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Chapter 1 Definitions and Rules Applying to Text

Section 1.1 Construction of Language

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows.
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or,” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “Either...or” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

Section 1.2 Definitions – A

ABANDONMENT - A Solar Energy System is abandoned if it has not been in operation for a period of one (1) year. This includes a Solar Energy System that was never operational if construction has been halted for a period of one (1) year.

ACCESSORY BUILDING - A subordinate building on the same premises with a main building or portion of a main building and occupied or devoted to an accessory use; for example, a private garage. When attached to a main building, the accessory building shall be considered part of the main building.

ACCESSORY USE, OR ACCESSORY - A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

ADULT FOSTER CARE FACILITY - A facility defined as an “adult foster care facility” by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an on-going basis, but who do not require continuous nursing care.

ADULT FOSTER CARE FAMILY HOME - A private residence with the approved capacity to receive six (6) or fewer adults to be provided with foster care for five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

ADULT USE - Shall include any of the following singularly or in any combination:

- A. **ADULT BOOKSTORE** - A building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for sale to patrons therein.
- B. **ADULT LIVE ENTERTAINMENT THEATER** - A building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see through clothing which permits the view of “specified anatomical areas,” individuals who are partially clothed and partially unclothed so as to permit the view of “specified anatomical areas,” or individuals conducting “specified sexual activities.”
- C. **ADULT MOTION PICTURE THEATER** - A building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified

sexual activities” or “specified anatomical areas,” as defined in this Ordinance, for observation by patrons therein.

D. **MASSAGE PARLOR** - Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one (1) or more of the following criteria:

1. Proof of graduation from a school of massage licensed by the State of Michigan;
2. Official transcripts verifying completion of at least three hundred (300) hours of massage training from an American community college or university; plus three (3) references from massage therapists who are professional members of a massage association referred to in this section;
3. Certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards; or,
4. A current occupational license from another state.

AGRI-BUSINESS - Buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. Agribusiness may include, but is not limited to farm machinery sales, service, rental, and repair; grain elevators for storage, drying, and sales; bulk feed and fertilizer outlets and distribution centers; seed dealership outlets and distribution centers; grain and livestock truck and cartage facilities; auctions for livestock, and agricultural products, production, and processing operations.

AGRICULTURE - Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

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

ALTERATIONS - Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

APARTMENT - Dwelling units in a multiple family dwelling as defined herein:

- A. *EFFICIENCY UNIT* is a unit consisting of not more than one (1) room in addition to kitchen, dining, and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.
- B. *ONE BEDROOM UNIT* is a dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.
- C. *TWO BEDROOM UNIT* is a dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.
- D. *THREE OF MORE BEDROOM UNIT* is a dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Section 1.3 Definitions – B

BASEMENT - That portion of a building which has part, but not less than one-half (1/2) of its height below grade. A basement shall not be counted as a story.

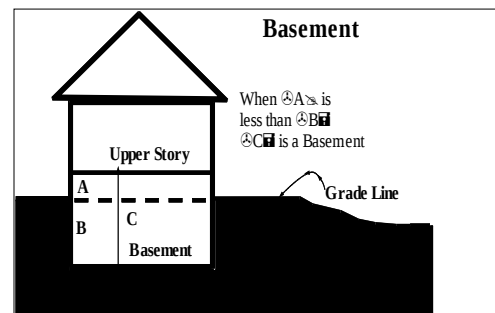
BERM - A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

BLOCK - The property abutting one side of a street and lying between the two (2) nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

BOARD OF APPEALS OR ZONING BOARD OF APPEALS - The Zoning Board of Appeals of Handy Township.

BUFFER STRIP - A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

BUILDING - An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.



BUILDING, ACCESSORY - See “ACCESSORY BUILDING”

BUILDING, PRINCIPAL - A building in which the principal use of the premises is conducted on which the building is situated.

BUILDING CODE - The code or codes governing the erection and maintenance of buildings in Handy Township.

BUILDING INTEGRATED PHOTOVOLTAICS (BIVPS) – A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and solar shingles.

BUILDING LINE - A line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this Ordinance, a minimum building line is the same as the front setback. (See also Chapter 14, District REGULATIONS, and Section 2.6 PROJECTIONS INTO YARDS)

BUILDING OFFICIAL, OR BUILDING INSPECTOR - The person designated to administer the provisions of the Building Codes for Livingston County.

BUILDING SITE - This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or
- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Section 1.4 Definitions – C

CERTIFICATE OF ZONING COMPLIANCE - A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

CHILD CARE CENTER OR DAY CARE CENTER - A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more preschool or school age children are given care and supervision for periods of less than twenty-four (24) hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day.

Child care center does not include a Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a

religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

CLUB - An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

COMMERCIAL - Any use connected with, or work intended for financial gain.

COMMERCIAL SOLAR ENERGY SYSTEMS – A Solar Energy System in which the principal design, purpose, or use is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

COMMERCIAL STORAGE WAREHOUSE - A building or buildings used primarily as a commercial business for the storage of goods and materials, also referred to as a mini-warehouse.

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

Section 1.5 Definitions – D

DAY CARE CENTER - See “CHILD CARE CENTER.”

DRIVE-THROUGH BUSINESS - A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

DRIVEWAY, PRIVATE - An improved path or road extending from a public or private road easement to no more than two (2) buildings, dwellings, or structures, intended to provide ingress and egress primarily for the occupants thereof.

DWELLING UNIT - A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this Ordinance for dwellings.

DWELLING, MULTIPLE-FAMILY - A building containing three (3) or more individual dwelling units or apartments.

DWELLING, SINGLE FAMILY DETACHED - A building containing only one (1) dwelling unit.

DWELLING, TWO-FAMILY - A building on a single lot or parcel containing two (2) attached dwelling units providing two (2) complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation in each dwelling unit. Each dwelling unit will have a door leading directly to the ground outside or to a shared common hallway.

Section 1.6 Definitions – E

ENTRANCE RAMP - Automotive access to a limited access highway.

ERECTED - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

ESSENTIAL PUBLIC SERVICES - The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. The term “essential services” shall not include wireless communication towers, unless located on public property and used as part of a municipal emergency communications network.

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

EXIT RAMP - Automotive exit from a limited access highway.

Section 1.7 Definitions – F

FAMILY - A person living alone in a single dwelling unit or two (2) or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “Family” does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

FAMILY DAY CARE HOME - A private home in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

FARM - All the contiguous neighboring or associated land, at least eleven (11) acres in area, operated as a single unit, on which commercial farming is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as greenhouses,

nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms.

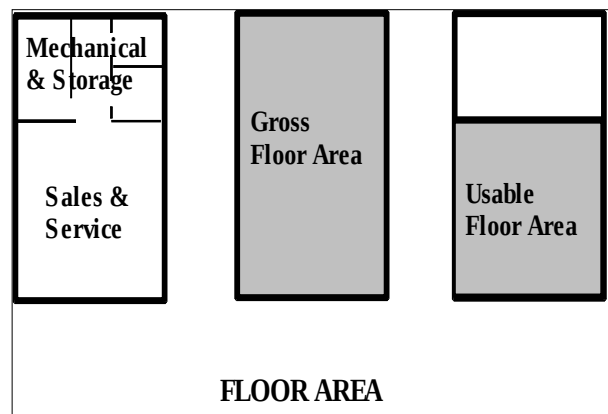
FLOOD - A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland waters
- B. the unusual and rapid accumulation or runoff of surface waters from any source

FLOOD PLAIN - Land designated as Special Flood Hazard Area.

FLOOR AREA, GROSS - The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

FLOOR AREA, USABLE (For the purposes of computing parking) - That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



FRONTAGE - The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Section 1.8 Definitions – G

GRADE - The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five (25%) percent.

GRADE, AVERAGE - The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building or structure being measured.

GREENBELT - A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of

this Ordinance. (See also BERM and BUFFER STRIP).

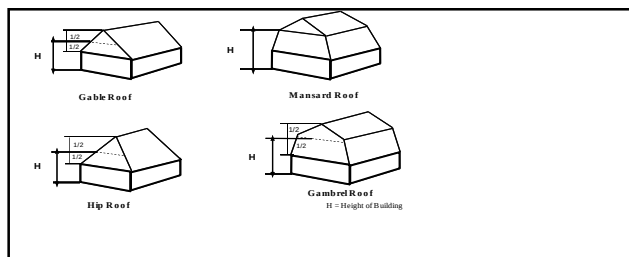
GROSS GROUND FLOOR AREA - The total horizontal area of the first or ground level of a building, measured from the interior faces of the exterior walls.

GROUND MOUNTED SOLAR ENERGY SYSTEMS - A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

GROUP DAY CARE HOME - A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.

Section 1.9 Definitions – H

HEIGHT - The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



HIGHWAY - Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.

HOME OCCUPATION - An occupation or profession carried on within a portion of a dwelling unit that is clearly a customary, incidental, and secondary use of the residential dwelling unit.

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

HOTEL/MOTEL - A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Section 1.10 Definitions – I

INDUSTRY - A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of

salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

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

INOPERABLE VEHICLE - A motor vehicle which is unlicensed or can no longer propel itself.

Section 1.11 Definitions – J

JUNK - Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and yard debris.

JUNK YARD - See “SALVAGE YARD”

Section 1.12 Definitions – K

KENNEL

- A. *NON-COMMERCIAL* – Six (6) to ten (10) dogs, over six (6) months of age which are maintained or kept for the benefit of the owner without remuneration.
- B. *COMMERCIAL* – Maintaining, confining, or keeping of dogs for sale, boarding, breeding, or training purposes for remuneration, or the keeping of more than ten (10) dogs for any reason.

Section 1.13 Definitions – L

LIGHTING, SOURCE OF - The source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

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

LOT - A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this ordinance:

- A. A platted lot, or a portion of a platted lot;

- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds; or
- C. A building site as defined in this ordinance in connection with a site condominium project.

LOT, CORNER - Any lot having at least two (2) contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT, FLAG - A lot with access provided to the bulk of the lot by means of at least, a sixty-six (66) foot wide corridor fronting on a public street.

LOT, INTERIOR - A lot other than a corner lot, flag lot, or through lot.

LOT, THROUGH - Any interior lot having frontage on two (2) parallel streets. In the case of a row of

through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.

LOT, WATERFRONT - A lot having a property line abutting a shoreline.

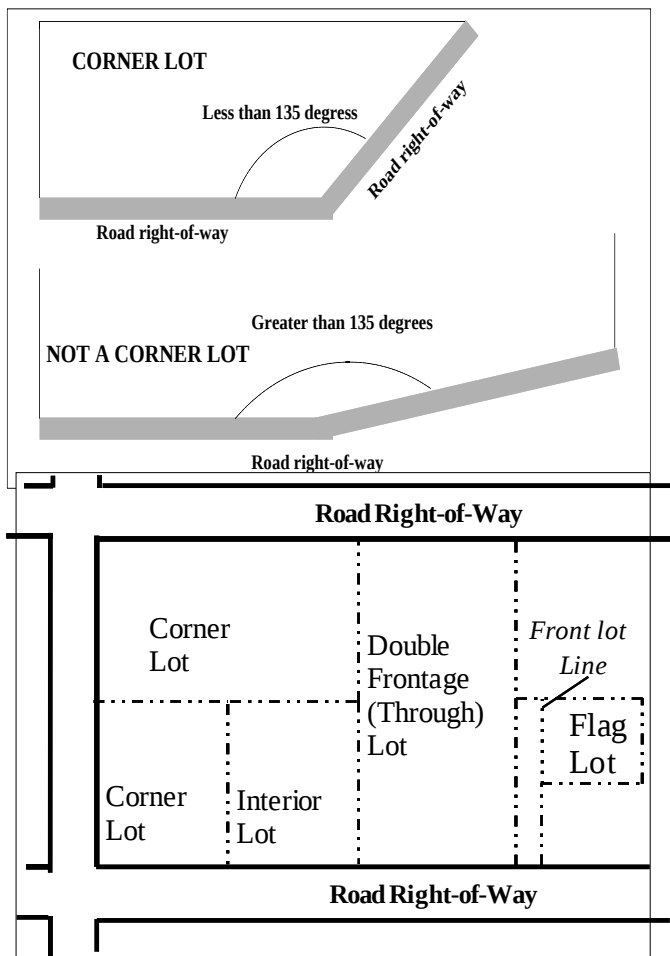
LOT AREA - The total horizontal area within the lot lines.

LOT COVERAGE - The part of the lot occupied by any building, including accessory buildings.

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

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

- A. **FRONT LOT LINE** - In the case of an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a waterfront lot, the front lot line shall be considered the lot line abutting the water. For flag lots, it shall be the line separating the bulk of the lot from the corridor, fronting the public street.



- B. **REAR LOT LINE** - That lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
- C. **SIDE LOT LINE** - Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

LOT OF RECORD - A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT WIDTH - The horizontal straight-line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

Section 1.14 Definitions – M

MAIN BUILDING - A building in which is conducted the principal use of the lot upon which it is situated.

MANUFACTURED HOME - A transportable, factory-built home, designed to be used as a year-round residential dwelling.

MANUFACTURED HOME PARK - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

MASTER PLAN - The Master Plan currently adopted by Handy Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the Township, and any unit or part of such plan and any amendment to such plan.

MINERAL BRINE WELL - A well and related equipment necessary for the extraction of mineral brine from below ground level.

(Deleted Section 1.14 Medical Marihuana Facility on July 13, 2017)

Section 1.15 Definitions – N

NONCONFORMING BUILDING OR STRUCTURE - A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning

Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

NONCONFORMING LOT - A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

NONCONFORMING USE - A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

NURSING HOME - A nursing care facility licensed as a “nursing home” by the State Department of Public Health under article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 et seq., MSA 14.15(20101) et seq.), as amended. A “nursing home” as defined by this section shall include extended care facility and convalescent home.

Section 1.16 Definitions – O

OFF-STREET PARKING LOT - A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three (3) vehicles.

OPEN AIR BUSINESS - Retail sales establishments operated substantially in the open air, including:

- A. Utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumber yards.

OPEN SPACE - Any space suitable for recreation, gardens, or growing vegetation, but not occupied by buildings or structures.

ORGANIZED EVENT BUILDING – A room or structure for the purpose of holding public and private events and gatherings including but not limited to banquets, weddings, receptions, small scale entertainment, and other special events.

OUTDOOR WOOD-FIRED BOILER OR FURNACE – A boiler, furnace, stove, or similar device whose purpose is to provide heat for a dwelling or accessory building by burning wood, corn, or other bio-mass and that is designed for long burn times between loading and to hold large amounts of wood, corn, or other bio-mass.

Section 1.17 Definitions – P

PARKING SPACE - An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

PERSONAL SERVICE ESTABLISHMENT - A commercial business conducting services that are performed primarily on the premises.

PLANNED UNIT DEVELOPMENT (PUD) - A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

PLANNING COMMISSION, OR COMMISSION - The Handy Township Planning Commission.

PRIVATE SOLAR ENERGY SYSTEM - A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for small private solar facilities like landscape lighting, trail cameras, solar powered fencing, and the sale of surplus electrical energy back to the electrical grid.

PRINCIPAL USE - The main use to which the premises are devoted.

PUBLIC UTILITY - Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water and sanitary sewer services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

Section 1.18 Definitions – Q

QUALIFIED FUEL POWER GENERATION FACILITIES - an electric generation facility which utilizes petroleum or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas or synthetic gas to generate electricity, and related accessory uses, including, but not limited to, fuel and water storage, cooling systems, substations, switchyards, and transmission and control facilities. (Rev. 5/18)

Section 1.19 Definitions – R

RECREATIONAL VEHICLE OR EQUIPMENT - Vehicles or equipment used primarily for recreational purposes. For the purpose of this Ordinance, recreational vehicle shall mean:

- A. A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle

mounted on or drawn by another vehicle such as a motor home or camper;

- B. Boats and trailers designed to transport boats;
- C. Snowmobiles and trailers designed to transport snowmobiles;
- D. Off-road vehicles and trailers designed to transport off-road vehicles;
- E. Pop-up tent and camper trailers;
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

This term shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use.

RECYCLING CENTER - An area where used or discarded materials are brought, then disassembled or separated, then stored, baled, packed, or handled for sale or exchange to be re-processed into another useful product. These materials include, but are not limited to: scrap iron and other metals, paper, rubber, corrugated paper and paper board, glass, and plastic.

RESIDENTIAL DISTRICT - This term shall include the AR, RA, RB, MFR, and MHP Districts, and any residential uses within an approved Planned Unit Development District.

ROAD - Any public or private thoroughfare dedicated and maintained for the use and operation of vehicular traffic.

ROAD, COUNTY PRIMARY - Any road designated as a minor or principal arterial on the Future Land Use/Circulation Plan map of the Handy Township Master Plan.

ROAD, PRIVATE - An undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance which provides access to more than two (2) abutting properties.

ROAD, PUBLIC - A public dedicated right-of-way controlled and maintained by the Livingston County Road Commission, or the Michigan Department of Transportation, which affords the principal means of access to abutting property.

ROAD, SECONDARY - The “secondary road” shall be the road on a corner lot which is not fronting on the road which is considered as the primary road for the determination of the front yard.

ROADSIDE STAND - A temporary building or structure operated for the purpose of only selling produce raised on the same premises by the proprietor of the stand or their family.

ROOF OR BUILDING MOUNTED SOLAR ENERGY SYSTEM - A Private Solar Energy System attached to or mounted on any roof or exterior wall of any principal or accessory building, but excluding BIVPs.

Section 1.20 Definitions – S

SALVAGE YARD - An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A “salvage yard” includes house, structural steel, and automobile wrecking yards, and any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

SATELLITE DISH ANTENNA - An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

SETBACK - The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

SIGN - A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also, Section 15.3, B)

SIGN, OUTDOOR ADVERTISING - Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

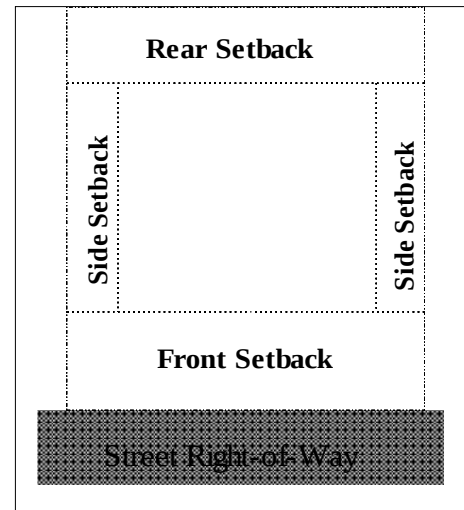
SIGNIFICANT NATURAL FEATURE - A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

SOLAR ENERGY SYSTEM - Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

SPECIAL USE - A use which is subject to approval by the Planning Commission. A “Special Use” may be granted when specified by this Ordinance. A permitted Special Use **is** not a nonconforming use.

SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and



- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY (6 OR FEWER PERSONS) - A structure constructed for residential purposes that is licensed by the State pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 et seq., as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 et seq., as amended), which provides resident services or care for six (6) or fewer persons under twenty-four (24) hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six (6) or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

STORAGE CONTAINER - A portable or moveable, weather-resistant receptacle (typically prefabricated) designed for the storage or shipment of household goods, wares, building materials or merchandise on a permanent or temporary basis.

STORY - That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STORY, HALF - An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

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

Section 1.21 Definitions – T

TEMPORARY USE - A use or building permitted to exist during period of construction of the main building or use, or for special events.

TRANSFER STATION - is a building or processing site for the temporary deposition of waste, often called Waste Transfer Stations, or Material Recycling Facilities (MFU). Transfer stations are often used as places where local waste collection vehicles will deposit their waste cargo prior to loading into larger vehicles. These larger vehicles will transport the waste to the end point of disposal in an incinerator, landfill, or hazardous waste facility, or for recycling.

TRUCK TERMINAL - A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semitrailers, including tractor and/or trailer units and other trucks, are parked or stored.

Section 1.22 Definitions – U

USE - The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

USE, ACCESSORY - See “ACCESSORY USE”.

USE, PRINCIPAL - See “PRINCIPAL USE”.

Section 1.23 Definitions – V

VEHICLE SERVICE STATION - Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

VEHICLE REPAIR - Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles, engines, or trailers; collision services such as body, frame or fender straightening and repair; overall painting and rust proofing; and refinishing or steam cleaning.

VEHICLE WASH - A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 1.24 Definitions – W

WASTE DUMPSTER - A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

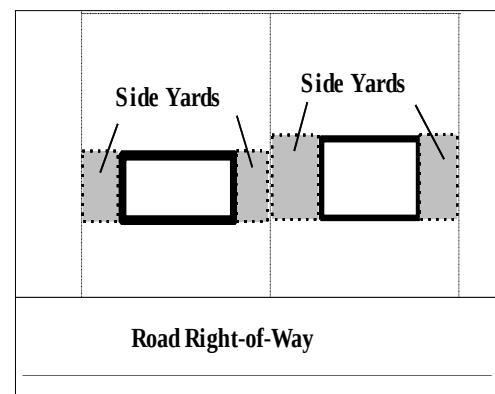
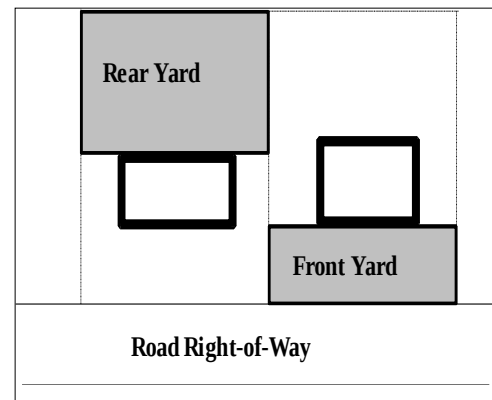
WASTE MANAGRMENT or WASTE DISPOSAL - include the activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment, and disposal of waste, together with monitoring and regulation of the waste management process. Waste can be solid, liquid, or gas and each type has different methods of disposal and management. Waste management deals with all types of waste, including industrial, biological, and household.

WIRELESS COMMUNICATIONS TOWER, COMMERCIAL - A structure designed and constructed to support one (1) or more antennas used for licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

Section 1.25 Definitions – Y

YARDS - The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- A. **FRONT YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.
- B. **REAR YARD** - An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
- C. **SIDE YARD** - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.



YARD, REQUIRED - The required yard shall be that set forth as the minimum yard setback requirement for each district.

Section 1.26 Definitions – Z

ZONING ADMINISTRATOR - The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

ZONING DISTRICT - A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

ZONING PERMIT - A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

Chapter 2 General Provisions

Section 2.1 Non-conforming Lots, Buildings, and Structures, and Uses

A. Intent.

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal non-conforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Non-conforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently conducted.

B. Non-conforming Lots of Record.

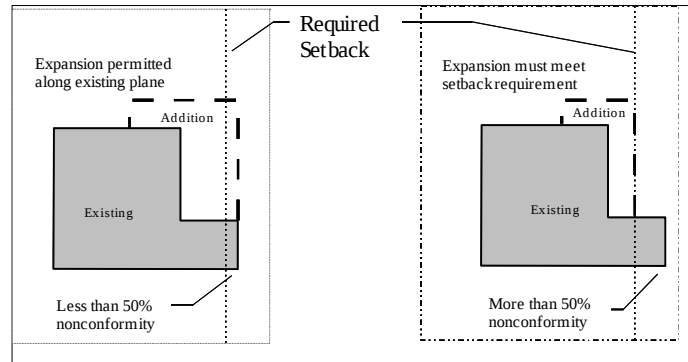
1. Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least seventy (70%) percent of the required lot area, lot width, and side yard required by that district and further provided that any building or structure constructed on the lot complies with all other yard setback requirements.
2. If two (2) or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

C. Non-conforming Uses.

1. No non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
 2. No part of any non-conforming use shall be moved unless such movement eliminates the non-conformity.
 3. If a non-conforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exist, and which shall be deemed to constitute an intent on the part of the property owner to abandon the non-conforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected;
 - b. The property, buildings, and grounds, have fallen into disrepair;
 - c. Signs or other indications of the existence of the non-conforming use have been removed;
 - d. Equipment or fixtures necessary for the operation of the non-conforming use have been removed;
 - e. Other actions, which in the opinion of the Zoning Administrator constitute an intention of the part of the property owner or lessee to abandon the non-conforming use.
 4. A non-conforming use may be changed to another non-conforming use provided that all of the following determinations are made by the Board of Appeals:
 - a. The proposed use shall be as compatible or more compatible with the surrounding neighborhood than the previous non-conforming use.
 - b. The proposed non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land than the previous non-conforming use.
 - c. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.
- D. Non-conforming Buildings and Structures.
1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this

Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is non-conforming by fifty



(50%) percent or less of the distance required by this Ordinance. Only in these cases may the non-conforming setback be extended along the same plane as the existing non-conforming setback, provided that in so doing, the setback itself is not further reduced.

- b. Should a non-conforming building or structure be destroyed to an extent of more than seventy (70%) percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
- c. Should a non-conforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance.
2. None of the provisions of this Section are meant to preclude normal repairs and maintenance on any non-conforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. The Township may acquire, through purchase or condemnation, private non-conforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.
- F. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

Section 2.2 Accessory Buildings, Structures, and Uses

The following definitions shall pertain to this section:

FAMILY ACCESSORY APARTMENT - A family accessory apartment is defined as “a separate living space within a single-family dwelling unit consisting of separate sleeping, cooking, and bathroom facilities and which shall be occupied by family members related by blood or law to the family unit occupying the main part of the dwelling.

A. Accessory Buildings - General.

1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
2. Accessory buildings may be erected in any yard except the front yard and the required side yard setback. If an accessory building is constructed to a side yard, the accessory building must be constructed so the exterior of the accessory building is complimentary and matches, as nearly as possible, the main building in style and appearance, as determined by the Zoning Administrator.
3. Accessory buildings shall not be permitted on a lot or parcel which does not have a main use or building.

B. Accessory Uses - General.

1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
2. An accessory use must be in the same zoning district as the main use on a lot.
3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.
4. Accessory uses shall not be permitted in the front yard.

C. Residential Accessory Buildings and Structures.

Accessory buildings shall be permitted within the AR, RA, RB, and MFR Districts or with any residential use provided that the following restrictions are met:

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Zoning District	Lot Size	Maximum Square Footage of All Accessory Structures
RB District	35,000 sq feet or less	One-half (1/2) the gross ground floor area of the principal structure
MFR District	32,000 sq feet or more	1,000 sq feet
All single-family residential districts	35,000 sq feet through 1 acre	Equal to the gross ground floor area of the principal structure
All single-family residential districts	1.01 acres through 2 acres	One and one-half (1 ½) times the gross ground floor area of the principal structure.
All single-family residential districts	2.01 acres through 5 acres	Two (2) times the gross ground floor area of the principal structure.
All single-family residential districts	5.01 acres through 10 acres	Three (3) times the gross ground floor area of the principal structure.
All single-family residential districts	10.01 acres or greater	Four (4) times the gross ground floor area of the principal structure.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
3. No detached accessory building shall be located closer than ten (10) feet to any other building on the lot.
4. No detached accessory building shall be located closer than fifteen (15) feet to any side or rear lot line.
5. No accessory building shall exceed twenty (20) feet in height.
6. If attached to the main building, the accessory building shall be constructed of like materials, similar design, and in a workman-like manner.
7. These restrictions shall not apply to farm buildings used in conjunction with a bona fide farm operation.

D. Nonresidential District Accessory Buildings and Structures.

Accessory buildings shall be permitted within the NSC, AC, I-1, and I-2 Districts provided the following restrictions are met:

1. The combined floor area of all accessory buildings shall be based on the lot size, as outlined in the chart below:

Zoning Districts	Lot Size	Maximum Square Footage of All Accessory Structures
All non-residential districts	2.0 acres or less	Gross ground floor area of the principal structure.
All non-residential districts	2.01 acres or greater	Two (2) times the gross ground floor area of the principal structure.

2. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.
3. Detached accessory buildings shall meet all setback requirements for the zoning district in which they are located.
4. No detached accessory building shall be located nearer than ten (10) feet to any other building on the property.
5. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

E. Accessory Buildings and Structures on Waterfront Lots.

One (1) accessory building may be constructed within the required setback from the ordinary high-water mark on any waterfront lot, provided it is no larger than twenty-four (24) square feet and eight (8) feet in height. The area of such accessory building shall be counted toward the total number and area allowed for all accessory buildings on the property. Any other accessory building or structure shall otherwise comply with the applicable requirements of Section 2.2.

F. Family Accessory Apartment

1. The property must conform to the dimensional requirements of the single-family minimum lot size standard as established in Chapter 14, District Regulations in the district where the property is located.
2. The principal dwelling to which the family accessory apartment is being attached must be owner occupied and the total combined square footage of both living units shall consist of more than 1360 square feet of total living space.
3. The living area of the family accessory apartment shall be a minimum of 400 square feet and a maximum of 800 square feet. The minimum floor area of the principal

family dwelling unit may not be decreased by such dimensions in any manner that would create non-compliance with Section 14.2A, minimum floor area requirements for a single family, 960 square feet, with at least 600 sq. ft. on the ground floor.

4. No more than two bedrooms are permitted in the family accessory apartment.
5. The family accessory apartment shall be designed so the appearance of the building will remain that of a single-family dwelling.
6. The principal residence and the family accessory apartment must share common water, septic, and electric facilities.
7. In no case shall more than one family accessory apartment be permitted within the structure. Dormitory-type facilities and living are expressly prohibited whether seasonal or otherwise
8. Family accessory apartments shall not be constructed or established within any detached accessory structure (such as a garage). Only the primary residential structure may contain, or have attached, the family accessory apartment.
9. Off-street parking must be available for a minimum of four automobiles for the entire structure. In no case shall a family accessory apartment be permitted to have a separate driveway or separate garage to accommodate its occupant(s).
10. All family accessory apartments shall be provided with an interconnected smoke alarm system.
11. Any use granted under this section shall contain a provision which states as follows: "Upon the cessation of occupancy by an immediate family member, the owner hereby acknowledges, and purchasers are put on notice that the family accessory apartment is to be used only by immediate family members and no others, and that no variances from this provision shall be obtained permitting any other use."
12. The occupants of the family accessory apartment shall be related by blood or law to the occupants of the principal dwelling.

G. Storage Containers as Accessory Buildings

Storage Containers fabricated for the purpose of transporting freight or goods on a truck, railroad or ship shall be permitted as a storage structure or accessory building in any zoning district but only in accordance with the following:

1. The number of Storage Containers located on a parcel shall not be greater than following:
 - i. .75 acres to 1.99 acres, 1 Storage Container
 - ii. 2 acres and greater, 2 Storage Containers
2. Land Use Permit Required: Purchasers, owners or users of storage containers shall obtain a land use permit from the Township for each container prior to placing or moving the container onto their property. The land use permit application must include a photograph or visual depiction of the container as well as a site plan showing the proposed location of the container on the property.
3. Setback Requirements: Placement of the storage container shall meet all setbacks for the zoning district in which it will be located, except that storage containers on parcels larger than 2 acres may be located immediately adjacent to each other but shall meet the setback requirements from all other principal or accessory structures.
4. Height and Size: Storage containers shall not exceed 200 square feet in area and nine feet in height.
5. Exterior Appearance: The exterior of the storage container shall be painted or altered to cover any advertising, lettering or numbers. The exterior shall be maintained and absent of all rust, holes, and other evidence of damage. The exterior shall be of a color that is complimentary and matches, as nearly as possible, the principal structure in style and appearance, as determined by the Zoning Administrator.
6. Stacking Prohibited: No stacking of storage containers shall be allowed.
7. Ground Level Location: All storage containers shall be located at ground level for safety.
8. Dwelling Use Prohibited: Storage containers shall not be used as a dwelling unit.
9. The floor area of any storage container is calculated as part of the allowable square footage of all accessory structures on the parcel.

(Amended Section 2.2 on August 26, 2024)

Section 2.3 Fences

- A. Fences in residential districts shall not exceed six (6) feet in height, measured from the surface to the uppermost portion of the fence.

- B. Fences erected within the front yard in any district shall not exceed forty-eight (48) inches in height; provided in the Industrial Districts this limitation shall only apply to the required front yard. Fences within the front yard shall be of a type which is not more than twenty five (25%) percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- C. Fences in residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the AR district, and used in connection with a bona fide farm operation.
- D. Fences in the NSC and AC districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six (6) feet from the surface of the ground. The total height of fences in any non-residential district shall not exceed ten (10) feet, and may be permitted in the rear yard only. Exception: On five (5) to eleven (11) acre parcels where the primary purpose is to confine animals.
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the clear vision area, required by Section 2.20.
- G. Fences may be erected along the property line.
- H. Fences in the I-1 and I-2 Districts may contain barbed wire, provided the barbed portion shall not be nearer than six (6) feet from the surface of the ground and the total fence height, including barbed wire, shall not exceed ten (10) feet.

Section 2.4 Required Access

- A. Frontage on Public or Private Roads. Any lot or parcel created after the effective date of this Ordinance shall have frontage upon a designated and approved public road or a private road which is designed and built in accordance with Section 2.19 of this Ordinance except that two (2) lots or parcels without the required road frontage may be created or divided from a parent parcel as defined by the Land Division Act, Public Act 591 of 1996, as amended, (parent parcel means a parcel or tract of land lawfully in existence on the effective date of March 31, 1997.) The required minimum road frontage required for each parcel or lot shall equal the minimum parcel or lot width required in each zoning district.
- B. Any lot created shall have frontage upon a designated and approved public or private road. However, two (2) lots may utilize a single driveway without requiring review under Section 2.19 PRIVATE ROADS.

Section 2.5 Main Building or Use

No more than one (1) main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, multiple family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

Section 2.6 Projections into Yards

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four (4) feet into a required front, rear, or side yard.
- B. An open, unenclosed, and uncovered porch, paved terrace, deck, balcony or window awning may project no further than ten (10) feet into a required front yard, no further than fifteen (15) feet into a required rear yard and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five (5) feet to any front or rear lot line.
- C. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Section 2.7 Essential Public Services

The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district; it being the intention thereof to exempt such erection, construction, alteration or maintenance from the application of this Ordinance.

Section 2.8 Building Height Exceptions

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 2.9 Required Area or Space

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created

after the effective date of this Ordinance shall comply with the requirements of this Ordinance.

- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Section 2.10 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Dept. of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the Township or County, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by Township or County codes, then and in such event such federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.
- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit

is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.

- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a minimum horizontal dimension across any front, side or rear elevation of twenty (20) feet.
- H. Storage area shall be provided within a building, with an area of no less than one hundred twenty (120) square feet. This storage area may consist of a basement, closet area, attic or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 2.2.
- I. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade.
- J. The pitch of the main roof of the dwelling unit shall not be less than four (4) feet of rise for each twelve (12) feet of horizontal run, and shall have not less than a six (6) inch overhang.
- K. The dwelling unit shall be so placed on the lot that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- L. The dwelling unit shall have no less than two (2) exterior doors, with one (1) being in either the rear or the side of the dwelling unit.

Section 2.11 Illegal Dwellings

The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the County building code and other applicable regulations. In no case, shall any living space located in a basement be counted toward the required floor area for the district in which it is located.

Section 2.12 Construction Buildings and Structures

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No construction building or structure shall be used as a dwelling unit.
- C. A land use permit shall be issued by the Zoning Administrator prior to installation of a construction building or structure.
- D. Construction buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.

Section 2.13 Permitted Front Setback Reductions

- A. Where the established front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot are less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the road and entirely or partially within two hundred (200) feet of the side lot lines of the subject lot, subject to subsections B and C, below.
- B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two (2) or more lots occupied by main buildings within the area described for computing the average front yard.
- C. In no case shall the front yard setback resulting from the application of these provisions be less than twenty (20) feet.

Section 2.14 Keeping of Animals

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters, rabbits and other animals generally regarded as household pets is permitted as an accessory use in any residential district. However, no more than five (5) dogs, six (6) months of age or older, or five (5) cats, shall be kept or housed in or at one (1) dwelling unit.
- B. The keeping of animals not normally considered household pets is prohibited in the NSC, AC, I-1, I-2, RB, MFR, PUD and MHP districts. Keeping such animals in the AR and RA Districts is permitted with the following restrictions:
 - 1. The number of animal units per acre shall be limited to the following:

<u>ANIMAL</u>	<u># ANIMAL UNITS</u>	<u>AREA</u>
Equine, donkey, mule, cow, camel, llama, alpaca, ratite or bison	1	2 acres (1 acre for each additional animal unit)
Pigs	1	2 acres (1 acre for each additional animal unit)
Chickens (broiler hens, layers)	1	¼ acre (1/4 acre for each additional animal unit up to a total of five animal units)
Sheep, goats, geese, ducks, or turkeys	1	2 acres (1 acre for each additional animal unit)
Roosters	1	5 acres (5 acres for each additional animal unit)

2. An accessory building used to house, feed or shelter the animals shall not be nearer than sixty (60) feet to any dwelling adjacent to the subject parcel, and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
 3. Any grazing or exercise area shall not be nearer than sixty (60) feet to any dwelling adjacent to the subject parcel.
 4. There must be fencing, or other suitable restraining mechanism, that will adequately maintain the animals within a designated area on the parcel or, that at a minimum, prevents the animals from leaving the premises.
 5. For this subsection, one (1) animal unit shall be equal to the following:
 - a. One (1) equine, donkey, mule, cow, camel, llama, alpaca, ratite, or bison; or
 - b. Two (2) pigs; or
 - c. Five (5) chickens (broiler hens, layers); or
 - d. Five (5) sheep, goats, geese, ducks, or turkeys.
 - e. One (1) rooster
- C. The keeping of livestock on a commercial farm operation as defined under the Michigan Right to Farm Act, PA 93 of 1981 et seq., shall comply with all applicable Generally Accepted Agricultural Management Practices (GAAMPs). Primarily residential sites as defined in the GAAMPs shall comply with subsections A and B above.

It is highly recommended that any property owner who plans to keep and/or raise any of the above kinds of animals contact the Michigan Department of Agriculture, Right to Farm Program for advice on how to write and implement a site plan for manure management. Every property owner who raises any of the above animals should be aware of their rights and responsibilities that are contained in the Michigan Right to Farm Act and this Zoning

Ordinance.

(Amended Section 2.14 on December 18, 2023)

Section 2.15 Water and Sanitary Sewer Service

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department and the Livingston County Health Department, the Subdivision Regulations, Building Code, and other applicable ordinances of Handy Township and Livingston County.

