

**ARTICLE XIV
SUPPLEMENTAL REGULATIONS**

Section 14.01 PURPOSE

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

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

Section 14.02 EXISTING USES OF LANDS, BUILDINGS AND STRUCTURES.

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

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

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

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

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

Section 14.04 SCOPE OF ORDINANCE.

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

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

Section 14.05 AREA LIMITATIONS.

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

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

Section 14.06 LIMITATION OF STRUCTURES UPON LOTS OR PARCELS.

There shall be no more than one (1) principal building or structure located on a lot or parcel except in accordance with Section 14.42 of this Zoning Ordinance. See Sections 3.07 D. and G.

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

Section 14.07 ACCESSORY BUILDING PROVISIONS.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. Accessory building shall be erected only in the rear yard, unless said building is being constructed pursuant to a Special Use Permit, and in that case, the Township Board after receiving the recommendation of the Planning Commission may authorize the location of the accessory building in any required yard.
- C. Accessory buildings located on lots and parcels in all Zoning Districts shall be subject to the following regulations:

LOT OR PARCEL AREA	REGULATION	RANGE OF MAXIMUM TOTAL FLOOR AREA OF ACCESSORY BUILDINGS*
1) 12,000 sq. ft. to under 2 acre.	4% of lot area up to a maximum of 600 sq. ft.	480 - 600 sq. ft.
2) 2 acre to under 1 acre.	3% of lot area up to a maximum of 800 sq. ft.	650 - 800 sq. ft.
3) 1 acre to under 20 acres.	2% of lot or parcel area, except that commercial agricultural farm operations shall be excluded from this regulation.	870+ sq. ft.
4) Over 20 acres.	No limit.	No limit.

*The above regulation of the total floor area of all accessory buildings located on a lot or parcel of land would result in the gradation of the total square footage of such buildings based upon the progressively larger size of lots or parcels. The relationship between the lot or parcel size and such accessory buildings would result in a fairer and more uniform application of such regulation as compared with the current maximum of 800 square feet of accessory buildings currently applied to all sizes of lots and parcels.

- D. No detached accessory building shall be located closer than ten (10) feet to any main building. In those instances where the rear lot line is in common with an alley right-of-way, the accessory building shall not be closer than twenty (20) feet to such a rear lot line. In no instance shall an accessory building be located within a dedicated easement right-of-way.
- E. No detached accessory building in AR, SFR, MFR, NSC, OS Districts shall exceed one (1) story or twenty (20) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in said districts.
- F. When accessory buildings or structures are located on a corner lot, they shall not be located in any front yard or side yard, but if it is determined by the Zoning Administrator that there is insufficient rear yard in which to locate them, the Zoning Administrator shall determine the most appropriate location for them in the side yard with minimum encroachment upon the required side yard setback area.
- G. When an accessory building in any Residential, Commercial or Office District is intended for other than the storage of private motor vehicles, the accessory use shall be subject to the approval of the Planning Commission.
- H. In no instance shall an accessory building be allowed until there is a principal building or structure located on the lot or parcel of land.
- I. No accessory building or structure shall be used as a dwelling, lodging or sleeping quarters for human beings, except as otherwise permitted in this Ordinance.
(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 12 eff. Sept. 5, 1986; Ord. No. 20 eff. Feb. 8, 1989; Ord. No. 82 eff. Apr. 5, 1999; Ord. No. 97 eff. Feb. 23, 2000)

Section 14.08 USE OF YARD SPACES AROUND DWELLINGS.

No required yard surrounding a dwelling, building or structure utilized for dwelling purposes shall be employed, occupied or obstructed by accessory buildings or structures, either permanently or temporarily, provided however, that a side or rear yard may be used for the parking of not more than five (5) passenger automobiles in active service, but not for the storage of trucks, or for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, second-hand building materials, or other discarded, disused or rubbish-like materials or structures, except as otherwise provided in this Zoning Ordinance. See Section 14.33.

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

Section 14.09 LOT-BUILDING RELATIONSHIP.

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

relocation shall comply with all setback requirements of this Ordinance for the district in which the project is located and shall be approved by the Zoning Administrator.
(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 14.10 ACCESSORY BUILDING AS DWELLING.

