

ARTICLE XVI SPECIAL USES

Section 16.01 PURPOSE.

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

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

Section 16.02 AUTHORITY TO GRANT PERMITS.

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

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

Section 16.03 APPLICATION AND FEE.

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

Section 16.04 DATA, EXHIBITS AND INFORMATION REQUIRED IN APPLICATIONS.

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

Section 16.05 PUBLIC HEARING.

A. NOTICE REQUIREMENTS

- 1) The Planning Commission must hold a public hearing on the application for a special use permit and give notice as set forth below.
- 2) Notice must be given as follows:
 - a) The Township must publish notice in a newspaper of general circulation in the Township; and
 - b) The Township must also send notice by mail or personal delivery to the owners of property for which approval is being considered; and
 - c) The Township must also send notice to all persons to whom real property is assessed within 300 feet of the property, and to the occupant of all structures within 300 feet of the property regardless of whether the property or occupant is located in the Township.
- 3) The notice must be given not less than 15 days before the date the applicant will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification.

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

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

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

Section 16.06 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.

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

- A. Will be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance in terms of their uses, activities, processes, materials, equipment and

conditions of operation, that will be detrimental to any persons, property, or the general welfare of the surrounding area in which it is located due to excessive production of traffic, noise, smoke, fumes, glare, or odors.

- B. Will be designed, constructed, operated, maintained and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services; such as, highways, roads, water supply systems, wastewater disposal systems, police and fire protection, storm water drainage systems, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed special use shall be able to provide adequately any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities, utilities and services.
- F. Will not have a substantial adverse impact upon the natural resources and environment of the lot or parcel upon which it is to be located and adjacent areas, including, but not limited to prime agricultural areas, forest and woodlot areas, lakes, rivers, streams, watersheds, water recharge areas, flood ways, and wildlife areas.

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

Section 16.07 SITE PLAN REVIEW.

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

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

Section 16.08 JUNK YARDS

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

- A. Junk yards shall be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the **I District**, and shall be located on sites which are completely screened by opaque fences, walls or screen plantings from adjacent properties and public view.

- B. An opaque fence or wall at least seven (7) feet in height and not less in height than the height of the junk or salvageable materials, equipment, parts or supplies located within the fenced or walled area of the lots or parcel on which the junkyard is located shall screen the salvage or junk yard from public view. The fence or wall shall be located no closer to the property lines of the lot or parcel than the required yard setbacks for buildings. All gates, doors and access ways through said fence or wall shall be solid, like the fence or wall, and closed when not in use as an access way. No junk or salvageable materials, equipment, parts or supplies shall be located outside the fence or wall between the property line and the fence or wall.

1) Salvage and Junk Yards shall meet the landscaping requirements specified in Section 28.03A and other appropriate Sections of Article XXVIII, Landscaping Requirements.

- C. All traffic ingress or egress shall be on major roads, as defined in Section 14.15, 14.16, 14.18, 14.20 and 14.33, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- D. On the lot on which a junkyard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall have their surfaces paved or treated so as to limit on adjoining lots and public roads the nuisance caused by windborne dust.
- E. Refer to Ordinance No. 4. Litter and Junk for additional regulations.

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

Section 16.08.1 INOPERATIVE VEHICLES AND EQUIPMENT.

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

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

Section 16.09 MOBILE HOME PARKS.

Replaced by Article XXIX- Manufactured Housing Developments or Communities by Ord. No. 97 eff. Feb. 23, 2000.

Section 16.10 TEMPORARY LOCATIONS OF MOBILE HOMES.

- A. Mobile homes shall be permitted when lawfully located within a licensed mobile home park.
- B. Mobile homes shall be permitted when located on a farm having eighty (80) acres or more with a minimum of sixty (60) acres being contiguous, under a "Temporary Permit" for the occupancy of farm workers. The farm owner or lessee shall first make written application to the Zoning Administrator, who shall issue the permit for one (1) or more mobile home units if they meet the following conditions:

- 1) The location of each unit is not to be less than 200 feet from any public highway and/or boundary of adjoining property.
 - 2) An adequate pure water supply and sanitary facilities are conveniently nearby and available to meet all public health and safety requirements of the occupants of each mobile home. This permit shall be valid only for a period of up to sixty (60) days. The mobile home is to be removed from the property at the expiration of the "Temporary Permit".
- C. Mobile homes shall be permitted for construction contractor purposes when located on a construction site approved by the Zoning Administrator. The applicant must furnish all pertinent data, including description of land to be used, number of mobile home units involved, and the expected length of construction time. The Zoning Administrator must verify that (a) the location of units will be not less than 200 feet from any public highway and/or boundary of adjoining property, and (b) adequate fresh water supply and sanitary facilities are available on the site. A Temporary Permit shall be issued covering the period of the specific construction job, not to exceed one (1) year; subject to an extension approved by the Township Board for good cause which shall not exceed one (1) year.

