or when a contemporaneous development proposal includes the required adjacent half street. Wherever there exists adjacent to the tract to be subdivided, a dedicated or recorded half street, the other half of the street shall be recorded to complete the street.

8. **Reconstruction.** Where a condominium incorporates existing public streets or private roads which are not in conformance with current standards, such facilities shall be reconstructed as necessary to improve the road to the extent required by the LCRC for public roads.
 9. **Walkways.** Walkways or sidewalks may be required by the Planning Commission to create safe pedestrian circulation routes in condominiums. Such walkways or sidewalks shall be not less than five (5) feet in width, constructed of concrete or plant mixed bituminous material, not less than four (4) inches thick.
 10. **Conformance to Zoning District Standards.** All lots created in a condominium must conform to the minimum standards, including required width and area, as established in this Ordinance for the zoning district where the condominium lot is located. Corner lots shall provide adequate width so that a front yard setback can be established from each fronting street.
 11. **Through Lots.** Through lots (lots with frontage on two parallel streets) are prohibited, except in the case of a reverse frontage lot that abuts a major thoroughfare where vehicular access to the major thoroughfare is prohibited.
 12. **Greenbelts or Buffers.** Lots located adjacent to a County mile or half-mile road shall be screened with a greenbelt, berm or buffer strip in accordance the provisions of Article 21A.00. The Planning Commission shall determine the appropriate method of landscape screening.
- D. **Modification of Design Standards.** The Planning Commission may recommend approval of a modified design standard in a particular application where it can be demonstrated that the modified standard meets sound planning, safety and engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.
- E. **Applicability of Private Road and Public Street Standards.** Private roads and driveways within site condominiums must meet the road design, construction, maintenance agreement, and public hearing requirements of Article 24, Private Road Land Developments. The review and approval process for site condominiums shall follow the process outlined in Section 21.43.G of this article. Any condominium with public streets shall meet the standards of, and be accepted by; the Livingston County Road Commission.

F. Utilities. The condominium plan shall grant utility easements or the right of access to utility easements as required by the Township to construct, operate, inspect, maintain, repair, alter, replace and/or remove pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities. Public utilities shall include, but not be limited to, conveyance of sewage, water and storm water runoff across, through and under the property subject to such easement, and excavating and filling ditches and trenches necessary for the location of such structures.

G. Review Process for Site Condominiums. Prior to the issuance of a building permit for construction of a site condominium project, the project must be reviewed by the Planning Commission and approved by the Township Board according to the following procedure. Conventional condominium projects as defined in this Section shall not be required to follow this review procedure and shall be required to follow the site plan review process in Article 23.

1. Concept Plan Review.

a. Planning Commission Recommendation. The applicant shall submit a concept plan, with information listed in Table 21.2 for review by the Planning Commission. The Planning Commission shall forward a written recommendation to the Township Board to approve or deny the concept plan within 45 days of the submittal of a complete concept plan, or hearing for any proposed private road if required by Article 24 of this ordinance. The Planning Commission shall impose conditions on the concept plan as deemed necessary to comply with concept plan review standards in Table 21.2.

b. Township Board Approval or Denial. The Township Board shall consider the recommendation of the Planning Commission, review the concept plan and approve or deny the concept plan. All conditions imposed by the Planning Commission on the concept plan shall be resolved prior to approval of the concept plan by the Township Board or the plan shall be sent back to the Planning Commission for reconsideration.

c. Concept Plan Information. The concept plan shall include all information indicated as required for concept plan submittal in Table 21.2.

d. Review Standards. In reviewing the concept plan, the Planning Commission and Township Board shall consider whether the project conforms to the appropriate design and layout standards of the Subdivision Control Ordinance, Article 24 Private Road and Shared Private Driveway Standards and Section 23.03, Standards for Site Plan

Review. A review by the Township Engineer may be required at the concept review stage.

2. **Review by Outside Agencies.** The applicant shall submit the concept plan, as approved, to those outside agencies with review or permit authority over the project as determined by the Planning Commission. Such agencies shall include but not be limited to:
 - a. County Road Commission;
 - b. County Drain Commissioner;
 - c. County Health Department;
 - d. Michigan Department of Transportation; and
 - e. Michigan Department of Natural Resources.

3. **Final Site Plan Review.**
 - a. **Planning Commission Recommendation.** Following submittal of the concept plan to applicable outside agencies, the applicant shall revise the plan if required and shall submit a final site plan to the Planning Commission. The final site plan submittal shall include evidence that the plan was submitted as required for outside agency review and shall include all review letters that have been obtained. If major modifications to the site plan are required as a result of outside agency review, the site plan shall be re-submitted for concept plan review. A determination of a major modification shall be made by the Zoning Administrator and shall follow the guidelines outlined below under "Plan Amendments". The Planning Commission shall review the final site plan, along with comments by outside agencies, and shall forward a written recommendation to approve, approve with conditions, or deny the final site plan to the Township Board.

 - b. **Township Board Approval or Denial.** The Township Board shall review and approve, approve with conditions or deny the final site plan.

 - c. **Final Site Plan Information.** The final site plan must include all information indicated as required in Table 21.2 of this Section.

 - d. **Document Submittal Requirements.** All pages of all documents submitted must include the name of the project, name of the engineer, date submitted, date of original drawing and date of all revisions. Final documents must be verified by the developer/owner including a listing of all voided and current drawings.

- e. Review Standards.** In reviewing the final site plan, the Planning Commission and Township Board shall consider whether the project meets the design and layout standards of the Subdivision Control Ordinance, the Township's Private Road Standards and Section 23.03 of the Zoning Ordinance, Standards for Site Plan Review. The Planning Commission and Township Board shall also consider comments of the Zoning Administrator regarding the proposed condominium by-laws and master deed and shall require any necessary modifications to these documents.
- 4. Engineer Review and Final Documents.** If required, the Township Engineer shall review construction plans and establish any necessary financial guarantee requirements, and to confirm that the applicant has obtained all required permits from outside agencies, prior to the issuance of a building permit. As-built plans for the project, including all roads and utilities shall be submitted in accordance with Section 21.43.L below. Final by-laws and condominium documents shall be submitted in accordance with Section 21.43.M.
- 5. Site Plan Amendments.** Proposed amendments to an approved condominium site plan shall be submitted to the Zoning Administrator for a determination by the Planning Commission of whether such amendments constitute a major or minor modification to the approved site plan. Major amendments shall require a complete re-review of the project beginning with concept plan review. Minor amendments shall require a re-review and approval beginning with final site plan review.
- 6. Guidelines to Distinguish Major and Minor Amendments.** Major amendments or modifications to an approved final or concept plan include, but are not limited to, modifications which substantially alter the alignment of a road, change the size or location of drainage facilities, increase the length of a cul-de-sac, increase traffic volumes, change traffic circulation or that increase the density or intensity of the project. Minor amendments or modifications include changes that are determined to be only minor adjustments to the location of roads or the size or location of approved drainage facilities or other changes which do not increase traffic volumes or circulation or the intensity or density of a project. For example, a proposal to eliminate or add an access point, or to increase the number of residential units would be a major amendment. A proposal to decrease the number of residential units or to adjust the location of an approved road would be a minor amendment. The determination of whether a proposal constitutes a major or minor amendment shall be made by a subcommittee of the Planning Commission.

- H. **Boundary Relocation.** The relocation of boundaries between adjoining condominium units as defined and restricted in Section 148 of the Condominium Act (only if expressly permitted by the condominium documents) shall conform to all setback requirements of Article 20 for the district in which the project is located, shall be submitted to the Township Board for review and approval, and these requirements shall be made a part of the bylaws and recorded in the master deed.
- I. **Subdivision of Unit Sites.** Subdivision of condominium unit sites or lots is permitted subject to approval by the Township Board and the submittal of the amended bylaws and master deed to determine the effect of the subdivision on conditions of zoning or site plan approval, and shall be made as part of the bylaws and recorded as part of the master deed.
- J. **Water and Waste Water.** The condominium project shall comply with and meet all federal, state and county standards for a fresh water system and waste water disposal.
- K. **Master Deed.** The project developer shall furnish the Zoning Administrator with ten (10) copies of the proposed consolidated master deed, bylaws and proposed plans. The master deed and bylaws shall be reviewed for compliance with the Township's Code of Ordinances and to ensure that an assessment mechanism has been included to guarantee adequate funding for maintenance of all common elements. The common area funding responsibility of the association shall include any necessary drainage-ways and the cost to periodically clean-out such drainage ways to keep them functioning as intended in the approved drainage plan. The Master Deed shall clearly state the responsibility of the owner and co-owners and shall state that all amendments to the condominium must conform to Township, County and State laws and regulations. The Master Deed shall also include any variances granted by township, county or state authorities and include a hold harmless clause from these variances.

Master Deeds submitted to the Township for review shall not permit contraction of the condominium (whereby co-owners can withdraw from the condominium and responsibility for maintenance of common elements) without re-submittal of the master deed and bylaws to the Township Board for review and approval. Fees for these reviews shall be as established, from time to time, by the Township Board.

- L. **As-built Plan and Occupancy.** Submission of an as-built plan of a condominium project is required. The Zoning Administrator may allow occupancy of the project before all improvements required are installed provided that an acceptable financial guarantee is submitted to the Township Clerk, sufficient in amount and type to provide for the installation of improvements. The amount of the financial guarantee shall be determined by the Township Board based on an estimate of the Township Engineer.

M. Consolidated Master Deed, Final Bylaws, and Final Site Plan. Upon approval of the final condominium site plan, the applicant shall furnish the Township Clerk a copy of the final bylaws and consolidated master deed inclusive of all exhibits, especially exhibit B. These final documents shall be submitted for review by the Township Attorney and such other representatives as the Township Board determines appropriate. The Board shall rely upon the expert advice of the Township representatives regarding the documentation. When the Township determines that the documentation is consistent with the approved preliminary plans and documentation and that the documents are ready for recordation, the documents shall be accepted and entered into the official Township records. A site plan shall be provided on mylar sheets of eleven (11) inches by seventeen (17) inches and shall provide all parcel dimensions, unit areas, and a cover sheet and such other information as is required to be submitted to the local government by the Michigan Condominium Act.

N. Survey and Monument Requirements. Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

The Township Engineer may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer shall deposit with the Township an acceptable financial guarantee in an amount to be determined by the Township based on the actual cost to set the monuments and irons as required. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor licensed in the State of Michigan that the monuments and irons have been set as required within the time specified. If the developer defaults, the Township shall promptly require a licensed surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

Road rights of way shall be described separately from individual condominium lots and shall be accurately delineated by bearings and distances on the condominium subdivision plan and the final site plan. Road rights-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing public utilities. The developer shall dedicate any required easements to the Township for all public water and sanitary sewer lines and appurtenances.

O. Compliance with Other Statutes and Ordinances. All condominium projects shall comply with federal, state and local laws, statutes and ordinances.

TABLE 21.2 SITE CONDOMINIUM SUBMITTAL REQUIREMENTS	Concept Plan	Final Site Plan	Final Documents
An application form and payment of review fees established by the Township Board.	■	■	■
Name(s) and address of the applicant and the owner of record of the subject site. The applicant shall indicate interest in the land as land contract interest, or fee simple ownership.	■	■	■
Names, address and professional seals of the designer, engineer or land surveyor who designed the site condominium layout.		■	■
Location by Section, Town and Range, or by other legal description, and an area map showing the general relationship of the proposed site condominium project to the surrounding area within one-half mile at a scale of not less than 1" = 500'.	■	■	■
Proposed name of subdivision, site condominium project.		■	■
Fifteen (15) copies of the submitted plans on paper not greater than twenty-four (24) inches by thirty-six (36) inches, drawn to an engineer's scale no smaller than 1" = 100'. For large projects, one overall plan shall be provided, with sections at a larger scale such as 1" = 20'.	■	■	■
Date, revision dates, and north arrow.	■	■	■
EXISTING SITE INFORMATION			
Site Analysis including general topography, wetlands and woodlands	■	■	
Lines and dimensions for the site condominium project boundaries.	■	■	■
Boundaries and dimensions for any phase. All phases shall be numbered in the order in which they are intended to be constructed.	■	■	■
All existing and proposed property lines in or within two hundred (200) feet of the proposed site condominium project. Existing lines should be graphically distinguished from proposed lines.		■	■
Zoning district classification for all land parcels within and adjacent to the site condominium site.	■	■	■
Boundaries of floodplain or wetlands regulated by the MDEQ, with documentation and credentials supporting that the boundary was determined by a qualified firm or individual.		■	■
Existing buildings or other structures in or within one hundred (100) feet of the proposed site condominium project.		■	■

PROPOSED SITE CONDOMINIUM PROJECT			
NATURAL FEATURES	Concept Plan	Final Site Plan	Final Documents
Topography drawn as contours at an interval of not less than two (2) feet for the subject site and a general description of topography within one hundred (100) feet of the site. Topography shall be based on U.S.C. and G.S. Datum. Existing and proposed topography lines shall be shown in a manner which is easily distinguishable.		■	■
Boundaries of wetlands regulated by the MDEQ as established by a qualified wetland consultant.	general	■	■
Location of regulated trees and woodlands	general	■	■
Inventory of regulated trees and woodlands			■
Location and elevation of any floodplain areas	general	■	■
LOT ARRANGEMENT			
Layout of lots	■	■	■
Lot information including: numbers, dimensions, square footage per lot.		■	■
Building setbacks: dimensions of required building front, side, and rear yard setbacks (i.e. building envelopes). Distances from any shore line or wetland boundary should be clearly dimensioned.		■	■
An indication of the ownership, and existing and proposed use of any parcels identified as "excepted" on the site plan. If the applicant has an interest or owns any parcel identified as "excepted," the condominium site plan shall indicate how this property could be developed in accordance with the requirements of the existing zoning district in which it is located and with an acceptable relationship to the layout of the proposed site plan in terms of utilities, streets and land uses.	■	■	■
STREETS			
Traffic impact study if required by Section 23.05.		■	■
Name, location, and right-of-way widths of existing or proposed public or private streets in or within two hundred fifty (250) feet of the site.	■	■	■
Method of connection with adjoining street system.	■	■	■
General layout of proposed streets	■	■	
Names of proposed streets		■	■

STREETS <i>(continued)</i>	Concept Plan	Final Site Plan	Final Documents
Details on street design including curve radii, rights-of-way, cross sections, gradient, street signs, etc.		■	■
Street Lighting: the location for any street lights shall be shown. A diagram of a typical street light planned to be installed shall be provided.		■	■
Location of school bus stops and documentation from the school district			■
SIDEWALKS AND BIKE PATHS			
Locations of proposed sidewalks, bike paths and similar facilities		■	■
Details on the width, materials, grades, etc.		■	■
MAIL BOX CLUSTERS			
Proposed location of mail box clusters		■	■
Details on mail box cluster design and letter from Post Office		■	■
LANDSCAPE PLAN			
A general conceptual landscape plan illustrating buffer zones and greenbelts.	■	■	
Location and details of street trees, buffer zones and greenbelts including plant lists.			■
Cost estimates for landscape and woodlands replacement plans		■	■
Entry Features: A detailed drawing to scale of any proposed entrance features including dimensions of boulevards, walls, landscaping signs or lighting.		■	■
PUBLIC RESERVATIONS AND EASEMENTS			
Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision.	general	■	■
Documentation of dedication or reservation			■
Existing or proposed easements in or within one hundred (100) feet of the site. Information should include the width and purpose for all easements.		■	■

UTILITIES	Concept Plan	Final Site Plan	Final Documents
General layout of water and sanitary sewer lines	■		
Sewage disposal: Location and sizes of lines, or location of septic fields, for sewage disposal by a method approved by the Livingston County Health Department or the MDEQ and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Water system: Location and sizes of lines, or location of wells for proposed water supply by a method approved by the Livingston County Health Department or the MDPH (Michigan Dept. of Public Health) and the Township Board. Utility information shall be shown for the site and for a distance two hundred (200) feet outside of the site.		■	■
Location, sizes and other information on underground utilities present and other proposed utilities. Utility information shall be shown for the plat and for a distance two hundred (200) feet outside of the plat.		■	■
General plans for storm water.	■		
Drainage: An indication of storm drainage proposed by methods acceptable to the Township and/or the Livingston County Drain Commissioner. Storm water runoff calculations shall be provided to analyze the adequacy of proposed drainage facilities.		■	■
Construction cost estimate of utilities, roads and other facilities to establish financial guarantee requirements			■
CONDOMINIUM DOCUMENTS			
Master deed and bylaws.		■	■
As-built plans			■

SECTION 21.44 DETERMINATION OF "SIMILAR USES"

In recognition that every potential use cannot be addressed in this zoning ordinance, each nonresidential article list of uses includes the phrase "uses of the same nature or class as uses listed in this district as either a Principal Use Permitted or a Special Land Use, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission based on the standards of Section 21.44" at the end of the list of Special Land Uses. The Planning Commission shall make a determination of "Uses of the same nature and class" at a public hearing according to the following standards:

- A. **Not Listed.** A finding that the proposed use is not listed as a principal use permitted or special land use in any zoning district.
- B. **Similar Use.** If the use is not addressed in this Ordinance, the Planning Commission shall select the use listed in this Ordinance which most closely resembles the proposed use, using criteria such as potential impact on property values, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare and other objectionable impacts on public health, safety and welfare. The Planning Commission may determine that there is no similar use and that the use should be prohibited according to the standards of "Prohibited Uses in Section 21.45."
- C. **Similar Use Conditions.** Once a similar use is determined, the proposed use shall comply with any special conditions or special land use standards that apply to the similar use.
- D. **Amendment Request.** The Planning Commission or applicant shall have the option to request an amendment to the zoning ordinance to specifically address the use in question, rather than treating the proposed use as a similar use.
- E. **Text Amendment.** The determination as to whether a proposed use is similar in nature and class to other principal uses permitted or special land uses within a district should be considered as an expansion of the use regulations, not a variance applying to a particular situation. Any use determined by the Planning Commission to be a "use of the same nature or class as uses listed" shall thereafter be included in the enumeration of the uses. Further, the Planning Commission shall proceed with a text amendment to this Ordinance, consistent with the provisions of Article 29, so that the use shall be incorporated in a Zoning District as determined appropriate.

SECTION 21.45 PROHIBITED USES

Certain uses may not be appropriate within Tyrone Township given the existing development pattern, environmental conditions and overall character in the community. In accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, a Zoning Ordinance or zoning decision can totally prohibit the establishment of a requested land use within a township if there is not an appropriate location within the community or the use is unlawful, even if there is a demonstrated need for that land use either in the township or surrounding area. In determining there is no appropriate location for the use within the township, the Planning Commission shall consider the following:

- A. The land area required by the proposed use;
- B. Existing environmental conditions and potential environmental hazards;
- C. The potential impact on surrounding properties in terms of traffic, noise, lighting, property valuation and views;

- D. Demand and capacity of utilities and municipal services to support the proposed use; and
- E. A finding that there is an alternative land use that will provide the property owner with a reasonable rate of return on investment.

SECTION 21.46 ESSENTIAL PUBLIC SERVICES AND REQUIRED UTILITIES

- A. **Buildings and Structures.** Essential services buildings and structures shall be permitted, as authorized under any franchise in effect within the Township. Such essential services shall be subject to State laws, Township Ordinances and regulations in addition to being consistent with the list of uses permitted in each zoning district. It is the intent of this section to ensure conformity of all buildings, structures, uses and storage yards to the requirements of this Zoning Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or Township Ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail. Appeal from the application of this Ordinance in regard to any essential service may be made to the Board of Zoning Appeals.
- B. **Public and On-Site Utilities.** Prior to issuance of a building permit under the terms of this Ordinance, the applicant shall obtain engineering approval from the Township. On-site septic systems shall be designed in accordance with the standards of the Livingston County Health Department.

SECTION 21.47 MAINTENANCE OF COMMONLY-OWNED PRIVATE FACILITIES

The purpose of this Section is to insure the quality, construction, maintenance and replacement of commonly owned private facilities and land whether improved or unimproved. These facilities include, but are not limited to detention ponds, retention basins, lighting, open space, wetlands, signs, landscaping, fences, screen walls, drains, trails and sidewalks to which more than two owners of lots or condominiums have rights of use or access or enjoyment; or which are owned in common by an association of owners. Prior to approving such commonly owned private facilities, the applicable township approving body shall approve legal documents which assure the continuing maintenance and periodic replacement of any commonly-owned private facilities. (See also Article 24 for maintenance requirements for private roads.)

The documents shall address the items listed below:

- A. **Define what is Owned.** Define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the commonly owned private facilities of owners or an association;

- B. Binding Agreement.** Establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving commonly owned private facilities;
- C. Maintenance of Appearance.** Establish protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained;
- D. Administrative Function.** Create an administrative vehicle, or owners' association, to manage those elements shared in common and to enforce standards;
- E. Financing.** Provide for the operation and financing of an association or administrative vehicle;
- F. Transfer of Responsibility.** If applicable, specify the process involved in effecting the transfer responsibility for the commonly-owned private facilities from the developer to the unit owners or lot owners collectively or to a governmental agency of appropriate responsibility;
- G. Easements.** Set forth proper access and utility easements for the owners or an association;
- H. Definition of Facilities.** Commonly owned private facilities shall be defined in the legal descriptions consistent with approved plans or engineering drawings;
- I. Shared Expenses.** For new developments, membership in an association shall be mandatory and owners shall have an obligation to share responsibility for expenses incurred in meeting responsibilities for maintaining commonly-owned private facilities;
- J. Easement Rights.** Restrictions and reservations are to be permanent, and all owners are to be granted perpetual easements or rights of use of such commonly-owned private facilities;
- K. Association Responsibilities.** Responsibilities of the association shall include obtaining appropriate property, casualty and liability insurance covering the commonly-owned private facilities and association activities, as well as responsibility for meeting the obligation of payment of local taxes;
- L. Reserve Funds.** The establishment of a sinking fund or reserve fund for the purpose of capital repair and replacement of commonly-owned private facilities and equipment;
- M. Assessments.** Provisions that the township has the right to maintain and operate the common areas and to assess the owners the cost of this service or seek court action to protect the public, under certain extreme circumstances, where in the sole judgment of the township, health, welfare, and safety are threatened, and the association does not perform its responsibilities;

- N. Transfer of Ownership.** Provisions for the transfer of ownership or the responsibility for administration, maintenance and replacement of commonly-owned private facilities to the Livingston County Drain Commissioner, Livingston County Road Commission or to Tyrone Township (provided that the facilities are upgraded to meet current standards and the cost for such upgrading is assessed to property owners benefitting from the facility) and satisfactory evidence that the applicable governmental entities will accept responsibility or ownership, as applicable; and,
- O. Township Board Authority.** If the Township Board determines that the public health, safety or welfare is threatened because of non-performance by owners or an association whose commonly-owned private facilities were approved under this ordinance, the Township Board shall, after holding a public hearing with due notice to owners of affected property, undertake any of the following:

 - 1. Assessments.** Actions necessary to eliminate the threat to public health, safety or welfare, and assessment of the benefitted owners, in an equitable fashion, for the costs of such actions, including maintenance, or replacement, administrative and engineering costs;
 - 2. Administration.** Appointment by an appropriate court of a trustee to administer the affairs of the owners of commonly-owned private facilities or an association; and,
 - 3. Enforcement.** Obtain an order from an appropriate court enforcing the owners' or association's covenants or responsibilities.

SECTION 21.48 DIVISION OR COMBINATION OF LOTS IN RECORDED PLATS OR UNPLATTED PARCELS

No division shall be approved unless the lots or parcels meet the minimum requirements of the Zoning Ordinance and other applicable ordinances and regulations including the Michigan Land Division Act, as amended, the Tyrone Subdivision Control Ordinance, Land Division Ordinance and all other statutes and ordinances adopted to regulate the division of land.

SECTION 21.49 KEEPING OF PETS

- A. Household Pets Permitted as Accessory Use.** Household pets are allowed in any residential district as an accessory use provided that they are supplied with proper food, drink, shelter and protection from the weather, and are not treated in a cruel or inhumane manner. Those areas where pets are kept shall be maintained in a sanitary manner so as to not be a nuisance because of odor, attraction of flies, or vermin. Household pets shall be confined to the premises of their owners or custodians except when under the reasonable control of some responsible person.

- B. Limitation on Number of Dogs.** No more than the following number of dogs six months of age or older shall be kept or housed per dwelling unit in a residential district.

LOT AREA	MAXIMUM NUMBER OF DOGS
0 – 0.5 acres	2
0.51 - 2.0 acres	3
2.01 – 4.0 acres	4
4.01 – 6.0 acres	5
6.01 – 10.0 acres	6

On a lot greater than 10 acres in area, more than 6 dogs may be kept as household pets subject to a public hearing by the Planning Commission, and site plan approval by the Township Board following recommendation by the Planning Commission. Such dogs shall not be kept for sale, boarding, breeding or training purposes, for remuneration, or otherwise so as to constitute a kennel as defined in Article 2 of this Ordinance. In considering approval, the following shall be met:

1. The area used by the dogs shall be enclosed and/or fenced and buffered from the view of all neighbors and the road by appropriate landscaping or privacy fencing as approved by the Township.
2. Accessory buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property line and two hundred (200) feet from the road right-of-way.
3. A satisfactory plan for the proper sanitary disposal of animal waste shall be provided.
4. The applicant must submit a written description of the measures that will be taken to ensure that noise and odor will be limited, to ensure that the animals will be controlled and not vicious or otherwise dangerous to the public, and the means to protect the neighbors from possible nuisance or annoyance, all demonstrated to the Township's satisfaction.
5. The Planning Commission may recommend, and the Township Board may modify these, or require other conditions consistent with the purposes of this Ordinance which may be necessary based on the individual circumstances of the location, size, nature of the use, or other factors specific to the site and use.

- C. **Reasonable Control.** It shall be unlawful for any dog not to be confined upon the premises of its owner or custodian, except when that dog is otherwise under the reasonable control of some responsible person.
- D. **Barking.** It shall be unlawful for any person to keep or harbor a dog which by loud or frequent or habitual barking, yelping or howling, causes a serious annoyance to the neighborhood, or which disturbs the peace and quiet.
- E. **Enforcement.** Unlawful activities as described in this Section shall be subject to enforcement and civil infractions as set forth elsewhere in this Ordinance.

SECTION 21.50 USE OF AGRICULTURAL LAND FOR DISPOSAL OF EFFLUENT

The use of agricultural land for disposal of effluent from septic tank or sewage treatment facilities is regulated by state and county health agencies. However, the land owner and disposal operator shall notify the Township of the operation, the frequency of operation, and the volume. The operator is responsible for any damage created by the operation or method of application. Effluent shall not be applied when the soil is unable to absorb the fluid such as when frozen or saturated by heavy rain.

SECTION 21.51 OPEN SPACE DESIGN REQUIREMENTS

- A. **Intent.** The intent of the Township's open space design requirements is to preserve land areas with tree cover, wetlands, woodlands, lowlands along streams, and other natural features worthy of scenic preservation and to provide buffer areas adjacent to property lines, public streets and roads, so as to maintain substantial yard areas and thereby assist in preservation of the rural character of the Township.
- B. **Exclusions.** Open space shall not include:
 - 1. **Certain Easements.** Areas devoted to public or private streets or the easement for shared driveway or private roads.
 - 2. **Public Lands.** Land that has been or will be conveyed to a public agency via a purchase agreement for such uses as parks, schools or other public facilities.
 - 3. **Yard Setbacks.** Required yard setback areas as specified in Section 20.01.
 - 4. **Parking Lot Surfaces.** Parking lot surfaces and required parking lot landscape features.
 - 5. **Certain Sidewalks.** Sidewalk pavement surfaces when the sidewalks are

provided for nonrecreational purposes. However, pedestrian and bicycle trails can be included in open space area determination when the trails are intended to be used for recreation or the trails provide access in open space areas.

- 6. Retention Pond Percentage.** More than twenty-five (25) percent of the surface water area of a required storm water drainage retention pond.
- 7. Sanitary System Lagoons.** Surface areas of lagoons established in conjunction with sanitary septic systems.
- C. Yard Setback Exceptions.** The Planning Commission may allow specified areas located within the required yard setback or setbacks of an individual parcel to be included as required open space, if the Commission finds that the protection of that open space area is consistent with the intent of the open space concept.
- D. Perimeter Open Space Measurement.** If the Planning Commission allows required open space to be located within the yard perimeter, the setback shall be measured from the closest point of the open space boundary.
- E. Submerged Land Open Space.** Not more than twenty-five (25) percent of the minimum open space area provided to satisfy the requirements of this Ordinance shall be included in submerged land surface area where the land surface elevation is lower than the high water mark of the body of water.
- F. Wetland Open Space.** Not more than thirty-five (35) percent of the minimum open space area provided to satisfy the requirements of this Ordinance shall be included in a wetland protected by the Natural Resources and Environmental Protection Act (PA 451 of 1994, as amended).
- G. Site Plan Requirements.** Designated permanent open space must be shown on the plans, dimensioned on the site drawing, and an open space calculation chart must be provided. Designated permanent open space must be also be described within the legal description with a notation that the open space so described shall be permanently maintained by the titleholder and within the open space no permanent structures may be built except as permitted in Sections 21.51.M and O.
- H. Relocation.** Open space may be relocated if the Planning Commission and Township Board find that the original intent of the open space requirement may be met at another location within the lot, parcel, or condominium unit.
- I. Public/ Private Open Space.** Open space may be made available for the use of all residents of Tyrone Township at the discretion of the Owner, unless the Planning Commission finds that size, location, type of development, cost of development or maintenance, or availability of public open space would make public use undesirable or unnecessary.

- J. Maintenance Agreement.** If open space is not dedicated to public use, it shall be protected by an open space maintenance agreement as described herein. With regard to the privately owned open space, the open space maintenance agreement shall:
- 1. Identify.** Identify the open space land owner(s).
 - 2. Maintenance.** Provide a method and approximate schedule of maintenance for irrigation, lawn mowing, tree pruning, shrub trimming and other similar regular maintenance that may be required, if applicable.
 - 3. Removal of Vegetation.** Provide for removal of dead and diseased vegetation, if applicable.
 - 4. Responsibility.** Assign responsibility for maintenance, payment of taxes and insurance to a private entity willing to assume the responsibility.
 - 5. Compulsory Membership.** Establish any necessary compulsory membership and compulsory assessment provisions and provide guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Township Board.
 - 6. Specific Requirements.** Provide such other specifications as may be deemed necessary for the particular open space as determined by the Planning Commission and Township Board.
 - 7. Perpetual Open Space.** Assure that the open space will be protected from all forms of development, except as shown on an approved plan as permitted by Section 21.51.M and O, and shall never be changed to another use. Legal instruments such as deed restrictions, homeowner's association bylaws, or similar devices shall be used to assure continued maintenance of the open space and to guarantee the open space shall be used only for open space purposes in perpetuity.
 - 8. Proposed Uses.** Indicate any proposed use(s) of the dedicated open space. The Planning Commission may require the inclusion of restrictions that prohibit the following:
 - a. Dumping.** Dumping or storage of any material or refuse.
 - b. Soil Erosion.** Activity that may cause risk of soil erosion or threaten any living plant material.
 - c. Living Plant Material.** Removal of live plant material except for removal of dying or diseased vegetation.

- d. **Motorized Vehicles.** Use of motorized off road vehicles.
 - e. **Pesticides.** Use of pesticides, herbicides or fertilizers.
 - f. **Other Activity.** Any activity or use that is not consistent with the intent of the Open Space regulations (Section 21.51.A).
 - 9. **Public Nuisance.** Provide for maintenance to be undertaken by the Township of Tyrone in the event that the dedicated open space is inadequately maintained, or is determined by the Township Board, in its sole discretion, to be a public nuisance. In the event such maintenance is required by the Township Board, costs for the actual work and administration of the work shall be spread among the property owners and shall be due and payable with the next Township tax collection.
- K. **Road Frontage.** Open space may be located along road frontage in order to preserve and enhance significant natural features or connect open spaces.
- L. **Connections.** Connections with adjacent open space, public land or existing planned pedestrian/bike paths may be required by the Planning Commission.
- M. **Accessory Buildings.** Any structure(s) or building(s) accessory to a recreation, conservation, or agricultural use may be erected within the open space subject to an approved site plan.
- N. **Agricultural Use.** At the discretion of the Township Board, upon recommendation from the Planning Commission, a portion or all of the open space may be used for agricultural purposes. Such agricultural uses shall be clearly specified in documentation prepared by the applicant to accompany the proposed open space. In the event that the open space ceases to be used for the specified agricultural purpose, the open space shall be used only for other open space purposes specified in this Section (21.51).
- O. **Additional Considerations.** A subdivision plat, any development subject to site plan review and under this Ordinance, any land division that results in four (4) or more total parcels is subject to the following provisions in addition to those above:
 - 1. **Special Recommendations:** The Township Board, upon recommendation from the Planning Commission, may include the following land areas toward the minimum open space area provided to satisfy the requirements of this Ordinance:
 - a. **Private Recreational Facilities.** Private recreational facilities, such as golf courses or swimming pools, that are limited to the use of the owners or occupants of the parcels located within the development.

- b. **Historic Buildings.** Historic building sites or historical sites, parks, parkway areas, and ornamental parks such as botanical gardens.
 - c. **Seasonal Detention Areas.** Storm water detention areas that are usually dry except during and immediately following storm events. Such detention areas must be landscaped and shaped to appear as natural topographic depressions and shall not include a paved channel or pond liner.
2. **Roadside Open Space.** Open space along the exterior public roads shall generally have a depth of not less than one hundred (100) feet, either landscaped or preserved in a natural wooded condition. The open space along the exterior public roads shall be landscaped with a minimum of one (1) evergreen tree or canopy tree for each twenty (20) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting the frontage landscaping requirement.

SECTION 21.52 SUPPLEMENTARY SHORELAND REGULATIONS

Intent and Purpose. In its deliberations leading to the adoption of these regulations, the Township Board has recognized and concluded that the use of water resources, including the inland Lakes situated in the Township, should be considered within a framework of long term costs and benefits to the Township, and that it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of the Lakes in the Township. Moreover, it has been recognized that, as shorelines of Lakes become further developed or redeveloped, the cumulative impact of boat usage from further development or expansion of existing uses must be regulated in order to preserve and protect the rights of riparian owners as well as the Township as a whole, and in the interest of the public's health, safety and welfare to prevent and curtail the overcrowding of the Lakes in the Township and to protect water quality and land resources related to Lakes in the Township. It has further been recognized that the lack of regulation shall result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township, and shall further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of Lakes within the Township and properties adjacent to Lakes in the Township. Accordingly, it is the intent and purpose of the Township Planning Commission and the Township Board to adopt reasonable regulations for use of waterfront properties in the Township. These regulations are also intended to reinforce the implementation of the Michigan National Resources and Environmental Protection Act 451 of 1994, and Michigan Riparian Law.

Regulations Applicable to Lots or Parcels Under Common Ownership or Use

- A. **Scope and Applicability.**
 - 1. **Minimum Standards.** The terms and provisions of these regulations shall be

interpreted as minimum standards and requirements for the promotion and protection of the public health, safety and welfare and for the public peace and preservation of natural resources and public and private property, and for the appropriate use and development of waterfront properties in the Township.

2. **Infringement.** These regulations are not intended to interfere with, abrogate, annul, or repeal any other law, ordinance, governmental rule or regulation previously in effect, including any other ordinance regulating boat launching or usage. In instances where these regulations specifically provide a greater restriction or higher standard than other ordinances, the provisions of these regulations shall govern.
3. **Application.** These regulations shall apply to:
 - a. **New Parcels.** Parcels, or Condominium Units with Water Frontage created or recorded after the effective date of these regulations;
 - b. **Common Use Lots.** Lots, Parcels or Condominium Units of record with Water Frontage existing prior to the effective date of these regulations that were not Common Use Lots, and Lots, Parcels or Condominium Units that may be a Common Use Lot by definition however were not providing common use access to a Lake prior to the effective date of these regulations;
 - c. **Association Lots.** Lots, Parcels or Condominium Units with Water Frontage that have been providing common use access to a Lake for a defined geographical area or a specific number of Lots, Parcels, Condominium Units or Dwelling Units through an association or subdivision/condominium deed, grant, reservation, covenant, or other recorded instrument prior to the effective date of these regulations, and where it is proposed to expand the geographical area, number of Lots or Persons that are provided common use access to a Lake through said Common Use Lot; and,
 - d. **Expansion or Repair.** The expansion, enlargement, repair or replacement of improvements at, or increase in intensity of use of any Lot, Parcel or Condominium Unit used for access to a Lake, Recreational Site, Boat Launching Site, Docking area or marina.
- B. **Common Use Lots Exempted from Ordinance.** Common Use Lots of record legally existing prior to the effective date of these regulations that have been providing common use access to a Lake for a defined geographical area, a specified number of Lots, Parcels, Condominium Units, Dwelling Units or to Persons through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument are exempt from these regulations, except as provided in Section 21.52 A. 3(c) and (d) above, and provided, however, that any dock or marina on or from a

Common Use Lot shall be subject to the requirements of the State of Michigan under the Natural Resources and Environmental Protection Act 451 of 1994.

- C. Area and Bulk Requirements.** Common Use Lots shall comply with the minimum area, dimensional and configuration requirements for the zoning district in which the property is located as well as the development requirements provided in paragraph D of 21.52 of these regulations.
- D. Developmental Requirements.** The issuance of a Special Land Use Permit for a Common Use Lot for access to a Lake, Recreational Site, Boat Launching site, and/or Boat Docks and Docking shall be conditioned upon all of the following:
- 1. Deed Requirements.** A deed, plat, covenant, restriction, easement, or other instrument conveying, granting and/or reserving the right to common use of the Lot, Parcel or Condominium Unit specifically identifying the Parcels, Lots, properties, Dwelling Units or Persons that are entitled to use of the Common Use Lot and also including a restrictive covenant prohibiting the use of the Common Use Lot for Boat liveries, public or commercial beaches, marinas, public Boat Launching sites, public access, or for any recreational use operated for profit. Said instrument shall further provide that the uses of the Common Use Lot shall be limited to and enjoyed exclusively by the owners and occupants of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented. A copy of the instrument shall, prior to recording, be provided to, reviewed by, and approved by the Township's attorney for compliance with this requirement.
 - 2. Minimum Frontage.** The Common Use Lot shall have a minimum frontage equal to the minimum frontage required by the applicable zoning district, however it shall not be less than 150 feet at the water's edge measured by a straight line which intersects each side lot line at the water's edge; be a minimum depth of 200 feet measured at the minimum distance between the water's edge and the lot line which is opposite the water's edge, and have a minimum area of 30,000 square feet.
 - 3. Parking.** The amount and duration of automobile parking on a Common Use Lot, if any, shall be determined by the Planning Commission.
 - 4. Common Use.** For uses other than Boat Docks and Docking, such as sites for access to a Lake, Recreational Sites, and Boat Launching sites, the Common Use Lot shall have as a minimum, 75 feet of frontage at the water's edge for each Dwelling Unit being served. (That is, four Dwelling Units require the Common Use Lot to have a minimum of 300 feet of water frontage). Frontage at the water's edge shall be measured by a straight line which intersects each side lot line at the water's edge. Artificial shoreline may not be used to increase the calculated Water Frontage.

5. **Performance Guarantee.** Prior to issuance of a Special Land Use Permit, the Township may require submission of a performance guarantee.
 6. **Maximum Number of Boats.** For the Docking of Boats, the maximum number of Boats that may be Docked at a Common Use Lot shall be one Boat for each 75 feet of Water Frontage. (That is, if four Boats are to be Docked at the Common Use Lot, there is to be a minimum of 300 feet of Water Frontage.) Frontage on the water's edge shall be measured by a straight line which intersects each side lot line at the water's edge. Artificial shoreline may not be used to increase the calculated Water frontage.
 7. **Boat Dock Facility.** A Boat Dock facility must obtain a permit for marina operation from the State of Michigan in accordance with the administrative rules of Michigan as promulgated under the Natural Resources and Environmental Protection Act, the Act 451 of 1994.
 8. **Boat Dock Facility Design.** The design for a Boat Dock facility shall meet all of the standards for marinas as established by the Michigan Department of Natural Resources and any other governmental entity.
 9. **Channels and Canals.** Boat docks and Boat Launching is not permitted from any manmade channel or canal.
 10. **Individual Boat Docks.** Boat docks may be used only by individuals residing on or in the Lot, Parcel, Condominium Unit or Dwelling Unit identified as required in Section 21.52.D.(1) and Boat Docks, Boat slips, Boat Launching, Lake access, Docking privileges or storage of Boats upon the shore land of any Lot, Parcel, or Condominium Unit shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the Dwelling Unit entitled to use the Common Use Lot as provided by these regulations.
- E. **Specific Standards and Findings.** In addition to the Development Requirements set forth in Section 21.52.D above, and the requirements, standards, and findings of Articles 22 and 23, a Special Land Use Permit for uses regulated by these regulations shall be issued only when the Planning Commission and Township Board affirmatively determine, based upon specific evidence presented, the record before it, and based upon such studies as the Planning Commission or Township Board may determine appropriate, that:
1. **Rights of Use.** The proposed use will not unreasonably interfere with the rights of usage and enjoyment by owners of property abutting the Lake;
 2. **Natural Appearance.** The proposed use does not impair the natural appearance of said Lot, Parcel or Condominium Unit;

3. **Overcrowding.** The proposed use will not result in the overcrowding of the Lot, Parcel, or Condominium Unit or the overcrowding or overuse of the Lake or the Lake's surface;
 4. **Surface Area Capacity.** The Lake to be affected has surface area capacity available to handle increased traffic upon the Lake without impairment to health, safety, and welfare of the users of the Lake;
 5. **Environmental Impact.** The proposed use will not result in the environmental degradation of the Lake; and
 6. **Noise.** The proposed use will not produce unreasonable noise or annoyance to surrounding properties.
- F. **Regulations Applicable to All Lots and Parcels.** To protect the lakes, rivers, and streams within Tyrone Township, to minimize conflicts which might arise between adjacent neighbors, and to ensure compliance with Michigan Riparian Law, the following regulations are set forth:
1. **Private docks on residential waterfront lots** shall be located and used in compliance with this Ordinance and Michigan Riparian Law. Watercraft permanently docked or moored at a private dock must be titled to an individual residing in the Dwelling unit, as required by Michigan Riparian Law. Boat docks, boat slips, boat launching, lake access, and docking privileges upon the shoreland or bottom land of any Lot, Parcel, or Condominium Unit shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the Dwelling Unit entitled to use the lot or parcel. Lessors and Renters may have their watercraft docked or moored only during the active lease or rental period.
 2. **Docks located on Common Use or commercial zoned or used waterfront lots** shall be located and used in compliance with Michigan Riparian Law and Section 21.52.A thru E.
 3. **Water or Wetland Frontage.** For all lots with yard spaces adjacent to or abutting water or a wetland (defined as a lake, pond, stream, drainageway, wetland, or river), no structures, fences or decks extending more than twelve (12) inches above grade shall be permitted within fifty (50) feet of the ordinary high water mark of the water or wetland. The only exceptions to this provision shall be for those docks, boat storage, and other accessory structures specifically permitted in Section 21.02.A.2.e. This regulation shall not apply if the wetland, pond, or drainage way is located solely on the subject lot or parcel, or if it is the determination of the Planning Commission the adjacent lots, parcels, and wetlands will not have their clear vision obstructed, and placement will not adversely impact water inflow, water outflow, or wildlife.

4. **Docks and Boat Storage Structures on Waterfront Lots.** On residential lots abutting a water body, docks and boat storage structures for the use of the individual property owners are permitted as accessory structures to a residential use. Docks and open boat storage structures may be located in the water not less than ten (10) feet from the side lot lines. All other accessory structures must be located not less than fifty (50) feet from the ordinary high water mark of the water body. Permanent structures must also comply with the regulations set forth by the MDNR and/or MDEQ and must be validly permitted.
5. **Additional Regulations.** For additional boat, trailer, and recreational vehicle storage regulations reference Section 21.19.C.

SECTION 21.53 PONDS

- A. **Definition.** Pond means an excavation or alteration of a watercourse by damming or excavation or combinations thereof, for the purpose of creating a body of water greater than 500 square feet in area for use as an irrigation source, for livestock watering, for fish or aquatic life production, for recreational or aesthetic purposes, or for a landscape amenity.

Regulated storm water retention/detention ponds shall meet all standards of the Livingston County Drain Commission.

- B. **Permit and Approval.** Ponds shall be permitted as an accessory use in all zoning districts. A sketch plan shall be submitted for administrative approval to the Zoning Administrator. The sketch plan shall include the following information:
 1. **Location.** The location of the pond on the site and the setback from all property lines, existing shorelines, utilities, wells, and other improvements.
 2. **Size.** The size, depth, and water capacity of the pond.
 3. **Water Source.** The water source and method of water discharge.
 4. **Site Topography.** The topography and slope of the pond.
 5. **Minimum Slope.** The topography and slope of the pond tributary area at a minimum of two (2) foot contour intervals for a distance extending thirty (30) feet from the water's edge.
 6. **Additional Information.** Additional information as requested by the Zoning Administrator to determine compliance with these standards.

- C. Exception.** If the pond is part of a development that is undergoing site plan review, the Planning Commission shall have the authority to grant an exception to these standards for aesthetic reasons as long as the public health, safety, and welfare are maintained.
- D. Uses.** No commercial activities, including public fishing or sale of excavated material, shall be allowed.
- E. Setbacks.** Ponds shall be located no closer than:
- 1. Adjoining Property.** 20 feet to any adjoining property line.
 - 2. Water Well.** 10 feet to any drinking water or well.
 - 3. Septic System.** 100 feet to any part of a septic system.
- F. Design Standards.** The following design standards shall apply to the design of the pond:
- 1. Drainage.** Ponds shall be designed and maintained to prevent runoff, overflow, spillage, or seepage from encroaching upon adjacent properties.
 - 2. Erosion.** No pond shall be constructed, installed, or maintained, which either causes or contributes to erosion.
 - 3. Slope.** The banks or sides of the pond shall be constructed so that for each five (5) feet in horizontal distance there is not more than one (1) foot vertical elevation change (5:1 slope) for a minimum distance of five (5) feet from the water's edge into the pond. The Planning Commission, upon site plan review, may grant an exception to the slope requirements for commercial and industrial land uses.
 - 4. Excavated Material.** All of the disturbed ground around the excavation shall be seeded with adapted grasses and legumes. There must be no adverse impacts on adjacent parcels due to drainage from the placement of excavated materials.
- G. Other Permits and Approvals.** Ponds shall be subject to all applicable Federal, State and County permits. This is particularly important for ponds located within flood plains, wetlands, streams, or natural drainage courses. If an MDEQ permit is required, a copy shall be submitted to the Zoning Administrator upon approval and a Township permit shall not be required. Any rules or regulations of the Livingston County Drain Commissioner shall supersede these requirements.
- H. Maintenance.** The pond must be maintained and operated in a manner that is consistent with the health, safety, and welfare standards of the Township, County, and State in order to avoid becoming a public nuisance in terms of odor, appearance, noise, pests, etc.