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in this Ordinance.
(Ord. No. 1 eff. Jan. 8, 1983)

Section 14.11 BASEMENT AS DWELLING.

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

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

Section 14.12 DAMAGED BUILDINGS.

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

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

Section 14.13 REQUIRED WATER SUPPLY AND WASTEWATER DISPOSAL FACILITIES.

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

- A. No structure for human occupancy or use shall hereafter be erected, altered, or moved unless it shall be provided with a safe, sanitary and potable water supply and a safe effective means of collection, treatment, and disposal of wastewater.
- B. No drain field for a septic tank system shall be located nearer than fifty (50) feet from the normal high water line of any surface body of water nor located in an area where the base of the drain field is less than four (4) feet above the normal high water table level.
- C. Refer to Ordinance No. 21 Waste Water Collection and Treatment System Ordinance for additional regulations.
- D. Refer to Ordinance No. 181 Water Use and Rate Ordinance for additional regulations.
(Ord. No. 1 eff. Jan. 8, 1983)

Section 14.14 GREENBELT BUFFER. Replaced by Article XXVIII - Landscaping Requirements.

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

Section 14.15 ACCESS TO A PUBLIC ROAD OR HIGHWAY.

Moved to Section 26.03 eff. 7/14/03.

Section 14.16 ACCESS THROUGH RESIDENTIAL DISTRICTS.

Moved to Section 26.06 eff. 7/14/03.

Section 14.17 FRONTAGE ON PUBLIC ROAD OR HIGHWAY.

Moved to Section 26.02 eff. 7/14/03.

Section 14.18 VISIBILITY AT INTERSECTIONS.

Moved to Section 26.07 eff. 7/14/03

Section 14.19 ROAD CLOSURES.

Moved to Section 26.08. Eff. 7/14/03.

Section 14.20 CURB CUTS FOR DRIVEWAYS.

Moved to Section 26.11 eff. 7/14/03.

Section 14.21 HEIGHT REGULATIONS.

The height requirements established by this Ordinance shall apply uniformly in each zoning district to every building and structure except that the following structures and appurtenances shall be exempt from the height requirements of this Ordinance: spires, belfries, penthouses and domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulkheads, utility poles, power lines, radio and television broadcasting and receiving antennae, silos, parapets and other necessary mechanical appurtenances; provided, their location shall conform where applicable to the requirements of the Federal Communications Commission, the Michigan Aeronautics Commission, other public authorities having jurisdiction and any regulations established by authorized federal, state, county and township agencies and the provisions of P.A. 23 of 1978, "The Airport Zoning Act." (Ord. No. 1 eff. Jan. 8, 1983; amended by Ord. No. 229 eff. July 24, 2009)

Section 14.22 LANDSCAPE REQUIREMENTS. All uses shall meet the requirements of Article XXVIII, Landscaping Requirements and Section 14.35, Fences, except for single family and duplex homes located in platted subdivisions on separate lots or on separate metes and bounds parcels of land.

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

Section 14.23 SHORELINE EXCAVATION AND DREDGING.

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

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

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

Section 14.24 ESSENTIAL SERVICES.

- A. This shall include the erection, construction, alteration or maintenance by public utilities, municipal departments, or other governmental agencies of underground or overhead gas, electrical communication, steam or water transmission or distribution systems or collection, supply or disposal systems; including electric power stations, relay stations, gas regulator stations, pumping stations, poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police or other call boxes, traffic signals, hydrants and other similar facilities, equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health or safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication, or manufacture of materials used by such utilities or municipal departments or other governmental agencies except when located in the Zoning Districts in which they are permitted.
- B. No building shall be used for human occupancy.
- C. An opaque fence or screening materials may be required by the Township Planning Commission when deemed necessary.
- D. The surface of land used for pipeline and other essential services right-of-ways or easements shall be restored and maintained as near as possible to its original condition prior to the construction of the pipeline.
- E. Essential service in all Districts shall meet the requirements of the SFR Single Family Residential District for all buildings, structures and areas used for offices, power generators, power transformers, storage, fabrication or manufacture of materials necessary to the provision of essential services. See Sections 14.50 and 20.08 E.
- F. Refer to Ordinance No. 85 Pipeline Ordinance for additional regulations and Refer to Ordinance No. 204 Ordinance to Approve with reservations, a Uniform Video Service Franchise Agreement Submitted by Comcast.
(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 14.25 SWIMMING POOLS (OUTDOOR).