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

Section 16.11 Transferred to Article XIV and designated as Section 14.38 by Ordinance No. 10 effective May 3, 1984.

Section 16.12 TEMPORARY TRANSIENT AMUSEMENT ENTERPRISES.

The following provisions shall apply in addition to all applicable regulations in the District in which they are to be located:

- A. All Temporary Transient Amusement uses shall be located on sites large enough so as not to occupy or cover more than fifty (50) percent of the area of a lot or parcel upon which it is located.
- B. All fenced-in areas shall be set back at least 100 feet from any front road or property line.
- C. Side or rear yards shall be at least 100 feet in depth from all adjacent lots or parcels.
- D. All traffic ingress or egress shall be on major roads and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements onto or off from public roads. All points of entrance or exit for motor vehicles shall be located no closer than 200 feet from the intersection of any two (2)

roads or highways.
(Ord. No. 1 eff. Jan. 8, 1983)

E. Refer to Ordinance No. 6 Assembly Ordinance for additional regulations.

Section 16.13 GASOLINE SERVICE STATIONS.

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

- A. **Frontage and area.** Every gasoline service station shall have a minimum frontage of 200 feet and a minimum area of 30,000 square feet.
- B. **Setbacks.** Every structure, including gasoline pumps and other equipment, erected or installed for use as a gasoline service station shall have a minimum setback from the road right-of-way as required by the regulations in the zone in which they are to be located, and a minimum setback from all property lines of twenty-five (25) feet.
- C. **Construction standards.** All vehicle service areas shall be constructed to conform to the following standards:
 - 1) Suitable separation shall be made between the pedestrian sidewalk and vehicular parking or moving area with the use of appropriate bumper, wheel guards or traffic islands.
 - 2) The entire area used for vehicle service shall be paved with a hard surface, except for such unpaved area as is landscaped and protected from vehicle use by a low barrier.
 - 3) Hydraulic hoist, lubricating, greasing, washing, and repair equipment shall be entirely within a building. Tire and battery service and minor automobile repair, excluding automobile body repair and painting, are permitted if conducted entirely within a building.
 - 4) The maximum widths of all driveways at the public sidewalk crossing or street line shall be no more than twenty-four (24) feet.
 - 5) Minimum angle of driveway intersection with the roadway from the curb line to lot line shall be no less than sixty (60) degrees.
 - 6) The minimum distance of any driveway from any property line shall be at least twenty (20) feet.
 - 7) The minimum distance between roadway curb cuts shall be no less than forty (40) feet.
 - 8) No gasoline service station shall be permitted within three hundred (300) feet of a wellhead protection area.
- D. **Lighting.** All lighting shall be installed in a manner so that no illumination source is visible beyond all property lines. See Section 14.29
- E. The following accessory uses are permitted:

- 1) Car washes.
- 2) Sale of retail convenience store items.
- 3) Sale of food for stand-up or take-out consumption, but not including sit-down dining tables and chairs for the purpose of serving to or consuming food by customers.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. No. 76 eff. Sept. 30, 1998)

Section 16.14 SANITARY LANDFILLS.

Sanitary landfills shall (1) only be located in the AR District, (2) only if planned to be located in Livingston County, including Howell Township, in accordance with Public Act 641 of 1978, "The Solid Waste Management Act" and (3) with access only permitted from a hard surface paved all-weather year-around road as defined by the Livingston County Road Commission, "Road Standards".

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

Section 16.15 EXTRACTION OF NATURAL RESOURCES.

A. **Permitted uses.** The following special uses will be permitted only in the AR District:

- 1) The excavation or mining of sand and gravel.
- 2) The processing, storage, loading, and transportation of sand and gravel, incidental to its marketing.
- 3) The mining of clay.
- 4) The extraction of peat or marl.

- 5) The quarrying of stone.
 - 6) The operation of transit-mix concrete plant or an asphalt, oil, or tar-macadam batching plant.
 - 7) The operation of a concrete products plant.
 - 8) The excavation of topsoil, excluding soil attached to sod harvesting, the latter of which shall not be considered mining.
- B. **Permitted accessory uses.** Any use customarily incidental to the permitted Principal Special Use.
- C. **Extractive mining area, bulk and equipment location requirements.**
- 1) **Limits of excavation.** Sufficient setback shall be provided from all property lines and public highways, to assure adequate, lateral support. Minimum allowable setback shall be fifty (50) feet from any property line and seventy-five (75) feet from any public highway.
 - 2) **Placement of processing plants.** The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public highway.
 - 3) **Elevation of plant site.** Wherever practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
 - 4) **Management of storage piles and overburden.** Storage piles of processed material and overburden stripped from mining areas shall not be located closer than fifty (50) feet from any property line, or one hundred (100) feet from any public highway.
 - 5) Minimum site area for natural resource extraction sites under this Ordinance shall be forty (40) acres.
- D. **General requirements.** Natural resource extraction operations shall be carried out under the conditions of a Mining Permit, issued and maintained under the following requirements:
- 1) Before commencement of mining operations, the operating company shall file an operational plan with the Township Planning Commission, which plan shall be approved by the Commission, setting forth the area or areas to be mined, the location of permanent structures, the points of access upon public highways, and the highway routes to be followed in the transportation of finished materials. This plan, and any necessary subsequent revisions, shall be filed with the Zoning Administrator.
 - 2) The operational plan, which shall be submitted to and approved by the Planning Commission, shall include a determination of the net operational areas, i.e., the area stripped of overburden, the area being mined, the area used for structures and storage