- I. **Stormwater Retention/Detention.** Ponds used for stormwater management shall be reviewed and approved by the Township Engineer according to the requirements of the County Drain Commissioner. Approval of the Township Engineer is required prior to final approval by the Planning Commission.

- J. **Multiple Lot Ownership.** The creation or alteration of a pond that encompasses parts of more than one parcel shall be approved only if the owners of all properties involved are joint applicants for the permit and a written maintenance agreement signed by all property owners establishing financial responsibility is provided for Township approval. Applicable setback requirements established above must be met on all involved parcels. If the pond is part of a planned development, site condominium, or similar development with a property owners association, maintenance responsibilities can be assigned to an association in the by-laws or similar development standards text, provided that sufficient financial support is available in the event the association does not follow through.

SECTION 21.54 ACCESS MANAGEMENT

The purpose of this Section is to provide access standards which will facilitate through-traffic operations, ensure public safety along roadways, and protect the public investment in the street system, while providing property owners with reasonable, though not always direct, access. The standards are specifically designed for streets whose primary function is the movement of through-traffic as opposed to local streets whose primary function is access to adjacent properties. The standards, created consistent with Michigan Department of Transportation standards, are based on extensive research in Michigan and nationally that supports access management standards as an effective mechanism to achieve the purpose stated above.

A. Application of Standards

- 1. **Access Standards.** The access standards contained herein shall be required in addition to, and where permissible shall supersede, the requirements of the Michigan Department of Transportation and the Livingston County Road Commission.

- 2. **Access Points.** The standards herein refer to all access points (driveways, street intersections and private road intersections) except an existing driveway to a single family or two-family dwelling on a single lot or parcel of record.

- 3. **Alternative Standards.** For expansion and/or redevelopment of existing sites where the Planning Commission determines full compliance with standards of this Section is unreasonable or unnecessary, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which

substantially achieve the purpose of this Section may be accepted by the Planning Commission, provided that the applicant demonstrates all of the following apply.

- a. **Lot Size.** The size of the lots is insufficient to meet the dimensional standards.
- b. **Vehicle Trips.** The use will generate less than five-hundred (500) total vehicle trips per day or less than seventy-five (75) total vehicle trips in the peak hour of travel on the adjacent street, based on rates developed by the Institute of Transportation Engineers.
- c. **Means of Access.** There is no other reasonable means of access.
- d. **Public Safety.** Public safety will not be compromised by the modification sought.
- e. **Agency Approvals.** The requested modification is acceptable to the enforcing road agency (MDOT or LCRC).

4. **Internal Streets.** Internal local residential subdivision and condominium streets are not regulated by these provisions. Such subdivision and condominium streets must comply with the design requirements of the Livingston County Road Commission or the private road requirements of this Ordinance.

B. General Standards for Driveway Location

1. **Location Standards.** Driveways shall be located to minimize interference with the free movement of traffic, to minimize interruption of traffic operations at intersections, to minimize the need for crossovers for any median, to reduce conflicts with existing access points on both sides of a roadway, to provide adequate sight distance, and to provide the most favorable driveway grade.
2. **Rights-of-Way.** Driveways including the radii, but not including the right turn lanes, passing lanes and tapers, shall be located entirely within the right-of-way frontage, unless otherwise approved by the Michigan Department of Transportation or Livingston County Road Commission, as applicable, and upon written certification from the adjacent property owner agreeing to any encroachment beyond the right-of-way.
3. **Outlet Requirements.** Driveways shall be constructed with an outlet onto a public or private road built to the minimum design standards of the Livingston County Road Commission.

- C. **Standards for the Number of Driveways.** The number of driveways permitted shall be the minimum necessary to provide reasonable access for regular traffic, service vehicles

and emergency vehicles, while preserving traffic operations and safety along the public roadway.

1. **Shared Driveways.** One (1) access route shall be permitted for each separately owned lot. Where possible, the access route shall be a shared driveway or a service drive. Where it is not possible to provide shared access, a driveway providing access to a lot shall be permitted if such driveway can be constructed in accordance with the standards of this Ordinance and other applicable Township, State and County requirements. A paired driveway system with one-way traffic flow between an entrance and an exit onto the public roadway shall be permitted when the entrance and exit routes can be located in accordance with the applicable Township, State and County requirements.
2. **Single Driveway.** One (1) driveway shall be permitted for each single-family or two-family residential lot. Whenever possible, creation of additional driveways for residential use shall be avoided. Adjacent lot owners are encouraged to create a single shared driveway on the common lot line in order to reduce the total number of driveways intersecting with the fronting street or road.
3. **Additional Driveways.** When the Planning Commission is considering a request for land division, the Commission shall consider the potential for future driveway locations to serve the new lots. The applicant shall be required to demonstrate the ability to create driveway locations designed in accordance with the provisions of this section to serve each lot. The Planning Commission may require the use of shared driveways to provide access for the lots.
4. **Secondary Access.** Certain developments with significant traffic generation characteristics may require consideration of an additional driveway to reduce delays for motorists exiting the lot. Where possible, such additional driveways shall be located on a side street or service drive, or be shared with an adjacent use, or designed for right-turn-in or right-turn-out only traffic movements. All such driveways shall meet the spacing and location requirements of these regulations and other applicable Township, State, and County requirements. In order to be considered for an additional driveway on an arterial road, combined traffic volumes of entering and exiting vehicles for the proposed development shall exceed one-hundred (100) directional trips during the peak hour of traffic and a traffic impact study shall be prepared by the applicant in accordance with the provisions of Section 23.05 of this Ordinance. When a traffic impact study is required, the Commission shall forward a copy of the study to the Michigan Department of Transportation or the Livingston County Road Commission, as appropriate.
5. **Trip Generation Characteristics.** Uses where an additional driveway could be considered are influenced by the trip generation characteristics of the adjacent and nearby uses and the traffic volumes on the adjacent roadway. The following land uses may require installation of an additional driveway.

- a. **Multiple Family.** Multiple family development with over 250 dwellings.
 - b. **Grocery Store.** Grocery store with over 30,000 square feet of gross floor area.
 - c. **Shopping Center.** Shopping center with over 40,000 square feet of gross floor area.
 - d. **Hotel or Motel.** Hotel or motel with over 400 rooms.
 - e. **Industrial Development.** Industrial development, including warehousing operations, with over 100,000 square feet of gross floor area or 100 employees, or to provide access for motor freight carriers to loading/unloading docks and similar facilities.
 - f. **Mobile Home Parks.** Mobile home park with over 300 dwellings.
 - g. **Office Buildings.** Office building with over 75,000 square feet gross floor area.
 - h. **Fast Food Restaurant.** Fast food restaurant with over 6,000 square feet gross floor area.
 - i. **Traditional Restaurant.** Standard restaurant with over 20,000 square feet gross floor area.
6. **Additional Driveways.** One (1) or more additional driveway(s) may be permitted in accordance with one (1) or more of the following circumstances.
- a. **Continuous Frontage.** An additional driveway may be allowed for properties with a continuous frontage along a roadway of more than five hundred (500) feet, and one (1) additional driveway for each additional five hundred (500) feet of such frontage, when the Planning Commission determines the design meets the purpose and standards of this Article.
 - b. **Poor Level of Service.** The Planning Commission may determine additional driveways are justified when a traffic impact study, submitted by the applicant and accepted by the township, clearly demonstrates that a poor Level of Service (a designation of "E" or "F," as described in the Highway Capacity Manual, by the Transportation Research Board, Washington, D.C.) would result at the access point and the additional access point will not compromise traffic operations along the roadway. The burden of such documentation is on the applicant.

D. Driveway Spacing Standards

1. **Minimum Spacing Requirements.** Minimum spacing requirements between a proposed commercial driveway and an intersection shall be measured from the near edge of the proposed driveway, measured at the throat perpendicular to the street to the near lane edge of the intersecting cross road, in accordance with the table on the next page.

MINIMUM DRIVEWAY SPACING FROM STREET INTERSECTIONS		
Location of Driveway	Minimum Spacing for a Full Movement Driveway	Minimum Spacing for a Channelized ¹ Driveway or Along a Median Cross-section
Along a Major Thoroughfare ² , Intersecting Street is a Major Thoroughfare	250 feet	150 feet
Along a Major Thoroughfare ² , Intersecting Street is not a Major Thoroughfare	200 feet	150 feet
Along Other Roads	150 feet	100 feet

¹ A channelized driveway is one that includes a physical design that will prevent left turns into and out of a site. The design may be supplemented by signs, but signs alone shall not satisfy the description for a channelized driveway.

² Major thoroughfares include: Old US-23, Center Road, Linden Road, Hogan Road, White Lake Road, Faussett Road, Denton Hill Road, Hartland Road, Tipsico Lake Road and any other County primary roads, state trunk lines, or roads with a right-of-way of at least eighty six (86) feet.

2. **Alignment.** To reduce left-turn conflicts, new driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of two hundred fifty (250) feet from those on the opposite side of the roadway. Longer offsets may be required depending on the expected in bound left-turn volumes of the driveways.
3. **Minimum Spacing.** Minimum spacing between two driveways, measured from near edge to near edge of the driveways, shall be determined based upon posted speed limits along the frontage.

SPACING BETWEEN COMMERCIAL DRIVEWAYS	
Posted Speed Limit (MPH)	Minimum Driveway Spacing (In Feet)
25	150
30	175
35	200
40	300
45 and higher	350

E. Access Standards for Shared Commercial and Industrial Driveways and Service Roads

The use of shared driveways and service roads, in conjunction with driveway spacing, is intended to preserve traffic flow along major thoroughfares and minimize traffic conflicts, while retaining reasonable access to the property. Where noted above, or where the Planning Commission determines that 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, access from a side street, a shared driveway or service road connecting two or more properties or uses may be required.

In addition to the standards indicated below, if such shared driveways and service roads are not owned and maintained by the Livingston County Road Commission or the Michigan Department of Transportation, the shared driveway or road must be designed and maintained in accordance with the standards for a private road or shared driveway, as appropriate, stated elsewhere in this Ordinance.

1. **Service Drives.** Service drives, frontage roads or parking lot maneuvering lane connections between lots or uses may be required by the Planning Commission in the following cases. The Planning Commission may require construction of the improvement by the applicant or creation of an easement for such a drive to be provided in the future:
 - a. **Spacing Standards.** Where the spacing standards between driveways or from intersections cannot be reasonably met.
 - b. **Interference.** When the driveway could potentially interfere with traffic operations at an existing or potential traffic signal location.
 - c. **Congestion.** Where the site is along a portion of a major thoroughfare where congestion exists or there is a recorded history of a high number or rate of accidents in relation to similar locations in the Township or long similar roadways in the state.

- d. **Sight Distance.** The property frontage has limited sight distance.
 - e. **Emergency Access.** The fire department recommends a second means of emergency access.
- 2. **Future Construction.** Where the construction of the service drive will occur in the future, a timing mechanism and performance guarantee shall be provided.
 - 3. **Township Specifications.** Service drives shall be constructed in accordance with the specifications of the Township. Generally, the pavement width shall be at least twenty-two (22) feet on the service drive pavement. Access points to the service drive shall be in accordance with the applicable spacing standards of this Article.

F. Driveway Design

Driveways shall be designed according to the standards of the MDOT or the LCRC and in accordance with the following:

- 1. **High Traffic Generators.** For high traffic generators (uses producing 50 or more peak hour left turns, or where left turn movements have Level of Service "D" or worse, as described in the Highway Capacity Manual, by the Transportation Research Board, Washington D.C.) or for commercial driveways along roadways experiencing or expected to experience high traffic volume, as determined by the Planning Commission, two egress lanes may be required (one being a separate left turn lane).
- 2. **Boulevard Entrance.** Where a boulevard entrance is designed by the applicant or required by the Planning Commission, a fully curbed island shall separate the ingress and egress lanes. The radii forming the edges on this island shall be designed to accommodate the largest vehicle that will normally use the driveway. The minimum area of the island shall be one hundred eighty (180) square feet. The Planning Commission may require landscaping on the island; however, any portion within the public right-of-way shall conform to applicable road agency standards. Such landscaping shall not be less than ten (10) feet in width and tolerant of roadway conditions. Offset alignment of boulevard entrances shall be required.
- 3. **Clear Vision.** All driveways shall be designed to provide unobstructed clear vision zones in accordance with the requirements of Section 21.39.

G. Modification of Standards for Special Situations

During site plan review the Planning Commission shall have the authority to modify the standards of this Article upon consideration of all the following. However, a self-

created hardship shall not be sufficient basis for modification of the standards.

1. The standards would prevent reasonable access to the site.
2. An existing site has insufficient frontage to meet the requirements of this Article.
3. Access via a shared driveway or service/frontage road is not possible due to the presence of existing buildings or topographic conditions.
4. Roadway improvements (such as the addition of a traffic signal, a center turn lane or bypass lane) will be made to improve overall traffic operations prior to project completion, or occupancy of the building.
5. The use involves the redesign of an existing development or a new use which will generate less traffic than the previous use, and does not pose a significant problem to safe and efficient traffic operations.
6. The proposed location and design is supported by the Michigan Department of Transportation of the Livingston County Road Commission depending on which agency has jurisdiction. The Planning Commission may also request that the applicant provide a traffic impact study to support the requested access design. When a traffic impact study is required, the Commission shall forward a copy of the study to the Michigan Department of Transportation or the Livingston County Road Commission, as appropriate.
7. The modification shall be for the minimum amount necessary, but in no case shall spacing of a full-access driveway be less than seventy-five (75) feet between the driveways, or less than fifty (50) feet between a driveway and an intersection.
8. Where there is a change in use or expansion at a site that does not comply with standards herein, the Planning Commission shall determine the amount of upgrade needed in consideration of the existing and expected traffic pattern and the capability to meet the standards herein to the extent practical.

SECTION 21.55 MEDICAL MARIJUANA USES

A. Findings. These requirements for Medical Marijuana Uses are based on the following findings of fact:

1. **Voter Approved.** Voters in the State of Michigan approved Initiated Law 1 of 2008 authorizing the use of marijuana for certain medical conditions, resulting in the passage of the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended (“the Act”).

2. **Legislative Amendments.** PA 460 of 2012, PA 512 of 2012, PA 281 of 2016, PA 283 of 2016.
 3. **Intent.** The intent of the Initiated Law was to enable certain persons specified in the Act who comply with the registration provisions of the Act to legally obtain, possess, cultivate/grow, use, and distribute marijuana, and to assist specific registered individuals identified in the Act without fear of State law criminal prosecution under limited, specific circumstances set forth in the Act.
 4. **Controlled Substance.** Despite the specifics of the Act and the permitted activities set forth therein, marijuana remains a controlled substance under Michigan and Federal law. Obtaining, possession, cultivation/growth, use, and distribution of controlled substances has a potential for abuse that should be closely monitored and regulated, to the extent permissible under the Act, by local authorities. Given the effect of the Act on municipalities, it is in the best interest of municipalities to use their zoning authority to adopt reasonable regulations to mitigate and/or prevent harmful secondary effects that could negatively affect health, safety, welfare, and quality of life of their residents.
- B. Purpose.** It is the purpose of this Section to impose specific requirements for those individuals registering with the State of Michigan as a “qualifying patient” or a “primary caregiver” as those terms are defined in the Act, and to regulate the conduct of activity pursuant thereto in the Township so as to protect the health, safety and welfare of the general public. Tyrone Township is not legalizing or permitting the use of controlled substances within its borders, whether that substance is medical marijuana or any other identified as a controlled substance. Rather, Tyrone Township is establishing locations and regulations for uses set forth in the Act to comply with the Act. If after adoption, any portion of the Act is repealed, or any portion of the Act is deemed unconstitutional by the Michigan Supreme Court or a lower Michigan court decision chosen not to be heard by the Michigan Supreme Court, any activities or uses within this Ordinance applicable to the repealed or unconstitutional portion of the Act are immediately repealed as well. At the time of adoption, the Michigan Supreme Court and Michigan Attorney General had ruled or opined collectives, dispensaries, or cooperative establishments existing to allow primary caregivers or qualifying patients to share or transfer medical marijuana between primary caregivers or between qualifying patients, or which allow contact with or access to medical marijuana by those not registered with the State of Michigan as primary caregivers or qualifying patients, are not permitted by the Act.

It is further intended that nothing in this Section be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marijuana for nonmedical purposes or allow activity relating to

cultivation/growing, distribution or consumption of marijuana that is otherwise illegal under State law.

C. Prior Use. Any use which purports to have engaged in the medical use or distribution of marijuana prior to the enactment of this Section shall be deemed not to have been a legally established use under the provisions of the Zoning Ordinance, and such use shall not be entitled to claim legal nonconforming status.

D. Definitions. For purposes of this Ordinance, the words and phrases contained herein shall have the meanings set forth in the Act and the regulations adopted by the State of Michigan, Department of Community Health, pursuant to authority conferred by Section 5 of the Act, inclusive of all amendments to the Act. For the purposes of this Ordinance, the terms “marijuana” and “marihuana” as used here, in the Act, and elsewhere, shall be synonymous.

1. Drug Paraphernalia means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, prepackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in Section 7104 of the Michigan Public Health Code (Act 368 of the MI Public Acts of 1978, as amended) in violation of the laws of the State of Michigan.

2. Medical Marijuana Caregiver Operation or Caregiver Operation means any registered primary caregiver who cultivates produces, sells, distributes, possesses, transports, or makes available marijuana in any form to a qualifying patient for medical use. The term “caregiver operation” shall not include the private possession, production, or medical use of marijuana by a registered qualifying patient in compliance with the restrictions of this ordinance.

3. Medical Marijuana Collective, Cooperative, or Dispensary means any facility, structure, dwelling, or other location where medical marijuana is grown, cultivated, processed, stored, transmitted, dispensed, consumed, used, given, delivered, provided, made available to and/or distributed by two or more of the following: a registered primary caregiver, or registered qualifying patient. The term “collective” or “cooperative” or “dispensary” shall not apply to a registered primary caregiver that provides necessary care and marijuana for medical use exclusively to his/her five or fewer designated qualifying patients in strict accordance with the Act, the Administrative Rules of the Michigan Department of Community Health, and this Ordinance. A marijuana collective, cooperative, or dispensary shall not include the following uses that are in compliance with this Ordinance and all laws and rules of the State of Michigan, and intended for on-site patient use only: a State-licensed health care facility, a state-licensed

residential care facility for the elderly or infirm, or a residential hospice care facility.

4. **Medical Use of Marijuana**, also known as **Marihuana**, also known as **Cannabis** has the meaning given to it in Section 7601 of the Michigan Public Health Code, as it is referred to in Section 3(d) of the Act. Any other term pertaining to marijuana used in this Section shall have the meaning given to it in the Act and/or in the General Rules of the Michigan Department of Community Health issued in connection with the Act.
 5. **Primary Caregiver or Registered Primary Caregiver** is defined as set forth in the Act.
 6. **Qualifying Patient or Registered Qualifying Patient** is defined as set forth in the Act.
- E. **Compliance Required.** “Qualifying patients” or “primary caregivers” as those terms are defined in the Act, shall comply with the requirements of Section 21.55.G for qualifying patients, and the requirements of Section 21.55.H for primary caregivers. The medical use of marijuana shall comply at all times and in all circumstances with the Act and the General Rules of the Michigan Department of Community Health. Caregiver operations shall be available for inspection, during business hours, by the Township Supervisor or his designee, to confirm the operation is operating in accordance with State laws and Township ordinances.
- F. **Prohibited Uses and/or Activities.** It shall be unlawful to establish or operate a for-profit or nonprofit Medical Marijuana Collective, Cooperative, or Dispensary in Tyrone Township. Marijuana Facilities, inclusive of growers, processors, secure transporters, provisioning centers, and safety compliance facilities, are also prohibited.
- G. **Requirements for Qualifying Patients.** Any person who has been issued and possesses a valid registry identification card as a qualifying patient as set forth in the Act shall comply with the following requirements:
1. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a medical marijuana caregiver operation, and, as set forth by the Act, shall not consume marihuana on any form of public transportation, or in any public place, except that a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at that dwelling unit.
- H. **Requirements for Caregiver Operations.** Any person who has been issued and possesses a valid registry identification card as a primary caregiver as set forth in the Act is a “medical marijuana caregiver operation” for the purposes of this Ordinance, and shall comply with the requirements below.

1. **Where Permitted.** The site must be under the control, through written lease, contract, or deed, in favor of the primary caregiver or registered qualifying patient associated with that facility.
 - a. If the registered qualifying patient has site control, only the primary caregiver for that qualifying patient shall access the growing portion of the structure, and if the structure is a residence, only those qualifying patients residing in the residence may be supported by that primary caregiver.
 - b. Qualifying Patients, unless residing in the single family structure, are prohibited from entering the structure where growing is occurring. Those Qualifying Patients residing in the single family structure must comply with Section 21.55.H.2;
 - c. There shall be no outward appearance of a caregiver operation.
2. **One Caregiver per Approved Caregiver Operation.** The structure and location from which a primary caregiver grows, cultivates, or otherwise provides services to his or her qualifying patients shall not be used by more than one primary caregiver for that primary caregiver's services as allowed under the Act.
3. **Delivery Required.** Transfers of medical marijuana from the primary caregiver to his or her qualifying patient(s) shall be accomplished only by the delivery of medical marijuana by the primary caregiver to the home of the qualifying patient. No onsite transfer to a qualifying patient is permitted.
4. **Sales of Paraphernalia Prohibited.** No sales of drug paraphernalia as defined herein are permitted, except to the qualifying patients of that caregiver.
5. **Signage.** A primary caregiver operation shall not bear any sign or emblem that would indicate the presence of the MMMA related activity.
6. **Consumption.** Consumption of marijuana by a qualifying patient shall not occur at a caregiver operation, and, as set forth by the Act, shall not consume marijuana on any form of public transportation, or in any public place, or at a primary caregiver's dwelling unit. In the case where a registered caregiver is also a registered qualifying patient, consumption exclusively by the caregiver/patient at the caregiver/patient's dwelling unit is permitted. Also, a qualifying patient who resides in the same dwelling unit as his/her caregiver may consume at the same dwelling unit.

- I. **Growing of Medical Marijuana.** Growing of marijuana shall only be allowed as set forth in the Act, including the requirement that plants must be located within an enclosed, locked facility. An enclosed locked facility means:
 - 1. **For marijuana grown indoors,** a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by the registered primary caregiver or registered qualifying patient associated with that facility.
 - 2. **For marijuana grown outdoors:**
 - a. An area that is not visible to the unaided eye from an adjacent property when viewed by an individual standing at ground level or from a permanent structure; and
 - b. Plants are grown in a stationary structure that is enclosed on all sides, except for the base, by six foot high chain link fencing, wooden slats, or similar fencing/wall material that prevents access by the general public and that is anchored, attached or affixed to the ground; and
 - c. Located on land that is owned, leased, or rented by either a registered primary caregiver or the registered qualifying patient for whom the marijuana plants are grown; and
 - d. Equipped with functioning locks and other security devices that restrict access to only the associated qualifying patient or caregiver.
 - e. The required fencing or wall shall be of new, high quality material, shall meet all County and Township Code requirements, and is subject to Township inspection at any time to insure that it remains in proper and functioning condition.
- J. **Lighting.** If a room with windows is utilized as a growing location, any lighting between 10 PM and 7 AM shall be shielded to prevent ambient light spillage onto adjacent residential properties.
- K. **Building Approvals.** Any building or structure used for cultivation of marijuana shall obtain all necessary building, plumbing, electrical, and any other necessary permits and approvals to ensure the facility meets current code standards. In addition, the facility shall be subject to inspection to ensure compliance with applicable fire code and the security requirements of the Act.
- L. **MMMA Amendments / SEVERABILITY.** The regulations herein pertaining to Medical Marijuana use shall at all times refer to and comply with Initiated Law 1 of 2008,

inclusive of any and all amendments to the Act, and any and all related regulations and their amendments. If any section of these regulations is found to be inconsistent with or in violation of the Act, only that section shall cease to have effect; all other sections shall remain in full force and effect.

SECTION 21.56 RETAIL SALES OF FIREWORKS

- A. Township Regulations Apply.** Nothing in this Ordinance shall exempt retailers who have obtained a consumer fireworks certificate and/or registered online for the sale of low impact fireworks from ensuring that the proposed site is in compliance with all property maintenance regulations and other applicable Township ordinances, or from submitting to the Township all applications and supporting documentation required by any other provisions of the Township Zoning Ordinance, pertaining generally, without specific reference to fireworks, to retail sales, permanent or temporary structures, temporary sales, and land use regulations.
- B. Commercial Use.** Sales of fireworks is defined as a commercial use and thus is permitted only in the PCS, PCI, B-1, B-2 and ES zoning districts. Sales from a permanent structure must comply with all applicable regulations and processes for retail sales in that zoning district.

SECTION 21.57 OUTDOOR FURNACE REGULATIONS

Intent and Purpose: To protect the public health, safety, and general welfare of the citizens of Tyrone Township by requiring that all permitted Outdoor Solid Fuel Fired Furnaces and Boiler Systems are properly located, installed, and maintained consistent with these regulations and the manufacturer's instructions.

A. DEFINITIONS

“Existing” or “In Existence” means an Outdoor Furnace that is completely and correctly installed and operational pursuant to the manufacturer's specifications prior to the effective date of this Ordinance.

“Firewood” means trunks and branches of trees and bushes but does not include leaves, needles, and vines or brush smaller than three inches (3”) in diameter.

“Fire Marshal” means the Fire Marshal of the Township, or other person designated by the Township.

“Nuisance Factors” as defined in the Township of Tyrone Ordinance No. 36

“Outdoor Furnace” means a boiler or furnace, fueled by wood, coal, corn or any other approved type of fuel, located outside the structure it is used to heat with the designated purpose of providing heat for water and/or air for a residence or any other structure. Outdoor Furnace does not include boilers or furnaces fueled by natural gas, propane, or fuel oil if the boiler or furnace has been inspected and approved by the Livingston County Building Department.

"Owner" means the owner of the lot or parcel upon which an Outdoor Furnace is located or the owner of an Outdoor Furnace or both.

"Refuse" and "Yard Waste" shall mean, for the purposes of this Ordinance, and shall refer to any waste material, including but not limited to: leaves, grass, garbage, and other similar organic material; construction and demolition waste material; automobiles or parts thereof; flammable (excluding clean natural wood), toxic or explosive material; electrical wiring, rubber products, and plastic products.

"Township" means the Township of Tyrone, Livingston County, Michigan.

“Untreated Lumber” means dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint, or other substance.

“Warning Letter” means written correspondence prepared by an authorized Township official advising the recipient of the violation and directing the person to correct the alleged violation.

B. GENERAL PROVISIONS

1. Outdoor Furnaces are prohibited in the Township, except as specifically authorized in this Ordinance.
2. All Outdoor Furnaces shall be laboratory tested and listed to comply with appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) and constructed, used, and maintained so as to be in compliance with the provisions of the State Construction Code and all applicable statutes, rules, regulations, codes, ordinances, and the manufacturer's specifications.
3. All Outdoor Furnaces shall comply with all of the following provisions:
 - a. Permitted Fuel – Only Firewood, Untreated Lumber, and materials that are designed and manufactured for use in Outdoor Furnaces (such as coal, corn, and wood pellets) are permitted to be burned in any Outdoor Furnace. Burning of any and all other materials, including refuse and yard waste, in an Outdoor Furnace is prohibited.

recommendations, provided the smoke from a lower chimney height shall not create a nuisance factor for neighbors. This approval shall be issued in writing by the Fire Marshall and Tyrone Township Planning/Zoning Administrator or their designee(s). This approval may be revoked by the Fire Marshall or Tyrone Township Planning/Zoning Administrator, or their designee, if such officials are satisfied that the lower chimney height results in, or creates a nuisance factor as that term is defined in this Ordinance.

5. Failure to obtain all required inspections, permits and approvals for an Outdoor Furnace or failure to provide copies of all required inspections, permits or approvals shall be a violation of this Ordinance and subject to penalty as provided in Section 8 of this Ordinance.
- E. NUISANCE FACTORS.** If any Outdoor Furnace (permitted or otherwise) constitutes a Nuisance Factor, the Owner shall immediately cease using the Outdoor Furnace and shall abate the Nuisance Factor. Abating the Nuisance Factor shall include, but not be limited to removing the Outdoor Furnace. The Township shall be entitled to abate the Nuisance Factor in the manner set forth in the Tyrone Township Civil Infraction Ordinance, Ordinance No. 39, as amended.
- F. PENALTIES FOR VIOLATIONS.** Violations of the provisions of this Ordinance shall constitute a municipal civil infraction. Any person, firm, association, partnership, corporation, or entity who is found responsible or admits responsibility for a municipal civil infraction shall be subject to a civil fine and costs. The civil fines are set forth in the Tyrone Township Civil Infraction Ordinance, Ordinance No. 39, as amended, unless otherwise specified. In addition, the Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. The Township shall be entitled to its costs, including reasonable attorney fees, from any person that has violated or permitted the violation of any provision of this Ordinance.

SECTION 21.58 KEEPING AND DISPLAY OF EXOTIC ANIMALS AND WILD ANIMALS

- A. Intent.** The intent of these regulations is to ensure that the keeping of exotic and wild animals does not interfere with the health and safety of the public at large. It is also the intent of the regulations to ensure that the animals that are permitted to be kept in the Township are handled in a positive and responsible manner to protect the well-being of the animals. It is also the intent to ensure that, where permitted, the keeping of exotic or wild animals does not alter the character of the surroundings.

- B. Proof of License.** The applicant shall provide proof of a valid and current United States Department of Agriculture (USDA) Exhibitor license in order for the permit application to be considered.
- C. Prohibited Animals.** The following groups of animals shall not be permitted in the Township, except in the FR District subject to special land use approval by the Township, or as may be expressly permitted elsewhere in this Ordinance:

 - 1. Exotic Animals.** See definition in Section 2.01 of the Ordinance.
 - 2. Wild Animals.** See definition in Section 2.01 of the Ordinance.
 - 3. Animals Otherwise Prohibited.** Animals and species prohibited by Livingston County, the State of Michigan and the United States of America.
- D. Exceptions.** The following exotic and wild animals shall be exempt from the prohibitions listed in this Section 21.58 (C) of the Ordinance:

 - 1.** Those animals typically legally sold in the State of Michigan and kept as pets.
 - 2.** Those animals held in a zoological park or wildlife sanctuary that is licensed to operate by the State of Michigan and/or the USDA.
 - 3.** Those animals held for not more than three (3) months by an accredited veterinarian for the purpose of temporarily harboring and treating an injured, mal-nourished, or otherwise abandoned animal.
 - 4.** Those animals held for a bona fide farm or agricultural use as defined in Public Act No. 93 of 1981 (MCL 286.471 et seq.), the Michigan Right to Farm Act.
- E. Development and Use Standards.** Except as otherwise noted, the keeping of exotic or wild animals or both shall require Special Land Use and Site Plan approval, subject to Article 22 Special Land Uses and Article 23 Site Plan Review and Impact Assessment of this Ordinance, and compliance with the standards of those sections. Additionally, keeping of such animals shall be subject to the following:

 - 1. Keeping of Animals.** All animals are to be kept in a manner determined by the USDA to be safe and sanitary for animals, caretakers, and the public.

2. **Proof of USDA License.** Applicant must provide proof of a valid USDA license for the activities proposed for consideration. After the permit is approved, the owner shall submit proof of valid USDA licensure on an annual basis to the Township.
3. **Proof of Insurance.** Applicant must provide proof of an active liability insurance policy. After the permit is approved, the owner shall submit proof of a valid policy on an annual basis to the Township.
4. **Accessory Activities.** Proposed activities other than the display of animals, including but not limited to animal petting, animal feeding, and animal riding, must be described during the Special Land Use permitting process, and any site plan must show site considerations for such activities. Proposed occupant loads, hours of operation, parking accommodations, provision of sanitary facilities, and other details common to temporarily entertaining/accommodating guests shall be provided.
5. **Enclosure Location.** An accessory building or fenced enclosure used to house exotic or wild animals, as permitted by these regulations, shall not be located nearer than 50 feet from any property line.
6. **Enclosure Requirements.** Accessory buildings or fenced enclosures used to house exotic or wild animals or both, as permitted by these regulations, shall not be located closer than 50 feet from any existing dwelling on adjacent properties. Fencing greater than six (6) feet in height shall be subject to applicable Special Land Use (Article 22) and Site Plan (Article 23) approvals. Depending on the configuration of the site, the Planning Commission may require the additional requirement of secondary containment methods to be located on site.
7. **On-site Chemicals.** All animal medications, tranquilizers, and chemicals not common in residential or agricultural practice shall be contained in a locked facility or portion of a facility on site.
8. **Nuisance.** Animals shall be kept in a manner so as not to be a nuisance because of sound, visual presence, or odor.
 - a. Organic waste shall be disposed of in a manner which does not result in excessive odor. Waste shall not be composted or spread in such a manner that the Livingston County Drain Commissioner finds harmful to surface or ground waters. Waste

shall not be handled in a manner that encourages the breeding of flies or other vermin.

- b.** Screening may be required to minimize visual and aural nuisances, where the Planning Commission sees appropriate.
- 9. Facilities.** Adequate drainage, fresh water, and hard surface facilities shall be provided to promote a clean and healthy environment for all animals and humans occupying and using the site.
- 10. Landowner Requirements.** On parcels that are less than ten (10) acres in area, the animals must be housed and maintained on the land of the owner or lessor of the principal residence. Land cannot be leased to increase the size of the primary parcel, thereby allowing for more animals than would be allowed on the primary parcel.
- 11. Carcass Disposal.** All animal carcasses shall be properly disposed of subject to Livingston County, State of Michigan, or USDA standards, with assurance that no regulated animal offspring are released into the wild.
- 12. Disaster Recovery Plan.** The applicant shall provide a disaster recovery plan that attempts to define how the owner will react to natural or man-made disasters, including, but not limited to, blizzards, fire, floods, power outages, and tornados.
- 13. List of Animals.** The applicant shall provide a list of animals that are kept on site at the time of application. After the permit is approved, the owner shall be responsible for maintaining an up-to-date list of species and number of animals with the Township. The Township shall be notified within ten (10) days of an addition or subtraction to the animal list. Changes to the list of animals that do not require adding or moving fences, structures, or enclosures shall not require approval of an updated site plan per Section 21.58.E.15.
- 14. Additional Site-Specific Requirements.** The Planning Commission may require additional site-specific requirements prior to the approval of a Special Land Use application.
- 15. Alterations to the Site.** In the event that adding animals requires adding or moving fences, structures, or enclosures, or making other site alterations, the owner shall be required to submit an application to amend the approved Site Plan and Special Land Use permit. Approval of proposed conditions must be granted prior to commencement of alterations.

F. Violations. Persons found to be in violation of these regulations shall be subject to the following:

- 1. Zoning Violations.** See Section 30.13, Violations, of the Ordinance.
- 2. Care of Animals.** At the discretion of the Code Enforcement Officer, animals kept in a manner contrary to the Special Land Use approval may be impounded, transported to a licensed facility, or euthanized at the cost of the violator.
- 3. Revocation of Permit.** Violation of and/or refusal to comply with all approved conditions of Special Land Use approval shall result in revocation of the Tyrone Township Special Land Use permit.

SECTION 21.59 RECREATIONAL MARIJUANA (MARIHUANA) USES

A. Licensed Recreational Marijuana Establishments/Facilities. Tyrone Township elects to opt out, and therefore prohibits, any and all establishments eligible to be licensed for recreational Marijuana uses by the State of Michigan and/or Tyrone Township, inclusive of qualifying Adult-Use (Recreational) Marijuana facilities, in all zoning districts.

REVISIONS:

- 2000 DECEMBER - Section 21.02.A, 21.02.B and D; 21.08; 21.37; 21.43.C.1 - 12; 21.43.L; Section 21.08; 21.25, 21.37, 21.43.C. 1- 11 and 21.43.
- 2001 FEBRUARY - Section 21.02.
- 2002 DECEMBER - Section 21.25.B, C, D, and E.
- 2004 MARCH – Sections 21.35, 21.36 and 21.40, deleted; 21.52 (new), 21.54 (formerly 24.07).
- 2005 SEPTEMBER - Sections 21.09, 21.15, 21.51, and 21.53 Ponds (new).
- 2007 APRIL - Sections 21.17 and 21.42.
- 2010 MAY - Section 21.19.
- 2012 MAY - Section 21.02.J Accessory Structure Provisions (new); Section 21.43 restructured due to duplicate 21.43.G.
- 2012 JUNE - Added PCS District to 21.16, 21.32, 21.42, and 21.45.
- 2012 SEPTEMBER - Amended Section 21.32 Wireless Communications to comply with amended Public Act 110 of 2006.
- 2012 OCTOBER - Amended Section 21.49 Keeping of Pets to define the keeping of household pets and the number of dogs permitted, and the ability to enforce pet control.

- 2013 JANUARY – Added PIRO District to 21.16, 21.32, and 21.42.
- 2013 OCTOBER – Amended 21.17.A.5 and added 21.17.A.6 (Antenna Regulation) to comply with Telecommunications Act of 1996.
- 2013 OCTOBER – Added Section 21.55 Medical Marijuana Uses.
- 2013 OCTOBER – Revised Section 21.02 Accessory Buildings and Structures Provisions, added Accessory Building & Structures Regulations Summary Table.
- 2014 SEPTEMBER – Added the following Sections: 21.25.E.2.m., 21.31.F., and 21.56. Revised 21.16.
- 2015 APRIL – Amended Section 21.55 Medical Marijuana Uses to provide outdoor growing regulations in compliance with Michigan Public Act 512 of 2012.
- 2015 JULY – Amended Section 21.16 Noise to establish standards for the determination of excessive noise that do not require a sound measuring device.
- 2016 APRIL – Added PCI to Table 21.1 (Section 21.42). Added Section 21.57 Outdoor Furnace Regulations.
- 2016 OCTOBER – Amended Section 21.52 Supplementary Shoreland Regulations to consolidate existing regulations. Added Section 21.58 Keeping and Display of Exotic Animals and Wild Animals.
- 2018 FEBRUARY – Changed "registered" to "licensed" designer to clarify in the following sections: 21.03.B., 21.17.B.3., and 21.43.N. Added reference to the Michigan Condominium Act (Act 59 of 1978, as amended) in Section 21.43.
- 2018 SEPTEMBER – New subsection 21.02.H. to allow detached accessory structures on adjacent lots in certain districts.
- 2018 DECEMBER – Amended 21.55 Medical Marijuana to minimize township liability from known unenforceable regulations.
- 2019 JULY - Section 21.59 – Recreational Marijuana Uses (new), to prohibit recreational marijuana facilities and establishments in all zoning districts;
- 2019 NOVEMBER - Section 21.14 – Home Occupations: to redefine review requirements, update permitted home occupations, permit signs in certain cases, and to redefine the space limits. Section 21.16 – Noise, to update fireworks regulations for consistency with PA 634 of 2018 and PA 635 of 2018, and to add clarification to enforcement of noise violations.
- 2021 SEPTEMBER – Section 21.21.F. Enclosures; to allow for the use of approved safety covers consistent with Michigan Residential Building Code.
- 2021 SEPTEMBER – Section 21.28 Stables and Animals to revise the requirements and standards for keeping animals that are not pets.

ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
ATTACHED BUILDINGS AND STRUCTURES							
General	Must conform to all regulations for principal building. Sec. 21.02.A.1						Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
Number: Maximum	One attached accessory building Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	One attached accessory building Sec. 21.02.C.1	One attached accessory building Sec. 21.02.B.1, Sec. 21.02.C.1 & Sec. 21.02.D.1	--	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
Building Size	--	--	--	Attached accessory structure that is not a garage may not occupy more than 25% of the required rear yard nor shall the total attached accessory floor area exceed 50% of total floor area of principal building Sec. 21.02.C.5, Sec. 21.02.D.5 & Sec. 21.02.E.3			Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
DETACHED BUILDINGS AND STRUCTURES							
Number: Maximum	One detached accessory building Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	No maximum Sec. 21.02.B.1	One detached accessory building Sec. 21.02.C.1 & Sec. 21.02.D.1	One detached accessory building Sec. 21.02.B.1, Sec. 21.02.C.1 & Sec. 21.02.D.1	--	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
Location: Yards	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.B.2.a	Side or rear yard location permitted Sec. 21.02.B.2.c	Front yard location permitted on parcels with at least 466 ft. road frontage Sec. 21.02.B.2.d	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.C.2.a & Sec. 21.02.D.2.a	In front or side yard, & shall not obstruct lake views from adjacent dwellings Sec. 21.02.C.4 & Sec. 21.02.D.4	Rear yard only, except as modified in other sections of the ordinance Sec. 21.02.E.1	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.C.2.a. & Sec. 21.02.D.2.a	On corner lots, detached accessory bldgs. and structures must comply with front yard setbacks on both street frontages Sec. 21.02.B.2.a, Sec. 21.02.C.2.a & Sec. 21.02.D.2.a	--	--
	If attached building or structure is in front or side yard, then detached building or structure shall be in rear yard only Sec. 21.02.B.2.b.1	--	Children’s school bus shelter permitted in front yard, must be removed in summer Sec. 21.02.B.2.d	If attached building or structure is in front or side yard, then detached building or structure shall be in rear yard only, <u>except</u> on lakefront lots Sec. 21.02.C.2.b.1	--	--	--

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	If no attached bldg. or structure in front or side yard, any detached bldg. or structure shall be only in rear or side yard Sec. 21.02.B.2.b.2	--	--	If no attached bldg. or structure in front or side yard, any detached bldg. or structure shall be only in rear or side yard, <u>except</u> on lakefront lots Sec. 21.02.C.2.b.2	--	--	--
	Not permitted between the principal structure and road <u>except</u> on corner lots where the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.B.2.b.3	--	Not permitted directly in front of principal bldg. or structure Sec. 21.02.B.2.d	Not permitted between the principal structure and road, <u>except</u> on lakefront lots, and <u>except</u> on corner lots where the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.C.2.b.3	On corner lots the detached accessory may be closer to the side street than the principal bldg. but shall comply with the required front setback along the side street Sec. 21.02.D.2.b.3	--	--
Location: Setbacks	Shall meet setbacks listed in Schedule of Regulations Sec. 20.01			Shall meet setbacks listed in Schedule of Regulations Sec. 20.01 (unless modified per Section 21.02.G)	Shall meet setbacks listed in Schedule of Regulations Sec. 20.01		
	On parcels with frontage on both U.S. 23 and either White Lake Rd., Center Rd. or Faussett Rd., accessory buildings and structures shall be set back at least 150 feet from the U.S. 23 r.o.w. Sec. 21.02.A.2.c.					--	Exempt from 150 ft. U.S. 23 setback Sec. 21.02.A.2.c

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	--	--	Setback 150 ft. from road r.o.w. and 250 ft. from principal bldg.. or structure Sec. 21.02.B.2.d	--	--	--	--
Location: Water or Wetland Frontage (lake, pond, stream, drainageway, wetland, river)	No structures, fences or decks more than 12 inches above grade permitted within 50 ft. of established water's edge, except docks, boat storage and other accessory structures as specifically permitted in Section 21.02.A.2.e Sec. 21.02.A.2.d						
	Planning Commission may require rear yard setback to be greater than 50 ft. to preserve sight lines to water, but not greater than the average setbacks of the adjacent bldgs. Exceptions to rear setback averaging may be given by the Planning Commission for coves, peninsulas and setbacks that differ by more than 40 ft. Sec. 21.02.A.2.d						
	Docks and boat storage structures for the use of individual property owners are permitted on residential lots abutting a water body. Docks and open boat storage structures permitted in the water not less than 10 ft. from side lot lines. All other accessory structures shall be min. 50 ft. from established edge of water. Sec. 21.02.A.2.e						
Location: Lot Lines	Not located closer than 10 ft. to principal building or 20 ft. from the rear lot line Sec. 21.02.B.3						Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	If rear lot line is alley r.o.w., accessory structure shall be setback min. 1 ft. from rear lot line Sec. 21.02.A.2.b						
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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	No accessory structure shall be located in an easement or road r.o.w. Sec. 21.02.A.2.b						--
Height	Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 Sec. 21.02.A.2.a			Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 (unless modified per Sec. 21.02.G) Sec. 21.02.A.2.a	Shall not exceed maximum height in Schedule of Regulations, Sec. 20.01 (unless modified in R-1, R-2 and LK-1 per Sec. 21.02.G) Sec. 21.02.A.2.a		--
Building Size	--	--	--	Detached accessory structure shall not occupy more than 25% of required rear yard or exceed 50% of total floor area of principal building, nor shall it occupy more than 40% of any non-required rear yard. Sec. 21.02.C.5 & Sec. 21.02.D.5	Front yard detached accessory buildings shall not occupy more than 40% of non-required front yard. Sec. 21.02.D.5	Detached accessory structure shall not occupy more than 25% of required rear yard or exceed 50% of total floor area of principal building, nor shall it occupy more than 40% of any non-required rear yard. Sec. 21.02.E.3	Location, height and number of accessory buildings and structures is governed by Zoning Ordinance Article 10 Section 21.02.F.1
	--	--	--	In no event shall a detached accessory structure exceed 800 sq. ft., except as may be permitted under Sec. 21.02.G (excludes RE and RM-1) Sec. 21.02.C.5, Sec. 21.02.D.5 & Sec. 21.02.E.5			--
Structures Constructed Prior to Principal Structures	Construction of accessory bldg./structure only permitted with construction of a principal bldg./structure. If principal bldg. not constructed within 1 year, the accessory bldg. shall be deemed temporary and removed. Sec. 21.02.A.2.f						--

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
	If principal structure is destroyed by fire, flood, tornado or other natural disaster, an existing accessory bldg. may remain for up to 2 yrs. Sec. 21.02.A.2.f						--
Design Standards	--	--	--	Shall be harmonious with height, character and scale of surrounding buildings and topography. Exterior surfaces shall be similar to surrounding structures. Metal pole barns and structures with ag. or industrial metal finishes may not be permitted if not compatible with surface finish materials of surrounding structures. Sec. 21.02.C.6, Sec. 21.02.D.6, Sec. 21.02.E.4 & Sec. 21.02.F.3			
Modification of Standards	--	--	--	Sec. 21.02.G applies to R-1, R-2, and LK-1		--	--
INCIDENTAL OR TEMPORARY ACCESSORY BUILDINGS AND STRUCTURES							
Temporary Accessory Buildings and Structures	Temporary accessory structures that do not require permanent attachment to ground, such as inflatable pools, moveable carports, swing sets, picnic tables, play houses and similar, shall comply with height, setback and coverage requirements for detached accessory structures. Sec. 21.02.A.3.a						
	Temporary structures permitted under Sec. 21.31 shall also meet the height, setback, and coverage requirements for permanent structures. Sec. 21.02.A.3.a						
Incidental Accessory Buildings and Structures	1 accessory bldg.. or structure that is 100 sq. ft. or less is permitted per lot without a land use permit, and does not count as one of the permitted accessory structures on the lot. Sec. 21.02.A.3.b						
	Accessory bldg.. or structure that is less than 100 sq. ft. in area shall be min. 4 ft. from principal bldg.. and 4 ft. from any lot line. Sec. 21.02.A.3.b						
Exempt Structures	Flag poles, mail boxes lawn ornaments, landscaping and similar items shall be exempt. Sec. 21.02.A.3.c						

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ACCESSORY BUILDING & STRUCTURES REGULATIONS SUMMARY*

RESIDENTIAL ACCESSORY BUILDINGS AND STRUCTURES	ZONING DISTRICT, LOT SIZE AND LOCATION						
	FR & RE Districts			LK-1, R-1, R-2 districts	Lakefront Lots	RM-1 district	MHP district
	FR & RE lots 2 acres or less in area	FR & RE lots more than 2 acres in area	FR & RE lots 20 acres or more in area		LK-1, R-1, R-2, & RE districts		
Swimming Pools	Sec. 21.02.A.4.b – see Sec. 21.21						
Signs	Sec. 21.02.A.4.c - Permitted as accessory structures, subject to Article 27						
Fences	Sec. 21.02.A.4.d – see Sec. 21.13						--
Contractor's Limited Storage	--	Sec. 21.02.B.4 - see Sec. 22.05.S (3 ac. min. lot area)		--	--	--	--
Gazebos	Sec. 21.02.A.4.a						--

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ARTICLE 21A
LANDSCAPING AND SCREENING

SECTION 21A.01 INTENT AND SCOPE OF REQUIREMENTS

Landscaping, greenbelts, and screening are necessary for the continued protection and enhancement of all land uses. Landscaping and greenbelts are 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. Screening is important to protect low-intensity uses from the noise, light, traffic, litter and other impacts of more intense uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, and screening and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

- A. Improve Appearance.** Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights of way.
- B. Protect Neighborhood Character.** Protect and preserve the appearance, character, and value of the neighborhoods which abut non-residential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare.
- C. Reduce Soil Erosion.** Reduce soil erosion and depletion, and
- D. Prevent Flooding.** Increase soil water retention, thereby helping to prevent flooding.
- E. Preserve Trees.** Preserve high quality, mature trees.