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

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

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

H. Above ground pools require removable ladders, or deck with self latching gate. (Ord. No. 240 eff. September 3, 2010)

Section 14.26 HOME OCCUPATIONS AND ON-SITE SALES.

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

- A. The nonresidential use shall be only incidental to the primary residential use.
- B. The occupation shall utilize no more than twenty-five (25) percent of the ground floor area of the principal structure or an accessory structure not to exceed twenty-five (25) percent of the gross floor area of the principal structure.

- C. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses and professional office shall be used to accommodate the home occupation.
- D. The home occupation shall involve no employees other than members of the immediate family residing on the premises except one non-resident employee shall be permitted per dwelling unit.
- E. All activities shall be carried on indoors. No outdoor activities or storage shall be permitted.
- F. No alterations, additions, or changes to a principal or accessory structure which will change the residential character of the dwelling structure shall be permitted in order to accommodate or facilitate a home occupation.
- G. There shall be no external evidence of such occupations except a small announcement sign not to exceed two (2) square feet in area and attached to the principal or accessory structure.
- H. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of Residential Districts, in terms of use and appearance, to be changed by the occurrence of home occupations.
- I. Garage sales, rummage sales, yard sales and similar activities may be conducted for no longer than three (3) days and no more than twice per calendar year on the same property. (Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 97 eff. Feb. 23, 2000, further amend. by Ord. No.107 eff. May 24, 2000)

Section 14.27 TEMPORARY BUILDINGS AND STRUCTURES.

Temporary buildings and structures, including informational, for sale and similar signs, are permitted during the period of construction, and sales involving change of ownership or rental occupancy. Such buildings, structures and signs shall be removed upon completion or abandonment of construction, sale or rental activities and prior to occupancy and use of the building or structure for permitted uses. Also refer to Sections 14.37 and 16.10 for permits to park or use mobile homes on a temporary basis.

Also, refer to Sections 14.34 and 14.37.
(Ord. No. 1 eff. Jan. 8, 1983)

Section 14.28 SOLID WASTE RECEPTACLE AREAS.

- A. **Truck-lifted or transported receptacle areas.** All such receptacle areas shall be enclosed by a six (6) foot high wooden or a masonry wall to prevent the unsightly deposit or collection of solid waste and prevent children and pets from having access to these areas.
- B. **Man-lifted or transported receptacle areas.** All such receptacle areas shall be enclosed by a four (4) foot high wooden or a masonry wall to prevent the unsightly deposit or collection of solid waste and to prevent children and pets from having access to these areas. (Ord. No. 1 eff. Jan. 8, 1983)

Section 14.29 EXTERIOR LIGHTING.

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

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

Section 14.30 DRIVEWAY ENTRANCES AND GATES.

Moved to Section 26.12 eff. 7/14/03

Section 14.31 RATIO OF LOT WIDTH TO LOT DEPTH.

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

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

Section 14.32 FRONTAGE ACCESS ROADS OR SERVICE ROADS.

Moved to Section 26.04. Eff. 7/14/03.

Section 14.33 OUTDOOR PARKING OR STORAGE OF RECREATIONAL VEHICLES, COMMERCIAL VEHICLES AND TRUCKS ON RESIDENTIAL LOTS AND PARCELS:

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

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

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

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

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

Section 14.34 TEMPORARY USE.

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

Also, refer to Sections 14.27 and 14.37.

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

Section 14.35 FENCES.

- A. Any permanent fence, partition, structure, or gate erected as a dividing marker, barrier, or enclosure, and not a part of a structure for which a building permit is required. An ornamental fence is one that is less than four (4) feet in height, normally used in setting off planting areas, may be located on a property line of a lot or parcel provided the owner of the adjacent parcel agrees in writing to the location of the fence on the mutual property line; otherwise the fence shall be located adjacent to the mutual property line.
- B. The erection, construction, or alteration of any fence or other type of protective barrier shall be approved through a permit by the Zoning Administrator as to their conforming to the requirements of the zoning districts herein they are required because of land use development.