piles, and worked-out areas which have not been reclaimed. Performance bonds, hereinafter considered in relation to the reclamation of the area, shall be calculated on the basis of the net excavation and operational area as measured in acres.

- 3) Upon commencement of mining operations, perimeter controls shall be established for the mining area:
 - a) The mining area shall be enclosed within a six (6) foot high solid wall or fence or by a screen planting or hedge fence of similar capability.
 - b) The property shall be posted against trespass, with conventional signs placed not more than 100 feet apart.
- 4) Sight barriers shall be provided along all boundaries which lack natural vegetative or terrain conditions which provide effective screening of mining operations. Sight barriers shall consist of one (1) or more of the following:
 - a) Earth berms, which shall be constructed to a height of six (6) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six (6) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees, and shrubs.
 - b) Screen plantings of coniferous or other suitable species at least six (6) feet in height, in rows parallel to the boundary of the property, with the spacing of rows and the spacing of trees within rows which shall be sufficient to provide effective screening.
 - c) Masonry walls or solid fences which shall be constructed to a height of six (6) feet, and colored so as to blend into the surroundings.
- 5) Noise and vibration shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings. In addition, all equipment used for the production of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noises and vibrations which are injurious or substantially annoying to persons living in the vicinity.
- 6) Air pollution in the form of dust and dirt shall be kept at a minimum. All equipment used for production of sand and gravel shall be operated in such a manner as to minimize, insofar as is practicable, dust conditions which are injurious or substantially annoying to persons living in the vicinity. Interior roads serving the mining operation shall be paved, treated, or watered, insofar as is practicable, to minimize dust conditions.
- 7) No mining operation shall interfere with the natural established flow of surface waters from adjoining lands. In particular, no mining operation shall result in the diversion of

waters from one watershed to another without express permission from the Michigan Water Resources Commission, Department of Environmental Quality.

- 8) No mining of sand or gravel shall take place within one hundred (100) feet of the margin of any stream or waterway without express permission of the Michigan Water Resources Commission, Department of Environmental Quality.

E. Reclamation of mined areas.

- 1) All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed in accordance with the plan approved by the Planning Commission. Wherever the operational plan shall permit, reclamation shall be accomplished concurrently with phased mining operations, i.e., a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining, and a third phase area may be being stripped of overburden. Substantial completion of reclamation shall be effected for one phase of the three (3) permitted to be opened at any one time for extraction purposes prior to the proceeding with the next approved phase. After all extraction operations are completed, the final phases of extraction shall be reclaimed in accordance with the approved final reclamation plan within one (1) year after all extraction has been completed.
- 2) Before commencement of mining operations, the operating company shall submit a generalized reclamation plan to the Planning Commission, setting forth the intended disposition of all land and water areas, the proposed configuration of the terrain as shown on a topographic map, a plat of any proposed streets or other improvements to be made upon the property, and a general statement of the intended final utilization of the mined property. This plan, and any subsequent revisions, shall be approved by the Planning Commission before any zoning permit is issued by the Zoning Administrator.
- 3) Rehabilitation and Reclamation of natural resource extraction areas shall be in accordance with the following standards:
 - a) All excavation shall have either a water depth of not less than ten (10) feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, nonflammable, and noncombustible solids in accordance with the approved Reclamation Plan in order to insure:
 - 1) that the excavated area shall not collect and retain stagnant water, or
 - 2) that the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce gently rolling surfaces that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

- b) The finished grade of all slopes resulting from excavations shall not be steeper than one (1) foot vertical to three (3) feet horizontal.
 - c) Top soil of a quality equal to that occurring naturally in the surrounding area shall be replaced on all excavated areas not covered by water, except those areas where streets, beaches, or other planned improvements are planned. Top soil shall be applied to a depth of at least four (4) inches.
 - d) Vegetation shall be restored by the appropriate planting of grass, trees and shrubs, in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
 - e) Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment.
- 4) The operating company shall post a minimum financial guarantee in the amount of \$5,000.00 for the first five (5) net operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at the rate of \$1,000.00 per each additional operational acre which exceeds the first five (5) net operational acres. The guarantee shall be provided in one of the following forms: (1) cash, (2) certified check, or (3) an irrevocable bank letter of credit, acceptable to the Township Board. Upon rehabilitation of mined acreage and reduction of net operational area, the security shall be released in accordance with the amount of security required per acre.