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 in the RM-1, MHP, OS, PCS, B-1, B-2, ES, PCI, PIRO, M-1, M-2, ROM, EI and PUD zoning districts following the adoption of these regulations. Additionally, some nonresidential uses permitted in single family residential districts shall also be required to comply with these provisions. No site plan for all such uses heretofore specified shall be approved unless it provides landscaping consistent with the requirements of this article. Where landscaping is required, a land use permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance guarantee has been posted in accordance with the provisions set forth in this Ordinance.

SECTION 21A.02 MINIMUM REQUIREMENTS

The requirements in this Article are the minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive landscaping or screening to accomplish the intentions of these regulations.

SECTION 21A.03 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. The Township Planning Commission prefers clustering of trees and shrubs rather than uniform distribution of the materials at regular intervals.

SECTION 21A.04 GENERAL LANDSCAPING STANDARDS

- 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 a greenbelt or screening are required.
- 1. Unpaved Portions of a Site.** 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 street pavement edge.
 - 2. Mixture of Trees.** A mixture of evergreen and deciduous trees shall be planted on non-residential parcels at the rate of one (1) tree per 3,000 square feet or portion thereof of any unpaved open area for which specific landscaping requirements do not appear later in this Article. Required trees shall be planted in clusters or in random fashion rather than at uniform intervals.
- B. Berms.** When used for screening purposes, berms shall conform to the following standards.
- 1. Dimensions.** Unless otherwise indicated or appropriate, the height of required berms shall be measured from the grade of the parking lot and shall be constructed with slopes no steeper than a thirty-three (33) percent slope, with at least a two (2) foot flat area on top. Berms shall undulate in height, subject to review and approval of berm design as shown on the site plan.

2. **Protection from Erosion.** Any required berm shall be planted with grass, 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 non-residential parcels.** Berms located in the front yard of non-residential parcels shall be landscaped in accordance with the requirements for Landscaping Adjacent To Roads, Section 21A.05.A.3.
 - b) **Berms used for screening other than in the front yard.** A minimum of one (1) tree shall be planted for each forty (40) lineal feet or proportion thereof, PLUS, a minimum of one (1) ornamental tree shall be planted for each one hundred (100) lineal feet or portion thereof of required berm, PLUS, closely-spaced evergreen plantings that are at least six (6) feet above the ground level and which can be reasonably expected to provide a visual barrier for at least fifty (50) percent of the berm length within five (5) years of planting.
 4. **Measurement of Berm Length.** For the purposes of calculating the required plant material, berm length shall be measured along the lower edge of the berm.
- C. **Greenbelts.** When a green belt is installed as a requirement of this Ordinance, the greenbelts shall conform to the following standards.
1. **Measurement of Greenbelt Length.** For the purposes of calculating required plant material, greenbelt length shall be measured along the lower edge of the green belt.
 2. **General Planting Requirements:**
 - a) **Grass or ground cover requirements.** Grass, ground cover, or other suitable live plant materials shall be planted over the entire greenbelt area, except where paved walkways are used.
 - b) **Tree and shrub requirements.** Except where the greenbelt is used for screening, a minimum of one (1) deciduous or evergreen tree

shall be planted for each thirty (30) lineal feet or portion thereof of required greenbelt. Additionally, eight (8) shrubs shall be required for each thirty (30) feet of greenbelt. Trees and shrubs shall be planted in clusters or in a random fashion rather than at uniform intervals.

c) **Distance from sidewalk.** Plant materials shall not be placed closer than four (4) feet from the right-of-way line where the greenbelt abuts a public sidewalk.

3. **Greenbelts Used for Screening.** Unless otherwise specified, wherever an evergreen or landscaped screen is required, screening shall consist of closely spaced evergreen plantings (that is, no more than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years of planting. Deciduous plant materials may be used provided that a complete visual barrier is maintained throughout the year. Wherever screening is required adjacent to residential zoned or used property, the screening must be installed prior to occupancy of the structure.

D. **Parking Lot Landscaping.** In addition to other required screening, all off-street parking spaces should also provide landscaping as follows.

1. **Landscaping Ratio.** Off-street parking areas containing fifteen (15) or more parking spaces shall be provided with at least fifteen (15) square feet of interior landscaping per parking space.

2. **Location of Parking Lot Landscaping.** Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. The Planning Commission may approve placement of the landscaped areas adjacent to a parking area when, in the sole opinion of the Planning Commission, such placement shall achieve the objectives of this section.

3. **Minimum Area.** Landscaped areas in parking lots shall be no less than five (5) feet wide in any single dimension and no less than one hundred (100) square feet in area. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

4. **Other Landscaping.** Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements.

- 5. Required Plantings.** Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) tree shall be planted per three hundred (300) square feet or fraction thereof of the interior landscaped area. At least fifty (50) percent of each interior landscaped area shall be covered by living plant material, such as grass, shrubs, ground cover, or trees. Plantings within parking lots shall comply with the requirements for unobstructed site distance set forth in Section 21A.04.G. The landscape plan shall indicate the types, sizes and quantities of plant material proposed for such area.

- E. 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 Planning Commission may require such screening or other temporary screening to be installed prior to the beginning of site grading and general construction.
 - 2. Screening of Equipment.** Mechanical equipment, such as air compressors, pool pumps, transformers, sprinkler pumpers, satellite dish antennae, and similar equipment shall be screened 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.

- F. Landscaping of Rights-of-Way.** Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground-cover shall be permitted closer than three (3) feet from the edge of the road pavement.

- G. Clear Vision Zone.** No fence, wall, shrubbery, sign or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed by the intersection of any street right-of-way lines and a diagonal connecting them at points twenty-five (25) feet from their intersection. (See Figure 11 in Article 21, Section 21.39).

- H. Potential Damage to Utilities.** In no case shall landscaping materials 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 such roadways, sewers, or utilities.

- I. **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:

Required Number of Trees	Minimum Number of Species
5 to 30	2
31 to 60	3
61 to 100	4
More than 100	5

- J. **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 ten (10) feet. 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 trees exceed sixty (60) feet.

SECTION 21A.05 SPECIFIC LANDSCAPING REQUIREMENTS FOR ZONING DISTRICTS

- A. **Requirements for Commercial, Office Research, and Industrial Districts.** In addition to the General Landscaping Requirements set forth in Section 21A.04, all lots or parcels of land located in B-1, B-2, OS, ES, M01, M-2, EI, and ROM districts and nonresidential elements in PUD zoning districts shall comply with the following landscaping requirements.

- 1. **Front Yard Requirements.** Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, either a berm or greenbelt shall be required to screen the parking from view of the road. The Planning Commission, in its sole discretion, shall determine whether a berm or greenbelt shall be required for each development proposal. The Planning Commission determination shall be made at the time of site plan review and approval. The berm or greenbelt shall be located totally on private property, adjacent to the road right-of-way line. The height of a berm shall undulate, varying in height by at least one (1) foot in order to avoid a

monotonous uniform appearance. Required berm or greenbelt height and width shall be related to building setbacks as indicated in the following schedule:

Actual Building Setback	Required Berm or Greenbelt Width	Average Berm Height	Minimum Berm Height
100 feet or less	24 feet	3 feet	2 feet
101 to 150 feet	30 feet	4 feet	2 feet
151 feet or more	36 feet	5 feet	2 feet

2. **Protective Screening Requirements.** Protective screening in the form of a berm, greenbelt or obscuring wall shall be required wherever a nonresidential use in a business, office, or industrial district abuts directly upon land zoned for residential or agricultural purposes. If a wall is used instead of a berm or greenbelt, the requirements of Section 21A.10 shall be complied with. The Planning Commission, in its sole discretion, shall determine whether a berm, greenbelt or obscuring wall shall be used for protective screening.

3. **Landscaping Adjacent to Roads.** All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the following schedules:

Type of Planting	Frequency (per front feet of road frontage)	Minimum Plantings
Deciduous Tree	per 40 feet or fraction thereof	1 tree
Ornamental Tree	per 100 feet or fraction thereof	1 tree
Shrubs	per 40 feet or fraction thereof	8 shrubs

4. **Computing 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, or in groupings.

B. Requirements for Manufactured Home Park Districts. All lots or parcels of land located in a district zoned for manufactured home uses shall comply with the following landscaping requirements.

1. **General Site Landscaping.** A minimum of one (1) deciduous or evergreen tree shall be planted for each manufactured home lot. Deciduous trees may be planted between the curb and sidewalk or in any other unpaved open area. Unless otherwise specified, required landscaping elsewhere in the manufactured home park shall not be counted in meeting these requirements for trees.

2. **Landscaping Adjacent to Roads.** All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the following standards:

Type of Planting	Frequency (per front feet of road frontage)	Minimum Plantings
Deciduous Tree	per 40 feet or fraction thereof	1 tree
Ornamental Tree	per 100 feet or fraction thereof	1 tree
Shrubs	per 40 feet or fraction thereof	8 shrubs

3. **Landscaping Around Manufactured Homes.** Areas between or surrounding manufactured homes, as well as other open areas, shall be covered with grass and landscaped with trees and shrubs. Any landscaping material used to satisfy the requirements of this subsection may also be counted toward meeting the requirements for General Site Landscaping specified above.

4. **Protective Screening Requirements.** Protective screening in the form of a berm, greenbelt or obscuring wall shall be required wherever development in the MHP District abuts directly upon land zoned for single family residential or agricultural purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 21A.04.B. If a wall is used instead of a berm, the requirements of Section 21A.10 shall be complied with. The Planning Commission, in its sole discretion, shall determine if a berm, greenbelt or obscuring wall shall be used for protective screening.

5. **Parking Lot Landscaping.** 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. Interior landscaping area shall not be required for those parking spaces abutting a public or private right-of-way or a greenbelt for which landscaping is otherwise required by the various provisions of this Ordinance. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Interior landscaping shall comply with all applicable requirements set forth in Section 21A.04.C

 6. **Vehicle Encroachment.** A vehicle may encroach up to two (2) feet upon any interior landscaped area that is at least ten (10) feet in depth and is protected by wheel stops or curbs. Accordingly, two (2) feet of said landscaped area may be included to satisfy the required depths of each abutting parking space.
- C. **Requirements for Multiple-Family Districts.** In addition to the General Landscaping Requirements set forth in Section 21A.04 above, all lots or parcels of land located in RM-1 zoning districts shall comply with the following landscaping requirements.
1. **General Site Landscaping.** A minimum of two (2) deciduous or evergreen trees and four (4) shrubs shall be planted per dwelling unit. Unless otherwise specified, required landscaping elsewhere in the multiple-family development shall not be counted in meeting these requirements for trees.

 2. **Parking Lot Landscaping.** Multiple-family 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 or greenbelt 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 or greenbelt. Whenever possible, parking lot landscaping shall be designed to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area. Interior landscaping shall comply with all applicable requirements set forth in Section 21A.04.D.

 3. **Protective Screening Requirements.** Protective screening in the form of a berm, greenbelt or obscuring wall shall be required wherever development in the RM-1 district abuts directly upon land zoned for residential or agricultural purposes. Berms shall be a minimum of four (4) feet in height, and shall be planted in accordance with Section 21A.04.B. If a wall is used

instead of a berm, the requirements of Section 21A.10 shall be complied with. The Planning Commission, in its sole discretion, shall determine if a berm, greenbelt or obscuring wall shall be used for protective screening.

- 4. Privacy Screen.** Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided to obscure the view of the private living area from the public street. Such a screen shall consist of a combination of trees and shrubs planted in hedges or on berms, subject to review and approval by the Planning Commission.
 - 5. Landscaping Adjacent to a Freeway.** Where multiple-family dwellings abut or are constructed within 250 feet of the right-of-way for a limited access freeway, a landscaped buffer shall be provided to screen freeway views and to assist in the dispersion of noise from the freeway traffic. The buffer shall consist of a combination of closely spaced evergreens and earth mounding, providing a total minimum design height of eight (8) feet. The size and placement of plantings shall provide for a complete visual barrier at the desired height within two (2) years of planting. The Planning Commission may modify these requirements where noise mitigation measures, such as walls, have been constructed in the freeway right-of-way.
 - 6. Landscaping Adjacent to Roads.** All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the standards established in Section 21A.05.B.2.
- D. Requirements for Nonresidential Uses in Residential Districts.** In addition to the General Landscaping Requirements set forth in Section 21A.04 above, all non-residential uses developed in residential districts, including but not limited to nonconforming commercial or industrial uses, churches, schools and other public or institutional uses shall comply with the following landscaping requirements.
- 1. Protective Screening Requirements.** Protective screening in the form of a berm or an obscuring wall shall be required wherever a non-residential use in a residential district abuts directly upon land zoned for residential or agricultural purposes. Berms shall be a minimum of four (4) feet in height, and shall be planned in accordance with Section 21A.04.B, above. If a wall is used instead of a berm, the requirements of Section 21A.10 shall be complied with. The Planning Commission, in its sole discretion, shall determine if a berm, greenbelt or obscuring wall shall be used for protective screening.

2. **Screening of Off-Street Parking.** An evergreen obscuring screen not less than five (5) feet high shall be required along all sides of any off-street parking or vehicle use area constructed to serve a non-residential 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 or agricultural use.
3. **Landscaping Adjacent to Roads.** All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the standards established in Section 21A.05.B.2.
4. **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, or in groupings.

SECTION 21A.06 STANDARDS FOR LANDSCAPE MATERIALS

Unless otherwise unspecified, 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 and hardy in northeastern Livingston County, Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations.
- B. **Non-Living Plant Material.** Plastic and other nonliving plant materials shall not be considered acceptable to meet 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 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 when planted. Furthermore, evergreen trees shall have a minimum spread of three (3) feet and if the tree is balled and burlapped, the size of the burlapped root ball shall be at least ten (10) times the caliper measured six (6) inches above grade.
4. **Shrubs.** Upright 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 within two (2) years after planting, barring unusual growing conditions, such as drought or disease. Hedges shall be a minimum of two (2) feet in height when planted or of a sufficient size to attain the minimum height otherwise specified by this Ordinance.
6. **Ground Cover.** Ground cover, such as pachysandra or ivy, used in lieu of turf grasses in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
7. **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, sprigged, or seeded, except that sod shall be installed in swales or other areas that are subject to erosion, and in the front yard areas of all non-residential 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 mulch shall be used to protect newly seeded areas.
8. **Mulch.** Mulch used around trees, shrubs, and vines shall be a minimum of three (3) inches deep, and installed in such a manner as to present a finished appearance.
9. **Sod.** Grass areas in the front yard of all nonresidential uses shall be planted with sod.

SECTION 21A.07 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 the use of curbs. Landscape areas shall be elevated above the pavement to a height adequate to protect the plants from 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 performance guarantee to ensure installation of required landscaping in the next planting season.
- 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 upon notice from the Zoning Administrator. If the season is not appropriate for planting, the plant material shall be replaced at the beginning of the next planting season. 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, replaced, or removed.

SECTION 21A.08 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 Section, provided such substitution is in keeping with the spirit and intent of this Section and the 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 section.

B. Preservation of Existing Plant Material. Site plans shall show all existing trees which are located in the portions of the site that will be built upon or otherwise altered, and are eight (8) inches or greater in caliper, measured forty-eight (48) inches above the grade. The plans should indicate the existence of intentional planting formations such as fence row plantings or windbreaks planted to provide protection for farm crops or pasture land.

Trees shall be labeled "To Be Removed:" or "To Be Saved" on the site plans. 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 dripline around each tree. No vehicle or other construction equipment shall be parked or stored within the dripline of any tree or other plant material intended to be saved.

In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed tree, in accordance with the following schedule, unless otherwise approved by the Planning Commission based on consideration of the site and building configuration, available planting space, and similar considerations:

Damaged Tree	Required Replacement Trees*
Less than six (6) inches	One (1)
Six (6) inches or more	One (1) for the first six (6) inches in caliper and one (1) additional for each six inches or part thereof in excess of six (6) inches.

*Each replacement tree shall be a deciduous shade tree or deciduous ornamental tree as specified in Section 21A.06.C

SECTION 21A.09 MODIFICATION 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 described herein, provided that any such adjustment is consistent with the intent and purpose of this Section and the Ordinance in general. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist.

- A. **Topographic Features.** 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.
- B. **Parking.** Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.
- C. **Public Benefit.** The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of the Ordinance.

SECTION 21A.10 OBSCURING WALLS AND FENCES

Where permitted or required by this Ordinance, obscuring walls shall be subject to the following regulations.

- A. **Location.** Required obscuring walls and fences shall be placed inside the lot line except in the following instances.
 - 1. Where underground utilities interfere with the placement of the wall or fence on the property line, the wall shall be placed on the utility easement line located nearest to the property line.
 - 2. Walls and fences shall conform to the setback and location requirements set forth in all other adopted Township fence regulations.
- B. **Time of Construction.** Whenever construction of an obscuring wall or fence is required adjacent to residential zoned or used property, the Planning Commission may require such screening or other temporary screening to be installed prior to the beginning of site grading and general construction.
- C. **Corner Clearance.** Obscuring walls and fences shall comply with the specifications for maintenance of a clear vision zone for all drivers as set forth in Section 21A.04.G.
- D. **Substitution.** As a substitute for a 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 natural landscape features (such as closely spaced evergreens) that would produce substantially the same results in terms of screening, durability, and permanence. The character of the adjoining uses and the preferences of adjoining residents or businesses shall be taken into consideration in determining whether any such substitution is appropriate.

- E. Wall Specifications.** Required obscuring walls shall comply with the following height requirements, unless otherwise specified in this ordinance.

PURPOSE	REQUIRED HEIGHT
To screen a permitted use in a Business, Office, or Industrial district from adjacent land zoned for residential or agricultural use.	Six (6) feet
To screen a nonresidential use or parking area in a residential district, including but not limited to nonconforming commercial or industrial uses, churches, schools and other public or institutional uses, from adjacent land zoned for residential or agricultural use.	Not less than four (4) feet

Required walls shall be constructed of masonry material that is architecturally compatible with the materials used on the facade of the principal structure on the site, such as face brick, decorative block, or poured concrete with simulated brick or stone patterns. All walls shall be constructed in compliance with the requirements of this Ordinance.

- F. 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 pressure-treated wood. Chain link fences shall not be permitted for screening purposes.

SECTION 21A.11 SOLID WASTE RECEPTACLES

In RM-1, B-1, B-2, B-3, M-1, M-2, ROM, PUD district and in any other nonresidential district, and for nonresidential uses permitted by special use approval in a residential district, solid waste receptacles shall be enclosed by a wooden or masonry wall equal to the height of the receptacle and not less than five (5) feet high with an opaque lockable gate to prevent unsightly collection of refuse, prevent animal intrusions into this area and to keep children from entering the area. The receptacle shall be located at the rear of the site unless prevented by topographic conditions. In all cases the receptacle shall be located where it will be least visible from the public right-of-way and adjacent properties.

REVISIONS:

2016 APRIL – Added PCS, PCI, and PIRO to Section 21A.01.

**ARTICLE 22
SPECIAL LAND USES**

SECTION 22.00 INTENT

The formulation and enactment of this ordinance is based upon the division of the unincorporated portions of the township into districts, in each of which are specified permitted uses that are mutually compatible. In addition to such permitted compatible uses, it is recognized, however, that there are certain other land uses, which may be necessary or desirable in certain districts, but 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 township residents. This ordinance, therefore, requires approval and issuance of a special land use permit for each use listed in the several zoning districts as special land uses, and specifies in this Article the procedures and standards to be followed in granting such permits. A special land use shall not commence until a special land use permit is issued in accordance with this ordinance.

SECTION 22.01 AUTHORITY TO GRANT OR DENY PERMITS

The Township Planning Commission, after review and consideration of the special land use application and site plan according to the standards contained in this ordinance, shall recommend to the Township Board approval, disapproval or approval with conditions of the proposed special land use. The Township Board grants either approval, denial, or approval with conditions to the special land use application. Only the Township Board may direct the Zoning Administrator to issue a special land use permit. The Township Board shall establish financial guarantee and other performance requirements based on the type of special use, the district, and the specific conditions included in the permit. The financial guarantee shall be required to ensure completion of specific land or structure improvement(s), and to ensure ongoing compliance with the stated permit conditions.

SECTION 22.02 PERMIT PROCEDURES

An application made without full compliance with this ordinance shall be returned to the applicant. Every submission shall include the following information and data:

- A. Application:** Application for any special land use permit permissible under the provisions of this ordinance shall be made to the Tyrone Township Clerk by filling in the official special land use permit application form, submitting required data, exhibits and information, and depositing the required fee. The applicant shall pay a fee set by the Tyrone Board, except that a fee may be waived by the Township Board for any

governmental body or agency. No part of such fee shall be returnable to the applicant. The Township Clerk shall forward the official special land use permit application form and all related materials to the township Planning Commission at least fifteen (15) days prior to the next regular scheduled meeting.

- B. Data Requirement:** Every application shall be accompanied by the following information and data:
- 1. Special Land Use Permit Application.** A Special Land Use Permit Application supplied by the Township Clerk and filled out by the applicant.
 - 2. Statement of Use.** The special land use permit application shall contain a full statement of the requested use, the number of the ordinance article allowing provisions for the special land use requested, the reasons why the applicant feels the land use requested should be granted, substantiated by data, exhibits, information, and evidence regarding the requested findings as set forth in Section 22.05 of this Article, the applicant's signature(s), and the owner's notarized signature(s), if different from the applicant's. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of this ordinance.
 - 3. Representative.** Where an agent represents an applicant, a letter designating agent authority and signed by the applicant shall accompany the special land use permit application.
 - 4. Site Plan.** A detailed site plan that satisfies all requirements set forth in Article 23.
 - 5. Additional Information.** Upon review of the accepted special land use permit application, the Planning Commission shall have the authority to request additional information as it may deem necessary to make a determination of the request
 - 6. Land Use Permit.** The special land use permit shall be attached to an application for a land use permit that has been obtained from, and reviewed by the Zoning Administrator in accordance the provisions of this ordinance.
- C. Excavation and Construction.** Until a special land use permit has been issued with a proper land use permit there shall be neither construction nor excavation on any land, nor shall there be made any use of land related to the request for the special land use permit.

- D. Review Standards.** The Tyrone Township Planning Commission shall review the proposed development as presented on the submitted plans and specifications in accordance with the established standards set forth in this ordinance.

SECTION 22.03 PUBLIC HEARINGS AND NOTICES

- A. Publishing.** The Planning Commission shall hold a public hearing on an application for a special land use permit within a reasonable time period following receipt of the application. The public hearing may be scheduled for the same date as the Commission's regular meeting, provided that the meeting date does not conflict with the notice requirements in the following paragraph.

A notice that a request for a special land use approval will be reviewed and considered by the Planning Commission shall be published in a newspaper of general circulation in the township, and sent by mail or personal delivery to the owners and occupants of property for which approval is being considered. A notice shall also be sent to the property owners and occupants of all property within three hundred (300) feet of the subject property regardless of whether the property or occupant is located in Tyrone Township. The notice shall be given not less than fifteen (15) days nor more than sixty (60) before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.

- B. Public Notice Content.** The notice shall:
- 1. Nature of the Request.** Describe the nature of the special land use request.
 - 2. Property Location.** Indicate the location of the property by street address, if known, which is the subject of the special land use request.
 - 3. Date and Time.** State when and where the public hearing for the special land use request will be considered.
 - 4. Location.** Indicate when and where written comments will be received concerning the request.

SECTION 22.04 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES

In addition to specific standards for individual special land uses listed in Section 22.05, the following general standards shall be satisfied for the use at the proposed location prior to approving a special land use permit:

- A. Master Plan.** The special land use will be consistent with the goals, objectives and future land use plan described in the Township's Master Plan.

- B. Zoning District.** The special land use will be consistent with the stated Intent of the zoning district.

- C. Neighborhood Compatibility.** The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.

- D. Environment.** The special land use will not significantly impact the natural environment.

- E. Public Services.** The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.

- F. Traffic.** The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
 - 1. Turning.** Vehicular turning movements;

 - 2. Intersections.** Proximity and relationship to intersections;

 - 3. Sight Distance.** Adequacy of sight distances;

 - 4. Parking.** Location and access of off-street parking; and,

 - 5. Pedestrian Access.** Provisions for pedestrian traffic.

- G. Additional Development.** The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

- H. Health, Safety and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

SECTION 22.05 SITE DESIGN CONDITIONS

All special land uses shall comply with the site plan design requirements of Article 23. In addition, certain special land uses shall also comply with design conditions unique to that use. Those special land uses and conditions are listed herein.

A. Airports and Aircraft Landing Fields.

- 1. Private Airstrips.** These regulations shall not apply for private air strips that are used only by the owner or lessee of the premises for the maintenance of aircraft.
- 2. FAA and MDOT Approval.** Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Transportation, Bureau of Aeronautics prior to submittal to the township for review and approval.
- 3. Arterial Road.** The parcel shall be located so as to abut an arterial road and to provide public access to and exit from said arterial.

B. Campgrounds.

Campgrounds must comply with the minimum license requirements of Act 368 of 1978, as amended, the Administrative Rules being R 325.1551 through R 325.1599, and the township provisions listed below:

- 1. Parcel Size.** Minimum parcel size shall be ten (10) acres. The parcel shall have direct vehicular access to an arterial road.
- 2. Sites.** The term "site" shall mean an individual campsite for tent or recreational vehicles. Each site designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets.
- 3. Sanitary Facilities.** Bathroom and sanitary facilities shall comply with all applicable state and county health department regulations.
- 4. Laundry Facilities.** Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.

5. **Commercial Enterprises.** Commercial enterprises shall not be permitted to operate in the campground, except that a convenience goods shopping building may be provided in a campground containing more than eighty (80) sites.
6. **Parking Area.** Each campground shall provide a dust-free 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 the ratio of not less than one (1) space per each ten (10) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
7. **Minimum Site Area.** Each site shall contain a minimum of one thousand, five hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and at least forty (40) feet from any private street.
8. **Common Area.** A common area shall be provided at a ratio of not less than one thousand (1,000) square feet for each site. This common area shall be developed with grass seed, landscaping, picnic tables, barbecue 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 campground.
9. **Hard Surfaced Access.** Each recreational vehicle site shall have direct access to a hard surfaced, dust-free 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 streets shall be paved 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 Section 22.05.B.6.
10. **Open Drains.** Any open drainage-ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into a county drain system, subject to approval by the Livingston County Drain Commissioner.
11. **Health Regulations.** All sanitary facilities shall be designed and constructed in strict conformance to all applicable Livingston County Health Department and State Public Health regulations.
12. **Distance Between Units.** A minimum distance of twenty (20) feet shall be provided between all recreational vehicles and tents.

- 13. Screening.** Fences and greenbelts 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. Density.** Maximum campground density shall not exceed fifteen (15) sites per acre (including roads and other common areas).
- 15. Site Plan Review.** All such developments shall comply with Article 23, Site Plan Review.
- 16. Financial Guarantee.** A financial guarantee in an amount specified by the Township Board shall be posted prior to the start of construction.

C. Cemeteries.

Cemeteries, public or private, are subject to the following conditions:

- 1. Zoning District.** Cemeteries are allowed as special land uses only in the FR and RE zoning districts.
- 2. Access.** Cemeteries containing any structures shall have direct access on an arterial road. Cemeteries where the only structure is a shed or garage for storage of maintenance vehicles or machinery, need not have direct access on an arterial road. Structures shall not be located nearer than one hundred (100) feet from any property line.
- 3. Minimum Area.** Minimum lot area for cemeteries shall be ten (10) acres, with at least three hundred thirty (330) feet of public road frontage.
- 4. Placement and Number of Access Locations.** The location and number of ingress and egress driveways shall be designed in accordance with Section 21.54 Access Management of the Tyrone Township Zoning Ordinance and subject to the requirements and recommendations of the regulatory body responsible for the road from which access is planned.
- 5. Internal Road Design.**
 - a.** Roads shall be constructed with a 6" sand base and 7" of 21AA aggregate in accordance with Livingston County Road Commission standards. The roads shall also be designed to meet the slope, drainage

system, and other applicable standards for private roadway design as specified by the Livingston County Road Commission.

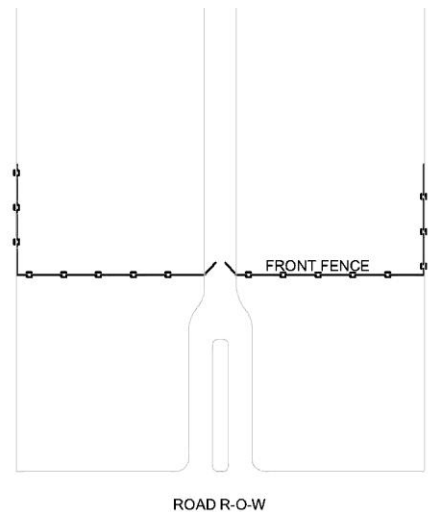
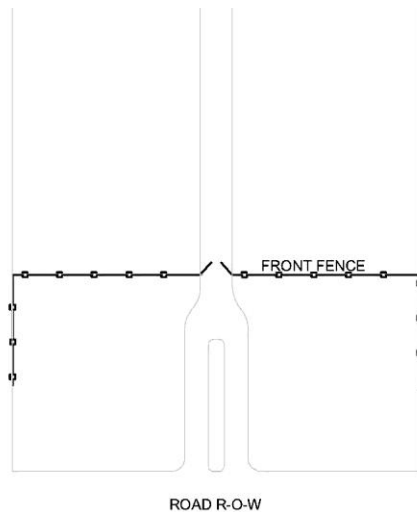
- b.** Roads should be designed as a looped system to allow for forward travel from entry to exit. The design of the internal road system shall be approved by the Township.
- c.** Ingress/egress driveway shall utilize a boulevard design for a distance of at least 150 feet from the road right-of-way to separate traffic and allow for simultaneous entry and exit of processions. The boulevard shall also comply with the design and construction standards in Section 21.54.F.2, Boulevard Entrance Standards, with the exception of the concrete curb requirement for boulevard islands.
- d.** Road Width.
 - i.** One-way Roads. Roads designed for, intended for, and posted (with signage) for vehicular travel in a single direction shall provide a paved or gravel surface of at least 18 feet in width to accommodate a moving vehicle and informal parking simultaneously.
 - ii.** Other Roads. Roads intended for multi-directional travel shall provide a paved or gravel surface of at least 24 feet in width to accommodate two moving vehicles and one parked vehicle simultaneously.

6. Setbacks.

- a.** Any building, structure, monument, or similar structures larger than six (6) feet in height, width, or length shall be located more than one-hundred (100) feet from any property line.
- b.** Monuments, markers, grave sites, and other elements customarily associated with a cemetery, regardless of placement above or below ground, shall be set back from property lines with respect to the defined front, side, and rear setbacks for the zoning district.
- c.** All structures and grave sites shall be set back from the internal road system by a minimum of 10 feet.

7. Fencing.

- a. A front fence, in the form of a decorative barrier, shall be installed for the entire width of the cemetery property in accordance with Section 21A.10 Obscuring Walls and Fences. The barrier shall consist of a fence, natural stone or brick wall, vehicular or pedestrian gates, or a living and sculpted hedge, or a combination of any of the materials listed herein.
- b. Extending toward the front or rear of the property from the front fence, additional fencing shall be installed for 50 feet along the side lot line.



D. Churches and Schools.

Churches and schools and related accessory facilities are subject to the following conditions:

- 1. **Height.** Buildings of greater than the maximum height allowed in Article 20 Schedule of Regulations, may be allowed provided that for every one (1) foot of height that the building exceeds the maximum height limitations, an additional one (1) foot of front, side, and rear yard setback shall be provided over and above the minimum yard requirements for the applicable district.
- 2. **Arterial Road.** The site shall be located to have at least one (1) property line abutting an arterial road. All access to the site shall be directly onto said major road or service drive thereof.

3. **Accessory Uses.** Current or future accessory uses which may generate traffic or that are out of scale or character with the neighborhood may serve as the basis for denial of the special use, however, any such ruling must be consistent with the Religious Freedom Restoration Act.
4. **Parking.** Off-street parking as required in Article 25.
5. **Housing.** The proposal shall include a detailed description of any housing to be provided in association with the proposed church or school. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation, assembly, etc. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 22.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

E. Colleges and Other Education Institutions

Colleges, universities, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education are subject to the following conditions:

1. **Minimum Parcel.** Any use permitted herein shall be developed only on sites of at least fifteen (15) acres in area.
2. **Arterial Road.** All access to said site shall be directly from an arterial road.
3. **Ancillary Services.** Ancillary services, such as a bookstore, cafeteria or restaurant, are permitted uses as long as they are situated on the campus grounds.
4. **Housing.** The proposal shall include a detailed description of any housing to be provided in association with the proposed school or educational institution. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation, assembly, etc. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 22.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

F. Public and Private Recreational Areas and Facilities. Recreation areas, institutional or community recreation centers, swimming pool or similar clubs, seasonal recreation areas, and other similar or unique recreational uses, whether public or private, or those uses found substantially similar by the Township, are subject to the following conditions:

1. **Description of Use.** Plans for commercial recreation areas and facilities must include a written statement of use describing the purpose of the facility, the uses proposed, whether the uses will require formal memberships or will be available to the public, whether the use will be permanent, year-round, or seasonal in nature, intended hours of operation, number of employees on a maximum shift, facility bylaws, nuisance mitigation measures, and other information applicable to the business and use.
2. **Compatibility of Use.** Commercial recreational areas and facilities may be permitted in residential districts only where it can be determined the commercial nature of the use does not affect the primarily residential character of the site and surrounding properties. Factors concerning the public health, safety, and welfare of the public, including, but not limited to, liability insurance, parking assistance, safety and security contractors, refuse disposal etc., may be required to ensure compatibility of use.
3. **Intensity of Use.** Recreation areas and facilities may be approved administratively by the Zoning Administrator after it has been demonstrated to his/her satisfaction there will be minimal adverse impacts to the surrounding properties or neighborhood in terms of intensity of use, noise, odor, visual nuisance, traffic, landscape, drainage, duration of use, or any other identified potential impact. The Zoning Administrator may request the opinion of a subcommittee of the Planning Commission to assist in a determination of appropriateness of administrative review. All uses not deemed appropriate for administrative review shall be reviewed as a special land use.
4. **Traffic Impacts and Road Access.** The proposed use must not generate traffic volumes of an amount that will create hazardous conditions for users of adjacent properties or contribute to altered character of properties in the vicinity. The Township may request formal feedback from the Livingston County Road Commission and an independent traffic study to determine impacts.
5. **Landscaping and Screening.** Landscaping and screening must achieve the standards of Article 21A of this Ordinance. The Township may waive certain landscape requirements where it is determined the intent of the landscaping standards is achieved with existing site conditions.

6. **Setbacks.** The setback standards in Section 20.01 of this Ordinance apply to all structures associated with the commercial recreation area. Accessory buildings and structures shall be located in accordance with Section 21.02, Accessory Buildings and Structures Provisions, to the extent feasible. Due to the unique and diverse nature of recreation areas defined herein, the Township may modify side and rear setback requirements to accommodate unique circumstances or structure types. Modification of setbacks may only be considered where vegetative screening, berms, or other forms of buffering are proposed to help minimize the effect of the modified setback.

7. **Parking.** The number of off-street parking spaces provided in support of temporary uses may be considered on a case-by-case basis. Where specific parking space requirements cannot be determined by Section 25.11 or credible external resources, the site must dedicate 320 square feet of land area for parking per expected vehicle at maximum anticipated capacity.
 - a. **Off-street parking.** Off-street parking is subject to the standards of Article 25 of this Ordinance, but certain design standards may be waived to permit informal parking areas with surfaces of turf, mulch, stone, or other similar material suitable for driving or parking. Parking area delineation may be accomplished by paint, string, or other means deemed appropriate by the Planning Commission.

 - b. **On-street parking.** On-street parking is prohibited unless authorization is expressly granted by the Livingston County Road Commission, MDOT, or other applicable authority of record for the road right-of-way.

8. **Use-Specific Standards.** The following standards are intended to be for a specific use and may not apply to all commercial recreation areas and facilities:
 - a. **Pools.** Whenever a pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height, and entry shall be provided by a controlled gate. Additional standards of the Michigan Construction Codes may apply as determined by the Building Official.

 - b. **Shooting range, war games club, trap and skeet range /club, archery range.** A fence at least six (6) feet high shall be erected around the perimeter of the property. On-site facilities shall not be located within two hundred (200) feet of the property line. If the site is used for "war games" utilizing air guns, a fence at least six (6) feet high shall be erected around the perimeter of the property. In addition, ropes, ribbons or similar materials shall be erected or hung from trees to form

a visible line of demarcation at least fifty (50) feet inside of, and parallel to, the perimeter fence. Signs clearly stating NO TRESPASSING shall be erected around the perimeter fence as approved by the Zoning Administrator. Site plans for any use described in this paragraph may be forwarded to the County Sheriff for approval and determination of adequate safety.

9. **Deviations.** The Township anticipates a large variety of potential recreational areas and facilities that may be considered as a special land use as described herein. Accordingly, the Planning Commission may consider minor deviations from the ordinance standards herein after a public hearing has been held, where the purpose and intent of this article and the Zoning Ordinance are supported. The Planning Commission may also request additional reasonable information in order to make a determination that the proposed use will not negatively impact the health, safety, and welfare of adjacent property owners and the greater community. Standards for deviations include:
 - a. **Substantial Justice.** Proposed deviations will provide substantial justice to the applicant as well as to other property owners in the vicinity. Resulting development will relate harmoniously with adjacent land uses and will not alter the essential character of the neighborhood.
 - b. **Minimum Deviation Required.** The requested deviation will be the minimum required to provide substantial justice and allow granting of the deviation in such fashion that the spirit of these regulations will be supported and public safety and welfare secured.
 - c. **Extraordinary Circumstances.** There are conditions applicable to the use or property involved that do not apply generally to other properties and uses in the area. The circumstances shall not be self-created by the owner or a former owner of the land. The described circumstances or conditions shall uniquely identify this request.
 - d. **No Safety Hazard or Nuisance.** The deviation will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
10. **Annual Review.** On an annual basis, special land uses described herein shall undergo review. Due to the unique and potentially evolving nature of these types of uses, the annual review is intended to ensure operations are in harmony with the surrounding neighborhood as intended, conditions of the approval are being followed, improvements to operations are identified and

mutually agreed-upon, and the interests of the owner/operator and Township are supported.

- a. **Annual Report.** The owner/operator of the Special Land Use shall submit a written report to the Township Zoning Administrator detailing ongoing operations, compiling complaints received and their resolution, listing police or zoning enforcement activities, identifying potential improvements to the site that could further ensure minimized impact on the surrounding community, and calling out desired changes in operation which would require updating the approved plan.
- b. **Township Review.** The Township Zoning Administrator, in collaboration with a subcommittee of the Planning Commission and Township consultants, as necessary, shall review the annual report and identify changes to the site or operation which may necessitate amending the special land use.
- c. **Actions.** If the Zoning Administrator identifies no issues or discretionary decisions to be made, the annual report may be filed, and no further actions are required. If there are concerns to address or updates to the approved land use required, the report is to be directed to the Planning Commission to discuss at a subsequent Planning Commission meeting with potential action to be taken in accordance with the Special Land Use approval procedures of the Zoning Ordinance.
- d. **Costs.** Reasonable costs incurred for annual review will be the responsibility of the operator of the Special Land Use.
- e. **Review Waiver.** The Zoning Administrator may, at the time of an annual review, consider an alternative review cycle.

G. Kennels.

1. **County and State Regulations.** All dog kennels shall be operated in conformance with all applicable county and state regulations. Permits for kennels are valid for one (1) year.
2. **Minimum Parcel.** For dog kennels, the minimum lot size shall be ten (10) acres for the first six (6) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
3. **Housing.** Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property lines and two hundred (200) feet from the road right-of-way.

4. **Shelter Area.** Each dog shall be allotted the following minimum areas: Sixty (60) square feet for outside dog run, and sixteen (16) square feet for inside sleeping area. A chain-link fence shall, divide each dog's area from adjoining spaces.
5. **Outdoor Facilities.** Outdoor runs and breeding areas shall have concrete or other AKC recognized surfaces that are suitable for cleaning in a manner that eliminates odors and maintains a sanitary condition for the animals. The kennel owner is encouraged to contact the Environmental Health Division of the Livingston County Health Department for guidance in the proper disposal of animal waste.
6. **Fencing.** The entire shelter area, breeding area, and exercise runs shall be enclosed by a sight-obscuring and sound-reducing wall or fence not less than six (6) feet in height.
7. **Annual Review.** The Township Supervisor, or person designated by the Township Board, shall review the construction and maintenance of the kennel annually. The inspection will include sanitation, size of runs, exercise areas and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.
8. **Financial Guarantee.** The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township board, before a permit is granted or renewed.

H. Feedlots; Commercial Feeding Operations.

1. **Minimum Area.** Minimum lot areas of twenty (20) acres are required for commercial feeding operations.
2. **Setbacks.** All structures and confined lots designed to house or contain livestock shall have a setback of at least one thousand (1000) feet from any existing family residence, except that of the feedlot operator. A minimum setback distance of one thousand (1000) feet shall be maintained between any existing church, school, business, recreation area (public or private), public building, or area zoned other than FR or RE.
3. **New Development.** New residences, churches, schools, businesses and recreation areas not connected with feedlot operations shall maintain a setback distance of at least one thousand (1000) feet from any existing feedlot

operation. Permission to build within the setback distance must be secured from the Planning Commission, who shall ascertain that the owner of the proposed structure or use is aware of the existing feedlot.

I. Golf Courses and Related Uses.

Golf courses, pro shops, country clubs including restaurants and or lounges, and golf driving ranges, which may or may not be operated for profit, are subject to the following conditions:

1. **Arterial Access.** The site shall be so planned to provide all access directly onto or from a major hard surfaced arterial road.
2. **Safety.** The site plan shall be laid out to achieve an efficient relationship between the major road and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
3. **Buildings.** Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than one hundred (100) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
4. **Pool.** Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence at least six (6) feet in height, and entry shall be by means of a controlled gate.

J. Nursery Schools and Child Care Centers (with more than six children)

Nursery schools and child care centers with more than six children must meet the following conditions. Group day care homes are subject to only the conditions in item 4.

1. **Outdoor Play Area.** Each child cared for shall be provided with a maintained outdoor play area of a minimum one hundred fifty (150) square feet.
2. **Minimum Play Area.** The total play space shall contain a minimum of five thousand (5,000) square feet in area, and shall be screened from any adjoining residential lot.

3. **Location.** Facilities shall satisfy the location requirements provided in subsection 4.a below, except when located within and operated as part of an approved commercial or industrial use.
4. **Special Land Use Conditions.** A group day care home, as defined in Article 2 and licensed by the State of Michigan, shall be granted a special land use permit if it satisfies the following conditions:
 - a. **Facility Location.** Facilities shall not be located closer than fifteen hundred (1,500) feet to any of the following:
 1. **Group Day Care.** Another licensed group day-care home.
 2. **Adult Foster Care.** Another adult foster care small group home or large group home as licensed under the adult foster care facility licensing act (PA 218 of 1979).
 3. **Substance Abuse Facility.** A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws;
 4. **Community Correction Center.** A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
 - b. **Fencing.** Facilities shall provide appropriate fencing for the safety of the children.
 - c. **Neighborhood Compatibility.** The property and the facility shall be maintained consistent with the visible characteristics of the neighborhood.
 - d. **Hours of Operation.** Facilities shall not exceed 16 hours of operation during a 24-hour period.
 - e. **Other Requirements.** The use shall satisfy all other requirements of this Ordinance, including those for off-street parking (Article 25) and signage (Article 27).