- C. Delete entire section – Amendment #208 eff. June 28, 2007.
- D. Any existing fence not in conformance with this Ordinance shall not be altered or modified except to make it more conforming.
- E. Fences, not including farm fences, which are not specifically required otherwise under the regulations for the individual zoning districts shall conform to the following requirements:
 - 1) No fence shall hereafter be erected along the line dividing lots or parcels of land or located within any required side or rear yard in excess of six (6) feet, or less than three (3) feet in height above the grade of the surrounding land.
 - 2) No fence shall hereafter be located in any required front yard except as provided in this Section 14.35 and where otherwise specified in this Ordinance.
 - 3) Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence is prohibited. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interests of public safety.
 - 4) In an Industrial District, no fence shall exceed twelve (12) feet in height.
 - 5) Electric current or charged wire fencing shall be permitted in all districts on lots or parcels of land five (5) acres or more in area for the purpose of containing pet and domestic animals. Underground invisible electric current wiring shall be permitted in all Districts on all lots or parcels of any size in area for the purpose of containing pet animals.
 - 6) No fence or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection. Such unobstructed corners shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner, from the intersection of the street property lines extended. This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height.
- F. Also refer to Sections 28.08 and 28.09 of Article XXVIII, Landscaping Requirements.

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

Section 14.36 WALLS, FENCES AND PROTECTIVE SCREENING.

- 1) Refer to Article XXVIII, Landscaping Requirements for Required Screening for specified uses and uses permitted in zoning districts.
- 2) Refer to Sections 28.08 and 28.09 of Article XXVIII, Landscaping Requirements for Walls and Fencing, and to Section 14.35, Fences, for additional requirements.
(Ord. No. 74 eff. Sept. 30, 1998; amend. by Ord. No. 97 eff. Feb. 23, 2000)

Section 14.37 MOBILE HOMES LOCATED OUTSIDE OF A MOBILE HOME PARK.

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

- A. Mobile homes shall be permitted when parked by visitors in the yard of a permitting dwelling owner or lessee without charge, upon application by the owner or the issuance of a Temporary Permit by the Zoning Administrator. Application shall be made at least three (3) days prior to the date of arrival. The property owner or lessee shall present a written agreement to furnish the occupants of the mobile home with sanitary facilities approved by the Township. A Temporary Permit may only be issued to one (1) mobile home at a time in any one location and shall be valid for a maximum period of thirty (30) days. Extensions of time shall not be permitted and the mobile home shall be removed from the property on or before the 30th day of the permit period.

- B. A mobile home shall be a permitted use when it is to be temporarily located on the lot or parcel of a free title owner or land contract purchaser upon the application by the owner and issuance of a Temporary Permit by the Zoning Administrator during the construction of a permanent dwelling thereon. Prior to the occupancy of a mobile home, the following procedure will be as follows:
 - 1) The location shall be deemed as not being injurious or constitute a nuisance to adjacent properties or the neighborhood.
 - 2) A "Temporary Permit" may be issued upon the approval of the location of the mobile home on the property by the Zoning Administrator and the approval of the method of providing water supply and sewage disposal service to the mobile home by the Livingston County Health Department.
 - 3) The Zoning Administrator shall issue the owner and occupant a "Temporary Permit" for temporary use of a mobile home on the property for a period of up to six (6) months, with an additional twelve (12) months allowed by the Zoning Administrator if substantial construction has been started and completed during the first six (6) month period of the permit. The mobile home shall be removed from the property at the expiration of the "Temporary Permit." The owner and occupant shall verify in a space allotted for that purpose on the permit that they have full knowledge of the terms of the permit and penalty applicable in the event of violation of the Zoning Ordinance, and that no permit shall be transferable to any other owner or occupant.

- C. Also, refer to Sections 14.27 and 14.34.
(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984; further amend. by Ord. No. 11 eff. Apr. 4, 1986)

Section 14.38 VALID NONCONFORMING USE OF MOBILE HOMES.

The use of any mobile home placed on a lot, parcel or tract of land in Howell Township prior to the effective date of this Ordinance, which use is prohibited by this Ordinance, shall be a "Valid

Nonconforming Use” that may be continued, subject to the provisions pertaining to “Nonconforming Uses” contained in Article XVII.