F. Administration of mining districts.

- 1) The following procedures shall be followed before establishing a mining operation:
- a) The operating company shall file an operational plan, in accordance with the requirements of Section 16.15E of this Ordinance. This plan may be in the form of a written statement and maps, and shall carry evidence of review and approval, if required, by any County or State agency of competent jurisdiction, in addition to the required approval of the Township Planning Commission. On the basis of this plan, the operating company shall file a statement of net area to be excavated as measured in acres.
 - b) The operating company shall file a reclamation and rehabilitation plan, subject to the requirements of Section 16.15F.2 and shall provide a financial guarantee in accordance with the requirements of Section 16.15E.4 of this Ordinance.

- c) The Township Planning Commission shall review the Operations and Reclamation plans and make its recommendation to the Township Board.
 - d) The Township Board will review the recommendation and accept or reject the plan. Upon acceptance of the plans, the Township Board will receive the financial guarantee of reclamation in accordance with Section 16.15E.4 of this Ordinance.
- 2) Before commencement of mining operations, a Mining Permit shall be issued by the Zoning Administrator upon payment of an annual fee in accordance with the established Howell Township "Fee Schedule". This fee shall defray any administrative expense rising out of the mining operation.

3) Inspections and conformance.

- a) Inspections shall be made of the mining site, not less often than twice in each calendar year by the Zoning Administrator in order to insure conformance with the requirements of the approved Special Use Permits.
- b) Any violations shall be reported in writing by the Zoning Administrator. The report shall be forwarded with a request for compliance, to the operating company by the Zoning Administrator.
- c) Failure on the part of the operating company to correct a reported violation within thirty (30) days after such request is made by the Zoning Administrator shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Ordinance and subject to the penalties of both the Ordinance and the Special Use Permit approved for the natural resource extraction operation.

G. Special requirements.

- 1) **Waiver of excavation limits.** The Township Zoning Board of Appeals may approve a reduction of the setback limits required for excavations in Section 16.15C.1 under the following conditions:
- a) The operating company shall have provided the Zoning Board of Appeals with acceptable proof that lateral support shall not be endangered.
 - b) Adjacent property owner or owners shall have given written consent to the waiver of limits for excavation.
 - c) All other requirements of this Ordinance have been met and maintained at the time of applying for and receiving approval of any waiver.

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

Section 16.16 Replaced by Article XXVII.

Section 16.17 Replaced by Article XXVII.

Section 16.18 Transferred to Article IV and designated as Section 4.03L.

Section 16.19 SINGLE FAMILY EARTH HOMES.

Single-family earth homes are permitted in the AR, and SFR Districts as long as they meet all of the requirements of the District in which they are located and the bottom edge of the earth berms surrounding the building or structure meet the height and yard setback requirements for all yards.

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

Section 16.20 SOLAR BUILDINGS.

Section Deleted: See Section 16.31

Section 16.21 WIND ENERGY SYSTEMS.

A. Definitions

- 1) Wind Energy Systems means an accessory land use for generating electrical power by the use of wind by means of a wind turbine generator and windmill blades mounted on a tower and their related wind measuring and electrical equipment located on a parcel of land having a principal use planned to be part of a submitted Site Plan or has a principal land use already located upon a parcel of land.
 - 2) Wind Site Assessment means a written assessment report to determine the specific wind speeds at a specific site and the feasibility of using that site for construction and use of a wind energy system.
 - 3) Sound Level means the measurement of sound in decibels (dB (A)'s), which are the units of measure used to express the magnitude of sound pressure and intensity.
 - 4) Shadow Flicker means the moving shadow of the windmill blades which are cast on the ground or against structures located on the site or on adjacent parcels of land.
- B. Wind Energy Systems shall be permitted as Special Use Accessory Uses under the following conditions:
- 1) Designed to serve the electric power needs of a home, farm or commercial or industrial business.
 - 2) Towers to be designed by a licensed structural engineer with the following requirements:
 - a. Tower to be designed to collapse only on the parcel upon which it is located.
 - b. Tower to be designed to prevent climbing except for those persons required to do so.
 - 3) Maximum Permitted Height of All Parts of the Structures: 70 feet, as measured from the ground level of the Tower to the highest tip of the windmill blade, when revolving.
 - 4) Required Minimum Clearance of Exposed Moving Parts: The minimum elevation above ground level or any pedestrian level of human access for all exposed moving parts shall be at least 20 feet above such levels.