K. Roadside Stands and Permanent Structures for the Sale of Agricultural Products Raised on the Farm.

In agricultural districts, each farm may have one (1) temporary roadside stand or one permanent building space operated on the same premises by the property owner, farm proprietor, or his family. The allowance and use of such structures shall not alter the zoning of land in the Farming Residential or Rural Estate zoning district, and such use shall not be deemed a commercial activity. The stand and/or structure shall be located and constructed to meet the following requirements (see Section 22.05.R for other agri-business uses):

1. **Height.** The structure and/or stand shall not be more than one (1) story in height.
2. **Floor Area.** The floor area of the roadside stand shall not exceed 400 square feet and the floor area of the permanent building space devoted to the retail sale of the produce shall not exceed 1,500 square feet.
3. **Setbacks.** The permanent structure shall meet all setback requirements. The temporary moveable stand shall be located no closer than ten (10) feet from any part of the road right-of-way and shall be removed during the non-sales season.
4. **Parking.** Parking shall comply with the requirements of Article 25, Off-street Parking and Loading. Provisions shall be made to allow cars to turn-off the road and park outside of the right-of-way. Parking lots in the FR and RE districts are not required to be paved.
5. **Advertising.** Advertising signs as defined in Article 27.

L. Oil and Gas Processing Plants

The following regulations shall apply to oil and gas processing or sweetening plants:

1. **Setbacks.** Setbacks:
 - a. **Minimum Setbacks.** Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial, or industrial establishments, wetlands, or surface water.
 - b. **Minimum Residential Setbacks.** Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or

manufactured home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. **Density.** There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. **Screening.** Oil and gas processing facilities shall be screened in accordance with Section 21.35.
4. **Air Pollution Control.** Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
5. **Fire Detection.** The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.
6. **Noise.** Oil and gas processing plants shall comply with the noise standards set forth in Section 21.16.
7. **Automatic Alarm System.** In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher or other designated official or agency and plant operating personnel.
8. **Site Security.** The following security measures shall be maintained on the site:
 - a. **Fencing.** The site shall be fully enclosed with a six foot high chain link fence with three strands of barbed wire along the top of the fence.

- b. **Locking.** All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
 - c. **Signs.** "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
 - d. **Lighting.** The site shall be adequately lighted, in accordance with Section 21.37.
 - e. **Automatic Telephone System.** In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
9. **Preventative Maintenance.** The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
10. **Site Closure.** In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
11. **Agency Approvals.** The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Waste Management Division, Michigan Pollution Control Commission, Livingston County Health Department, Livingston County Road Commission, Livingston County Drain Commissioner, MDEQ Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.
12. **Performance Guarantee.** Prior to issuance of a building permit, the Township may require submission of a financial guarantee, in accordance with Section 23.16.

M. Mini-Warehouses

- 1. **Lot Area.** The minimum lot area for mini-warehouses shall be two (2) acres.
- 2. **Enclosed Storage.** Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

3. **Site Screening.** The entire site, exclusive of access drives, shall be screened from adjacent properties and road rights-of-way. The Planning Commission shall approve the appropriate screening for the site consistent with one (1) or more of the following options:
 - a. **Masonry Wall.** A six (6) foot high masonry wall enclosure in order to protect nearby adjacent lots that may be adversely affected by the warehouses and truck traffic accessing the warehouse site.
 - b. **Chain Link Fence.** A six (6) foot chain link fence may be permitted along property lines that do not abut a residentially zoned district or residential use.
 - c. **Landscaping.** Landscape screening in accordance with the provisions of Section 21.35.
4. **Open Bays:** Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or screening in compliance with M.3 above.
5. **Exterior Appearance.** The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
6. **Resident Manager.** A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the minimum dwelling unit floor area requirements of the RM-1 District provisions of this Ordinance.
7. **Circulation.** On-Site Circulation and loading/unloading:
 - a. **One-way Driveways.** All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
 - b. **Two Way Driveways.** All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot wide travel lanes.
 - c. **Signs.** The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate loading/unloading areas and traffic direction throughout the site.

N. State Licensed Child and Adult Foster Care Facilities Other than Adult Foster Care Family Homes, Foster Family Homes, Foster Family Group Homes, or Family Day Care Homes

The following regulations shall apply to State Licensed Child and Adult Foster Care facilities other than Adult Foster Care Family Homes, Foster Family Homes, Foster Family Group Homes, or Family Day Care Homes and related sites:

- 1. Road Frontage.** The site for the facility shall front on a major road with a right-of-way of not less than sixty-six (66) feet.
- 2. Recreation Area.** The site shall include an outdoor open space and recreation area of not less than five hundred (500) square feet for each occupant of the facility. The open space and recreation area shall be located in side or rear yard areas.
- 3. Paved Parking.** Paved parking areas shall be provided on the site in the rear or side yard areas. Parking spaces shall be provided at the rate described in Section 25.11.A.4.
- 4. Site Screening.** The site shall be screened consistent with the requirements of Section 21A.05.C.

O. Asphalt and Concrete Mixing Plants

Asphalt and concrete mixing plants shall comply with the following minimum regulations. The Planning Commission and Township Board may require additional conditions related to the specific location and operation of a proposed plant.

- 1. Setbacks.** In order to reduce the effects of airborne dust, dirt and noise, and similar operations, equipment and materials shall be located no closer than the required front yard setback, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial or as otherwise required by other provisions of this Ordinance.
- 2. Arterial Access.** Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
- 3. Staging and Parking Area.** Staging and parking areas shall not occur within required yard setback areas.

4. **Layout.** The site shall be designed so as to minimize the off-site views of truck loading, unloading and stacking areas. As determined feasible by the Planning Commission, truck accessible areas shall be screened by other site features including buildings and landscaping to be installed on the site.
5. **Outside Storage.** Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage stockpiles of processed materials awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. At no time shall material stockpiles exceed forty-five (45) feet in height. The location and size of the stockpiles shall be screened from public view. The location and screening of the stockpiles shall be shown on the site plan. The Planning Commission and Township Board shall require installation of screening consistent with these requirements in order to assure the material stockpiles are adequately screened.
6. **Screening and Noise Abatement.** Outside storage and parking and loading areas as permitted, shall be screened and landscaped in accordance with Section 21.35. At the discretion of the Planning Commission, additional vegetative plantings, screening walls and fences or other means of sound attenuation shall be required to mitigate noise impacts.
7. **Truck Traffic.** Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Township approval. Roadways and driveways used by the trucks shall be regularly cleaned so as to maintain a clear surface for the safe transport of people and goods on the roads. At the discretion of the Township, a schedule for cleaning and other necessary maintenance of roadways at the point of access may be required.
8. **Truck and Site Maintenance and Pollution Control**
 - a. **Vehicle Washing.** All vehicle washing shall be performed on a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by a method approved by the MDEQ and U.S. EPA. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.
 - b. **Vehicle Maintenance.** All vehicle maintenance to be performed on the site shall occur within an enclosed garage. If such garage will be built, it shall be shown on the site plan for the facility.

- c. **Waste Water Disposal.** The site plan must provide methods for disposal of waste water, storm drainage water, and other wastes in accordance with waste management practices approved by the Township, Livingston County, MDEQ and U.S. EPA.
 - d. **Fugitive Dust.** The site plan shall include provisions for capture of fugitive dust and emissions from stockpiles, process sources, and traffic in accordance with practices approved by the Township, Livingston County, MDEQ and U.S. EPA.
 - e. **Hazardous Materials.** All hazardous materials used in the production process including but not limited to additives, fixatives and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Livingston County Emergency Program Manager and the Livingston County Health Department.
 - f. **Odors.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air as regulated by the MDEQ, USEPA, Tyrone Township, and Livingston County.
9. **Other Agency Approvals**
The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to the MDEQ. Evidence of approvals from such agencies shall be submitted to the Township prior to final approval.
10. **Excess Asphalt or Concrete**
The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall

include a means of sealing the recovery area to prevent leaching of hazardous materials into the ground.

11. Performance Guarantee

Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with the provisions of this Ordinance.

P. Open Storage Yards

Open storage yards for the display and sale of finished products or the storage of finished manufactured products shall comply with the following minimum site development requirements:

- 1. Setbacks.** In order to reduce the effects and visual impact of the open storage yard equipment, storage areas, truck staging areas, and similar operations shall be located no closer than the required yard setbacks of the zoning district. In the case where adjacent residential uses exist or are planned, the Planning Commission may increase the setback requirements.
- 2. Access.** Storage yards shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
- 3. Staging Area.** All vehicle traffic stacking and waiting areas shall be contained on the site and shall be designated on the site plan. Staging and parking areas shall not occur within the required yard setbacks nor in areas not designated for stacking purposes on the approved site plan.
- 4. Outdoor Storage of Material.** Only those types of materials included in the proposal at the time of site plan approval shall be permitted in the outdoor storage areas. Such permitted outdoor storage areas shall be enclosed on all sides with a wall or maintained landscaped berm. The location and size of storage areas shall be shown on the site plan. All loading and unloading of materials for storage shall occur in these designated areas and are limited to between 7 a.m. and 10 p.m. At no time shall storage stacks exceed the height of the approved screening wall or landscaped screen. An erosion prevention and containment plan must be prepared and maintained for any proposed outdoor storage of dirt, gravel, sand, or other loose material.
- 5. Screening.** All outdoor storage facilities, including parking and loading areas, shall be screened and landscaped in accordance with Section 21.35. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts. A fence or wall shall be constructed and maintained along the rear and side lot lines in order to

keep trash, paper and other debris on the site. (See Section 21.19). At the discretion of the Township, this provision may be waived if the applicant demonstrates that all activities and storage will be contained within the confines of structures on the site.

6. **Display.** Subject to Planning Commission approval and the following requirements, a display may be allowed as an open storage use. All products displayed:
 - a. **Operable.** Shall be operable and without clutter. “Junk” or inoperable products are prohibited.
 - b. **Setback.** Shall not be located within a fifty (50) foot setback from any right-of-way or property line.
 - c. **Display Area.** Shall be located in an approved display area. The amount of outdoor display area shall be based on the following formula: For the first one hundred (100) feet of frontage on a street, two hundred (200) square feet of display area shall be permitted and one (1) additional square foot of display area shall be permitted for every additional foot of frontage on the street. In no event shall the display area exceed a maximum of one thousand (1,000) square feet.
7. **Site Design.** An outdoor storage use shall not be permitted to occupy a site where no building has been constructed. A building shall be constructed on the premises for office use in connection with the storage facility. The building should be located on the site to provide an office for site management and to assist in screening the operation from adjacent road right-of-way. This provision may be waived by the Township if the applicant can demonstrate other acceptable mechanisms for screening and site management.

Lighting for the site shall be shielded and directed so that glare and illumination from the lights shall not create a hazard for vehicles on adjacent roads or to cause a nuisance for adjacent or nearby uses. Lighting shall be indicated on the site plan and be maintained consistent with the approved site plan. All lighting must be down directed and shall not exceed .5 foot candle at all property lines.

Outdoor storage shall not be permitted in the required front yard. All loading, parking, and maneuvering shall be restricted to the site. Screening and noise abatement shall be provided for storage areas adjacent to residential zoning districts in accordance with the provisions of Section 21.35.

- 8. **Minimum Site Dimensions.** The site shall comply with the minimum zoning district area, dimensional and configuration requirements.
- 9. **Performance Guarantee.** Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with the provisions of this Ordinance.

Q. Expansion and/or Modification of an Existing, Nonconforming Building or Use.
See Article 26.07.

R. Agri-Business Uses in Addition to the Sale of Agricultural Products Raised on the Farm.

As defined in Article 2 and provided for in Article 4, agri-businesses are provided as a special land use for parcels in the Farming Residential and Rural Estate zoning districts and may include agriculturally related uses that are clearly incidental to the principal permitted agricultural use on the property. In some cases, the agri-business may involve a commercial or tourism use that is more intense than a roadside stand or facility for the sale of items grown or raised on the farm (standards for these facilities are found in Section 22.05.K). Agri-business uses such as these are governed by the standards below.

- 1. **Zoning.** Such uses shall be operated on the same premises as the principal agricultural use by the property owner or farm operator. The allowance and use of such structures and land shall not alter the zoning of land in the Farming Residential or Rural Residential zoning district, and such use shall not be deemed a commercial activity for zoning purposes.
- 2. **Facility Size.**
 - a. **Floor Area.** The total floor area above finished grade (one or two stories) of any agri-business facility falling into this category, including retail space, shall be no larger than 10,000 square feet. The facility may consist of more than one building. Underground space is not limited to, and may be in addition to, the 10,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.
 - b. **Pre-Existing Buildings.** Building(s) built prior to this amendment may be used for an agri-business provided that the area dedicated to the agri-business is limited to 10,000 square feet. The Zoning Board of Appeals may consider variances from setbacks for such a pre-existing building if

- c. Approval.** The Township Board shall approve a facility's ability to host events when it has demonstrated the largest event desired by the facility can be handled without significant adverse impacts to adjacent neighbors or Township facilities and services or otherwise creating a detriment to public health, safety, or welfare.
 - d. Special Conditions.** The special land use approval may specify a maximum number of events per year, number of persons per event, and hours for events.
 - e. New Permit.** In order to exceed the number of events approved by the Township Board or to host an event of increased intensity, the special use permit must be amended. Otherwise, a new permit is not required for each event.
- 7. Parking.** Parking shall comply with the requirements of Article 25 - Off-street Parking and Loading. Provisions shall be made to allow cars to turn off the road right-of-way and park outside of the right-of-way. Parking lots in the FR and RE districts are not required to be paved.
- 8. Signs.** Signage shall comply with the requirements of Article 27 - Signs. Agri-businesses are permitted one ground sign with a maximum area of 48 square feet and a maximum height of 6 feet.
- 9. General Standards.** In addition to the specific standards for Agri-business uses specified above, the Planning Commission and Township Board shall consider the following when making a determination under this section:

 - a.** The relationship of the agri-business use to the primary agricultural use on the site.
 - b.** The duration of use (i.e. seasonal, annual, weekends, everyday, etc.).
 - c.** Hours of operation.
 - d.** Relationship of agri-business use and proposed development to the overall size of the parcel.
 - e.** Potential traffic impacts created by the proposed use.
 - f.** Other potential impacts on the Township or adjacent properties including but not limited to lighting, noise, dust, and drainage.

S. Contractor's Limited Storage.

Contractor's office and related storage of vehicles and equipment used in the business may be permitted on a limited basis in the FR or RE Districts, subject to the following conditions:

- 1. Owner-Occupied.** Any such site shall contain a single family dwelling that is occupied by the owner of the business. There shall be no visible change to the single family residential appearance of the dwelling. The business use of the site shall be clearly incidental and secondary to the use of the site for dwelling purposes. Traffic, parking, sewage, trash or garbage storage and removal or water use shall not be noticeably different from the impacts associated with a typical home in the neighborhood. Further, the use shall not generate noise, vibration, glare, fumes, toxic substances, odors or electrical interference at levels greater than normally associated with a single family home.
- 2. Lot Area.** The minimum lot area shall be three (3) acres.
- 3. Enclosed Storage.** All materials and equipment must be stored and completely contained within an enclosed building. No more than one (1) commercial vehicle may be parked outdoors, subject to and as specifically provided under Section 21.19.C.2 Commercial Vehicle Parking. No storage of loose materials shall be permitted including but not limited to, topsoil, sand, mulch, gravel, wood, debris, and the like. There shall be no more than one detached accessory building per site devoted to this use.
- 4. Screening.** All portions of the site that are used for employee parking or commercial vehicle parking shall be screened from view from adjacent properties and road rights-of-way. Screening shall be accomplished with landscaping, topographic barriers, screening walls or fences, or other means as approved by the Planning Commission and Township Board.
- 5. Primary or Section Line Road Access.** The site shall be located to have at least one (1) property line abutting a primary or section line road. All non-residential access to the site shall be directly onto that primary or section line road.
- 6. Non-Resident Parking.** The personal passenger vehicles of employees may be parked outside on site for periods no greater than 14 hours per occurrence. The location of employee parking shall be shown on the site plan and is subject to approval by the Township.

7. **Exterior Appearance.** The exterior of any accessory building used for contractor storage shall be of finished quality and design, compatible with the design of structures on surrounding property, so as to not detract from the predominant residential character of the district.
8. **Signs.** No signs shall be permitted other than those allowed for normal residential use.
9. **Maximum Size of Accessory Building.** No accessory building or total of all accessory buildings used for contractor storage shall exceed 5% of the maximum permitted lot coverage on the site. Subject to the determination of the Planning Commission and approval of the Township Board, the maximum accessory building size permitted on a site may be reduced.

T. Utility-scale Solar Energy Facilities.

Tyrone Township recognizes the positive environmental impact solar energy systems promise as an energy alternative to traditional sources. Concurrently, the Township has an obligation to ensure use of lands within its jurisdiction provide a net positive effect in terms of impact, support of the Township Master Plan, and availability of land resources.

1. **Regulations.** The following regulations are intended to ensure the interests of the landowner and the Township are achieved harmoniously with no negative effect to the long-term viability of the subject property or those surrounding it. In zoning districts where they are permitted or special land uses, facilities for the capture, storage, and distribution of solar energy for commercial purposes are subject to the following standards:
 - a. **Lease Unit Boundary.** The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a solar energy facility. The Lease Unit Boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road.
 - b. **Location and Setbacks.** The solar energy system shall not be located closer to the road than any portion of a principal building located on the same parcel. The solar energy facility setback requirements are found in the table below. For parcels abutting Old US-23, the minimum setback from Old US-23 shall be 50 feet. All accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing or likely adjacent development.

District	FR	PCI	PIRO-A	PIRO-B	PIRO-C
Front Yard Setback	*50	100	100	100	100
Side Yard Setback	30	30	30	30	50
Rear Yard Setback	75	30	30	30	50

*In the FR district if the prevailing setbacks of structures on adjacent properties within 500 feet are greater than 50 feet the front yard setback must be increased to those average setbacks, but is not required to be greater than 150 feet.

- c. **Height.** The height of the solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- d. **Screening.** Landscaping shall be provided to screen the racking and any accessory equipment from view at a six (6) foot ground level from adjacent properties or public rights-of-way, unless otherwise determined and/or modified by the Planning Commission and/or Township Board.
- e. **Glare.** Solar energy systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility.
- f. **Batteries and Accessory Equipment.** When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- g. **Natural Feature Preservation.** The plan for installation of a solar farm shall include a tree survey and plan for cutting of trees greater than 6" DBA. No such trees shall be cut in any required setback other than those reasonably required for the installation of a drive to access the facility. Retention of natural grades, soils, and groundcover material is encouraged where feasible.
- h. **Drainage and Stormwater.** Solar energy facilities shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not exceed the agricultural runoff rate or

otherwise cause undue flood. Any necessary permits from outside agencies for off-site discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife. Detergents should be of a biodegradable variety, and frequency of anticipated cleaning should be described.

- i. **Lot Coverage.** Impervious surfaces required for the installation of ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district. Impervious surfaces for the purpose of calculating lot coverage for solar energy systems include, but are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures. In the case of a solar energy system on a lease unit, maximum lot coverage standards shall apply for each parcel included within a lease unit.
- j. **Abandonment and Removal.** If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove the collectors, mounts, and associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.
- k. **Decommissioning.** The ground shall be restored to its original condition within 60 days of removal of structures. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground materials shall be removed when the solar energy system is decommissioned.
- l. **Security. A letter of credit, cash deposit, or other security instrument found acceptable to the Tyrone Township Board.** The owner(s) and/or operator of the solar energy facility shall post a security instrument in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township annually to ensure adequate funds are allocated for

decommissioning. The security instrument, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.

- i. The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning all structures in the facility in accordance with the requirements of this Ordinance, including reclamation to the original site conditions.
- ii. A security bond, if utilized, shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal or State-chartered lending institution acceptable to the Township.
- iii. Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined in Subsection v., below.
- iv. In the event of sale or transfer of ownership and/or operation of the solar energy facility, the security instrument shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the solar energy facility or prior to, during, or after the sale or transfer of ownership and/or operation of the facility the security instrument is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.
- vi. The security instrument shall be maintained until decommissioning and removal has been completed to the satisfaction of the Township.

2. Site Plan Approval and Supporting Materials. All applications for Utility-scale Solar Energy Facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. All site plans shall conform to the requirements of Article 23. In addition they shall display the following information:

- a. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Utility-scale Solar Energy Facility.
- b. Vicinity map showing the location of all surrounding land uses.

- c. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Utility-scale Solar Energy Facility.
- d. Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
- e. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Utility-scale Solar Energy Facility and within one hundred (100) feet of all exterior property lines of the Utility-scale Solar Energy Facility. (exterior means the physical property lines versus the lease unit boundary lines)
- f. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Utility-scale Solar Energy Facility.
- g. Topography for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Utility-scale Solar Energy Facility at a minimum of two (2) foot contour intervals.
- h. Access driveways within and to the Utility-scale Solar Energy Facility, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Livingston County Road Commission (LCRC) approval and shall be planned so as to minimize the use of lands for that purpose.
- i. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Utility-scale Solar Energy Facility.
- j. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Utility-scale Solar Energy Facility, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the Utility-scale Solar Energy Facility is decommissioned.
- k. Planned lightning protection measures.

- I. Additional detail(s) and information as required by the Tyrone Township Zoning Ordinance, or as required by the Planning Commission and/or Township Board.

SECTION 22.06 REQUIRED STANDARDS AND FINDINGS

- A. The Planning Commission shall review the particular circumstances and relevant facts concerning each special land use in terms of the standards and required findings listed below. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the lot in question meets all required standards. The Planning Commission will review each proposal in order to determine that the use(s) envisioned:
 - 1. **Township Objectives.** Will be harmonious with, and in accordance with, the general objectives of the Tyrone Township Master Plan, and will be consistent with the intent and purpose of this ordinance;
 - 2. **Character of the Area.** Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area;
 - 3. **Disturbance.** Will not be hazardous or disturbing to existing or future neighboring uses or detrimental to the economic welfare of the community;
 - 4. **Environment.** Will be compatible with the natural environment and existing and future land uses in the vicinity;
 - 5. **Essential Services.** Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use(s) shall be able to provide them and that such proposed use(s) will not create excessive additional requirements at public cost for public facilities and services;
 - 6. **Detrimental Uses.** Will not involve uses, activities, processes, materials and equipment, and conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odor, or handling of storage of hazardous materials and supplies.
- B. **Public Record.** The Planning Commission shall record all data, information, and evidence of the findings of Section 22.05 as a matter of public record.

SECTION 22.07 DETERMINATION

- A. Recommendation to the Board.** The Planning Commission may recommend approval, denial, or approval with conditions of a request for special land use based on the findings of Section 22.05. Any conditions proposed shall meet all of the following requirements:
- 1. Community Protection.** Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Exercise of Police Powers.** Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 - 3. Intent and Purpose of the Zoning Ordinance.** Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B. Statements and Conditions.** The recommendation of a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
- C. Changes in Conditions.** Any conditions imposed with respect to the approval of a land use or activity shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of conditions which are changed.
- D. Final Decision.** The Planning Commission action on the special land use is forwarded to the Township Board, which then shall take action on the application. The decision of the Township Board shall be final.

SECTION 22.08 EXPIRATION OF SPECIAL LAND USE PERMIT

A special land use permit shall be valid for as long as the permitted use continues in accordance with the conditions stated therein, unless otherwise stated in the special land use permit. If there is not compliance with the term of the special land use permit within ninety

(90) days from the date of its issuance, then it shall automatically expire and be of no further effect or validity. The conditions of approval may limit the duration that the special use is granted and/or may require an annual review of the special use. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

SECTION 22.09 REAPPLICATION

An application for a special land use permit, which has been denied wholly or in part by the Township Board, shall not be resubmitted until the expiration of at least one (1) year from the date of such denial, except on grounds of valid new evidence or proof of changed conditions found by the Township Planning Commission or Township Board.

REVISIONS:

- 2000 DECEMBER - Section 22.03.J; 22.05.0 1-11, 22.05.P 1-9; 22.05.Q.
- 2007 APRIL - Sections 22.03, 22.05.J, 22,05.N.
- 2007 JULY - Section 22.05.K (new) and Section 22.05.R (New).
- 2012 JUNE - Added 22.05.S to include Contractor's Limited Storage.
- 2012 OCTOBER - Amended 22.05.G – Kennels.
- 2013 OCTOBER – Amended 22.05.C – Cemeteries to include RE.
- 2018 FEBRUARY – Amended 22.05.C – Cemeteries - to update special land use requirements.
- 2018 SEPTEMBER – Amended 22.05.F – to include provisions for commercial recreational uses in the FR District.
- 2019 JULY – Added Section 22.05.T Utility-scale Solar Energy Facilities.

ARTICLE 23
SITE PLAN REVIEW AND IMPACT ASSESSMENT

SECTION 23.00 INTENT

- A. Intent.** The site plan review procedures detailed herein are incorporated into the zoning process to ensure that the Township is afforded an opportunity to review and evaluate proposed uses of sites with regard to such considerations as drainage capacity and design, pedestrian and vehicular circulation, parking, structural relationships, provision of public utilities, landscaping, accessibility and other site design elements that may have an adverse impact upon the public health, safety and general welfare if improperly or inadequately addressed.
- B. Impact Assessment.** An Impact Assessment (IA) (See Section 23.04) is required to be submitted with each request for rezoning a parcel of land and for all proposed uses that require site plan review. Additionally, a traffic impact assessment (See Section 23.05) is required for proposed projects meeting either the peak hour or daily traffic generation rates in Table 23.1. Information provided in the traffic impact study must meet the standards corresponding to the various magnitudes of traffic generation rates identified in the table.
- C. Rezoning Impacts.** The IA is a document designed to specifically address the impacts of a proposed rezoning, land use, or development on the natural features, economic conditions, and social environment of the township. The IA shall fully explain a developer's choice of alternatives in site plan design as well as provide an assessment of the proposal's effect on public costs and services and on existing and planned uses in the vicinity of the site.
- D. Waiver.** The IA may be waived at the discretion of the Planning Commission if it determined that there is not a significant potential impact expected on surrounding properties as a result of the proposed development, as determined in Section 23.04.

SECTION 23.01 DEVELOPMENTS AND USES REQUIRING SITE PLAN REVIEW

- A. Special Land Uses.** All special land uses. See also Article 22.
- B. Multiple Dwellings.** A building containing three (3) or more dwelling units. For single-family or two-family units, a plot plan may be required. See also Section 21.25.
- C. Manufactured Home Park.** A manufactured home park is required to meet the provisions of Article 10.

- D. **Private Road Land Development.** A private road land development is subject to Article 24.
- E. **Nonresidential Structures.** Any permitted nonresidential building or structure and/or additions thereto, permitted in any single-family residential district, excluding farm buildings.
- F. **Essential Services.** Buildings and structures for essential services. See also Section 21.46.
- G. **Off-Street Parking.** Any use that, under the terms of this Ordinance, requires an off-street parking lot or addition thereto containing five (5) or more parking spaces when not a part of a development or use for which site plan review and approval is required elsewhere in this Section. See also Article 25.00.
- H. **Dog Kennels.** Dog kennels. Site plan review requirements may be reduced by the Planning Commission. See also Section 23.05.G.
- I. **Commercial Transmitting and Receiving Towers.** See also Section 21.32.
- J. **Home Occupations.** Home occupations are subject to only the following paragraphs in Section 23.02: A, B, C, D, E, H, I and M. An Impact Assessment is not required for home occupations. See also Section 21.14.
- K. **Condominium Projects.** All condominium projects. See Sections 21.43.
- L. **Development, Use Changes, Conversions or Remodeling.** Any use, land development, land use changes, conversions, and remodeling activities in the following districts:
 - 1. RM-1 Multiple Family District
 - 2. PUD Planned Unit Development
 - 3. B-1 Local Business District
 - 4. B-2 Community Business District
 - 5. ES Expressway Service District
 - 6. OS Office Service District
 - 7. M-1 Light Industrial District
 - 8. M-2 Heavy Industrial District
 - 9. ROM Research Office Manufacturing District
 - 10. EI Extractive Industrial District
 - 11. PCS Planned Commercial Services District
 - 12. PIRO Planned Industrial Research Office District
 - 13. PCI Planned Commercial Industrial District

SECTION 23.02 SITE PLAN INFORMATION

The Planning Commission may waive any site plan requirements they consider to be clearly unnecessary for substantial review and shall state the reasons for waiving such requirements in writing. A public hearing is required in the following instances: planned unit development (Section 11.11), special land uses (Section 22.03), private roads (Section 24.02), shared driveway/access easements (Section 24.05), variances (Section 28.02) and rezoning (Section 29.02). Condominium projects shall also meet the provisions contained in Section 21.43. The site plan is to contain the following information:

- A. Date, North Arrow and Scale.** The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (1" = 100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
- B. Statistical Data.** Statistical data shall include the type of development, the number of structures, the number of subunits per structure, the size of each unit, the total area involved, the percent of area being developed, the percent of area used for structures, the percent of area to be paved with an impervious surface, and the percent of area left undeveloped. The statistical data shall also include the name and number of the public school district serving the site.
- C. Location and Height of Existing and Proposed Structures.** The location and height of all existing and proposed structures on the property being developed and within five hundred (500) feet of the property boundary lines shall be shown. In the cases where protective screening is required, the initial and long term effect of the screening with reference to the adjoining use shall be identified. If there are no adjoining residential structures, this requirement may be waived.
- D. Property Lines.** All lot and/or property lines are to be shown and dimensioned, including building setback lines.
- E. Location and Dimensions, Existing and Proposed Drives, Exterior Lighting, Sidewalks, Etc.** The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space and handicapped parking space), unloading areas and open space recreation areas.
- F. Vehicular Traffic and Pedestrian Circulation.** Vehicular and pedestrian circulation features within and adjacent to the development site shall be shown.

- G. Location of Proposed Landscaping.** The location of all proposed landscaping, greenbelts, separation berm, fences and walls shall be shown. It shall also show any topographical alterations or changes in natural terrain including drainage patterns. See also Section 21A.
- H. Size and Location of Existing and Proposed Utilities.** Size and location of existing and proposed utilities and easements, including proposed connections to public sanitary sewer or water supply system, storm sewer, electric, gas, and telephone service lines and facilities. If an on-site system for wastewater treatment is proposed, the size and location of drain fields and reserve fields shall be noted.
- I. Location Map.** A location map indicating the relationship of the site to the surrounding land uses including respective zoning of the abutting properties whether separated by roadways or not.
- J. Data on Abutting Roads, Alleys, Etc.** The location and pavement width and right-of-way width of all abutting roads, streets, alleys or easements. See also Section 21.09.
- K. Drainage Facilities.** The location and size of all existing and proposed surface water drainage features and changes that might affect drains or drainage shall be shown. The data shall include the percent coverage of impervious surfaces and the means to control storm water flow including computations of the volume and rate of storm water flow and the basis for establishing such rates and volumes (e.g. assumptions regarding storm event data).
- L. Soil Erosion and Sedimentation Control Measures.** The location of all proposed soil erosion and sedimentation control measures shall be shown on the plan, along with a detail of the proposed method(s) of control.
- M. Contour Intervals.** Topographic contours shall be shown at not more than two (2) foot intervals, referenced to U.S.G.S. datum including the U.S.G.S. benchmark.
- N. Wetland Determination.** If wetland conditions are known or suspected to exist on the site, a determination of the condition and regulatory status of such wetlands shall be provided.
- O. Project Detail and Specific Use.** The detail of the specific uses of the project under consideration for a special use permit must be included and may become part of the permit. Alterations of the plans and concepts made after approval by the Township Board will constitute a change in the project and may require a complete renewal of the site plan process.

- P. Undisturbed Areas.** Areas to be left undisturbed during construction shall be so indicated on the site plan and shall be so identified on the ground so as to be obvious to construction personnel. Any proposed or previous recorded open space must be located and dimensioned on the plan.
- Q. Trash Receptacle.** The location and screening of any trash receptacles as required by this ordinance.
- R. Licensed Designer Required.** Drawings, calculations, estimates, plans, and other information required on a site plan shall be physically or electronically signed and sealed by a professional licensed by the State of Michigan who is qualified to certify the information in accordance with Michigan P.A. 178 of 2013, as amended. Professionals licensed by the State of Michigan include Architects, Landscape Architects, Professional Engineers, and Professional Surveyors. The Planning Commission may require the physical or electronic seal and signature of a specific profession based on the nature and context of the design.

SECTION 23.03 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission and Township Board, or their professional consultants, shall determine that the following standards are observed:

- A. Required Information.** That all required information has been provided.
- B. Zoning District Conformity.** That the proposed development conforms to all regulations of the zoning district in which it is located.
- C. Legal Applicant.** That the applicant may legally apply for site plan review, including authorization from the owner.
- D. Infrastructure.** That the plan meets the specifications of Tyrone Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services, and has been approved by the Township's designated Fire Marshal and/or professional consultants where appropriate.
- E. Suitable Soils.** That soils not suited to development will be protected or altered in an acceptable manner.
- F. Soil Erosion.** That the proposed development will not cause soil erosion or sedimentation problems.

- G. Floodplains.** That the proposed development properly respects floodways and/or floodplains on or in the vicinity of the subject property.
- H. Drainage.** That the drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause runoff onto neighboring property or overloading of water courses in the area.
- I. Coordinated Improvements.** That the proposed development is coordinated with improvements serving the subject property and with the other development in the general vicinity.
- J. Site Lighting.** That outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets (see Section 21.37) and that adequate lighting will be provided as determined appropriate by the Planning Commission upon the advice of the Township expert to protect the public health, safety and welfare.
- K. Garbage and Refuse.** That outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- L. Grading or Filling.** That grading or filling will not destroy the character of the property or the surrounding area and will not adversely affect the adjacent or neighboring properties.
- M. Traffic.** That vehicular and pedestrian traffic within the site as well as to and from the site is both convenient and safe and includes berms, barriers, and sidewalks necessary to protect adjacent property from vehicle lights.
- N. Parking.** That parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets and adjacent properties.
- O. Governmental Agencies.** That the plan meets the standards of other government agencies, where applicable, and that the approval of these agencies has been obtained or is assured.
- P. Public Streets.** That the plan provides for the proper expansion of existing public streets serving the site, where applicable.
- Q. Phased Development.** That all phased developments are ordered in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage or erosion control.

- R. Landscaping.** The Planning Commission and/or Township Board may further require landscaping, fences and walls in pursuance of these objectives and shall be provided and maintained in accord with any use to which they are appurtenant.
- S. Screening.** The Planning Commission shall have some latitude in specifying the walls, fences, greenbelts as they apply to a phased development if the particular phase of development and construction work is far enough removed from adjacent properties to afford the screening, etc., as otherwise required.
- T. Sound Planning.** The proposed site plan must be in accord with the spirit and purpose of this ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this ordinance and principles of sound planning.
- U. Developmental Impacts.** Plans shall provide sufficient information, text, detail and/or other assurances necessary to satisfy the Planning Commission and Township Board that areas required to be protected from the impacts of the development (such as topsoil, trees, and other natural features) have been properly designated on the plans, and that these areas have been properly protected, in accordance with Section 21.A.8 before commencement of any building, operations, or development.
- V. Natural Watercourses.** The development will not substantially reduce the natural retention storage capacity of any watercourse, thereby increasing the magnitude and volume of flood at other locations.
- W. Conditions for Excavation.** The soil and subsoil conditions are suitable for excavation and site preparation and the drainage is designed to prevent erosion and environmentally deleterious surface runoff.
- X. Natural Features.** The development will not detrimentally affect or destroy natural features such as ponds, streams, wetland, hillsides or wooded areas, but will preserve and incorporate such features into the development's site design.
- Y. Site Topography.** The location of natural features and the characteristics of site topography have been considered in the designing and siting of all physical improvements.
- Z. Current Standards.** That if the site has existing improvements, all site conditions have been brought up to the current standards of this ordinance.

SECTION 23.04 REQUIREMENTS FOR IMPACT ASSESSMENT

For land uses considered to have a significant potential impact on the environment, traffic, infrastructure, demands for public services and/or significant impacts on surrounding properties due to scale, the applicant shall be required to provide an impact assessment during the initial submittal for either a rezoning or site plan approval. Additionally, a traffic impact study shall be required for projects that equal or exceed peak hour or average daily traffic generation levels in Table 23.1 of this Section.

The applicant may request a meeting with township staff, consultants and key agency staff prior to developing the Impact Study. The Township reserves the right to hire experienced professionals to evaluate the Impact Study and, if necessary, prepare additional analyses, with the cost borne by the applicant.

The minimum contents of this impact assessment shall be:

- A. Qualifications of Preparer.** Name(s) and address(es) of person(s) or firm(s) responsible for preparation of the impact assessment and a brief statement of their qualifications.

- B. Site Description.** An area plan and aerial photograph illustrating the entire site and nearby properties within at least one (1) mile of the site. The submitted plans should be at a scale of not less than one (1) inch equals 100 feet. At least one (1) copy submitted shall be at display size (minimum 24 inches by 36 inches) and all other required copies shall be no less than 11 inches by 17 inches.

- C. Overall Site Conditions.** Narrative and illustration describing adjacent uses, zoning, public roadways, utilities, significant woodlands, soil types, one-hundred (100) year flood plains, drainage ways and general topography. The area described shall be within one-quarter mile for sites up to one hundred (100) acres, and within one (1) mile radius for larger sites. Aerial photographs are required to assist in describing the general vicinity. The scale shall not be less than one (1) inch equals 100 feet. At least one copy submitted shall be at display size (minimum 24 inches by 36 inches) and all other required copies shall be no less than 11 inches by 17 inches.

- D. Wetlands.** Documentation by a qualified wetland specialist shall be required wherever the township determines there is a potential state or federally regulated wetland which may be impacted by the proposed project.

- E. Conceptual Site Plan.** Illustration of the very general layout of proposed uses upon which preliminary impact analysis is based, and any proposed phasing. For Planned Unit Developments, the required PUD concept plan shall meet this requirement.

- F. Land Use Impacts.** Description of the types of proposed uses and other man made facilities, including any project phasing, and an indication of how the proposed use(s) conforms or conflicts with existing and Master Planned development patterns. A description shall be provided of any increases in light, noise or air pollution which could negatively impact adjacent properties, particularly associated with smoke or truck routing.
- G. Environmental Impact.** Description of any general impacts expected to wildlife areas, lakes, streams, ponds and regulated wetlands. Conceptual mitigation or replacement measures under consideration shall be described. The study shall also describe general measures to control soil erosion and sedimentation during and after construction.
- H. Impact on Public Facilities and Services.** Describe the number of expected employees, visitors or residents and the anticipated impact on police and fire protection. In particular, describe the relationship of the use to municipal fire stations and the need for any new facilities or equipment. Letters from the appropriate agencies should be provided.
- I. Utility Impacts.** Describe proposed water and sanitary sewer facilities, including any improvements or off-site extensions needed to serve the long range development on the site. For sites served with sanitary sewer and public water, general calculations for water flows and water demands shall be provided in comparison with sewer line capacity.
- J. Drainage.** Describe conceptual plans to control drainage and any significant changes from existing drainage patterns. If wetlands are to be used as storm water basins, methods to control contaminants and filter runoff shall be identified. Correspondence from the Livingston County Drain Commissioner shall be attached indicating their concerns and suggestions.
- K. Storage and Handling of Waste and Hazardous Materials.** Methods of on and off-site disposal of solid waste shall be identified. The information shall describe the type of hazardous substances expected to be used, sorted or disposed of on the site; general location within the site; and method of containment and details of the containment system. Documentation of compliance with federal and state requirements, and a Pollution Incident Prevention Plan (PIPP) shall be submitted, as appropriate.
- L. Traffic Impacts.** For uses exceeding the thresholds indicated in the Table 23.1, a traffic impact study in accordance with Section 23.05 shall be included in the Impact Assessment.

SECTION 23.05 TRAFFIC IMPACT STUDIES

- A. Intent.** Tyrone Township officials recognize that land use decisions can have a significant impact on traffic operations and safety. Therefore, the township requires traffic impact studies in certain cases to identify the anticipated traffic impacts to assist in decision making. An intent of this Section is to provide specific direction for the preparation of traffic impact studies where such studies are required by this Ordinance. The requirements of this Section are also intended to help Township officials determine the appropriateness of certain uses at proposed locations in terms of traffic impacts, and the adequacy of the proposed access design.
- B. Submittal Procedures.** The traffic impact study shall be submitted with the site plan or other submittal material. The applicant may discuss or meet with the Planning Commission Subcommittee to determine if a study is needed, what type of study is needed, and specific items to be addressed. The Township shall submit a copy of the traffic impact study to the road agency (Livingston County Road Commission or Michigan Department of Transportation) to give them the opportunity to provide input prior to the township taking action on the request.
- C. Qualifications of Preparer.** The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques, be an associate (or higher) member of one or more professional transportation-related organizations, and be either a licensed engineer (PE) or a planner with AICP or PCP certification. Any study involving roadway or traffic signal design work shall be prepared by, or under the supervision of, a licensed engineer (PE) with specific training in traffic engineering.
- D. Traffic Impact Study Contents.** The extent of information to be provided depends upon the expected trip generation of the proposed project. The information provided in the traffic impact study shall be in accordance with the table at the end of this Section and the items below.
- 1. Description of the site, surroundings, and study area.** Illustrations and a narrative should describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis. Any previous traffic studies of the area should be referenced.

2. **Description of the requested zoning or use.** When the request is for a rezoning, the study shall describe potential permitted uses within the requested zoning district. When the request is for a specific use, factors which relate to traffic generation should be provided such as the number and types of dwellings units, the gross and usable floor area, the number of employees, and shift change factors. Intended phasing or future expansion should also be noted.
3. **Peak Hour Traffic Description.** Description of existing peak-hour traffic volumes (and daily volumes if applicable) at intersections and on street(s) adjacent to the site. Existing level of service analysis shall be provided for intersections in the vicinity which are expected to experience an increase in traffic of at least five percent (5%) due to the proposed project. Existing traffic counts shall not be over two (2) years old from the date of report submittal.
4. **Access.** Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include existing right-of-way, lane configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds, sight distance information, existing driveways and potential turning movement conflicts in the vicinity of the site.
5. **Forecasted Traffic Volumes.** Projects that will be completed and occupied within one year of a traffic impact statement submittal must analyze background traffic (i.e. the expected increase in traffic volumes related to approved projects and historic annual percentage increases). For a Regional Traffic Analysis, the Livingston County Planning Commission's long range traffic projections may be used.
6. **Forecasted Trip Generation.** Forecasted trip generation of the proposed use for the a.m. peak hour (if applicable), the p.m. peak hour and an average weekday. A weekend forecast may also be required for certain commercial uses. The forecasts shall be based on one standard deviation above the average rate outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in southeast Michigan. For rezoning requests, the study should contrast the traffic impacts of typical uses permitted in the requested zoning district with uses permitted in the current zoning district. The determination of typical uses shall be made by the Building Department. Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc., shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may accept in whole or in part the trip reduction rates used. For projects intended to be developed in phases, the trip generation by phase shall be described.

- 7. Street Network Projections.** The projected traffic generated shall be distributed (in-bound vs. out-bound, left turn vs. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected peak hour turning movement volumes shall be illustrated in the report. A description of the application of standard engineering procedures for determining the distribution should also be attached (trip distribution model, market studies, counts at existing driveways, Livingston County Planning Commission traffic model, and similar information).
 - 8. Capacity Analysis.** Level of service or "capacity" analysis at the proposed access points shall be completed using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated by the proposed project will comprise at least five percent (5%) of the existing intersection capacity, and/or for roadway sections and intersections experiencing congestion or a relatively high crash rate, as determined by the community or applicable road agency. The township may require gap studies for unsignalized intersections where applicable.
 - 9. Map and Description.** The report shall include a map and description of the location and design of the proposed access (driveways or new street intersections).
 - 10. Mitigation.** Mitigation/Alternatives: The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques or a reduction in the proposed intensity of use. Documentation shall be provided from the applicable road agency regarding the proposed mitigation measures. The responsibility and timing of roadway improvements shall be described. Proposal improvements requiring road agency approval (new signals, roadway improvements, etc.) require a submittal of correspondence from the agency outlining their agreement.
- E. Modification of Study Requirements.** The requirement for a traffic impact study, or the study elements listed in item 5 above, may be modified by the Planning Commission. Reasons for the modification shall be documented, and may include the following factors:

1. **Scheduled Improvements.** Roadway improvements are already scheduled which are expected to mitigate any impacts associated with the proposed project.
2. **Development Impact.** The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
3. **Previous Study.** A similar traffic study was previously prepared for the site and is still considered applicable.

**Table 23.1
Requirements for Various Types of Traffic Impact Studies**

TASK	TRIP THRESHOLD ¹			
	Rezoning or Master Plan Amendment: <i>Contrast general impacts of various uses</i>	Traffic Impact Assessment: <i>Less elaborate study for smaller projects</i>	Traffic Impact Statement: <i>The traditional study</i>	Regional Traffic Analysis: <i>A more comprehensive evaluation of long term impacts</i>
		50-99 Peak Hour, Peak Direction or 500-749 Daily	100 Peak Hour, Peak Direction or 750+ daily	500 + Peak Hour, Peak Direction
Pre-Application Meeting or Discussion	✓	✓	✓	✓
Study Area	Depends on size of site and proposed zoning	Typically just site access points and intersections adjacent to the site	Site access points and nearby intersections	Usually a large area encompassing many streets, alternate routes and future roads
Impact Analysis				
Existing site conditions (LOS) ²	◆	✓	✓	✓
Sight distance evaluation	✓	✓	✓	✓
Opposing driveway locations		✓	✓	✓

TASK	TRIP THRESHOLD ¹			
		Only if adjacent	Selected nearby intersections	Usually several intersections
Existing conditions at intersections	◆			
Estimate trip generation for use	Contrast typical permitted uses with those permitted in the requested zoning district	Peak hour and daily impacts for the specific use	Peak hour and daily impacts for the specific use(s). May be in phases	Peak hr/daily impacts for each phase
Trip distribution analysis	◆	✓	✓	✓
Add in expected growth in traffic by the time the use is occupied (background traffic)	◆		✓	Conditions 5 to 20 years in future
Analyze future conditions at nearby intersections	◆	Only if adjacent	✓	✓
Mitigation identification and evaluation	◆	✓	✓	✓
Site Issues				
Evaluate number, location and spacing of access points	◆	✓	✓	✓
Evaluate access design, driveway queuing, etc.		✓	✓	✓
Evaluate site circulation		◆	◆	✓
Other Analysis				
Accident history			◆	◆
Gap analysis for unsignalized locations			◆	◆
TSM/TDM mitigation measures ³			◆	✓

TASK	TRIP THRESHOLD ¹			
Evaluate long-range traffic impacts on transportation network model ⁴	◆		◆	✓
Key: ✓ = Required ◆ = Case-by-case basis				

Notes:

1. Based on Trip Generation Rates.
2. LOS = Level of Service as determined by techniques outlined in the Highway Capacity Manual.
3. TSM/TDM - Transportation System Management/Transportation Demand Management measures include programs for car- or van-pooling, off-peak shifts, new signal timing technology, etc.). Public transit use can be considered, with transit agency participation.
4. The Livingston County Planning Commission maintains a computer traffic simulation model which may be available to help evaluate long term traffic patterns.