Section 2.16 Corner Lots

- A. A corner lot shall have two (2) front lot lines: a principal front lot line, and a secondary front lot line. The principal front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, or the principal front lot line is not evident, then the Zoning Administrator shall determine the principal front lot line.
- B. General Provisions.
 - 1. The required front setback shall be measured from both the principal and secondary front lot lines. For a corner lot with three (3) front setbacks, the remaining setback shall be a rear setback.
 - 2. The remaining setbacks shall be a rear and a side setback. The rear setback shall be measured from the rear lot line, which in the case of a corner lot, shall be the lot line opposite the principal front lot line.
 - 3. The width of a corner lot shall be determined by the entire length of that front lot line which is opposite the rear lot line
- C. Commercial and Industrial Zoning Districts. For a corner lot which is completely within a NSC, AC, I-1, or I-2 district, the setback along the secondary lot line(s) shall not be less than forty (40) feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 2.17 Required Greenbelts/Buffers

In order to provide protective screening for residential areas adjacent to or near non-residential

areas, a landscaped greenbelt shall be provided along the district boundary line by the non-residential property owners.

- A. Such greenbelt shall be a strip of at least twenty (20) feet in width which is planted and maintained with evergreens at least five (5) feet in height at the time of planting, and fifteen (15) feet on-center; or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective sound and visual buffer.
- B. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance.
- C. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.
- D. The evergreen buffer shall not in any way cause a vision hazard at a road intersection, or driveway.
- E. Where it is determined by the Planning Commission that insufficient area is available to provide the required greenbelt or that such vegetation screen would be ineffectual, a six (6) foot high sight-obscuring fence or wall may be substituted.

Section 2.18 Home Occupations

- A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating his or her intent to comply with the requirements of this Section.
- B. No persons other than members of the immediate family residing on the premises shall be engaged in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25%) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building, in the RA, RB, and MFR districts. The sign shall not exceed nine (9) square feet in the AR district, and the sign in the AR district is not required to be attached the main structure.
- E. The home occupation shall be operated entirely within an enclosed structure. If an accessory building or structure is used, the total area used in the accessory building shall not exceed twenty-five (25%) percent of the gross floor area of the principal structure.

- F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street, and not in the required front yard.
- G. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- H. Only normal domestic or household equipment and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.
- I. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of home occupations.

Section 2.19 Private Roads

- A. Private Roads Permitted: Private roads are permitted provided they conform to the requirements of this Section.
- B. Construction Standards and Road Geometrics: The creation of a road that serves a division of land or a development which consists of more than two (2) dwellings, buildings, or structures, other than a subdivision as defined by the Subdivision Control Act of 1967, shall meet or exceed the standards established by the Livingston County Road Commission Specifications for Plat Development as adopted by the Board of County Commissioners on May 23, 1991, except that the asphalt paving of a private road shall only be required for platted subdivisions and condominium projects as required by Section 2.26.
 - 1. In addition to compliance with the above standards, all paved private roads shall be paved to a minimum of 22 feet in width plus 2 feet minimum width shoulders or 22 feet of pavement in width plus 18-inch minimum width concrete curb and gutter. Pavement shall be installed with a total thickness of at least 3 ½ inches of bituminous asphalt mixture with the leveling or base course minimum 2 inches thickness, and the wearing course 1 ½ inches minimum thickness. All pavement materials shall be approved by Handy Township and shall meet current MDOT standards.
- C. Right-of-Way Width: All private roads shall have a minimum right-of-way easement of at least sixty-six (66) feet or meet the current Livingston County Road Commission's required right-of-way width, whichever is greater.

- D. Dedication of Rights-of-Way or Easements: While not required to be dedicated to the public, no structure or land use activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description, and must include the grades for these roads.
- E. Connection to County Roads: construction authorized by the Livingston County Road Commission is required for connection to county roads. When applicable, a permit is also required from the county under the Soil Erosion and Sedimentation Control Act, PA 347 or 1972. At the discretion of the Township Planning Commission, a proposed private road that otherwise meets the requirements of this Ordinance may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access.
- F. Dead-end private roads: Any private road that has a dead-end, or that terminates without connecting to another road, at the termination point, the road shall be designed to provide an adequate turn-around radius for all types of emergency vehicles.
- G. Cul-de-sacs: Cul-de-sacs shall meet or exceed Livingston County Road Commission specifications and:
1. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel within the development and that building envelope, lot or parcel fronts upon the cul-de-sac.
 2. Road frontage is measured along the arc of the curve on the cul-de-sac's road right-of-way line.
 3. Not more than four (4) principal buildings shall have frontage on a cul-de-sac.
- H. Limit on Length: Private roads that have only one point of ingress or egress to a public road shall not be longer than 3000 feet. Private roads that have more than one point of ingress and egress to a public road may be designed and constructed to exceed 3000 feet in length provided, however, that no point on the roadway shall be more than 3000 feet from the center of an intersection that provides access to a single point of ingress and egress from a public road, as measured along the center of the roadway.
- I. Frontage and Access: All parcels utilizing a private road shall have frontage on the approved private road for a distance equal to, or greater than, the minimum lot width required for the District in which the parcel is located, measured at the required front setback line.
- J. The maximum number of principal single-family dwellings served: If the private road abuts a public blacktopped road, then the private road must be hard surfaced and meet all

the standards of Section 2.19. If the private road abuts a public road that is not hard surfaced, then there can be no more than nine principal buildings and/or parcels which have access to the private road unless it is hard surfaced.

- K. Road Construction Application: Application for road construction shall not be submitted without evidence of an approved land division. The applicant is required to four (4) copies of the site plan application, or a lesser number as determined by the Zoning Administrator, as well as an electronic copy, with the information required by this Ordinance, at least sixty (60) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the information requirements of this Ordinance are complete, and then transmit it to the Planning Commission according to the procedures in this Ordinance.

(Amended Section 2.19, subsection K on July 13, 2017)

1. Road Maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Livingston County Register of Deeds providing for:
 - a. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow and debris.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established Livingston County Road Commission Specifications for Plat Development as adopted by the Board of County Commissioners on May 23, 1991, for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of twenty-five (25%) percent of total costs.
 - d. A notice that no public funds of the Township of Handy are to be used to build, repair, or maintain the private road.
 - e. Those private roads which are not required to be hard surfaced at the time of development shall have a Declaration of Covenant and Restrictions contained within the recorded Road Maintenance Agreement that provides that when the number of parcels that have a right to use the private road exceeds nine (9) in number, then all of the property owners will be required to share in the cost of hard surfacing the road and bringing it up to all the requirements of the Livingston County Road Commission Specifications for Plat Developments as adopted by the Board of County Commissioners on May 23, 1991. The Private Road Maintenance Agreement must contain an equitable formula of how the cost of hard surfacing the road will be

allocated to the parcels within the development. For example, the cost could be based upon the amount of frontage the parcel has, or divided equally among the parcels that have access to the road, or any other formula that would be equitable to the owners in the development. In the event there is a recorded Road Maintenance Agreement that does not prescribe a formula in which to allocate the cost of hard surfacing, such costs shall be prorated based upon the amount of lineal frontage along the road right of way for each parcel.

2. Road easement agreement signed by the applicant/owner(s) to be recorded with Township Clerk, Livingston County Clerk, and Livingston County Register of Deeds providing for:
 - a. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
 - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons, and others bound to or returning from any of the properties, and having a need to use the road.

L. Application Review and Approval or Rejection:

1. The following information shall be submitted to the Zoning Administrator:
 - a. A site plan for the private road
 - b. Proposed road maintenance agreement
 - c. Road easement agreement
2. The Zoning Administrator shall submit the private road site plan to the Livingston County Road Commission and Township engineer for review and comment. The Proposed Road maintenance agreement and road easement agreement shall be sent to the Township attorney and Township engineer for review and comment.
3. The reports of the Livingston County Road Commission, Township attorney, and Township engineer shall be forwarded to the Township Planning Commission who shall be responsible for granting final approval for the private road.
4. If the private road application is approved, construction authorization will be issued by the Zoning Administrator. If the application is rejected, the reasons for the

rejection and any requirements for approval shall be given in writing to the applicant.

5. The Zoning Administrator will arrange for inspections by the engineer during construction of, and upon completion of the private road, or allow the applicant's engineering firm to certify to the Township that the road meets all of the requirements of this ordinance.
 6. The Planning Commission as a condition of approval, may set a performance guarantee pursuant to Section 2.30 entitled "Performance Guarantees" provided, however, the Township shall retain a minimum of 25 percent of the total project improvements for any project that will have a paved road, or 200 percent of the cost of the asphalt finish wear course, and whichever is greater. This retention is to cover the cost of repairs to the base asphalt course that may be needed prior to installing the final wear course as well as any other final grading or restoration items.
- M. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval. In such case, a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission or the Township in its standards and specifications for road construction and development. The private road shall be completed within one and one-half (1-1/2) years of the date of approval of the private road.
- N. Issuance of Land Use Permit for Structures on Private Roads: No land use permit shall be issued for a structure to be constructed on any property abutting the private road until such time as the private road has been constructed, inspected, and given final approval by the Township Planning Commission, except a developer can build "spec homes" simultaneously with the construction of the private road subject to the condition that the Township will not issue any Certificate of Zoning Ordinance Compliance for the homes until the road has been constructed, inspected, and given final approval by the Township.
1. For any development having a paved private road, no land use permit shall be issued for a structure to be constructed on any property abutting the private road until such time as the private road has been constructed, the base asphalt course installed, inspected, and given approval by the Township, except that a builder can apply for no more than four land use permits for "spec homes" simultaneously with the construction of the private road subject to the condition that the Township will not issue any Certificate of Zoning Ordinance Compliance for the "spec homes" until the road has been constructed, the base asphalt course installed, inspected, and given approval by the Township. Once the base asphalt course has been installed, inspected, and approved, additional land use permits for additional structures may be issued by the Township along with Certificates of Zoning Ordinance

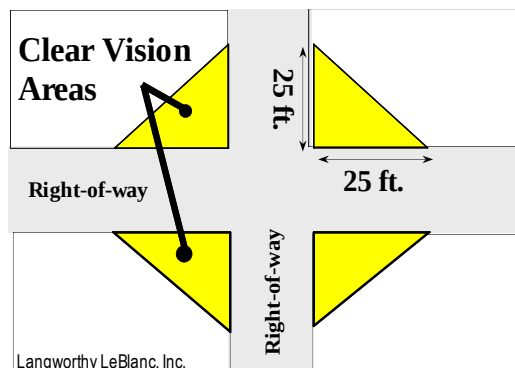
Compliance for those additional homes, when Zoning Ordinance compliance has been achieved, until such time as 70% of the principal buildings in the development have received Certificates of Zoning Ordinance Compliance or upon the expiration of three years from the date that the base asphalt course was installed, inspected, and approved by the Township. At that time, the final wear course for the paved road must be installed and, while additional land use permits for structures in excess of the 70% of the total principal buildings in the development may be issued, no Certificates of Zoning Ordinance Compliance or Certificates of Occupancy will be issued until the base course repairs have been completed and the final wearing course has been installed, inspected, and approved by the Township. No Certificate of Zoning Ordinance Compliance shall be issued until the base course of asphalt is completed on the roads serving that building including any cul-de-sacs, turnarounds, or other safety accesses for that building.

- O. Posting of Private Roads: All private roads shall be designated as such, and shall be clearly posted with a clearly readable name which can be easily seen in an emergency. The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer. The Zoning Administrator shall check with the Livingston County Road Commission to avoid a duplication of names and give approval of same.
- P. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

“This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record, and a part of the deed. This notice is to make purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement, this is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)”
- Q. Fees: An application fee shall be established by resolution of the Township Board. Before final approval, any costs incurred by the Township shall be paid for by the applicant.

SECTION 2.20 CLEAR VISION

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way 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 right-of-way lines extended. This shall prohibit the planting of shrubbery which will achieve a height at maturity of more than thirty (30) inches.
- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.
- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes, shall be placed in any road right-of-way.



Section 2.21 Vehicle Repair in Residential Districts

No person, as owner or tenant, shall perform mechanical or body work on any motor vehicle in a Residential District, except under the following conditions:

- A. Work may be done only on a vehicle used by the property owner or tenant or his immediate family, as family transportation.
- B. The property owner or tenant must have proof of ownership available for inspection.
- C. The vehicle being repaired must be currently licensed by the State of Michigan.
- D. No unlicensed, inoperable, partially dismantled, wrecked, junked or discarded vehicle, nor any parts thereof, shall be parked, stored or placed in the open for longer than five (5) days on any premises in any Residential District.

Section 2.22 Flood Plain

The flood plain area of lakes, ponds, rivers, and streams and their branches and tributaries shall be determined from time to time by the Federal Emergency Management Agency (FEMA), the County Engineer, the U.S. Army Corp of Engineers, or other official U.S. or Michigan, public agency responsible for defining and determining flood plain areas. No building for human

occupancy shall be erected or hereafter occupied, if vacant, in such designated flood plain areas.

Section 2.23 Temporary Dwellings

- A. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary dwelling in any District provided that the following conditions are met:
1. The temporary dwelling will be used only as a temporary use on the lot while the property owner is constructing a permanent residence on that same lot, and further provided that:
 - a. A building permit has been issued for the construction of a permanent residence to the property owner applying for the temporary dwelling permit.
 - b. The temporary dwelling is permanently connected to an approved well and septic system.
 - c. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
 2. The temporary dwelling will be used as a temporary or seasonal residence within the AR, RA, or RB districts, and further provided that:
 - a. The dwelling shall be designed for sleeping and camping and shall contain, at a minimum, portable sanitary facilities.
 - b. The dwelling shall not be occupied for a period in excess of thirty (30) days, unless permanent, on-site sanitary facilities, approved by the Livingston County Health Department are installed.
 - c. A performance guarantee may be required as provided for in Section 2.30.
- B. The Zoning Administrator shall determine the required size of the dwelling and placement on the lot. Such determination shall be consistent with the standards of Section 2.23, D.
- C. Upon applying for a temporary dwelling approval, the applicant shall pay a fee as determined by the Township Board. All original temporary dwelling permits issued in conjunction with the construction of a permanent dwelling shall be limited to a period of six (6) months. If not complete, within the six (6) month period, one (1), six (6) month extension may be permitted by the Zoning Administrator only for the purpose of completing the residence. No more extensions shall be permitted, except by action of the Zoning Administrator after consideration of the standards of this Section.
- D. In considering authorization for any temporary uses or structures, the Zoning Administrator

shall consider the following standards:

1. That all applicable requirements of Section 2.23, A, 1, and 2, are met;
 2. That there will be no unsanitary conditions or other detrimental effects upon the property, occupants, or adjacent properties;
 3. That, in the case of occupancy during construction, the use or structure is reasonably necessary for the convenience and safety of the construction proposed;
 4. That the use or structure does not impact the nature of the surrounding neighborhood;
 5. That access to the use, area, or structure is located at the least offensive point on the property; and
 6. That a hardship exists which necessitates the use of a temporary structure during construction of a permanent structure.
- E. The Zoning Administrator may attach reasonable conditions to temporary uses or structures to ensure that the standards of this Section are met.
- F. All temporary dwellings, buildings, and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.
- G. A performance guarantee may be required as outlined in Section 18.3, B, to ensure the proper removal of the temporary dwelling, following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

Section 2.24 Swimming Pools, Spas, and Hot Tubs

Private pools, spas, and hot tubs shall be permitted as an accessory use within the rear or side yards only and must meet the following requirements:

- A. There shall be a distance of not less than fifteen (15) feet from adjoining property line and the outside of the pool wall or appurtenant structures that are accessory to it.
- 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, spa, or hot tub shall be located in the front yard.
- D. 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.

- E. No swimming pool, spa, or hot tub shall be located in an easement.
- F. All swimming pools shall be enclosed with a barrier in accordance with the County Building Code requirements.

Section 2.25 Ratio of Lot Width to Lot Depth

All lots or parcels created by either platting, lot splitting, land contract, leasehold, or any other legal means shall have a lot or parcel depth which does not exceed four (4) times the average width of the lot or parcel EXCEPT when the created lot or parcel is forty (40) acres or larger in size, and is zoned AR (Agricultural Residential).

Section 2.26 Condominium Projects

Pursuant to authority conferred by Section 141, of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans must be approved by the Planning Commission as outlined in this section. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, and Township Engineer regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

A. Definitions.

1. *CONDOMINIUM ACT* - Act 59 of Public Acts of 1978, as amended.
2. *CONDOMINIUM PROJECT* - A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.
3. *CONDOMINIUM SUBDIVISION PLAN* - The drawings and information prepared and required pursuant to section 66, of the Condominium Act and such other information as required by this Ordinance.
4. *CONDOMINIUM UNIT* - That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium unit is not a lot or parcel as those terms are used within the Zoning Ordinance.
5. *CONSOLIDATING MASTER DEED* - The final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, the final

amended master deed will fully describe the condominium project as completed.

6. *CONTRACTIBLE CONDOMINIUM* - A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance of the condominium project.
 7. *CONVERSION CONDOMINIUM* - A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
 8. *CONDOMINIUM AREA* - A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 9. *EXPANDABLE CONDOMINIUM* - A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
 10. *FRONT YARD SETBACK* - The distance between the front yard area line and the condominium dwelling.
 11. *LOT* - The same as “Condominium Unit”, as defined herein.
 12. *MOBILE HOME CONDOMINIUM PROJECT* - A condominium project in which mobile homes as defined in Section 30a, of the Act 300 of Public Acts or 1949, MCL 257.30a, are intended to be located upon separate sites which constitute individual condominium units.
 13. *MASTER DEED* - The condominium document as described and required by section 8, of the Condominium Act as approved by the Planning Commission to which are attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
 14. *REAR YARD SETBACK* - The distance between the rear yard area line and the condominium dwelling.
 15. *SIDE YARD SETBACK* - The distance between the side yard area line and condominium dwelling.
- B. Information requested. Concurrently with the notice required to be given Handy Township pursuant to section 71, of the Condominium Act, a person, firm, or corporation intending

to develop a condominium project shall provide the following information with respect to the project:

1. The name, address, and telephone number of:
 - a. All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each such entity interest (i.e., fee owner, land contract vendee, optionee, etc.)
 - b. All engineer, attorneys, architects or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium project.
2. The legal description of the land on which the project will be developed as well as the appropriate tax identification number(s).
3. The amount of acreage of the land on which the project will be developed.
4. The purpose of the project (i.e., residential, commercial, industrial, etc.)
5. Approximate number of condominium units for the project.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic system is contemplated.

The above information shall be furnished to the Township Planning Commission and Zoning Administrator and shall be kept updated until such time as a Certificate of Compliance and a Certificate of Zoning Ordinance Compliance have been issued.

- C. Site Plans - Condominium Subdivision Plans. Prior to recording of the master deed required by section 72, of the Condominium Act, as amended, the project and condominium subdivision plan shall undergo site plan review according to Section 15.1 of this Ordinance.

All condominium subdivision plans, for site plan review, shall include the information required by section 66, of the Condominium Act including the following:

1. A survey plan of the condominium subdivision.
2. A flood plain plan, when appropriate.

3. A site plan showing the location, size, shape, area, and width of all condominium units.
4. A utility plan showing all sanitary sewer, water, and storm sewer lines, and any easements granted to an entity other than the developer or owners association for installation, repair, and maintenance of all utilities. To the maximum extent possible, all utility lines should be located in the street right-of-way.
5. A street construction, paving, and maintenance plan for any street within the proposed condominium project. All streets within the condominium project must be hard surfaced and constructed in compliance with Livingston County Road Commission specifications.
6. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities approved by the County Drain Commission.

Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant hereto and Section 15.1 of this Ordinance.

D. Site Condominium Projects - Monuments Required. All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreations sites shall be marked with monuments as provided in this subsection.

1. Monuments shall be located in the ground and made according to the following requirements. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference, to monuments along the sidelines of the streets.
2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project: at the intersection lines of streets where such lines intersect the boundaries of the condominium project, and at the intersection lines of alleys where such lines intersect the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of street and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a

reference monument nearby and the precise location thereof is clearly indicated on the plans and referenced to the true point.

5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (1/2) inch in diameter shall be drilled and grouted into a solid rock to a depth of at least eight (8) inches.
 6. All required monuments shall be placed flush with the ground where practicable.
 7. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, other markers may be approved by the Planning Commission.
 8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposit with the Township Clerk cash or a certified check, or irrevocable bank letter of credit running to the Township of Handy, whichever, the Township selects, in an amount not less than twenty-five dollars (\$25.00) per monument, and not less than one hundred dollars (\$100.00) total. Such cash certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- E. All Condominium Projects - Monuments Required. All condominium projects shall be marked at their boundaries with monuments meeting the requirements of Section D, 2, above.
- F. State and County approval. The developer or proprietor of the condominium project shall provide to the Township appropriate documentation establishing that appropriate State and County approvals have been received regarding the fresh water system of the proposed project and regarding the waste water disposal system for the proposed project.
- G. Compliance with Federal, State, and Local law. All condominium projects shall comply with federal and state statutes and local ordinances.
- H. Single Family Detached Condominiums.
1. Single family detached condominiums shall be subject to all requirements and standards of the applicable AR, RA, and RB Districts in which they are located including minimum floor area requirements.
 2. There shall be maintained a minimum distance of thirty (30) feet between residential dwelling units. This thirty (30) foot requirement shall be computed along the front building line.

3. In the event the project will include recreation space or open space for park, environmental preservation, or other aesthetic reasons, then the project may provided for lots smaller in area than that required by the zoning district in which it is located; provided, however, under no circumstances shall the project contain more units than would be allowed if there was no such open space. In computing the number of units allowable in relation to the overall acreage of the project, the area comprising the streets and roads within the project shall not be included in determining the number of units in the project.
- I. Subdivision of Condominium Units. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance or minimum lot width, lot area, and the building setback requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- J. Encroachment Prohibited. Encroachment on one (1) condominium unit upon another, as described in section 40, of the Condominium Act, shall be prohibited by the Condominium Bylaws and recorded as part of the master deed.
- K. Relocation of Boundaries. The relocation of boundaries, as described in section 48, of the Condominium Act, shall conform to all setback requirements of this ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.
- L. Documents to be filed with Handy Township. After final approval, the condominium project developer or proprietor shall furnish to the Zoning Administrator a copy of the recorded master deed with Exhibits A and B, and any and all amendments thereto.
- M. Condominium Plans - Copy Requirements. After submittal of the condominium plan and by-laws as part of the master deed, the proprietor shall furnish the Township of Handy and Livingston County Register of Deeds with a copy of the site plan on a photographic hard copy, laminated photo static copy or Mylar sheet of at least thirteen inches by sixteen inches (13" x 16") with an image not to exceed ten and one-half inches by fourteen inches (10.5" x 14").
- N. Procedure. The Township of Handy requires that all condominium projects be reviewed and approved according to a two (2) step process a "Preliminary Site Plan Approval", and "Final Site Plan Approval".
 1. Preliminary site plan.
 - a. The applicant for all condominium projects are required to submit at least four (4) copies of the preliminary site plan or a lesser number as determined

by the Zoning Administrator, as well as an electronic copy, through the Zoning Administrator with the information required under paragraph B and C herein.

- b. The preliminary site plan shall be submitted at least sixty (60) days prior to the next regularly scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of this Ordinance are met, and then transmitted to the Planning Commission according to the procedures in this Ordinance. Once officially placed on the agenda, the Planning Commission shall approve, conditionally approve or deny the request within a reasonable time period.

(Amended Section 2.26, subsection N, subsection a and b on July 13, 2017)

- c. The Planning Commission shall review the preliminary site plan and the comments of the Township planner, engineer, and attorney and shall approve, deny, or grant conditional approval subject to specific modification and changes all to be recorded in the minutes of the meeting.
- d. The Planning Commission shall note its approval on the copy of the preliminary plan and return to the proprietor or set forth reasons in its minutes for rejection or requirements for approval. The Planning Commission may require the submission of other pertinent related data as it deems necessary. After approval, the Township Clerk shall distribute approved copies to:
 - (i) One (1) copy to proprietor.
 - (ii) One (1) copy as a matter of permanent record to the Township Board files.
 - (iii) Return one (1) copy to the Township Planning Commission.
- e. The proprietor, upon receiving the preliminary site plan approval from the Planning Commission, shall submit the preliminary plan to all authorities required by Public Act 59 or 1978, as amended, to include but not limited to:
 - (i) County Drain Commissioner.
 - (ii) County Road Commission.
 - (iii) County Health Department.
- f. Preliminary site plan approval shall confer upon the developer a

commitment of approval for a period of one (1) year with regard to the size, shape and layout of the building site and street layouts. Such preliminary plan approval may be extended if applied for by the proprietor within the effective period, and approved by the Planning Commission.

2. Final condominium subdivision plan review.

- a. The applicant for a final condominium subdivision plan shall submit the plan to the Planning Commission for its review. Plans and documentation shall be detailed sufficiently for the Township to determine the project compliance with all applicable laws, rules, codes, ordinances, and approved site plans.
- b. The final condominium subdivision plan to be recorded shall include the following certificates similar to those as prescribed in the Subdivision Control Act for a recorded plat, lettered or printed legibly with black, durable ink or typed legibly with black ribbon shall appear on it and the certificate shall contain the following statements and shall be signed and dated by the appropriate authority:
 - (i) A surveyor's certificate of compliance with the statute.
 - (ii) A certificate of taxes being paid, from the Livingston County Treasurer.
 - (iii) A certificate of approval from the County Drain Commissioner.
 - (iv) A certificate of approval from the Board of County Road Commissioners if public streets and roads shown on the development will be under its jurisdiction and, if any of the streets or roads are private, a certificate from the Township Engineer that it complies with the standards for private roads and drives as adopted by the Township.
 - (v) A certificate of approval of the governing body if the development meets compliance with this ordinance.
 - (vi) A certificate of approval from the County Health Department.
- c. The Planning Commission will ascertain that the development has complied with the preliminary site plan approval requirements as specified therein.
- d. The developer/project applicant also shall submit for review and approval by the Township attorney *a* copy of the proposed master deed and any additional information to be recorded at the County Register of Deeds.

- e. At a regularly scheduled meeting or a special meeting called for that specific purpose, the Planning Commission shall approve the final site plan and documents if all of the requirements have been met to the satisfaction of the Planning Commission.
- f. If granting approval of the final condominium subdivision plan, the Planning Commission shall instruct the Zoning Administrator to issue a land use permit. Building Permits, Site Construction Permits and Certificate of Compliance are in the purview of County agencies, but the Township shall issue land use permits and Zoning Ordinance Compliance Certificates prior to the County issuing their final permits for Certificate of Compliance. If the Planning Commission disapproves the final site plan, specific reasons shall be given.
- g. The Planning Commission shall render its decision on the final site following receipt and review of the final site plan and all other information required hereunder or requested by the Planning Commission.

Section 2.27 Reserved

(Deleted Section 2.27 Gregory Road Interchange on July 13, 2017)

Section 2.28 Environmental Protection

- A. Purpose - The purpose of this Section is to promote the conservation or wise use of important unrennewable natural resources and to protect the desirable qualities of the natural environment which may involve the saving of important vegetation, wildlife cover, watersheds, areas which periodically flood, features controlling wind or water erosion, wetlands, and areas of topographical, archaeological, geological, historical or agricultural significance for present and future generations.
- B. Natural Environment - It is the general requirement of this Section to conserve and wisely use in the most careful and well-planned manner possible in accordance with the provisions of Public Act 127 of 1970, "The Michigan Environmental Protection Act" and "State Guidelines: Preparation and Review of Environmental Impact Statements," Michigan Environmental Review Board Office of Management and Budget. Under this Section where it is the judgment of the Planning Commission that the natural environment is seriously in jeopardy of being used unwisely, based upon an appraisal by the Planning Commission and their written reasons, the Planning Commission may require the submittal of an Environmental Impact Statement in accordance with "State Guidelines: Preparation and Review of Environmental Impact Statement," Michigan Environmental Review Board, Office of Management and Budget.
- C. Natural Resources - In order to properly conserve and provide future access to such natural

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

- D. Agricultural Land - In order to properly conserve agricultural land on the basis of either its present use or its potential use, based upon the adaptability of its soil types and elevation to future agricultural development and use, the Planning Commission may require the applicant desiring to develop such property to prepare a survey or map indicating the type, character, and location of agricultural soil types and elevation and use areas, and the method proposed to preserve future development and use of such soil types and use area. In the making of such plans and surveys, an applicant desiring to develop agricultural soil types and use areas shall be encouraged to develop only those portions of a property which are the least adaptable for present and future agricultural purposes.
- E. Lakes, ponds, rivers, streams, water courses and drainage ways - In order to conserve or wisely use the lakes, ponds, rivers streams, water courses and drainage ways in the Township, no such feature shall be altered, changed, transformed or otherwise be varied from its present existing condition except as follows:
 - 1. In all Zoning Districts no river, stream, water course or drainage way, whether partly filled with water or dry in certain seasons, shall be obstructed or altered in any way at any time by any person, except when done in conformance with Michigan State and Federal laws, regulations and standards.
 - 2. In all Zoning Districts the edge, bank, or shore of any lake, pond, river or stream shall not be altered, changed, transformed or otherwise be varied from its present condition except in conformance with the provisions of (1) Public Act 291 of 1965, "The Inland Lakes and Streams Act," (2) Public Act 245 of 1970, "The Shorelands Protection and Management Act," (3) Public Act 231 of 1970, "The Natural River Act," and (4) Public Act 347 of 1976, "Soil Erosion and Sedimentation Control Act."
- F. Flood plain.
 - 1. Notwithstanding any other provisions of this Ordinance, land subject to periodic flooding shall be used only for agriculture and recreation uses, provided no structures are located within the area subject to flooding, except as provided in 16.3 A. 2 & 3.
 - 2. The location and boundaries of land subject to periodic flooding shall be determined by reference to the U.S. Army Corps of Engineers, the U.S. Soil Conservation Service or other official U.S. or Michigan, public agency responsible

for defining and determining flood plain areas.

3. No building shall be located within a designated flood way. The Township Planning Commission may, upon special approval, permit bridges, dams, other public facilities, piers, wharves, or boat houses. Before any such structure is built within the flood way, it shall be shown that such structure will not form a significant obstruction or retard the movement of floodgates, except as part of a plan for flood control.
- G. Wetlands - All areas designated as wetlands on Map 4 of the Handy Township Master Plan and all others identified by the Michigan Department of Environmental Quality are hereby subject to the provisions of Public Act 203 of 1979, "The Wetlands Act" in order to encourage the proper use and development of the wetlands.
- H. Environmentally Sensitive Areas -
1. Areas may be designated by the Township Board upon favorable recommendation of the Planning Commission, as Areas of Environmental Sensitivity, including but not limited to:
 - a. Rare or valuable ecosystems.
 - b. Significant undeveloped agricultural, grazing or watershed areas.
 - c. Forests and related land which require long stability for continuing renewal.
 - d. Scenic or historical roads/areas, including burial grounds.
 - e. Such additional areas as may be determined by the Federal Government, the State of Michigan or Livingston County.
 2. General requirements for environmentally sensitive areas. All zoning permit applications in Environmentally Sensitive Areas, regardless of size, and in addition to (or as part of) any other applicable portions of this Section shall demonstrate that the proposed development will not adversely affect the environmental quality of the property and the surrounding area by means of the following:
 - a. The applicant shall provide written evidence that the proposed development of the property will conform to the provisions of such Soil Erosion and Sedimentation Control Ordinance as may be in effect in the County.
 - b. The applicant shall provide written evidence that a sewage treatment or disposal system has been approved by the Livingston County Health Officer or Wastewater Division of the Department of Environmental Quality and is

in conformance with any additional provisions set forth in this Ordinance pertaining to setbacks from water bodies, height above water level, etc.

- c. The applicant shall provide evidence that the cutting and removing of trees and other native vegetation will be performed according to the following standards:
 - (i) Clear cutting of woodlands and the removal of shrubbery and undergrowth shall be restricted to removal of dead, diseased or dying trees.
 - (ii) Selective cutting which removes not more than forty (40%) percent of the trees and which leaves a well-distributed stand of tree foliage shall be permitted.
 - (iii) More than forty (40%) percent of the tree coverage may be removed only as such action is recommended by a state forester, or a private forester registered by the state and approved by the Planning Commission.
 - (iv) Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
- 3. Have as a portion of the application a site plan for review by the Planning Commission, that provides such data concerning the physical development and extent of disruption to the site as may be required by the Planning Commission. The Planning Commission or Zoning Administrator may require any of the following as part of the information of the site plan: maps, description of earth changes, soil borings, soil surveys, well logs, description of vegetation changes, percolation test, and description of development, topographic surveys, and other environmental impact information. The review of the site plan will be made in such a manner as to:
 - a. Determine whether the regulations of this Ordinance shall have been observed regarding cutting of trees and other vegetation, sewage disposal, erosion and sedimentation control, etc.
 - b. Determine whether the true intent of State and Township Regulations, including this Ordinance, shall be served by this development in safeguarding against adverse effects on air and water quality, the natural resources of the area, and the natural vegetation of the area. The Planning Commission shall recommend alterations as are required by existing Ordinance or Statute, or such reasonable requirements as it deems necessary

to minimize such adverse effects.

4. In special cases where in the judgment of the Township Planning Commission a development proposal, because of its extensiveness, complexity, exceptional cost of development or significant impact on both the existing development pattern and the natural environment, cannot be properly processed under the limited provisions of this Section, may be required to conform to the provisions of both this Section and those of Section 15.1, "Site Plan Review."

Section 2.29 Driveway Standards

- A. Driveway- residential. A driveway intended to serve the residents of one (1) single-family dwelling or one (1) two-family dwelling shall meet Livingston County Road Commission Standards and must be located at least five (5) feet from the lot line, except at the road right of way where the driveway must be ten (10) feet from the lot line.
- B. Driveway- commercial. A driveway intending to provide access to a public road right-of-way to land which is used for industrial, institutional, or commercial purposes must be at least thirty (30) feet in width.
- C. Private Driveway- a driveway which is constructed for the purpose of providing access to two (2) lots or parcels that do not have frontage upon a public or private road right of way must meet the requirements and specifications set out by the Livingston County Road Commission for private driveways. Any such private driveway must also not be located nearer than one-hundred (100) feet to another private driveway that serves any parcel that does not have the road frontage required by this ordinance. The travel surface of any such private drive is to be centered within the easement. The minimum required easement width shall be not less than thirty-three (33) feet in width.

Section 2.30 Performance Guarantees

1. As a condition of approval of a private road, site plan review, special use or planned unit development, the Planning Commission or Township Board, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of uses or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a Certificate of Compliance, the applicant shall submit an

itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one hundred percent (100%) of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.

- b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township.
- c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
- d. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements; provided, however, the Township shall retain a minimum of 25% of the total project improvements for any project that will have a paved road or 200% of the cost of the asphalt finish wear course, whichever is greater. This retention is to cover the cost of repairs to the base asphalt course that may be needed prior to installing the final wear course as well as any other final grading or restoration items.
- e. When all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
- f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 2.31 Damaged Buildings & Structures

Any building or structure, or portion thereof, which by reason of structural damage caused by fire, explosion, wind, rain, or other natural disasters or by reason of vandalism or other intentional damage or by reason of neglect, lack of maintenance, obsolescence, physical deterioration, dilapidation, and the like is no longer habitable or reasonably and safely useful as a dwelling or

no longer reasonably or safely useful for any other purpose for which it was originally intended then the structure and all debris shall be removed from the site within twelve (12) months from the date of the occurrence of the damage or if the structure is to be rebuilt, repaired, or restored, the same must be in compliance with the Handy Township Zoning Ordinance and the Livingston County Building Codes and such rebuilding or restoration must be accomplished within twelve months from the date of the occurrence of the damage.

Section 2.32 Open Space Preservation Option

At the option of the developer/land owner, land zoned AR Agricultural Residential, RA Residential 'A,' or RB Residential 'B,' may be developed for detached single-family residential housing development as provided for under P.A. 177 of 2001. Land developed under this option must adhere to the following requirements:

1. Minimum Open Space Required. In all developments proposed under this option, at least fifty (50%) percent of the gross buildable area of the subject property must be perpetually preserved as open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, floodplains and wetlands (as defined by the MDEQ).
2. The following land areas shall not be applied toward meeting the minimum open space requirement stated under subparagraph 1 above:
 - a. Unbuildable land which shall include fifty (50%) percent of wetlands, areas within a one hundred (100) year floodplain, open bodies of water and streams.
 - b. The area of any public road right-of-way or private road easement.
 - c. Areas within lots or units.
 - d. Public or private golf courses.
3. The following land areas may be applied toward meeting the minimum open space requirement stated under subparagraph 1 above:
 - a. Undeveloped areas of the site not a part of any lot or unit left in their natural condition.
 - b. Landscaped greenbelts.
 - c. Public and private parks developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (wood chip or paved), and wildlife enhancements.

- d. Storm water management facilities, including detention, retention and sedimentation basins, up to twenty (25%) percent of the total amount of open space required under subparagraph 1 above.
4. Open Space Standards. Open space intended to satisfy the minimum requirements stated under 2.32(1) must meet the following standards:
- a. Open space shall be centrally located, located along the road frontage of the development, located to preserve significant natural features, or located to allow for connection of open spaces throughout the development.
 - b. Open space must be left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to storm water management basins.
 - c. Open space provided along exterior public roads shall generally have a depth of at least one hundred (100) feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one (1) evergreen at least five (5) feet in height or one (1) deciduous tree for each forty (40) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited toward meeting this landscaping requirement. Existing trees are to be preserved to the greatest extent possible.
 - d. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
 - e. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
 - f. Views of open spaces from lots (or units) and roads within the development are encouraged.
 - g. Where lakes and ponds are located within or abut a development, the Planning Commission may require open space to provide lake access for residents within the development.
 - h. Preservation of Open Space. Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission such as:
 - i. Recorded deed restrictions;

- ii. Covenants that run perpetually with the land;
 - iii. Dedication to a land conservancy approved by the Planning Commission; or,
 - iv. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (MCL 324.2140).
- i. Preservation of open space as described above under 2.32(4)(h) shall assure that open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. The recorded document shall:
- i. Indicate the proposed allowable use(s) of the preserved open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
 - (1) Dumping or storing of any material or refuse;
 - (2) Activity that may cause risk of soil erosion or threaten any living plant material;
 - (3) Cutting or removal of live plant material except for removal of dying or diseased vegetation;
 - (4) Use of motorized off-road vehicles;
 - (5) Cutting, filling or removal of vegetation from wetland areas;
 - (6) Use of pesticides, herbicides or fertilizers within or adjacent to wetlands.
 - ii. Require that the preserved open space be maintained by parties who have an ownership interest in the open space.
 - iii. Provide standards for scheduled maintenance of the open space.
 - iv. Provide for maintenance to be undertaken by Handy Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners in an amount equal to the cost of such maintenance plus an administrative fee of twenty-five (25%) percent. In the event the Township elects to provide such

maintenance, the costs shall be assessed against each lot or unit owner's property on the next tax bill and become a lien accordingly.