- 5) Required Minimum Setbacks from all Property Lines: The windmill system, including the wind generator tower and a wind measuring tower, the latter if constructed, shall be setback at least the distance as measured from the ground level to the highest tip of their windmill blades when revolving. All other on site structures shall be setback at least 20 feet, including guy wire anchors, if used to support the tower.
- 6) Sound Level: the maximum level of sound permitted in the operation of the tower, as measured in decibels (dB (A)'s), shall be 55.
- 7) Shadow Flicker: No shadow flicker shall be cast on the windows of any principal structure located on adjacent parcels at any time.
- 8) Safety requirements: Windmill generator and wind measuring towers shall have automatic braking, governing or feathering systems to prevent uncontrolled rotation or speeding of their windmills and other moving parts.
- 9) Construction Requirements: All windmill systems shall meet all of the construction requirements governing them by the Federal, State and Local Construction Requirements, including those governing the lighting on and height of a Tower affecting airport operations.
- 10) At the discretion of the planning Commission a Wind Site Assessment Report may be required if it is possible that a Tower might adversely affect existing or planned land use developments for the area adjacent to the Wind Energy System. (Ord. No 1 eff. Jan. 8, 1983; Amend. by Ord. No. 227 eff. July 2, 2009)

Section 16.22 LAND IN MULTIPLE ZONING DISTRICTS.

Replaced by Article XXVII - PUD

Section 16.23 STANDARD FOR MINI-WAREHOUSES.

Deleted by Ordinance #107 eff. May 24, 2000.

Section 16.24 LICENSED OR REGISTERED GROUP DAYCARE HOMES.

Replaced by Section 16.29.

Section 16.25 NOT FOR PROFIT SHELTERS FOR SMALL ANIMALS.

Non-profit shelters for the temporary housing of small animals shall be allowed in an NSC Neighborhood Service Commercial District provided they conform to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All animals shall be housed within the principal building, which building shall be constructed in such a manner that it is sound proof to prevent the noise of the animals being heard outside the building.
- B. The minimum lot size shall be two (2) acres and all setbacks of the principal structure shall be fifty (50) feet from all boundary lines.
- C. Any exercise area shall only be located in the rear yard area, but not within the rear setback and in compliance with the setback requirements set forth herein. Wastes shall not be allowed to accumulate and shall be disposed of as in (D) below.
- D. The disposal of all waste shall be in a manner approved by the Livingston County

Health Department.

- E. Any outdoor exercise area shall be constructed in such a manner to insure that no animal can escape therefrom and shall be screened from public view in a manner approved by the Planning Commission.
- F. The facility shall be operated in accordance with all applicable local and state regulations.
- G. The facility shall be operated so as not to generate objectionable noise or odors beyond the property limits.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 31 eff. Oct. 3, 1991)

Section 16.26 INTEGRATED PRINCIPAL USES.

Replaced by Article XXVII, PUD - Planned Unit Development Projects.

Section 16.27 GROUP DAY CARE FACILITIES.

Replaced by Section 16.29.

Section 16.28 WIRELESS COMMUNICATIONS FACILITIES.

Wireless communication facilities are permitted under the following conditions:

- A. Colocation of proposed facilities shall be required wherever possible on existing wireless communication towers, water towers, all other types of towers and high buildings.
- B. Proposed new facilities, which cannot meet the requirements of A. above, shall be designed so as to be capable of adding as many future applicant's wireless communication facilities as technically feasible or as generally practiced based upon the experience of providing colocation of wireless communication facilities.
- C. In order to determine compliance with A. and B. above, each applicant shall submit a report prepared by a recognized professional technical expert in the field of wireless communication not associated with the applicant. Such reports shall include at least information on the following subjects:
 - 1) Need and necessity for the proposed location based upon wireless communication technology, geographical location and topographical requirements.
 - 2) Design and construction details of the proposed facilities shall meet the following requirements:
 - a) Towers to be designed by a licensed structural engineer.
 - b) Determination by a licensed professional structural engineer of the needed collapsible area on the site should the tower collapse for any reason.
 - c) Designed to prevent climbing of the tower except for those persons required to do so.