SECTION 23.06 COPIES OF SITE PLAN AND IMPACT ASSESSMENT

The applicant shall submit the number of complete and accurate site plans, impact assessments, and other application attachments as required by the Township at least fourteen (14) days prior to the next regularly scheduled Planning Commission or Township Board meeting, along with the appropriate fee(s) and charges as established by the Township Board. Incomplete submittals shall be returned to the applicant.

SECTION 23.07 SITE PLAN APPROVAL OR DISAPPROVAL

- A. Planning Commission Review.** Upon recommendation of the Planning Commission, the Township Board shall have the authority to approve, disapprove, or approve subject to compliance with certain modifications and conditions, the site plan and Impact Assessment (IA).
- B. Township Board Approval.** The Township Board shall also have the authority to approve, disapprove, or approve subject to compliance with certain modifications or conditions, a site plan submitted for a residential home occupation.

- C. Prior Review.** The Planning Commission shall review all site plans prior to review by the Township Board and forward a recommendation to approve, approve with conditions, or deny approval of the proposed plans.
- D. Impact Assessment Approval.** Township Board approval and acceptance of the IA, or a Planning Commission recommendation of approval and acceptance of the IA, in no way guarantees approval of the corresponding site plan. Disapproval of the IA or approval with conditions, shall mean rejection of the site plan until any or all deficiencies in the IA are corrected and approved. A site plan will not be approved if it fails to meet required standards, even if the IA is approved.
- E. Land Use Approval.** The approval of a land use is contingent on compliance with site plan review standards. The transfer of the property to another person, corporation or group, requires conformity to the same conditions.
- F. Special Land Use Approvals.** For provisions regulating approvals of site plans prepared for special land use permits, refer to Article 22.
- G. Preliminary Site Plan and Impact Assessment Approvals.** For provisions regulating approvals of preliminary site plans and Impact Assessments prepared for rezoning amendments, refer to Article 29.

SECTION 23.08 NOTIFICATION OF APPROVAL OR DISAPPROVAL

The Planning Commission shall review and communicate its recommendation of approval or denial to the Township Board or recommend site plan modifications to the applicant within a reasonable time period upon receipt of a complete and accurate site plan application. Any modifications of the site plan desired by the Planning Commission shall be recorded in the minutes of the Planning Commission meeting, and a copy of the minutes shall be furnished to the applicant. In cases where modifications have been recorded, the applicant shall resubmit a site plan incorporating these modifications to the Planning Commission for their review. All revisions or modifications shall be clearly delineated on complete copies as required by the Township. If a recommendation is forwarded to the Township Board, the application shall be reviewed and approved, approved with conditions, or denied within a reasonable time period upon receipt of the recommendation.

SECTION 23.09 MODIFIED SITE PLAN APPROVAL OR DISAPPROVAL

Upon receipt of the modified site plan, the Planning Commission and/or Township Board shall render a review within a reasonable time period. Such modified site plan may be disapproved for any inadequacy found to be detrimental to the public health, safety and or general welfare.

SECTION 23.10 DECISION APPEAL

The Zoning Board of Appeals (ZBA) may decide appeals of decisions by the Township Board for certain application requests according to the procedure outlined below.

- A. Appealable Decisions.** The following decisions of the Township Board are appealable to the ZBA:
- 1. Site Plans.** Approval, approval with conditions, or disapproval of site plan applications.
 - 2. Impact Assessments.** Approval, approval with conditions, or disapproval of Impact Assessments.
 - 3. Home Occupations.** Approval, approval with conditions, or disapproval of a site plan for a residential home occupation.
 - 4. Private Roads.** Approval, approval with conditions, or disapproval of private road applications.
 - 5. Land Divisions.** Approval, approval with conditions, or disapproval of land division applications.
- B. Filing Eligibility.** An appeal of any decision that is appealable under subsection **A** above may be filed by any party aggrieved by the decision. An aggrieved party shall be any person, persons, or entity who can demonstrate that their property will be impacted by the decision of the Township Board or individuals involved in the enforcement of this Zoning Ordinance.
- C. Filing Period.** The appeal must be in writing and filed with the Township Clerk no later than fourteen (14) days after the decision of the Township Board is issued. The appeal must provide a statement of reasons for the appeal including any alleged errors.
- D. Submission to the ZBA.** The Township Clerk shall submit the appeal to the ZBA within a reasonable time following the filing of the appeal. In determining whether to hear the appeal, the ZBA may clarify the basis for the appeal by discussing the matter and/or asking questions of the applicant and/or appealing party, in part to determine their direct relevance to the particular application. Otherwise, no presentation of information shall be provided at this time other than the record from the meetings of the Planning Commission and Township Board where the decision that is being appealed was made.

- E. Hearing Determinations.** In determining whether or not to hear an appeal, the standard shall be whether the Township Board erred in applying the standards in Section 23.03 when reviewing the particular application or whether there is evidence of other discrepancies between the record of the Township Board's findings and decision and the requirements of the Township Zoning Ordinance.
- F. Majority Concurrence.** The concurrence of a majority of the members elected or appointed to the ZBA is required on the question of whether the appeal shall be considered. Should such a majority not approve consideration of the appeal, the decision of the Township Board is deemed final and binding. If the ZBA approves consideration of the appeal, they shall hear the appeal within a reasonable time period.
- G. Public Hearing.** A public hearing shall be required for the appeal. If the original application review required a public hearing with specific notice requirements, those notice requirements shall be repeated for the appeal. At the hearing of the appeal before the ZBA, the persons(s) filing the appeal may be required to present the appeal. The applicant and the persons both in favor and opposed to appeal, including members of the Township Board whose decision was appealed, shall be granted the opportunity to address the ZBA. Equal opportunity for presentation shall be given to those for and against the appeal.
- H. Board Reconsideration.** If during consideration of the appeal the majority of the ZBA members find that the facts presented by the appealing party differ materially from the written findings of fact issued by the Township Board, it may return the matter on appeal to the Township Board for further consideration. The final decision will then be issued by the Township Board.
- I. Appeal Considerations.** When deciding upon an appeal, the ZBA shall consider the record of the decision of the Township Board, the record of the recommendation of the Planning Commission, the standards for approval in Section 23.03, the testimony provided at the appeals hearing, and the requirements of the Township Zoning Ordinance.
- J. ZBA Decision.** In order to reverse or modify a decision of the Township Board, the concurrence of a majority of the members elected or appointed to the ZBA is required and the reason for the decision must be clearly stated. Absent such a majority, the decision of the Township Board is affirmed and shall be considered final. All such appeals shall be decided within a reasonable time after the ZBA approves consideration of the appeal. If the decision of the Township Board is reversed, the ZBA decision shall be final.

SECTION 23.11 SITE PLAN APPROVAL

Upon final site plan approval by the Township Board, a land use permit and a building permit may be applied for through the Zoning Administrator and County Building Department. Development compliance with Township ordinances and approved site plan is mandatory.

SECTION 23.12 APPROVAL EXPIRATION AND/OR REVOCATION

The approval of a site plan shall expire one (1) calendar year from the date of such approval unless construction has begun in accordance with the plan, or a time extension was requested and granted by the Planning Commission. If a project is not under construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void, and the developer shall resubmit a new application. A one (1) year extension may be granted by the Planning Commission, one (1) time per site plan, if requested prior to the expiration of the approved site plan.

Any site plan approval may be revoked when the construction of said development is not in conformance with the approved plans, in which case the Township Board shall give the applicant notice of intention to revoke such land use at least fourteen (14) days prior to a review hearing of the permit by the Township Board. After conclusion of such review, the Township Board may revoke its approval of the development if it feels that a violation in fact exists and has not been remedied prior to such hearing.

SECTION 23.13 AMENDMENT OF AN APPROVED SITE PLAN

To amend an approved site plan, a developer may:

- A. Request a Change.** A developer may request a change in an approved site plan. A change in an approved site plan which results in a major change, as defined in this Section, shall require a site plan amendment. Amendments shall follow the procedures and conditions herein required for original site plan submittal and review. Any change shall require submittal of a revised site plan with a new date.
- B. Major or Minor Change.** A subcommittee consisting of three (3) members of the Township Planning Commission shall have authority to determine whether a requested change is major or minor in accordance with this Section. The burden shall be on the applicant to show good cause for any requested change in writing.
- C. Written Request.** A request to change an approved site plan shall be made in writing to the Planning Commission Secretary. The request shall include a clear statement regarding the reasons for the proposed change and a revised site plan. The reasons

may be based upon consideration, such as changing social or economic conditions, potential improvements in layout or design features, unforeseen difficulties, or advantages mutually affecting the interests of Tyrone Township and the applicant or developer, such as technical causes, site conditions, state or federal projects and installations, and statutory revisions.

- D. Notification.** The subcommittee, upon finding such reasons and request reasonable and valid, shall notify the applicant in writing whether the change proposed is major or minor. If the change is deemed major, the applicant shall pay an appropriate fee, and the plan amendment process shall follow the procedures and conditions herein required for original site plan submittal and review.
- E. Major Changes:** Changes considered major (i.e., those for which an amendment is required) include one or more of the following:
- 1. Concept.** A change in the original concept of the development.
 - 2. Use or Character.** A change in the original use or character of the development.
 - 3. Type of Dwelling.** A change in the type of dwelling unit as identified on the approved site plan.
 - 4. Increased Number of Units.** An increase of two (2) or more dwelling units.
 - 5. Nonresidential Floor Area:** An increase in nonresidential floor area of over five (5) percent.
 - 6. Increase in Parking/Loading Spaces.** An increase of five (5) or more off-street parking or loading spaces.
 - 7. Rearrangement of Units.** Rearrangement of lots, blocks, and building tracts.
 - 8. Change in Streets.** A change in the character or function of any street.
 - 9. Open Space Reduction.** A reduction in the amount of land area set aside for common open space or the relocation of such area(s).
 - 10. Building Height Increase.** An increase in building height.
- F. Minor Changes.** If the subcommittee rules that a proposed change to a site plan is a minor change as defined by this Section, the change request is forwarded to the Planning Commission for approval. If the changes are approved, the Planning Commission shall notify the Township Board, the Zoning Administrator, and other

applicable agencies. As the revised site plan drawings are approved, they each shall be signed by the applicant or developer and the owner(s) of said property in question.

- G.** Minor changes shall include the following:
- 1. Residential Floor Area Change.** A change in residential floor area.
 - 2. Single Dwelling Unit Increase.** An increase of one (1) dwelling unit.
 - 3. Nonresidential Floor Area Increase.** An increase in nonresidential floor area of five (5) percent or less.
 - 4. Minor Design Variations.** Minor design variations in site layout which do not constitute major changes.
 - 5. Reduction in the Number of Units,** Reduction of the number of units and conversion of that space to open space or drainage.
 - 6. Phasing.** Segmentation of the project into smaller phases as long as each phase is self supporting.

SECTION 23.14 MODIFICATION OF PLAN DURING CONSTRUCTION

All site improvements shall conform to the approved site plan including engineering drawings approved by the Township Board. If the applicant makes any changes during construction to the development in relation to the approved site plan, such changes shall be made at the applicant's risk without any assurances that the changes will be approved. It shall be the responsibility of the applicant to notify the Township of any changes. Upon investigation, the applicant may be required to correct the changes so as to conform to the approved site plan.

SECTION 23.15 INSPECTION

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All building construction, site and sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by the County's Building Department, County Environmental Health Department, and County Road Commission, or designated township engineer, prior to covering. The applicant shall be responsible for requesting the necessary inspections after any applicable fees are paid according to the adopted Township fee schedule.

The Zoning Administrator shall obtain inspection assistance from the Township's designated Fire Marshal and/or professional consultants where appropriate. The Zoning Administrator

shall notify the Planning Commission in writing when a development for which a final site plan is approved has passed inspection with respect to the approved site plan. The Zoning Administrator shall notify the Township Board and Planning Commission in writing of any development for which a site plan was approved, which does not pass inspection with respect to the approved site plan, and shall advise the Township Board and Planning Commission of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board and the Planning Commission of progress toward compliance with the approved site plan and when compliance is achieved.

SECTION 23.16 FINANCIAL GUARANTEE

A financial guarantee acceptable to the Township Board shall be required by the Township Board to insure the complete construction of structures and other development of the land area as proposed and approved. The financial guarantee shall be determined in accordance with Tyrone Township Resolution 040201, Resolution Establishing Policies and Fees for Reimbursable Expenses, as approved or amended by the Township Board of Trustees. The owner or developer or their designee shall sign an escrow agreement stating the amount of the minimum deposit, minimum balance and other requirements for maintenance of the escrow account in accordance with the adopted policy.

The Township Board may also require a financial guarantee to permit continued operation of a dog kennel. The amount of the financial guarantee and other conditions shall be specified in the escrow agreement.

SECTION 23.17 FEE

Any application for site plan approval shall be accompanied by a fee determined by the Township Board fee schedule. Such a fee may be utilized by the Township to obtain services of one or more expert consultants qualified to advise as to whether the proposed development will conform to the applicable township ordinances, policies and standards, and for investigation and report of any objectionable elements which are of concern to the Planning Commission and/or Township Board. After the proposed development application has been approved or disapproved by the Township Board, the balance of the fee which is left shall be returned to the applicant.

SECTION 23.18 ARCHITECTURAL STANDARDS

The purpose of this Section is to provide a consistent and equitable set of exterior building wall material standards, to support the rural character of the Township and to create, enhance and promote the qualitative visual environment of Tyrone Township. Also, the intent is to encourage developers and their architects to design their project to complement the site, the

adjacent area, and the Township as a whole. This Section is not intended to regulate the quality, workmanship, and requirements for materials relative to strength durability, endurance, maintenance, performance, load capacity, or fire resistance.

- A. General.** All exterior building wall facades shall consist of those materials and combinations of materials as set forth in this Section, in compliance with the maximum percentages permitted in the Schedule Regulating Facade Materials. Structures regulated by this Ordinance shall include buildings, canopies, and outdoor trash container enclosures. Single family detached residences and accessory structures for single family detached residences shall not be subject to this Section. All non-single family residential developments must provide the information required in Section 23.02.
- B. Color.** Colors of all facade and roof materials proposed for a building reviewed under this Ordinance shall be established by the applicant as an integral part of the building design, and shall exhibit evidence of coordination and selection with respect to the overall visual effect of the building and other facilities in the same project. The color of each facade material shall be harmonious with the color of all other facade materials used on the same building, as well as the color of facade materials used on adjacent buildings. The use of dissonant color facade materials shall be at the discretion of the Township Board.
- C. Roof Appurtenances.** If roof-mounted appurtenances, including air conditioning and heating appliances and all other mechanical equipment, shall be visible from a height of five (5) feet above grade on any property line of the site, adjacent to a road or zoning district other than PIRO, M-1, M-2, or ROM, such equipment shall be screened from view using materials consistent with these building design requirements. Proposed roof screening shall be indicated on the architectural elevations and shall be considered as part of the facade when calculating the percentage of materials for compliance with the Schedule Regulating Facade Materials.
- D. Facade Materials Calculation.** The total surface area of the regulated facades shall be considered for the purpose of calculating the percentages of materials in compliance with the Schedule Regulating Facade Materials. The materials on the regulated facades shall be consistent with the materials on other regulated facades of the same building with respect to type and color. Areas of sloped roofs with a slope of 6:12 or greater shall be considered part of the facade of the wall surface below the roof. Areas of sloped roofs shall be calculated as the two-dimensional projection of the roof area as seen in an architectural wall elevation view. Areas of vision glass and operable doors shall be excluded from all area calculations.
- E. Alterations.** When new materials are proposed for an existing building facade, the entire building facade shall be subject to this Section. Except where horizontal offsets greater than two (2) feet occur in an existing facade which serve to visually separate

the area within which the new materials are proposed, only the facade area between such offsets shall be subject to this Section, provided that the new materials and colors are harmonious with adjacent unaltered portions of the building.

F. Additions. Where an addition is being proposed for an existing building, the existing facade materials may be used in the addition provided that the following criteria have been met:

1. The addition does not exceed one hundred (100) percent of the existing building floor area.
2. All new facades substantially constitute a continuation of the existing facades with respect to color, texture, size, height, and location of materials.
3. That the visual effect is to make the addition appear as part of the existing building.

If the addition exceeds one hundred (100) percent of the existing building floor area, the entire building shall be brought into full compliance with this Section.

G. Architectural Review Committee. An Architectural Review Committee shall review all proposed building materials and colors prior to a formal site plan review by the Planning Commission. The Architectural Review Committee shall be comprised of three (3) members of the Planning Commission. Any other professional design consultant, as determined necessary by the Township, shall provide recommendations to the Architectural Review Committee.

The Committee shall review a proposal for conformance to this Section and shall provide a recommendation to the Planning Commission with their findings and recommended conditions, if applicable.

H. Review. The Planning Commission shall require compliance with this Section. The Planning Commission may request the review of a professional design consultant to assist in this determination, and may establish a fee for this review. All new buildings, building alterations, and building additions shall be subject to this review.

I. Facade Waiver. When a particular building design and the materials and colors or combination of materials and colors proposed to be used on the facade are found to be consistent with the intent and purpose of this Section, but may differ from the strict application of this Section and the Schedule Regulating Facade Materials, the Planning Commission and Township Board shall consider such proposal as a waiver of these standards. Waivers could include requests to permit the use of new materials not covered in the Facade Material Schedule, or design of a building intended to reproduce a bona fide historical period to create a theme or enhance an existing theme.

Site plans and architectural plans for a waiver under this Section shall be accompanied by a definitive description of the building design consisting of written statements which shall describe how the selected facade materials and/or colors and material combinations will be consistent with and will enhance the building design concept and how the materials and/or colors properly relate to the buildings in the surrounding area. The Planning Commission or Township Board may, as part of its review, request a report and recommendation from a professional design consultant as to the proposed waiver, and may establish a fee for this report.

J. Revisions After Approval. Changes to the facade drawings, sample board, or renderings at any time after approval by the Township, shall be subject to the requirements of Section 23.01.

K. Facade Material Inspections. Where facades have been reviewed and approved by the Township, all facade materials subject to this Ordinance shall be installed as approved. The Township may inspect the installed facade materials to determine compliance with the approved site plan, where applicable. The Township may require the removal and replacement of any facade material which is not consistent with the material reviewed and approved.

L. Canopies and Awnings. Canopies shall be considered as separate facades and shall be subject to all of the requirements of this Ordinance. On projects with canopies and buildings, the materials and colors on canopies shall be consistent with those used on the building. Not less than thirty (30) percent of the facade of a canopy shall be of a material identical to a material used on the building. Columns, fascias and sloped roof areas shall be included when calculating the area and percentage of materials of a canopy facade. Canopy soffit areas are not subject to this Ordinance.

Awnings shall be considered part of the main structure which provides support for the awning. Such awnings may be fabricated with cloth, leather, plastic or similar pliable materials but the colors of the exposed awning surfaces shall be selected in accord with the provisions of Section 23.18.B herein.

M. Signs. All freestanding signs shall be consistent with the architectural style and materials of the principal buildings on the site and Article 27 of this Ordinance.

N. Use Groups. Proposed facade materials shall be regulated in accordance with the proposed structures location and/or use. Three (3) distinct Use Groups are located within the Township and identified in the table below. All uses permitted within a specific Use Group shall have proposed facade materials regulated based on the Schedule Regulating Facade Materials. The regulations in this Section (23.18) shall also serve as the basis for regulating exterior materials in a Planned Unit Development

(PUD). However, the minimum facade requirements established for the uses in a PUD may be modified by the terms of a PUD agreement as determined appropriate by the Township at the time of planned unit development approval.

USE GROUP	LOCATION (Comprises all non-single family residential buildings, canopies, and outdoor trash containers)
Group #1	Located in the FR, RE, R-1, R-2, RM-1, LK-1, or MHP Districts or on a parcel that has frontage on U.S.23 Freeway or Old U. S. 23 <i>and</i> is within 500 feet of the right-of-way of U.S. 23 Freeway, Old U.S. 23, or Runyan Lake Road.
Group #2	Located in the B-1, B-2, OS, PCS, or ES Districts, other than those in Use Group #1
Group #3	Located in the ROM, PCI, M-1, M-2, PIRO, and EI Districts other than those located in Use Group #1

SCHEDULE REGULATING FACADE MATERIALS

(Maximum percentage allowed for all exterior facade surfaces)

Wall Materials	Group 1 (%)	Group 2 (%)	Group 3 (%)
Brick, natural clay	100 (30% min.) ^G	100	100
Glazed Brick ^A	25	25	25
Ceramic Tiles	10	10	10
Limestone	50	50	50
Stone: field, cobble, and other types of stone	50	75	100
Granite or marble, polished	50	100	100
Decorative concrete masonry unit ^B (Striated, fluted, scored, and split faced)	50	50	75
Precast exposed aggregate	25	50	75
Precast, other	25	50	75
Flat metal panels (with insulated backing)	50	50	75

Wall Materials	Group 1 (%)	Group 2 (%)	Group 3 (%)
Standing seam metal	50 ^C	50 ^F	75 ^F
Ribbed metal panels	25	50	75 ^F
Spandrel Glass	25	25	25
Glass Block	25	25	25
Glass	50	50	50
Molded cornices, trim, columns, surrounds	15	15	15
Wood siding, painted tongue and groove, batten siding, vinyl siding, and aluminum siding ^H	10	25	25
Exterior insulation and finishing system (EIFS, acrylic plaster also known by the brand name "DryVit")	50	75	75 ^D
Cement Plaster	25	25	25
Canvas Awnings ^E	10	15	15
Asphalt shingles or other similar roofing material	25	25	50

Footnotes to the Schedule Regulating facade Materials

- A.** Allowed only if earth tone or matte finish or if used as an accent limited to 8% of the facia.
- B.** Plain faced concrete masonry units are not permitted. Ground, polished, burnished and striated faced concrete masonry units are permitted.
- C.** Must be one hundred (100) percent copper or copper bearing painted finish.
- D.** Should be designed with a simulated stone or articulated joint pattern or other similar design patterns.
- E.** Awnings shall be permitted when such awnings are located over a door or window opening. Adjacent permanent facade materials shall extend behind awnings. Backlit translucent awnings are not permitted unless such awning meets the requirements of Article 27 for a permitted sign.
- F.** Must have factory applied permanent color finish.

- G.** All buildings in Use Group 1, except those located within the ROM, M-1 and M-2 Districts, shall have a minimum of thirty (30) percent brick.

- H.** For the rehabilitation of buildings fifty (50) years or older, the building materials and design shall be consistent with the Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings prepared by the U.S. Department of Interior.

REVISIONS:

- 2000 DECEMBER – Section 23.03.J.
- 2004 SEPTEMBER – Section 23.16.
- 2005 MARCH – Section 23.18 (New).
- 2007 JULY – Section 23.00.D; Section 23.02, 23.02.L, Section 23.03.J, .R, S & U; 23.04.B & C, 23.05.B; 23.06, 23.07, 23.08, 23.10.A - J, 23.12, 23.17.
- 2012 JUNE – Revised Section 23.01.L.11 and 23.18.N to reference PCS and PUD.
- 2013 JANUARY – Added PIRO to 23.18.C. and 23.18.N.
- 2014 SEPTEMBER – Added open space to 23.02.P.
- 2016 APRIL – Amended Sections 23.01.L. and 23.18.N. to include PCI.
- 2018 FEBRUARY – Updated "Licensed Designer Requirements."

ARTICLE 24
PRIVATE ROAD, SHARED PRIVATE DRIVEWAY AND
ACCESS EASEMENT STANDARDS

SECTION 24.00 INTENT AND PURPOSE

The standards of this Article provide for the design, construction and maintenance of private roads, shared private driveways, and access easements in order to ensure safe and efficient access to lot owners, motorists, and particularly emergency vehicles. The minimum width requirement provides sufficient room for public utility access as well.

Private roads and shared private driveways are to be maintained privately and shall not be maintained by public funds.

- A. Intent.** This Article establishes requirements and procedures for the review and construction of private roads, shared private driveways, and access easements. This section includes standards intended to accommodate private roads in particular instances where public roads may not be appropriate or desired or where they may not be accepted.
- B. Purpose and Basic Requirements.** A private road shall not be approved by the Township until it has been demonstrated by the applicant that the proposed private road will not be accepted by the Livingston County Road Commission as a public road. Tyrone Township discourages private roads due to long-term maintenance issues and concerns regarding the overall continuity of the Township's public road system. The Township encourages the use of existing private roads and shared private driveways for development, where possible, to reduce the need for additional curb cuts. The private road design and construction standards of this article are intended to match, as closely as possible, the minimum road standards of the Livingston County Road Commission.

The purpose of matching the County's standards is to allow for the public conversion of private roads which may be incorporated in the County's public road system in the future. Some standards, however, may be more restrictive than County and/or Michigan Department of Transportation standards. The standards herein are also intended to require owners with access to private roads to assume full liability and maintenance responsibilities for private roads. Shared private driveway and access easement standards are established to provide minimum design specifications consistent with sound planning and

engineering principles. The right of way requirements are enforced to ensure adequate room is provided or utilities to access the properties located along the private road or shared private driveway.

SECTION 24.01 DEFINITIONS

- A. Private Road Land Development.** A private road land development is created when property of record is divided into three or more parcels by action other than platting as defined by the Michigan Land Division Act, as amended, and primary access to the parcels is to be provided via a private road.
- B. Private Road.** A road owned and maintained by the owners of the property it serves. Private roads include roads within condominium or site condominium projects, office or industrial complexes, or land division developments. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include drives serving multiple family senior housing projects or apartment complexes where internal private drives are the ongoing responsibility of the management and parking lot aisles or drives connecting parking lots to internal roads. For the purposes of the definitions within this Zoning Ordinance, private roads shall be considered "streets".
- C. Private Driveway.** Any vehicular access that provides access to one (1) dwelling unit, building or lot, or serving an essential public service structure.
- D. Shared Private Driveway.** A driveway that provides access to a maximum of four (4) single family lots, site condominium units or non-residential principal buildings, provided that it is not more than 1,200 feet in length. For the purposes of the definitions within this Zoning Ordinance, shared private driveways shall not be considered "streets".
- E. Access Easement.** An easement across private land granted to provide access to other land and that does not meet the definitions of a private road or shared private driveway.

SECTION 24.02 PRIVATE ROAD APPROVAL REQUIREMENTS

- A. Proof of County Rejection.** Prior to the Township's consideration of a proposed private road, the applicant must submit written documentation indicating that the Livingston County Road Commission will not accept the proposed road as part of the County's road network and specifying the County's reasons for rejection.

B. Approval Process. The private road development, including the proposed private road meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land divisions requiring private road approval, the private road application shall be reviewed concurrently with the land division application. Additionally, the following submittal and approval requirements shall be met:

1. **Sight Distance.** Confirmation that all sight-distances of the proposed private road complies with the standards of the Livingston County Road Commission.
2. **Maintenance Agreement.** A private road maintenance agreement as required by paragraph 24.02.C. shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
3. **Construction Documentation.** Documentation/certification that the private road meets all Township private road construction specifications.
4. **Public Hearing.** A public hearing shall be required for any private road proposed where the access easement or right-of-way would be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries as well as all occupants of structures within three hundred (300) feet of the easement boundaries. The notice shall generally describe the location of the proposed private road and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.

C. Road Maintenance. A private road maintenance agreement shall satisfy the following and be provided to the Township for review and approval:

1. **Recordable Agreement.** Road maintenance agreements, as approved by the Township, shall be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.

- 2. Certification.** The developer shall provide each buyer of property served, all or in part, by a private road, with certification that such private roads are not maintained by public funds. Such certification shall include a legally executed road maintenance agreement between all property owners that details, in part, that all road maintenance is the responsibility of the property owners served by the private road and is not the responsibility of Tyrone Township or the Livingston County Road Commission.

- D. Land Use Permit.** After approval of the site plan or site condominium project, the Zoning Administrator shall issue a land use permit for private road construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.

- E. Inspections.** During and upon completion of the private road construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the private road construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (F) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.

- F. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the private road shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the private road was constructed according to the specifications issued by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the private road, drainage improvements and all other utility improvements have been constructed according to the private road standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of Section 24.03. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the private road, and all lots and all easements associated with the private road.

- G. Expiration of Approval.** A developer shall start and complete all land development and private road construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.
- H. Drainage.** Storm water runoff from a private road shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a private road. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- I. Design Standards.** Private roads shall meet all design and construction requirements of Section 24.03 of this Article and all applicable Livingston County Road Commission requirements. If there is a conflict between the standards of this Ordinance and the requirements of the Road Commission, the higher standard, as determined by the Planning Commission, shall apply.
- J. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the private road should be located within the boundaries of the private road easement.
- K. Review Process.** A private road proposal shall be submitted for review in accordance with the Site Plan Review procedures described in Article 23. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of a proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

SECTION 24.03 PRIVATE ROAD DESIGN STANDARDS

Private roads shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified road standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard.

It shall generally be the policy of the Township to encourage maximum joint utilization of private roads in order to minimize construction of new private roads and to reduce access points on major roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of new roads within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Road Design.** The minimum right-of-way width shall be sixty-six (66) feet. Additional private road design standards, unless otherwise modified in this Article, shall meet the, street base, pavement width, surface, slope, drainage system and all other standards of the most current adopted Livingston County Road Commission design standards for public roads, with the exception of bituminous surfacing where not required below. The design of private roads shall be approved by the Township.
- B. Drainage.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide efficient storm water drainage. A drainage bypass culvert may be required where a private road intersects with a public road. Other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Drain Commissioner and sound engineering practices.
- C. Sight-Distance.** Private roads shall be designed and constructed in relation to land contours and other natural or man-made features to provide safe and adequate ingress and egress by driveway access for each parcel. An intersection of a private road with a public or private road shall meet the current sight-distance requirements of the Livingston County Road Commission. The sight-distance requirements imposed on a site or private road shall be maintained for the life of the private road in order to better ensure safe movement of traffic at the intersection.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point must be relocated. Provisions for maintenance of areas required for sight distance shall be included in the private road maintenance agreement (see Section 24.02.C).

- D. Connection to Existing Roads.** If a road of an existing, abutting development or subdivision terminates at the boundaries of the proposed development, the proposed private road shall connect to this road. Where circumstances warrant, such as natural barriers, pre-existing man-made barriers, or those other factors that may affect the health, safety, and welfare of the residents in the opinion of the Township, this requirement may be waived after review and recommendation by the Planning Commission.
- E. Layout of Roads; Continuous Circuit of Travel.** The layout of private roads shall generally provide a continuous circuit of travel, both within a particular development and between developments on adjacent parcels. Multiple points of access shall be provided in order to limit the number of households dependent on a single ingress and egress point.

Where a development abuts open, undeveloped land, stub streets or easements shall be provided that extend to the property line for future connection. Where natural barriers or adjacent land uses limit the possibility of such a connection, the Planning Commission may recommend a cul-de-sac design that meets these specifications, provided that a right-of-way is reserved extending from the end of the cul-de-sac to the development boundary in a manner acceptable to the Township. This requirement may be waived by the Planning Commission or Township Board if future connections are highly unlikely.

- F. Reduced Width to Preserve Natural Features.** The minimum pavement width for a private road may be reduced to not less than twenty two (22) feet of lane width where the Planning Commission determines that the reduced width will preserve significant natural features and there is no alternative design that will preserve the natural features and meet the regular width standard.
- G. Maximum Length and Units, Single Access Point.** Maximum length of a private road with a single access point shall be one thousand, two hundred (1,200) feet. This measurement shall be from the right-of-way of the public road at the intersection with the private road to the minimum front building line of the furthest parcel with access to the public road via that single access point. This shall include parcels located on shared private driveways or other private roads that branch off of the private road and are accessed via this single access point.

The maximum length requirement may be extended upon the recommendation of the Planning Commission and the approval of the Township Board. Private roads that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

With an approved dry hydrant system, there is no maximum length for the private road. However, the maximum number of units that may be accessed by a private road with a single access point shall be thirty (30). The 30-unit limitation is based on the standards of the International Fire Code. However, if the roadway design, circulation conditions, anticipated traffic circulation, or other site conditions warrant a reduction of the maximum units in order to protect the health, safety, and welfare of the residents of the development and Tyrone Township, the maximum may be reduced to 24 units. The 24-unit limitation is based on the recommendations of the Institute of Traffic Engineers. The total number of units shall be inclusive of all units on the private road or road system using the same single access point.

If a second access point from the development is provided, then there shall be no limit on the number of units or the length of the private road.

- H. **Turnaround.** Any private road with a single means of access shall include a turning circle with a forty-five (45) foot radius or a fifty-five (55) foot radius if a center landscaped island is included, to provide a continuous loop layout. A larger turning circle may be required for commercial and industrial private roads.
- I. **Intersection Design Standards.** Private roads that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- J. **Intersection Offsets from Public Streets.** Proposed private roads or entrances to a development shall align directly across from, or be offset at least two hundred fifty (250) feet from, public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission.
- K. **Minimum Offsets for Private Roads.** Private roads shall:
 - 1. Align directly across from other private roads or shared private driveways
or

2. Be offset in accordance with Livingston County Road Commission requirements or
 3. In the event no such County Road Commission requirements are in effect for the proposed private road, it shall be offset at least one-hundred and fifty (150) feet measured from centerline to centerline.
- L. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the pavement.
- M. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private street name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.
- N. Street Names.** The name for a private road shall be approved by the Planning Commission with the concurrence of the Post Office, local fire services, and the Livingston County Road Commission to assist emergency services.
- O. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- P. Extension of Conforming Private Roads.** A conforming private road may be extended to serve additional existing lots or additional new lots. The private road must meet the standards set forth in Section 24.02 and 24.03. A Traffic Impact Study may be required if the vehicular trips from the proposed new development on the extension of the private road meet the thresholds listed in Table 23.1. If the extension to the existing private road network requires an amendment to the bylaws of the respective homeowner or condominium association, the Township must approve the amendment. The cost of the private road extension and the Traffic Impact Study shall be borne by the applicant.

- Q. Structures and Setbacks.** Private roads shall be considered streets, and yards fronting on private roads shall be considered front yards for setback and other regulatory purposes. Any new structure proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district and shall have access to the private road only and not be permitted access to the public road. Existing structures with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.
- R. Adjacent Properties.** When a private road is located along a property line, any new structure expansion, or addition proposed after approval of the private road shall satisfy the appropriate setback standards for the zoning district. Existing structures on adjacent properties with setbacks that are not in compliance with the Zoning Ordinance shall be permitted to remain as legal nonconforming structures, in accordance with the provisions of Section 26.03.

New lots developed on adjacent properties are encouraged to utilize existing private roads where feasible. The developer or owner of the newly developed lot(s) shall petition the owner(s) of the private road(s) located on the adjacent property to request a forum to discuss and negotiated access to, and use of, the existing private road(s). If a stub street is provided (generally perpendicular to the property line) on either the subject property or the adjacent property, access shall be provided per the standards in Section 24.03.E above.

SECTION 24.04 NONCONFORMING ROADS

- A. Intent.** The Township recognizes there exists private roads, service roads and access easements which were lawful prior to the adoption of this section, but are now inconsistent with the standards of this ordinance. Such roads are declared by this section to be legal nonconforming private roads or easements. The intent of this ordinance with respect to nonconforming roads and the development of land with access to such roads is as follows:
1. Permit legal nonconforming private roads to continue to exist and undergo routine maintenance for safety purposes;
 2. To provide for maintenance of the LCRC sight distance requirements through brush mowing and clearing as necessary;
 3. Disallow expanded use of legal nonconforming private roads in a condition which does not meet the design standards of this ordinance; and

4. Private roads shall be upgraded to meet the design standards of this ordinance when additional lots are added to be served by the private road.

The Planning Commission may recommend approval of a modified standard for a nonconforming private road in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard. The modification, if granted, shall be based on a practical difficulty associated with the request, such as but not limited to pre-existing development, natural features and topography, or protection of the health, safety, and welfare of Township residents.

B. Development of Land with Access to Nonconforming Private Roads. The Township recognizes that there exist private roads that are inconsistent with the standards herein which were lawfully adopted on September 21, 2004 as a part of the Tyrone Township Zoning Ordinance and amended, effective April 30, 2008. Such private roads are considered by this section to be legal nonconforming private roads to continue and undergo routine maintenance for safety purposes. Furthermore, these private roads may continue to be used as follows:

1. **Existing Lots of Record.** The development of existing lots or parcels of record with access to legal nonconforming private roads shall be permitted.
2. **Lot Splits and Unpaved Nonconforming Private Roads.** Any proposed lot splits with access to a legal nonconforming private road may be permitted only if the entire private road meets the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, unless otherwise modified in this Article by Tyrone Township. However, the proposed lot split(s) may not cause the number of units served by a private road with a single access point to exceed the maximum number of units provided in Section 24.03.G. If this is desired, an additional access point to the public road system is required.

The private road shall be inspected by the Township Engineer to determine compliance with these LCRC standards and the improvements necessary to achieve compliance. The inspection and plans for bringing the private road into compliance, if necessary, shall be provided prior to

approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

3. **Expansion or extension of a Nonconforming Private Road.** A nonconforming private road shall not be expanded or extended until an inspection of the condition of the existing nonconforming private road has been made by the Township Engineer. An expansion or extension of a nonconforming private road shall be considered to occur when length or units are added to a private road.

The Township Engineer shall prepare a report containing a description of the current condition of the private road, its compliance with the applicable current LCRC standards for public roads, except the requirement for bituminous pavement, and the work necessary to bring the private road into compliance with those standards. This expansion or extension, or the addition of a shared private driveway or new private road branching off of the nonconforming private road, shall not cause a private roadway to exceed the maximum limits stipulated in Section 24.03.G. The inspection and plans for bringing the entire private road into compliance, if necessary, shall be provided prior to approval. The cost of the inspection as well as the improvement of the existing private road shall be borne by the applicant. If the private road is nonconforming because it does not have a maintenance agreement, an agreement shall be prepared in compliance with Section 24.02.C.

The expansion or extension also must comply with the conditions set forth in Section 24.03. The Planning Commission may recommend and the Township Board may waive some of these standards at its discretion, provided the private road meets Livingston County Road Commission standards for public roads, except the requirement for bituminous pavement.

4. **Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, design plans for nonconforming private roads shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets."

- C. Existing Lot or Parcel.** For the purposes of determining whether a lot along a private road or access easement qualifies as an “existing lot or parcel” as used in this section, at least one of the following conditions must have existed at the time this section was adopted.
1. The lot consists of a “condominium unit” for which a master deed had been recorded with the Livingston County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
 2. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Livingston County Register of Deeds.
 3. The lot had been assigned a unique parcel number by the Township Assessor and was individually assessed and taxed on that basis.
- D. Repair and Maintenance.** Legal nonconforming private roads shall be permitted to be maintained for safety purposes in accordance with the following provisions:
1. Routine maintenance for safety purposes shall be permitted without requiring the legal nonconforming private road be brought into conformance with the requirements of this Ordinance.
 2. Replacement of the private road or paving of a previously unpaved nonconforming private road shall require bringing the private road into conformance with the requirements of this Ordinance.

SECTION 24.05 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT APPROVAL REQUIREMENTS

- A. Approval Process.** The shared private driveway and/or access easement development, including the proposed shared private driveway or access easement meeting the standards of this Article, must be submitted for either site plan approval as required by Article 23 or site condominium project review as required by Section 21.43. For land division applications requiring shared private driveway approval, shared private driveway applications shall be reviewed concurrently with land division applications. Additionally, the following submittal and approval requirements shall be met:

1. **Sight Distance.** Confirmation that all sight-distances of the proposed shared private driveway complies with the standards of the Livingston County Road Commission.
 2. **Maintenance Agreement.** A shared private driveway or access easement maintenance agreement as required by paragraph 24.05.B shall be provided as part of the application and considered for approval, approval with conditions, or denial together with the site plan or site condominium plan.
 3. **Public Hearing.** A public hearing shall be required for any shared private driveway or access easement proposed where the easement will be within fifty (50) feet of the property line of an adjacent property. The public hearing shall be held prior to consideration of the site plan, site condominium plan, or land division by the Planning Commission. Notice by mail shall be provided to all lot or home owners within three hundred (300) feet of the easement boundaries and to all occupants of structures located within three hundred (300) feet of the easement boundary. The notice shall generally describe the location of the proposed shared private driveway or access easement and provide the date and time of the public hearing. Notice by mail shall be deemed to have been given when deposited at the U.S. Post Office address of the respective property owner shown on the last assessment roll of the Township. A notice shall appear in a newspaper of general circulation announcing the public hearing no less than fifteen (15) days nor more than sixty (60) days prior to the public hearing.
- B. Shared Private Driveway or Access Easement Maintenance.** A shared private driveway or access easement maintenance agreement shall be provided to the Township for review and approval:
1. **Recordable Agreement.** Maintenance agreements, as approved by the Township, shall be in a recordable format ready to be recorded with the Livingston County Register of Deeds, with a copy of such registration filed with the Township Clerk.
 2. **Certification.** The developer shall provide each buyer of property served, all or in part, by a shared private driveway or access easement, with a statement that such shared private driveway or easement is not maintained by public funds. Such certification shall include a legally executed easement agreement and a maintenance agreement between the property owners responsible for the maintenance of the shared private driveway.

- 3. Conformance with Private Roads.** The maintenance agreement shall be in conformance with the standards in Section 24.02.C
- C. Land Use Permit.** After approval of the site plan, the Zoning Administrator shall issue a land use permit for shared private driveway or access easement construction. Prior to the issuance of the land use permit, the developer shall be required to post a financial guarantee, consistent with the provisions of Section 23.16. The Zoning Administrator shall also confirm that the applicant has submitted a copy of the recorded Maintenance Agreement with the Township Clerk prior to issuing a permit.
- D. Inspections.** During and upon completion of the shared private driveway or access easement construction, inspections shall be made by the Township Engineer or an appointed representative according to a schedule developed between the Engineer and developer prior to the start of construction. Any inspection fees charged by the Township Engineer are the obligation of the developer. All elements of the shared private driveway construction shall be inspected by the Township Engineer and shall be included in the final report and certification required under (E) below. Other agencies such as the Livingston County Road Commission, the Drain Commissioner and the MDEQ may also be involved in the inspection process, depending on the location and construction parameters of the project.
- E. Land use Permits, Legal Descriptions and Certification.** Land use permits for any dwelling or building on any parcel served by the shared private driveway or access easement shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the shared private driveway or access easement was constructed according to the specifications approved by the Township. The developer's engineer shall certify in writing, with copies of inspection reports that the shared private driveway, drainage improvements and all other utility improvements have been constructed according to the shared private driveway or access easement standards and in conformance with the approved site plan. Final certification does not relieve the applicant from compliance with the requirements of this article. It shall also be the responsibility of the developer's engineer to assure accurate preparation of all legal descriptions related to the development of the shared private driveway or access easement, and all lots and all easements associated with the shared private driveway or access easement.
- F. Expiration of Approval.** A developer shall start and complete all land development and shared private driveway construction, in accordance with the approved site plan or site condominium plan on file, within one (1) year from the date of approval. A one year extension may be granted when requested by the

developer in writing prior to the expiration date if, in the opinion of the Planning Commission, a finding that conditions or circumstances so warrant.

- G. Drainage.** Storm water runoff from a shared private driveway or access easement shall be controlled consistent with the requirements of the Livingston County Drain Commissioner and the MDEQ. Uncontrolled storm water shall not drain directly onto adjacent property or onto a public road. Appropriate permits must be obtained from the Livingston County Drain Commissioner, the MDEQ and other appropriate governmental agencies prior to initiation of any work on a shared private driveway or access easement. Storm water drainage into regulated wetlands shall only be permitted subject to issuance of a permit from the MDEQ. Use of storm water management in accordance with sound drainage engineering practices shall be required.
- H. Design Standards.** Shared private driveways or access easements shall meet all design and construction requirements of Section 24.06 of this Article and all applicable Livingston County Road Commission requirements. The shared private driveway and utility easements shall meet the Livingston County standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. If there is a conflict between the standards of this Ordinance and the requirements of the Livingston County Road Commission, the Road Commission Standards shall apply.
- I. Utility Easements.** Easements for all public utilities shall be granted before sales of property commence. The Township will review the easement for overall configuration and use but will not verify the accuracy of the legal description submitted for the easement. Easements for public utilities running to the properties along the shared private driveway should be located within the boundaries of the shared private driveway easement.
- J. Review Process.** A shared private driveway or access easement site plan proposal shall be submitted for review in accordance with this procedure. At minimum, the information indicated below must be submitted with or indicated on the site plan. In the event the Township Planning Commission determines additional information is necessary to complete their review of the plan, a complete site plan with additional information specified in Section 23.02 may be required. The Township Planning Commission and Township Board may require advice and consultation from professional planning, engineering, or other experts. When such professional expertise is required during the review of proposal in accordance with these provisions, the applicant shall be responsible for reimbursing the Township for all costs associated with the expert's advice and consultation.

1. Date; North Arrow and Scale. The scale shall be not less than one inch equals twenty feet (1" = 20') for property under three (3) acres, and at least one inch equals one hundred feet (100') for sites three (3) acres or more. For sites greater than three (3) acres, site plan details at a scale of not less than one inch equals twenty feet (1" = 20') may be required.
2. Locations and dimensions of all property lines.
3. Location and dimensions of existing and proposed drives, sidewalks, and curb openings.
4. Location and construction details of the proposed shared private driveway or access easement including:
 - a. Radii of proposed curves and turns.
 - b. Width and depth of the proposed finished surface.
 - c. Width and depth of proposed base.
 - d. Specification of the materials to be used for the base and finished surface.
 - e. A cross-section detail of the proposed shared private driveway or access easement construction indicating the construction materials.
5. Vehicular and pedestrian circulation within and adjacent to the site.
6. Size and location of existing and proposed utilities and easements.
7. Location map.
8. Location, width, and type of surface for all roads, driveways, alleys, or easements within fifty (50) feet of the site.
9. Distance from the proposed shared private driveway or access easement to all required open space, buildings, lot lines, and other built elements within fifty (50) feet of the site.
10. Existing and proposed drainage facilities on or within one-hundred (100) feet of the site. The locations and sizes of all such facilities must be described.
11. Existing and proposed topographic information shall be prepared and provided for review.
12. Wetland locations on or within fifty (50) feet of the site.