- j. Continuing Obligation. The preserved open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements for utilities and septic systems, shall be strictly prohibited.
- k. Allowable Structures. Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected within the preserved open space, subject to the approved site plan and must be consistent with the proposed use of the open space. Accessory structures may include:
 - i. Maintenance buildings;
 - ii. Clubhouse;
 - iii. Recreation structures (gazebos, boardwalks, docks, etc.);
 - iv. Other structures as approved by the Planning Commission.

These accessory structure(s) or building(s) shall not exceed, in the aggregate, one (1) percent of the required open space area.

- 5. Lot Size Reduction.
 - a. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations for each zoning district, may be reduced by up to fifty (50%) percent when developed using the option provided under this sub-section.
 - b. Notwithstanding 2.32(5) (a) above, no lot area shall be reduced below 21,780 square feet, nor shall the lot width be reduced below one hundred (100) feet. Required yard setbacks shall not be reduced. Larger lot area may be required to meet Livingston County Health Department requirements related to the use of on-site septic and wells, and/or for conformance with the requirements of P.A. 288 of 1967, the Subdivision Control Act, as amended.
 - c. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under Section 2.32(1).

6. Developments proposed under this Section must receive site plan approval in accordance with Chapter 15 of this zoning ordinance.

Section 2.33 Outdoor Wood-Fired Boilers or Furnaces

Outdoor Wood-Fired Boilers or Furnace. An outdoor wood-fired boiler or furnace may be installed and used in the Township of Handy only in accordance with the following provisions:

1. The boiler or furnace shall be for the purpose of heating a principal building and/or accessory structure on the same lot or parcel.
2. The outdoor wood-fired boiler or furnace shall not be used to burn refuse, leaves, green vegetative matter, and/or noxious plants.
3. The outdoor wood-fired boiler or furnace may only be permitted on a lot or parcel that is a minimum of 35,000 square feet in size.
4. The outdoor wood-fired boiler or furnace shall be located at least fifty (50) feet from the side and rear lot lines of the property on which it is located, and shall not be located within any front yard.
5. The outdoor wood-fired boiler or furnace shall be located at least one hundred (100) feet from the nearest principal building which is not on the same property as the outdoor wood-fired boiler or furnace.

Section 2.34 Wind Energy Conversion Systems

A. DEFINITIONS.

1. AMBIENT means the sound pressure level exceeded 90% of the time or L_{90}
2. ANSI means the American National Standards Institute.
3. dB(A) means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
4. DECIBEL means the unit of measure used to express the magnitude of sound pressure and sound intensity. IEC means the International Electro-technical Commission. ISO means the International Organization for Standardization.
5. LEASE UNIT BOUNDARY means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.

6. ON SITE WIND ENERGY SYSTEM means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
 7. ROTOR means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
 8. SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
 9. SOUND PRESSURE means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
 10. SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
 11. WIND ENERGY SYSTEM means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON- SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.
 12. WIND SITE ASSESSMENT means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.
- B. On-site Wind Energy Systems. An On-site wind energy system is an accessory use that shall meet the following standards:
1. Designed to primarily serve the needs of a home, farm, or small business.
 2. Shall have a tower height of sixty five (65) feet or less.
 3. Property Set-back: The distance between an On-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.

4. Sound Pressure Level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
 5. Construction Codes, Towers, & Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. An interconnected On-site wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 6. Safety: An On-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
- C. LAND USE PERMIT Application Requirements: In addition to the standard information required on a Land Use Permit Application form, applications for an on-site wind energy system shall also include the following information/documentation:
1. A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the on-site wind energy system, lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, public and private streets, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.
 2. The proposed number, type, and total height of the on-site wind energy system to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 3. Documented compliance with the noise requirements set forth in this Ordinance.

4. Documented compliance with applicable Township, County, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
5. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
6. A description of the methods that will be used to perform maintenance on the system and the procedures for lowering or removing the system in order to conduct maintenance.
7. Verification that the on-site wind energy system shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
8. Other relevant information as may be reasonably requested by the Township.

Section 2.35 Frontage on Public or Private Roads

Frontage on Public or Private Roads. Any lot or parcel created after the effective date of this Ordinance shall have frontage upon a designated and approved public road or a private road which is designed and built in accordance with Section 2.19 of this Ordinance except that two (2) lots or parcels without the required road frontage may be created or divided from a parent parcel as defined by the Land Division Act, Public Act 591 of 1996, as amended, (parent parcel means a parcel or tract of land lawfully in existence on the effective date of March 31, 1997.) The required minimum road frontage required for each parcel or lot shall equal the minimum parcel or lot width required in each zoning district.

(Amended Section 2 by adding subsection 2.36 Private Solar Energy Systems, April 25, 2019, Amended subsection 2.36, April 6, 2023)

Section 2.36 “Private Solar Energy Systems”

1. General Provisions. All Solar Energy Systems are subject to the following requirements:
 - a. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).
 - b. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.

- c. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.
- d. Solar Energy Systems are permitted in the Township as follows, subject to this Section and other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Private Solar Energy Systems	All zoning districts as accessory buildings, structures, and uses	Not required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	Research and Development*	Required

B. Private Solar Energy Systems.

1. Private Solar Energy System BIVPs. Private Solar Energy System BIVPs are permitted in all zoning districts. A building permit is required for the installation of BIVPs.
2. Roof or Building Mounted Private Solar Energy Systems. Roof or Building Mounted Private Solar Energy Systems are permitted in all zoning districts as an accessory use, subject to the following requirements:
 - a. No part of the Solar Energy System erected on a roof is permitted to extend beyond the peak of the roof. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System is permitted to extend beyond the wall on which it is mounted.
 - b. No part of a Solar Energy System mounted on a roof is to be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof is permitted to extend more than two (2) feet above the surface of the roof.
 - d. If a Roof or Building Mounted Private Solar Energy System has been abandoned, the property owner must remove it within six (6) months after the date of abandonment.

- e. A building permit is required for the installation of Roof or Building Mounted Private Solar Energy Systems.
3. Ground Mounted Private Solar Energy Systems. Ground Mounted Private Solar Energy Systems are allowed in all zoning districts, and require a a land use permit and site plan review. Ground Mounted Private Solar Energy Systems are subject to the following requirements:
- a. *Site Plan.* Before installation of a Ground Mounted Private Solar Energy System, the property owner must submit a site plan to the Zoning Administrator. The site plan must include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale. Except for Ground Mounted Private Solar Energy Systems in residential districts, the site plan shall be provided to the Planning Commission for review and approval pursuant to this ordinance.
 - b. *Maximum Height.* A Ground Mounted Private Solar Energy System must not exceed the maximum building height for adjacent accessory buildings and must not exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - c. *Location.* A Ground Mounted Private Solar Energy System must be located in the rear or side yard and must meet the rear or side yard setback requirements applicable in the zoning district in which the property is located.
 - d. *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Ground Mounted Private Solar Energy System to any building or other structure must be located underground. If batteries are used as part of the Ground Mounted Private Solar Energy System, they must be placed in a secured container or enclosure.
 - e. *Lot Area Coverage.* No more than 20% of the total lot area may be covered by a Ground Mounted Private Solar Energy System.
 - f. *Appearance.* The exterior surfaces of a Ground Mounted Private Solar Energy System must be generally neutral in color and substantially non-reflective of light.
 - g. *Abandonment.* If a Ground Mounted Private Solar Energy System has been abandoned, the property owner must notify the Township and remove the system within six (6) months after the date of abandonment.
 - h. *Building Permit.* A building permit is required for installation of a Ground Mounted Private Solar Energy System.

- i. *Remedies.* If an applicant or operator of a Ground Mounted Solar Energy System fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the site plan approval after giving the applicant notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and cost.

Chapter 3 Zoning Districts

Section 3.1 Districts Established

For the purposes of this Ordinance, Handy Township is hereby divided into the following zoning Districts:

DISTRICT DESIGNATIONS	
AR	Agricultural Residential District
RA	Residential ‘A’ District
RB	Residential ‘B’ District
MFR	Multiple Family Residential District
MHP	Manufactured Home Park District
MP	Municipal Property District
NSC	Neighborhood Service Commercial District
AC	Ancillary Commercial District
I-1	Prime Industrial District
I-2	General Industrial District
RD	Research and Development District

Section 3.2 District Boundaries

- A. Boundaries. The boundaries of the districts listed in Section 3.1 are hereby established as shown on the Handy Township Zoning Ordinance Map, which is part of this Ordinance.
- B. Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Zoning Map, the following rules shall apply:
1. Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
 2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.
 3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
 4. Boundaries indicated as parallel to or extensions of features indicated in Section

3.2, B, 1-3, shall be so construed. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

5. Where physical or natural features existing on the ground differ from those shown on the Zoning Map, or in other circumstances not covered by this Section, the Zoning Board of Appeals shall interpret the district boundaries.
6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.
7. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, or other survey line shall be construed as following such line.
8. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.

Section 3.3 Zoning of Vacated Areas

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the District to which it attaches. If a vacated area is bordered by two (2) different Districts, the area is divided along a line half (1/2) way between them according to the adjacent zone, unless the Township Board shall otherwise designate.

Chapter 4 Agricultural Residential District

Section 4.1 Intent

This District is intended to provide for the compatible arrangement and development of parcels of land for residential building purposes in a pastoral, agricultural, and woodland setting. The district will promote a low-intensity; rural environment which preserves those natural features that are important to the character of Handy Township. Providing areas for general farming and large-lot residential uses for areas not served with municipally owned and operated water or sewer utility is another advantage to this district. It is the further intent to minimize undue development pressures upon those land owners who operate farms and wish to continue doing so.

Section 4.2 Permitted Uses

No land and/or buildings in the AR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Agriculture, including farms for general farming, with farm dwellings and other installations used and operated as part of the farm.
- B. Greenhouses and nurseries.
- C. Roadside stands for the display and sale of products grown on the property; provided that off-street parking and access to such parking shall be provided on the property and no hazardous traffic condition shall result from such activity.
- D. Single-family detached dwellings.
- E. One (1) dwelling unit, including manufactured homes, may be located on agricultural parcels and one (1) additional farm-related dwelling may be located on the same agricultural parcel for each additional forty (40) acres operated as a farm under a single owner or management, except that a manufactured home may not be located in a recorded subdivision plat, unless such a plat is for a manufactured home subdivision.
- F. Family day care homes.
- G. State licensed residential family care facilities.
- H. Public parks, playgrounds, and other public uses of an open space, recreational character.
- I. Accessory buildings, structures, and uses.
- J. Home occupations.

Section 4.3 Special Land Uses

No land and/or buildings in the AR District may be used, except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Utility and public service buildings, without storage yards.
- B. Agribusiness.
- C. Commercial campgrounds.
- D. Private non-commercial recreation and public recreation areas or community recreation centers.
- E. Churches (including schools and day care centers).
- F. Golf courses or country clubs.
- G. K-12 schools provided such schools are not operated as commercial enterprises.
- H. Bed and breakfast establishments.
- I. Farm labor housing.
- J. Cemeteries.
- K. Kennels.
- L. Private stables and horse training centers.
- M. Airports and landing fields.
- N. Wireless communication towers and radio and television broadcast towers.
- O. Commercial outdoor recreation.
- P. Mining of natural resources.
- Q. Mineral brine well extraction.
- R. Sawmills, planing mills, and lumber yards.
- S. Group day care homes.
- T. Wildlife in captivity.

- U. Veterinary hospitals and clinics that may include an attached accessory building used for residential purposes by an employee(s).
- V. Planned unit development
- W. Liquid Propane Storage, Sales, and Service.
- Y. Two-Family Dwellings. Two family dwellings in compliance with Section 16.6 YY of this ordinance

Section 4.4 Site Development Requirements

All Permitted Uses and Special Land Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Land Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

Section 4.5 Overlay Commercial Use Zoning

Section 4.5 (1) Purpose

The provisions of this section provide for the authority and standards for the submission, review, and approval of an application for commercial uses in an agricultural-residential district provided it meets the standards and conditions as provided under this Section 4.5.

Section 4.5 (2) Special Land Uses Subject to Special Conditions

No land and/or building in the AR District may be used for commercial purposes except as provided under section 4.2, 4.3 or the Overlay Commercial Use Zoning when approved in accordance with the conditions of this Section 4.5 and with the requirements of Chapter 15, “Site Development Requirements” and requirements of Chapter 16, “Special Uses.” The special uses allowed are as follows:

- A. All permitted uses under Section 9.2 and all special uses under Section 9.3 shall be allowed as a special use under the Overlay Commercial Use Zoning.
- B. All special uses under Section 10.3 shall be allowed as a special use under the Overlay Commercial Zoning.
- C. The owner shall be allowed to occupy the same building used for commercial purposes as a resident provided the residence is separate and distinct from the commercial portion and has a separate entrance.
- D. The parcel may contain a single family residence with a separate structure dedicated for commercial uses provided the owner of the commercial business also is the occupant of the separate residential structure.

Section 4.5 (3) Special Conditions

In addition to the requirements of Chapter 15, “Site Development Requirements” and Chapter 16, “Special Uses” the following special provisions shall apply to all Commercial Overlay Zoning Uses in the AR District.

- A. All parcels must have Grand River frontage which runs between Wallace Road and Owosso Road.
- B. Each commercial parcel must have a minimum of one hundred twenty (120) feet of road frontage as measured along the road right-of-way line and at the building setback line.
- C. All parcels must contain a minimum of one (1) acre.
- D. All setback requirements for overlay zoning shall be the same as required in the NSC District. In addition, all the special use specific design standards listed in Section 16.6 shall be applicable for those uses listed in that section.

- E. The required greenbelts/buffers shall comply with Section 2.17 except if the property abuts property that is used exclusively for residential purposes, then the greenbelt strip shall be a minimum of twenty (20) feet wide and consist of evergreen plantings of three (3) rows, each tree being a minimum of five (5) feet in height at the time of planting with each row being staggered, the distance between the center of each planting not to exceed fifteen (15) feet. Alternative greenbelt buffering may be allowed by the Planning Commission as a condition of the special use if there is evidence that the proposed green belting will sufficiently obscure the commercial use from an adjoining residential use.
- F. All commercial uses shall have an acceleration and deceleration lane when required by the Livingston County Road Commission.
- G. A sign shall be allowed in accordance with Section 15.3 provided the size of the sign shall be limited to a maximum of thirty two (32) square feet per side and that the cumulative total of all sign faces shall not exceed sixty four (64) square feet.
- H. All requirements of the Handy Township Zoning Ordinance that apply to the NSC District and the AC District shall be applicable except as modified by the special conditions contained herein.

Section 4.5 (4) Existing NSC Districts on Grand River

The existing NSC Districts on Grand River shall not be required to comply with this Section 4.5 unless they petition the Planning Commission for a use which is allowed under Section 4.5 which is not allowed under the current NSC District.

Section 4.5 (5) Depth of Overlay Commercial Zoning Uses

The depth of the Overlay Commercial Zoning Uses shall not exceed three hundred fifty (350) feet from the edge of the road right-of-way.

Section 4.5 (6) Existing Single Family Residential Structures

Existing single family residential structures will not have to meet the requirements of Section 4.5 unless the property is proposed to have a commercial use under this Section 4.5.

Section 4.5 (7) Financial Guarantees

To ensure that all the improvements such as acceleration, deceleration lanes, green belting, and other requirements of the ordinance are met, the Planning Commission may require a financial guarantee be filed with the Township before the issuance of a Certificate of Zoning Ordinance Compliance which financial guarantees must meet the requirements of the Handy Township Zoning Ordinance Performance Guarantee section.

Chapter 5 Residential ‘A’ District

Section 5.1 Intent

This District is intended to provide for single-family residential living environment and to foster stable, high quality neighborhoods free from other uses that are incompatible with residential uses. At the same time, the regulations for this district recognize the need to provide large enough parcels to sustain a healthy on-site water supply and liquid wastewater disposal. However, with further development, the uses in this area may be served by a municipally owned and operated water supply and sanitary sewer and water systems.

Section 5.2 Permitted Uses

No land and/or buildings in the RA District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Public parks, playgrounds, and other public uses of an open space recreational character.
- E. Accessory buildings, structures, and uses.
- F. Home occupations.

Section 5.3 Special Uses

No land and/or buildings in the RA District may be used, except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Utility and public service buildings, without storage yards.
- B. Private non-commercial and public recreation areas or community recreation centers.
- C. Churches (including schools and day care centers).
- D. Golf courses or country clubs.
- E. K-12 schools, provided such schools are not operated as commercial enterprises.
- F. Bed and breakfast establishments.

- G. Cemeteries.
- H. Group day care homes.
- I. Kennels.
- J. Riding stables.
- K. Farms.
- L. Roadside stands.
- M. Planned Unit Development
- O. Two-Family Dwellings. Two-family dwellings in compliance with Section 16.6 YY of this ordinance.

Section 5.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

Section 5.5 Overlay Commercial Use Zoning

Section 5.5 (1) Purpose

The provisions of this section provide for the authority and standards for the submission, review, and approval of an application for commercial uses in a Residential A District provided it meets the standards and conditions as provided under this Section 5.5.

Section 5.5 (2) Special Land Uses Subject to Special Conditions

No land and/or building in the Residential “A” District may be used for commercial purposes except as provided under section 5.2, 5.3 or the Overlay Commercial Use Zoning when approved in accordance with the conditions of this Section 5.5 and with the requirements of Chapter 15, “Site Development Requirements” and requirements of Chapter 16, “Special Uses.” The special uses allowed are as follows:

- A. All permitted uses under Section 9.2 and all special uses under Section 9.3 shall be allowed as a special use under the Overlay Commercial Use Zoning.
- B. All special uses under Section 10.3 shall be allowed as a special use under the Overlay Commercial Zoning.
- C. The owner shall be allowed to occupy the same building used for commercial purposes as a resident provided the residence is separate and distinct from the commercial portion and has a separate entrance.
- D. The parcel may contain a single-family residence with a separate structure dedicated for commercial uses provided the owner of the commercial business also is the occupant of the separate residential structure.

Section 5.5 (3) Special Conditions

In addition to the requirements of Chapter 15, “Site Development Requirements” and Chapter 16, “Special Uses” the following special provisions shall apply to all Commercial Overlay Zoning Uses in the Residential “A” District.

- A. All parcels must have Grand River frontage which runs between Wallace Road and Owosso Road or frontage on Van Buren Road east of Gregory Road.
- B. Each commercial parcel must have a minimum of one hundred twenty (120) feet of road frontage as measured along the road right-of-way line and at the building setback line.
- C. All parcels must contain a minimum of one (1) acre.

- D. All setback requirements for overlay zoning shall be the same as required in the NSC District. In addition, all the special use specific design standards listed in Section 16.6 shall be applicable for those uses listed in that section.
- E. The required greenbelts/buffers shall comply with Section 2.17 except if the property abuts property that is used exclusively for residential purposes, then the greenbelt strip shall be a minimum of twenty (20) feet wide and consist of evergreen plantings of three (3) rows, each tree being a minimum of five (5) feet in height at the time of planting with each row being staggered, the distance between the center of each planting not to exceed fifteen (15) feet. Alternative greenbelt buffering may be allowed by the Planning Commission as a condition of the special use if there is evidence that the proposed green belting will sufficiently obscure the commercial use from an adjoining residential use.
- F. All commercial uses shall have an acceleration and deceleration lane when required by the Livingston County Road Commission.
- G. A sign shall be allowed in accordance with Section 15.3 provided the size of the sign shall be limited to a maximum of thirty two (32) square feet per side and that the cumulative total of all sign faces shall not exceed sixty four (64) square feet.
- H. All requirements of the Handy Township Zoning Ordinance that apply to NSC District and the AC District shall be applicable except as modified by the special conditions contained herein.

Section 5.5 (4) Existing NSC Districts on Grand River

The existing NSC Districts on Grand River shall not be required to comply with this Section 5.5 unless they petition the Planning Commission for a use which is allowed under Section 5.5 which is not allowed under the current NSC District.

Section 5.5 (5) Depth of Overlay Commercial Zoning Uses

The depth of the Overlay Commercial Zoning Uses shall not exceed three hundred fifty (350) feet from the edge of the road right-of-way.

Section 5.5 (6) Existing Single Family Residential Structures

Existing single family residential structures will not have to meet the requirements of Section 5.5 unless the property is proposed to have a commercial use under this Section 5.5.

Section 5.5 (7) Financial Guarantees

To insure that all the improvements such as acceleration, deceleration lanes, green belting, and other requirements of the ordinance are met, the Planning Commission may require a financial guarantee be filed with the Township before the issuance of a Certificate of Zoning Ordinance Compliance which financial guarantees must meet the requirements of the Handy Township Zoning Ordinance Performance Guarantee section.

Chapter 6 Residential ‘B’ District

Section 6.1 Intent

This District is intended to provide single family residential living environment and to foster stable, high quality neighborhoods free from incompatible uses. At the same time, the regulations for this District recognize the need to preserve existing housing stock and provide housing that is affordable for the present and future residents of Handy Township. This District shall only be established in those locations where municipally owned and operated water and sanitary sewer service are available.

Section 6.2 Permitted Uses

No land and/or buildings in the RB District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures, and uses.
- E. Public parks, playgrounds, and other public uses of an open space recreational character.
- F. Home occupations.

Section 6.3 Special Uses

No land and/or buildings in the RB District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16.

- A. Churches (including schools and day care centers).
- B. K-12 schools provided such schools are not operated as commercial enterprises.
- C. Bed and breakfast establishments.
- D. Cemeteries.
- E. Group day care homes.
- F. Planned unit development.

- H. Two-Family Dwellings. Two-family dwellings in compliance with Section 16.6 YY of this ordinance.

Section 6.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

Section 6.5 Overlay Commercial Use Zoning

Section 6.5 (1) Purpose

The provisions of this section provide for the authority and standards for the submission, review, and approval of an application for commercial uses in a Residential B District provided it meets the standards and conditions as provided under this Section 6.5.

Section 6.5 (2) Special Land Uses Subject to Special Conditions

No land and/or building in the Residential “B” District may be used for commercial purposes except as provided under section 6.2, 6.3 or the Overlay Commercial Use Zoning when approved in accordance with the conditions of this Section 6.5 and with the requirements of Chapter 15, “Site Development Requirements” and requirements of Chapter 16, “Special Uses.” The special uses allowed are as follows:

- A. All permitted uses under Section 9.2 and all special uses under Section 9.3 shall be allowed as a special use under the Overlay Commercial Use Zoning.
- B. All special uses under Section 10.3 shall be allowed as a special use under the Overlay Commercial Zoning.
- C. The owner shall be allowed to occupy the same building used for commercial purposes as a resident provided the residence is separate and distinct from the commercial portion and has a separate entrance.
- D. The parcel may contain a single-family residence with a separate structure dedicated for commercial uses provided the owner of the commercial business also is the occupant of the separate residential structure.

Section 6.5 (3) Special Conditions

In addition to the requirements of Chapter 15, “Site Development Requirements” and Chapter 16, “Special Uses” the following special provisions shall apply to all Commercial Overlay Zoning Uses in the Residential “B” District.

- A. All parcels must have Grand River frontage which runs between Wallace Road and Owosso Road.
- B. Each commercial parcel must have a minimum of one hundred twenty (120) feet of road frontage as measured along the road right-of-way line and at the building setback line.
- C. All parcels must contain a minimum of one (1) acre.
- D. All setback requirements for overlay zoning shall be the same as required in the NSC District. In addition, all the special use specific design standards listed in Section 16.6 shall be applicable for those uses listed in that section.
- E. The required greenbelts/buffers shall comply with Section 2.17 except if the property abuts property that is used exclusively for residential purposes, then the greenbelt strip shall be a minimum of twenty (20) feet wide and consist of evergreen plantings of three (3) rows, each tree being a minimum of five (5) feet in height at the time of planting with each row being staggered, the distance between the center of each planting not to exceed fifteen (15) feet. Alternative greenbelt buffering may be allowed by the Planning Commission as a condition of the special use if there is evidence that the proposed greenbelting will sufficiently obscure the commercial use from an adjoining residential use.
- F. All commercial uses shall have an acceleration and deceleration lane when required by the Livingston County Road Commission.
- G. A sign shall be allowed in accordance with Section 15.3 provided the size of the sign shall be limited to a maximum of thirty two (32) square feet per side and that the cumulative total of all sign faces shall not exceed sixty four (64) square feet.
- H. All requirements of the Handy Township Zoning Ordinance that apply to NSC District and the AC District shall be applicable except as modified by the special conditions contained herein.

Section 6.5 (4) Existing NSC Districts on Grand River

The existing NSC Districts on Grand River shall not be required to comply with this Section 6.5 unless they petition the Planning Commission for a use which is allowed under Section 6.5 which is not allowed under the current NSC District.

Section 6.5 (5) Depth of Overlay Commercial Zoning Uses

The depth of the Overlay Commercial Zoning Uses shall not exceed three hundred fifty (350) feet from the edge of the road right-of-way.

Section 6.5 (6) Existing Single Family Residential Structures

Existing single family residential structures will not have to meet the requirements of Section 6.5 unless the property is proposed to have a commercial use under this Section 6.5.

Section 6.5 (7) Financial Guarantees

To insure that all the improvements such as acceleration, deceleration lanes, greenbelting, and other requirements of the ordinance are met, the Planning Commission may require a financial guarantee be filed with the Township before the issuance of a Certificate of Zoning Ordinance Compliance which financial guarantees must meet the requirements of the Handy Township Zoning Ordinance Performance Guarantee section.

Chapter 7 MFR Multiple Family Residential District

Section 7.1 Intent

This District is intended to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, this District provides areas for two-family and multiple family residential living environments, allowing additional variety in housing opportunities and choices. The regulations for this district recognize the need to provide affordable and varying housing opportunities.

Section 7.2 Permitted Uses

No land and/or buildings in the MFR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Existing single-family detached dwellings.
- B. Two-family dwellings.
- C. Multiple family dwellings.
- D. Family day care homes.
- E. State licensed residential family care facilities.
- F. Accessory buildings, structures, and uses.
- G. Home occupations.

Section 7.3 Special Uses

No land and/or buildings in the MFR District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16:

- A. Churches (including schools and day care centers).
- B. K-12 schools provided such schools are not operated as commercial enterprises.

- C. Bed and breakfast establishments.
- D. Housing for the elderly.
- E. Group day care homes.
- F. Nursing homes.
- G. Planned unit development.

Section 7.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

Chapter 8 Manufactured Home Park District

Section 8.1 Intent

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all groups, the Manufactured Home Park District is intended to provide regulations for manufactured home residential developments to permit additional variety in housing opportunities and choices.

Section 8.2 Permitted Uses

No land and/or buildings in the MHP District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home parks in accordance with the requirements of Section 8.5.
- C. Family day care homes.
- D. State licensed residential family care facilities.
- E. Accessory buildings, structures, and uses.
- F. Home occupations.

Section 8.3 Special Uses

No land and/or buildings in the MHP District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16.

- A. Utility and public service buildings, without storage yards.
- B. Planned unit development.

Section 8.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for Manufactured Home Parks and all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.

Section 8.5 Licensed Manufactured Home Parks

- A. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Handy Township, irrespective of the requirements of any other ordinance of Handy Township, unless such parcel or parcels of land shall have been approved as a licensed manufactured home park under the provisions of this Chapter.
- C. All applications for manufactured home parks must be approved by the Township Board, upon the recommendation of the Planning Commission, in accordance with the provisions of this Section.
- D. Manufactured Home Sales.
 - 1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price, or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
 - 2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent, or those home occupants as permitted in this Ordinance, provided that a manufactured home commercial sales lot shall not be permitted in conjunction with any manufactured home park.

Chapter 9 Neighborhood Service Commercial District

Section 9.1 Intent

This District is intended to provide areas for retail trade, offices, and service outlets to meet the day to day needs of the residents in the immediate neighborhoods. These areas will generally be located near existing residential areas, and along primary roads.

Section 9.2 Permitted Uses

No land and/or buildings in the NSC District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- B. Professional and business offices.
- C. Personal and business service establishments including barbers, electronics repair, printing, publishing, photo reproduction, blue-printing, or related trades or arts.
- D. Assembly buildings including dance pavilions, auditoriums, churches, and private clubs.
- E. Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the Planning Commission.
- F. Commercial schools including, but not limited to, dance, music, trade, martial arts.
- G. Restaurants, clubs and other establishments which provide food or beverage for consumption on the premises; excluding drive-ins.
- H. Health and physical fitness salons.
- I. Municipal and public utility buildings and installations.
- J. Child care centers or day care centers.
- K. Single family homes in existence at the time of the adoption of this subsection.

(Amended Section 9.2.K, June 13, 2017)

Section 9.3 Special Uses

No land and/or buildings in the NSC District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16.

- A. Offices and showrooms of plumbers, electricians, decorators, or similar trades.
- B. Vehicle service stations.
- C. Vehicle repair establishments.
- D. Vehicle wash establishments.
- E. Vehicle sales.
- F. Drive-in establishments including restaurants, banks, dry cleaning pick-up stations, pharmacies, and other similar uses.
- G. Open air businesses.
- H. Funeral homes and mortuaries that may include an attached accessory building used for residential purposes by an employee(s).
- I. Veterinary hospitals and clinics that may include an attached accessory building used for residential purposes by an employee(s).
- J. [reserved for future use]
- K. Auction houses.
- L. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products, excluding industrial and heavy construction equipment.
- M. Planned unit development.
- N. Liquid Propane Storage, Sales, and Service and as provided in Section 16.6 VV.
- O. Commercial Storage Warehouses (mini warehouses or self-storage units) and as provided in Section 16.6 L
- P. *(Deleted Section 9.3.P; Medical Marihuana, on July 13, 2017)*
- Q. Organized event building.

Section 9.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.
- E. The outdoor storage of goods or materials is prohibited, provided merchandise for sale may be displayed outdoors in a designated location.

Chapter 10 Ancillary Commercial District

Section 10.1 Intent

This District is intended to provide an appropriate location for commercial and business enterprises that complement the uses in Fowlerville's downtown. Uses in this district require larger lots to meet future needs for expansion, and for off-street parking and open space requirements. These uses are encouraged to locate near the highway and interchanges where heavy traffic and other characteristics will not be detrimental to, or incompatible with residential uses.

Section 10.2 Permitted Uses

No land and/or buildings in the AC District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any Permitted Use in the NSC District.

Section 10.3 Special Uses

No land and/or buildings in the AC District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16.

- A. Outdoor display areas.
- B. Drive-in establishments including restaurants, banks, dry cleaning pick-up stations, pharmacies, and other similar uses.
- C. Plant nurseries and greenhouses.
- D. Building supply and equipment establishments.
- E. Commercial outdoor recreation.
- F. Hotels and motels.
- G. Vehicular repair establishments.
- H. Vehicle sales.
- I. Vehicle service stations.
- J. Vehicle wash establishments.
- K. Planned unit development.

- L. Large Scale Retail Establishment
A large scale retail establishment, commonly referred to as a “big box” store that exceeds thirty thousand (30,000) square feet in gross floor area. See Chapter 16, Section 16.6 ZZ.
- M. *(Deleted Section 10.3M; Medical Marihuana, on July 13, 2017)*
- N. Organized event building.

Section 10.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.

Section 11.1 Intent

This District is intended to provide areas for the development and maintenance of large industrial sites in the Township. These areas will provide manufacturers with sites close to major highways for ease of transportation and away from residential areas to minimize potential incompatibilities. The district will permit the creation of an attractive, fully improved industrial park for major employers.

Section 11.2 Permitted Uses

No land and/or buildings in the I-1 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
- B. Research and development facilities, including production activities.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, monuments, glass products, musical instruments, toys, furniture, molded rubber or plastics products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, and stamping operations.
- D. Laboratories (experimental, film, research, or testing).
- E. Converted paper and paper board products.
- F. Printing, publishing, and allied industries
- G. Accessory buildings, structures, and uses.
- H. Billboards

(Amended Section 11.2 Permitted Uses adding subsection H; Billboards August 24, 2017)

Section 11.3 Special Uses

No land and/or buildings in the I-1 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- A. Metal plating, buffing, and polishing.
- B. Planned unit development.

(Deleted Section 11.3.C Medical Marihuana, on July 13, 2017)

Section 11.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.
- E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and designated outdoor storage areas meeting all applicable requirements for location and screening.
- F. All buildings proposed for property that is adjacent to the I-96 expressway shall be placed upon the property in such a manner as to face I-96 and I-96 shall be treated as the road upon which the parcel fronts. In the event that the property also has frontage on another road, then the parcel shall be considered a corner lot as defined in Section 2.16 of this zoning ordinance and the frontage along I-96 shall be considered the principal front lot line.

Such parcels that have frontage on the I-96 expressway shall also comply with the following provisions, when applicable:

- (1) A greenbelt/buffer shall be provided from any existing residential housing or residentially zoned district as required by Section 2.17.
- (2) Any fencing to be erected must not be placed along the property line but instead placed in such a manner as to be between any building on the parcel and the edge of the greenbelt area farthest from the property line.

- (3) If the parcel is considered a corner lot, then lot lines and setbacks shall be determined as provided in Section 2.16.
- (4) The Planning Commission may also require the construction of a landscaped berm and/or such other landscaping along any yard area adjacent to a road, or residentially used or zoned property, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.

Section 12.1 Intent

This District is intended to provide areas for the development and maintenance of sites for general industry and industrial suppliers in the Township. These locations will permit finished or semi-finished goods to be manufactured, assembled, treated, and sold for retail or wholesale purchasers.

Section 12.2 Permitted Uses

No land and/or buildings in the I-2 District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
- B. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as pottery or other ceramic products, monuments, glass products, musical instruments, toys, furniture, plastics products, electrical appliances, electronic instruments, signs, and light sheet metal products.
- C. Electrical appliances and electronic instruments repair.
- D. Dry-cleaning and laundry establishments performing cleaning operations on the premises provided a customer counter may be permitted as an accessory use.
- E. Trade or industrial schools.
- F. Utility and public service buildings, including storage yards.
- G. Contractor's showrooms and storage yards.
- H. Printing, publishing, and allied industries
- I. Manufacturers of wood, plastic, fabric, synthetic specialties, wood patterns.
- J. Building supply and equipment establishments.
- K. Construction and farm equipment sales.
- L. Accessory buildings, structures, and uses.
- M. Billboards

(Amended Section 12.2 Permitted Uses adding subsection M; Billboards August 24, 2017)

Section 12.3 Special Uses

No land and/or buildings in the I-2 District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 16.

- A. Recycling centers.
- B. Adult uses.
- C. Truck terminals.
- D. Production, refining, or storage of petroleum or other flammable liquids.
- E. Warehousing facilities.
- F. Salvage and junk yards.
- G. Asphalt and Portland cement concrete mixing plants.
- H. Wireless communication towers and radio and television broadcast towers.
- I. Sawmills, planing mills, and lumber yards.
- J. Vehicle repairs and/or vehicle service.
- K. Outdoor display areas.
- L. Commercial storage warehouses.
- M. Planned unit development.
- N. Offices and showrooms of plumbers, electricians, decorators, or similar trades.
- O. Rental shops for equipment, tools, cars, trailers, trucks, construction equipment, and recreation products with or without outdoor storage.
- P. Waste Management, Waste Transfer Stations, and Processing Facilities.

(Added Section 12.3.P Waste Management, Waste Transfer Stations, and Processing Facilities Nov. 16, 2020)

(Deleted Section 12.3 .P Medical Marihuana, on July 13, 2017)

Section 12.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.
- E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and designated outdoor storage areas meeting all applicable requirements for location and screening.

Chapter 13 PUD Planned Unit Development District

Section 13.1 Intent

Planned Unit Developments in Handy Township may be applied for in any district when approved by the Township Board in accordance with the procedures specified herein. The grant of a Planned Unit Development shall be as a special use as is authorized by the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended), and in accordance with the provisions of this Zoning Ordinance.

It is the intent of this Chapter to offer an alternative to traditional subdivisions, site condominiums or other developments through the use of Planned Unit Development legislation, as authorized by Section 503 of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended) for the purpose of:

- A. Encouraging the use of Township land in accordance with its character and adaptability.
- B. Assuring the permanent preservation of open space, wetlands, woodlands and other natural resources.
- C. Providing recreational facilities within a reasonable distance of all residents of the Planned Unit Development.
- D. Allowing innovation and greater flexibility in the design of residential, commercial and industrial developments.
- E. Ensuring compatibility of design and use between neighboring properties; and, encouraging a less sprawling form of development, thus preserving open space as developed or undeveloped land.
- F. Ensuring the continued availability of a broad spectrum of home ownership for individuals and families with a range of incomes.

Section 13.2 Qualifying Conditions

In order to be considered for eligibility for a PUD, a development must meet the following minimum qualifying conditions:

- A. The PUD site shall be not less than ten (10) acres in area; provided, however, if the PUD is to contain a mixture of residential and non-residential uses, the minimum required area shall be five (5) acres. Recreational amenities such as golf courses and health clubs, and ancillary commercial activities such as club houses and pro shops, shall not be considered non-residential uses for purposes of this Section.
- B. All PUD's shall be served by municipally owned and operated water and sanitary sewer

facilities.

- C. The tract of land for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties.
- D. The proposed residential densities must be consistent with the underlying zoning district.

EXAMPLE:

40 acre parcel in the AR Zoning District

Minimum allowable lot size in the AR District is 35,000 square feet

Maximum allowable density in PUD with AR underlying zoning is 40 acres/35,000 square feet per unit = maximum of 49 units permitted

- E. The minimum lot area, width, setback, and yard requirements for any lot within a PUD development may be reduced to not less than fifty (50%) percent of the requirement in the underlying zoning district, subject to approval of on-site water and sanitary sewer systems by the Livingston County Health Department.

Section 13.3 Permitted Uses

For the purposes of this Chapter a "PLANNED UNIT DEVELOPMENT" is defined as a development in which the units are placed together into one or more groupings within a defined project area. The units are separated from adjacent properties or other groupings of buildings by a significant landscape buffer that is perpetually protected from development. Smaller commercial or industrial developments without associated residential development may be allowed on sites of at least one (1) acre in size provided they are otherwise able to comply with the other requirements of this Zoning Ordinance, including, but not limited to setbacks, lot coverage, etc.

Section 13.4 Eligibility Criteria

The Township shall consider the following criteria for a project to be eligible as a Planned Unit Development:

- A. **Recognizable Benefits.** A Planned Unit Development shall result in a recognizable and substantial benefit, both to the residents of the property and to the overall quality of life in the Township. These benefits can be provided through site design elements that are in excess of the requirements of this Ordinance, such as: architectural design, extensive landscaping, provision of transition areas from adjacent residential land uses, unique site design features, unified access, preservation of woodlands and open space, particularly along major thoroughfares, and buffering development from lakes, rivers, streams, and wetlands.