- d) Determination of the feasible number of colocations to be accommodated on the tower and the site.
 - 3) Site Plan showing the location of the proposed tower, building housing the equipment and all on-site improvements including access, off-street parking, fencing and landscaping.
 - 4) Planned geographical area to be covered from the wireless communication tower.
 - 5) Planned volume of communication calls to be handled by the facility.
 - 6) Potential sources of interference, if any.
 - 7) Number of additional wireless communication applicant=s facilities which could locate on the tower and site as colocators, and provide a letter of intent to the Township signed by the owners and leaseholders with the provision that all future owners and leaseholders will be held to a requirement that future applicants will be provided space on the tower and site for their wireless communication facilities.
- D. **Colocation requirements.** Approved applicants with established wireless communication facilities shall accommodate the following:
- 1) Respond to future wireless communication applicants requesting to locate in the Township for possible location of their facilities on the same tower and site as the one established.
 - 2) Negotiate in good faith and permit lease sharing or co-ownership of the established tower, site and facilities, if an applicant demonstrates that it is technically feasible
 - 3) Make a reasonable charge or purchase price for a shared facility.
- E. The applicant shall provide the Township with copies of all Federal Communications Commission (FCC) and other regulatory agency approvals and permits.
- F. All accessory facilities, except towers, shall be in an architecturally designed, completely enclosed building and landscaped to the satisfaction of the Planning Commission. Future buildings shall be common wall additions to existing buildings.
- G. Location of Wireless Communication Facilities may locate in any zoning district except the SFR and MFR Districts.
- H. **Size of lot or parcel** - A wireless communication facility shall locate on a lot or parcel of land which shall meet the following requirements:
- 1) The engineered collapsible fall zone of a tower should it inadvertently collapse for any reason.
 - 2) A one hundred (100) foot setback between the area determined in 1. above and the nearest property line.
- I. **Lighting** shall meet the requirements of this Ordinance, the Federal Aviation Administration and any other regulating agency.

- J. **Fencing** shall be provided around the area occupied by the tower and the building housing the wireless communication equipment. Such fencing shall be at least six (6) feet high.
- K. **Abandonment** - Whenever the tower, and its accessory facilities are no longer needed or used for wireless communication purposes for a period not to exceed ninety (90) days, it shall be the responsibility of the last owners to remove the tower, its accessory buildings and other site improvements to be designated by the Zoning Administrator of the Township within ninety (90) days for the purpose of returning the lot or parcel to as near as possible to its original character which existed prior to the development of the wireless communication facility.
- L. **Performance Guarantee** - Applicants shall post a continually enforceable financial guarantee as specified by the Township to assure the removal of the wireless communication facility in accordance with K. above.
- M. Refer to Ordinance No. 27 A Cable Communications Franchise for additional regulations (Ord. No. 80 eff. Apr. 5, 1999)

Section 16.29 PUBLIC, SEMI-PUBLIC AND PRIVATE BUILDINGS AND RELATED STRUCTURES AND OUTDOOR ACTIVITY AREAS

A. Township and other government buildings, except schools and pre-schools.

- 1) Located within one-half (2) mile of the M-59 - Grand River Road or the Grand River Road - Burkhart Road intersections, except the existing Township Hall site located at 3525 Byron Road.
- 2) Permitted in all zoning districts located within one-half (2) mile of the intersections, as specified in 1) above.
- 3) Located on at least a ten (10) acre site and have 660 feet of frontage on the road right-of-way on the roads and highways included in 1) above.
- 4) All access drives shall be provided from M-59, Grand River Road or Burkhart Road.
- 5) Off-street parking shall meet the requirements of Section 18.02A - F and G17 or G19, whichever is applicable to the type of building.
- 6) When located adjacent to land currently used or zoned for residential purposes, all buildings, other structures and outdoor activity areas shall provide a greenbelt buffer at least twenty (20) feet wide and provide a setback, including the greenbelt buffer area, at least fifty (50) feet in depth from all residential property lines.

B. Public and private educational and training schools and facilities

- 1) Permitted in all zoning districts which permit any type of residential use as a principal use, except that professional, business and technical training schools and facilities shall only be permitted in the RSC and I zoning districts as either a principal or accessory use.
- 2) Shall be located with frontage on a state highway or county primary road when located in a residential zoning district.

3) Located on lots, parcels or sites according to the following:

- a) Preschools on at least five (5) acres.
- b) Elementary schools on at least ten (10) acres.
- c) Middle schools on at least twenty (20) acres.
- d) High schools on at least forty (40) acres.
- e) Universities, Colleges, Professional, Business or Technical Training and Trade Schools.
 - 1) Without outdoor athletic fields and other outdoor activity areas on at least five (5) acres.
 - 2) With outdoor athletic fields and other outdoor activity areas on at least forty (40) acres.

C. Convalescent and Nursing Homes

- 1) Permitted in all Residential Zoning Districts.
- 2) Minimum lot size shall be five (5) acres.
- 3) The lot location shall be such that at least one (1) property line abuts a paved major road or highway as designated in the Master Plan for Roads and Highways. The access for off-street parking areas for guests and patients shall be directly from said major road or highway.
- 4) The principal and all accessory buildings shall be set back at least seventy-five (75) feet from all property lines.
- 5) The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of lot area open space for each of the designed number of beds to be provided in the facility. This open space shall be landscaped and may not include off-street parking areas, driveways, and accessory uses or areas.
- 6) Off-street parking shall meet the requirements of Section 18.02A - F and G8.
- 7) When located adjacent to residences or land zoned for residential purposes, all buildings and structures and outdoor activity areas shall provide a greenbelt buffer at least twenty (20) feet wide and provide a setback including the greenbelt buffer area at least fifty (50) feet in depth from all residential property lines.