SECTION 24.06 SHARED PRIVATE DRIVEWAY AND ACCESS EASEMENT DESIGN STANDARDS

Shared private driveways and access easements as defined in this article shall be constructed according to the following standards. The Planning Commission may recommend approval of a modified shared private driveway or access easement design standard in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission.

The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified shared private driveway design standard. It shall generally be the policy of the Township to encourage maximum joint utilization of shared private driveways to reduce access points on existing roads. Consistent with that intention, the Planning Commission and Township Board shall discourage development of a shared driveway within two hundred and fifty (250) feet of an existing road or shared driveway where the existing road or shared driveway could be used to provide access to the lots intended to be served by the new access route.

- A. Design of Shared Private Driveways.** A shared private driveway shall be designed and constructed consistent with the standards adopted herein and by the Livingston County Road Commission standards for public roads except the requirement for bituminous pavement as modified in this Article by Tyrone Township. In the event of conflict between standards, the higher standard, as determined by the Planning Commission, shall prevail. The design of a shared private driveway shall be subject to approval by the Township. When the developer of a proposed shared private driveway owns an additional access point for a lot along the adjacent public or private road, the additional access point shall be removed and the lot shall be accessed from the shared private driveway. This standard may be waived where it is determined that the access point does not have a negative impact on traffic or safety along the main road and that compliance would be a burden to the site, the resources on it, its configuration, and/or the property owners.
- B. Drainage.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to assist in providing controlled drainage for the shared private driveway in accordance with Township and County requirements. A drainage bypass culvert may be required where a shared private driveway intersects with a road. All other drainage improvements shall be required as determined necessary by the site drainage patterns and be consistent with established Township policy, the requirements of the Livingston County Road Commission and Drain Commissioner, and sound engineering practices.

- C. **Sight-Distance.** Shared private driveways shall be designed and constructed in relation to existing land contours and other natural or man-made features to provide safe and adequate vision for drivers using a shared private driveway access. A shared private driveway intersection with a road shall meet the sight-distance requirements of the Livingston County Road Commission for driveways and road approaches. Other traffic safety improvements shall be required as determined necessary to be consistent with established Township policy, the requirements of the Livingston County Road Commission, and sound planning and engineering practices.

If the area to be maintained in order to meet the sight distance requirement extends onto adjacent property, then easements shall be secured for the purposes of clearing and maintaining the area for compliance with this requirement. If easements cannot be secured, the access point will have to be relocated. Provisions for maintenance of areas required for sight-distance shall be included in the shared private driveway and access easement maintenance agreement (see Section 24.05.B).

- D. **Minimum Easement Width.** The minimum width of the easement for a shared private driveway shall be sixty-six (66) feet.
- E. **Minimum Finished Surface Width.** The finished, load-bearing surface of a shared private driveway shall be not less than twenty (20) feet in width. Subject to the Township's approval, a shared private driveway may have a finished, load-bearing surface of not less than sixteen feet in width, plus two (2) load-bearing shoulders, each two (2) feet wide. Those shared private driveways served by hydrants shall have a finished, load-bearing surface of not less than twenty-six (26) feet. This width may be reduced to twenty (20) feet at the discretion of the Planning Commission provided that bump-outs, which are a minimum of twenty-six (26) feet in width, are provided at least once every 300 feet.
- F. **Shared Private Driveway Construction Materials.** The surface of a shared private driveway shall be constructed on a base of not less than six (6) inches of road gravel. The base shall be laid after removal of all unsuitable soil. Unsuitable soil shall be replaced with road gravel or other material as may be specified by the Township Engineer. The Township Engineer may also specify the installation of soil stabilization devices, sub-base, or underlying fabric and drainage facilities to better assure the long-term life of the shared private driveway.
- G. **Maximum Length and Units.** Maximum length of a shared private driveway shall be one thousand, two hundred (1,200) feet with a maximum of four (4) lots or dwelling units served by the shared private driveway. The maximum length requirement may be extended upon the recommendation of the Planning

Commission and the approval of the Township Board. Shared private driveways that exceed the one thousand, two hundred (1,200) foot maximum length shall be required to install a dry hydrant system. The system shall be subject to the approval of the Township engineer and fire department with jurisdiction.

- H. **Turnarounds.** Any shared private driveway serving more than three (3) lots or dwelling units shall include a circular cul-de-sac turnaround or a “T” turnaround. The Planning Commission shall determine the type of turnaround required. Cul-de-sacs and “T” turnarounds shall be in accordance with these standards and LCRC geometric design requirements. This requirement may be waived if the shared private driveway is 150 feet or less in length.
- I. **Circular Cul-De-Sac Turnaround Design.** When a circular cul-de-sac turnaround is required for installation by the Planning Commission, the turnaround shall be designed with a forty-five (45) foot radius if no internal landscape island is required or with a fifty-five (55) foot radius if a center landscaped island is required. Where required, the internal landscape island shall be located in the center of the turnaround and shall be twenty (20) feet in diameter. A larger turnaround may be required for commercial and industrial shared private driveways.
- J. **“T” Turnaround Design.** When a “T” or “hammerhead” turnaround is required for installation by the Planning Commission, the turnaround shall provide perpendicular extensions from the main traveled surface of the shared private driveway to permit a vehicle to turn around. The extensions shall be not less than twenty (20) feet in width and extend from each side of the centerline of the easement for a distance of sixty (60) feet. A turning radius of twenty-eight (28) feet shall be provided from the traveled surface onto the turnaround. The surface and base materials of the “T” turnaround shall be the same as the surface and base materials of the shared private driveway.
- K. **Intersection Design Standards.** Shared private driveways that intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90) degree angle. Where constrained by environmental features, the Township Engineer may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70) degrees.
- L. **Intersection Offsets from Streets.** Proposed shared private driveway intersections with a public or private road shall align directly across from, or be offset by at least two hundred fifty (250) feet from existing intersections of public streets or private roads on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Livingston County Road Commission and the Tyrone Township Board of Trustees, with recommendation from the Planning Commission.

- M. Vertical Clearance.** In order to provide adequate access for emergency vehicles, fifteen (15) feet of overhead tree clearance shall be provided within the width of the finished surface.
- N. Signs.** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all shared private driveways where such driveways intersect with public or private roads. All other signs within the shared private driveway easement shall be identified on the site plan and designed and placed in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Shared private driveways shall not be named and shall not have signs bearing street names.
- O. Modifications of These Standards.** At the discretion of the Planning Commission and Township Board, the standards of this article may be modified. The Planning Commission and Township Board may determine that alternative design or construction materials will provide a shared private driveway of equal or superior quality. Further, the Planning Commission and Township Board shall have the authority to modify the review requirements in order to assure the requirements of the Township are considered in an appropriate forum and with the necessary level of professional design expertise.
- P. Compliance with AASHTO Standards.** Where no specific standard is provided in this Section, shared private driveway design plans shall meet the design criteria for local rural roads described in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A Policy on Geometric Design for Highways and Streets." Minimum horizontal and vertical curve radii and stopping distances shall be determined using design standards in this AASHTO manual to provide minimum safe sight-distances, provided that the minimum horizontal curve shall be two-hundred and thirty (230) feet in radius.
- Q. Conversion of Shared Private Driveway to Private Road.** Any proposal to modify the use of a shared private driveway so that the shared private driveway will serve the functional capacity of a private road shall require that the shared private driveway must be improved to meet the minimum design requirements for a private road as described in Section 24.03 of these regulations. The proposed private road shall be considered for approval in accordance with the foregoing provisions of Section 24.02.

The improvements to the shared private driveway necessary to satisfy the requirements for a private road shall be the responsibility of the applicant submitting the proposal for the development that requires the improvements.

- R. Setbacks and Structures.** Shared private driveways shall not be considered streets. However, on lots where the only means of access is a shared private driveway and there is no street frontage, the yard fronting on the shared private driveway shall be considered the front yard for zoning and setback purposes. On lots where the only means of access is a shared private driveway and there is street frontage, the lot shall be treated as a corner lot (i.e. a lot with two front yards) for zoning and setback purposes.
- S. Adjacent Properties.** For shared private driveways built after the effective date of this amendment (April 30, 2008) and located on a property line, access to that shared private driveway is encouraged to be provided to the adjacent property. The developer or owner of the adjacent property shall petition the owner(s) of the shared private driveway(s) located on the adjacent property to request a forum to discuss and negotiate access to, and use of, the existing shared private driveway(s). However, where such access is granted and will exceed the maximum number of lots permitted on a shared private driveway, the shared private driveway shall be converted to a private road per paragraph P above.
- T. Nonconforming Shared Private Driveways.** Nonconforming shared private driveways may be modified in conformance with the requirements in Section 24.04. Where necessary to accommodate shared private driveways versus private roads, the standards may be modified by the Township.

SECTION 24.07 ACCESS MANAGEMENT

Private roads and shared private driveways shall be constructed to satisfy the access management standards provided in Section 21.54.

REVISIONS:

- 2004 MARCH - Section 24.05; Access Management.
- 2004 SEPTEMBER - Section 24.01 Definitions 24.01.A,B,C,D,E; Section 24.02 Private Road Approval Agreement, 24.02.B.1,2,3,4; 24.02.D,E,F,H,I,J,K; Section 24.03 Private Road Design Standards, 24.03.B,F,L,M,N,O; Section 24.04 Nonconforming Private Roads, Section 24.04.A.2,3,4; 24.04.B.4; Section 24.05 Shared Driveway and Access Easement Approval Requirements; Section 24.06 Shared Driveway and Easement Design Standards; Section 24.07 Access Management (renumbered from 24.05).
- 2008 MARCH - General revisions throughout (Article revision).
- 2014 SEPTEMBER – Deleted prior 24.03.P Access Easements and added “Access Easement” to 24.06

**ARTICLE 25
OFF-STREET PARKING AND LOADING REGULATIONS**

SECTION 25.00 NEED ESTABLISHED FOR OFF-STREET PARKING

In all zoning districts, off-street parking, required parking, and storage of self propelled motor vehicles for the use of occupants, employees, and patrons of buildings, hereafter erected, altered, or extended after the effective date of this ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

SECTION 25.01 REQUIREMENTS

- A. Residential Parking.** Off-street parking spaces for residential uses shall be located on the same lot or parcel as the residence they are intended to serve.

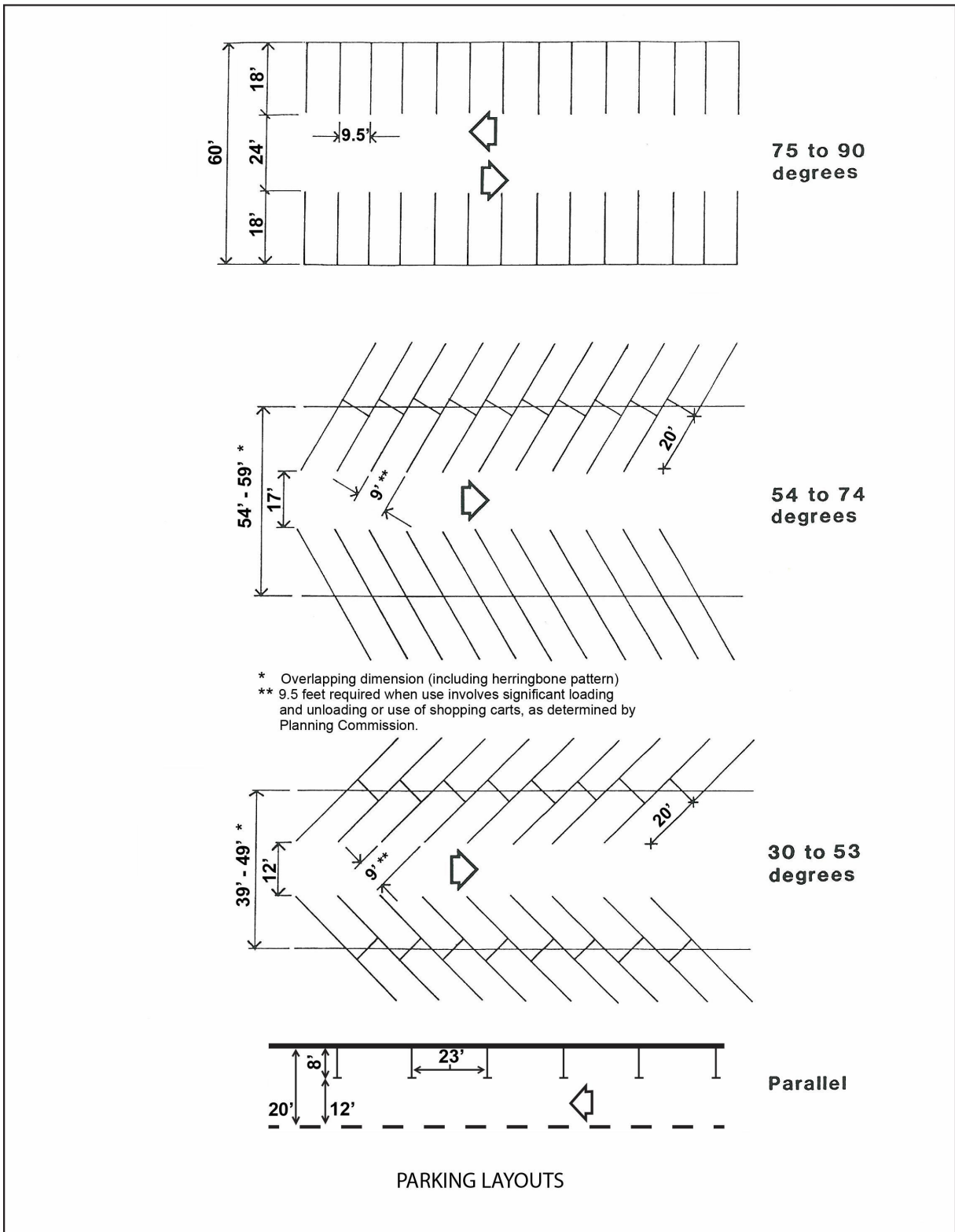
- B. Off-Street Parking.** Off-street parking for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured without crossing an arterial road, from the nearest point of the required off-street parking facility. Ownership shall be shown on all lots or parcels intended for use as parking by the applicant when an application for a land use permit, a building permit, or a certificate of occupancy is filed. This section shall not be interpreted to permit the location of off-street parking spaces within a zoning district where parking lots are excluded, unless a special exception is granted by the Zoning Board of Appeals pursuant to Article 28. Provisions for joint uses of parking spaces are listed in Section 25.05.

- C. Parking Surfaces.** Vehicle parking is permitted only on approved parking surfaces including: residential driveways; shared driveways and private roads when those surfaces have been improved to include a parking lane; and improved parking lots in compliance with the standards of this Ordinance. Off-street parking on unimproved surfaces that do not meet the requirements of this Ordinance, including required residential yard areas, is prohibited. See also Section 20.02 footnote (i) in this regard.

**SECTION 25.02 OFF STREET PARKING SPACE LAYOUT, STANDARDS,
CONSTRUCTION AND MAINTENANCE**

Whenever off-street parking is required it shall be laid out, constructed and maintained in accordance with the following standards and regulations:

FIGURE 12



- A. Parking Plans.** Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements: (See Figure 12)

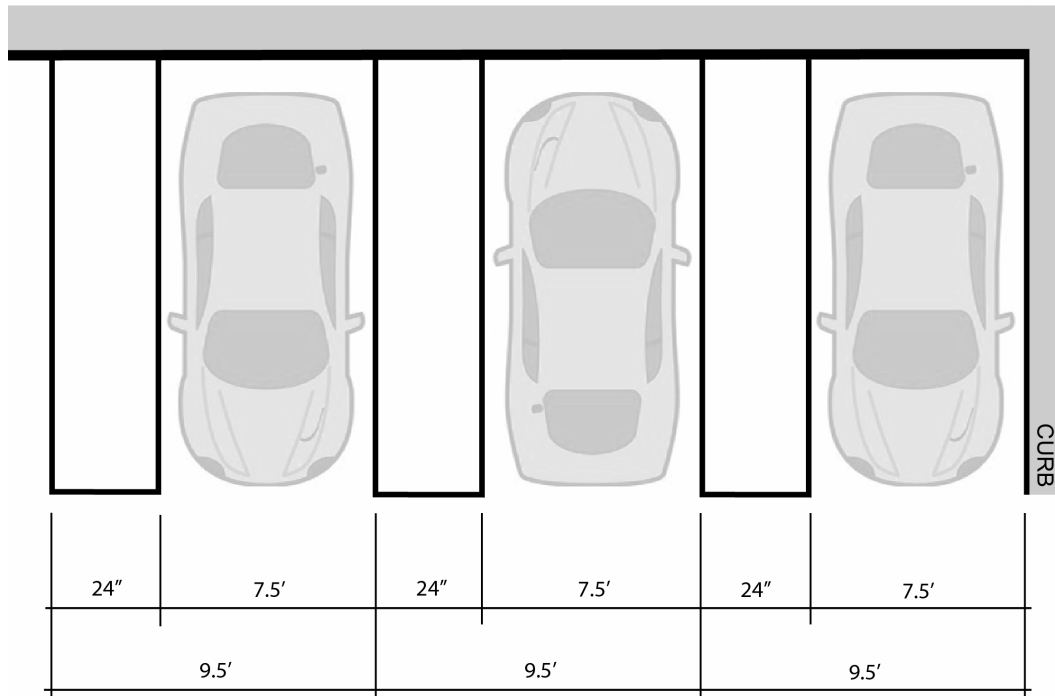
<u>Parking Pattern</u>	<u>Maneuvering Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>
0° (Parallel)	12 feet	8 feet	23 feet
30° to 53°	12 feet	9 feet	20 feet
54° to 74°	17 feet	9 feet	20 feet
75° to 90°	24 feet	9.5 feet	18 feet

Note: Where a parking space is curbed, the portion of the vehicle overhanging the curb may be credited as two feet if abutting landscaping or abutting a sidewalk at least seven (7) feet wide. The Planning Commission may require all or some of the parking spaces for a use to be larger than the above minimum dimensions based upon the characteristics of traffic expected with the use and as determined at time of site plan review.

- B. Paving Required.** In districts other than the FR, RE and single family districts, all off-street parking areas must be paved with concrete or bituminous asphalt prior to building occupancy, and shall provide adequate surface drainage facilities to collect and properly dispose of storm water runoff. The Planning Commission may approve alternatives to pavement, subject to satisfactory demonstration by the applicant that the type and volume of traffic expected for the requested use will not exceed the capacity of the alternative requested, and that the public health, safety and welfare will be protected.
- C. Prohibited Parking.** Parking is prohibited in any yard area except in clearly defined driveways (See also Section 20.02(i)).
- D. Adequate Maneuvering.** All spaces shall be provided adequate access by means of maneuvering lanes. Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- E. Adequate Access.** Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. The parking area shall be surfaced before the occupancy permit is issued. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- F. Traffic Movement.** All maneuvering lane widths shall permit one-way traffic movement, except that the 90° pattern may permit two-way movement.
- G. Entrance Location.** Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.

- H. **Lighting.** All lighting used to illuminate any off-street parking area shall be installed to be shielded within and directed onto the parking area only. All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit adverse affect on motorist visibility on adjacent public roadways. Shielding also shall be provided to minimize the shining of vehicle lights onto adjacent roads and properties.
- I. **Curbing.** Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.
- J. **Double Striping.** Except for parallel parking, it is recommended all parking spaces be clearly striped with 4 inch wide double lines, 24 inches on-center, to facilitate movement and help maintain an orderly parking arrangement. (See Figure 12a)

FIGURE 12a: DOUBLE-STRIPED PARKING



SECTION 25.03 OFF-STREET LOADING AND UNLOADING

On premise space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods or passengers.

- A. **Loading Areas.** Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.

- B. Required Dimensions.** All required loading and unloading spaces shall be laid out in the dimension of at least ten by fifty (10 x 50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface:
- C. Off-Street Loading and Unloading.** All loading and unloading in "M-1" "M-2" and "ROM" Districts shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public arterial road loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet. Required loading areas shall not be included in calculations for off-street parking space requirements.
- D. Number of Loading Spaces.** The minimum number of loading spaces provided shall be in accordance with the following table:

Institutional, Commercial and Office Uses

Up to 5,000 sq. ft. GFA	=	1.0 space
5,001 - 60,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA
60,001 sq. ft. GFA and over	=	4.0 spaces, plus 1.0 space for each additional 20,000 GFA

Industrial Uses

Up to 1,400 sq. ft. GFA	=	0
1,401 - 20,000 sq. ft. GFA	=	1.0 space
20,001 - 100,000 sq. ft. GFA	=	1.0 space, plus 1.0 space per each 20,000 sq. ft. GFA in excess of 20,000 sq. ft.
100,001 sq. ft. GFA and over	=	5.0 spaces

- E. Traffic Congestion.** A suitable means of ingress and egress shall be provided and located to minimize traffic congestion and interference with pedestrian movements. Parking spaces shall be designated and arranged so that it is more convenient for the parking space user to accomplish necessary backing movements on the private property rather than to back onto or from public rights-of-way. Parking spaces shall be designed so that no vehicle shall be permitted at any time to wait or stand within a public right-of-way. Such necessary directional signs and controls as are required by the Planning Commission and the Livingston County Road Commission shall be established and maintained by the owner or lessee of the parking lot.
- F. Buffer Strip.** When required off-street parking in a nonresidential district abuts a residential district, there shall be located a landscaped buffer strip fifteen (15) feet wide and parallel to the common boundary. In lieu of a landscaped area, a solid wall or fence between six (6) and eight (8) feet in height shall be located along the common boundary.
- G. Shielded Lighting.** Except for single-family and two-family residential parking lots, all lots shall be lighted after dark throughout the hours when accessible to the public. The installation of such lighting shall be hooded or shielded as to reflect the light away from abutting or neighboring residential property.

- H. Prohibited Use.** Under no circumstances shall off-street parking spaces be rented, used for other than parking purposes, or allowed to become unusable (except for temporary repairs). The storage of merchandise, motor vehicles for sale, trucks, wrecked or junked vehicles, or the repair of vehicles is prohibited.
- I. Weight Limits.** The required off-street parking area shall be for occupants, employees, visitors, patrons and shall be limited in use to passenger vehicles not exceeding a net weight of three (3) tons and shall be for periods of less than forty-eight (48) hours.
- J. Setback Restrictions.** Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise provided in this ordinance. Off-street parking for all uses except residential shall not be permitted within a minimum front yard setback nor within a minimum side yard setback unless otherwise provided in this ordinance. See also Section 20.02(I).
- K. Site Plan Requirements.** The amount of required off-street parking space shall be stated on an application for a land use permit or site plan to build a new building or enlarge an existing one. A Certificate of Occupancy will not be issued upon completion of any building or the extension or addition thereto unless and until all off-street parking and loading space requirements, shown on the plans, or made a part of the building permit, shall be in place and ready for use.

SECTION 25.04 BARRIER FREE PARKING REQUIREMENTS

Each parking lot that serves a building, except single- and two-family dwelling units, shall have a number of level parking spaces, reserved for the physically-challenged, according to the following provisions:

- A. Location.** Parking spaces for the physically-challenged and accessible passenger loading zones that serve a particular building shall be **the spaces or zones located closest to the nearest accessible entrance on an accessible route**. In separate parking structures or lots that do not serve a particular building, parking spaces for the physically challenged shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- B. Parking Spaces.** Parking spaces for the physically challenged shall be at least ninety-six (96) inches wide and shall have an adjacent access aisle sixty (60) inches wide minimum (see Figures 13 and 14). Parking access aisles shall be part of an accessible route to the building or facility entrance and shall comply with the requirements in the Uniform Federal Accessibility Standards and the requirements of the American with Disabilities Act, as amended.

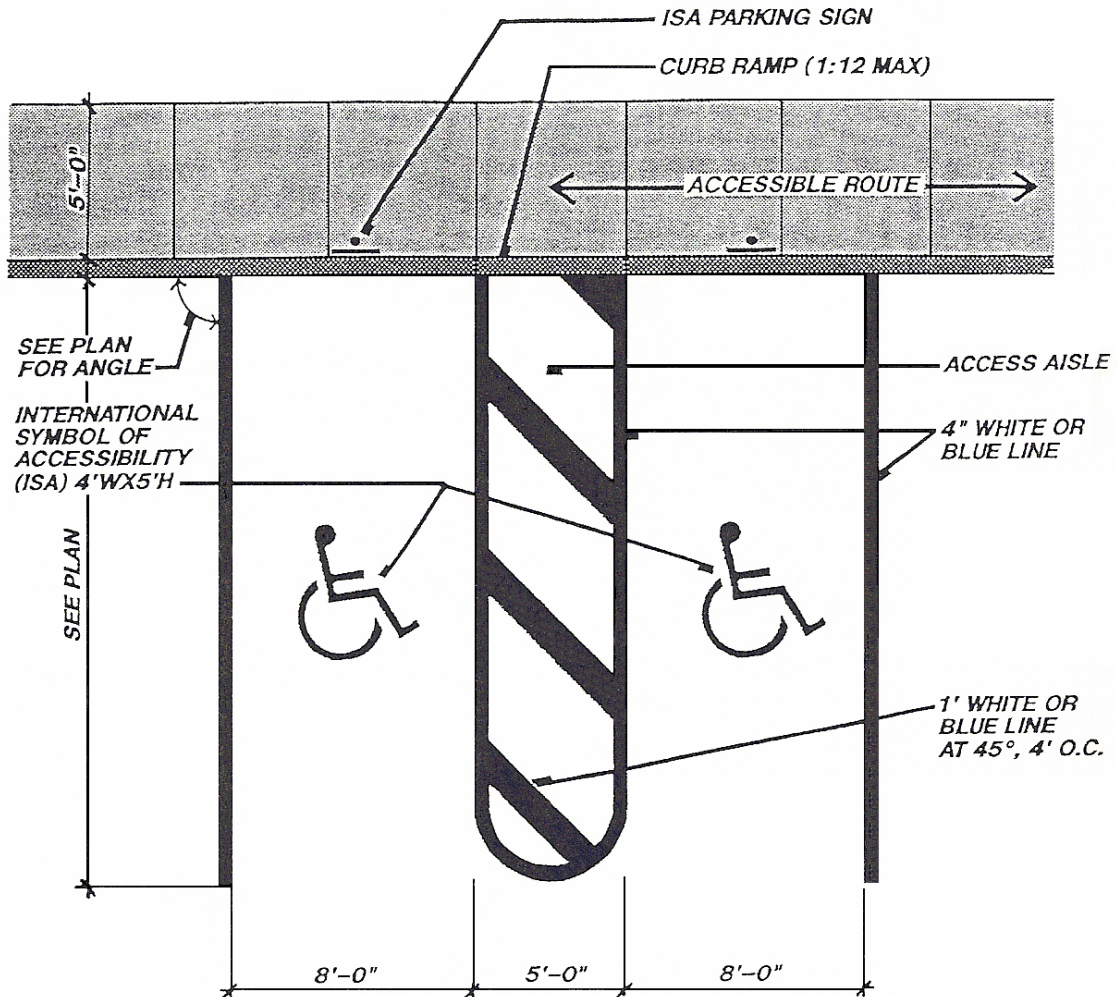
Two accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.

Parking spaces and access aisle shall be level with surface slopes not exceeding 1:50 in all directions. One (1) in every eight (8) accessible spaces, **but not less than one**, shall be served by an access aisle ninety-six (96) inches wide minimum and shall be designated "van accessible" (see Figure 15).

- C. Signage.** Accessible parking spaces shall be designated as reserved for the physically challenged by a sign showing the symbol of accessibility (see Figure 16). Such signs shall not be obscured by a vehicle parked in the space.
- D. Passenger Loading Zones.** Passenger loading zones shall provide an access aisle at least sixty (60) inches wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space (see Figure 13). If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp shall be provided. (Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions).
- E. Vehicle Clearance.** Provide minimum vehicle clearances of one-hundred fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances. If accessible van parking spaces are provided, then the minimum vertical clearance should be one-hundred fourteen (114) inches.
- F. Compliance.** Accessibility shall be in compliance with the Township’s Building Code and the American with Disabilities Act, as amended.
- G. Requirements.** If parking spaces are provided for self parking by employees or visitors, or both, then accessible spaces complying with the following table shall be provided in each such parking area:

<u>Total Parking In Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 100	2 percent of total
101 and over	20 plus 1 for each 100 over 1,000

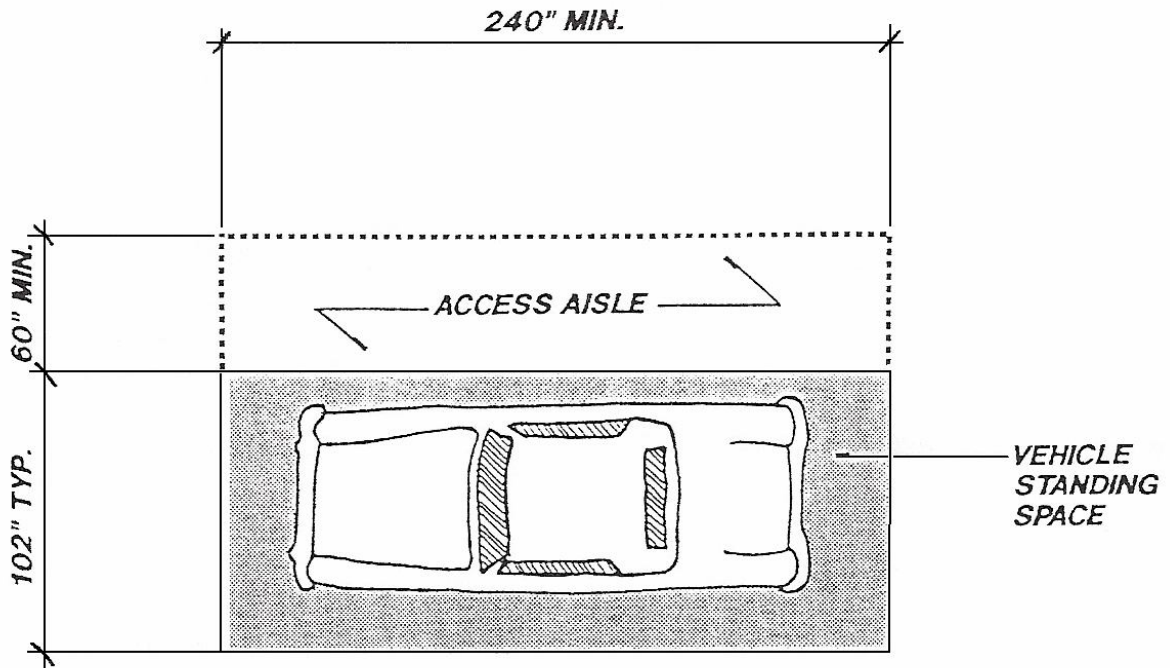
Figure 13



BARRIER-FREE PARKING SPACE LAYOUT- STANDARD

NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE.

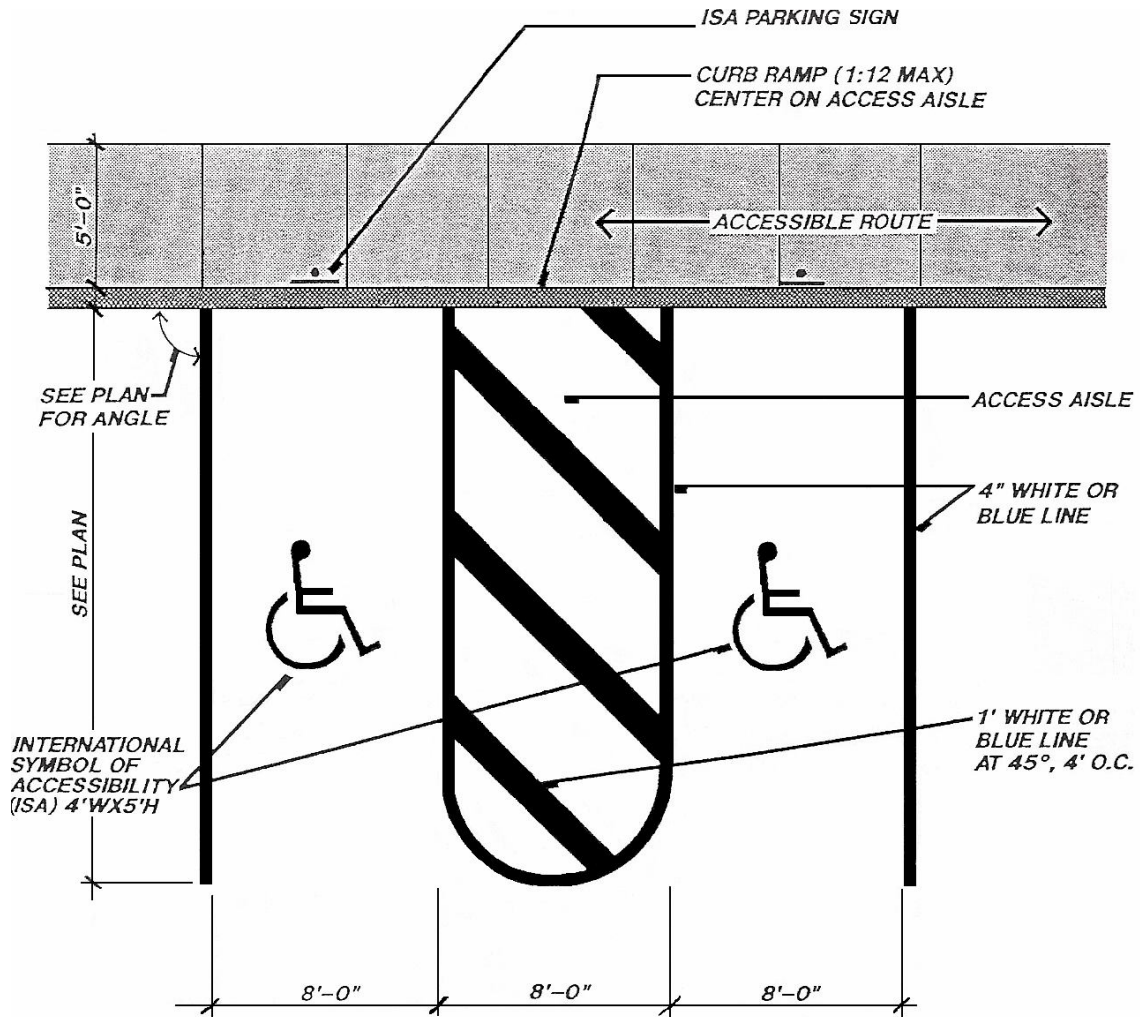
Figure 14



ACCESS AISLE AT PASSENGER LOADING ZONES

NOTE: VEHICLE STANDING SPACES AND ACCESS AISLES SHALL BE LEVEL WITH SURFACE SLOPES NOT EXCEEDING 1:50 IN ALL DIRECTIONS. IF THERE ARE CURBS BETWEEN THE ACCESS AISLE AND THE PASSENGER LOADING ZONE, THEN A CURB RAMP SHALL BE INSTALLED.

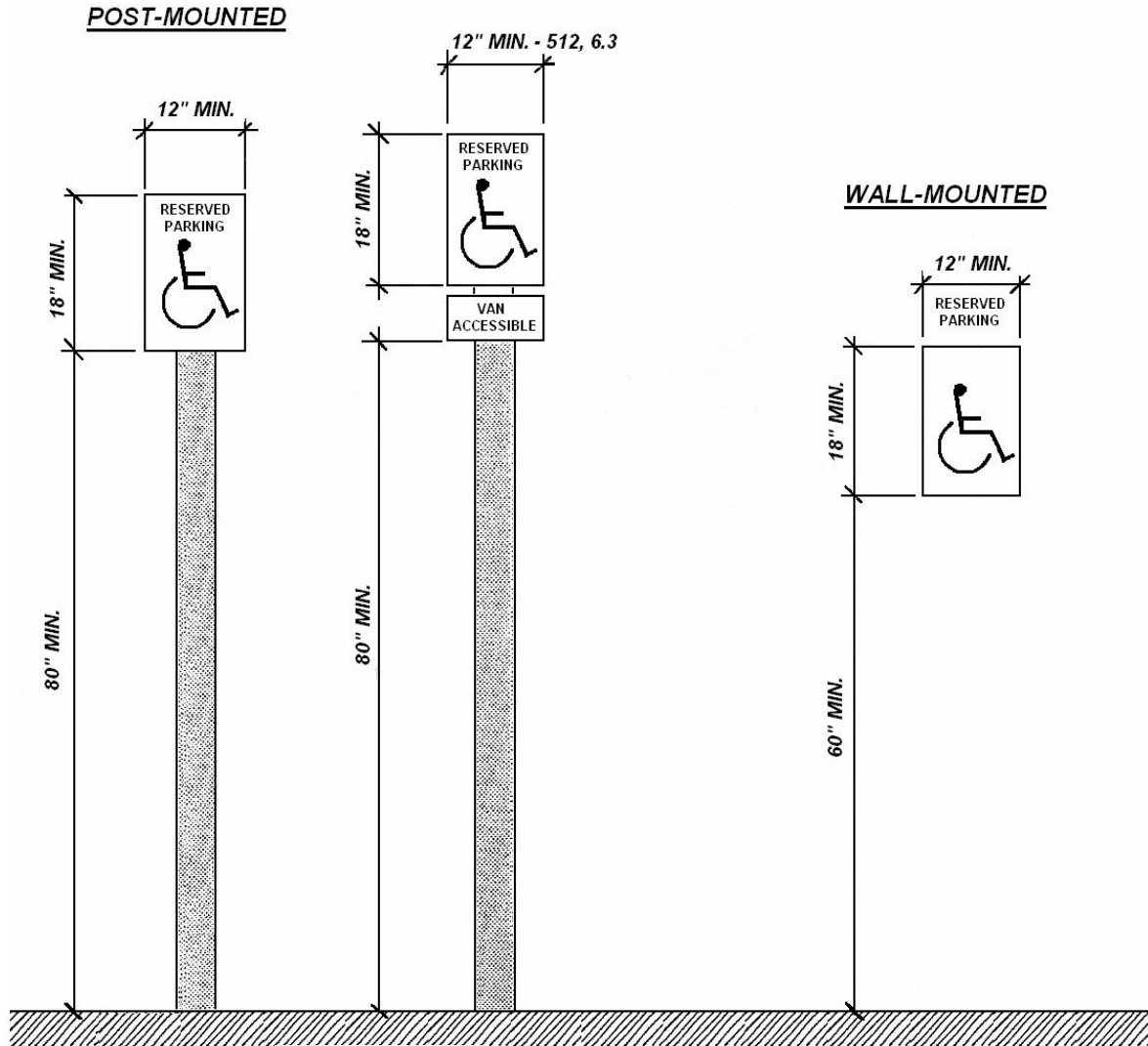
Figure 15



BARRIER-FREE PARKING SPACE LAYOUT VAN ACCESSIBLE

NOTE: BARRIER-FREE PARKING SPACES SHALL BE LOCATED TO THE NEAREST ACCESSIBLE ENTRANCE ON AN ACCESSIBLE ROUTE. ONE (1) IN EVERY EIGHT (8) ACCESSIBLE SPACES, BUT NOT LESS THAN ONE, SHALL BE SERVED BY AN ACCESS AISLE 8' - 0" WIDE MINIMUM AND SHALL BE DESIGNATED "VAN ACCESSIBLE".

Figure 16



BARRIER-FREE RESERVED PARKING SIGNS

NOTE: ACCESSIBLE PARKING SPACE SIGNS SHALL HAVE A MINIMUM HEIGHT AND SIZE TO PERMIT THE SPACE TO BE EASILY IDENTIFIED AND ARE ELEVATED SUCH THAT THEY SHALL NOT PRESENT A HAZARD TO PERSONS WALKING NEAR THE SIGN.

SECTION 25.05 JOINT USES OF PARKING AREAS

The joint use of parking facilities by two (2) or more users is permitted whenever such joint use is practicable and satisfactory to each of the uses intended to be joined, and when all requirements for location, design and construction can be satisfied. In computing capacities for any joint use, the off-street parking requirements is the sum of the individual requirements that will occur at the same time, provided that the total of such off-street parking facilities required for joint or collective use may be reduced by the Planning Commission in accordance with the following rules and standards:

- A. Hours of Operation.** Uses for which the joint off-street parking facilities serve do not operate during the same hours of the day or night.
- B. Minimum Number.** Not more than fifty (50) percent off street parking facilities required for theaters, churches, bowling alleys, dance halls and establishments for the sale and consumption of alcoholic beverages, food or refreshments may be supplied by off-street parking facilities provided for by other buildings or uses.
- C. Publicly Owned Parking.** The required off-street parking for a particular use shall be reduced by its proportionate share of any publicly owned parking lot for which it has been specially assessed. A copy of any agreement between joint users shall be filed with the application for a building permit. The agreement shall include a guarantee for continued joint use.

SECTION 25.06 REDUCTIONS IN EXISTING OFF-STREET PARKING

Off-street parking existing at the effective date of this ordinance shall not be reduced at an amount less than hereinafter required for a similar new building or new use.

SECTION 25.07 PROVIDING EQUIVALENT FACILITIES

Any area once designated as required off-street parking shall never be changed to any other use unless and until equivalent facilities are provided elsewhere.

SECTION 25.08 INCREASE IN NEED FOR OFF-STREET PARKING

In a building or structure erected after the effective date of this ordinance whenever there is a change in use, or change in number of employees, or an increase in floor area, or in any other unit or measurement specified in Section 25.11 that creates a need for an increase of more than fifteen (15) percent in off-street parking facilities as determined by Section 25.11, off-street parking facilities shall be provided on the basis of the total floor area, as herein defined, or on the basis of the total units of measurement of the new use or of the altered or expanded existing use.

SECTION 25.09 MAINTENANCE OF PARKING FACILITIES AND EQUIPMENT

All paving, directional devices and protective equipment, landscaping and other equipment furnished or required in the parking facility shall be maintained to insure safe pedestrian movement, vehicular operation, adequate protection of adjoining properties, and to present a neat and attractive appearance of the facility.

SECTION 25.10 PLANS OF OFF-STREET PARKING AND OFF-STREET LOADING SPACES

Site plans showing required parking and loading-spaces shall indicate sufficient space for parking maneuvers as well as adequate ingress and egress to the parking or loading area. Loading space as required in multiple family, commercial, and industrial zoning districts, shall not be construed as supplying off-street parking space. Loading and spaces or areas shall not be located on the front side of a commercial or industrial building.

SECTION 25.11 PARKING SPACES

Minimum number of off-street parking spaces by type and use shall be determined in accordance with the schedule below. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type. When units of measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space. Note: It has been determined that 20 inches of pew or bench width constitutes one (1) seat.

A. Residential

1. **One family**, duplex units, 2 parking spaces for each dwelling unit.
2. **Residential, multiple-family** (Apartments, Condominiums, and Cooperatives)
 - a. Efficiency and one bedroom units, 2 parking spaces for each dwelling unit.
 - b. Two bedroom units or more, 2 parking spaces per unit, plus 1 parking space for each 2 dwelling units.
3. **Boarding**, Rooming, Lodging Establishments, and/or Tourist Homes, 1 parking space for each 1 occupancy unit plus 1 parking space for each employee.
4. **Senior Citizen Housing**, 1 parking space for each 2 dwelling units and 1 parking space for each employee. Should units revert to general occupancy, then 2 parking spaces per unit.

B. Institutional

1. **Church**, Chapel, Synagogue, Temple, or other place of Worship, 1 parking space for each 3 seats or 5 lineal feet of pews in the main unit of worship, whichever is greater.
2. **College**, University, Industrial or Vocational School, 1 parking space for every teacher, employee and administrator plus 1 parking space for each 2 students in addition to the requirements for the assembly hall, stadium or sports arena. Spaces for visitors shall be allocated at 1 space per acre of campus land area.
3. **Elementary**, Junior High Schools and Intermediate Schools, 1 parking space for each 1 teacher, administrator and other employee in addition to the requirements of the auditorium.
4. **Homes for the Aged**, Nursing Facility, Convalescent Homes, Convents, Children's Homes, and Orphanages: 1 space for each 2 beds plus 1 space for each employee on the premises.
5. **Hospitals and Sanitariums**, 1 parking space for each bed plus 1 additional space for each employee, computed on the basis of the greatest number in the largest working shift. In hospitals, bassinets shall not be counted as beds.
6. **Library**, 1 parking space per 3 patrons based on the occupancy load as established by local County and State fire, building or health codes, whichever is greater, plus 1 parking space per employee on the major shift.
7. **Museum**, Cultural Center or similar facility, 1 parking space for every 500 square feet of gross floor area plus one for each employee.
8. **Post Office**, 1 parking space for every 200 square feet of usable floor area plus 1 for each employee.
9. **Private Civic**, Fraternal Club or Lodge, 1 parking space for each 3 persons; based on capacity limited by the designated Township Fire Marshal.
10. **Private Golf Clubs**, Country Clubs, 1 parking space for every 2-member family or individual.
11. **Private Swimming Pool Clubs**, 1 parking space for every 4-member family or individual.
12. **Public Golf Courses**, 6 parking spaces per golf hole plus one parking space per employee.
13. **Swimming Pools**, Community, 1 parking space for every 7 persons lawfully permitted plus 1 per employee.
14. **Senior High Schools**, 1 parking space for every teacher, employee, and administrator, and 1 per 5 students in addition to the requirements for the assembly hall, stadium, or sports arena. Visitors' spaces shall be allocated at ½ space per acre of campus land area.

15. **Stadium**, Sports arena or similar place of assembly, 1 parking space for each 3 seats or similar vantage accommodation provided or 5 lineal feet of benches.
16. **Theaters**, Auditoriums, Assembly Halls or similar places of indoor assembly
 - a. With Fixed Seating:
1 parking space for each 3 seats or 6 lineal feet of benches or number persons based on the occupancy load as established by local, county, and state fire, building or health codes, whichever is greater plus 1 parking space per employee.
 - b. Without Fixed Seating:
1 parking space for each 3 persons who may legally be admitted therein at one time under occupancy load as established by local, county and state fire, building or health codes, whichever is greater, plus 1 parking space per employee.