- B. Open Space. The proposed development shall provide at least one of the following open space benefits:
1. Significant Natural Assets. The site contains significant natural assets such as mature hardwoods/conifers, individual trees over twelve (12) inch diameter, measured at breast height, rolling topography with grades exceeding fifteen (15) percent, significant views, natural drainage ways, water bodies, stormwater management, flood plains, regulated or non-regulated wetlands, or natural corridors that connect quality wildlife habitats which would be in the best interest of the Township to preserve, and which might be negatively impacted by conventional residential development.
 2. Recreation Facilities. If the site lacks natural features, it may still qualify for PUD treatment if the development will preserve an existing recreation facility or create usable recreation facilities to which all residents of the development shall have reasonable access. Such recreational facilities include areas dedicated for use as a neighborhood park, golf course, passive recreational facilities, soccer fields, ball fields, bike paths or similar facilities which provide a feature of community-wide significance and enhance residential development.
 3. Creation of Natural Features. If the site lacks existing natural features, it may also qualify for PUD treatment if the development will create significant woodland features. The creation of significant woodland features shall be considered as providing perimeter buffer plantings and interior street tree plantings significantly in excess of, but at least twice (2x), what is required by this Ordinance.
- C. Guarantee of Open Space. The applicant shall guarantee to the satisfaction of the Township that all open space portions of the development will be perpetually maintained in the manner approved. Documents shall be presented that bind all successors and future owners in fee title to the commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the Planned Unit Development plan. All such open space must be contained within the PUD itself and cannot be in either a separate, adjacent parcel or a non-contiguous parcel. Open space within the PUD shall also meet the following requirements:
1. At least twenty (20%) percent of the total site area shall be reserved as open space to be designated as usable upland area, and legally recorded as such, for recreation facilities such as picnic areas, walking trails, or other open space uses. All such open space must be perpetually dedicated to the homeowners through an appropriate conveyance with adequate provisions setting forth the responsibility for maintenance, cost sharing of expenses related thereto, and such other provisions as determined and approved by the Planning Commission to be in the best interest of the future residents and the community in general.

- (a) Areas Not Considered as usable upland area as open space. The following land areas are not included as dedicated open space for the purposes of this Section:
 - (1) The area of any street right-of-way proposed to be dedicated to the public. This provision shall not preclude the future dedication of a private road easement to a public road agency.
 - (2) Regulated or non-regulated wetlands, lakes or submerged lands.
 - (3) The required setbacks surrounding any structure, residential or otherwise, that are not located on an individual lot or condominium site.
 - (4) The area used or reserved for water, wastewater, stormwater, gas, pipelines or other utilities or infrastructure systems.
- 2. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. Any open space provided along the exterior public roads shall generally have a depth of at least fifty (50) feet, either landscaped or preserved in a natural condition. The open space along the exterior roads shall be landscaped with a minimum of one (1) evergreen tree (five (5) foot minimum height) or canopy tree (eight (8) foot minimum height) for each fifteen (15) feet of road frontage. Such plantings shall be planted in staggered rows or clustered into groupings to provide a natural appearance. Preservation of existing trees may be credited toward meeting the frontage landscaping requirement.
- 3. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths are required.
- D. Cohesive Development. The proposed development shall be designed to create a cohesive community/development by providing common open space areas for passive or active recreation and resident/tenant interaction as required in this Ordinance. All open space areas shall be equally available to all residents of the Planned Unit Development.
- E. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.
- F. Density Impact. The proposed type and density of use shall not result in an unreasonable increase in the need for, or impact upon, public services, facilities, roads, and utilities in relation to the use or uses otherwise permitted by this Ordinance, and shall not place an unreasonable impact upon the subject site and/or surrounding land and/or property owners

and occupants and/or the natural environment. The Planning Commission shall require that the applicant prepare an impact statement documenting the significance of any environmental, traffic or socio-economic impacts resulting from the proposed Planned Unit Development. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development. The Planning Commission may require that the applicant prepare a quantitative comparison of the impacts of conventional development and the Planned Unit Development plan to assist in making this determination (such as an overlay of conceptual development plans, on a natural features map, illustrating other site development options to demonstrate the impacts have been minimized to the extent practical). If the cumulative impact creates or contributes to a significant problem relative to infrastructure demand and services or environmental degradation, mitigation shall be provided to alleviate the impacts associated with the Planned Unit Development.

G. Buffering and Transition Areas. Where the PUD abuts a single-family residential district or development, the Planning Commission shall require a transition area. The Planning Commission shall review the proposed transition area to ensure compatibility. The Planning Commission and Township Board may require that the transition area consist of one (1) or more of the following:

1. A row of single-family lots or condominium sites similar to the adjacent single-family developments in terms of density, lot area, lot width, setbacks and building spacing.
2. Woodlands, natural features and/or a landscaped greenbelt sufficient to provide an obscuring effect.
3. Open or recreational space.
4. Berming or other significant changes in topography, which provide an effective buffer.
5. If the PUD project includes non-residential uses adjacent to a district authorizing residential uses, a perimeter setback shall be established with a dimension from the property line of up to one hundred (100) feet, at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

In order to evaluate whether the proposed transition area is suitable, the Planning Commission may require the submission of cross-section illustrations at points along the property line(s) in question, illustrating existing and proposed buildings, grades, lighting, landscaping, parking and loading, mechanical units, and the like. Perspective renderings from adjacent residential units are encouraged.

In all cases where non-residential uses abut residentially-zoned or used property, noise reduction and visual screening mechanisms such as earthen berms, landscape screens and/or decorative walls shall be employed. The Planning Commission, at its discretion, shall review and approve the design and location of such mechanisms in an effort to maximize, to a reasonable extent, the screening and buffering of existing or proposed residential property.

- H. Architectural and Site Element Design. Residential facades shall not be dominated by garages; at least fifty (50) percent of residential units shall have side-entry garages or recessed garages where the front of the garage is at least five (5) feet behind the front line of the living portion of the principal dwelling. The intent of encouraging recessed or side entry garages is to enhance the aesthetic appearance of the development and minimize the visual impact resulting from the close clustering of units allowed under these regulations. Building elevations shall be required for all structures other than single-family dwellings.

Signage, lighting, entryway features, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and cohesive development, consistent with the character of the community, surrounding development, and natural features of the area. The Planning Commission may require street or site lighting where appropriate.

- I. Township Master Plan. The proposed development shall be consistent with and further the implementation of the Township Master Plan. If the proposed development is not consistent with the Master Plan but there has been a change in conditions in the area which will explain why the proposed PUD is a reasonable use of the land, the Planning Commission can concurrently consider an amendment to the Master Plan and granting a special use permit for a PUD for the proposed development in question.

Section 13.5 Pre-Planning Conference

- A. A pre-planning conference shall be held with a committee to consist of a member of the Planning Commission, the Zoning Administrator, and/or the Planner for the purpose of determining the eligibility of the request for consideration as a PUD.
- B. A request for a pre-planning conference shall be made to the Zoning Administrator who shall schedule a date and time for the pre-planning conference. As part of the pre-planning conference, the applicant shall submit four (4) copies of a conceptual plan which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and land use for the entire site.
- C. The Township shall advise the applicant of the suitability of the PUD concept with the intent and objectives of the PUD Ordinance in Handy Township, whether it qualifies under the minimum requirements of Section 13.2, and whether the general concept is consistent

with the Township Master Plan. In no case, shall any representations made by the committee, or its members, be construed as an endorsement of the PUD or an approval of the concept.

Section 13.6 PUD Application and Preliminary Development Plan

Applicants seeking approval of a PUD shall submit a complete application for review and a preliminary development plan to the Zoning Administrator who shall forward the completed application to the Planning Commission to schedule a date and time for a public hearing and Planning Commission review of the application. Such application shall include the following:

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Township Board.
- C. A narrative statement describing:
 - 1. The objectives of the PUD and how it relates to the Intent of the PUD District, as described in Section 13.1.
 - 2. The relationship of the PUD to the Handy Township Master Plan.
 - 3. Phases of development and approximate time frame for each phase.
 - 4. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - 5. Anticipated start and completion of construction.
 - 6. Location, type, and size of areas to be dedicated for common open space.
- D. Ten (10) copies of a preliminary development plan. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. In addition, the preliminary plan shall include one (1) sheet showing the proposed project overlayed on an aerial photo. The preliminary plan shall contain the following:
 - 1. Name of development, applicant's name, name and address of firm and individual who prepared the plan, scale, and north arrow.
 - 2. Property lines, dimensions of all property lines, and size of the PUD (and individual phases) in acres.
 - 3. Location map, existing zoning and land use of all abutting properties.
 - 4. Existing natural features on the site including soils, water, stands of trees, drainage ways, flood plains, wetlands, topographic features, and similar features.

5. Existing buildings on the site.
6. Proposed uses and their approximate locations.
7. Right-of-way and pavement edges of existing streets abutting the PUD.
8. Proposed perimeter setbacks and buffers.
9. Minimum setbacks on interior lots, and distances between buildings.
10. Approximate locations of proposed access drives and streets within the PUD.
11. Proposed method of providing water, sanitary sewer, and storm water drainage facilities.
12. Layout and typical dimensions of proposed lots.
13. Approximate phases of development.
14. Proposed residential density by area or phase.
15. Areas to be devoted to open space or other amenities.

Section 13.7 Notice and Public Hearing for PUD

- A. Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given as required under Section 103 of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended).
 1. Describe the nature of the proposed PUD plan.
 2. Describe the property which is the subject of the PUD application, by both legal description and street address.
 3. State the time, date, and place of the public hearing.
 4. State when and where written comments will be received concerning the application.
 5. Provide location for public review of all proposed plan documents
- B. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD, for the purpose of receiving public comment on the application.

Section 13.8 Planning Commission Recommendation

Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the Township Master Plan, compatibility with surrounding uses, and consistency with the intent and qualifying conditions of this Chapter; and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the PUD application. In its recommendation to the Board, the Planning Commission shall include the reasons for such recommendation, specifically citing appropriate standards and sections of the Ordinance and identify those specific conditions, if any, it considers necessary.

Section 13.9 Township Board Action

After receiving the recommendation of the Township Planning Commission and applying the standards of Section 13.12, the Township Board shall review the application package, preliminary development plan, and the record of the Planning Commission proceedings. The Board shall then make its findings as to approval, approval with conditions, or denial of the PUD special land use request. The Board shall prepare a report of its findings stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision. An approval with conditions shall not be considered final until the applicant submits a written acceptance of the conditions and all necessary revisions to the preliminary development plan to the Township Board.

Section 13.10 Final Development Plan Application

Within twelve (12) months of the Township Board's approval of the PUD district and the preliminary development plan, the applicant shall submit a request for final PUD approval. Such application shall consist of the following.

- A. A completed application form, supplied by the Zoning Administrator.
- B. Payment of a fee, as established by the Township Board.
- C. A written response to the findings, review comments, and conditions, if any, from the Planning Commission's review of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
- D. In making its decision, the Township Board shall state its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision in writing.
- E. Architectural elevations of typical buildings or, if acceptable to the Planning Commission, architectural standards may be submitted which specify the proposed building materials, height and design character to be required of all buildings.
- F. A complete landscape plan prepared by a registered landscape architect, planner, engineer, surveyor or architect along with details illustrating light fixtures and signs that meets or

exceeds the Township's then current development standards.

- G. A PUD Agreement, as required in Section 13.13.

Section 13.11 Review of Final Development Plan

- A. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and the conditions, if any, of the PUD approval. If it is determined that the final plan is not in substantial conformance to the preliminary development plan, the review process shall be conducted as a preliminary development plan review, in accordance with the procedures of this Ordinance for a preliminary development plan.
- B. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the criteria of Section 13.12.
- C. The Planning Commission shall prepare a record of its findings and shall make a recommendation to the Township Board to approve, approve with conditions, or deny the final development plan.
- D. The Township Board, upon receiving the Planning Commission's recommendation, and in accordance with the standards of Section 13.12, shall approve, deny, or approve with conditions the final PUD development plan.

Section 13.12 Standards for Approval

A PUD shall be approved only if it complies with each of the following standards:

- A. The proposed PUD complies with all qualifying conditions of Section 13.2.
- B. The uses to be conducted within the proposed PUD are consistent with the Township's Master Plan.
- C. The proposed PUD is compatible with surrounding uses of land, the natural environment, and the capacities of public services and facilities affected by the development.
- D. The proposed PUD will not contain uses or conditions of use that would be injurious to the public health, safety, or welfare of the community.
- E. The proposed project is consistent with the spirit and intent of the PUD District, as described in Section 13.1 and represents a development opportunity for the community that could not be achieved through conventional zoning.
- F. The proposed PUD meets all the review standards of Section 15.1, D.

- G. The proposed PUD meets the standards of Section 16.3 for special land uses.
- H. The proposed PUD will result in the preservation of significant open space areas that contribute meaningfully to the character and quality of the development.

Section 13.13 PUD Agreement

The applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and shall be binding on all successors in interest to the applicant. All documents shall be executed and recorded in the office of the Livingston County Register of Deeds.

Section 13.14 Changes to an Approved PUD

Changes to an approved PUD shall be permitted only under the following circumstances:

- A. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans, of up to five (5) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - 6. Changes required or requested by the Township, Livingston County, or other State or Federal regulatory agency in order to conform to other laws or regulations, provided such change is otherwise considered a minor change.

- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the PUD and shall be processed in the same manner as the original PUD application.

Section 13.15 Time Limit for Approved PUD District

The PUD shall be under construction within one (1) year after the date of approval of the final development plan, except as noted in this Section.

- A. The Township Board may grant one (1) extension of up to an additional one (1) year period if the applicant applies for such extension prior to the date of the expiration of the PUD and provided that:
1. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 2. The PUD requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.
 3. Prior to allowing an extension, twenty-five (25%) percent of the required performance guarantee must be submitted.

Section 13.16 Effect of Failure to Commence Construction or Obtain Extension

Should any of the provisions of Section 13.15, A, not be fulfilled, or if the initial one (1) year period has expired without commencement of construction or without an extension being granted, or if an extension has expired without construction underway within the time period granted in the extension, the PUD approval shall be null and void.

Chapter 14 District Regulations

Section 14.1 Schedule of Regulations

Unless specified elsewhere in this Ordinance, all uses, structures and buildings on all zoning lots shall conform to the Schedule of Regulations and accompanying footnotes shown on the following pages.

SCHEDULE OF REGULATIONS*

DISTRICTS	AREA (a) (SQ. FT.)	WIDTH (FT.)	YARD SETBACKS (FT.) (b)				HEIGHT		COVERAGE (%)
			Front	One Side	Total (j)	Rear	Feet	Stories	
AR Agricultural-Residential	35,000	120	50	15	30	15	45	2 ½	20
RA Residential 'A'	35,000 (c)	120 (c)	40	15	30	15	45	2 ½	30
RB Residential 'B'	12,000 (d)	80 (e)	30	15	30	15	35	2 ½	30
MFR Multi-Family Residential	Requirements for single and two-family dwellings are same as for single-family dwellings in the RB District (e)								
	2 acres (d)(f)	150	50 (g)	20 (g)	45 (g)	50 (g)	45	3	40
MHP Manufactured Home Park	See Chapter 8								
NSC Neighborhood Service Commercial	28,000 (k)	100	50 (I)	15 (h)	35	25 (h)	35	2	30
AC Ancillary Commercial	1 acre	100	50 (I)	20 (h)	45	25 (h)	35	2	30
MPD Municipal Properties	35,000	120	50	15	30	25	35	2	40
<u>RD Research and Development</u>	<u>10 acres</u>	<u>330</u>	<u>75</u>	<u>50 (h)</u>	<u>100</u>	<u>50</u>	<u>80</u>	<u>NA</u>	<u>45</u>

DISTRICTS	AREA (a) (SQ. FT.)	WIDTH (FT.)	YARD SETBACKS (FT.) (b)				HEIGHT		COVERAGE (%)
			Front	One Side	Total (j)	Rear	Feet	Stories	
I-1 Prime Industrial	2.5 acres	165	50 (I)	20 (h)	45	50 (h)	50	NA	40
I-2 General Industrial	1 acre	120	40 (I)	20 (h)	40	40 (h)	50	NA	40

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

Section 14.2 Footnotes to District Regulations

- (a) All dwellings shall contain a minimum floor area in accordance with the following:
- | | |
|---------------|--|
| single family | 960 sq. ft., with at least 600 sq. ft. on the ground floor |
| two-family | 900 sq. ft., with at least 600 sq. ft. on the ground floor/unit |
| multi-family | |
| efficiency | 450 sq. ft. /unit |
| 1 bedroom | 600 sq. ft. /unit |
| 2 bedroom | 750 sq. ft. /unit |
| 3 bedroom | 900 sq. ft. /unit |
| | each additional bedroom will require an additional 150 sq. ft. /unit |
- (b) Where a rear yard abuts the side yard of an adjacent lot, the side yard on the street side shall meet the minimum front yard setback requirements.
- (c) Lots served by public sanitary sewer may be reduced to a minimum area of 20,000 sq. ft. and a minimum width of 100 ft.
- (d) All lots shall be served by public water and sanitary sewer facilities.
- (e) All two-family dwellings shall have a minimum lot area of 20,000 sq. ft. and a minimum width of 100 ft.
- (f) A maximum of eight (8) dwelling units per net acre shall be permitted. Net acreage shall be the total site area, exclusive of any dedicated public right-of-way or private easement for either interior or abutting streets. No building shall exceed an overall length of one hundred eighty (180) ft. There shall be a minimum distance between ends of contiguous buildings equal to the height of the taller building or twenty-five (25) ft., whichever is greater.
- (g) In no case shall the minimum required setback be less than the height of the building.
- (h) Where a side or rear yard abuts a Residential District, a buffer shall be provided in accordance with Section 2.17.
- (i) The first twenty (20) ft. of the required front yard shall not be used for parking or aisles and shall be landscaped.
- (j) On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for the district.
- (k) Lots served by municipally owned and operated sanitary sewer may be reduced to a minimum area of 12,000 sq. ft. and a width of eighty (80) feet.

Chapter 15 Site Development Requirements

Section 15.1 Site Plan Review

A. Purpose.

The purpose of this Chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this Zoning Ordinance.

B. Uses Subject to Site Plan Review.

1. A Building Permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a Site Plan has been reviewed and approved under the following procedure:
 - a. The following uses shall be subject to Site Plan Review in accordance with the provisions of this Section.
 - (1) All permitted uses within the AR, RA, RB, MFR, MHP, NSC, AC, I-1, I-2, and RD Districts, except the following:
 - (a) One (1) and two-family dwellings
 - (b) Temporary buildings and uses
 - (c) Residential accessory uses or structures in the AR, RA and/or RB Districts.

(Amended Section 15.1, subsection B, subparagraph 1.a (1) (c) on July 13, 2017)

- (2) Special Uses in any zone district.
- (3) Site condominiums in any district.
- (4) Multiple family dwellings in any zone district.
- (5) Manufactured home parks.
- (6) Private roads.
- (7) Open Space Preservation Option in accordance with Section 2.32.

(Amended Section 15.1, subsection B, subparagraph 1.a (8) on July 13, 2017)

- b. All site plans not reviewed under Section 15.1, B, 1, a, shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

C. Application and Review Procedures.

1. Application Procedures.

- a. An Application for Site Plan Review shall be submitted at least sixty (60) days prior to the next scheduled Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 15.1. C.1. d. and 15.1. C. 2 are met, and then transmitted to the Planning Commission according to the procedures in this Ordinance.
- b. A copy of the site plan shall be forwarded by a Planning Commission designee to other agencies, departments, or consultants as appropriate for review.
- c. Any review comments received shall be submitted to the Planning Commission or its designee, who will set a Pre-planning meeting to review the comments received with the Applicant, Applicant representatives and appropriate Township representatives to make sure the site plan is complete before it is sent to the Planning Commission for consideration and decision as to whether it meets the requirements of this Ordinance.

(Amended Section 15.1, subsection C, subsection b, and subsection c, July 13, 2017)

- d. An application for Site Plan Review shall consist of the following:
 - (1) A completed application form, as provided by the Township.
 - (2) Four (4) copies of the site plan, or a lesser number as determined by the Zoning Administrator, as well as an electronic copy.

(Amended Section 15.1, subsection C, subsection 1, and subsection d (2), July 13, 2017)

- (3) Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.
- (4) A legal description, including the permanent parcel number, of the subject property, zoning district, and a boundary survey map.

(Amended Section 15.1, subsection C, subsection 1, and subsection d (4), July 13, 2017)

- (5) Other materials as may be required by this Section or the Planning Commission.

2. Site Plan Requirements.

Site Plans shall be professionally prepared by a registered engineer, surveyor, architect, landscape architect, or community planner to a scale of not more than one (1) inch equals one hundred (100) feet (1" = 100') showing the existing and proposed arrangement of the site and shall include the following:

- a. Small scale sketch of properties, streets and use of land within one quarter (1/4) mile of the subject property.
- b. Existing adjacent streets and proposed streets and existing curb cuts within one-hundred (100) feet of the property.
- c. All lot lines with dimensions.
- d. Parking lots and access points.
- e. Proposed buffer strips or screening.
- f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
- g. Location of any signs not attached to the building.
- h. Existing and proposed buildings, including existing buildings or structures within one-hundred (100) feet of the boundaries of the property.
- i. General topographical features including existing contours at intervals no greater than two (2) feet.
- j. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- k. Dwelling unit densities by type, if applicable.
- l. Proposed method of providing sewer and water service, as well as other public and private utilities.
- m. Proposed method of providing storm drainage.
- n. Written description of the computation for required parking.

- o. Name, address, and phone number of the applicant.
 - p. Name, address, phone number, and professional seal of the individual responsible for preparing the plan.
 - q. Building envelope on all lots or parcels.
- 3. The Planning Commission shall review the Site Plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this Section and this Ordinance. To this end, the Commission may request from the applicant any additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to aerial photography, photographs, traffic impact studies, impact on significant natural features and drainage, soil tests, and other pertinent information.
 - 4. The Planning Commission shall approve, deny, or approve with conditions, the site plan based on the requirements of this ordinance, and specifically the standards of Section 15.1D. The Planning Commission as a condition of approval may set a performance guarantee pursuant to Section 2.30 entitled “Performance Guarantees.”
 - 5. No petition submitted for Site Plan review which has been denied, shall be resubmitted for a period of one (1) year from the date of denial, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards.

- 1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - a. Preservation of natural environment. Existing conditions of the natural environment shall be preserved in their natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of adjacent and surrounding uses and development.
 - b. Relations of proposed land building and structural uses to environment. Proposed uses and structures shall be related harmoniously to the natural environment and to existing uses and structures in the vicinity that have a visual relationship to the proposed development. The achievement of such relationship may include the enclosure of space in conjunction with existing

uses and structures or other proposed uses and structures and the creation of special arrangements and focal points with respect to functional areas, avenues of approach, terrain features or other structures.

- c. **Traffic Impact.** With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and insofar as practicable, do not adversely affect the design of proposed land, buildings and structures, and adjacent and surrounding development areas. The access management and driveway standards contained herein shall be required in addition to, and, where permissible, shall supersede, the requirements of the Michigan Department of Transportation (MDOT) and/or the Livingston County Road Commission (LCRC).

- (1) The Planning Commission may require a Preliminary Traffic Impact Study (PTIS), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development. The Planning Commission, in its discretion, may require a full Traffic Impact Assessment (TIA) before approving a required site plan upon receipt and review of a Preliminary Traffic Impact Study if, the Planning Commission believes the PTIS indicates the potential impact of the proposed development requires a full TIA in order to allow the Township to adequately review and assess the effect the proposed development would have on the general area adjacent to, and surrounding the proposed development.

A PTIS shall be prepared by a registered professional engineer or transportation planner and shall, at a minimum, contain the following:

- a. Existing conditions:
1. A basic description of adjacent road network (construction, functional classification, number of lanes, speed limits, etc.);
 2. Current 24-hour and peak hour traffic counts for adjacent roads. Traffic count data shall not be more than three (3) years old, and shall be adjusted by a growth factor to reflect current conditions. Counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional counts on other weekdays or on weekends may be required in some cases, as requested by the Planning Commission; and,
 3. Current level of service (LOS) for intersections likely to be impacted by proposed development.

- b. Proposed conditions:
 - 1. A description of factors such as the proposed use of the site, number and types of dwelling units, the gross and usable floor area, or the number of employees;
 - 2. Expected 24-hour volume of truck traffic, if applicable;
 - 3. Estimated 24-hour turning movements from each proposed access point;
 - 4. Estimated peak hour turning movements from each proposed access point;
 - 5. Estimated 24-hour trip generation from subject site;
 - 6. Estimated peak hour trip generation from subject site; and,
 - 7. Anticipated changes in level of service (LOS) for intersections likely to be impacted by the proposed development.
- c. A general description of proposed measures to mitigate any potential impacts noted by the PTIS.

(2) The Planning Commission shall require a Traffic Impact Assessment (TIA), at the expense of the applicant, for any residential, office, commercial, industrial or mixed use development, which includes a land area of five acres or more or a building over 30,000 square feet, or when permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day, before approving a required site plan. At their discretion, the Planning Commission may accept a TIA prepared for another public agency such as the Livingston County Road Commission or MDOT.

A TIA shall be prepared by a registered professional engineer or transportation planner, and shall, at a minimum, contain the following:

- a. Existing conditions:
 - 1. A complete description of adjacent road network (construction, functional classification, number of lanes, speed limits, maintenance schedule, surface conditions, signage, striping, etc.);
 - 2. Current 24-hour and peak hour traffic counts for adjacent roads. Traffic count data shall not be more than three (3) years old, and shall be adjusted by a growth factor to reflect current conditions. Counts shall be taken on a Tuesday, Wednesday or Thursday of non-holiday weeks. Additional

- counts on other weekdays or on weekends may be required in some cases, as requested by the Planning Commission;
3. Current level of service (LOS) for intersections likely to be impacted by proposed development;
 4. Traffic accident data for the immediate area surrounding the subject site; and,
 5. Non-motorized transportation considerations in the immediate area, if any.
- b. Proposed conditions:
1. A description of factors such as the proposed use of the site, number and types of dwelling units, the gross and usable floor area, or the number of employees;
 2. Expected 24-hour volume of truck traffic, if applicable;
 3. Estimated 24-hour turning movements from each proposed access point;
 4. Estimated peak hour turning movements from each proposed access point;
 5. Estimated 24-hour trip generation from subject site;
 6. Estimated peak hour trip generation from subject site;
 7. Anticipated changes in level of service (LOS) for intersections likely to be impacted by the proposed development;
 8. Full description of proposed on-site parking and circulation; and,
 9. Proposed non-motorized transportation considerations, if any.
- c. Mitigation and Alternatives: The study shall outline suggested design considerations and mitigation measures specifically and uniquely attributable to the development that are needed to maintain traffic flow to, from, and within the site at an acceptable and safe level. It shall demonstrate any changes to the level-of-service (LOS) achieved by these measures. The mitigation measures may include, but are not limited to, items such as:
1. The need for, or provision of, any additional road right-of-way;
 2. Changes which should be considered to the plat or site plan layout;

3. Description of any needed safety path facilities;
 4. The adequacy of the queuing (stacking) area for a drive-through facility, or other facilities of concern;
 5. Evaluation of sight distances at proposed site driveways;
 6. Roadway widening;
 7. Passing lanes and turning lanes;
 8. Deceleration tapers and/or lanes;
 9. Changes to signalization;
 10. Use of access management or travel demand management techniques; and,
 11. Any suggested reduction in the proposed intensity of development.
- d. Surface water drainage. Special attention shall be given to proper site surface drainage so that the flow of surface waters will not adversely affect adjacent surrounding properties of the public storm drainage system. If practical, storm water shall be removed from all roofs, canopies, and paved areas and carried away in an underground piped drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create impounded water on the paved areas.
- e. Utility service. Electric power and telephone distribution lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to adjacent properties and the site. The proposed method of sanitary sewage disposal from all buildings shall be indicated. All utility installation shall be carried out in accordance with the Standard Rules and Regulations of current adoption of the Michigan Public Service Commission.
- f. Advertising features. The size, location, and lighting of all permanent signs and outdoor advertising structures or features shall be consistent with the requirements of Section 15.3, regarding signs.
- g. Special features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing natural and developed environment of adjacent and surrounding properties.

- h. Additional requirements. All other standards and requirements of this Chapter must be met by site plans presented for review under the provisions of this Chapter.
- i. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of Handy Township will be met.
- j. The general purposes and spirit of this Ordinance and the Master Plan of Handy Township shall be maintained.
- k. To the extent possible, the Planning Commission shall discourage the establishment of uses upon lands designated in the Township Master Plan or County Road Commission plans for future construction of new or widened roadways, intersections, or interchanges. This standard is intended to protect the health, safety, and welfare of the community by minimizing to a reasonable extent the encroachment of such uses upon these areas which could have the effect of preventing needed construction.

E. Approved Plans and Amendments.

- 1. Upon approval of the site plan, the Planning Commission shall sign four (4) copies thereof. One (1) signed copy shall be made a part of the Township files, one (1) copy shall be returned to the applicant, one (1) copy shall be given to the Zoning Administrator's office for its review and administration and one copy to the Township Assessor.
- 2. Each development shall be under construction within twelve (12) months from the date the final site plan is approved and the development shall be completed in accordance with the site plan within eighteen months from the date the final site plan was approved unless the Planning Commission grants an extension for the time to start construction and/or the time to complete construction in accordance with the provisions below. Failure to complete the project in accordance with the terms and conditions of the site plan within the time period provided shall be considered a violation of the zoning ordinance and among other things require the applicant to resubmit the project to the Planning Commission for review using the zoning ordinance that is in effect at that time.
 - a. The Planning Commission may grant additional extensions, except that no extension may be for greater than an additional one year period, if the applicant applies for such extension prior to the date of the expiration of the site plan and further provided that:

- (1) The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - (2) The site plan requirements and standards, including those of the Zoning Ordinance and Master Plan that are reasonably related to said development have not changed.
- b. Should neither of the provisions of Section 15.1, E, 2, a, be fulfilled, or an extension has expired without construction underway, the Site Plan approval shall be null and void.
- c. Amendments to an approved Site Plan may occur only under the following circumstances:
 - (1) The holder of a valid Site Plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - (2) Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - (a) Reduction of the size of any building and/or sign.
 - (b) Movement of buildings and/or signs by no more than ten (10) feet.
 - (c) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - (d) Changes in floor plans, of up to five (5%) percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - (e) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - (f) Changes required or requested by the Township, Livingston County, or other State or Federal regulatory agency in order to conform to other laws or regulations.

3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this Chapter.

Section 15.2 Off-Street Parking and Loading

A. General Requirements.

1. Off-street parking for all non-residential zone districts and uses shall be either on the same lot or within three hundred (300) feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than thirty-three (33%) percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this Section.
5. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
6. The Planning Commission may defer construction of the required number of parking spaces if the following conditions are met:
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.

7. In any Residential District the storage of not more than two (2) non-residential type recreational vehicles shall be permitted, provided that such units shall be completely within the side or rear yards or completely enclosed within a structure. No outdoor storage or parking for more than twelve (12) hours of a commercial vehicle over one (1) ton rate capacity shall be permitted, unless such vehicle is necessary to the function of the permitted use of the premises on which it is located or necessary to an occupation of an occupant of the premises; provided that such vehicle be parked entirely within a side or rear yard or completely enclosed within a structure.

B. Parking Lot Design Standards.

1. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

Parking Pattern	Two-Way Aisle Width	One-Way Aisle Width	Parking Space Width	Parking Space Length
Parallel Parking	18 Ft.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.

2. All off-street parking spaces shall not be closer than ten (10) feet to any property line.
3. All off-street parking areas shall be drained so as to prevent any increase in drainage to abutting properties and shall be constructed of graded aggregate materials which will have a dust-free surface resistant to erosion by wind and water.
4. Any lighting fixtures used to illuminate any off-street parking area shall be so installed as to divert the light away from any adjoining premises and public roads, and no source of light shall be observable beyond the lot lines of the property upon which it is located.
5. Any off-street parking area providing space for five (5) or more vehicles shall be located at least twenty (20) feet from and be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact evergreen planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
6. All off-street parking areas that make it necessary for vehicles to back out directly onto a public road are prohibited, except for single family and duplex residential driveways.

7. Combined parking facilities are allowed when two (2) or more uses occur on one (1) property or when a building on one (1) property contains two (2) or more uses, provided that the permanent allocation of the required number of parking spaces shall be the sum of the requirements for all the uses computed in accordance with this Ordinance. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except churches.
8. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than fifty (50%) percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than twenty-five (25%) percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than twenty-five (25%) percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

C. Off-Street Parking Requirements.

1. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
2. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each four (4) units
Nursing or Convalescent Homes	One (1) space for each two (2) beds, plus one (1) for each five (5) beds to be marked as visitor spaces
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Institutional	
Churches	One (1) space for each three (3) seats in the main unit of worship, or one (1) space per each six (6) feet of pew length, whichever is less.
Group day care homes and group foster care homes	One (1) space for each four (4) clients, plus one (1) space for each employee
Hospital	Two (2) spaces for each bed
Library, Museum, or Post Office	One (1) space per eight hundred (800) square feet of gross floor area
Schools, elementary and middle	One-and-a-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One (1) space for each five (5) students, plus one-and-a-half (1.5) spaces for each classroom, plus amount required for auditorium or gymnasium seating
Theaters, assembly areas, auditoriums, gymnasiums	Two (2) spaces for each five (5) seats, for each eight (8) feet of pew length, or one (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Commercial	
Assembly halls without fixed seats	One (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances
Beauty/barber shop	Three (3) spaces for each chair
Bowling alleys	Six (6) spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One (1) space for each fifty (50) square feet of usable floor area
Commercial	
Furniture, appliance and household goods retail sales	One (1) space for each four hundred (400) square feet of usable floor area
Golf courses	Sixty (60) for each nine (9) holes, plus the amount required for any accessory uses.
Hotels and motels	One-and-a-half (1.5) spaces for each guest room, plus required spaces for any accessory uses
Open air business	One (1) space for each two hundred (200) square feet of indoor usable area, plus one (1) space for each one thousand (1,000) square feet of outdoor display area

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Multiple family dwellings	Two (2) for each dwelling unit, plus one (1) additional space for each four (4) units
Nursing or Convalescent Homes	One (1) space for each two (2) beds, plus one (1) for each five (5) beds to be marked as visitor spaces
Single family dwellings	Two (2) for each dwelling unit
Two family dwellings	Two (2) for each dwelling unit
Institutional	
Personal service establishments	One (1) space for each fifty (50) square feet of usable floor area
Restaurants with drive-through facilities	One (1) space for each one hundred (100) square feet of gross floor area, or one (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants - without drive-through facilities	One (1) space for each one hundred (100) square feet of usable floor area, or one (1) space for each two (2) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One (1) space for each two hundred (200) square feet of usable floor area
Supermarket	One (1) space for each one hundred and fifty (150) square feet of gross floor area
Theaters and auditoriums	Two (2) spaces for each five (5) seats, for each eight (8) feet of pew length, or one (1) space for each three (3) persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle service stations	Two (2) spaces for each service stall, plus one (1) space for each pump island, plus the amount required for any accessory uses
Vehicle wash (automatic)	One (1) space for each employee
Vehicle wash (self service)	One (1) space for each five (5) stalls
Video rental stores	One (1) space for each one hundred (100) square feet of usable floor area, plus one (1) space for the maximum number of employees on the premises at any one time

Offices	
Banks, credit unions, savings and loan associations and other similar uses	One (1) space for each one hundred and fifty (150) square feet of usable floor area, plus three (3) spaces for each non-drive through automatic teller machine
Medical and dental offices and clinics	Four (4) spaces for each examining room, dental chair, or similar use area
Offices not otherwise specified	One (1) space for each three hundred (300) square feet of usable floor area
Industrial	
Manufacturing, processing, and research establishments	One (1) space for each one thousand (1,000) square feet of gross floor area, plus the required amount for offices, or accessory uses
Warehouses and wholesale	One (1) space for each two thousand (2,000) square feet of gross floor area, plus those spaces required for offices or other accessory uses located on the premises

D. Off-Street Loading Requirements.

1. In the NSC, RD and AC Districts, on the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
2. I-1 and I-2 Districts:
 - a. In the I-1 and I-2 Districts, at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by seventy feet (10 x 70), or a minimum of seven hundred (700) square feet in area. A minimum fourteen (14) foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
3. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
4. Unless otherwise decided by the Planning Commission all dedicated loading spaces shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

(Amended Chapter 15, by moving the Signs section (pages 15-18 to 15-30) to its own Chapter 21, September 2018)

Chapter 16 Special Uses

Section 16.1 Application Procedures

- A. Application for a Special Use permit shall be made to the Zoning Administrator and shall include the following:
1. Four (4) copies of the site plan, or a lesser number as determined by the Zoning Administrator, as well as an electronic copy.
 2. A completed application form.
 3. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.
 4. An application for special use permit and all the required information shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting.

(Amended Section 16.1.A.1 on July 13, 2017)

Section 16.2 Notification, Hearing, and Review Procedures

- A. Upon receipt of an application for a Special Use permit, the Planning Commission Secretary shall cause notice to be given pursuant to MCL 125.3103 of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended).
- B. Following notice, the Planning Commission shall hold a public hearing, if requested, on the Special Use permit application.
- C. The Planning Commission may approve, approve with conditions, or deny the Special Use permit request, based upon review and consideration of materials submitted with the application, comments received at the public hearing, and the applicable standards of this Chapter.
- D. If the Planning Commission finds that the request meets all required standards, they shall approve the Special Use request.

Section 16.3 General Standards for Approval

- A. The Planning Commission shall approve, or approve with conditions, a Special Use permit request only upon a finding that all of the following general standards for approval are complied with:

1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of land, and will not change the essential character of the area in which it is proposed.
 2. The use is, or will be as a result of the Special Use permit, served adequately by public services and facilities, including, but not limited to streets, police and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.
 3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy.
 5. The site plan proposed for such use demonstrates compliance with the applicable specific design standards for the Special Use as contained in Section 16.6.
- B. The decision of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the decision and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Commission minutes.
- C. No request for Special Use approval which has been denied shall be resubmitted for one (1) year following such disapproval, except as may be permitted by the Planning Commission after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 16.4 Conditions of Approval

- A. The Planning Commission may impose reasonable conditions in conjunction with approval of a Special Use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 16.3 and the Specific Design Standards of Section 16.6.
- B. Conditions shall be imposed in compliance with the Zoning Enabling Act, (Public Act 110 of 2006, as the same may be amended).
- C. The Planning Commission as a condition of approval may set a performance guarantee pursuant to Section 2.30 entitled “Performance Guarantees.”

Section 16.5 Approval Term and Expiration

A Special Use permit, including conditions imposed, is attached to and shall run with the land for which the permit is granted, and shall be binding upon subsequent owners and all occupants of the subject land.