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

- 1) If said mobile home is removed from the lot, parcel or tract of land on which it has been located.
- 2) If said mobile home is moved from its original location to another location on the same lot, parcel or tract of land.
- 3) If the wheels of said mobile home are removed, except for repair of wheel or tire.
- 4) If any structural additions or alterations are made to a mobile home or within ten (10) feet of a mobile home or for the purpose of expanding the use of a mobile home outside of the manufactured design of the mobile home.
- 5) If said mobile home is not connected with fresh water supply and septic tank/drain field wastewater disposal system prior to or on the effective date of this Ordinance.
- 6) If the yards surrounding a mobile home are not properly maintained and become unsightly enough, in the opinion of the Zoning Administrator, to be declared a nuisance.

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

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

Section 14.39 PERFORMANCE GUARANTEES REQUIRED FOR TEMPORARY USES.

Prior to the issuance of all temporary permits pursuant to the Howell Township Zoning Ordinance, except for signs issued pursuant to Article XIX, the applicant must give performance guarantees such as performance bonds, irrevocable bank letters of credit, cash deposit or other forms of security as shall be approved by the Township Treasurer in an amount not to exceed Two Thousand Dollars (\$2,000.00), as shall be determined by the Howell Township Planning Commission, which performance guarantees are provided to insure the removal of the structure or building at the termination of the temporary permit period. The performance guarantees shall include payment to the Township of its expenses including actual attorney fees, costs and fees paid by the Township or incurred by the Township in the removal of the structure and/or building at the termination of the permit period. The bond shall be good for ninety (90) days beyond the date of the permit expiration. Refer to Sections 14.27, 14.34, 14.37 and Section 20.15.

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

Section 14.40 LICENSED OR REGISTERED FAMILY DAY-CARE HOMES.

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

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

CARE FACILITIES FOR ADULTS AND CHILDREN

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

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

G. See Section 16.29.
(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 23 eff. Oct. 6, 1989; further amend. by Ord. No. 112 eff. August 30, 2000)

Section 14.41 ADJUSTMENT TO DIMENSIONAL REGULATIONS.

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

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

Section 14.42 MULTIPLE PRINCIPAL BUILDINGS UPON A PARCEL OF LAND.

As set forth in Section 14.06, more than one (1) principal building structure may be located on a parcel of land subject to approval by the Planning Commission following the site plan review as required by Article XX and upon compliance with this Section 14.42. In determining whether to approve the applicant's site plan under this section, the Planning Commission may consult with the Zoning Administrator, Township Planner, Township Attorney, and Township Engineer regarding the adequacy of the site plan, deed restrictions, master deed, if any, utility systems and streets, overall development layout and design and compliance with all the requirements of Act 59 of Public Acts of 1978, as amended, if the proposed project is a condominium.

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

Section 14.43 DRIVEWAYS AND ROAD APPROACHES.

Moved to Section 26.10 eff. 7/14/03.

Section 14.44 SETBACK REQUIREMENTS ALONG M-59, GRAND RIVER ROAD AND OAK GROVE ROAD AND COUNTY PRIMARY ROADS.

Moved to Section 26.05 eff. 7/14/03.

Section 14.45 LIMITATIONS ON THE NUMBER OF DRIVEWAYS ON DESIGNATED ROADS.

Moved to Section 26.09 eff. 7/14/03.

Section 14.46 LOT SPLITS, PLATTED LOTS, SUBDIVISION, SITE CONDOMINIUMS AND DEVELOPMENTS ALONG M-59, GRAND RIVER ROAD AND OAK GROVE ROAD AND COUNTY PRIMARY ROADS.

Moved to Section 26.14 eff. 7/14/03.

Section 14.47 ACCESSORY RESIDENTIAL USES.

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

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

Section 14.48 COMMON DRIVEWAYS.

Moved to Section 26.13 eff. 7/14/03.

Section 14.49 RETENTION OR DETENTION PONDS LOCATED ON ADJACENT PARCELS OF LAND.