C. Commercial

1. **Ambulance Service** and Rescue Squad, Adequate space to accommodate all motor vehicles operated in connection with such use and 2 additional parking spaces per each such vehicle.
2. **Athletic Clubs**, Physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs, 1 parking space per 3 patrons based on the occupancy load as established by local, county and state fire, building or health codes, whichever is greater, plus 1 parking space per employee on a major shift.
3. **Automobile Service** and Service Stations, 2 parking spaces for each lubrication stall, rack or pit and 3 spaces for each 1 fuel pump, plus 2 stacking spaces per fuel pump plus one per transport or towing vehicle and one per employee.
4. **Car Wash (Automatic)**, 1 for each 1 employee. In addition, reserve parking space equal in number to 5 times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible under-going some phase of washing at the same time which shall be determined by dividing the length in feet of each wash line by 20.
5. **Car Wash (Self-service)** or coin operated. Where a system other than a conveyor system is used to move vehicles through the washing operation, parking or storage for eighty percent (80%) of the manufacturer's hourly rated capacity for the system in use, plus one (1) parking space for each employee on the largest working shift.
6. **Auto Repair**, Buffing and/or Collision, 3 parking spaces for each stall in addition to the stall itself plus one per transport or towing vehicle and one per employee. The area used to store damaged or inoperative vehicles shall not be counted as off-street parking.
7. **Banks**, Financial Institutions, 1 parking space for every 250 square feet of usable floor area plus 1 for every employee.

- 8. Banks, Financial Institutions with Drive-in Windows**, 1 parking space per 250 square feet of usable floor area plus sufficient area for 8 stacking spaces for first drive-in window and 2 stacking spaces per each additional window plus one space per employee.
- 9. Beauty Parlor** or Barber Shop, 2 parking spaces per beauty or barber chair, plus 1.5 additional parking spaces for every 4 stationary hair dryers plus 1 parking space for each employee.
- 10. Bowling Alleys**, 5 parking spaces for each bowling alley in addition to the requirements for a place serving food or beverages on the site plus 1 parking space per employee.
- 11. Dance Halls**, Roller or Skating Rinks, Exhibition Halls with fixed seats, 1 parking space for each 3 persons based on the occupancy load as established by local, county, and state fire building or health codes whichever is greater, plus one space per employee.
- 12. Day Care Center**, Child Care Centers, Nursery School, School of Special Education, and Schools for the Mentally and Physically disadvantaged, 1 parking space for each 350 square feet of usable floor space or one space for each 7 children, whichever is greater, plus 1 parking space per employee plus adequate space for loading and unloading of passengers (including provision for public transportation) off the public right-of-way.
- 13. Eating Establishments**
 - a.** Restaurant, 1 parking space per 75 square feet of usable floor area with minimum of 10 spaces, plus 1 space per 4 seats plus 1 per employee.
 - b.** Restaurant with Drive-thru, as above plus sufficient area for 8 stacking spaces for the first drive-in window and 2 stacking spaces per each additional window.
 - c.** Drive-in Restaurant (eating allowed only in vehicles - no indoor seating facilities), 1 parking space per 15 square feet of usable floor area with a minimum of 10 spaces.
 - d.** Carry-out Restaurant, 1 parking space per 15 square feet of usable floor area with a minimum of 5 spaces.
- 14. Furniture and Appliance**, Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician, or similar trade, shoe repair and other similar uses, 1 parking space for every 700 square feet of usable floor area, exclusive of floor area used in processing or manufacturing plus 1 parking space for each 1 employee employed therein.
- 15. Hotel and Motel**, 1 parking space per employee and per rental unit, plus spaces for restaurants, bars, taverns, banquet rooms and affiliated facilities as determined by the Planning Commission.

16. **Laundromats** and Coin Operated Dry Cleaners, 1 parking space per 2 washing and/or dry cleaning machines plus one per employee.
17. **Miniature** or "Par 3" Golf Courses, 3 parking spaces for each 1 hole plus 1 parking space for each employee.
18. **Funeral Homes** and Chapels, 1 parking space for each 50 square feet of assembly room used for services, parlors and slumber rooms.
19. **(New) Motor Vehicle Sales**, Rental and Service Establishments, 1 parking space for each 200 square feet of usable floor area of the sales/rental showroom and 1.5 parking spaces for each auto service stall in the service room plus 1 space per employee, but never less than 10 spaces (exclusive of storage areas of cars for sale).
20. **(Used) Motor Vehicle Sales**, 1 parking space for every 100 square feet of outdoor sales area plus 4 spaces for each auto service stall plus 1 space per employee.
21. **Pool Room**, Billiard Parlor and Similar Game Establishments, 1 parking space per 3 persons who may legally be admitted therein at one time in accordance with the state fire prevention laws.
22. **Open Air Businesses**, 1 parking space per 500 square feet of land area utilized for rental purposes plus 1 space per employee.
23. **Public Utility Facilities** such as communications equipment buildings, and electrical substations not open to the public, 1 parking space per 2 employees. This shall apply to the maximum number of employees on duty at any one time.
24. **Retail stores**, including Hardware and Sporting Goods Stores, except as otherwise specified herein, 1 parking space for every 200 square feet of usable floor area.
25. **Roadside** Vegetable and Fruit Stands, 5 parking spaces per 1,000 square feet of sales area.
26. **Supermarkets**, Self-Service Food Stores, and Convenience Food Stores, 1 parking space for every 100 square feet of usable floor area or major fraction thereof, excluding walk-in refrigeration units.
27. **Tennis Club**, 4 parking spaces per court, plus such additional spaces as may be required herein for affiliated uses such as restaurants plus 1 space per employee.
28. **Uses Under Construction**, space on site shall be provided for all construction workers during periods of construction.

D. Office

1. **Business and Professional Offices** of Architects, Engineers, Landscape Architects, Lawyers or similar or allied professions, 1 parking space for each 200 square feet of usable floor area plus 1 space per employee.
2. **Professional Offices** of Medical or Dental Practitioner's office or similar professions, 1 parking space for each 100 square feet of usable floor area or a minimum of not less than 5 spaces plus 1 space for each employee.

E. Industrial

1. **Industrial Establishments**, Research and Testing Laboratories, 1 parking space for every 2 employees in the largest working shift, or 1 for every 500 square feet of usable floor area whichever is greater.
2. **Manufacturing Establishment** or establishment for Productions, Processing, Assembly Compounding, Preparation, Cleaning, Servicing, Testing, Repair or Storage of Materials, goods or products, and business offices accessory thereto, 1 parking space per 2 employees on major shift, plus 1 space per company vehicle and piece of mobile equipment plus sufficient space to accommodate the largest number of visitors that may be expected at any one time.
3. **Wholesale and Warehouse Establishments**, 1 parking space per 1 employee in the largest working shift or 1 for every 1,000 square feet of usable floor area, whichever is greater.
4. **Heavy Equipment Storage Yard**, Lumber and Building Materials Yard, Motor Freight Terminal or Salvage Yard, 1 parking space per 1.5 employees on major shift, plus 1 space per company vehicle, plus sufficient space to accommodate the largest number of visitors that may be expected at any one time, but with a minimum of 1 space per 1,000 square feet of gross floor area.

SECTION 25.12 REFERENCES TO ADDITIONAL STANDARDS AND REGULATIONS

The following list of references includes additional standards and regulations related to the provisions of this article:

Article 21 Particularly Sections 21.15(A), 21.35(B) and 21.37.

REVISIONS:

2012 MAY - 25.02.A, B, J (increased parking space sizes, alternative parking surfaces, double striping optional); updated Figures 12 and 12a.

**ARTICLE 26
NONCONFORMITIES**

ARTICLE 26.00 INTENT

Nonconformities are lots, structures, uses, or uses of land and structures that do not conform to one or more provisions or requirements of this Ordinance, but which were lawfully established prior to the effective date of this Ordinance or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this Ordinance to permit such nonconformities to continue under certain conditions but to discourage their expansion, enlargement or extension. It is further the intent of this Ordinance that nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

This article establishes regulations that govern the completion, restoration, reconstruction, extension and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

The table on the next page provides a summary of the nonconforming regulations included in this article.

Summary of Nonconforming Regulations

<u>Nonconforming Situations</u>	<u>Requirements</u>	<u>Section</u>
Period of nonuse before nonconformity must cease	Nonconforming use: 12 months	26.01.B
Establishment or expansion of a nonconforming use	Not permitted	26.03.A
Change in ownership	No effect on nonconforming status or rights	26.08
Substitution of one nonconforming use for another	Permitted under certain conditions, subject to ZBA	26.03.D and 26.05.D
Nonconforming lots under same ownership	Must be combined for zoning purposes	26.02.C.1
Expansion of nonconforming use within building	Permitted subject to conditions	26.03.C
Expansion of nonconforming use beyond building	Not permitted	26.03.C
Enlargement of nonconforming structure	Permitted subject to conditions	26.04.A
Maintenance, structural repairs	Generally permitted, not exceeding 50% of assessed value	26.07
Rebuilding after damage based on pre-damage value	Permitted if damage is less than 50% of assessed value	26.05.G and 26.04.B
Open Space Dependent Properties	Considered conforming subject to conditions	26.10
Boundary realignment of Open Space Dependent Properties	Permitted subject to conditions	26.10.C

SECTION 26.01 GENERAL REQUIREMENTS

- A. Buildings under Construction.** This article shall not be deemed to require a change in plans, construction, or use of any structure on which actual construction was lawfully started prior to the effective date of this Ordinance and upon which construction has been diligently carried on by way of a valid building permit. Actual construction is hereby defined to include the placing and attaching of construction materials in a permanent position. When the demolition or removal of an existing building has substantially started prior to rebuilding, that work shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.
- B. Discontinued Use.** A nonconforming use of a structure or nonconforming use of land, independently or in combination, that ceases operation for a period of more than twelve (12) consecutive months shall thereafter conform to the regulations specified by this Ordinance for the district in which the structure, use, or land is located. A nonconforming seasonal use or nonconforming structure used by an approved seasonal use shall be exempt from this provision.
- C. Unlawful Nonconformities.** Any structure or use established in violation of this article shall for purposes of this Ordinance be considered a nuisance and shall not receive any of the rights, privileges, or protection conferred by this article. Those alleged nonconforming uses which cannot be proven to have lawfully existed prior to the effective date of this Ordinance shall be declared illegal and shall be discontinued and made subject to the enforcement provisions of this Ordinance.
- D. Variances.** Any use or structure for which a variance has been granted shall not be deemed a nonconformity.

SECTION 26.02 NONCONFORMING LOTS OF RECORD

- A. Permitted Use.** A nonconforming lot shall only be used for a use permitted in the district in which it is located.
- B. Single Lot of Record.**

 - 1. Single Family Dwellings and Customary Accessory Buildings.** In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment to this Ordinance. This

provision shall apply only if the nonconforming lot of record meets the following conditions:

- a. The lot width and area shall conform to that which has been previously platted and/or established as a pattern of development for the immediate area;
- b. The side yard setbacks are ten (10) feet or more in LK-1, R-1, or R-2 districts; and
- c. All other setbacks can be complied with. The purpose of this provision is to allow utilization of single recorded lots that lack required width or area as long as reasonable living standards can be assured to exist on said lot.

2. **Yard Variances.** If the nonconforming lot requires a variation of the district yard requirements in order to erect or enlarge a structure, then that structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

C. Two (2) or More Lots of Record.

1. **Combination of Parcels or Lots.** In a single-family district, if two (2) or more lots, or combination of lots, or portions of lots with continuous frontage are in single ownership at the time of adoption or amendment of this Ordinance, and if all or part of those 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 Ordinance.
2. **Division of Parcels or Lots.** No portion of any parcel or lot shall be used, occupied, or sold in a manner which diminishes compliance with the lot width and area requirements established by this Ordinance. Moreover, no division of any parcel or lot shall be made which creates a lot width or area less than the requirements set forth in this Ordinance.

SECTION 26.03 NONCONFORMING USES OF LAND

Any lawful nonconforming use of land established prior to the effective date of adoption of this Ordinance shall not be considered to be in violation of this article and may be continued, so long as it remains otherwise lawful and subject to the following provisions:

- A. **Enlargement of a Nonconforming Use.** A nonconforming use shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

- B. Relocation of a Nonconforming Use.** Such nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance. If a nonconforming use is moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- C. Extension of Use in an Existing Structure.** A nonconforming use may be extended throughout any part of a building which was clearly and intentionally arranged or designed for that use and which existed at the effective date of this Ordinance, but the nonconforming use may not be extended to occupy any land outside the building.
- D. Change of Nonconforming Use.** A nonconforming use may be changed to another nonconforming use, provided that the Zoning Board of Appeals finds that the proposed use is more conforming to the uses permitted in the district in which it is located. In permitting this change, the Zoning Board of Appeals may require appropriate conditions in accord with the intent of this article. Where a nonconforming use is changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

SECTION 26.04 NONCONFORMING STRUCTURES

Any lawful nonconforming structure established prior to the effective date of this Ordinance shall not be considered in violation of this article and may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. Enlargement, Extension, or Alteration of a Nonconforming Structure.**

 - 1. Increase in Nonconformity Prohibited:** A structure's nonconformity may not be enlarged or altered in any way which increases its nonconformity; for example, a single-family residence with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback, lot coverage, and other applicable requirements are met. Any such expansion, alteration or extension must be within required setbacks and all other Ordinance requirements must be met.
 - 2. Increase in Nonconformity.** A structure's nonconformity shall be considered increased if the structure is modified in any of the following ways:

 - a.** Extended along a nonconforming setback;
 - b.** Extended closer to the lot line;

1. A nonconforming structure damaged by any means that can be salvaged with reasonable repairs, as determined by the County Building Official or a Township-contracted State-registered Building Inspector, shall be permitted to be repaired and utilized as a nonconforming structure.
2. **Definition of a catastrophic event.** An occurrence of wind, lightning, tornado, fire, or other natural disaster deemed similar by the Planning Commission which results in damage to a nonconforming structure. Damage such as vehicular accidents, vandalism, or similar, may be considered a catastrophic event if it can be demonstrated the owner of the structure did not intentionally cause the damage.
3. A nonconforming structure damaged by a catastrophic event beyond reasonable repair, as determined by the County Building Official or a Township-contracted State-registered Building Inspector, may be permitted to be reconstructed as a nonconforming structure after a public hearing and Planning Commission review and approval. The Planning Commission shall determine the following standards are observed:
 - a. **Neighborhood Compatibility.** The nonconforming structure will be designed, constructed, and maintained to be compatible with the existing character of the general vicinity in consideration of:
 1. Environmental impacts and drainage;
 2. Views;
 3. Aesthetics;
 4. Noise, vibration, glare, and air quality;
 5. Traffic;
 6. Property values.
 - b. **Health, Safety, and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.
 - c. **Additional Development.** The nonconforming structure shall be of a location, height, and nature that will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - d. **Unreasonable Burden.** Reconstruction of a similar structure in strict conformance with the standards of the Zoning Ordinance will be unreasonable or unnecessarily burdensome, preventing the use of land for any and all permitted purposes.

- C. Addition of Signs or Uses.** A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses which are prohibited generally in the zoning district involved.
- D. Commercial or Industrial Uses.** In any business or industrial district, if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a nonconforming use of a structure, land, or structure and land in combination, is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restricted classification.
- E. Conformity to Zoning District.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations of the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
- F. Reversion of Status.** Where nonconforming use status applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- G. Reconstruction.** Any structure containing a nonconforming use damaged by any means in excess of 50% of the structure's pre-damage assessed value (exclusive of the foundation), as determined by the Township Assessor, shall not be reconstructed except in conformity with the provisions of this Ordinance.
- H. Exclusions.** There are certain existing uses which the Township finds to be of historic and functional significance which would not be permitted under the current terms of the Zoning Ordinance. These uses are important to maintaining the essential character of the neighborhood and it is herein determined they should be allowed to continue. Therefore, notwithstanding the other provisions of Article 26, a nonconforming Country Store as defined in this Ordinance shall be permitted to be reconstructed in the event of damage, and the use may be resumed to the limits of the use and structure as existing at the time of this amendment.

Further, a nonconforming Country Store structure may be expanded or extended following special approval and site plan approval by the Township in accordance with the provisions of Articles 22 and 23 and the following standards:

1. The expansion does not extend closer to the side or rear lot line than any existing nonconforming part of the structure.
2. The expansion does not extend beyond the predominant existing building line along the same block, does not block lines of sight for traffic or block views from adjacent lots, or impede light and air.
3. The addition retains compliance with all other setback, lot coverage and height requirements.
4. The resultant addition will be compatible in terms of scale and design with the existing structure and the established scale and character of the residential neighborhood.
5. The use shall be subject to applicable regulations for public health and safety and shall be subject to all regulations of the County, State, Federal and other agencies with jurisdiction.

A nonconforming Country Store may not be changed to another use unless that use is permitted in the underlying zoning district. If the Country Store is discontinued, the site and all structures shall thereafter conform to the district in which it is located.

SECTION 26.06 ELIMINATION OF NONCONFORMING USES AND STRUCTURES

- A. Acquisition of Property.** By authority of applicable state legislation, the Township Board may acquire, by purchase, condemnation, or otherwise, property or an interest in property for the removal of nonconforming buildings, structures, or uses, and may remove those uses or structures. The property acquired may be leased or sold for a conforming use or may be used by the township for a public use.

The cost of the acquisition may be assessed against a special district as a public improvement in accordance with applicable statutory provisions, or may be paid from general funds.

- B. Condemnation.** The Township Board has the right to condemn or purchase an interest in private property. The Township Board may purchase or condemn the right to conduct a particular nonconforming use, but leave the property owner with the property itself. The property may be used only for uses allowed in that zoning district.

SECTION 26.07 REPAIRS AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use or on a building which is a nonconforming structure, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, plumbing, or wiring to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 26.08 CHANGE OF TENANCY, OCCUPANCY, OR OWNERSHIP

There may be a change of tenancy, occupancy, ownership, or management of any existing nonconforming use of land, structures, and premises, provided there is no change in the nature or character of the nonconformity, except as provided herein. See also Section 22.05.Q.

SECTION 26.09 RECORD OF NONCONFORMING BUILDING OR USE

- A. Survey.** The Zoning Administrator shall, at the discretion of the Township Board, compile a list of existing nonconforming buildings, structures, and uses within a category as of a specific date. Structures, buildings, and uses in existence prior to the enactment of this Ordinance or a section of this Ordinance shall be considered existing legal nonconforming uses.
- B. Maintenance of Record.** The Zoning Administrator shall maintain a record of nonconforming uses, structures and buildings, which shall be organized by survey sections, and wherever possible, by named plats within sections. Periodic review shall be made of this record. Abandonment of buildings, structures, or uses shall be reported to the Planning Commission and the Township Board by the Zoning Administrator.

SECTION 26.10

OPEN SPACE DEPENDENT PROPERTIES

- A. Intent.** It is the intent of the Township to retain property values and continued investment in land, and the Township recognizes updated dimensional zoning regulations in the FR, RE, R-1, and R-2 Districts create a situation in which previously approved parcels may no longer meet the Ordinance standards for minimum lot size. It is not the intent of the Township to create nonconforming parcels; therefore, Tyrone Township recognizes that dependent properties created prior to March 18, 2018 were permitted based on the zoning regulations in effect at the time of their creation.

The Township will consider all open space dependent properties conforming in terms of minimum lot size that were legally created and recorded with an associated dedicated open space, regardless of their ability to achieve current minimum lot size standards. Parcels, units, and lots that were dimensionally nonconforming under previous regulations remain nonconforming unless they can achieve all current standards governing land in the Township.

- B. Open Space Dependent Properties.** Open Space dependent properties are parcels, lots, or units created with dedicated open space, as required by the Zoning Ordinance in effect at the time of creation, which is internal to, contiguous with, or detached from the property.
- C. Boundary Realignment of Open Space Dependent Properties.** Boundary realignment to distribute open space among dependent properties may be considered when all properties resulting from the realignment achieve the minimum lot sizes required by the zoning district, in accordance with the Tyrone Township Land Division Ordinance. Further, the open space conservation easement, plat dedication, restrictive covenant, or other legal mechanism that runs with the land must be appropriately disposed of to the satisfaction of the Township. In no case shall overall development density be increased unless otherwise permitted by this Ordinance.

REVISIONS:

- 2007 APRIL - 26.01.A.2; 26.04.C, 26.07 (formerly 22.05.Q), 26.08 (formerly 26.07), 26.09 (formerly 26.08).
- 2013 OCTOBER - Revised Article 26 Nonconformities to consolidate and clarify regulations.
- 2014 SEPTEMBER – 26.05.H (new) to support the 2013 Township Master Plan (Future Land Use Plan section footnote).
- 2018 MARCH – Added Section 26.10.
- 2018 SEPTEMBER – 26.04.B to include provisions for the rebuilding of nonconforming structures after a disaster.

ARTICLE 27
OUTDOOR ADVERTISING AND SIGN REGULATIONS

SECTION 27.00 PURPOSE AND INTENT

- A.** The purpose of this Article is to regulate signs and outdoor advertising within Tyrone Township to protect public safety, health and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience by enabling the public to locate goods, services and facilities without difficulty or confusion; preserve property values; support and complement objectives of the Township Master Plan and this Zoning Ordinance; and enhance the aesthetic appearance within the Township. The standards contained herein are intended to be content neutral. These objectives are accomplished by establishing the minimum amount of regulations necessary concerning the size, placement, construction, illumination and other aspects of signs in the Township to:
- 1. Sign Proliferation.** 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.
 - 2. Visual Pollution.** Reduce visual pollution caused by a proliferation of signs that negatively influence the Township's appearance, quality of life and ultimately property values.
 - 3. Dangerous Signs.** Prevent signs that are potentially dangerous to the public due to structural deficiencies, disrepair, distraction for motorists, limitations on sight distance or close proximity to roads.
 - 4. Sign Conflict.** Eliminate potential conflicts between business signs and traffic control signs that could create confusion and hazardous consequences.
 - 5. Principal Intent.** Recognize that the principal intent of commercial signs, to meet the purpose of these standards and serve the public interest, should be for identification of an establishment on the premises, and not for advertising special events, brand names or off-premises activities, as these can be advertised more appropriately by other methods.

6. **Restriction.** Enable the public to locate goods, services and facilities without excessive difficulty and confusion by restricting the number and placement of signs.
7. **Placement.** Prevent placement of signs which will conceal or obscure signs of adjacent uses.
8. **Public Right.** Protect the public right to receive messages, especially non-commercial messages such as religious, political, economic, social, philosophical and other types of information protected by the First Amendment of the U.S. Constitution.
9. **Conflicts.** Prevent off-premises signs from conflicting with land uses.
10. **Compatible Size.** Maintain and improve the image 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.
11. **Portable Signs.** Restrict the use of portable commercial signs for use only to announce a grand opening or a specific public noncommercial event in recognition of the significant negative impact on traffic safety and aesthetics caused by a proliferation or more frequent use of such signs.

SECTION 27.01 DEFINITIONS

Accessory Sign: A sign that pertains to the principal or accessory use of the premises upon which such sign is located.

Business Center: A grouping of two or more business establishments on one or more parcels of land which may share parking and access and are linked architecturally or otherwise present the appearance of a unified grouping of businesses. A business center shall be considered one use for the purposes of determination of the maximum number of freestanding signs. A vehicle dealership shall be considered a business center regardless of the number or type of models or makes available, however, used auto/truck sales shall be considered a separate use in determining the maximum number of freestanding signs, provided that the used sales section of the lot includes at least twenty-five percent (25%) of the available exterior sales area.

Banner: A fabric, plastic or other non-rigid material sign without enclosing structural framework.

Billboard: A type of off-premises sign.

Bulletin Board Sign: A permanent sign with temporary or replaceable letters or characters, used to announce functions or activities. The means of message change shall not be mechanical or electronic.

Business Sign: A sign advertising the name, services, goods or any other aspect or feature of a commercial business.

Canopy Sign: A non-rigid fabric marquee or awning-type structure which is attached to the building by supporting frame work, which includes a business sign, symbol and/or logo; see wall sign.

Commercial Vehicle Sign: A commercial vehicle that contains sign copy and parked on a non-residential lot in a manner and duration intended to have it serve as a sign. This does not include such a vehicle parked in a location approved by the Planning Commission or Zoning Administrator.

Community or Development Identification Sign: A sign placed at or near the entrance to a unified residential or non-residential project consisting of at least five (5) dwelling units (or 3 acres in the case of a non-residential project) and displaying the name of that residential community or other unified development such as a college, an apartment complex, condominium community, senior housing complex, manufactured home park or similar use, excluding business centers.

Construction Sign: A sign identifying the name(s) of project owners, contractors, developers, architects, designers, engineers, landscape architects and financiers of a project being constructed or improved; and not including advertising of any product or announcement of space availability and erected only during the period of the construction.

Directional Sign: A sign which assists motorists and/or pedestrians in determining or confirming a correct route; specifically enter, exit and parking signs. Any area of a directional sign which contains a business name, symbol, or logo shall be calculated as part of the allowable business sign square footage, as specified in Table 27.1.

Freestanding Sign: A sign which is attached to the ground and which stands free, unattached to any building or structure.

Monument Sign: A freestanding sign which has a solid supporting base equal to or greater than the width of the sign face constructed of a decorative and durable material, and which shall have no separation between the sign face and base. The supporting base shall have a minimum 24 inch vertical height.

Noncommercial Sign: A sign that contains non-commercial messages such as designation of public telephones, rest rooms, restrictions on smoking, political or religious philosophy or opinion.

Off-premises Sign: A sign which identifies a use or advertises products and services not available on the site or parcel on which the sign is located; a sign which directs travelers or provides a message unrelated to the site on which the sign is located. Billboards, signs painted on barns and signs mounted on trailers or mounted on a flatbed truck are common examples of off-premises signs. However, signs affixed to temporary trailer construction offices, farm equipment, construction equipment, and licensed commercial vehicles shall not be determined to be an “off-premises sign” when the signs advertise the owner or manufacturer of the equipment or temporary office.

On-premises Sign: A sign providing the address and name of owner of a parcel of land or; a sign advertising a business, service or product sold or produced on the same site or parcel, or a sign directing traffic on the site.

Pole Sign: A freestanding sign supported on the ground by a pole or posts, and not attached to any building or other structure.

Political Sign: A temporary sign solely for the purpose of providing information relating to the election of a person for public office or to a political party, or to a public issue which shall voted on at an election called by a public body.

Portable Sign: A sign designed to be moved from place to place, whether or not it is permanently attached to the ground or structure. This includes hot-air and gas filled balloons, sandwich boards, banners, pennants, streamers, festoons, ribbons, tinsel, pinwheels, non-governmental flags and searchlights; but excludes political signs, real estate signs, construction signs, permanent changeable message signs, and regulatory/government signs.

Projecting Sign: A sign, other than a wall sign, that is affixed to any building or wall and whose leading edge extends more than eighteen (18) inches beyond such building or wall.

Real Estate Sign: An on-premises temporary sign advertising the property or structures availability for sale, lease or rent.

Real Estate Development Sign: A sign located at the entrance of a residential development under construction, listing the name of the project developers, contractors, engineer and architects, the name of the development and general information, such as the number and types of units to be built, price range and similar data.

Regulatory Sign: A sign installed by a public agency to direct traffic flow, regulate traffic operations and provide information that conforms to the Michigan Manual of Uniform Traffic Control Devices.

Residential Identification Sign: A sign identifying the name of the occupant and/or street address.

Roof Sign: A sign mounted on the roof of a building, lying either flat against the roof or upright at an angle to the roof pitch. For purposes of this section, any architectural element which is used on the wall of a structure to give the appearance of a roof line similar to a mansard, gambrel or other roof type, shall be considered as a roof. A vertical plane or fascia which is attached to and located below the angled plane of a sloped roof and which is less than 6 inches in height shall be considered part of the roof.

Sign: Any object, structure, fixture, figure, banner, pennant, flag, balloon, light, illusion or placard that consists of written copy, symbols, logos and/or graphics, used to identify, advertise, display, direct or attract attention to an object, establishment, institution, organization, product, goods, services or other message to the general public by means including words, letters, figures, symbols, colors, illuminated or projected images. This definition includes interior and exterior signs, but not signs directed at persons within the premises of the sign owner, and does not include goods displayed in a business window.

Temporary Sign: A banner or other sign, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations, but not including accessory signs otherwise specifically defined herein.

Temporary Grand Opening Sign: A temporary sign used to announce the grand opening of businesses which are new to a particular location or under new ownership.

Wall Sign: A sign placed flat on a building or extending from the building as a canopy sign or projecting sign, or placed on a separate canopy such as over gasoline pumps, excluding roof signs.

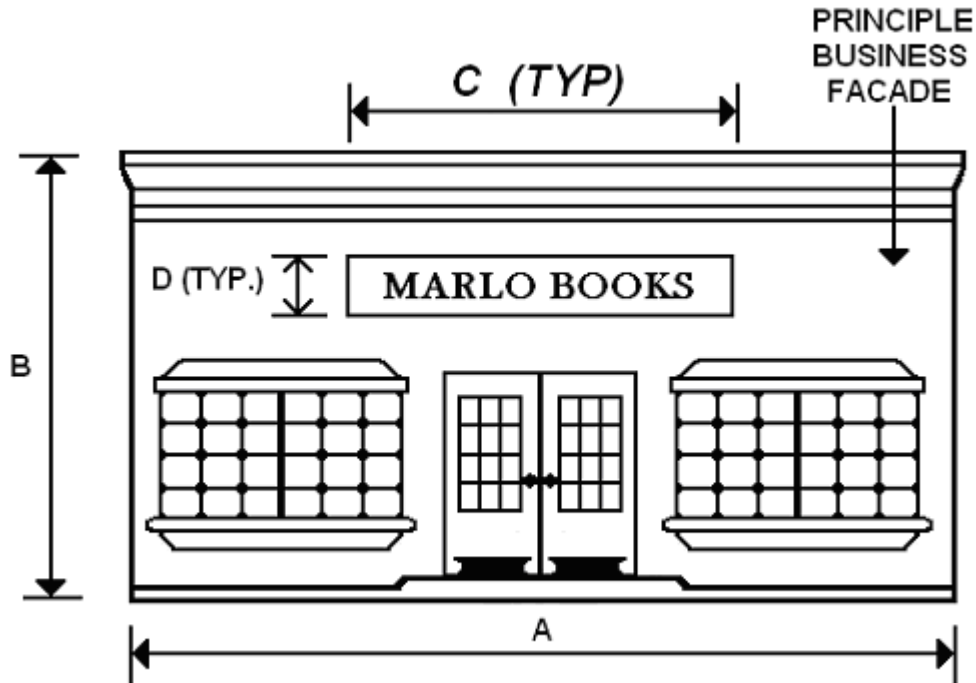
Window Sign: A sign placed within the glass area of a window pane.

SECTION 27.02 PERMITTED BUSINESS SIGNS

- A. Permitted Accessory Signs.** The following accessory business signs are permitted in PCS, B-1, B-2, OS, PCI, PIRO, M-1, M-2, and EI Districts provided that all other standards of this article are met and a land use permit for the sign has been obtained from the Zoning Administrator:
- 1. Number and Type Permitted:** Each business or industrial establishment on a separate lot shall be permitted one (1) wall or canopy sign and one (1) freestanding sign meeting the area, height and setback requirements of this section except for businesses in a business center which are regulated by subparagraph 2 below.
 - 2. Business Center Sign:** For a group of businesses meeting the definition of a business center in this article, one freestanding sign advertising the entire center and meeting the area, height and setback standards of this section is permitted, in addition to the permitted wall or canopy signs permitted for individual businesses in a business center.
 - 3. Area, Height and Setback of Freestanding Signs:** Except as provided by the bonus provisions in this section, the maximum surface display area per side of all freestanding signs shall be forty-eight (48) square feet; the maximum height shall be six (6) feet and all signs shall be setback at least ten (10) feet from all road right-of-way lines. The maximum height for freestanding business signs oriented to and visible from U.S. Highway 23 may be increased to fourteen (14) feet.
 - 4. Area of Wall or Canopy Signs:** Wall or canopy signs shall be limited to a maximum of ten percent (10%) of the surface area of the principal business facade or forty-eight (48) square feet per business establishment, whichever is greater. In the case of corner lots, only the front facade, as determined by the Zoning Administrator, shall be used in computing the permitted sign area. The computation of permissible wall sign area is illustrated in Figure 17.
 - 5. Bonus:** The Planning Commission may permit up to a ten (10) percent increase in the maximum permitted freestanding sign area if extensive (as determined by the Planning Commission) landscaping and a decorative base, consistent with the materials of the principal building or overall site plan are provided.

FIGURE 17

Wall Sign Area Measurement



$A \times B = \text{TOTAL SQ. FT. OF BUSINESS FACADE SURFACE AREA}$

$C \times D = \text{TOTAL SQ. FT. OF SIGN AREA}$

(maximum of 10% business facade surface area)

SECTION 27.03 OTHER SIGNS - PERMIT REQUIRED

- A. The following signs are permitted provided that all other standards of this article are met and a land use permit for the sign has been obtained from the Zoning Administrator:
 - 1. **Off-premises Signs:** Off-premises signs, except as otherwise specifically provided herein, are permitted only in the PCI, PIRO, M-1, M-2, and ROM Districts, provided that such signs are located not less than one-thousand three-

hundred and twenty (1,320) feet from all federal and state highway rights-of-way, and shall not be located within one-thousand (1,000) feet of residentially zoned land. Billboard signs must be separated by at least four thousand (4,000) feet from all other billboard signs. Billboard signs shall be limited to an area of one-hundred and sixty (160) square feet and to a height of twenty (20) feet. Provided further that such signs are regulated by the Highway Advertising Act, Public Act 106 of 1972, as amended.

2. **Construction Signs:** One construction sign per site is permitted in any district with a maximum height of six (6) feet and not exceeding thirty-two (32) square feet in area for all districts; setback a minimum ten (10) feet from any property line or public street right-of-way; and that such signs shall be erected during the construction period only and shall be removed fourteen (14) days after an occupancy permit is issued.
3. **Non-profit Organization Signs:** For a church, school, museum, library or other non-profit institution bulletin boards that are permanent signs with a minimum setback from the street right-of-way of ten (10) feet, which do not exceed forty-eight (48) square feet in area and are a maximum of six (6) feet in height.
4. **Real Estate Development Sign in any District:** Provided that there shall be only one real estate development sign per unified project consisting of at least five (5) dwelling units or three (3) acres in the case of a non-residential project. The maximum height of any such sign shall be six (6) feet and the maximum size of any such sign shall be thirty-two (32) square feet in all districts. One additional open house sign shall be permitted for a period not to exceed two (2) days.
5. **Residential Community or Development Identification Signs:** One permanent sign per project entrance in any district which does not exceed forty-eight (48) square feet in area and a maximum height of six (6) feet. Two signs in a "wing-wall" arrangement facing opposite directions may be permitted by the Planning Commission in cases where it is demonstrated that a single two-sided sign could not be seen by approaching traffic from both directions on a single road. If the Planning Commission approves wing-wall signs, the total combined area of the two signs shall not exceed forty-eight (48) square feet.
6. **Agri-business or Recreational Use Signs:** In Farming Residential Districts, one (1) permanent sign that identifies a permitted agri-business such as a greenhouse, orchard, nursery, etc. or recreational use such as a golf course, ski club, riding stable, etc, not exceeding 48 square feet in area.

7. **Menu Board:** Up to two (2) such signs per site each sign no greater than thirty-two (32) square feet in any commercial district which display menu items and which may contain a communication system for placing food orders at an approved drive through restaurant is permitted, provided the menu board is not in the front yard.

8. **Agricultural Directional Sign:** When a producer of bona fide agricultural products for sale to the general public is located on a local road as defined in this Ordinance, directional signs may be placed off-premises for purposes of directing the traveling public to the site, subject to the following provisions:
 - a. Each producer shall be limited to the number of signs required to direct a motorist from the two (2) closed intersections of a local road and primary road. A sign may be placed at each intersection from the above intersection to the producer's location along the most direct route. Each sign shall bear only the name and address of the producer or producer's business upon the signs.

 - b. All agricultural directional signs shall be placed on private property and only with the permission of the property owner.

 - c. Signs placed at the intersection of a primary and local road shall not exceed sixteen (16) square feet in area or six (6) feet in height; signs placed at the intersections of local roads shall not exceed four (4) square feet of area or four (4) feet in height.

 - d. Each sign shall be located at least fifty (50) feet from all other signs.

 - e. Permit applications shall present proof of permission from the property owner for sign placement. If such permission is withdrawn, the sign permit shall be revoked.

SECTION 27.04 TEMPORARY SIGNS - PERMIT REQUIRED

- A. The following temporary signs are permitted in any district, provided that all other standards of this article are met and a land use permit for the sign has been obtained from the Zoning Administrator:

1. **Temporary Grand Opening Signs:** One temporary grand opening sign shall be permitted on a site for a period not to exceed fourteen (14) days for those businesses which are new to a particular location. A business shall only be allowed to use a temporary grand opening sign once during its stay at the same location or have new owners; this does not apply to new operators or management. The sign shall be no larger than forty-eight (48) square feet in surface display area per side and shall not exceed six (6) feet in height. Temporary portable signs, including trailer signs, complying with these restrictions are permitted during the temporary sign period. Wind-blown devices, such as pennants, spinners, search lights and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen day time period designated for the grand opening sign.
2. **Real Estate Signs, Non-Residential:** Advertising the sale, rent or lease of real estate other than a single or multiple family structure or lot placed upon the premises and exceeding an area of sixteen (16) square feet.

SECTION 27.05 OTHER SIGNS - NO PERMIT REQUIRED

- A. The following signs are permitted in any district provided that all other standards of this article are met. A land use permit from the Zoning Administrator is not required.
 1. **Residential Identification Signs:** Signs identifying the address and/or occupant of a residence not exceeding two (2) square feet in area in all single family districts and Farming Residential Districts. The size can be increased to sixteen (16) square feet in Farming Residential Districts for lots with five (5) or more acres.
 2. **Flags:** Decorative flags or flags with the insignia of a nation, state, community organization, college, university or corporation. The size, content, coloring or manner of illumination of said flags or pennants shall not constitute a traffic or pedestrian hazard or impair vehicular or pedestrian traffic flow. The length of a flag shall not exceed $\frac{1}{4}$ the length of the pole from which it is displayed.
 3. **Miscellaneous Signs:** On vending machines, gas pumps, and ice containers indicating the contents or announcing on-premises sales, provided that the sign on each device does not exceed two (2) square feet in area.
 4. **Model Signs:** Temporary signs which do not exceed six (6) square feet in area, directing the public to a model home or unit.

5. **Warning Signs:** Such as no trespassing, warning of electrical currents or animals, provided that such signs do not exceed six (6) square feet; or if more than one (1) such sign is posted, each sign shall not exceed two (2) square feet and shall be spaced no closer than necessary to alert the public of the restriction.
6. **Regulatory, Directional and Street Signs:** Erected by a public agency in compliance with Michigan Manual of Uniform Traffic Control Devices Manual and other signs erected to comply with other governmental regulations.
7. **Driveway Directional Signs:** No more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of four (4) square feet per sign, and a maximum height of three (3) feet. (Any area of a directional sign which includes a business name, symbol or logo shall be calculated as part of the allowable business sign square footage, as specified in Table 27.1.)
8. **Rental Office Directional Signs:** Up to two (2) signs identifying or directing motorists to a rental or management office in a multiple family development, provided that such signs are a maximum of four (4) feet in height, are setback a minimum of ten (10) feet from any property line or public right-of-way, and do not exceed three (3) square feet in area.
9. **Parking Lot Signs:** Indicating restrictions on parking, when placed within a permitted parking lot, are a maximum of six (6) feet in height, and do not exceed six (6) square feet in area.
10. **Garage Sale and Estate Sale Signs:** Provided that they are not attached to public utility poles and do not exceed six (6) square feet in area; and that they are erected no more than ten (10) business days before the sale day and are removed within one (1) business day after the announced sale.
11. **Gas Station Pump Island Signs:** Located on the structural supports identifying "self-serve" and "full-serve" operations, provided that there is no business identification or advertising copy on such signs, that there are no more than two (2) such signs per pump island and that such signs do not exceed four (4) square feet in area.
12. **Historical Marker:** Plaques or signs describing state or national designation as an historic site or structure and/or containing narrative, not exceeding sixteen (16) square feet in area.

13. **Integral Signs:** Names of buildings, dates of erection, monumental citations, commemorative tablets when carved into stone, concrete or similar material or made of bronze, aluminum or other noncombustible material and made an integral part of the structure and not exceeding twenty-five (25) square feet in area.
14. **Non-commercial Signs:** Provided that such signs do not exceed two (2) square feet in area.
15. **Political Signs:** Provided that the sign is placed with the permission of the owner. Such signs shall not be placed within the public street right-of-way line and the total size of such signs on a lot shall not exceed thirty-two (32) square feet in area. Signs related to an election, shall be removed within ten (10) business days following the election for which they are erected, and must comply with all other State and Federal regulations as well.
16. **Real Estate Signs, Residential:** Advertising the sale, rent or lease of a single lot or multiple family structure or lot, placed upon the premises and not exceeding an area of eight (8) square feet.
17. **Handicapped Signs:** Erected in compliance with the Michigan Barrier Free Design Code and the Americans with Disabilities Act.
18. **Community Special Event Signs:** Provided they are approved by the Township Board or Township Supervisor.

SECTION 27.06 GENERAL STANDARDS FOR PERMITTED SIGNS

- A. The following standards shall apply to any sign allowed with or without a permit by this article.
- B. **Allowable Measurement.** Measurement of allowable sign area and height:
 1. **Square Footage.** The allowable area for signs shall be measured by calculating the square footage of the sign face as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle including any frame. Figures 19 through 23 illustrate the method to measure sign area.

- 2. Two or More Faces.** Where a sign has two or more faces, the area of only the larger face shall be considered when calculating maximum size, provided all faces are part of the same structure, back-to-back, the same size, contain the same message and are separated by no more than two (2) feet.
- 3. Total Wall Sign Measurement.** For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which contains all messages, symbols and/or logos on the wall or canopy.
- 4. Sign Height.** Sign height shall be measured from the average grade measured fifty (50) feet along the road frontage from both sides of the sign to the highest vertical extent of the sign. The sign shall not be placed on a berm or other elevated feature unless specifically approved as part of the site plan or sign permit if there was no site plan review. The measurement of sign heights is illustrated in Figures 24 through 26.

FIGURE 18

FREESTANDING MONUMENT SIGN
MAY BE ELIGIBLE FOR AREA BONUS



FIGURE 19
FREESTANDING SIGN AREA

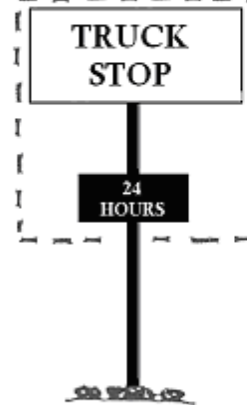


FIGURE 20

FREESTANDING SIGN AREA:
BACK-TO-BACK FACES

ONLY ONE SIDE COUNTED

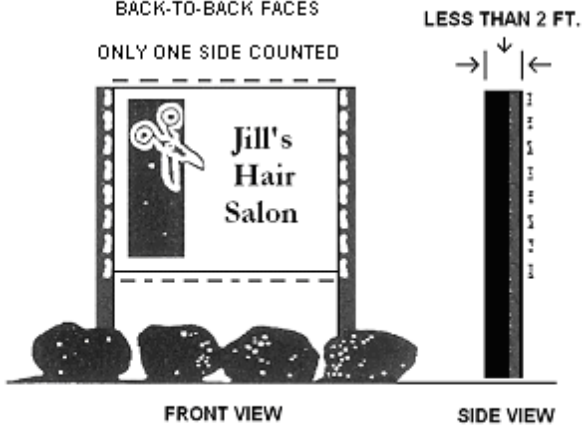


FIGURE 21

FREESTANDING SIGN AREA:
FACES MORE THAN 2 FEET APART

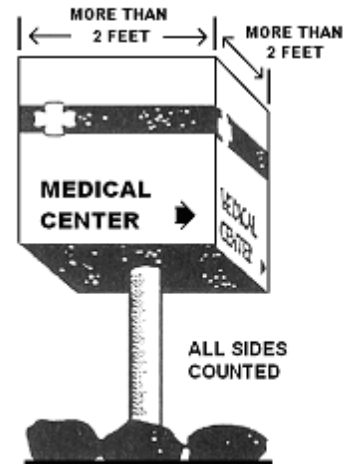


FIGURE 22
FREESTANDING SIGN AREA



FIGURE 23

WALL SIGN AREA

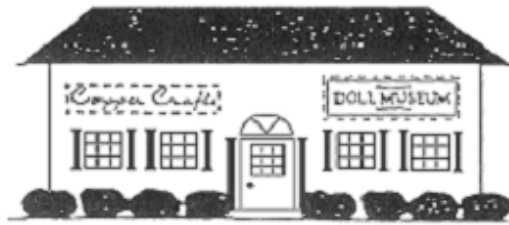


FIGURE 24

FREESTANDING MONUMENT HEIGHT



FIGURE 25

FREESTANDING SIGN HEIGHT



FIGURE 26

FREESTANDING SIGN HEIGHT

**IF ORIENTED TO
AND VISIBLE FROM
U.S. HIGHWAY 23**



C. Sign Setbacks:

1. **Right-of-way.** All signs, unless otherwise permitted, shall be setback a minimum of ten (10) feet from any public or private street right-of-way line, except residential identification signs allowed by this article which are not required to be set back from the public or private street right-of-way. The required setback distance for all signs other than residential identification signs shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the street right-of-way.
2. **Side Yard.** Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all non-residential signs shall be setback at least one-hundred (100) feet from any residential district.

D. Clear Vision Zone:

1. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of two (2) feet and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public road rights of way.
2. At the intersection of a public road and a private road or driveway, the clear vision zones shall consist of triangular areas defined by the street setback line, the access easement line (or edge of driveway pavement where no easement is provided), and a line connecting two points located on these lines set back a distance of ten (10) feet from their point of intersection.
3. Greater clear vision areas may be required by the Michigan Department of Transportation or the Livingston County Road Commission in particular areas. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic control devices or street signs.

- E. Sign Materials:** As permitted in the various zoning districts, signs shall be designed to be compatible with the character of the site's building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. Natural materials, such as wood and natural stone are encouraged.

- F. Sign Appearance:** It is the intent of this Ordinance to require signs to be in harmony with the building color and architecture, therefore generally, no more than three (3) colors may be used per sign and one (1) uniform, background color. Established company logos are exempt from color limitations. An established company logo is one that has historically been used as a symbol representing the company. For the purposes of this regulation, black and white shall be considered colors.

Lettering style shall be clean and simple to assure readability and shall be in harmony with the style of architecture of the building. Generally, no more than two (2) different fonts shall be used on each sign.

While separately owned businesses occupying a single building on a single parcel of land (such as a multi-tenant building, business center or shopping center) use individual wall signs, all such signs on the building or within the center shall be of a common style, e.g., individual freestanding letters shall be utilized with other signs composed of individual freestanding letters.