Section 16.6 Special Use Specific Design Standards

The following Special Uses shall be subject to the requirements of the District in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this Section. The following uses have such conditions, standards, or regulations:

- A. ADULT USES**, may be permitted as a Special Use in the I-2 Districts, subject to the standards and conditions outlined in this Chapter, and specifically here:
1. In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one (1) or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.
 2. Any adult use is permitted if:
 - a. The use is located within a zone district where the use requires Special Use approval.
 - b. The use is not located within a one thousand (1,000) foot radius of another such use except that such restrictions may be waived by the Planning Commission, if the following findings are made:
 - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.

- iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - iv. That all applicable state laws and local ordinances will be observed.
 - v. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Parking spaces shall be provided at the ratio of one (1) space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
 - d. No adult use shall remain open at any time between the hours of eleven o'clock (11:00) P.M. and ten o'clock (10:00) A.M., and no such use shall be open on Sundays.
 - e. No alcohol shall be served at any adult use.
 - f. No adult use shall permit any person under the age of eighteen (18) years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed.
 - g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one (1) hour after closing each night.
 - h. The lot or parcel on which the use is located shall not be closer than one thousand (1,000) feet from any residential use or zoning district, school, church, or park, measured from lot line to lot line.
 - i. All buildings occupied by an adult use shall be designed and constructed in such a manner as to prevent any person outside the building from seeing any activities occurring inside.

B. AGRIBUSINESS, may be permitted as a Special Use in the AR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

- 1. An Agribusiness shall be buildings, structures, lots, parcels, or parts thereof which provide services, goods, storage, transportation or other activities directly related

to the production of agricultural commodities. An agribusiness may include, is not limited to:

- a. Farm machinery sales, service, rental, and repair.
 - b. Grain elevators for storage, drying, and sales.
 - c. Bulk feed and fertilizer outlets and distribution centers.
 - d. Seed dealership outlets and distribution centers.
 - e. Grain and livestock truck and cartage facilities.
 - f. Auctions for livestock.
 - g. Agricultural products, production and processing operations.
2. Agribusiness uses may be permitted in the AR Zoning District only on lots and parcels having frontage on Grand River Road, Mason Road, Fowlerville Road, Van Buren Road, or Sharp Road.
 3. Minimum lot or parcel area shall be five (5) acres and minimum road frontage shall be three hundred (300) feet.
 4. All agribusiness uses shall be located at least two hundred and fifty (250) feet from all RA, RB, and MFR Zoning District boundary lines.
 5. All agribusiness uses shall meet the requirements of the State and Livingston County Health Departments for water supply, and liquid and solid waste disposal and other applicable health and sanitation requirements.
 6. All agribusiness uses shall meet all other applicable requirements of the AR Zoning District.

C. AIRPORTS AND LANDING FIELDS, may be permitted in the AR District subject to the standards and conditions outlined in this Chapter, and specifically here:

These regulations shall not apply to private air strips which are used only by the owner or lessee of the premises for the maintenance of personal aircraft.

1. Plans shall have Federal Aviation Agency and the Michigan Department of Aeronautics approval prior to submittal to the Planning Commission for review.
2. The parcel shall be so located abutting a public road and provide public access to and from said lot from said road.

3. The minimum lot size is forty (40) acres.
4. Accessory uses such as, but not limited to, restaurants, lounges, and customary uses related to airports may be permitted.
5. Off-street parking requirements shall be established by the Planning Commission.

D. ASPHALT AND PORTLAND CEMENT CONCRETE MIXING PLANTS, may be permitted in the I-2 District subject to the standards and conditions in this Chapter, and specifically here:

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district line. If the use is not adjacent to a residential use or district line, double the setback requirements for I-2 permitted uses will be required.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
5. Dust and odor resulting from the operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
6. Minimum lot size of three (3) acres shall be required.

E. AUCTION HOUSES, may be permitted in the NSC District subject to the standards in this Chapter, and specifically outlined here:

1. Auctions shall be on a regular schedule, no more than one (1) auction per week.
2. The auctions must be conducted within an enclosed building.
3. Noise from the auctions shall not be heard beyond the boundaries of the property where the auction is being conducted.
4. No outside storage shall be permitted.
5. All driveways and parking areas shall be paved or so treated as to prevent dust.

6. One (1) off-street parking space shall be required for each three hundred (300) square feet of useable floor space.

F. BANKS, CREDIT UNIONS, SAVINGS AND LOAN ASSOCIATIONS, AND OTHER SIMILAR FINANCIAL INSTITUTIONS, AS DETERMINED BY THE ZONING ADMINISTRATOR, HAVING DRIVE-THROUGH FACILITIES, may be permitted in the NSC District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of four (4) stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.
2. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet, which shall be landscaped.
3. Access driveways shall be located no less than one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

G. BED AND BREAKFAST ESTABLISHMENTS, may be permitted in the AR, RA, RB, or MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The establishment shall be located on property abutting a public road.
2. No such use shall be permitted on any property where there exists another bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
3. Such uses shall only be established in a single family detached dwelling.
4. Parking shall be located to minimize negative impacts on adjacent properties, and shall not be permitted in the front yard.
5. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed seven (7) guest rooms in any case.
6. Exterior refuse storage facilities beyond what might normally be expected for a single-family detached dwelling shall be prohibited.

7. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
8. The establishment shall contain the principal residence of the operator.
9. Accessory retail or service uses to a bed-and-breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
10. Meals shall be served only to the operator's family, employees, and overnight guests.

H. CEMETERIES, may be permitted in the AR, RA, or RB District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot size of ten (10) acres is required.
2. Plan must show any roads, and plot areas.
3. A five (5) foot tall fence is required along any property line not adjacent to a road right-of-way.
4. One (1) sign is permitted that must conform with the district restrictions for signs.

I. CHURCHES, may be permitted in the AR, RA, RB, or MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot width shall be two hundred (200) feet.
2. Minimum lot area shall be two (2) acres; plus an additional fifteen thousand (15,000) sq. ft. for each one hundred (100) seating capacity or fraction thereof in excess of one hundred (100).
3. The property location shall be such that at least one (1) side of the property abuts and has access to a county primary road.

J. COMMERCIAL CAMPGROUNDS, may be permitted in the AR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The campground must provide a Health Department approved sewage disposal and water system.
2. There must be a minimum of fifteen (15) campsites.

3. The setback of a campsite, building, or facility from the property line must be at least fifty (50) feet.
4. The property must be screened with six (6) foot sight-obscuring fence or greenbelt in accordance with Section 2.17 when adjacent to a residential district other than AR.
5. Minimum lot size of two (2) acres is required for the first fifteen (15) sites, and one (1) acre for each additional ten (10) sites, or fraction thereof.
6. A retail store and/or laundry may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half (1/2) the required amount for retail outlets, as outlined in this ordinance.

K. COMMERCIAL OUTDOOR RECREATION FACILITY, may be permitted in the AR or AC District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot size of one (1) acre, and minimum lot width of one hundred twenty (120) feet is required.
2. All outdoor lighting shall be directed away from and shall be shielded for adjacent parcels and shall also be arranged so the source of the light shall not be visible from adjacent public roads or highways.
3. All adjacent parcels shall be screened with a proper buffer or greenbelt, in accordance with Section 2.17, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility, be it miniature golf, a golf driving range, go-carts, etc.

L. COMMERCIAL STORAGE WAREHOUSES (MINI-WAREHOUSES OR SELF STORAGE UNITS), may be permitted in the NSC or I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot area shall be two (2) acres and the maximum lot size shall be five (5) acres.
2. No more than seventy-five (75%) percent of the lot may be covered by buildings, parking areas, and access aisles.
3. Parking and circulation:

- a. One (1) parking space shall be provided for each ten (10) storage cubicles, and shall be equally distributed throughout the site.
 - b. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
 - c. There shall be a minimum distance between buildings for access of thirty (30) feet. If parking is provided in these areas, the minimum width shall be increased to meet the standards outlined in Section 15.2, B, 1.
4. A six (6) foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of a material approved by the Planning Commission. The fence must be setback at least twenty (20) feet from the road right-of-way, and twenty (20) feet on the side and rear yard.
5. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, in accordance with Section 2.17.
6. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use, and away from the adjacent properties.
7. An office may be permitted on site, the office area shall be included in calculating the lot coverage.
8. In addition to any standards in this section, outside storage may be permitted, but shall also comply with the following:
 - a. Must be at the rear of the property, at least one hundred (100) feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a minimum height of six (6) feet.
9. No toxic, hazardous, or flammable materials may be stored in such a unit.
10. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.
11. Outside storage shall be limited to currently licensed cars, trucks, recreational vehicles, boats, campers, trailers for recreational vehicles and boats and equipment necessary as an accessory to the principal use but specifically excluding semi-tractor trailers.
 - a. All outside storage shall be in the side or rear yard but in no case shall it be extended into the required side or rear yard setback.

- b. Decorative fences such as redwood or chain link fences with slats, or masonry walls shall be six (6) feet high and shall fully enclose the storage area. The choice of fence and/or wall and the requirements of the obscuring slats to be used with the fence to appropriately screen the storage material from view shall be determined by the Planning Commission.
 - c. It is mutually understood by the property owner and petitioner and the Planning Commission that whenever a different material is to be stored than that agreed upon in the original request, a new approval shall be required from the Planning Commission.
 - d. The Planning Commission shall also find before granting this approval it will not tend to further:
 - i. Impair the adequate supply of light and air to adjacent property;
 - ii. Increase hazards from fire, flood, water run off, or other dangers to said property;
 - iii. Diminish the market value of adjacent land and buildings;
 - iv. Increase the congestion on public streets; or
 - v. Otherwise impair the public health, safety, comfort, and general welfare.
 - e. All conditions applicable to the principal use, mini-warehouses, such as screening, lighting, setback requirements, and others are applicable to the accessory use of outside storage.
12. Rental business of trailers and trucks to the general public for residential type purposes and not for industrial use in general, subject to the following conditions:
- a. All outside storage of trailers and trucks shall be in the rear yard or a courtyard as herein defined but in no event shall it extend into the required rear yard area. A courtyard is defined as an area surrounded by buildings on three (3) sides with the fourth side facing the rear of the property.
 - b. The storage area shall be fully enclosed with an eight (8) foot high chain link fence.
 - c. The lot area used for parking or the storage of rental trailers and trucks shall be provided with a permanent, durable, and dust free surface and shall be graded and drained so as to dispose of all surface water to a retention area on site and then from the retention area to a natural drainage system approved by the Livingston County Drain Commission and/or Livingston County Road Commission, if applicable.

- d. If the storage area abuts a parcel zoned for residential purposes, then the storage area shall have protective screening in accordance with Section 2.17 of this ordinance.
- e. The rental, leasing, or storage of heavy construction equipment, machinery, tow trucks, semi-trucks, trailers for semi-trucks or similar types of vehicles and equipment is prohibited.
- f. There shall be no fuel storage, pumps, or the refueling of any trucks, private or commercial, on site.
- g. There shall be no maintenance or repair of any vehicle or trailer on site which includes but is not limited to changing of oil, engine tune-ups, or other types of vehicle maintenance or repair.
- h. All advertising or identification of this accessory use is limited to the permitted signs in accordance with Section 15.3 of this ordinance
- i. The maximum number of trailers and trucks at any one time for a two (2) acre site or less shall be ten (10) and for every acre thereafter there can be four (4) additional units, up to a maximum of a five (5) acre site, a unit being defined as a trailer or a self propelled truck.
- j. There shall be no streamers or other similar attention attracting devices displayed on the premises advertising or drawing attention to the site for the purpose of advertising the rental or leasing of trailers and trucks.
- k. The Planning Commission shall stipulate such additional conditions and safe guards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring the intent and the objectives of this ordinance will be observed. The breach of any condition, safe guard, or requirement shall automatically invalidate the permit granted.

M. DRIVE-IN ESTABLISHMENTS INCLUDING RESTAURANTS, BANKS, DRY CLEANING PICK-UP STATIONS, PHARMACIES, AND OTHER SIMILAR USES, may be permitted in the NSC or AC District, subject to the standards and conditions outlined in this Chapter, and specifically here:

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property or parking spaces by vehicles not using the drive-through portion of the facility.

2. In addition to parking space requirements, at least three (3) parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of twenty (20) feet and side and rear yard setbacks of ten (10) feet which shall be landscaped.
4. Access driveways shall be located no less than one hundred (100) feet from the centerline of the intersection of any street or seventy-five (75) feet from the centerline of any other driveway.
5. Any trash receptacle shall be screened and enclosed to prevent trash, paper, and other debris from blowing onto adjacent properties.
6. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

N. FARM LABOR HOUSING, may be permitted in the AR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. All dwellings shall comply with applicable State, County, and Township laws.
2. All such dwellings shall be connected to a sanitary sewer system and potable water supply approved by the Livingston County Health Department.
3. The housing shall be occupied solely by persons employed as farm laborers on the property and their immediate families.
4. Manufactured homes may be used to provide such housing.
5. All farm labor housing shall be located at least one hundred (100) ft. from all side and rear property lines and at least seventy-five (75) ft. from the road right-of-way on which the property fronts. A minimum separation of one hundred fifty (150) ft. shall be maintained between the farm labor housing and any existing single family dwelling on an adjacent parcel.

O. FARMS, may be permitted in the RA District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Such use shall not be operated on less than ten (10) contiguous acres.
2. The keeping of livestock shall be a minor part of the farming operation, and shall be for the personal use and consumption of the property owner and his family.

P. FUNERAL HOMES AND MORTUARY ESTABLISHMENTS, may be permitted in the NSC District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential district or use.
2. The use shall be located on a parcel of sufficient size to comply with the yard setbacks and coverage requirements of **Section 14.1 Schedule of Regulations** and to otherwise meet the requirements and standards of Section 15.1.D. and this Zoning Ordinance.
3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
4. No waiting lines of vehicles shall extend off-site or onto any public street.
5. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street and seventy-five (75) feet from the nearest edge of any other driveway.

Q. GOLF COURSES AND COUNTRY CLUBS, may be permitted in the AR or RA District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. All structures shall be at least one hundred (100) feet from any property line abutting residentially zoned land.
2. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
3. The off-street parking area shall be at least fifty (50) feet from any property line abutting residentially zoned land.
4. Accessory uses like pro shops, restaurants and/or lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members.

R. GROUP DAY CARE HOMES, may be permitted in the AR, RA, RB or MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The use may not be closer than one thousand, five hundred (1,500) feet to any of the following:
 - a. Another licensed Group Day Care Home

- b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
- c. A facility offering substances abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
- d. A community correction center, resident home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Handy and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

- 2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
- 3. Fencing at least fifty-four (54) inches, and no more than six (6) feet in height shall be provided around all outdoor areas accessible to children.
- 4. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least 2,500 square feet in size.
- 5. The property shall be consistent with the characteristics of the neighborhood.
- 6. The facility shall not exceed 16 hours of operations during a 24 hour period, and shall not operate between the hours of 10:00 p.m., and 5:00 a.m.
- 7. One non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

S. HOTELS AND MOTELS, may be permitted in the AC District, subject to the standards and conditions outlined in this Chapter, and specifically here:

- 1. The use shall be located on a parcel of sufficient size to comply with the yard setbacks and coverage requirements of **Section 14.1 Schedule of Regulations** and to otherwise meet the requirements and standards of Section 15.1.D. and this Zoning Ordinance.
- 2. Parking areas shall have a front yard setback of forty (40) feet and side and rear yard setback of twenty (20) feet, which shall be landscaped.
- 3. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

T. HOUSING FOR THE ELDERLY, may be permitted in the MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. All dwelling units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
2. Retail and service uses may be permitted on the site if such uses are accessory to the elderly housing use. All such uses shall be within the principal residential structure. No exterior signs of any type are permitted advertising such accessory use.
3. The allowable density of the zoning district may be increased by no more than fifty (50%) percent for all nursing care units licensed by the state of Michigan and no more than twenty-five (25%) percent for non-licensed nursing care and supportive care units.
4. All medical waste facilities shall be secured and meet the requirements of the Michigan Department of Health.
5. Walkways shall be provided from the main building entrances to the off-street parking area, and to the sidewalk along the adjacent public street, if such sidewalk exists.

U. K - 12 SCHOOLS, PROVIDED SUCH SCHOOLS ARE NOT OPERATED AS COMMERCIAL ENTERPRISES, may be permitted in the AR, RA, RB, or MFR District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot size of one (1) acre is required.
2. Playground equipment may only be located in the side or rear yard of the lot. The playground must be at least fifty (50) feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
4. The off-street parking shall meet the requirements of this Ordinance for schools.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school.
6. The main school building shall be one hundred (100) feet from any property line.

V. KENNELS, may be permitted in the AR or RA District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. For kennels with outdoor runs or exercise areas, the minimum lot size shall be two (2) acres for the first four (4) animals and an additional one-third (1/3) acre for each two (2) additional animals.
2. For kennels without outdoor runs or exercise areas, where all animals are continuously confined within a completely enclosed building, the minimum lot size shall be two (2) acres for the first six (6) animals and an additional one-quarter (1/4) acre for each additional two (2) animals.
3. Buildings in which animals are kept, runs, and/or exercise areas shall not be located nearer than one-hundred (100) feet to any lot line and shall not be located within any required yard area.
4. Dog runs and/or exercise areas shall be located in the rear yard only.
5. Each dog run and/or exercise area shall be separately fenced from the adjoining dog run or exercise area.
6. There shall be a solid wall or solid fence six (6) feet high around the outside perimeter of the dog runs and/or exercise areas.

W. MANUFACTURED HOMES AS ACCESSORY DWELLINGS, may be permitted in the AR, RA, RB, or MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Such uses may be permitted on land for agricultural production with the following conditions:
 - a. The parcel has a principal farm dwelling located upon it.
 - b. The farm parcel is at least forty (40) acres in area.
 - c. The occupants meet one (1) of the following conditions:
 - i. Have a direct family relationship to those persons occupying the principal farm dwelling.
 - ii. A bona fide employee of the occupant of the principal farm dwelling and engaged in an agricultural occupation on the farm.
2. A temporary dwelling may be permitted for medical reasons if it meets the intent and requirements of the following:
 - a. A person may make an application for such use if a medical condition exists such that the intended occupant requires continued supervision. Such

medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary permit may be granted by the Planning Commission if it finds adequate evidence for the need of regular supervision of the occupant by the parties occupying the principal dwelling. If such a permit is granted by the Planning Commission, such permit shall be reviewed annually by the Zoning Administrator thereafter for continued need and compliance with the terms and conditions for which it was granted.

- b. The permit issued by the Zoning Administrator after being approved by the Planning Commission will be only for the applicant with the medical conditions, and not transferable to any other party, owner, or person.
- c. The manufactured home used for this purpose must be removed not later than sixty (60) days after the occupant no longer occupies the temporary home, or the condition of the occupant is such that regular supervision for health care needs is no longer applicable. The Planning Commission shall have the authority to extend the time period to remove the manufactured home for one (1) additional sixty (60) day extension if it is not practical because of weather conditions or other factors that would make its removal impracticable within the initial sixty (60) day period.
- d. The occupant must either be a parent, step-parent, child, step-child, sibling, father-in-law, mother-in-law, or grandparent of those persons occupying the principal dwelling.
- e. This subsection shall not be applicable to platted subdivisions, condominiums, and planned unit developments.
- f. The accessory dwelling shall be located in the rear yard and meet the setback requirements of the AR District. The Planning Commission shall have the authority to allow such a temporary dwelling in the side yard if a practical difficulty would be created if the manufactured home was located in the rear yard. The minimum side yard setback for a temporary dwelling shall be twenty-five (25) feet.
- g. A performance guarantee shall be required in the form of cash, check, or savings certificate to be deposited with the Township Clerk in an amount equal to the estimated cost of removing the temporary building, and any associated legal fees. The amount of the performance guarantee shall be set by the Township Board as part of its standard fee schedule. If the Township Board determines the applicant is not in compliance with this section, the Township Board can use such portions, or all of the performance guarantee to remove the manufactured home, and to pay legal fees necessary in removing the manufactured home.

- h. The property owners or occupants of the property on which the accessory structure shall be located will sign an affidavit authorizing the Township to enter upon the property and remove the manufactured home after the expiration of the sixty (60) day period, or any Township approved extension of that time, and further, hold the Township harmless and indemnify the Township from any damages, causes of action, or claims that the landowner or occupants may have by reason of the Township enforcing this ordinance by removing the temporary building and disposing of the same. The performance guarantee shall be returned only if all terms and conditions of the temporary permit, and this ordinance have been complied with by the applicant. If the Township has to take any action to enforce the ordinance against the applicant, the performance guarantee will be used by the Township Board to correct the Zoning Ordinance violation.
- 3. Both subsection 1 and 2, above, shall also meet the following additional standards:
 - a. Manufactured homes used for this purpose shall be limited to only one (1) per farm parcel or single family residential lot.
 - b. The temporary dwelling shall have a source of potable water either by its own well or connecting to the well of the principal residence and a sanitary disposal facility that is approved by the Livingston County Health Department.
 - c. All accessory manufactured homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory manufactured home shall be located in a front yard.
 - d. Zoning permits issued for such uses shall terminate at such time that any one or a combination of the above conditions cease to be met.

X. METAL PLATING, BUFFING, AND POLISHING, may be permitted in the I-1 District, subject to the standards and conditions outlined in this Chapter, and specifically here:

- 1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
- 2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
- 3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.

4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.

Y. MINING OF NATURAL RESOURCES, may be permitted in the AR District subject to the standards and conditions outlined in this Chapter, and specifically here:

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; the mining of coal; and the operation of a transit-mix concrete plant. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback of fifty (50) feet from any property line, and seventy-five (75) feet from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road.
3. When 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. Storage piles of processed material and overburden stripped mining areas shall not be located closer than fifty (50) feet from any property line, and one hundred (100) feet from any public road.
5. A minimum of twenty (20) acres is required for the use.
6. With application for the Special Use, an operational plan must be submitted, and must be approved by the Planning Commission. The plan should provide at least the following information, but not limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans.
7. Upon commencement of mining operations, the mining area shall be enclosed within a five (5) foot high fence, and “No Trespassing” signs shall be posted at most one hundred (100) feet apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one (1) or more of the following:
 - a. Earth berms which shall be constructed to a height of five (5) feet above the mean elevation of the centerline of the public road adjacent to the mining

- property. The berm shall have a slope 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 five (5) feet in height, in two (2) rows parallel to the boundary of the property, with spacing of rows no greater than ten (10) feet, and spacing of trees within rows no greater than ten (10) feet apart.
 - c. Masonry walls or solid fences which shall be constructed to a height at least five (5) feet.
- 9. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Handy Township, and shall be minimized in their effect on adjacent properties by the proper use of berms, walls, and screen plantings.
 - 10. Air pollution in the form of dust and dirt shall be kept at a minimum.
 - 11. All equipment used for the mining operation shall be operated in such a manner as to minimize, insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.
 - 12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
 - 13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.
 - 14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
 - 15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one (1) year after all extraction has been completed.
 - a. The excavated area shall not retain stagnant water
 - b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area

- c. The finished grade resulting from excavation shall not be steeper than one (1) foot vertical to three (3) feet horizontal
 - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four (4) inches deep.
 - e. 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.
 - f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one (1) year after extraction has ceased.
16. The mining company shall post a minimum financial guarantee in an amount established by the Township Board, based on the cost of the approved reclamation plan. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000, per each additional operation acre which exceeds the first five (5). The guarantee shall be provided in one (1) of the following forms:
- a. Cash.
 - b. Certified check.
 - c. Irrevocable bank letter of credit.
 - d. Surety bond acceptable to the Planning Commission.

Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

17. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Zoning Administrator. Failure to correct a reported violation shall be reason for revocation of the Special Use 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.

Z. NURSING HOMES, may be permitted in the MFR District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The proposed site shall front upon a paved road. The ingress and egress for off-street parking facilities for guests, patients, employees and staff shall be directly from said road.
2. Minimum setbacks for all main and accessory building be seventy-five (75) feet.
3. Any emergency entrances shall be visually screened from view of adjacent residential uses by a structure or by a sight-obscuring wall or fence of six (6) feet in height. Access to and from the emergency entrance area shall be directly from a paved road.
4. No more than thirty (30%) percent of the gross site area shall be occupied by buildings.
5. All off-street parking areas shall be in the side or rear yard.
6. A five (5) foot sidewalk shall be required adjacent to the front property line beginning at one (1) side lot line, and ending at the other. In the case of a corner lot, the sidewalk shall run adjacent to the entire road frontage.
7. Any outdoor recreation, sitting, or walking areas shall be served by a five (5) foot wide sidewalk connecting all such areas, with all egress doors on the main building, the off-street parking area, and sidewalk adjacent to the front property line.

(Amended Section 16 AA., subparagraph 3. to include outdoor storage and added subparagraph 6, Passed by the Handy Township Board on January 16, 2023)

AA. OFFICES AND SHOWROOMS OF PLUMBERS, ELECTRICIANS, DECORATORS, OR SIMILAR TRADES, may be permitted in the NSC or I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The use shall be in the building where such allied goods and assembled, repaired, altered, or stored.
2. The offices and showrooms shall not occupy more than fifty (50%) percent of the floor area of the building or space the main use occupies.
3. Outside storage shall be permitted, subject to Planning Commission review and approval. Outdoor storage shall not extend into any required yard or occupy any required parking or maneuvering area for vehicles. Outdoor storage shall be so screened to obstruct vision of the materials from any public road or adjacent property.
4. The wall facing and visible from the primary street shall be used for the main entrance, offices, and display area.

5. Off-street parking shall be required as provided in this Ordinance for office uses, plus required parking for the main use.
6. No inoperable, partially dismantled, wrecked, or discarded vehicles or equipment, nor any parts thereof, shall be parked, stored, or placed in the open premises.

BB. OPEN AIR BUSINESSES, may be permitted in the NSC District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use property line.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
6. Any outside storage shall be so screened to obstruct vision of the materials from any public road, or adjacent property.

CC. OUTDOOR STORAGE, DISPLAY, AND SALE OF FARM IMPLEMENTS AND COMMERCIAL CONSTRUCTION EQUIPMENT, may be permitted in the AC or I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
2. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

3. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
6. Any outside storage shall be so screened to obstruct vision of the materials from any public road, or adjacent property.
7. Minimum lot size of two (2) acres is required.

DD. PRIVATE NONCOMMERCIAL AND PUBLIC RECREATION AREAS OR COMMUNITY RECREATION CENTERS, may be permitted in the AR or RA District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The use shall be located on property with direct access to a public road.
2. Any outdoor activity areas shall be set back a minimum of fifty (50) feet from any residential use or district.
3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any residential use or district.
4. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.

EE. PRODUCTION, REFINING, OR STORAGE OF PETROLEUM OR OTHER FLAMMABLE LIQUIDS, may be permitted in the I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
2. The principal and accessory buildings and structures shall not be located within one thousand (1,000) feet of any residential use or district.

3. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
4. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
5. Any outside storage shall be so screened to obstruct vision of the materials from any public road, or adjacent property.

FF. RECYCLING CENTERS, may be permitted in the I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. A minimum lot size of five (5) acres is required for the use.
2. In addition to the requirements of Section 15.1, C. 2., plans and specifications submitted to the Planning Commission shall also include the following:
 - a. Specific location of the facility shown on a vicinity map.
 - b. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - c. Legal description and site boundaries.
 - d. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - e. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the municipal waste water treatment facility.
 - f. The location of all structures and equipment.
 - g. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - h. The location of existing proposed utilities available to the site.
 - i. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.

- j. Daily clean-up procedures.
 - k. Other details necessary as required by the Planning Commission.
3. A facility shall be located not less than five hundred (500) feet from the nearest residential zone and must be screened by a fence of not less than eight (8), nor more than ten (10) feet in height and not less than ninety (90) percent solid. It must also be screened from streets, roads, or highways open to public vehicle travel, in accordance with Section 2.17.
 4. The site must be located on a paved County Primary road, and not on residential- or collector-type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
 5. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
 6. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
 7. Open burning shall not be carried on in a recycling facility.
 8. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
 9. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
 10. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

GG. RENTAL SHOPS FOR EQUIPMENT, TOOLS, CARS, TRAILERS, TRUCKS, CONSTRUCTION EQUIPMENT, AND RECREATION PRODUCTS WITH OR WITHOUT OUTDOOR STORAGE, may be permitted in the NSC or I-2 District, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Security fencing six (6) feet in height shall be required around all outside storage.
2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.
3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and well-drained surface.

4. A proper buffer or greenbelt shall be required to protect adjacent residential areas, in accordance with Section 2.17.
5. Outside storage shall not be permitted in any required yard setback area, furthermore, outside storage is limited to the side and rear yards of the premises, but not in any such yard abutting a residential district.
6. If located in a side yard or the rear yard of a corner lot, the outdoor storage area shall be screened by means of fencing, walls, landscaping, or other means approved by the Planning Commission for the purpose of maintaining an attractive appearance from adjacent roadways and surrounding properties.

HH. ROADSIDE STANDS, may be permitted in the RA District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The structure housing the roadside stand shall not exceed 400 square feet in floor area.
2. Such use shall only be permitted during crop growing season. When such roadside stands involve operations totaling ninety (90) days or more during any one (1) year period, such stand shall be permitted on an annual approval basis by the Planning Commission.
3. A minimum distance of thirty (30) feet from the right-of-way line, and no closer than ten (10) feet to any other lot line shall be required.
4. Adequate off-street parking and safe ingress and egress to the adjacent streets shall be provided.
5. A roadside stand may have one (1) sign, mounted flush against the stand, or in the front yard at least thirty (30) feet from the right-of-way line. Such sign shall not exceed nine (9) square feet in area.

II. SALVAGE YARDS, JUNK YARDS, may be permitted in the I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Requests for a Special Use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation and/or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a paved County primary road to ensure safe, direct transport of salvage to and from the site.

3. No portion of the storage area shall be located within one thousand (1,000) feet of any residential use or district, or any church, school, park, or cemetery.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two (2) non-transparent gates not exceeding forty-eight (48) feet in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten (10) feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.
6. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty (20) foot wide continuous loop drives separating each row of vehicles.
11. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
12. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
13. The property shall be a minimum size of at least six (6) acres.
14. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.

15. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Handy Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

JJ. SAWMILLS, PLANING MILLS, AND LUMBER YARDS, may be permitted in the AR , and I-2 Districts, subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The principal and accessory buildings and structures shall not be located within three hundred (300) feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 2.17.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.

KK. STABLES AND HORSE TRAINING CENTERS, may be permitted in the AR District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The primary use of stables and horse training centers should be the training and housing of standard bred and thoroughbred horses.
2. The minimum lot size shall be ten (10) acres.
3. The maximum horse population shall be limited to 1.5 horses per acre.
4. Any buildings used to breed, house, feed, train, or shelter horses shall be located at least one hundred fifty (150) feet from any lot line.
5. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
6. Height limitations must be followed for the district.
7. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with County and State health regulations. On-site accumulations of manure shall adversely affect adjoining parcels.

8. **Horse Center**, which includes any three (3) or more of the following: horse training and breeding facility; horse show facility; horse sales facility; horse racing facility; horse hall of fame, museum, library, theater, or education facility; horse center administrative offices; staff facilities; and other economically supportive operations, sales and services, including shows, exhibitions, demonstrations, entertainment events, etc., must meet the following additional criteria:
 - a. Minimum lot size of one hundred fifty (150) contiguous acres.
 - b. Maximum horse population of five (5) horses per acre.
 - c. Site must be accessible from I-96 via hard surface road, and be located on a hard surface road.
 - d. All egress points and off-street parking areas shall be paved, graded, and properly drained.
 - e. Height limitations for the district shall be followed.
 - f. On-site water and wastewater disposal shall be accomplished either by connecting to a public system, or a system that meets all the requirements of the State or County health agencies responsible of such requirements.
 9. All outdoor lighting located on-site shall be constructed and installed so that all sources of light shall not be visible beyond the perimeter property lines.
 10. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable or horse training center.
 11. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
 12. Additional standards may be imposed by the Planning Commission to maintain the health safety, and welfare of the Township.
- LL. TRUCK TERMINALS**, may be permitted in the I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:
1. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or any other driveway.
 2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of one hundred (100) feet.

3. Any outdoor storage of equipment necessary to operate the terminal shall be screened from view.
4. The lot area used for parking, display, or storage shall be paved and shall be graded and drained so as to dispose of all surface water.
5. Lighting for parking areas or outdoor storage areas shall be shielded to prevent light from spilling onto any residential district or use.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential district, in accordance with Section 2.17.
7. Any vehicle stored outside of an enclosed building shall not be located within any required yard setback and also not in the front yard.
8. In addition to meeting the minimum bulk regulations of Chapter 14, the site shall be of sufficient size to accommodate the maximum number of trucks to be parked at any one time.

MM. UTILITY AND PUBLIC SERVICE BUILDINGS, WITHOUT STORAGE YARDS, BUT NOT INCLUDING ESSENTIAL PUBLIC SERVICES SUCH AS POLES, WIRES, AND UNDERGROUND UTILITY SYSTEMS, may be permitted in the AR, RA, or MHP District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Any such buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.
2. Any such building shall comply with the lot area and yard setback requirements of the district in which it is located.

NN. VEHICLE REPAIR, may be permitted in the NSC, AC, or I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The principal and accessory buildings and structures shall not be located within one hundred (100) feet of any residential use or district.
2. The use shall be located on a parcel of sufficient size to comply with the yard setbacks and coverage requirements of **Section 14.1 Schedule of Regulations** and to otherwise meet the requirements and standards of Section 15.1.D. and this Zoning Ordinance.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.

4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six (6) feet in height. Such fence shall be continuously maintained in good condition. This area shall be paved with asphalt or concrete.
5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas screened from view of adjoining properties and streets.
6. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned property a buffer or greenbelt shall be provided in accordance with Section 2.17. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

OO. VEHICLE SERVICE STATIONS, may be permitted in the NSC, or AC District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The use shall be located on a parcel of sufficient size to comply with the yard setbacks and coverage requirements of **Section 14.1 Schedule of Regulations** and to otherwise meet the requirements and standards of Section 15.1.D. and this Zoning Ordinance.
2. Pump islands shall be a minimum of thirty (30) feet from any public right-of-way or lot line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five (5) feet is maintained, and further provided that the fascia of such canopy is a minimum of twelve (12) feet above the average grade.
7. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.

8. Where adjoining residentially zoned property a buffer or greenbelt shall be provided in accordance with Section 2.17. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

PP. VEHICLE WASH ESTABLISHMENT, EITHER SELF-SERVE OR AUTOMATIC, may be permitted in the NSC, or AC District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred (100) feet from any residential district line. Wash bays for self-service establishments shall be located at least fifty (50) feet from any residential district line.
3. Only one (1) access driveway shall be permitted on any single street. Access driveways shall be located at least one hundred (100) feet from the nearest right-of-way line of any intersecting street or seventy-five (75) feet from the nearest edge of any other driveway.
4. Where adjoining residentially zoned property, a proper buffer or greenbelt shall be installed in accordance with Section 2.17. This greenbelt shall be continuously maintained in good condition.

QQ. VETERINARY HOSPITALS AND VETERINARY CLINICS, may be permitted in the AR or NSC District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this Chapter.

RR. WAREHOUSING FACILITY, may be permitted in the I-2 District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. No parking shall be allowed within fifty (50) feet of a residential district.
2. The site shall be screened from all adjacent residential districts.
3. No exterior lighting shall shine or illuminate beyond the property line onto adjacent property.

4. All refuse containers shall be screened on all sides and located on a concrete pad.
5. No outdoor storage of any kind shall occur on the site.
6. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.
7. Security entry shall be required, restricting access to operators and users of the facility.
8. The use must be conducted in a building which fully encloses all activities.
9. All parking lots, shipping areas, aisles, and drives shall be paved.

SS. WILDLIFE IN CAPTIVITY, may be permitted in the AR District subject to the standards and conditions outlined in this Chapter, and specifically here:

1. The applicant must offer proof of a license or permit from the Michigan Department of Environmental Quality, such permits are commonly referred to as Permit to Hold Wildlife in Captivity or a Game Breeder's License. If the use is not commercial, then a Possession Permit or any other permit required by State law must be obtained.
2. Minimum lot size of five (5) acres.
3. Minimum setback of one hundred (100) feet from any property line is required for the area used for breeding, rearing, selling, and housing of the wildlife.
4. The area set aside for the wildlife in captivity use shall be used exclusively for such use. Any portion of the lot not set aside for the Special Use, may have other uses on the lot that are permitted by right in the AR District.
5. Fencing will be required commensurate with that required to obtain a "Permit to Hold Wildlife in Captivity" permit from the Michigan Department of Environmental Quality.
6. Prohibited use of Wildlife.
 - a. No wildlife shall be sold as a dressed product.
 - b. The exhibition of wildlife in a place open for public viewing is prohibited. The exhibiting of wildlife on an occasional basis for educational purposes for school children or an organized group without remuneration is allowed.

- c. No hunting of wildlife in captivity is permitted in the area subject to the Special Use.
- 7. Species allowed will only be those listed as permitted species listed with the Michigan Department of Environmental Quality.
- 8. The density of wildlife allowed to be in captivity is the same whether the wildlife is contained in cages or pens or whether the applicant will be enclosing a large tract of land to contain the wildlife. The following chart should be used to determine density:

Size of Animal	Number of Animals	Parcel size
Large animals, such as black bear, elk, or moose	2	for first five (5) acres
	1	for each additional acre over five (5)
Medium animals, such as Deer	10	for first five (5) acres
	2	for each additional acre over five (5)
Small animals, such as badger, bobcat, fox, raccoon, coyote, beaver, otter, mink, and muskrat	20	for first five (5) acres
	4	for each additional acre over five (5)
Birds and wild species of birds	100	for first five (5) acres
	20	for each additional acres over five (5)

TT. WIRELESS COMMUNICATION SUPPORT STRUCTURES AND RADIO AND TELEVISION BROADCAST TOWERS, may be permitted in the AR or I-2 District to the standards and conditions outlined in this Chapter, and specifically here:

1. Minimum lot size shall be 20,000 square feet of area.
2. A security fence at least six (6) feet in height shall be constructed around the tower and any other related appurtenances. Such security fence may contain barbed wire, provided the requirements of section 2.3 H. are met.
3. The tower base shall be setback from all lot lines a minimum distance equal to one-half (1/2) the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
4. Where possible, joint use of tower facilities, including Township storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
5. No signs, except warning or other cautionary signs shall be permitted on the site.
6. **Permitted Uses.**
 - a. Notwithstanding the foregoing provisions, wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Ordinance if all of the following requirements are met:
 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

2. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.
 3. The proposed collocation will not do any of the following:
 - i. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
- b. Wireless communications equipment that meets the requirements of subsection (A)(1) and (2) but does not meet the requirements of subsection (A)(3) or (4) is a permitted use of property if it receives special land use permit approval under subsections (C) to (F).
 - c. An application for special land use permit approval of wireless communications equipment described in subsection (B) shall include all of the following:
 1. A site plan as required under this Zoning Ordinance, including a map of the property and existing and proposed buildings and other facilities.
 2. Any additional relevant information that is specifically required by this Zoning Ordinance.
 - d. After an application for a special land use permit approval is filed with the Township Planning Commission, the Planning Commission shall determine whether the application is administratively complete. Unless the Planning Commission proceeds as provided under subsection (E), the application shall be considered to be administratively complete when the Planning Commission makes that determination or 14 business days after the Planning Commission receives the application, whichever is first.