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

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

- C. If a detention and/or retention pond is to be shared by all lots or parcels of land located within a subdivision of land, but the pond is completely located off-site from such lots or parcels of land, but within the boundaries of a subdivision of land of which such lots or parcels are a part, the lot or parcel of land upon which a pond is located shall meet all of the requirements of a structure, including those for setbacks from all property lines and highway and road right-of-way lines, provided that the pond shall be designed and built to meet the storm water volume required for the ultimate development of all lots and parcels included in the subdivision of land as determined by and/or approved by the Livingston County Drain Commissioner. Such a pond may be built in phases as development of the lots or parcel of land occurs, provided that an adequate area of land for such ponds is reserved to serve the ultimate development of all lots or parcels in the land subdivision.

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

Section 14.50 UTILITY EASEMENTS ALONG AND ADJACENT TO RIVERS AND STREAMS.

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

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

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

Section 14.51 WATER SUPPLY AND DISTRIBUTION FOR IRRIGATION PURPOSES.

All water systems and use of water in Howell Township shall meet the provisions of the "Water Use and Rate Ordinance" of Howell Township. Land uses located on lots and parcels not located in a Howell Township established water district shall be permitted to drill their own onsite wells as an accessory use for the purpose of constructing on site water irrigation distribution systems. Land uses located in a Howell Township established water district shall be required to apply for a special use permit in accordance with Article XVI "Special Uses" of this Ordinance, except that a special use permit shall not be required for any lot or parcel or portion of a lot or parcel of land connecting to the Township

public water supply and distribution system which irrigates a contiguous area on a lot or parcel which is less than 12,000 square feet in area including those previous areas with exposed soil capable of growing vegetation, but not including those impervious areas covered by buildings, paved areas and other structures.

Section 14.52 HAZARDOUS MATERIALS Whenever hazardous materials are involved with any permitted use in this Zoning Ordinance, the applicant shall refer to Ordinance No. 53 Hazardous Spill Recovery Ordinance for additional regulations.

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

Section 14.53 LAND USES RESULTING IN PUBLIC NUISANCE ACTIVITIES Refer to Ordinance No. 123, Public Nuisance Ordinance for additional regulations.

Section 14.54 OUTDOOR FREESTANDING FURNACES AND BOILERS

A. An outdoor freestanding furnace or boiler is defined as a furnace, stove, boiler or any other similar type of solid or liquid material burning device which is constructed or installed outdoors on a lot or parcel for the purpose of transmitting dry heat or heated liquids produced by them over extended periods of time from it to buildings or other structures located on the same lot or parcel.

B. The Applicant shall submit a Site Plan showing the location of the proposed outdoor furnace or boiler structure on the site and all existing or planned buildings and structures located or to be located on the site and the required side and rear yard setbacks of the lot or parcel and those of all properties adjacent to the rear yard of the Applicants lot or parcel.

C. Spacing and Setback Requirements

The furnace, stove or boiler shall be located in the rear yard of a lot or parcel upon which it is located and be at least ten (10) feet from all onsite buildings.

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

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

D. Limitations on Types of Fuels to be Used in Outdoor Furnaces, Stoves or Boilers

Outdoor furnaces, stoves or boilers shall only burn seasoned firewood, processed liquid fuels, dried corn cobs and stalks and other biomass burnable materials which have been specifically processed and designed to be burned in them.

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

E. An area surrounding the furnace or boiler shall be kept clear of all types of burnable materials for a distance of at least five (5) feet in all directions.

F. The Applicant shall submit evidence that the proposed installation of the outdoor furnace or boiler will comply with the manufacturer's specifications with particular reference of the specific fuels to be

burned in the model of outdoor furnace, stove or boiler to be constructed or installed in accordance with the Site Plan as presented for consideration and approval..

G. The plans for each installation of an outdoor furnace or boiler on a lot or parcel shall be reviewed by the County Construction Code Administrator and the Township Fire Marshall for compliance with their respective regulations with the reports of the County Construction Code Administrator and the Township Fire Marshall submitted to the Township.

H. When the use of fuel produces discernable smoke, odor or fly ash, as determined by a reasonable person, that impact adjoining properties the Township may impose any additional requirements, such as extending the height of a chimney to mitigate any objectionable effects.
(Amended by Ord. 239 eff. Sept. 3, 2010)