D. Child Day Care Centers and Nurseries and Nursery Schools

- 1) Permitted as a principal use and accessory use in the MFR, OS, NSC, RSC, and I zoning districts and as a Special Use in all zoning districts permitting single family residential

uses.

- 2) Nursery schools and day care centers and nurseries for children shall be licensed by the State of Michigan and meet all of the requirements of the Michigan Department of Social Services, including site size and development requirements.
- 3) Off-street parking shall meet the requirements of Section 18.02A - F, and shall provide one (1) space for each employee working during the maximum employment hours, plus one (1) parking space for each five (5) students attending during the maximum attendance hours and additionally provide at least ten (10) queuing spaces for dropping off and picking up children at or near the entrance to the facility.
 - 4) The lot location shall be such that at least one (1) property line abuts a state highway or a county primary road. The access for off-street parking facilities for guests and patients shall be directly from said road or highway.
 - 5) See Section 14.40.

E. Hospitals, Clinics and Emergency Care facilities

- 1) Permitted in all zoning districts.
- 2) Located with frontage on M-59, Grand River Road, Oak Grove Road or Burkhart Road.
- 3) Minimum lot areas shall be twenty (20) acres for hospitals and one (1) acre for clinics and emergency care facilities and have a minimum lot width of three hundred thirty (300) feet as the road right-of-way line for hospitals and one hundred (100) feet for clinics and emergency care facilities.
- 4) The lot location shall be such that at least one (1) property line abuts a paved major road or highway as designated in the Master Plan for roads and highways. The access for off-street parking facilities for guests and patients shall be directly from said major road or highway.
- 5) Minimum setback for all hospitals and related structures shall be one hundred (100) feet from any property line, and for clinics and emergency care facilities, shall be the requirements for the zoning district in which they are located.
- 6) Off-street parking for hospitals shall meet the requirements of Section 18.02A - F and G17, and for clinics and emergency care facilities the requirements of Section 18.02A - F and G7.

Sections 16.24, 16.27, 4.03K, 6.03B.3, 7.03a.3, 8.02B, 8.02J., 8.03B, 9.03G, 10.03E, 12.03E, 13.05 - 12 as currently included in the Howell Township Zoning Ordinance are hereby repealed.

(Ordinance #103 eff. March 26, 2000)

Section 16.30 Nonprofit public, semi-public and private park and recreation facilities

- A. The following public and private park and recreation land uses shall be permitted in the

zoning districts prescribed as follows and their minimum size parcels of contiguous land areas:

- 1) Neighborhood parks for active and passive recreation in the AR, SFR and MFR zoning districts on at least five (5) acres.
- 2) Community parks, serving two (2) or more neighborhoods for active and passive recreation in the AR, SFR and MFR zoning districts on at least twenty (20) acres.
- 3) Playgrounds for outdoor and indoor activities in the AR, SFR and MFR zoning districts on at least ten (10) acres, except when located in conjunction with a K - 8 school on at least five (5) acres.
- 4) Tot lots serving children up to five (5) years old in all residential zoning districts on at least one-half (2) acre.
- 5) Beaches, located in conjunction with the waterfront of lakes or rivers on at least ten (10) acres of land.
- 6) Indoor court game and sport facilities for swimming, soccer, ice skating, handball, squash, batting cages, etc. in the RSC and I zoning districts on at least two (2) acres.
- 7) Golf courses in the AR, SFR, and MFR zoning districts on at least forty (40) acres per nine (9) holes of golf.
- 8) Golf driving ranges in the AR zoning district on at least ten (10) acres or as an accessory use to a golf course on at least an additional five (5) acres to the minimum acreage for a nine (9) hole golf course.
- 9) Nature study areas, in the AR and SFR zoning districts on at least ten (10) acres.
- 10) Wildlife refuges in the AR and SFR zoning districts on at least ten (10) acres.
- 11) Forest and woodlot preserves in the AR and SFR zoning districts on at least ten (10) acres.
- 12) Passive recreation areas and facilities related to the natural environment in the AR, SFR, and MFR zoning districts on at least five (5) acres.
- 13) Areas to preserve natural open space, vistas, geological features, archeological sites and historical buildings, sites and areas in all zoning districts on sites of appropriate land area to fulfill the purpose of each of the previous. Conditions, in addition to those required by Section 16.01 to 16.06, are as follows:
 - 1) Off-street parking shall be determined by mutual agreement between the applicant and the Planning Commission, but parking shall not be less than two (2) off-street parking.