- e. If, before the expiration of the 14-day period under subsection (D), the Planning Commission notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 140day period under subsection (D) is tolled until the applicant submits to the Planning Commission the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.
- f. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
- g. Special land use permit approval of wireless communications equipment described in subsection (B) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.
- h. Time Periods. If the Township requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (A)(1) or for a wireless communications support structure, subsections (D) to (F) apply to the special land use approval process, except that the period for approval or denial under subsection (F) is 90 days.

7. **Definitions.**

“Collocate” means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. **“Collocation”** has a corresponding meaning.

“Equipment Compound” means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

“Wireless Communications Equipment” means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support

structures. Wireless Communication Facility has a corresponding meaning. Not included in this definition are citizens band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.

8. No tower shall exceed a height of three hundred (300) feet.

UU. MINERAL BRINE WELL EXTRACTION, may be permitted in the AR District to the standards and conditions outlined in this Chapter, and specifically here:

1. The parcel of land containing the brine well must be two (2) or more acres in size and have a minimum width of two hundred (200) feet. The minimum setback shall be one hundred (100) feet from any property line and when the area to be used for the special use is within a large parcel, then the setback shall be twenty (20) feet from the boundary of the land dedicated to the special use but not less than one hundred (100) feet from any property line.
2. That area set aside for the special use of a mineral brine well shall be exclusively used for that purpose. That portion of the tract of land outside of the area designated for the special use may contain other uses allowable under the AR Districts.
3. That part of the operation which requires the transfer of brine from holding tanks on site to tankers or trucks, and truck traffic to and from the site shall be limited to the hours of 6 a.m. to 9 p.m. All other operations conducted on site shall not be limited by the above hours of operation.
4. That portion of the site used for the well, tank batteries, storage tanks, and any buildings shall be protected by six (6) foot high chain link fence with access being controlled by a gate that is locked when no personnel are on site.
5. The fenced in area should be lighted for the purposes of maintaining security, provided, however, all sources of lighting shall be directed away and shall be shielded from adjacent neighboring uses and shall also be so arranged as not to adversely affect drivers' visibility on adjacent roads.
6. The driveway servicing the special use must comply with the most recently adopted standards of the Livingston County Road Commission for commercial driveways.
7. The special use allowing a mineral brine well extraction process shall be considered a commercial use requiring protective screening of residential areas adjacent to the use.
 - a. The Planning Commission shall use the standards of Section 2.17 in establishing the requirements for protective screening.

- b. The Planning Commission shall have the right to waive any specific requirement under Section 2.17 when such requirement is not needed for the protection of adjacent residential areas.
 - c. The Planning Commission shall take into consideration the distance between the operation of the special use allowed and the residentially zoned or residentially used parcel of land. In the cases where the distance between the special use and a residential use exceeds three hundred (300) feet, the Planning Commission may waive all or any part of the protective screening requirements of Section 2.17.
 - d. The screening shall be limited to that area that is fenced and faces the residentially zoned or residentially used area that is adjacent to the site.
- 8. Trailers or trucks transporting brine from the site shall travel only on Mason Road, Fowlerville Road, Grand River, and the I-96 Expressway.
 - 9. There shall be no on site repair of motor vehicles, trailers and trucks.
 - 10. Equipment allowed on the site and considered a part of the principal use shall be pumping units and motors, steel and fiberglass storage tanks, pumps and motors to circulate load brine, small structure containing not more than four hundred (400) square feet for the purpose of storing materials, bathroom facilities, maintaining records, and to house a unit office. The office building must be contained within the fenced in area.
 - 11. There shall be no parking or storing of trucks, trailers, or other vehicles on the site except during the allowable operation hours except for trucks, vehicles, and equipment needed for the maintenance and repair of the well and associated equipment during that period of time requiring such maintenance or repair operation. Also excluded from this restriction are light duty vehicles such as passenger cars and pick up trucks that are used for the purpose of bringing personnel to the site to perform their duties.
 - 12. The operator of the special use shall provide for adequate secondary containment for the brine production well facility following standards set by the Department of Environmental Quality or other governmental agency having jurisdiction thereof.
 - 13. The containment system must be designed and constructed to contain a minimum of one and one-half (1-½) times the volume of the storage vessel, further such storage vessels shall meet the monitoring requirements of the Supervisor of Wells.
 - 14. The operator of the special use shall file annual reports with the Township which are a duplicate of the reports filed with the State of Michigan concerning the chemical composition of the mineral brine and copies of other reports filed with the

State of Michigan and any of its departments concerning the operation, leakage, or contaminates on the site. The filed reports would include any reports filed with the State Fire Marshall's Department indicating any type of environmental hazard on the property.

15. There shall be no underground storage of any items, materials, or liquid including fuels on the site.
16. There shall be no storage, dumping, pouring, or spilling any hazardous substance which substance is defined by the Comprehensive Environmental Response Compensation and Liability Act(CERCLA 42 USC 9601et seq., as amended) and the Michigan Natural Resource and Environmental Protection Act (MCLA 324.11101 et seq., as amended).

VV. LIQUID PROPANE STORAGE, SALES, AND SERVICE

1. Area subject to vehicle parking and truck traffic shall be hard surfaced with either blacktop or a concrete surface.
2. There shall be no outside storage of any material, junk, or discarded parts, except outside storage of customer-ready liquid propane tanks is permissible provided the tanks are maintained to be aesthetically pleasing which means that no bare metal or rusty metal should be exposed and all tanks are to be stored in neat rows on the premises.
3. The proprietor or land owner shall file with the Township Clerk copies of all licenses issued to proprietor or land owner by the state of Michigan and copies of any bonds required by the state of Michigan.
4. A security fence shall be erected to enclose the storage area. Such fencing may be with slats or other aesthetically pleasing material to blend in with the adjoining area. The security fence shall not be located in any required yard (front, side or rear set back area). The fence must be a minimum of six (6) feet in height.
5. All set backs for front, side, and rear yards shall be a minimum of fifty (50) feet.
6. The minimum lot size shall be one (1) acre.
7. Access driveway shall be located at least one hundred (100) feet from the nearest right of way line of any intersecting street and seventy-five (75) feet from the nearest edge of any other driveway.
8. A buffer or greenbelt shall be installed in accordance with Section 2.17 for the protection of adjoining residentially zoned land. The greenbelt shall be continuous and maintained in good condition.

WW. MULTIPLE USES. Each lot or parcel in an NSC district, AC district, or either Industrial districts may have more than one principal structure and use subject to the special use requirements of this Chapter 16 and also subject to the following conditions;

1. The outer boundaries of the area(s) proposed for the structures, principal uses, and accessory uses must meet the minimum requirements of the yard and setback requirements as designated in the zoning district in which the use(s) and/or structure(s) will be located.
2. The site plan of the development shall designate all common areas and open spaces.
3. The required off-street parking, loading, and unloading requirements will be in accordance with Chapter 15 for each use. Parking spaces cannot be counted for more than one use. All areas accessible to traffic including parking areas shall be hard surfaced so as to provide a smooth, dustless area and must be drained in accordance with the standards of this Ordinance and the Livingston County Drain Commission Standards.
4. The parking area shall be paved and divided by landscape islands or medians for the purpose of directing traffic flows, breaking up the visual impact of large paved areas, reducing heat and glare from paved surfaces, and to help improve the overall attractiveness of the development. The location of landscape islands and medians shall be shown on the preliminary plan and landscape islands shall be planted and maintained in accordance with the approved final site plan. As a condition of the special use permit, the landscape islands must be maintained so as not to obscure vision or otherwise interfere with safe pedestrian and vehicular traffic movement. All landscape islands shall be defined by concrete curbs.
5. All parking areas and service drives shall be lighted at night during business hours. The Planning Commission may require a minimum level of lighting be provided during nonbusiness hours at night for public safety and policing purposes. All outside lighting shall be arranged and shielded to prevent glare or reflections, nuisance, inconvenience, or hazardous interference of any kind on adjoining streets or adjoining neighboring residential properties. The Planning Commission may, as a part of site plan approval, regulate the intensity and type of lights and fixtures to be used for outdoor illumination, and the height of such lights, to assure that the standards and intent of this section will be met.
6. Two (2) “principal uses” may be allowed on a lot or parcel of land if the area of the lot or parcel is between one and one-half (1-½) and two (2) times the minimum required area for the zoning district. Those parcels which exceed in area twice the size of the minimum required parcel for the zoning district in which the parcel lies may have up to three (3) principal uses on that parcel if the applicant can establish sufficient facts and data that such additional uses would meet the requirements of

Section 16.3 The total permitted density is per parcel or lot and not per principal structure.

7. All signs for multiple uses must be in compliance with Section 15.3 provided, however, the Township Planning Commission pursuant to the Special Use Permit may increase the allowable size for that zoning district by up to ten (10%) percent for each additional principal use or additional principal building upon the premises if the Planning Commission finds that such increase in the size meets the standards of Section 16.3.
8. Circulation and Access.
 - a. No more than two (2) driveways per parcels which meet the standards of the Livingston County Road Commission for industrial or commercial driveways shall be permitted on each road frontage of the property. The driveways are to be located as far from a road intersection as practical but in no case less than one hundred (100) feet.
 - b. Service drives that will provide principal access to and exit from the development shall be physically separated from parking areas by landscape islands. Parking spaces shall not open onto any service drive.
 - c. The Planning Commission may require turn lanes at intersections that abut public streets or interior service drives, if traffic volumes or flow patterns indicate these lanes are necessary.
 - d. Any such development must have access from a public street or an approved private road.
 - e. The Planning Commission may require pedestrian walkways within a development if the location of businesses, the size of the development, or the layout of parking areas or service drives indicate that walkways are needed for the convenience and safety of pedestrians.
 - f. The Planning Commission may require provisions for placement of traffic control devices where the size of the development, layout of parking areas, or service drives, location or nature of businesses, or expected pedestrian or vehicular traffic indicates that such traffic control devices may be required to preserve public safety. Traffic control devices may include, but not be limited to, devices such as stop signs, speed limit signs, traffic signals, turn arrows, one way directions, pavement markings, and pedestrian crossings. If required, these devices shall be provided in accordance with the Michigan Manual of Uniform Traffic Control Devices, as the same may be amended from time to time, and any such devices shall be maintained by the owner

of the development so that the devices consistently meet the standards specified in this manual.

- g. If separate buildings are provided, they shall be situated on the site in such a way as to create a logical grouping of buildings around malls, courtyards, or plazas and may be required by the Planning Commission to be interconnected by pedestrian walkways.

- 9. Each use and structure shall require a separate Land Use Permit, Site Plan Review, and a separate Certificate of Zoning Ordinance Compliance.

XX. RESERVED.

(Deleted Section 16.6.XX Medical Marihuana on July 13, 2017)

- YY.** Two-family dwelling units may be permitted in the AR Agricultural Residential District and in the RA Residential A District subject to the standards and conditions outlined in this Chapter, and specifically here:

- 1. The minimum lot area for a two-family dwelling shall be one (1) acre with a minimum lot width of one hundred fifty (150) feet or larger if required by the Livingston County Health Department to accommodate Health Department requirements.
- 2. With the exception of minimum lot area and width as stated above, the parcel shall comply with all other requirements set forth in Chapter 14, District Regulations for the district in which it is located.
- 3. A two-family dwelling shall contain a minimum of nine hundred (900) square feet for one (1) dwelling unit with at least six hundred (600) square feet on the ground floor of any dwelling unit.
- 4. The structure shall be compatible with single-family dwellings located within the surrounding neighborhood.
- 5. Screening shall be provided along any adjacent property lines that are used or zoned for single-family residential housing with evergreens or shrubs that are at least four (4) feet in height at the time of planting and spaced to provide a continuous screen at maturity. Any such screening shall not create a vision hazard at a road intersection or driveway.
- 6. The on-site outdoor storage of boat trailers, boats, camping units, horse trailers, and similar recreational equipment shall be prohibited.

ZZ. LARGE SCALE RETAIL ESTABLISHMENT

1. Intent. It is the intent of this section to regulate large retail establishments, whether located as an individual use on a single site or as part of a shopping center with a grouping of attached and/or detached buildings. While it is recognized that large scale retail establishments may provide goods and services to Township residents, such stores are primarily focused on attracting consumers from a market area larger than the Township. Therefore, specific standards are required to ensure that large scale retail stores can be adequately served by and do not create an inordinate impact upon roads, utilities, storm drainage and police and fire services.

It is further intended by this section that large scale retail establishments be designed in a manner that is compatible with the residential character of the Township and complement the substantial public investment made in the I-96 Corridor Area.

2. Location. Large retail establishments shall be located as a conditional use within the AC District on sites having direct frontage on Fowlerville Road and Layton Road or abutting property which will provide a site with direct access to I-96.
3. Minimum Area and Width. Large scale retail stores developed individually or in combination shall have a minimum area of ten (10) acres. Sites of less than ten (10) acres may be approved, in the sole discretion of the Planning Commission, when it is demonstrated by the applicant that the following conditions are met:
 - a. The site will be developed without the need for variances from the requirements for maximum lot cover, maximum floor area cover, maximum height, or minimum yard (setback) requirements of the districts in which the site is located.
 - b. All design standards set fourth in Section D are met.
 - c. Sufficient area is available to meet all landscaping and buffering standards.
4. Design Standards. The applicant shall demonstrate in the submission of a site plan and supportive material that the following design standards are met:
 - a. Aesthetic Character.
 - i. Facades and Exterior Walls:
 - 1) Facades greater than one hundred (100) feet in length, measured horizontally, shall incorporate projections or recesses extending at least twenty (20) percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred (100) horizontal feet.

- 2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty (50) percent of their horizontal length.
 - 3) Building facades must include a repeating pattern that includes no less than two (2) of the following elements:
 - a) Color change;
 - b) Texture change;
 - c) an expression of architectural or structural bays through a change in plane no less than twelve (12) inches in width, such as an offset, reveal or projecting rib.
- ii. Roofs. Roofs shall exhibit one (1) or more of the following features depending upon the nature of the roof and building design:
- 1) Flat Roofs - parapets concealing flat roofs and rooftop equipment such as HVAC units from public view are required. Parapets shall not exceed one-third (1/3) of the height of the supporting wall at any point.
 - 2) Pitched Roof -
 - a) Overhanging eaves, extending no less than three (3) feet past the supporting walls;
 - b) An average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
 - c) Three (3) or more roof slope planes.
- iii. Materials and colors.
- 1) Predominant exterior building materials shall be high quality materials, including, but not limited to, brick, stone, and integrally tinted/textured concrete masonry units.
 - 2) Facade colors shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

- 3) Building trim and accent areas may feature brighter colors, including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
 - 4) Exterior building materials shall provide texture to at least fifty (50) percent of the facade and shall not be completely made up of smooth-faced concrete block, tilt-up concrete panels or prefabricated steel panels.
- iv. Entryways. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
- 1) Canopies or porticos;
 - 2) Overhangs;
 - 3) Recesses/projection
 - 4) Arcades;
 - 5) Raised corniced parapets over the door;
 - 6) Peaked roof forms;
 - 7) Arches;
 - 8) Outdoor patios;
 - 9) Display windows;
 - 10) Architectural details such as tile work and moldings which are integrated into the building structure and design;
 - 11) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
 - 12) Pavement / material changes at drive crossings to better define pedestrian cross walks.

b. Site Design

- i. Parking lot location. No more than fifty (50) percent of the off-street parking area devoted to the large scale retail establishment shall be located between the front facade of the principal building and the abutting streets.

- ii. Connectivity. The site design must provide direct connections and safe street crossings to adjacent land uses. Pavement/material changes at drive crossings shall be installed to better define pedestrian cross walks.
- iii. Pedestrian Circulation.
 - 1) Sidewalks at least eight (8) feet in width shall be provided along all sides of the lot that abut a public street.
 - 2) Internal pedestrian walkways, no less than six (6) feet in width, shall be provided connecting the public sidewalk to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.
 - 3) Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such sidewalks shall be located at least ten (10) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.
 - 4) All internal pedestrian walkways which cross or are incorporated with vehicular driving surfaces shall be distinguished from such driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Surface materials used for internal pedestrian walkway shall be designed to accommodate shopping carts.
- iv. Central Features and Community Space. Each large scale retail establishment subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following: patio/seating area, pedestrian plaza with benches, transportation center, window shopping walkway, outdoor playground area, kiosk area, water feature, clock tower or other such deliberately shaped area and/or a

focal feature or amenity that, in the judgment of the Township, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- v. Delivery/Loading Operations. Loading docks, trash collection, outdoor storage and similar facilities and functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) dB, as measured at the lot line of any adjoining property. Delivery/loading operations shall be setback a minimum of fifty (50) feet from adjacent residentially zoned property.

- 5. Impervious Surface Reduction/Infiltration Enhancement. The Township recognizes that due to specific requirements of any given development, inflexible application of Ordinance requirements may result in development with excessive paving and stormwater run-off and a waste of space that could be left as open space.

Either through procedures prescribed by this Ordinance or creative land development techniques, the Township may permit during the site plan review process, deviations from requirements allowing for reduction in impervious surfaces whenever it finds that such deviations are more likely to meet the intent of impervious surface reduction and infiltration enhancement.

- a. General Standards

- i. Priority shall be placed on site design which maintains natural drainage patterns and watercourses. Alterations to natural drainage patterns shall not create flooding or degradation in water quality for adjacent or downstream property owners.
- ii. The use of swales and buffer strips vegetated with desirable native materials is encouraged as a method of stormwater conveyance so as to decrease runoff velocity, allow for biofiltration, allow suspended sediment particles to settle and remove pollutants. Tolerance for water saturation, sunlight, pesticides metals and salts shall be required in determining appropriate plantings.

- iii. Drainage systems shall be designed to be visually attractive. The integration of stormwater conveyance systems and retention and detention ponds in the overall concept is recommended. Ponds with a naturally contoured rather than square or rectangular, design and appearance shall be encouraged.
 - iv. Where large amounts of grease and oil may accumulate as in the case of large areas of pervious surfaces for parking, oil separators shall be required.
 - v. Base parking requirements on the specific characteristics of the use, landbanking in open space parking required to satisfy Ordinance requirements.
 - vi. Reduce the overall imperviousness associated with parking lots by providing compact car spaces, minimizing stall dimensions, incorporating efficient stall dimensions, incorporating efficient parking lanes, and using pervious materials in the spillover parking areas where possible.
 - vii. Direct roof top run off to pervious areas such as yards, open channels or vegetated areas and avoid routing roof top run off to the roadway, parking area and the stormwater conveyance system.
 - viii. Create naturally vegetated buffer systems that may vary in width as determined by the Township, along all drainage ways. Critical environmental features such as 100 year floodplains, steep slopes and wetlands shall be considered.
6. Traffic Impact. The applicant shall submit a detailed traffic study in a form that is acceptable to the Township, prepared by a recognized and independent traffic engineer, demonstrating the impact of the large scale retail establishment on the transportation network. Based on the results of the traffic impact study, the applicant shall propose methods of mitigating any adverse impacts to the transportation network and show to what degree the proposed methods maintain or improve the operating levels of the impacted streets and intersections.
- a. Number of Driveways per Parcel.
 - i. A maximum of one (1) two-way driveway opening or a pair of one (1) way driveway openings shall be permitted to a particular site from each adjacent public road.
 - ii. Based on the recommendation of the Livingston County Road Commission and/or Township Engineer that an additional driveway

is in the interests of safe traffic operation, the Planning Commission may permit one (1) additional driveway entrance along a continuous site with frontage in excess of three hundred (300) feet or two (2) additional driveway entrances along a continuous site with frontage in excess of six hundred (600) feet.

- b. Driveway Access Standards. Driveways shall conform to the following performance standards or to standards adopted by the Livingston County Road Commission, whichever is more stringent:
 - i. Driveway design and placement must be in harmony with internal circulation and parking design such that the entrance can absorb the maximum rate of inbound traffic during a normal peak traffic period.
 - ii. There must be sufficient on-site storage to accommodate at least three queued vehicles waiting to park or exit without using a portion of the public right-of-way obstructing existing vehicle sight distance, or otherwise interfering with street traffic.
 - iii. Provisions for circulation between adjacent parcels are encouraged through coordinated or joint parking systems.
 - iv. Driveways shall be designed to accommodate all vehicle types having occasion to enter and exit the site, including delivery vehicles. There shall be clear delineation and/or separation, where appropriate, of entry and exit lanes within driveways.

(Amended Section 16 by adding subsection AAA. Qualified Fuel Power Generation Facilities, April 10, 2018)

AAA. QUALIFIED FUEL POWER GENERATION FACILITIES (“QF POWER PLANT”)

- 1. Purpose. The purpose of this Ordinance is to provide a regulatory scheme for the designation of suitable locations and zoning districts for the construction and operation of qualified fuel power generation facilities in the Township, to protect the health, safety and welfare of the general public and to ensure compatible land uses in the vicinity of the areas affected by qualified fuel power generation facilities. The Township has determined that qualified fuel power generation facilities are appropriate as a special land use in the RD, Research and Development zoning district, subject to the requirements and regulations set forth in this Ordinance and in addition to those otherwise cited in Chapter 16 of the Township’s Zoning Ordinance.

QUALIFIED FUEL POWER GENERATION FACILITIES (“QF Power Plant”) shall be permitted as a Special Land Use in the RD Zoning District subject to the standards and conditions set forth in this Chapter and the following:

a. **Application Requirements.**

- i. In addition to any established fee for an application for a special use permit and site plan review, an escrow account shall be established when the applicant applies for a Special Use Permit for a QF Power Plant. The amount of the required escrow shall be a good faith estimate by the Zoning Administrator to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs and expenses may include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, or other consultant as the Township deems necessary, including, but not limited to, any reports or studies which the Township anticipates are reasonably necessary for reviewing the application. At any point during the review process, the applicant may be required to place additional funds into escrow with the Township if the existing escrow amount is deemed by the Zoning Administrator to be insufficient to cover any remaining anticipated or actual costs and expenses of completing the review. If the applicant fails or refuses to deposit additional funds in escrow within thirty (30) days after receiving notice, the review and approval process shall cease until and unless the applicant makes the required escrow deposit. Escrow funds remaining after payment of all costs and expenses shall be returned to the applicant within a reasonable time. An itemized billing of all costs and expenses shall be provided to the applicant upon request. The Township may enter into a separate escrow agreement meeting the requirements of this section.
- ii. An application for special land use permit approval of a QF Power Plant shall also include a site plan meeting all of the following requirements and the requirements of Chapter 15, except to the extent of any conflicts or inconsistency with the terms and conditions of this section:
 - 1) A map of the property subject to the application and all existing and proposed buildings, improvements, uses, parking, access roads, existing and proposed utilities, interconnection locations with the power grid, and any other intended structures or facilities.
 - 2) The project area boundaries within the Township (“project boundary”). If the project boundary is part of a larger project

area that extends outside of the Township's jurisdictional boundaries, the overall boundaries of the project area shall also be indicated on a separate sheet of the site plan.

- 3) Approximate location and height of all major, proposed permanent buildings, structures, and other above-ground structures which are designed and intended to be permanently affixed to the real property within project boundary (e.g., turbines, stacks, boilers, administration and control structures and facilities, condensers, steam generators, and the like), provided, however, that there may be other, less significant improvements located on site which are not depicted.
- 4) Approximate locations and height of all existing permanent buildings, structures, and above ground utilities located upon property located within 300' of the project boundary.
- 5) Approximate elevations of all major, proposed permanent buildings, structures, and other above-ground structures which are designed and intended to be permanently affixed to the real property within the project boundary (e.g., turbines, stacks, boilers, administration and control structures and facilities, condensers, steam generators, and the like) and the relationship to the elevation of all existing and proposed structures within 300 feet of the project boundary. This part of the plan must include visual simulations of how the completed project will look from the public roadway in at least four different viewable directions; north, south, east and west, from ¼ of a mile from the project boundary.
- 6) Access roads and driveways to the QF Power Plant within the project boundary, together with a detailed narrative regarding dimensions, composition, and maintenance of the proposed roads and driveways. Construction of access roads and driveways to serve a QF Power Plant shall comply with all existing Township ordinances regarding construction of the same. Private roads and driveways shall be inspected by an engineer chosen by the Township. Any costs and expenses for inspections shall be paid by the applicant.
- 7) Proposed security measures to prevent unauthorized trespass and access.

- 8) A lighting plan shall be provided as part of the site plan. The lighting plan must describe all lighting that will be utilized, including any lighting that may be required by the FAA. The plan shall include the planned number and location of lights, light color and whether any lights will be flashing. Strobe lights are discouraged and must be shielded from the ground.
- 9) A landscaping and buffering plan depicting the landscaping and buffering described in Section 16.6.AAA.1.D shall be provided in connection with the site plan application submitted with the special use permit application.
- 10) The site plan shall depict the fencing described in Section 16.6.AAA.1.E.
- 11) The improvements depicted on the site plan shall satisfy the bulk and dimensional requirements described in Section 16.6.AAA.1.F.
- 12) The parking improvements depicted on the site plan shall satisfy the parking requirements described in Section 16.6.AAA.1.G.
- 13) The applicant shall also submit a written statement confirming that all permanent structures and improvements shall comply with all applicable laws, codes, rules, regulations, and ordinances pertaining to design and engineering of the same.
- 14) The applicant shall also submit a written statement confirming that the applicant shall secure and comply with all licenses, permits, consents, approvals, and similar authorizations required by applicable laws, codes, rules, regulations, and ordinances pertaining to applicant's construction, installation, maintenance, repair, replacement, and operation of the QF Power Plant (the "Applicant Licensing").
- 15) The applicant shall provide a process to resolve complaints from nearby residents concerning the construction or operation of the project. The proposed process must be satisfactory to the Planning Commission.
- 16) The applicant shall provide a narrative on the useful life of the QF Power Plant including a description of potential

decommissioning of the QF Power Plant. After a QF Power Plant has been in operation for at least 15 years, the current owners shall review potential decommissioning with the Planning Commission, such review may require the QF Power Plant to post adequate security to ensure decommissioning.

- 17) Insurance. Prior to commencing construction, the applicant shall provide proof of liability insurance at all times for at least \$5,000,000 and shall name the Township as an additional insured. The applicant shall agree to hold the Township harmless and indemnify, but not defend, the Township against all claims, losses, liabilities, causes of action, demands, judgments, decrees, and costs and expenses of any nature (including without limitation reasonable attorney fees and expert witness fees) resulting solely from the negligent acts or omissions or willful misconduct of the applicant or the applicant's officers, agents, employees, contractors, successors, or assigns in connection with the construction, operation, maintenance, or decommissioning of the QF Power Plant; however, provided the Township diligently defends itself utilizing claims, counterclaims, third party claims, and defenses available to it, in its sole discretion. Applicant shall reimburse the Township on a monthly basis its reasonable defense costs and expenses (including any reasonable costs and expenses on appeal) of any nature (including without limitation reasonable attorney fees and expert witness fees) for such defense. Applicant shall not be permitted to withhold or setoff any of the foregoing costs and expenses to be reimbursed to the Township, even if the applicant asserts the costs and expenses incurred were unreasonable. The applicant's obligation to indemnify the Township against all claims, losses, liabilities, causes of action, demands, judgments, and decrees (other than the reimbursement of defense costs and expenses as stated above) shall only arise upon entry of a final judgment of a court of competent jurisdiction and after the Township has exhausted its ability to appeal the final judgment. The Township may enter into a separate indemnification agreement meeting the requirements of this section.
- 18) The applicant shall submit a written narrative, estimating of the applicant's anticipated and estimated economic impact of the QF Power Plant upon the Township and the County.

The narrative shall include the applicant's estimate of financial impact regarding temporary and permanent jobs, tax revenue anticipated to the Township, the County and local schools.

- 19) Any and all additional information reasonably requested by the Planning Commission related to the application for special land use or site plan approval.

iii. Required Studies.

- 1) The applicant, at its sole cost and expense, shall deliver to Township copies of all environmental assessments, impact studies, and/or other relevant report(s) or studies (including, but not limited to, assessing the potential adverse effects or impacts on the public, endangered species, and/or other wildlife), which applicant is required to undertake or secure in connection with the Applicant Licensing. These materials shall be submitted with the site plan application if available at the time of application. If the environmental assessments, impact studies, and/or other relevant report(s) or studies required by this subsection are not available at the time of application, such assessments, studies and/or report(s) shall be provided immediately upon completion. The site plan may be conditionally approved pursuant to Section 15.1.C.4, but such condition shall not be deemed satisfied and such approval shall not be deemed final until and unless the Zoning Administrator notifies the Planning Commission that all of the conditions have been satisfied by the applicant in connection with the Applicant Licensing.
- 2) A Sound Pressure Level study showing the ambient sound and modeling and analysis report of sound expected to be produced from within the project boundary, including sound generated cumulatively from all of the activities in the project boundary during full operation of the QF Power Plant (i.e. excluding such sound produced during construction, transient conditions and startup). The sound pressure level study shall, at a minimum, show the expected maximum sound pressure level measured at the nearest point on the nearest property line of any property located adjacent to the project boundary.

- 3) The traffic study pertaining to permanent operations (i.e. excluding construction and startup) described under Section 15.1.D.1.c (2) of the Ordinance shall be required.
- 4) The applicant shall submit a detailed description of information and training that applicant will provide to local fire departments in the vicinity of the QF Power Plant to address capability and preparedness, or lack thereof, of first responders to an emergency, including the release of natural gas, fire or explosion, as a result of the operation of the QF Power Plant. Such summary shall include the following:
 - a) Training. The applicant shall offer an emergency response training program for local enforcement, fire, and hazardous material response personnel of the authority having jurisdiction. The applicant shall offer, at applicant's cost, relevant training prior to commencing operation of the facility and annually thereafter using an appropriate training program.
 - b) Equipment. The applicant may offer to provide any additional equipment, structures and/or real property to ensure a timely and adequate response to emergencies at the facility.
 - c) The applicant shall provide the contact information of the individual or individuals responsible for the operation and activities at the QF Power Plant. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township and all emergency service providers.
 - d) The applicant shall provide copies of operation and safety manuals relating to the QF Power Plant and the same shall address the potential for and response to emergency conditions, including fire, explosion and collapse of any structures as well as safety perimeters required or recommended. The summary must also explain notification and emergency action plans for adjacent landowners, residents and the Township. The application shall also include a

detailed evacuation plan for the QF Power Plant and how the applicant intends to implement such a plan in the case of an emergency. These materials shall be submitted with the site plan application to the extent the same are available at that time. To the extent the same are not available at the time of the site plan application, the site plan shall be approved with a condition requiring applicant to submit such materials when the same become available.

- e) The applicant shall commit to providing Manufacturers' Material Safety Data Sheet(s), when the same are determined by applicant (which may be after site plan review), detailing type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants. These materials shall be submitted with the site plan application to the extent the same are available at that time. To the extent the same are not available at the time of the site plan application, the site plan shall be approved with a condition requiring applicant to submit such materials when the same become available.
- iv. In satisfaction of any greenbelt and buffer requirements of Sections 2.17, 15.1.D.1.g and 15.2 of this Zoning Ordinance, all off-street parking areas, exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures including all QF Power Plant bases and related equipment shall contain landscaping and buffering designed and intended to minimize visual impact to the extent practicable from adjacent public roads and the boundary of adjacent properties zoned for single-family residential use as a permitted use, provided, however, that any required screening may be satisfied by the use of topography. In addition, open space or undeveloped land, including tillable acreage which may be used for agricultural purposes, shall be considered in satisfaction of any required screening.
 - v. All QF Power Plant bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access which shall surround the area of the vertical improvements constructed upon the project site. The fence shall have lockable gates and shall be a chain-link fence at least eight (8) feet in height but not more than ten (10) feet in height, inclusive of any security features on the

fence, but excluding any security cameras. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. Warning signs shall be placed on the fence providing notice of the potential dangers and the contact information in case of an emergency.

vi. Project sites for QF Power Plants and all buildings thereon shall comply with Chapter 14 of the Zoning Ordinance, including all height and setback requirements, except as follows:

- 1) Minimum Area: 10 acres
- 2) Minimum Road Frontage: 200 feet
- 3) Maximum Height and Setback: Structures, towers, stacks and appurtenances that would otherwise be exempt from height restrictions under Section 2.8 of this Zoning Ordinance and condensers and heat recovery steam generators, shall be permitted on project sites but shall not exceed 300 feet in height and any such items which exceed 80 feet in height shall be set back at least 100 feet from the project boundary.
- 4) Parking & Drives: Parking areas and drives may be located within the side and rear yard setbacks provided that such drives and parking areas shall be no closer than 10 feet from a property line.
- 5) Access & Utilities: The foregoing setbacks do not apply to structures located completely underground and do not apply to structures, such as pipelines, electric transmission and telecommunication poles, towers, and lines, walkways and roadways above ground, provided such above ground structures are immediately and entirely adjacent to property owned by an electrical transmission company, natural gas transmission company or public utility and where such structures are necessary in order to provide access, interconnection and/or service from the subject property to the property owned by an electrical transmission company, natural gas transmission company or public utility.
- 6) Buffering in Setbacks: All required buffering, greenbelts, and screening shall be permitted within the foregoing setbacks. In addition, open space or undeveloped land, including tillable acreage which may be used for agricultural

purposes, shall be considered in satisfaction of any required screening.

- vii. All parking requirements shall be in compliance with Section 15.2 of the Zoning Ordinance, except that Section 15.2.B.5 shall be satisfied pursuant to Section 16.6.AAA.1.D.
- viii. Any damage to a public road located within the Township resulting from the construction, maintenance, or operation of a QF Power Plant shall be repaired at the applicant's or owner's sole cost and expense.
- ix. Applicant shall arrange for proper permitting and agreements with the Livingston County Road Commission concerning the applicant's use of the county roads.
- x. Regulatory Compliance:
 - 1) Any combustible or flammable liquids, solids, or gasses shall be stored in a manner in compliance with all federal and state laws, rules, regulations, ordinances, and orders that are properly applied to the QF Power Plant.
 - 2) All Occupational Safety and Health Administration regulations that are properly applied to the QF Power Plant shall be met.
 - 3) All requirements and regulations that are properly applied to the QF Power Plant of any and all regulatory bodies having jurisdiction, including the Michigan Department of Environmental Quality ("MDEQ") shall be met.
 - 4) The storage and management of any fuels, raw materials, byproducts, or wastes shall comply with all MDEQ regulations that are properly applied to the QF Power Plant.
 - 5) All materials or wastes which might cause fumes or dust or which constitute a fire hazard shall be stored and managed in compliance with all Michigan laws, rules, regulations, and orders that are properly applied to the QF Power Plant.
- xi. Any emissions of air pollutants shall comply with all applicable state and federal laws and regulations applicable to the QF Power Plant.

- xii. During construction and startup of the QF Power Plant, prior to full operation, the conditions herein relating to screening and fencing shall not apply, such conditions being intended to apply to the permanent facilities, improvements, and operations. Similarly, during the construction and startup phases, the typical work period will be from 6:00 AM to 9:00 PM, Monday through Friday, except various construction activities may be performed outside of the typical work period (i.e. nights and weekends) to the extent required by the contractor.
- xiii. If the provisions of this Section 16.6.AAA conflict with any other provision of the Township Zoning Ordinance, then the provisions of Section 16.6.AAA shall control to the extent of such conflict.

b. Standards of Review and Approval.

The Planning Commission shall not approve any QF Power Plant unless it finds, based on the information provided by the applicant, that the application requirements set forth in paragraph 1, above (including all of its subparts), have been met and all of the following:

- i. The QF Power Plant will not pose a safety hazard or unreasonable risk to the public health, safety or welfare and will not have any unreasonable harmful effects on any other persons, property or the environment, including any wildlife.
- ii. The QF Power Plant complies with Section 16.6.AAA.1.D regarding greenbelts/buffers.
- iii. The QF Power Plant complies with the setbacks and other regulations set forth in Section 16.6.AAA.1.F, except as provided below:
 - 1) Exemption from the setbacks and other regulations set forth in Section 16.6.AAA.1.F, including maximum building height, may be approved by the Planning Commission upon a showing by the applicant that it is not feasible to meet the requirements and that adequate safeguards have or will be provided to justify the exemption.
- iv. Sound from the QF Power Plant operations as shown by the Sound Pressure Level Study is no greater than 70 dba when measured at the nearest point on the nearest property line of any property located adjacent to the project boundary which is located in a zoning district wherein single-family residential use is permitted as a permitted use.

A waiver to said levels may be approved, provided that the following has been accomplished:

- 1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the QF Power Plant and the noise limitations imposed by this Section, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed.
 - 2) The written consent obtained under paragraph 1, above, shall be in the form of a permanent sound impact easement and shall be recorded in the Livingston County Register of Deeds office. The easement shall describe the benefited and burdened properties and shall advise all subsequent owners of the burdened property that sound levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
- v. The applicant has committed to provide adequate additional training, information, personnel or equipment necessary for local fire response services to effectively respond to an emergency as a result of the operation of the QF Power Plant.
- vi. The QF Power Plant otherwise complies with all of the requirements listed in Subsection (1) “Application Requirements” above.

(Amended Section 16 by adding subsection BBB. Industrial Solar Energy Facilities, April 25, 2019. Amended Section 16 BBB, April 6, 2023. Amended Section 16 BBB, September 16, 2024)

BBB. SOLAR ENERGY SYSTEMS

1. **General Provisions.** All Solar Energy Systems are subject to the following requirements:
 - a. All Solar Energy Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes and applicable industry standards, including those of the American National Standards Institute (ANSI).
 - b. The Township may revoke any approvals for, and require the removal of, any Solar Energy System that does not comply with this Ordinance.
 - c. Solar Energy Systems must be located or placed so that concentrated solar glare is not directed toward or onto nearby properties or roadways at any time of the day.

- d. Solar Energy Systems are permitted in the Township as follows, subject to this Section and other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
Private Solar Energy System	Private BIVPs	All zoning districts	Not required
	Roof or Building Mounted Private Solar Energy System	All zoning districts as accessory use	Not required
	Ground Mounted Private Solar Energy Systems	All zoning districts as accessory buildings, structures, and uses	Not required
Commercial Solar Energy System	All Commercial Solar Energy Systems (Ground Mounted only)	Research and Development*	Required

* Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.