- G. Illumination:** Illuminated signs shall be directed or shaded such that no direct ray from the illumination shall be of such intensity or brilliance, so as to interfere with the vision of motor vehicle drivers on the adjacent streets or of adjacent property owners. LED and similar digital electronic signage shall be equipped with a dimmer and programmed to respond to day and night light levels. The use of colored lights which might be confused with traffic signals will not be permitted. Underground wiring shall be required for all illuminated signs not attached to a building.
- H. Construction and Maintenance:** Every sign shall be constructed and maintained in a manner consistent with the building code provisions and maintained in good structural and aesthetic condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.
- I. Sign Safety:** All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure sufficient to meet Livingston County Building Code requirements. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.
- J. General Standards:** The number, display area and height of signs within the various zoning districts are provided in Table 27.1 and its accompanying footnotes. Some additional standards for specific types of signs are given below:

1. **Canopy signs:** May be used as an alternative to wall signs and may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage.
 2. **Wall signs:** Signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the building facade to which it is attached.
- K. **Non-Commercial Messages:** Anything in this Article to the contrary notwithstanding, a sign structure permitted in this Article as an on-premise advertising sign or an off-premises advertising sign may contain a non-commercial message.

SECTION 27.07 PROHIBITED SIGNS

- A. The following signs shall be prohibited in any district in the Township:
1. **Commercial Vehicles or Construction Trailers Used as Signs:** No commercial vehicle or construction trailer may be parked on any business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose, as determined by the Zoning Administrator, of advertising a product or serving as a business sign.
 2. **Home Occupation Vehicles:** Vehicles identifying or advertising an approved home occupation shall not be parked in the front yard of the lot or homesite.
 3. **Exterior String Lights:** Used in connection with a commercial enterprise, other than holiday decorations which are strung no more than sixty four (64) days before the holiday and removed within ten (10) days following the holiday for which they were erected. Temporary use of exterior string lights to light Christmas tree lots shall be permitted for a period not to exceed 6 weeks.
 4. **Non-regulatory Signs:** Placed in any public right-of-way, attached to a utility pole or affixed to a tree.
 5. **Off-premises Signs:** Unless otherwise specifically provided for in this ordinance or covered under the State Highway Act.
 6. **Portable Signs:** Except when approved by the Township for grand openings or special public events unless otherwise provided for in this ordinance.

7. **Signs Having Moving Members** or parts, excluding barber poles and electronic time/temperature signs which do not contain business messages. Also prohibited is any sign which revolves or has any scrolling message, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic pulsations, or by mechanical means, including intermittent electrical pulsations, or by action of normal wind currents.
8. **Changeable Copy.** No sign or portion(s) of a sign(s) shall have a message or messages that change more frequently than one time in 1 minute except for permitted necessary changes to a time/temperature sign.
9. **Signs using high intensity lights** or flashing lights, intermittent illumination spinners or animated devices.
10. **Signs which obstruct vision** or impair the vision of motorists or non-motorized travelers at any intersection, driveway, within a parking lot or loading area.
11. **Signs which simulate** or could in any way be confused with the lighting of emergency vehicles or traffic signals.
12. **Home occupation signs:** Signs identifying home occupations are not permitted.
13. **Roof signs** shall not be permitted.
14. Any business sign now or hereafter existing which no longer advertises a bona fide business conducted or product sold.
15. Any sign structure or frame no longer supporting or containing a sign relating to an activity, business or usage on the premises which has been discontinued for 180 days or longer.

SECTION 27.08 ADMINISTRATION AND APPEALS OF THE SIGN ORDINANCE STANDARDS

- A. **Administration.** The regulations of this section shall be administered and enforced by the Zoning Administrator.
- B. **Appeals.** The Zoning Board of Appeals may, upon application by the property owner, make reasonable adjustment in the size and location requirements for any sign provided that the criteria for such variances are met as required by Article 28.

TABLE 27.1 SUMMARY OF SIGN DIMENSIONAL STANDARDS AND REGULATIONS

SUMMARY OF SIGNS BY NUMBER AND TYPE ⁽¹⁾						
ZONING DISTRICT	PERMIT REQUIRED			NO PERMIT REQUIRED		
	Number and Type of Sign	Max. Sq. Ft	Max. Hgt. Ft. ⁽³⁾	Number and Type of Sign	Max. Sq. Ft. ⁽³⁾	Max. Hgt. Ft.
FR Farming Residential RE Rural Estate	1 Church / School	48 ⁽²⁾	6	1 Residential Identification	2 ⁽¹⁰⁾	N/A
	1 Construction	32	6	1 Driveway Directional ⁽⁹⁾	4	3
	1 Real Estate Development	32	6	N/A Warning	6	N/A
	1 Community or Development Identification Sign	48	6	1 Real Estate Sales, Residential	8	4
	1 Agri-Business	48	6			
	Political ⁽⁴⁾	48	6			

ZONING DISTRICT	PERMIT REQUIRED			NO PERMIT REQUIRED		
	Number and Type of Sign	Max. Sq. Ft	Max. Hgt. Ft. ⁽³⁾	Number and Type of Sign	Max. Sq. Ft. ⁽³⁾	Max. Hgt. Ft.
R-1 and R-2 Single Family Residential, and MHP Manufactured Home Park	1 Church / School	48	6 ⁽²⁾	1 Residential Identification	2	N/A
	1 Construction	32	6	1 Driveway Directional ⁽⁹⁾	4	3
	1 Real Estate Development	32	6	N/A Warning	6	N/A
	1 Community or Development Identification Signs	64	6	1 Real Estate Sales Single Lot / Residence	8	4
	- Political ⁽⁴⁾	32	6			
B-1 Local Business, B-2 Community Business, PCS Planned Commercial Service, PCI Planned Commercial Industrial	2 Business Signs ^(2, 5, 6, 7)	48 ^(2, 5, 6, 7)	6	1 Driveway Directional	4	3
	1 Business Center Sign	48	6	N/A Warning	6	N/A
	1 Construction	32	6			
	1 Real Estate Development	32	6			
	Political ⁽⁴⁾	48	6			
	1 Real Estate Sign, Non-Residential	16	6			

ZONING DISTRICT	PERMIT REQUIRED			NO PERMIT REQUIRED		
	Number and Type of Sign	Max. Sq. Ft.	Max. Hgt. Ft. ⁽³⁾	Number and Type of Sign	Max. Sq. Ft. ⁽³⁾	Max. Hgt. Ft.
ES Expressway Service	1 Business Sign	48	6 ⁽²⁾	1 Driveway Directional ⁽⁹⁾	4	3
	1 Business Center Sign ⁽⁵⁾	48	6	N/A Warning	6	N/A
	1 Construction	32	6			
	1 Real Estate Sign, Non-Residential	16	6			
	Political ⁽⁴⁾	48	6			
OS Office Service	Business Sign ^(5, 6, 7)	48 ^(5, 6, 7)	6	1 Driveway Directional ⁽⁹⁾	4	3
	1 Business Center Sign	48	6	N/A Warning	6	N/A
	1 Church / School	48	6 ⁽²⁾			
	1 Construction	2	6			
	1 Real Estate Sign, Non-Residential	16	6			
	Political ⁽⁴⁾	48	6			
	1 Real Estate Development	32	6			

ZONING DISTRICT	PERMIT REQUIRED			NO PERMIT REQUIRED		
	Number and Type of Sign	Max. Sq. Ft.	Max. Hgt. Ft. ⁽³⁾	Number and Type of Sign	Max. Sq. Ft. ⁽³⁾	Max. Hgt. Ft.
M-1 Light Manufacturing, M-2 Heavy Industrial, & ROM Research Office and Manufacturing	1 Business Sign	48	6	1 Driveway Directional ⁽⁹⁾	6	3
	1 Business Center Sign	48	6	N/A Warning	6	N/A
	1 Construction	32	6			
	1 Real Estate Sign, Non-Residential	16	6			
	- Off Premise Sign ⁽⁸⁾	160	20			
	- Political ⁽⁴⁾	48	6			
	1 Real Estate Development	32	6			
EI Extractive Industrial	1 Business Sign	48	6	1 Driveway Directional ⁽⁹⁾	4	3
	1 Construction	32	6	NA Warning	6	N/A
	1 Real Estate Sign, Non-Residential	16				
	- Political ⁽⁴⁾	48	6			

ZONING DISTRICT	PERMIT REQUIRED			NO PERMIT REQUIRED		
	Number and Type of Sign	Max. Sq. Ft.	Max. Hgt. Ft.	Number and Type of Sign	Max. Sq. Ft.	Max Hgt. Ft.
CDO Cluster Development Option	1 Church/School	48	6	1 Driveway Directional ⁽⁹⁾		
	1 Residential Identification	2	6	N/A Warning	6	NA
	1 Construction	32	6			
	1 Real Estate Sign, Residential	8	6			
	1 Community and/or Development Identification	48	6			
	- Political ⁽⁴⁾	48	6			

Footnotes to Table 27.1

1. This listing is not all inclusive. See Sections 27.02 through 27.05 for a complete listing of permitted signs and required standards and conditions.
2. Changeable message copy or a reader board attached to the sign may be allowed provided that any such changeable message copy shall be included as part of the allowable sign area, and subject to compliance with all other provisions applicable to changeable messages in this Ordinance. Any logo or business identification shall be counted toward the area calculation of any sign.
3. The maximum sign height applies only to freestanding signs. The maximum height for freestanding business signs oriented to and visible from U.S. Highway 23 may be increased to fourteen (14) feet. The height of the sign shall be measured from the

average grade measured fifty (50) feet along the road frontage from both sides of the sign. Placing a sign atop a berm or is permitted only if the berm is long enough to meet the average grade and landscaping is provided on the berm.

4. No limitation is placed on the number of political signs; however, the area restriction applies to the cumulative area of all political signs on a site.
5. Businesses not in a business center are permitted one wall or canopy business sign and one freestanding business sign per establishment. Businesses in a business center are limited to only one wall or canopy business sign per establishment. Only one freestanding sign for the entire center is permitted. The maximum area applies to each permitted sign.
6. Wall or canopy signs shall be limited to a maximum of ten percent (10%) of the surface area of the facade which forms the principal business frontage or forty-eight (48) square feet per business establishment, whichever is greater.
7. The Planning Commission may permit up to a ten percent (10%) increase in the maximum permitted freestanding sign area if extensive landscaping and a decorative base consistent with the materials of the principal building are provided.
8. The maximum number of billboard signs on a site shall be limited by the number of billboard signs that can fit on that site while maintaining a minimum spacing between billboard signs as required in Section 27.03.A.1 of this Ordinance.
9. One directional sign is permitted per approved driveway entrance.
10. In the Farming Residential District, residential identification signs can be up to 16 sq. ft. for lots 5 or more acres in area.

REVISIONS:

- | | |
|------|---|
| 2000 | OCTOBER - Section 27.01 Business Signs, 27.03.A.1, 4, & 5; Table 27.1 Billboards, Footnote 7. |
| 2007 | APRIL - Section 27.08.B. |
| 2012 | JUNE - Added/revised several definitions, standardized sign sizes, updated to accommodate PCS district. |
| 2016 | APRIL – Amended Section 27.02 and 27.03 to include PCI and PIRO Districts; amended Section 27.08 Table 27.1 to include PCI. |

**ARTICLE 28
ZONING BOARD OF APPEALS**

SECTION 28.00 CREATION OF ZONING BOARD OF APPEALS

- A. Establishment.** There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its power as provided for in the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The ZBA shall consist of five (5) members and not more than two (2) alternate members, as follows:
- 1. First Member.** The first member shall be a member of the Township Planning Commission selected by the Planning Commission and appointed by the Township Board;
 - 2. Other Members.** The second, third, fourth and fifth members shall be selected and appointed by the Township Board from among the electors residing in the township.
 - 3. Alternate Members.** The Township Board may appoint two (2) alternate members for three (3) year terms. The alternate members may be called on a rotating basis, or as specified in the rules of procedure of the Zoning Board of Appeals, to sit as regular members of the Zoning Board of Appeals if a regular member is unable to attend one (1) or more meetings. An alternate member may also be called on to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest as allowed by State Law. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals (ZBA).
- B. Terms of Office.** The Planning Commission member of the Zoning Board of Appeals shall serve for his/her term of office on the Planning Commission. All other members shall be appointed for terms of three (3) years. Terms shall be staggered so that not more than two (2) of the members terms in office shall expire in the same year.

- C. Simultaneous Membership.** Except for the Planning Commission representative described in A.1 above, members of the Township Board, the Planning Commission, or any employee of the Township Board shall not serve simultaneously as a member, or as an employee of the ZBA. Members of the ZBA shall be removable by the Township Board for non-performance of duty or malfeasance in office, upon filing of written charges and after a public hearing before the Township Board.
- D. Majority Requirement.** The Zoning Board of Appeals shall not conduct business unless a majority of the members of the ZBA is present.
- E. Removal.** A member of the Zoning Board of Appeals may be removed by the Township Board of Trustees for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall 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.

SECTION 28.01 MEETINGS

Public Meetings. All meetings of the ZBA shall be held at the call of the Chairman, and at such times as the ZBA may determine. All meetings of the ZBA shall be open to the public. The ZBA shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

SECTION 28.02 NOTICE OF APPEAL HEARING

Public Hearing. The Zoning Board of Appeals shall make no determination in any specific case until it shall have conducted a public hearing. The ZBA shall fix a reasonable time for such hearing, and shall give due notice thereof, by mail or personal delivery, to the applicant or owner of the property that is the subject of the appeal or to the applicant or person requesting the interpretation or hearing. If the application, request, or other matter before the ZBA involves a specific parcel, notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property, and to the occupants of all structures within three hundred (300) feet of the subject property. The notice is to be delivered personally or by mail addressed to the respective owners and occupants at the address given in the last assessment roll, regardless if the

property or structure is located in Tyrone Township. If the owner or occupant's name is not known, the term "Occupant" may be used.

Notice of Hearing. The notice shall also be published in a newspaper of general circulation within the Township. The notice shall be published and distributed no less than fifteen (15) days nor more than sixty (60) prior to the public hearing. The notice shall describe the nature of the hearing and the request, indicate the property that is the subject of the request by street address, state when and where the hearing will be held, and indicate when and where written comments will be received concerning the request. A fee for such hearings shall be established by the Township Board.

SECTION 28.03 DUTIES AND POWERS OF THE ZONING BOARD OF APPEALS

Limitations. The Zoning Board of Appeals possesses limited and specific powers and duties. The ZBA may not change the zoning district classification of any property. It may not change any of the stated terms of this ordinance. It has powers to act on those matters where this ordinance provided for an administrative review, interpretation, or exception, and to authorize a variance as defined in this section and in the laws of the State of Michigan. These powers include:

- A. Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this ordinance. Any such ruling or decision must be found to meet criteria listed in Section 28.04.A below.
- B. Interpretation of Zoning Text and Map.** To make interpretations of the zoning text and map; the defining of ambiguous words and phrases; the verification of definite boundaries between zoning districts; and the location of proper setback lines in the event that such boundaries or locations should be unclear or subject to dispute.
- C. Criteria for Granting Variances for Dimensional (Non-Use) Requirements.** Variances and appeals from the Ordinance dimensional requirements shall be granted only in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, and shall be based on findings of fact related to the criteria set forth in this section. Consistent with the decisions of courts of law in the State of Michigan, *all* of the criteria indicated below must be found by the ZBA to indicate a practical difficulty exists, thereby justifying a dimensional or non-use variance. A financial hardship of the land owner, developer or other related party shall not be a

consideration in determining if a practical difficulty exists or otherwise justify granting a variance.

1. **Unreasonable Burden.** Strict compliance with Zoning Ordinance requirements will be unreasonable or unnecessarily burdensome, preventing the use of land for any and all permitted purposes. The demonstration of mere inconvenience is insufficient to justify a variance.
 2. **Substantial Justice.** Granting of a requested variance or appeal will provide substantial justice to the appellant as well as to other property owners in the vicinity. Resulting development permitted by a variance will relate harmoniously with adjacent land uses and will not alter the essential character of the neighborhood. In evaluating this criterion, consideration shall be given to prevailing traffic patterns, convenience of access, continuity of development, and the need for particular services and facilities in specific areas.
 3. **Minimum Variance Required.** The requested variance or appeal will be the minimum variance required to provide substantial justice and the variance can be granted in such fashion that the spirit of these regulations will be observed and public safety and welfare secured.
 4. **Extraordinary Circumstances.** There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to other properties in the area. The circumstances shall not be self-created by the owner or a former owner of the land. The described circumstances or conditions shall uniquely identify this request and any variance granted to satisfy the request. Finally, the circumstance shall be related to the land and not the property owner, developer, or any other person. No precedent shall be established for general application in the Township when exceptional or extraordinary circumstances or conditions are delimited that clearly serve to identify the unique characteristics of each request.
 5. **No Safety Hazard or Nuisance.** The granting of a variance or appeal will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
- D. **Use Variances.** Variances and appeals from the Ordinance use requirements shall be prohibited.

- E. Exceptions.** To hear and decide, in accordance with the provisions of this Ordinance, requests for exceptions, and for situations on which this Ordinance specifically authorizes the Zoning Board of Appeals to act. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the zoning district in question and otherwise promote the purpose of this Ordinance, including the following:
- 1.** Interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the Zoning Map fixing the use districts accompanying and made part of this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - 2.** Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - 3.** Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is shaped such or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.
 - 4.** Permit modification of obscuring wall requirements only when such modification will not adversely affect or be detrimental to surrounding or adjacent development.

SECTION 28.04 APPEALS

The ZBA shall select a suitable time and place for the hearing of the appeal. Due notice shall be given of the hearing to all affected parties in accordance with the procedures in Section 28.02. Testimony may be given at the hearing by any person, in person, or through any duly authorized agent or attorney. The Township Board shall be given notice of such hearing by the Zoning Administrator.

- A. Appeals of a Decision by the Zoning Administrator.** An appeal may be taken to the ZBA by any person, firm or corporation, or by any officer, department, board or bureau of the township, county, or state affected by a decision of the Zoning

Administrator. Such appeals shall be taken within such times as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the Zoning Administrator and with the ZBA a "Notice of Appeal" specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the ZBA all of the papers constituting the record upon which action being appealed was taken. An appeal shall stay all proceedings in furtherance of the action being appealed. If, in the opinion of the Zoning Administrator, such action taken after notice of appeal has been filed with him would cause immanent peril to life or property, the proceedings shall not be stayed except by the issuance of a restraining order by a court of record. The ZBA shall reverse an order of the Zoning Administrator or other Enforcement Official only if it finds that the action or decision appealed:

1. **Arbitrary or Capricious.** Was arbitrary or capricious, or
2. **Erroneous Finding.** Was based on an erroneous finding of a material fact, or
3. **Discretionary Abuse.** Constituted an abuse of discretion, or
4. **Erroneous Interpretation.** Was based on erroneous interpretation of the Zoning Ordinance or zoning law.

Appeals from a Zoning Board of Appeals denial may be taken to Livingston County Circuit Court.

- B. **Special Land Use - Planned Unit Development.** The ZBA shall not have jurisdiction over appeals of decisions affecting special land uses and planned unit developments.
- C. **Other Appeals.** The ZBA shall hear and decide other appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this ordinance.

SECTION 28.05 DECISIONS OF THE ZBA

- A. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises. To that end the ZBA shall have all the powers of the officer or body from whom the appeal was taken and shall have the same authority to

issue or direct approvals and denials on applications presented before them as the officer or body to whom they were originally submitted.

- B.** The ZBA shall return a decision upon each case within a reasonable time period after a request or appeal has been filed, unless further time is agreed upon by the parties concerned.
- C.** The concurring vote of a majority of the members of the ZBA present at the meeting shall be necessary to reverse any order, requirement, decision or determination of a Township administrative official or governing body to decide in favor of the applicant on any matter upon which they are required to pass under this ordinance, or to effect any variation in the ordinance.
- D.** The decision of the Zoning Board of Appeals shall be final. A person having an interest affected by the ordinance, however, may appeal to the circuit court provided the appeal is filed within 30 days after the ZBA certifies its decision or approves the minutes of its decision and provided that the record of the decision and the application satisfies the conditions stated in Section 606 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

SECTION 28.06 TERMS OF APPEAL

The Zoning Board of Appeals may require the appellant, or applicant requesting special action by the ZBA, to submit all necessary surveys, plans or other information necessary for the ZBA to thoroughly investigate the matter before it. The ZBA may impose such conditions or limitations in granting such appeal or application as it may deem necessary to comply with the spirit and purpose of this ordinance.

SECTION 28.07 APPROVAL PERIOD

Exceptions, variances, and boundary and setback determinations shall be vested in the affected property, and shall pass with title to such property. No time limit shall be made a part of such determination. Where the determination of the Zoning Board of Appeals provides for the issuance of a land use permit, such permit shall be obtained within six (6) months of ZBA approval. If no permit is obtained within the six (6) month period, the approval shall become void and of no effect.

SECTION 28.08 ATTORNEY CONSULTATION

Legal consultation is available to the Zoning Board of Appeals from the Township's designated Township Attorney. If such consultation is not sufficient to resolve the issue, the Township Board shall secure and appoint a specialist in the area of dispute to assist the ZBA.

SECTION 28.09 RECONSIDERATION

The Zoning Board of Appeals shall not consider an appeal within one year of a decision. No application for reconsideration of a previously determined appeal shall be accepted for placement on a ZBA agenda. However, in the event new information becomes available that the appellant or other interested party believes could significantly alter the determination, such new information can be submitted to the ZBA for the ZBA's discussion.

In the event a majority of the ZBA agrees that the new information is relevant and could alter the decision, the appellant shall be permitted to submit a new application, complete with all required information and fees, for placement on a future agenda of the ZBA.

REVISIONS:

2004 - September: Sections 28.03.C, 28.03.D, 28.03.E, 28.09

2007 - April: Sections 28.00; 28.A.3; 28.C; 28.E (New); 28.02; 28.03.C; 28.03.D; 28.04.A; 28.05.A; 28.05.C(New); 28.05.D (New)

**ARTICLE 29
ZONING AMENDMENTS**

SECTION 29.00 INITIATING AMENDMENTS

The Township Board may make amendments to supplement the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by application of one or more property owners in Tyrone Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

SECTION 29.01 FEES

The Township Board shall establish, by resolution, fees for zoning amendment applications. The fee shall be paid at the time of filing of the application and no part of such fee shall be returnable to the applicant. Fees shall not be required for amendments requested by a government agency or body.

SECTION 29.02 AMENDMENT PROCEDURE

The procedure for amending this ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as may be amended.

- A. Amendment Application.** An amendment application shall be filed with the Township Clerk. The Clerk shall transmit the application to the Planning Commission for review and report to the Township Board.

- B. Planning Commission Review.** Upon receipt of a complete application, the Planning Commission shall be responsible for holding a public hearing on the proposed amendment and making a recommendation to the Township Board.
 - 1. Preliminary Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be forwarded to the Planning Commission Subcommittee and Township officials and staff for preliminary review and comment. If it is determined that the application is

not complete, then the applicant shall be contacted to inform him/her of the additional information that is required.

2. **Agency and Consultant Reviews.** If deemed necessary by the Planning Commission or the Planning Commission Subcommittee, the proposed amendment and application materials shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs being borne by the applicant.
3. **Public Hearing.** The Planning Commission shall establish a date for a public hearing on the application. The public hearing shall be properly noticed in accordance with the requirements of Section 202 of Public Act 110 of 2006, or as amended:
 - a. **Public Notice.** Notice of the public hearing shall be published in a newspaper of general circulation within the Township no less than 15 days prior to the public hearing.
 - b. **Ten or Fewer Properties.** If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all structures within three hundred (300) feet of the premises, regardless of whether the adjacent persons or structures are located in Tyrone Township. All properties included in the application for rezoning should be specifically identified by street address, if known.
 - c. **Eleven or More Properties.** If eleven (11) or more adjacent properties are proposed for rezoning, the notice shall be published as stated in 29.02.B.3.a above, but need not be distributed as described in 29.02.B.3.b above. Also the properties being considered for rezoning may be described generally as opposed to using specific street addresses.
 - d. **Notification Date.** The notice and proof thereof shall be sent by mail or personally delivered no more than 60 nor less than 15 days prior to the date of the hearing.

the public hearing by the Planning Commission in Section 29.02. A - B.3 above.

- 2. Township Board Consideration.** The Township Board shall consider the Planning Commission recommendation at any regular meeting or at a proper special meeting, and take one of the following actions:

 - a. Disapproval.** Disapprove the proposed amendment with no further action required by the Planning Commission.
 - b. Approval.** Approve the proposed amendment, in ordinance form, with or without amendment; or
 - c. Referral.** Refer the proposed amendment back to the Planning Commission for further consideration and comment within a specified time period.

- 3. Further Consideration.** If resubmitted to the Planning Commission for further consideration, the Township Board shall request a report within a specified time. As part of the resubmittal, the Board may ask for additional findings of fact as part of the Planning Commission review.

 - a. New Information.** If during reconsideration, new information is submitted by the applicant that differs substantially from the original proposal, it may be necessary for the Planning Commission to hold another public hearing upon consultation with the Township Attorney and Township officials.
 - b. Township Board Hearings.** Following Planning Commission re-review of the proposed zoning amendment, the Township Board is not required to hold a public hearing unless a property owner requests such a hearing by certified mail addressed to the Township Clerk. If such a public hearing request is received, notice of the hearing and procedures shall be the same as required for the public hearing by the Planning Commission in Section 29.02.B.3 above.

- F. Resubmittal of Request.** An application for a rezoning which has been denied by the Township Board shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence, proof of changed conditions found to be valid upon inspection by the Township Board, a

significant revision to the Statement of Conditions for a conditional rezoning, or a change from a conventional rezoning to a conditional rezoning.

SECTION 29.03 AMENDMENT APPLICATION

A. Zoning Map Amendment. If an amendment application involves an amendment to the official zoning map, the applicant shall submit the following application information:

1. **Legal Description.** A legal description of the property, including a street address and the tax code number(s).
2. **Scaled Map.** A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. **Applicant Information.** The name and address of the applicant.
4. **Applicant's Interest.** The applicant's interest in the property. If the applicant is not the owner of record, the name and address of the owner(s) of record, and that owner(s) signed consent shall be included in the application.
5. **Signature(s).** Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
6. **Zoning Districts.** Identification of the zoning district requested and the existing zoning classification of the property.
7. **General Vicinity.** A vicinity map showing the location of the property, and adjacent land uses and zoning classifications.
8. **Impact Assessment.** An Impact Assessment, as described in Section 23.04. The Township reserves the right to hire experienced professionals to evaluate the Impact Study and, if necessary, prepare additional analyses with the cost born by the applicant.

B. Text Amendment. If an amendment application involves a change in the text of the zoning ordinance, the applicant shall submit the following information:

1. **Detailed Statement.** A detailed statement of application, clearly and

completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

2. **Applicant Information.** Name and address of the applicant.
3. **Reasons.** Reasons for the proposed amendment.

SECTION 29.04 REVIEW CRITERIA FOR AMENDMENT OF THE ZONING ORDINANCE

In reviewing any application for a zoning amendment the Planning Commission and Township Board shall identify and evaluate all factors relevant to the application. The Environmental Assessment shall be reviewed and approved if responses and comments describing impacts of a project are acceptable to the Planning Commission and Township Board. The Planning Commission shall report its findings in full, along with its recommendation for action on the application, to the Township Board. The facts to be considered by the Planning Commission and Township Board shall include, but shall not be limited to, the following:

- A. **Zoning Map Criteria.** Review criteria for an amendment to the Official Zoning Map:
 1. **Consistency.** Consistency with the goals, policies and future land use map of the Township Master Plan and consideration of current market factors, demographics, infrastructure, traffic and environmental issues, if it is determined by the Planning Commission and Township Board that these conditions have changed significantly since the Plan was created.
 2. **Site Compatibility.** Compatibility of the site's physical, geological, hydrological and other environmental features with the uses or special uses permitted in the proposed zoning district.
 3. **Return on Investment.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
 4. **Surrounding Uses.** The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic

impacts, aesthetics, infrastructure and potential influence on property values.

5. **Infrastructure Impacts.** The potential impact of the rezoning on the ability of the Township’s public services and infrastructure to support any of the uses allowed under the new zoning designation without compromising the health, safety and welfare of the community.
 6. **Demand.** The apparent demand for the types of uses permitted in the requested zoning district in the Tyrone Township area in relation to the amount of land currently zoned and available to accommodate the demand.
 7. **Suitability.** The uses allowed under the proposed zoning would be equally or better suited to the area than the uses allowed under the current zoning of the land.
 8. **Previous Submission.** The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
 9. **Other Factors.** Other factors deemed appropriate by the Planning Commission and Township Board.
- B. Zoning Ordinance Text.** Review criteria for amendment of the Zoning Ordinance Text.
1. **Specific Problems.** Documentation has been provided from Township Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
 2. **Improved Techniques.** Improved techniques to deal with certain zoning issues have become available.
 3. **Case Law.** The Township Attorney recommends an amendment to respond to significant case law.
 4. **Master Plan.** The amendment would promote implementation of the goals and objectives of the Township's Master Plan.
 5. **Other Factors.** Other factors deemed appropriate by the Planning

Commission and Township Board have been presented.

SECTION 29.05 CONDITIONAL REZONING

- A. Intent.** There may be certain instances where it would be in the best interests of the Township, as well as advantageous to the property owner, to request a change in zoning boundaries if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this Section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. This option shall apply site planning criteria to achieve integration of the development project into the fabric of the project area.
- B. Application and Offer of Conditions.**
- 1. Voluntary Offer.** 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 may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process prior to the public hearing.
 - 2. Compliance with Procedures.** 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 of conditions, except as modified by the requirements of this Section. All of the application materials required by Section 29.03 shall be submitted for a conditional rezoning in addition to any other materials described in this Section. The required procedure for a conditional rezoning shall be the same as a conventional rezoning, as provided in Section 29.02, except as modified in this Section.
 - 3. Uses or Densities.** The owner's offer of conditions may not purport to authorize uses or densities not permitted in the requested new zoning district.
 - 4. Conditional Rezoning Plan.** A conditional rezoning plan (CR plan), prepared by a licensed engineer or architect, shall be submitted with the conditional

rezoning application. The CR plan shall provide the location, size, height, architecture, and other measures and features of buildings, structures, and improvements on, or in some cases adjacent to, the subject property. The detail to be offered for inclusion in the CR plan shall be determined by the applicant, subject to review and approval of the Planning Commission and Township Board. The CR plan shall be used to communicate the site specific conditions in the Statement of Conditions and shall be attached by reference to the final rezoning agreement. The CR plan shall not replace the subsequent requirements for site plan, subdivision, or other similar zoning review and approvals.

5. **Special Land Use Permit.** 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 Article 22 of this Ordinance. Review of the Special Land Use Permit may occur simultaneous to the review of the rezoning.
 6. **Deviation from Ordinance Standards.** Any deviation from a Zoning Ordinance standard for the proposed zoning district included as part of the conditional rezoning application shall be balanced by offsetting concession in the Statement of Conditions volunteered by the applicant.
 7. **Amending Conditions.** The offer of condition 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 amendment 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 holding a public hearing and consideration of the factors for rezoning set forth in Section 29.04 above of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning, provided however, that any recommended changes in the offer of conditions are acceptable to and thereafter offered by the owner.

- 1. Preliminary Review.** Prior to Planning Commission consideration, the proposed conditional rezoning application and associated materials shall be forwarded to the Planning Commission Subcommittee and Township officials and staff for preliminary review and comment. If it is determined the application is not complete, then the applicant shall be contacted to inform them of the additional information that is required.
 - 2. Agency and Consultant Reviews.** If deemed necessary by the Planning Commission or the Planning Commission Subcommittee, the proposed application shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs borne by the applicant.
 - 3. Public Hearing.** The conditional rezoning application shall be placed on the agenda for Planning Commission review and scheduled for a public hearing according to the notice requirements and procedures of Section 29.02.B above.
 - 4. Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall within a reasonable time, make findings of fact based on the review criteria in Section 29.04. It shall transmit these findings to the Township Board, together with the comments made at the public hearing and its recommendation.
 - 5. County Planning Commission Review.** The Planning Commission shall also submit the proposed amendment to the Livingston County Planning Commission for review and recommendation, pursuant to Section 307 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as may be amended.
- D. Township Board Review.** After receipt of the Planning Commission's recommendation and the recommendation from the Livingston County Planning Commission (unless waived by the County), the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request, in accordance with the procedures in Section 29.02.E above.

The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 29.04 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 in writing, then the Township Board may refer the proposed amendments to the Planning Commission for consideration and comment within a specified time or may hold an additional public hearing, either of which shall be in compliance with Section 401 of Public Act 110 of 2006, or as amended.

E. Elements of a Conditional Zoning Application. The following elements shall be reviewed and approved as an integral part of the conditional rezoning application:

- 1. CR Plan.** A conditional rezoning plan (CR Plan), with such detail as proposed by the applicant and approved by the Township Board in accordance with this section (29.05.B.4 above). The CR plan shall not replace the requirements for site plan, subdivision, or condominium approval, as the case may be.
- 2. Rezoning Conditions.** Rezoning conditions shall not propose uses or densities not permitted in the intended zoning district and shall not permit uses or development expressly or implicitly prohibited in the Statement of Conditions. Rezoning conditions may include some or all of the following:
 - a. Structures and Improvements.** The location, size, height, and setbacks of buildings, structures, and improvements;
 - b. Density.** The maximum density or intensity of development (e.g., units per acre, maximum useable floor area, hours of operation, etc.);
 - c. Natural Resources.** Measures to preserve natural resources or features;
 - d. Storm Water Drainage.** Facilities to address storm water drainage and water quality;
 - e. Traffic Impacts.** Facilities to address traffic issues, for example through road paving or other road improvements;
 - f. Open Space Preservation.** Open space preservation provisions;

- g. Landscaping and Screening.** Minimum landscaping, buffering, and screening provisions,
 - h. Bonus Landscaping.** Added landscaping above and beyond what is required by the Zoning Ordinance;
 - i. Site Design.** Building design, materials, lighting and sign criteria;
 - j. Uses.** Permissible and prohibited uses of the property;
 - k. Historic Preservation.** Provisions to preserve historic farms, barns, and other buildings to preserve the history and character of the Township;
 - l. Rural View Shed.** Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features such as wetlands, woodlands, hedgerows, undulating land forms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation.** Reclamation and reuse of land where previous use of the land has caused severe development difficulties or has caused blight.
 - n. Drainage.** Drainage improvements, beyond what is required by ordinance using best management practices.
 - o. Other Conditions.** Such other conditions as deemed important to the development by the applicant.
- 3. Statement of Conditions.** The Statement of Conditions, which shall be prepared by the applicant (or designee), with the assistance of the Township Planner or Attorney as desired, shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other terms mutually agreed upon by the parties, including the following terms and requirements:
- a. Applicant's Proposal.** Agreement and acknowledgment that the conditional rezoning was proposed by the applicant to induce the

Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the Statement of Conditions.

- b. Compliance with State and Federal laws.** Agreement and acknowledgment that the conditions and Statement of Conditions are authorized by all applicable state and federal laws and constitution, and that the Statement of Conditions is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
- c. Compliance with the CR Plan.** Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR plan and Statement of Conditions.
- d. Compliance with the Statement of Conditions.** Agreement and understanding that each of the requirements and conditions in the Statement of Conditions represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the change zoning district classification and the specific use authorization granted.
- e. Recordable Form.** The Statement of Conditions shall be in a form recordable with the Livingston County Register of Deeds 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.
- f. Legal Description.** Contain a legal description of the land to which it pertains.
- g. Binding Restriction.** Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- h. Incorporation.** Incorporate by attachment or reference the CR Plan and any other diagram, plan, or other documents submitted or

approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

- i. **Authorization to Record.** 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 Livingston County.
- j. **Notarized Signatures.** 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.

F. Approval.

- 1. **Statement of Conditions.** 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 confirming 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. Final approval of the conditional rezoning shall not be granted until the Statement of Conditions has been submitted to the Township Board for review.
- 2. **Zoning Map.** Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. All parcels involved in a conditional rezoning shall be designated with the suffix “-CR” following the conventional zoning district designation. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 3. **Filing or Filing Waiver.** 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 Livingston County. The Township Board shall have the 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.

- 4. Conformance to Requirements.** 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 provisions contained in the Statement of Conditions.
- G. Rejection of Request.** As provided in Section 29.02.F, an applicant is not required to wait for one year to resubmit a conditional rezoning application if denied by the Planning Commission or Township Board as long as the application includes a significant revision to the Statement of Conditions. Otherwise, one (1) year is required between applications.
- H. Compliance with Conditions.**

 - 1. Continuous Compliance.** 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 of 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 as provided in Section 30.13 of this Ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - 2. Permits.** No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- I. Time Period for Development.** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to other building and other required permits must be commenced upon the land within eighteen (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 the circumstances that would render the current

zoning with the Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

- J. Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection I above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion 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. (Section 29.02).
- K. 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 Subsection J above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Livingston County that the Statement of Conditions is no longer in effect.
- L. Amendment of Conditions.**

 - 1. Constraints.** During the time period for commencement of an approved development or use specified pursuant to Subsection I 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. Amendment.** The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning Statement of Conditions.
- M. 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 the Michigan Zoning Enabling Act (Public Act 110 of 2006, or as amended).

- N. 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.

SECTION 29.06 FILING AND PUBLICATION*Error! Bookmark not defined.*

The ordinance or ordinance amendments shall be filed with the Township Clerk within 15 days after adoption. A notice of adoption shall be published one time within 15 days after adoption.

- A. Publication Notice.** The Publication notice shall include:
- 1. Summary or Text.** Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - 2. Effective Date.** The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.
 - 3. Inspection.** The place and time where a copy of the ordinance may be purchased or inspected.
- B. Affidavit of Publication.** The affidavit of publication from the newspaper of general circulation shall be filed in the Township Ordinance Records.
- C. Recording.** The Ordinance shall be recorded in the Township Ordinance Book within one week after publication of the ordinance, with a Certificate of the Township Clerk recording the date of the adoption of the Ordinance, names of the members voting, how each member voted, the date of publication and the name of the newspaper in which the ordinance was published, and if applicable, the date of filing with the Livingston County Clerk.
- D. Revision of the Zoning Map or Zoning Text.** Within 30 days of the amendment publication in a newspaper of general circulation, the Township Clerk shall make the changes to the Zoning Map or Zoning Text and distribute the new information to the members of the Township Board, Planning Commission, Zoning Board of Appeals and other appropriate officials or agencies.

SECTION 29.07 REFERENDUM

In accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as amended, this Zoning Ordinance and any amendments hereto shall be subject to referendum.

- A. Filing.** Within 7 days after publication of a zoning ordinance under section 401 of Public Act 110 of 2006, or as may be amended, a registered elector residing in Tyrone Township may file with the Township Clerk, a notice of intent to file a petition under this section.
- B. Petition.** If a notice of intent is filed under subsection A above, then within 30 days following the publication of the zoning ordinance, a petition signed by a number of registered electors residing in the township outside the limits of cities and villages equal to not less than 15% of the total vote cast in the township for all candidates for governor at the last preceding general election at which a governor was elected, may be filed with the township clerk requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the township.
- C. Effective Date.** Upon the filing of a notice of intent, the zoning ordinance or part of the zoning ordinance adopted by the Township Board shall not take effect until one of the following occurs:

 - 1. Expiration.** The expiration of 30 days after the publication of the ordinance, if a petition is not filed within that time.
 - 2. Filing of Petition.** If a petition is filed within 30 days after publication of the ordinance, the Township Clerk determines the petition is inadequate.
 - 3. Voter Approval.** If a petition is filed within 30 days after publication of the ordinance, the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the portion of the township outside the limits of cities and villages voting thereon at the next regular election or at any special election called for that purpose. Reasonable time shall be provided for properly noticing and printing of ballots. The Township Board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.

SECTION 29.08 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a provision of a decree issued by a court of competent jurisdiction as to any specific lands in the township, may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

REVISIONS:

2007: MAY - Section 29.00; 29.0.A; 29.02 A. 1, 2, 3; 29.02. B, C, D, E.12, 3; 29.02.F.1,2,3; 29.03 A, B; 29.04 A, B; 29.05 - New Section; 29.06; 29.07, A, B and C.

ARTICLE 30
ZONING ADMINISTRATION

SECTION 30.00 INTENT

It is hereby provided that the provisions of this ordinance shall be administered and enforced by the Zoning Administrator or other township official so designated by the Township Board.

SECTION 30.01 RESPONSIBILITY

Before beginning or undertaking any work, it shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing or remodeling of any building or structure, to see that a proper land use permit and a proper building permit have been granted therefore, and that such work and land use is in conformity with the provisions of this ordinance.

SECTION 30.02 CONFORMANCE

A land use permit shall not be issued to erect or alter a building or structure, or to make a use of land or make any changes in use thereof, unless the same shall be in conformity with the provisions of this ordinance. The Zoning Administrator shall record nonconforming uses and structures according to provisions in Section 26.08(A).

SECTION 30.03 APPLICATIONS FOR PERMITS

- A. Land Use Permits.** Applications for land use permits shall be filed with the Zoning Administrator upon forms furnished and approved by the Township Board. The application shall be printed in ink or typewritten, and shall be submitted with information required, herein. Applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.
- B. Special Land Use Permits.** Applications for special land use permits shall be filed with the Zoning Administrator upon form furnished and approved by the Township Board. The form shall be completed and submitted, along with other materials, to the Township Planning Commission. The Township Planning Commission reviews the application and related documents and, after a public hearing, transmits a

recommendation to the Township Board. If the Township Board approves the request for a special land use, the Board shall instruct the Zoning Administrator to issue a special land use permit. If any and all conditions are complied with, the Zoning Administrator may then issue a land use permit. Additional requirements for special land uses are in Article 22, herein.

SECTION 30.04 EVIDENCE OF OWNERSHIP

All applications for permits under the provisions of this ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.

SECTION 30.05 PLANS

- A. Enforcement by Zoning Administrator.** The Zoning Administrator shall have the power to issue land use permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
- B. Appropriate Plan.** It shall be unlawful for the Zoning Administrator to approve any plans or issue permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a land use permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by the appropriate plot plan, site plan, or pre-preliminary plat.

 - 1. Plot Plans.** Plot plans are required for all single-family and two-family dwellings when constructed on individual lots.
 - 2. Site Plans.** Site Plans are required for all special land uses; all land uses in the following zoning districts: PCS, B-1, B-2, ES, OS, PIRO, M-1, M-2, ROM, EI; all platted and condominium subdivisions; all developments in the MHP district; all CDO and PUD developments; shared driveways and private roads; and other uses specified in this ordinance.
 - 3. Pre-Preliminary Plats.** Pre-preliminary plats for residential subdivisions shall be submitted for approval according to the Tyrone Township Subdivision Control Ordinance.
- C. Required Plans.** Plot plan, site plan and pre-preliminary plat are required.

1. Plot plan requirements are listed in Section 21.25.
2. Site plan requirements are listed in Section 23.02.
3. Pre-preliminary plat requirements are listed in the Tyrone Subdivision Control Ordinance.

SECTION 30.06 FEES

The Township Board shall, by resolution, determine and set- the fees to be charged for:

- All permits, certificates and copies thereof;
- Fees for appeals to the Zoning Board of Appeals;
- Fees for application to the Planning Commission for special land use approval and/or site plan review;
- Fees for rezoning applications; and
- Fees for all other applications and services provided for in this ordinance.

SECTION 30.07 VOIDING OF PERMIT

Any use permit granted under this section shall become null and void unless the permitted use has been constructively undertaken within one (1) year of the granting of the permit.

SECTION 30.08 INSPECTIONS

It shall be the duty of the Zoning Administrator to inspect all properties with use permits to assure conformance with the intent of the permits.

SECTION 30.09 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy issued by the Livingston County Building Department may be accepted by the Zoning Administrator as proof of compliance with all structural requirements of the use permit. The Zoning Administrator shall certify as to the

conformance of existing uses with the use permit, in his inspection pursuant to Section 30.08.

SECTION 30.10 RECORDS

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this ordinance, shall be filed with the Township Clerk and be a part of the township records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee as determined by the Township Board.

SECTION 30.11 REPEAL OF PRIOR ORDINANCE

The zoning ordinance previously adopted by the Township of Tyrone and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 30.12 INTERPRETATION

- A. Minimum Requirements.** For interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, other than the above described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.

- B. Ordinance Restrictions.** Where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.

- C. Health, Safety and Welfare.** Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Uses, districts, zoning classifications and permissible activities are hereby declared

to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 30.13 VIOLATIONS

- A. Reporting Violations.** Any and all buildings or land use activities considered possible violations of this ordinance observed by or communicated to a township official or employer shall be reported to the Zoning Administrator.
- B. Inspection.** The Zoning Administrator shall inspect each alleged violation he/she observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- C. Correction.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or in such longer period of time, not to exceed three (3) months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Attorney, who is authorized to and shall initiate procedures to eliminate such violation.
- D. Civil Infractions.** Any person, firm or corporation who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine, costs or other sanctions for each infraction as set forth in the Tyrone Township Civil Infractions Ordinance. All fines shall be paid to the Tyrone Township Municipal Ordinance Violations Bureau. Repeat offenses shall be subject to increased fines, plus any other costs and other sanctions, for each infraction, as set forth in the Tyrone Township Civil Infractions Ordinance. "Repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provisions of this Zoning Ordinance (i) committed by a person within a period specified in the Tyrone Township Civil Infractions Ordinance and (ii) for which the person admits responsibility or is determined to be responsible.

SECTION 30.14 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

SECTION 30.15 RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

REVISIONS:

- 2012 MAY – Added PCS references; deleted CDO and PUD developments from 30.05.B.2.
- 2013 JANUARY – Added PIRO to 30.05.B.2.
- 2014 SEPTEMBER – Added shared driveways and private roads to 30.05.B.2.

**ARTICLE 31
SEVERABILITY**

SECTION 31.00 SEVERABILITY

This ordinance and the various articles, sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

**ARTICLE 32
RESPONSIBILITY**

SECTION 32.00 GENERAL RESPONSIBILITY

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the ordinance, and said Board is hereby empowered, in the name of Tyrone Township to commence and pursue any and all necessary and appropriate action and/or proceedings in the Circuit Court of Livingston County, Michigan, or any other court having jurisdiction.

The Township Board also is empowered to restrain and/or prevent any noncompliance with or violation of any provisions in this ordinance, and to correct, ready and/or abate such noncompliance or violation. And it is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

**ARTICLE 33
ENACTMENT**

SECTION 33.00 ENACTMENT

The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of the Township of Tyrone and are hereby ordered to become effective thirty (30) days after the date of its publication as required by law. Such publication shall be preceded by a public hearing and by approval by the Township Board, in that order. The effective date of this ordinance is hereby declared to be February 6, 2008.