(Ord. No. 103 eff. March 26, 2000)

Section 16.31 Onsite Solar Energy Systems and Solar Energy Farms

A. Definitions

- 1) Onsite Solar Energy Systems means an accessory use on a lot for the purpose of generating electricity by means of a solar collector or other solar energy device or a structural design feature mounted on a building or on the ground with the primary purpose of collecting, storage and distribution of the electricity produced to be used for space heating or cooling, water heating and other electrical purposes with the system mounted on a building or on the ground and is not the primary use of the property.
- 2) Solar Energy Farms means a principal use of a property as a system to produce electrical energy for sale back into an electrical energy grid system and not primarily consumed on site.
- 3) Solar Energy means direct, diffused and reflected radiant energy received from the sun.
- 4) Solar Panels means a structure containing one or more solar energy receptive cells designed to receive and convert solar energy into useable electrical energy by way of a Solar Energy System.

B. ONSITE SOLARE ENERGY SYSTEMS shall be permitted as an Accessory Use to an existing or planed in conjunction with a proposed Principal Use and located on a lot or parcel of land in any Zoning District.

- 1) Designed and constructed to provide and limited to the primary or supplemental electric power needs of a home, farm, commercial or industrial business and public or semi-public use located on a lot or parcel of land.
- 2) Construction plans for the installation of roof and wall mounted solar panels shall be presented as an amendment to an existing site development or as part of a proposed site plan development.
- 3) Solar Panels shall not exceed twenty (20) feet in height when ground level installed and shall be located in the rear and side yards of the lot or parcel upon which they are located.
- 4) Solar panels may be attached to the roof or walls of a building provided they are attached directly to the contour of the roof or wall of the building. Solar Panels shall not extend more than three (3) feet above the roof line of the building upon which they are located.
- 5) All solar panels shall be located on the ground or on a building, so that the reflection from any solar panel will be directed away from or is properly buffered from adjoining property.
- 6) Any earth disturbed by construction of the Solar Energy System shall be properly landscaped according to the requirements of this Zoning Ordinance.

- 7) All structural elements of the Solar Energy System shall meet all of the applicable requirements of the Zoning District in which they are located.
- 8) To the extent applicable the requirements of the Livingston County Construction Code shall be met.
- 9) The Applicant shall inform the Utility Company supplying electric power to the site upon which the Solar Energy System is to be located and furnish the Township with written evidence of the Applicant's submittal to the Utility Company of this information and the Utility Company's written response to the Applicant's proposed Solar Energy System.
- 10) Should the Applicant be a non-owner of the property, an agreement between the owner and non-owner to permit the installation of the Solar Energy System shall be submitted as a part of the Applicant's requested installation of a Solar Energy System on the site.
- 11) All electric power generated by a Solar Energy System on the lot or parcel upon which it is located shall be utilized only by the developments located on the lot or parcel, and shall not be extended to adjacent lot and parcel uses and developments and beyond, unless adjacent lots or parcels are in the same ownership, except that any surplus electric power energy produced on a lot or parcel may be mutual written agreement between the owner of the lot or parcel producing the surplus electric power energy and the public utility company providing electric power to the area in which their lot or parcel is located may be transferred and/or sold only to that public utility company.
- 12) The manufacturer's or installer's identification and appropriate warning signage shall be posted on or near the solar panels in a clearly visible manner.

C. SOLAR ENERGY FARMS shall be permitted as a Special Principal Use on a parcel of land located only in the AR Agricultural-Residential Zoning District.

- 1) The Applicant shall submit a Site Plan showing the design of all elements to be erected or constructed as a part of the Solar Energy Farm, and a Site Plan which meets all of the requirements of the Township Zoning Ordinance and those of the Michigan Public Service Commission.
- 2) Solar Energy Farms shall be completely enclosed by a lock gated perimeter fence at least eight (8) feet in height and in accordance with the other relevant Fencing and Protective Screening language of Section 14.35, 14.36, 28.08 and 28.09 of the Township Zoning Ordinance.
- 3) A Solar Energy Farm shall meet the requirements of Article XVI "Special Uses" of the Township Zoning Ordinance.
- 4) No Solar Energy Farms shall be installed until written evidence has been submitted to the township that the Electric Utility Company has been informed and the Solar Energy Farm has the approval of the Michigan Public Service Commission of the Applicant's intent to install a Solar Energy Farm which will

generate electric power for distribution by interconnection to the Electric Power Grid of the Electric Utility Company serving the area in which the Solar Energy Farm is located.

- 5) A Solar Energy Farm which becomes inactive in its generation and distribution of electricity for a continuous service period of one (1) year shall be completely removed from the site at the owner's or operator's expense, and the site shall be restored to as natural a condition as is possible within six (6) months from the determined one (1) year ending date of inactivity.

(Ord. No. 243 eff. Nov. 21, 2010)