2. **Commercial Solar Energy Systems.** Commercial Solar Energy Systems are allowed only in the Research and Development zoning district (except they are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program) and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Chapter 16 and site plan review and approval under Chapter 15, Commercial Solar Energy Systems are also subject to the following requirements:

- a) *Application Requirements.* The applicant for a Commercial Solar Energy System must provide the Township with all of the following:
- 1) Application fee in an amount set by resolution of the Township Board. In addition to any established fee for an application for a special use permit and site plan review, an escrow account shall be established when the applicant applies for a Special Use Permit for a Commercial Solar Energy System. The amount of the required escrow shall be a good faith estimate by the Zoning Administrator to cover all reasonable costs and expenses associated with the special use permit review and approval process, which costs and expenses may include, but are not limited to, fees of the Township Attorney, Township Planner, and Township Engineer, or other consultant as the Township deems necessary, including, but not limited to, any reports or studies which the Township anticipates are reasonably necessary for reviewing the application. At any point during the review process, the applicant may be required to place additional funds into escrow with the Township if the existing

escrow amount is deemed by the Zoning Administrator to be insufficient to cover any remaining anticipated or actual costs and expenses of completing the review. If the applicant fails or refuses to deposit additional funds in escrow within thirty (30) days after receiving notice, the review and approval process shall cease until and unless the applicant makes the required escrow deposit. Escrow funds remaining after payment of all costs and expenses shall be returned to the applicant within a reasonable time. An itemized billing of all costs and expenses shall be provided to the applicant upon request. The Township may enter into a separate escrow agreement meeting the requirements of this section.

- 2) A list of all parcel numbers that will be used by the Commercial Solar Energy System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- 3) An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- 4) Current photographs of the subject property.
- 5) A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes, and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. All access roads and storage areas shall be paved or graveled in a manner sufficient to provide a solid base at all times of the year for emergency access and other access and shall be established on a thirty-three (33) foot minimum easement. The site plan must be drawn to scale and must indicate how the Commercial Solar Energy System will be connected to the power grid.
- 6) A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Commercial Solar Energy System.
- 7) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

- 8) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Commercial Solar Energy System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Commercial Solar Energy System and restore the subject parcels, which is subject to the Township's review and approval.
- 9) Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.
- 10) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Commercial Solar Energy System, which is subject to the Township's review and approval.
- 11) A plan for managing any hazardous waste, which is subject to the Township's review and approval.
- 12) A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
- 13) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Solar Energy System, which is subject to the Township's review and approval.
- 14) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
- 15) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

b) *System and Location Requirements.*

- 1) Commercial Solar Energy Systems must be ground mounted.
 - 2) Commercial Solar Energy Systems must be located on parcels of land twenty (20) acres in size or larger.
 - 3) Commercial Solar Energy Systems are not permitted on any properties enrolled in the PA 116 Farmland and Open Space Preservation Program.
 - 4) Commercial Solar Energy Systems (including all solar panels, structures, and equipment) must be set back 500 feet from all lot lines and public road rights-of-way, except that the set back from an easement or parcel used for the transmission of electricity in excess of 200kV shall not be less than 50 feet. If a single Commercial Solar Energy System is located on more than one lot, then the lot-line setbacks of this subsection do not apply to the lot lines shared by those lots.
 - 5) The height of the Commercial Solar Energy System and any mounts, buildings, accessory structures, and related equipment must not exceed fifteen (15) feet when oriented at maximum tilt. Lightning rods may exceed 15 feet in height, but they must be limited to the height necessary to protect the Commercial Solar Energy System from lightning.
- c) *Lot Area Coverage.* No more than 20% of the total lot area may be occupied by a Commercial Solar Energy System.
- d) *Permits.* All required county, state, and federal permits must be obtained before the Commercial Solar Energy System begins operating.
- e) *Screening and Vegetation.* Greenbelt screening is required around any Commercial Solar Energy System and around any equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy System from any adjacent residences. The greenbelt must consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. At least 50% of the plants must be evergreen trees that are at least six feet tall at the time of planting. In lieu of a planting greenbelt, a decorative fence that is at least 50% opaque and that meets the requirements of this Ordinance applicable to fences may be used if approved by the Planning Commission. Each owner, operator, or maintainer of any Commercial Solar Energy System to which this ordinance applies shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed

and must be replanted at the next appropriate planting time. Plants or grasses not part of the buffer area shall be maintained by the facility operator not to exceed a height of twelve (12) inches.

- f) *Lighting and Glare.* Lighting of the Commercial Solar Energy System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Commercial Solar Energy System. The Commercial Solar Energy System must not produce any glare day or night that is visible to neighboring lots or to persons traveling on public or private roads.
- g) *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Commercial Solar Energy System, including any transformers and transfer stations. Appropriate warning signs, with emergency contact information, must be posted at safe intervals at the entrance and around the perimeter of the Commercial Solar Energy System. Security fencing shall be chain link, eight (8) feet tall, and will be woven with a green opaque material to restrict the view into the facility. The fence will be designed to restrict unauthorized access. The gate will be the same height and constructed of the same material as the fencing.
- h) *Noise.* The noise generated by a Commercial Solar Energy System must not exceed the following limits:
 - 1) Forty (40) dBA Lmax, as measured at the lot line of the project property.
 - 2) Thirty-Five (35) dBA Lmax, as measured at the lot line of the project property, between the hours of 9:00 p.m. and 7:00 a.m.
 - 3) In addition to the above limitations, a sound barrier of a solid decorative masonry wall or evergreen tree berm, with trees spaced not less than 10 feet apart, must be constructed to reduce noise levels surrounding all inverters. The berm must be no more than ten (10) feet from all inverters, must be at least as tall as all inverters but not more than three (3) feet taller than the height of all inverters.
- i) *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Commercial Solar Energy System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation. If batteries are used as part of the Ground Mounted Solar Energy System, they must be placed in a secured container or enclosure.
- j) *Drain Tile Inspections.* The Commercial Solar Energy System must be maintained in working condition at all times while in operation. The

applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Commercial Solar Energy System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

- k) *Insurance.* The applicant/owner or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$10 million per occurrence and shall name the Township as an additional insured.
- l) *Decommissioning.* If a Commercial Solar Energy System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Commercial Solar Energy System that is never fully completed or operational if construction has been halted for a period of one (1) year.
- m) *Financial Security.* To ensure proper decommissioning of a Commercial Solar Energy System upon abandonment, the applicant must post financial security in the form of cash or an irrevocable letter of credit in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special land use application.
- n) *Extraordinary Events.* If the Commercial Solar Energy System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- o) *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - 1) Current proof of insurance;
 - 2) Verification of financial security; and

3) A summary of all complaints, complaint resolutions, and extraordinary events.

p) *Inspections.* The Township may inspect a Commercial Solar Energy System at any time by providing 24 hours advance notice to the applicant or operator.

q) *Transferability.* A special use permit for a Commercial Solar Energy System is transferable to a new owner upon approval by the Township, which will not be unreasonably withheld. Within 30 days of the transfer, the new owner must register its name and business address with the Township. The new owner must comply with this Ordinance and all approvals and conditions issued by the Township.

r) *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, in addition to any other remedy under this Ordinance, may revoke the special land use permit and site plan approval after giving the applicant or operator notice and an opportunity to be heard. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

3. **Industrial Solar Energy Facilities under PA 233.** On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Industrial Solar Energy Facilities with a nameplate capacity of 50 megawatts or more. To the extent these provisions conflict with the provisions in subsections A-F above (regulating Industrial Solar Energy Facilities), the provisions below control as to such Industrial Solar Energy Facilities. All provisions in subsections A-F above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Industrial Solar Energy Facilities with a nameplate capacity of less than 50 megawatts.

a) *Setbacks.* Industrial Solar Energy Facilities must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way

Nonparticipating parties	50 feet measured from the nearest shared property line
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- b) *Fencing.* Fencing for the Industrial Solar Energy Facility must comply with the latest version of the National Electric Code as November 29, 2024, or as subsequently amended.
- c) *Height.* Solar panel components must not exceed a maximum height of 25 feet above ground when the arrays are at full tilt
- d) *Noise.* The Industrial Solar Energy Facility must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- e) *Lighting.* The Industrial Solar Energy Facility must implement dark sky-friendly lighting solutions.
- f) *Environmental Regulations.* The Industrial Solar Energy Facility must comply with applicable state or federal environmental regulations.
- g) *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Industrial Solar Energy Facility owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(Amended Section 16 by adding subsection CCC Waste Management, Waste Transfer Stations, Processing Facilities. Passed by the Handy Township Board on, November 16, 2020)

CCC. WASTE MANAGEMENT, WASTE TRANSFER STATIONS, AND PROCESSING FACILITIES

1. The principal and accessory buildings and storage structures shall not be located within three hundred (300) feet of any residential use or district line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, in accordance with Section 2.17.
3. Any outside storage of machinery shall be so screened to obstruct outside vision from any public road, or adjacent property.

4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved, according to Michigan Department of Transportation specification for Industrial parking lots.
5. All handling, transfer and processing activities shall be conducted in a manner that minimizes hazards, litter, noise, nuisances and vector impacts; and minimizes human contact with, ingestion, inhalation, odor, and transportation of dust, particulates and pathogenic organisms.
6. The operator shall provide fire prevention, protection, and control measures, including, but not limited to, temperature monitoring of waste piles, adequate water supply for fire suppression, and the isolation of potential ignition sources. Fire lanes shall be provided to allow fire control equipment access to all operation areas.
7. An attendant shall be on duty during regular business hours if the operation or facility is open to the public.
8. Hours of Operation shall be Monday – Friday 6:00 AM to 6: PM; Saturday 6:00 AM to 2:00 PM.
9. The operator shall ensure that leachate is controlled to prevent contact with the public or in any way allowed permeation into the soil.
10. The operator shall receive approval of the use from all appropriate agencies including but not limited to the Environmental Protection Agency, State of Michigan, Environment Great Lakes and Energy, and Livingston County.
11. All exposed waste material shall be in a covered structure suitable to the Planning Commission.
12. Minimum lot size of three (3) acres shall be required.

(Amended Section 16 by adding subsection DDD Wind Energy Conversion Systems, Passed by the Handy Township Board on November 15, 2021. Amended Section 16 DDD September 16, 2024)

DDD. WIND ENERGY CONVERSION SYSTEMS

A. DEFINITIONS.

1. AMBIENT means the sound pressure level exceeded 90% of the time or L₉₀
2. ANSI means the American National Standards Institute.

3. BODY OF WATER means a lake, pond, river, stream, or any other area which is permanently covered by water but does not include a human-made drainage or irrigation channel, lands that are seasonally covered by water or lands which may be subject to intermittent flooding.
4. dB(A) means the sound pressure level in decibels. It refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.
5. dB(C) means the sound pressure level in decibels. It refers to the "c" weighted scale defined by ANSI.
6. DECIBEL means the unit of measure used to express the magnitude of sound pressure and sound intensity. IEC means the International Electro-technical Commission. ISO means the International Organization for Standardization.
7. DECOMMISSION means to remove or retire from active service.
8. EQUIVALENT SOUND LEVEL (OR LEQ) means the sound level measured in decibels and averaged on an energy basis over a specific duration.
9. HEIGHT OF THE TOWER OR TOWER HEIGHT means the height of the tower or structure to the highest point on the tip of a fully vertical rotor blade from ground level.
10. IEC means the International Electrotechnical Commission.
11. INSTANTANEOUS SOUND PRESSURE means total instantaneous pressure, in a stated frequency band, at a point in the presence of a sound wave, minus the atmospheric pressure at that point measured in unit pascal (Pa).
12. ISO means International Organization for Standardization.
13. LEASE UNIT BOUNDARY means boundary around property leased for purposes of a Wind Energy System, including adjacent parcels to the parcel on which the Wind Energy System tower or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road right-of-ways.
14. MET TOWER means an anemometer tower used to conduct temporary wind assessment studies for possible installation of WECS.
15. NON-PARTICIPATING PARCEL means a parcel of land within the Township that is not subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial wind energy conversion system.

16. ON SITE WIND ENERGY SYSTEM means a land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.
17. PARTICIPATING PARCEL means a parcel of land within the Township that is subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purposes of developing and constructing a commercial wind energy conversion system.
18. ROTOR means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
19. SCADA means a computer system that monitors and controls WECS units and data.
20. SHADOW FLICKER means alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.
21. SOUND PRESSURE means an average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.
22. SOUND PRESSURE LEVEL means the sound pressure mapped to a logarithmic scale and reported in decibels (dB).
23. UTILITY GRID WIND ENERGY SYSTEM means a system designed and built to provide electricity to the electric utility grid.
24. WECS TESTING FACILITY means structure and equipment used to determine the potential for the placement of a WECS.
25. WIND ENERGY CONVERSION SYSTEM, (WECS) OR WIND ENERGY FACILITY – An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.
26. WIND ENERGY SYSTEM means a land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid. See also ON- SITE WIND ENERGY SYSTEM and UTILITY GRID WIND ENERGY SYSTEM.
27. WIND SITE ASSESSMENT means an assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

B. WIND ENERGY SYSTEMS GENERAL PROVISIONS.

1. All wind energy systems must conform to the provisions of this Ordinance; all county, state, and federal regulations and safety requirements; all applicable building codes, county codes, and airport area zoning ordinances; and all applicable industry standards, including those of the American National Standards Institute (ANSI).
2. The Township may revoke any approvals for, and require the removal of, any wind energy system that does not comply with this Ordinance.
3. Wind energy systems are permitted in the Township in the following districts, subject to all other applicable provisions of the Zoning Ordinance:

Type of System	Sub-Type of System	Zoning District	Special Use Permit
On-Site WES		All zoning districts as accessory use	Not required
Commercial WECS	WECS Systems	RD: Research and Development	Required
	WECS Testing Facilities	RD: Research and Development	Required

C. ON-SITE WIND ENERGY SYSTEMS. An On-site wind energy system is an accessory use that shall meet the following standards:

1. Designed to primarily serve the needs of a home, farm, or small business.
2. Shall have a tower height of sixty five (65) feet or less.
3. Property Set-back: The distance between an On-site wind energy system and the owner's property lines shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between a MET tower and the owner's property lines shall be equal to or greater than the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback.
4. Sound Pressure Level: On-site wind energy systems shall not exceed 40 dB(A) at the property line closest to the wind energy system. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 40 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
5. Construction Codes, Towers, & Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and

electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 *et seq.*), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 *et seq.*), and local jurisdiction airport overlay zone regulations. An interconnected On-site wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.

6. Safety: An On-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.
7. LAND USE PERMIT Application Requirements: In addition to the standard information required on a Land Use Permit Application form, applications for an on-site wind energy system shall also include the following information/documentation:
 - a. A site plan (drawn to scale) showing the proposed location of all components and ancillary equipment of the on-site wind energy system, lot lines, physical dimensions of the lot, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, public and private streets, and contours. The site plan must also include adjoining lots as well as the location and use of all structures.
 - b. The proposed number, type, and total height of the on-site wind energy system to be constructed; including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
 - c. Documented compliance with the noise requirements set forth in this Ordinance.
 - d. Documented compliance with applicable Township, County, state and federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 - e. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such

connection has been approved. Off-grid systems shall be exempt from this requirement.

- f. A description of the methods that will be used to perform maintenance on the system and the procedures for lowering or removing the system in order to conduct maintenance.
- g. Verification that the on-site wind energy system shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.
- h. Other relevant information as may be reasonably requested by the Township.

D. UTILITY GRID WIND ENERGY SYSTEM

1. Application Requirements

- a. Applicability. The requirements in this subsection apply to all Commercial WECS and WECS Testing Facilities. Any reference to “Commercial WECS” in this subsection also includes WECS Testing Facilities.
- b. Township approvals required. A special land use permit and site plan approval are required for all WECS.
- c. Application contents. An application for a special land use permit for a WECS must include all of the following. The Township is not required to accept or process an incomplete or facially insufficient application.
 - 1) *Fee.* Application fee in an amount set by resolution of the Township Board.
 - 2) *Parcel Information.* A list of all parcel numbers that will be used by the WECS; documentation establishing ownership of each parcel; and any lease agreements, land contracts, licenses, easements, or purchase agreements for the subject parcels.
 - 3) *Operations Agreement.* An operations agreement setting forth the operations parameters, the name and contact information of the certified operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.
 - 4) *Visual Depiction.* Current photographs of the subject property and a visual depiction (computer generated) of the subject property with the WECS installed, viewed from multiple perspectives.

- 5) *Site Plan.* A site plan that complies with the Zoning Ordinance and that includes:
- a) the locations and heights of all proposed structures and the location of all equipment, transformers, substations, towers, electrical lines (underground), guy wires, guy wire anchors, and other structures;
 - b) the locations and height of all adjacent buildings, structures, and above-ground utilities;
 - c) the location, dimensions, composition, and proposed maintenance plan for all access driveways;
 - d) all setbacks and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, and road rights of way; and
 - e) a depiction of how the WECS will be connected to the power grid.
- 6) *Power Purchase Agreement.* A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed WECS.
- 7) *Maintenance Plan.* A written plan for maintaining any WECS located on the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- 8) *Decommissioning Plan.* A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the WECS, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the WECS and restore the subject parcels. The decommissioning plan must include the following information:
- a) the useful life of each type and size of turbine in the project;
 - b) the anticipated life of the project;
 - c) the estimated decommissioning costs net of salvage value in current dollars;
 - d) a method of ensuring that funds will be available for decommissioning and restoration;

- e) the anticipated manner in which the project will be decommissioned and the site restored to original condition; and
 - f) a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS components.
- 9) *Waste.* A plan for managing any hazardous waste and other refuse from the construction or operation of the WECS, including a description of the disposal plan for obsolete, damaged, or retired equipment (including turbines).
 - 10) *Security Plan.* A description of the security system that will be used to protect the WECS from trespassing and vandalism and to protect the public health, safety, and welfare.
 - 11) *Transportation Plan.* A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.
 - 12) *Environmental Assessment.* A written environmental assessment or impact study conducted by a qualified professional, which must evaluate the impact of the proposed WECS on rare or endangered species, eagles, birds, wildlife, rare or endangered plant species, and waterways. The study must be based on data from within a three-mile radius of the Township's boundaries.
 - 13) *Sound Modeling Report.* A sound modeling report for the project, which must include a map with sound contour lines for dB(A) Leq 1 second and dB(C) Leq 1 second sound emitted from the proposed WECS. The study must include a map (at 1:8000 scale or bigger) showing sound contours at 5 dB intervals, proposed wind turbine locations, participating and non-participating properties, and all occupied and unoccupied buildings. The applicant must identify each operational component of a wind turbine that will produce sound that will be audible at the property line of a non-participating parcel. The predicted values must include cumulative sound levels created by all existing, approved, and proposed turbines. The sound model and accompanying map must extend out to the 30 dB sound pressure contour line or 1 mile from a wind turbine generator, whichever is furthest from the nearest wind turbine.

The modeling and analysis must confirm that the WECS will not exceed the maximum permitted sound pressure levels or the

maximum permitted infrasonic acoustic pressure oscillations. Modeling and analysis must:

- a) comply with IEC 61400 and ISO 9613,
- b) be set for the worst-case environment, such as high humidity (90%), frozen ground (non-porous), no ground cover ($G=0$), low temperature (below 0°C), and stable wind (Pasquill stability classes E and F), and
- c) include the WECS Manufacturer's uncertainty factor (minimum 2 dB) and the ISO 9613 uncertainty factor (minimum 3 dB).

Modeling can be based on the WECS manufacturer data. However, measured data from existing and similar WECS facilities must be submitted with the modeling report.

- 14) *Background Sound Study.* A written pre-construction background (ambient) sound study performed by a qualified professional, which must indicate the Leq 1, Leq 10, and Leq 90 sound levels using A-weighting and C-weighting, with data collected at the nearest non-participating property line. Measurement procedures must follow the most recent versions of ANSI S12.18 and ANSI S12.9, Part 3 guideline (with an observer present). Measurements must be taken using an ANSI or IEC Type 1 Precision Integrating Sound Level Meter. The study must include a minimum of a four-day (96 hour) testing period, including one Sunday, and produce data that includes a variety of ground and hub height wind speeds, at low (between 6-9 mph) medium (between 9-22 mph), and high (greater than 22 mph). The sound study must report for the period of the monitoring all topography, temperature, weather patterns, sources of ambient sound, and prevailing wind direction.
- 15) *Economic Impact Study.* A written economic impact study for the area affected by the WECS, including a forecast of the impact on jobs, tax revenue, lease payments, property values, and the growth of residential and business areas within the Township.
- 16) *Fire and Emergency Plan.* A written fire suppression and emergency response plan, which must include an unredacted safety manual for each type and size of turbine proposed in the project, as well as safety data sheets that include the type and quantity of all materials used in the operation of all equipment, including all lubricants and coolants.

- 17) *Stray Voltage Assessment.* A written report of stray voltage analyses, which must include a preconstruction stray voltage test performed by a qualified professional on all Michigan Department of Agriculture & Rural Development (MDARD) registered livestock facilities located within a one-mile radius of the parcels on which the WECS will be constructed. The applicant must seek written permission from property owners prior to conducting testing on their property. The applicant is not required to perform testing on property for which the owners have refused to grant permission to conduct the testing.
- 18) *Lighting Plan.* A written lighting plan identifying the planned number and location of lights, light color, activation methods, and whether any lights blink. The lighting plan must comply with lighting requirements in this Ordinance.
- 19) *Shadow Flicker Analysis.* A written shadow flicker analysis and report describing potential shadow flicker created by each proposed wind turbine at all non-participating property lines with direct line-of-sight to a wind turbine.
- 20) *Automatic De-Icing System.* A description of the automatic de-icing system that the WECS will use to detect, heat, and melt ice on all turbine blades.
- 21) *Security and Escrow.* Deposit of the financial security and escrow accounts as required by this Ordinance.
- 22) *Insurance.* Proof of the insurance required under this Ordinance.
- 23) *Complaint Resolution Plan.* A plan for resolving complaints from the public or other property owners concerning the construction and operation of the WECS in compliance with this Ordinance.
- 24) *Compliance Certification.* Certification that the applicant has complied or will comply with all applicable state and federal laws and regulations. The applicant must provide a list of all permits, approvals, or authorizations required for the WECS by any local, county, state, or federal government or their agencies. The applicant must submit copies of all permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from MDARD to locate a WECS on the property and provide documentation to the Township prior to construction.
All permits and approvals must be obtained before the applicant

or operator begins any phase of construction, as further set forth in this Ordinance.

- 25) *Indemnification.* An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the WECS.
- 26) *Additional Compliance Information.* To the extent not already provided in the items above, a description of how the WECS will comply with the standards and requirements of this Ordinance.
 - a) Duty to supplement. The applicant has a continuing duty to supplement its application with information or documents that fulfill any of the application requirements. The applicant must also provide any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative at any time, including after approval of the WECS.
 - b) Adequate review time. The applicant must submit all application materials at least 30 days before any Planning Commission meeting at which the application is to be discussed. The Planning Commission and Township are not obligated to consider any material that is not timely submitted. The Planning Commission or Township staff may, however, require the applicant to provide additional or supplemental information or documents at any time.
 - c) Facially insufficient applications. The Planning Commission is not obligated to consider or hold a public hearing on an application if the proposed WECS, based on the application and supporting materials, does not meet the requirements of this Ordinance as determined by the Township Zoning Administrator. By way of example and not limitation, if a proposed WECS will not include automatic de-icing systems on all turbines as required under this Ordinance, then the Zoning Administrator may determine that the application is facially insufficient. The applicant may appeal the Township Zoning Administrator's decision of facial insufficiency to the Zoning Board of Appeals.

2. Standards.

- a. Maximum Noise Levels. Noise levels produced by the WECS must not exceed 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second at any time on a

non-participating property. The Township Board may, in its sole discretion, allow a higher noise level only if the owner of the non-participating property signs a waiver consenting to a specific higher noise level and the waiver is recorded with the Livingston County Register of Deeds.

- 1) Noise Compliance. The Township may, from time to time, measure whether the WECS is complying with the maximum noise levels under this Ordinance. Compliance measurements are the financial responsibility of the applicant or operator and must be independently performed by a qualified professional selected by the Township.
- 2) Noise Measurement. The measurements require an observer to be present. All noise measurements will exclude contributions from wind on microphone, tree/leaf rustle, flowing water, and natural sounds such as tree frogs and insects. The wind velocity at the sound measurement microphone must be between 2m/s (4.5 mph) and 4.5m/s (9 mph) during measurements. During testing of elevated sources, including WECS systems, the atmospheric profile must be relatively calm, Pasquill Stability Class D or calmer during the day and Class E or calmer during the Night.
- 3) Noise Level During Measurements. Noise measurements will be conducted consistent with ANSI S12.18 Procedures for Outdoor Measurement of Sound Pressure Level ANSI S12.9 Part 3 (Quantities and Procedures for Description and Measurement of Environmental Sound – Part 3: Short-term Measurements with an Observer Present), using Type 1 meter, A-weighting, Fast Response.
- 4) Tonal Noise. Tonal noise will be assessed using unweighted (linear) 1/3 octave band noise measurements with time-series, level-versus-time data acquisition. A measurement constitutes prima facie evidence of a tonal noise condition if at any time (single sample or time interval) the noise spectrum of the noise source under investigation shows a 1/3 octave band exceeding the average of the two adjacent bands by 15 dB in low one-third octave bands (10–125 Hz), 8 dB in middle-frequency bands (160–400 Hz), or 5 dB in high-frequency bands (500–10,000 Hz).
- 5) Sample Metric and Rate. Noise level measurements for essentially continuous non-time-varying noise sources will be acquired using the Leq(Fast) metric at a sample rate of 1-per-second. For fluctuating or modulating noise sources, including wind turbines, a 10-per-second sample rate will be used. These sample rates apply to dB(A), dB(C) and unweighted 1/3 octave band measurements.

- 6) Reporting. Measurements of time-varying dB(A) and dB(C) noise levels and 1/3 octave band levels will be reported with time-series level-versus-time graphs and tables. Graphs will show the sound levels graphed as level-versus-time over a period of time sufficient to characterize the noise signature of the noise source being measured. For 1-per-second sampling, a 5-minute-or-longer graph will be produced. For 10-per-second sampling, a 30-second-or-longer graph will be produced. Reporting and graphs must clearly identify what was heard and when the noise source is dominating the measurement. The report must include all noise data and information on weather conditions and Pasquill Class if an elevated source is measured. All measured data must be accompanied by SCADA data confirming full power operation during testing of the WECS systems.
- 7) Measurable Infrasonic Acoustic Sound Pressure Levels. Measurable infrasonic acoustic sound pressure level from the WECS must be less than 50 dB as totalized in the range of 0.1-20 Hz, using low-pass filtering, or by computing the log-subtraction of the Fast, C-weighted (dB(C) level from the Fast, unweighted SPL, at any location, outdoors or indoors, on non-participating property. Time-level-averaging, if used, must be limited to 1-second or faster sampling. A minimum sampling rate of at least 10 times per second is required.
- 8) Post-Construction Sound Survey. At least two months after the WECS is operational, the Township may select a third-party qualified professional to survey the sound pressure levels of the WECS. The applicant and operator must cooperate with the survey. All costs of the survey, including the professional's fees, will be paid by the applicant or operator. The Township will determine the locations at which sound levels are to be measured. To the extent possible, the study will follow the procedures for Type 1 Sound Level Testing and ANSI S12.9 Part 3 (with an observer present) and ANSI S12.18. All sound pressure levels will be measured with instruments that meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications. The applicator or operator must supply all data requested by the Township or the third party conducting the survey, specifically including one-second interval SCADA data and any other SCADA data that is requested.

b. Setback.

- 1) Property Line. Each turbine in a WECS shall be at least 2500feet from any property line of a Non-Participating Landowner .

- 2) Right of Way. Each turbine in a WECS shall be at least 1.5 times the height of the tower away from any public right of way.
- 3) Body of Water. Each turbine shall be at least 2.5 miles away from the nearest body of water.
- c. Maximum Height. The maximum tower height of a WECS must not exceed 300 feet.
- d. Shadow Flicker. A WECS must not produce any shadow flicker on non-participating properties unless the record owners of all non-participating properties have signed a release, which must be recorded with the Livingston County Register of Deeds.
- e. Ground Clearance. The minimum clearance from ground level to the blade at its lowest point must be at least 100 feet.
- f. Blade Clearance. Blade arcs created by a WECS must have a minimum of 100 feet of clearance over and away from any structure.
- g. Braking. Each WECS must be equipped with a braking or equivalent device, capable of stopping the WECS operation in high winds with or without SCADA control. The braking system must be effective during complete grid power failure when WECS are unable to communicate with SCADA control or receive power.
- h. Appearance. All turbines and towers must be painted a non-obtrusive, neutral color, such as beige, gray, or off-white and must be non-reflective. All turbines bases and blades must be the same color and must be consistent with the color of other WECS in the Township. No advertisements, graphics, or striping are permitted on the blades or towers. The applicant is encouraged to select anti-icing paint that prevents the formation of ice on the surface of the turbine's blades.
- i. Automatic De-Icing System. All turbines must be equipped with technology that automatically de-ices the turbine blades. The system must detect ice and heat the blades, such as through the use of built-in carbon heating mats or through the circulation of hot air.
- j. Signage. The site of the WECS must have (1) a sign for each turbine or tower posted near a public road right-of-way (on security fencing near any fence entryway); and (2) a sign attached to the base of each turbine or tower. The signs must be at least two square feet in area and must include the following information:

- 1) A warning of high voltage.
 - 2) A warning of loud noise.
 - 3) Notice of potential health risks.
 - 4) Names of the applicant, operator, and real property owner.
 - 5) Emergency telephone number, alternate telephone number, and web address.
 - 6) Unique identification, such as an address. If more than one WECS is on an access drive, units must have further identification so they can be easily identified by emergency responders.
- k. Security Fencing. Security fencing must be installed around all turbines and all electrical equipment related to the WECS, including any transformers and transfer stations. The applicant and operator must comply with the security plan filed with the special land use applications, with any amendments required by the Planning Commission at the time of approval of the special land use permit.
- l. No Communication Interference. A WECS must not interfere with any radio, television, or other communication systems. If the Township or the applicant or operator of the WECS receive a complaint about communication interference, the applicant or operator must resolve the interference immediately and provide proof that the interference has been resolved within 90 days.
- m. Underground Lines. All electrical connection systems and lines from the WECS to the electrical grid connection must be located underground at a depth of at least 20 feet below grade and at such deeper depth as may be required by applicable industry standards. The Planning Commission may grant exceptions to this requirement if the topography of the site makes underground lines impossible or unreasonably impracticable. The cost of locating lines underground is not a factor in determining impossibility or impracticability.
- n. Maintenance. All WECS must be maintained in good repair and good condition at all times. The applicant or operator must maintain a maintenance log and allow the Township to review the maintenance log at any time upon request.
- o. Lighting. Towers may be lit only to the minimum extent required by the FAA. All tower lighting required by the FAA must be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft must

not be illuminated unless required by the FAA. RADAR activated lighting must be used if allowed by the FAA.

- p. Access Driveways. The WECS must be accessible by one or more access driveways to allow emergency vehicles in the event of a fire or other emergency. Access driveways must be located at least 1,000 feet from any non-participating parcel, unless the owner of the non-participating parcel has signed a waiver that is recorded with the Livingston County Register of Deeds.
- q. Road Repairs. If any public or private roads are damaged as a result of the construction or operation of the WECS, the applicant or operator must repair the damage at their expense pursuant to all Livingston County Road Commission requirements. Repairs must be performed within 90 days after construction is complete (but no more than 365 days after the damage occurs) or within 90 days after the damage occurs if the construction is already complete.
- r. Compliance with Plans. The applicant and operator must comply with all written plans submitted with the special land use application, with any modifications or additions required by the Planning Commission as part of its approval.

3. Miscellaneous

- a. Permits Required Before Construction Begins. All federal, state, county, and local permits and approvals must be obtained before the applicant or operator begin any phase of construction, including breaking ground or initiating construction on any portion of the WECS, such as the construction of turbine bases. By way of example and not limitation, all FAA approvals and permits for the turbines must be issued and in effect before any construction of turbine bases may begin, even if FAA approval is not required for the bases. Copies of these approvals must be provided to the Township as they are obtained.
- b. Insurance. The applicant or operator must obtain and maintain insurance in an amount of at least \$10,000,000 for the WECS, which must cover, at a minimum, liability, property damage, and livestock damage. The applicant or operator must provide proof of insurance to the Township on an annual basis.
- c. Financial Security. To ensure available funding for the removal of the WECS when it is abandoned or non-operational and restoration of the property, the applicant must post acceptable financial security. The security must be in the form of (1) a cash deposit, or (2) performance (surety) bond selected by the Township Board, and is subject to all of the following requirements:

- 1) The security must remain in effect until the WECS is decommissioned.
- 2) The amount of the cash deposit or surety bond must be at least 1.5 times the estimated decommissioning cost for each wind turbine as determined by the Township's engineer.
- 3) The amount of the security will be updated every five years at the rate of 1.5 times CPI (consumer price index) for each year.
- 4) The security must be deposited or filed with the Township Clerk no later than 10 business days after a special land use permit has been approved.
- 5) Failure to keep financial security in full force and effect at all times while the WECS exists constitutes a material violation of the special land use permit for which the Township may pursue any remedies available under this Ordinance, including revocation of the special land use permit.

d. Decommissioning.

- 1) When any turbine or other component of the WECS ceases to actively produce power for 180 days or longer, the applicant, operator, or real property owner must remove the turbine or component and restore the property in accordance with the decommissioning plan filed with the Township as part of the special land use application. Upon request, the Township may grant a 90-day extension if the applicant or operator demonstrates that the turbine will be put back into use. The removal and restoration must be complete within 180 days after non-operation of the turbine. If the turbine will be put back into use and the new turbine does not use substantially the same equipment (i.e. height, rotor diameter, characteristics, manufacturer, safety provisions) as was part of the original special land use permit approval, the applicant shall submit an application to amend the existing special land use permit in the same manner as the original application for the special land use permit pursuant to Chapter 16 and the equipment shall otherwise comply with the requirements and standards of this Ordinance.
- 2) The applicant, operator, or owner must obtain all permits necessary for the removal of a decommissioned turbine or component, including any necessary demolition permits.
- 3) All underground wiring for the removed turbine or components must be removed upon decommissioning.

- 4) If the applicant, operator, or owner fails to timely complete removal and restoration when required under this section, then the Township may have the turbine or other components removed and the property restored at the expense of the applicant or operator, drawing first from the financial security posted under this section. If the financial security is insufficient to fully fund removal and restoration, then the applicant, operator, and real property owner are jointly and severally liable for the remaining costs.
 - 5) In addition to the Township's costs of removal and restoration, the Township is also entitled to recover from the applicant, operator, and real property owner all fees and expenses of the Township's attorneys, engineers, consultants, and other professionals whose services are used in connection with removal and restoration.
 - 6) Failure by the applicant, operator, or owner to timely complete removal and restoration when required under this section constitutes a violation of this Ordinance. The Township may pursue all remedies, including enforcement action, fines, and revocation of the special land use permit.
 - 7) The property owner may waive the complete caisson removal and remove the caisson to a depth of eight feet if the property owner signs a waiver that is recorded with the Livingston Country Register of Deeds.
- e. Escrow account. The applicant must establish an escrow account when it submits its application for a WECS. The amount must equal an estimate of the total costs of (1) reviewing and processing the special use permit application and site plan, including publication and administrative costs and costs of the Township Attorney, Township Planner, and Township engineer; and (2) any professional studies or report prepared by the Township or on the Township's behalf to assist with its evaluation of the application.

The Township may draw from the escrow account to reimburse any of its costs or expenses incurred in reviewing, processing, and evaluating the application. The Township may require the applicant to replenish the escrow account at any time to ensure a sufficient balance.

If the Township instructs the applicant to replenish the escrow account and the applicant fails to do so within 14 days after receiving notice, then the Township has no further obligation to process the applicant's application until the escrow account is replenished.

Any funds in the escrow account that exceed the Township's actual costs after the application is approved or denied (and after any and all appeals have been exhausted) will be returned to the applicant. The Township will provide an itemized statement to the applicant upon applicant's request.

- f. Complaint Resolution. Subject to the Township's review and approval during the special land use approval process, the applicant or operator must comply with a complaint resolution process. At a minimum, the complaint resolution process must include the following:
- 1) The applicant or operator will, at its expense, use a website, telephone line, or third-party service to receive complaints about the WECS.
 - 2) The applicant or operator will use its best efforts to respond to and resolve any complaints.
 - 3) The applicant or operator will establish an escrow account with the Township with a minimum of \$25,000 balance at all times to pay the cost of investigating complaints.
 - 4) The applicant or operator will forward each complaint, along with the applicant's or operator's response to each complaint, to the Township within 15 days after each complaint is received.
 - 5) The Township will investigate each complaint, with all expenses (including professional fees) drawn from the escrow account.
 - 6) At the Township's request, the applicant or operator must provide the Township with SCADA data from any turbine related to the complaint, which must include meteorological and performance data such as temperature, humidity, power output, wind velocities, and nacelle vector.
 - 7) Following its investigation, if the Township has reason to believe that the applicant or owner has violated this Ordinance, the Township may take any actions permitted by law, including revoking the special land use permit following notice and an opportunity to be heard.
- g. Change in Ownership. A special land use permit granted for a WECS is transferrable. The proposed new WECS owner/operator must register with the Township Clerk before the transfer of ownership or operation of the WECS. The new WECS owner/operator must comply with all requirements of this Ordinance and any special land use permit issued pursuant to this

section and must maintain a financial security guarantee as required under this section.

- h. Extraordinary Events. If the WECS experiences a failure, fire, blade detachment, ice throw, leakage of hazardous materials, vandalism, property damage, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- i. Annual Report. The applicant or operator must submit a written report on or before January 1 of each year that includes all of the following:
 - 1) Current proof of insurance;
 - 2) Verification of financial security;
 - 3) A summary of all complaints, complaint resolutions, and extraordinary events; and
 - 4) A description of how the applicant or operator has complied with the written plans submitted in connection with its application.

4. Violations of Ordinance

- a. Following notice and an opportunity to be heard, the Township may revoke any approvals for, and require the removal of, any WECS that does not comply with this Ordinance.
- b. In addition to any other remedies, violations also constitute a municipal civil infraction in accordance with Section 18.4 of this Ordinance. Each day that a violation occurs or continues constitutes a separate offense and is subject to penalties or sanctions as a separate offense under Section 18.4.A.3.
- c. In addition to any other remedies set forth in this Ordinance, the Township may bring an action for damages or for an injunction or other action to restrain, prevent, or abate any violation of this Section.

5. Wind Energy Systems under PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, then the following provisions apply to Wind Energy Systems with a nameplate capacity of 100 megawatts or more. To the extent these provisions conflict with the provisions in subsections A through C above, these provisions control as to such Wind Energy Systems. All provisions in subsections A through C above that do not conflict with this subsection remain in full force and effect. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect and does not apply to Wind Energy Systems with a nameplate capacity of less than 100 megawatts.

- a. *Setbacks.* Wind Energy Systems must comply with the following minimum setback requirements, with setback distances measured from the center of the base of the wind tower:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height
Public road right-of-way	1.1 times the maximum blade tip height to the center line of the public road right-of-way
Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height to the center line of the easement containing the overhead line

- b. *Shadow Flicker.* Each wind tower must be sited such that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions as indicated by industry standard computer modeling.
- c. *Height.* Each wind tower blade tip must not exceed the height allowed under the Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- d. *Noise.* The Wind Energy System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- e. *Lighting.* The Wind Energy System must be equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Township may grant a temporary exemption from the requirements of this subparagraph if

installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

- 27) The purpose of the exemption.
 - 28) The proposed length of the exemption.
 - 29) A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - 30) The technical or economic reason a light-mitigating technology is not feasible.
 - 31) Any other relevant information requested by the Township.
- f. *Radar Interference.* The Wind Energy System must meet any standards concerning radar interference, lighting (subject to subparagraph (v)), or other relevant issues as determined by the Township.
 - g. *Environmental Regulations.* The Wind Energy System must comply with applicable state or federal environmental regulations.
 - h. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Wind Energy System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

(Amended Section 16 by adding subsection EEE Organized Event Building, Passed by the Handy Township Board on January 16, 2023)

EEE. ORGANIZED EVENT BUILDING

- A. An Organized Event Building shall be permitted as a Special Use in the NSC and AC Districts, subject to the standards and conditions outlined in this Chapter, specifically here:
- B. Supplemental regulations.
 - 1. A traffic study may be required, contingent on location.
 - 2. Structure shall be fully enclosed, including at least four (4) walls and a roof.
 - 3. Buffer plantings shall be provided along the property line where there is an abutting residence. Greenbelt plantings are intended to screen views of the

proposed operation from the adjacent home or property. Buffer plantings shall meet the satisfaction of the Planning Commission.

4. Organized Event Building adjacent to a residential property shall be setback a minimum of three hundred (300) feet from a residential structure.
5. Must provide off-street parking to accommodate use.
 - a) One (1) off-street parking space shall be provided per three (3) people, based on occupancy load of building.
 - b) All parking areas shall be in such a manner to avoid traffic hazards associated with entering and exiting the public roadway.
 - c) Paved or unpaved parking areas shall not be in required setback or buffer areas. Paved parking areas must meet all design and landscape screening requirements as set forth in this Ordinance.
6. Shall not have adverse impact on surrounding natural environment.
7. Overnight accommodation and parking are prohibited.
8. Alcoholic beverages may be served on-premises for consumption during scheduled events, subject to property owner or vendor obtaining the required license(s) from the Michigan Liquor Control Commission. The person responsible for serving the alcoholic beverages shall be identified, and a copy of the LLC license(s) shall be submitted to the Township prior to any event in which alcohol will be served.
9. The following additional operational information must also be provided as applicable:
 - a) Months (season) of operation.
 - b) Hours of operation.
 - c) Maximum capacity of building.
 - d) Maintenance plan for disposal, etc.
 - e) Any proposed signs.
 - f) Any proposed lighting.
 - g) Maximum number of employees at any one time.
 - h) Restroom facilities.
10. All areas of the property to be used including all structures on site must be clearly identified.
11. All amplified music and entertainment related sounds shall be conducted inside a fully enclosed structure. At no time shall sound levels exceed 65 decibels at any property line. No subwoofers permitted. Sound readings may be required at the expense of owner as needed.

12. Events shall not start before 8:00 a.m. or extend beyond 12:00 a.m.
13. Fireworks and sky lanterns of any kind are prohibited.
14. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned.
15. Provisions for trash disposal must be provided. Trash must be contained in properly sealed receptacles. There must be no overflow that will be attractive to vermin.

(Amended Section 16 by adding subsection FFF Utility-Scale Battery Energy Storage Facilities, Passed by the Handy Township Board on September 16, 2024.)

FFF. UTILITY-SCALE BATTERY ENERGY STORAGE FACILITIES

1. Definitions

- a) *Battery management system:* An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.
- b) *Utility-scale battery energy storage facilities:* One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").
- c) *Utility-scale battery energy storage system:* A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

2. General Provisions.

All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

- a) All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 "Standard for the Installation of Stationary Energy Storage Systems."

- b) The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this Ordinance.
- c) Utility-Scale Battery Energy Storage Systems are permitted in the Township as a conditional use only in the Research and Development (RD) Zoning District.

3. Application Requirements.

The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

- a) Application fee in an amount set by resolution of the Township Board.
- b) A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
- c) An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant's inspection protocol, emergency procedures, and general safety documentation.
- d) Current photographs of the subject property.
- e) A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.
- f) A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility-Scale Battery Energy Storage System.
- g) A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.
- h) A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps

necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township’s review and approval.

- i) Financial security that meets the requirements of this Section, which is subject to the Township’s review and approval.
- j) A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township’s review and approval.
- k) A plan for managing any hazardous waste, which is subject to the Township’s review and approval.
- l) A fire protection plan and emergency response plan, which among other things identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a “fire watch”); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; identifies a detailed emergency response in cases of fire or other emergencies; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
- m) A transportation plan for construction and operation phases, including any applicable agreements with the Livingston County Road Commission and Michigan Department of Transportation, which is subject to the Township’s review and approval.
- n) An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township’s review and approval.
- o) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
- p) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

4. System and Location Requirements.

The site development requirements shall meet or exceed all of the requirements in the RD district and all of the following:

- a) *Lighting.* Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
- b) *Security Fencing.* Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.
- c) *Noise.* The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
- d) *Underground Transmission.* All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
- e) *Drain Tile Inspections.* The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
- f) *Fire Protection.*
 - i. Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and

property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.

- ii. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).
 - iii. The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
- g) *Insurance.* The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. Handy Township shall be listed as an additional insured on the policy at all times.
- h) *Permits.* All required county, state, and federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating. A building permit from Livingston County is required for construction of a Utility-Scale Battery Energy Storage System, regardless of whether the applicant or operator is otherwise exempt under state law.
- i) *Decommissioning.* If a Utility-Scale Battery Energy Storage System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.

- j) *Financial Security.* To ensure proper decommissioning of a Commercial Utility-Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- k) *Extraordinary Events.* If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- l) *Annual Report.* The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - i. Current proof of insurance;
 - ii. Verification of financial security; and
 - iii. A summary of all complaints, complaint resolutions, and extraordinary events.
- m) *Inspections.* The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.
- n) *Transferability.* A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.
- o) *Remedies.* If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

5. Utility-Scale Battery Energy Storage Systems under PA 233

On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours or more. To the extent these provisions conflict with the provisions in subsections 1-4 above, these provisions

control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 1-4 above that do not conflict with this subsection remain in full force and effect.

- a) *Setbacks.* Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

- b) *Installation.* The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.
- c) *Noise.* The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
- d) *Lighting.* The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.
- e) *Environmental Regulations.* The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.
- f) *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Chapter 17 Zoning Board of Appeals

Section 17.1 Membership

- A. Composition and Terms. The Board of Appeals shall consist of five (5) regular members. The first regular member of the Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members and any alternate members of the Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of various interests present in the Township. One (1) regular member may be a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Township Board of Appeals.
- B. Alternate Members. Up to two (2) alternate members may be appointed by the Township Board for three (3) year terms. If two (2) alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- C. Vacancies. Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- D. Officers. The Zoning Board of Appeals shall annually elect its own Chairman, Vice Chairman and Secretary.

Section 17.2 Meetings

- A. Meetings. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The Secretary to the Board or their representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Three (3) members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- B. Hearings. The Zoning Board of Appeals shall make no decision regarding a variance except after a hearing is conducted by the Zoning Board of Appeals. Due notice shall be given to all parties to the appeal stating the time and place of such hearing.
- C. When a request or application for an appeal, interpretation, or variance has been received, the secretary of the Board of Appeals upon receipt of all the necessary information and fees required by the Ordinance shall cause a notice of the hearing date which shall include the date, time, place, and reason for the hearing, to be given in compliance with MCL 125.3103 of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended). In addition, if the request for interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of public hearing on the interpretation request shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in questions and to the occupants to all structures within 300 feet of the boundary of the property in questions. If a tenant's name is not known, the term "occupant" may be used.

Section 17.3 Jurisdiction

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this Chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any Special Use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

- A. Hearing of Appeals. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. Granting of Variances. A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this Chapter.
- C. Zoning Ordinance Interpretation. The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provisions or the location of district boundaries is uncertain.

D. Granting of Temporary Uses and Buildings.

1. The Zoning Board of Appeals may permit, upon proper application, temporary uses or buildings not otherwise permitted in the district, not to exceed twelve (12) months and to provide up to a twelve (12) month extension when appropriate.
2. The Zoning Board of Appeals, in granting permits for temporary uses and buildings, shall do so under the following conditions:
 - a. The granting of the temporary use or building shall in no way constitute a change in the basic uses permitted in the district nor on the property where the temporary use or building is permitted.
 - b. The granting of the temporary use or building shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.
 - c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use or building shall be in harmony with the general character of the district.
 - e. No temporary permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as provided for in this Ordinance.
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.

Section 17.4 Decisions

- A. Procedure. An appeal may be taken by a person aggrieved, or by an officer, department, or board of the Township. Such appeal shall be taken within twenty-one (21) days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. Filing. The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:

1. Project Information, including:
 - a. the applicant's name;
 - b. name of the development;
 - c. the preparer's name;
 - d. north arrow;
 - e. complete and current legal description and size of property in acres; and
 - f. small scale location sketch of sufficient size and scale.
2. Existing Features:
 - a. property lines and dimensions;
 - b. zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site;
 - c. lot lines and all structures on the property and within one hundred (100) feet of the site's property lines;
 - d. location of any access points on both sides of the street within one hundred (100) feet of the site along streets where access to the site is proposed; and
3. Proposed Construction:
 - a. building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use;
 - b. location and dimensions of parking spaces;
 - c. details of site circulation and access design, including:
 - (1) indication of street right-of-way and pavement widths and pavement type;
 - (2) names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths; and

- (3) written verification of access easements or agreements, if applicable.

- C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or Circuit Court on application or notice to the officer or body from whom the appeal is taken and due cause shown.
- D. Decisions.
 1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; provided, however, that a two-thirds (2/3) majority vote of the membership shall be required to grant a use variance.
 2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within sixty (60) days after the hearing thereon, and in any event, within ninety (90) days after the date of filing of the appeal or application.
 3. All decisions of the Zoning Board of Appeals shall become final when the Board approves the minutes of its decision or at such other time when the Board certifies its decision in writing.
- E. Record of Actions. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
 1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all relevant material and evidence presented at hearing; and,
 4. Any conditions attached to an affirmative decision.
- F. Appeals to Circuit Court. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court within the time, and as, provided in the Zoning Enabling Act, PA 110 of 2006, as the same may be amended. Upon appeal, the Circuit

Court shall review the record in accordance with the requirements of the Zoning Enabling Act, PA 110 of 2006, as the same may be amended. The Court may affirm, reverse, or modify the decision of the Zoning Board of Appeals, or may remand the decision to the Zoning Board of Appeals for further hearings or action.

- G. Resubmission. No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

Section 17.5 Conditions of Approval

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended) and related to the standards by which the decision is reached.

Section 17.6 Variance Procedures

- A. Authority for Variances. The Zoning Board of Appeals shall have the power to grant requests for variances from the provisions of this Ordinance where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.
- B. Granting of Non-Use Variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:
1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district;
 2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties;

3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
 4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
 5. The variance will not impair the intent and purpose of this Ordinance.
 6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.
- C. Granting of use variances. A variance for the use of land not permitted within a zoning district may be allowed by the Zoning Board of Appeals. Upon receipt of a request for a use variance, the application shall be simultaneously forwarded by the Township to the Planning Commission for a recommendation. A use variance shall be permitted only in cases where there is reasonable evidence of unnecessary hardship in the official record of the hearing and that all of the following conditions are met:
1. That the property in question cannot reasonably be used in a manner consistent with the existing zoning.
 2. That all conditions of Section 17.6 B. are met.
 3. That the applicant has first sought to rezone the property to another classification.

Section 17.7 Fees

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

Chapter 18 Administration

Section 18.1 Purpose

- A. The purpose of this article is to provide for the organization of personnel and procedures for the administration of the Ordinance, including the submittal and the review of land use and development plans, issuance of land use permits, inspections of property for compliance with the zoning map and regulations, the establishment and collection of permit fees, handling of violators and enforcement of the provisions of this Ordinance and any amendments to it.

Section 18.2 Zoning Administrator

- A. Authority. Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:
1. Grant Certificate of Zoning Ordinance compliance.
 2. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
 3. Issue and serve appearance tickets or notice of zoning ordinance violation on any person or party with respect to any violation of this Ordinance where there is reasonable cause to believe that the person or party has committed such an offense; and
 4. Perform other functions necessary and proper to enforce and administer the provisions of this ordinance.
- B. Duties of Zoning Administrator.
1. Receive and review all applications for land use permits and approve or disapprove such applications based on compliance with the provisions of this Ordinance and shall approve issuance of the permit if the use and the requirements of this Ordinance are met.
 2. The Zoning Administrator shall assist the Township Board, the Planning Commission and the Zoning Board of Appeals in the processing and administering of all zoning appeals and variances, special use permits and amendments to the Zoning Ordinance.
 3. The Zoning Administrator shall be responsible to update the Township Zoning Map and keep it current.

4. The Zoning Administrator shall prepare and submit to the Township Board a written record of all zoning permits issued during each month. The record shall state the owner's name, location of property, and intended use.
5. Maintain written records of all actions taken by the Zoning Administrator.

Section 18.3 Land Use Permits and Certificate of Zoning Ordinance Compliance

A. Land Use Permit Requirements. A land use permit is required for and shall be obtained after the effective date of this Ordinance from the office of the Zoning Administrator or his agent by the owner or his agent for the following conditions:

1. The construction, enlargement, alteration, or moving of any dwelling, building, or structure or any part thereof, being used or to be used for agricultural, residential, commercial, industrial, public or semi-public purposes. A land use permit shall not be required for a single family residential accessory building or an agricultural accessory building if said building does not require the issuance of a building permit by the Livingston County Building Department. If said building requires the issuance of a building permit by the Livingston County Building Department, then a land use permit shall be required to be issued by Handy Township prior to the issuance of a building permit by the Livingston County Building Department.'
2. Repairs of a minor nature or minor alterations which do not change the use, occupancy, area, structural strength, fire hazard, fire protection, exits, light, and ventilation of a building shall not require a land use permit.
3. Land use permits are required for the construction and use of private roads that service three or more parcels or lots.
4. If the information included in and with the application is in compliance with these requirements and all other provisions of this Ordinance, the Zoning Administrator shall issue a land use permit upon the payment of the required land use permit fee and other fees which are required by the Township Board.
5. The Zoning Administrator may issue a land use permit when the use of a building is being changed to another use that is allowed in the district as a permitted principal use provided there is no enlargement or alteration to the building or property. The Zoning Administrator must also be satisfied that the change in use will conform to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements of the district where the change in use is occurring. If the Zoning Administrator determines, in his sole discretion, that site plan review is required then the applicant shall follow the requirements of this ordinance for site plan review and approval.

B. Application for Land Use Permit. Application for land use permit shall be made in writing

upon a form furnished by the Zoning Administrator, and includes the following:

1. The location, shape, area, and dimensions for the parcel(s), lot(s) and acreage.
 2. The location of the proposed construction upon the parcel(s), lot(s), or acreage affected with dimensions from each lot line to the proposed building and dimensions from each lot line to other existing buildings on the site.
 3. The dimensions, height, and bulk of structures.
 4. The nature of the proposed construction, alteration, or repair and the intended use.
 5. The present use of any structure affected by the construction or alteration.
 6. The yard, open area, and parking space dimensions, if applicable.
 7. Any other information deemed necessary by the Zoning Administrator in order to determine that the use, structure, or parcel is in compliance with the Zoning Ordinance.
- C. Voiding of Permit. Any land use permit granted under this section shall be null and void unless the development proposed shall have had all of the rough framing construction phase completed as defined herein within one (1) year from the date of granting the permit. Completion of the rough framing phase shall require that all interior walls and partitions shall be erected, all exterior walls shall be completely closed in, all exterior doors installed, and the roof and roofing material completed and the construction has been inspected and approved by the Livingston County Building Department. Any land use permit granted under this Ordinance shall expire eighteen (18) months from the date of its issuance except it can expire earlier if rough construction has not been completed within one (1) year from the date of granting the permit as provided herein above. The Zoning Administrator may suspend or revoke a permit issued in error or on a basis of incorrect information supplied by the applicant or his agent or if there is a violation of any of the ordinances or regulations of the Township.
- D. Fees, Charges, and Expenses. The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for land use permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Township Office and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, until fees have been paid in full.
- E. Inspection. The construction or usage affected by the land use permit shall be subject to the following inspections:

1. At the time of staking out the building foundation or location of the structure.
2. At the time the footings and/or basement are poured.
3. Upon completion of the construction authorized by the permit.
4. It shall be the duty of the holder of every permit to notify the Zoning Administrator when construction is ready for inspection. Upon receipt of such notification for the first inspection, the Zoning Administrator shall issue his written approval at the time of inspection if the building or proposed construction meets the requirements of this ordinance. Failure of the applicant to call for an inspection within seventy-two (72) hours from the completion of those items designated in paragraphs 1, 2, and 3 next above shall be considered a violation of the Zoning Ordinance and a violation of the land use permit.
5. Should the Zoning Administrator determine that the building or structure is not located according to the land use application or site plan approved by the Planning Commission or is in violation of any provision of this Ordinance or any other applicable law, he shall so notify, in writing, the holder of the permit or his agent. Further construction shall be stayed until correction of the defects set forth has been accomplished and approved upon notice and request for re-inspection by the applicant and those inspections completed and compliance certified by the Zoning Administrator.
6. Should a land use permit holder fail to comply with the requirements of the Zoning Ordinance and/or call for the inspections as provided in paragraph 4 above, the Zoning Administrator shall cause notice of such permit cancellation to be securely and conspicuously posted upon or affixed to the construction not conforming to the Ordinance requirements and such posting shall be considered as service upon and notice to the permit holder, of cancellation thereof; and no further work upon said construction shall be undertaken or permitted until such time as the requirements of this Ordinance have been met. Failure of the permit holder to make proper notification of the time for inspection shall be a Zoning Ordinance violation and a violation of the land use permit and the Zoning Administrator may issue a stop work order.

F. Certificate of Compliance.

1. No vacant land shall be used and no existing use of land shall be changed unless a Certificate of Compliance is first obtained for the new or different use.
2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Compliance shall have been issued for such building or structure.

3. Certificates of Compliance shall constitute certification of compliance with the Zoning Ordinance.
4. A record of all Certificates of Compliance issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
5. Certificates of Compliance shall be issued within ten (10) days after the final zoning inspection if the building or structure or use of land is in accordance with the provisions of this Ordinance and the other applicable laws of Livingston County and the State of Michigan to the extent known to the Zoning Administrator.

Section 18.4 Enforcement

A. Penalties.

1. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500) for the first offense and not less than Five Hundred Dollars (\$500) nor more than One Thousand Dollars (\$1000) for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.
 - a. For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided however, the offenses committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.
 - b. The Township Board may institute injunctive action, mandamus abatement, or any other appropriate actions or proceedings to prevent, enjoin, abate, or remove any said unlawful erection, construction, maintenance or use of land, buildings, or structures.
2. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any provisions thereof, is hereby declared to be a public nuisance per se.
3. Each day that the violation occurs or continues shall be deemed a separate offense.

4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 18.5 Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one or more owners of property in Handy Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, the notice of which shall be given in compliance with MCL 125.3103 of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended).
- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to the Livingston County Planning Commission for review, as provided in Section 10 of the Township Zoning Act. The County shall, within thirty (30) days of receiving the request make a recommendation to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- D. The Township Board may hold an additional hearing if it considers it necessary. Notice of such hearing shall be given as provided by MCL 125.3401(2) of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended).
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.
- F. In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:
 1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;
 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

3. Whether any public services and facilities and/or natural features would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

Section 18.6 Conditional Rezoning of Land

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be offered by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

Therefore, as an alternative to a rezoning amendment as described in Section 18.5 of this Ordinance, Handy Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended). If a property owner submits an offer for conditional rezoning as provided within this section then the procedure for the proposed conditional rezoning of land shall follow the standards and procedures as noted below.

- A. Procedure. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 18.5 of this Ordinance except as modified by this section.
- B. Offer of Conditions. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. In addition to the procedures as noted in Section 18.5, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.
 1. A conditional rezoning request must be voluntarily offered by the owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. The offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan set forth below and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought. Prior to final action by the Township any written offers or conditions shall be reviewed by the Township

attorney and/or any other appropriate Township consultant for their approval and/or recommendation.

2. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
3. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Chapter 17 of this Ordinance.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property and the surrounding area for which rezoning is requested.
5. Conditional rezoning shall not grant, nor be considered as, a grant of special land use approval. The process for review and approval of special land uses must follow the provisions of Chapter 16 of this Ordinance.
6. All conditions offered by a landowner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.
7. In addition to the informational requirements provided for in Section 18.5 of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commissions public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 18.5 F. of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of the of the Zoning Enabling Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

D. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Livingston County Register of Deeds and in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Livingston County Register of Deeds.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions shall be filed by the Township with the Livingston County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

E. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

F. Time Period for Establishing Development or Use.

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

G. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be completed upon a resolution of the Township Board that declares the development or use did not occur within the established time and that further such a resolution shall conclusively establish the rezoning of the property to its previous zoning classification and the Zoning Map shall be changed accordingly to reflect the changed zoning classification.

(Amended Section 18.6.G, August 23, 2018 as to text)

H. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection G above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, and upon payment to the Township for the costs of preparation and recording related thereto, the Township Clerk shall record with the Livingston County Register of Deeds a notice that the Statement of Conditions is no longer in effect.

(Amended Section 18.6.H, August 23, 2018 as to text)

I. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

J. Township Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended).

K. Failure to Offer Conditions.

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance.

Chapter 19 Title

Section 19.1 Title

This Ordinance shall be known, and may be cited as, the Handy Township Zoning Ordinance.

Section 19.2 Intent

This Ordinance, enacted under the authority of the Zoning Enabling Act (Public Act 110 of 2006, as the same may be amended), is intended to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

Section 19.3 Scope

- A. Interpretation and Application. In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or Ordinance. However, where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.
- B. Vested Rights. Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein; and all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 19.4 Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 19.5 Effective Date

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect on the 27th day of December, 1999.

Section 19.6 Repeal of Prior Ordinance

The Zoning Ordinance adopted by Handy Township, known as Ordinance No.107, and all amendments thereto, are hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal does not include the Official Zoning Map of the Handy Township Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

Chapter 20 RD Research and Development District

Section 20.1 Intent

The Research and Development District established in this section is intended to accommodate emerging technology firms, testing facilities, high tech multi-use office and laboratory production firms, multi-use facilities having accessory warehousing, assembly and similar uses. It is the intent that this district provide for a community of research and high tech facilities, rather than for a single research structure or a single industrial structure.

Section 20.2 Permitted Uses

No land and/or buildings in the RD District shall be used, erected, altered or converted, in whole or in part, except for the following principal permitted uses:

- A. Data processing and computer centers including centers for programming and software development.
- B. Laser technology applications.
- C. Automotive and truck related test track and/or proving ground.
- D. Medical laboratories engaged in experimentation, demonstration, display and testing.
- E. Research, testing, design, development, and training for aerospace, telecommunications, automobiles, satellites, medical, computers, electronics and robotics research and development.
- F. Any uses charged with design of pilot or experimental products that are consistent or compatible with the uses allowed in this district.
- G. Office buildings, including accessory uses within the office building which are normally necessary and incidental thereto, to house executive, administrative, professional, accounting, writing, clerical, stenographic, drafting or sales uses related to the products developed in the district.
- H. General agricultural limited to raising, growing and harvesting fruits, grains, grasses and vegetables, field, orchard, bush and berry crops, vineyard and trees.
- I. Training and/or educational centers where such centers are designed and intended to provide training at the business, technical and/or professional level.
- J. Any other laboratories including research laboratories, experimental laboratories, film or testing laboratories.

- K. Governmental office and administrative buildings.
- L. Accessory buildings, structures, and uses incidental to the above principal uses, including but not limited to the following:
 - 1. Limited manufacturing and assembly line operations, when research and development activities involving the products being manufactured or assembled are occurring on the same, or an adjacent, site;
 - 2. Limited warehousing or storage of products for distribution where such use is accessory for the products created or used in the principal use;
 - 3. Communications towers, equipment and related appurtenances used in connection with the principal use;
 - 4. Crash testing;
 - 5. Storage of automobiles, trucks and equipment;
 - 6. Auto and truck fuel, service and maintenance areas; and
 - 7. Utility substations, transformer stations and gas regulator stations.

Section 20.3 Special Uses

No land and/or buildings in the RD District shall be used for the following uses unless approved by the Planning Commission in accordance with the requirements of Chapter 16 and this Zoning Ordinance.

- A. Hotels and motels including restaurants contained within the hotel or motel.
- B. Qualified Fuel Power Generation Facilities.
- C. Commercial Solar Energy System.

(Amended Section 20.3 Special Uses by Adding subsection C. Commercial Solar Energy System. April 6, 2023)

(Amended Section 20.3 Special Uses by Adding subsection B. Qualified Fuel Power Generation Facilities. April 10, 2018)

Section 20.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Permitted and Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 14.
- E. The required greenbelt/buffers shall comply with Section 2.17. Alternative greenbelt buffering may be allowed by the Planning Commission so as to be harmonious and appropriate in appearance with the overall development plan or the existing or intended character of the general vicinity.
- F. Fences shall comply with Section 2.3 and Section 2.3H shall apply to the RD District. Appropriate screening as a part of a fence to assure confidentiality of activities of users in the District shall be permitted.

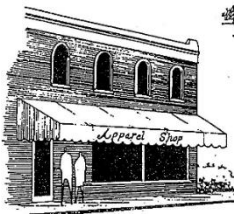
Chapter 21 Signs

(This chapter replaces the section in Chapter 15 that covered SIGNS and places SIGNS in their own Chapter. September 2018)

Section 21.1 Intent

This section is intended to protect and further the health, safety, and welfare of the residents of Handy Township; to maintain and improve the appearance of Handy Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. Any sign erected pursuant to the provisions of this chapter may, at the option of the owner, contain a non-commercial message in lieu of a commercial message, and a non-commercial message may be substituted at any time in place of a commercial message.

Section 21.2 Sign Definitions

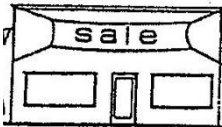


ABANDONED SIGN: A sign which, for ninety (90) consecutive days, fails to direct a person to or advertise a bona fide business, tenant, owner, product, activity conducted or product.

AWNING SIGN: A sign affixed flat against the surface of an awning.



BALLOON SIGN: A sign composed of a non-porous bag of material filled with air.



BANNER SIGN: A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.



BILLBOARD: A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.



BUSINESS PARK SIGN: Shall mean a free standing sign designed for an area of land that consists of either one or more principal buildings on separate lots or parcels or where the buildings are located on a single parcel of land under a common plan of development and such buildings are used for office, commercial or industrial uses, or a combination thereof. Access to the buildings from a public road will be by a common road or service drive.

CONSTRUCTION SIGN: A sign located on property where construction/development is taking place.



DIRECTIONAL SIGN: A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.

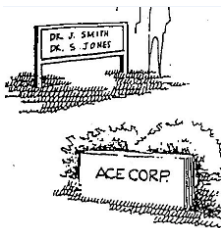
EAVES: The edges of the roof which overhang the face of a wall and, normally, project beyond the side of a building.



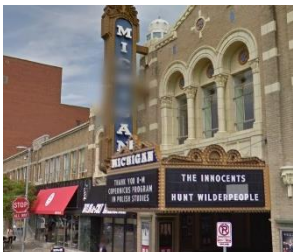
FREESTANDING SIGN: A sign supported on poles not attached to a building or wall.



GOVERNMENT SIGN: A temporary or permanent sign erected by Handy Township, Livingston County, or the state or federal government.



GROUND SIGN: A sign resting directly on the ground or supported by short poles not attached to a building or wall.



MARQUEE SIGN: A sign affixed flat against the surface of a marquee.



MURAL: A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.

OFF-PREMISE SIGN: A sign advertising or informing anything which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.

ON-PREMISE SIGN: Any sign which pertains solely to the use of the property on which it is located.

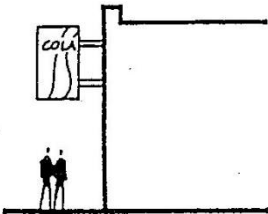


PLACARD: A sign not exceeding two (2) square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.

PORTABLE SIGN: A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.



PROJECTING SIGN: A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than thirty-six (36) inches from the face of the building or wall.



READER BOARD: A portion of a sign on which copy is regularly changed.



ROOF LINE: The top edge or peak of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.

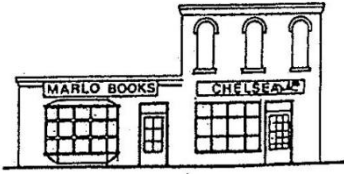
ROOF SIGN: A sign erected above the roof line of a building.

SIGN: A device, structure, fixture, or placard using graphics, symbols, and/or written copy.

SPECIAL PURPOSE SIGN: Temporary and portable signs containing public messages or intending to announce events that are for a short period of time and of a temporary nature.



TEMPORARY SIGN: A display sign, banner or other device constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame, or any other sign, intended for a limited period of display, but not including decorative displays for holidays or public demonstrations.



WALL SIGN: A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.



WINDOW SIGN: A sign installed inside a window and intended to be viewed from the outside.

Section 21.3 General Sign Provisions

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a land use permit, provided the following signs shall not require a land use permit:
 - a. Directional signs of six (6) square feet in size or less
 - b. Government signs
 - c. Placards
 - d. Temporary signs, as regulated in the Schedule of Sign Regulations
 - e. Window signs
2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Signs may be internally illuminated or if externally illuminated, and the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property. Home occupation signs shall not be illuminated.

5. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
6. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
7. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se. No such signs shall cause a vision hazard at any road intersection or driveway.
8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
9. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
10. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
11. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.
12. No sign shall be erected above the eave of a building.

D. Exempted Signs.

The following signs shall be exempt from the provisions of the Handy Township Zoning Ordinance.

1. Government signs
2. Historical markers
3. Window signs
4. Memorial signs or tablets
5. Murals
6. Signs not visible from any street
7. Signs for essential services
8. Placards not exceeding two (2) square feet
9. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall

10. Flags of the United States, Michigan or other non-profit organization or institution, provided the height of any flag pole shall not exceed forty (40) feet.

E. Non-conforming Signs, Illegal Signs, and Signs Accessory to Non-conforming Uses.

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
2. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50%) percent of the value or size of the sign on the date of loss.
5. Any sign which for a period of one (1) year or more contains no messaging, shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a non-conforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

F. Units of Measurement.

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding, ground, or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) such faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.

4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations Applicable to All Zoning Districts.

1. All ground, wall and freestanding signs may include reader boards.
2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
3. Construction signs are permitted within any zoning district, subject to the following restrictions:
 - a. One (1) sign is permitted to be placed on the lot where the construction is taking place.
 - b. The sign shall be no larger than sixteen (16) square feet in area, and not exceed six (6) feet in height. In a case where two (2) or more firms utilize a sign, the sign shall be no larger than thirty-two (32) square feet in area, and not exceed six (6) feet in height.
 - c. Construction signs shall not be erected until a land use permit has been issued for the project.
 - d. Construction signs shall be removed within fifteen (15) days of the issuance of any Occupancy Permit for the building or structure.
4. Special purpose or temporary signs, including banner or balloon signs, are permitted in conjunction with any permitted nonresidential use or agricultural use in a residentially zoned district, subject to the following restrictions:
 - a. No more than two (2) such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - b. A special purpose sign shall require a land use permit. fee shall be paid in such amount as is established by the Township Board in its schedule of fees at the time of submittal of the application for the permit.
 - c. A special purpose sign shall be permitted for no more than sixty (60) days and shall be removed within forty-eight (48) hours after the conclusion of the special event that is being advertised.
 - d. Temporary signs shall not require a land use permit, may have more than two (2) on a parcel, but shall not be permitted to remain for more than ten (10) days after the purpose for which the sign was advertising has ended.

- e. All such signs shall be set back a minimum of fifteen (15) feet from the road right-of-way line or any side or rear lot line.
 - f. No such signs shall cause a vision hazard at any road intersection or driveway.
5. Directional signs are permitted subject to the following restrictions:
- a. No such sign shall exceed six (6) square feet in area or six (6) feet in height.
 - b. Directional signs shall be limited to traffic control functions only.
 - c. Such signs shall not cause a vision hazard at any road intersection, or driveway.
6. Historic Barn Signs. A land use permit application for one (1) wall sign shall be submitted for the Planning Commission's review and shall be permitted on historic barns if the following restrictions and conditions are met:
- c. The barn must be at least 75 years or older and be of post and beam construction.
 - d. Calculation of Sign Square Footage: Cannot exceed more than 75% of the barn's side.
 - e. Sign must be painted or directly attached on the barn structure. Protruding signs or extension of more than two (2) feet from the barn wall are not permitted.
 - f. Colors of Wall Sign: Colors shall be compatible, consistent and complimentary to the historic barn.
 - g. Lighting: Lighting of the sign is not permitted from either external or internal sources.
 - h. The barn sign must be used as a preservation tool to fund the historic preservation and/or restoration of the barn. At the discretion of the Planning Commission, restoration must be completed prior to issuance of the sign permit or an adequate performance bond posted.

- H. Schedule of Sign Regulations. Signs in each Zoning District shall be subject to the following regulations:

AR, RA, RB, MFR AND MHP ZONING DISTRICTS - PERMITTED SIGNS	
Ground signs for residential subdivisions, manufactured home parks, multiple family complexes, schools, or other permitted nonresidential uses allowed in the district	
Number	One (1) ground sign per entrance, as shown on an approved site plan, may be permitted or two (2) single faced signs.
Size	No greater than 32 square feet.
Location	Minimum of fifteen (15) feet back from the road right of way and fifteen (15) feet from the side and rear lot line.
Height	No higher than six (6) feet
Wall signs for home occupations	
Number	One (1) per lot or parcel
Size	No greater than two (2) square feet (nine (9) square feet in the AR District)
Location	On wall of principal building facing street.
Wall signs for non-residential uses	
Number	One (1) per street frontage
Size	No greater than five (5%) percent of the wall area to which the sign is affixed, not to exceed a maximum area of 75 square feet.
Location	On wall of building facing street
Temporary Signs/Special Purpose signs	
Size	No greater than six (6) square feet
Location	Minimum of fifteen (15) feet back from the road right of way and fifteen (15) feet from the side and rear lot line.
Height	No higher than six (6) feet

BUSINESS PARK PERMITTED SIGNS	
Business Park signs	
Number	One (1) free standing sign may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign.
Size	No business park sign shall be greater than 8 feet long and not exceed a total of 32 square feet.
Location	Signs shall be located at least 15 feet from the right-of-way of the minor intersecting road and at least 60 feet from the centerline of the major intersecting road.
Height	No higher than six (6) feet

NSC, AC, RD, I-1 and I-2 - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel, except that only one (1) ground sign or one (1) freestanding sign shall be permitted per lot or parcel
Size	No greater than forty-five (45) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than six (6) feet
Freestanding signs	
Number	Freestanding signs shall be prohibited unless a lot or parcel is adjacent to I-96. In that event, that lot or parcel may be entitled to either one (1) ground sign or one (1) freestanding sign.
Size	No greater than one (1) square foot of sign area per one (1) foot of lot frontage up to a maximum of seventy-five (75) square feet
Location	Minimum of fifteen (15) feet from any property line
Height	No higher than twenty (20) feet, with a minimum clearance of eight (8) feet between the ground and the bottom of the sign.
Wall signs	
Number	One (1) per building. For buildings that contain distinct and separate uses, separate wall signs shall be permitted for each such use. However, the total allowable square footage for all combined wall signs shall not exceed the maximum allowable square footage specified for each district.
Size	No greater than ten percent (10%) of the wall area to which the sign is affixed, not to exceed a maximum sign area of one hundred fifty (150) square feet.
Location	On wall of building facing street

NSC, AC, RD, I-1 and I-2 - PERMITTED SIGNS	
Temporary and Special Purpose signs	
Location	Minimum of fifteen (15) feet from any side or rear property line
Height	No higher than six (6) feet
Billboards (Permitted only in the I-1 and I-2 District and only as an accessory use)	
All billboards shall conform to the requirements of the Highway Advertising Act (PA 106 of 1972, as amended) and Section 21.3.I	

I-1 INDUSTRIAL DISTRICT - PERMITTED SIGNS	
Ground signs	
Number	One (1) per lot or parcel
Size	No greater than thirty-two (32) square feet
Location	Minimum of five (5) feet from the road right-of-way line, minimum of fifteen (15) feet from the side or rear property line
Height	No higher than six (6) feet
Wall signs	
Number	One (1) per street frontage
Size	No greater than ten (10%) percent of the wall area to which the sign is affixed, not-to-exceed a maximum sign area of two hundred (200) square feet.
Location	On wall of building facing street
Temporary /Special Purpose signs	
Size	No greater than sixteen (16) square feet per side
Location	Minimum of five (5) feet from the road right-of-way line, minimum of fifteen (15) feet from the side or rear property line.
Height	No higher than six (6) feet

I. Billboards and/or Off-premise Signs.

In addition to being permitted as an accessory use only in the I-1 and I-2 District and adjacent to I-96, billboards and/or off premise signs shall be subject to the following additional conditions:

1. Where two (2) or more billboards and/or off premise signs are located along the frontage of a road or highway, they shall not be less than one thousand two hundred and fifty (1,250) feet apart. A double face (“back to back”) or a V- type structure shall be considered a single sign provided the interior angle of such signs does not exceed twenty (20) degrees.

2. The total surface area facing in one direction, of any billboard and/or off-premise sign shall not exceed six hundred and seventy-two (672) square feet.
3. Billboards and/or off-premise advertising signs shall not exceed twenty-five (25) feet in height from ground level. The permitted height may be increased to forty (40) feet by the Planning Commission, if it can be shown that excessive grades, building interference, bridge obstruction, and/or other types of man-made obstructions significantly obstruct the views of the sign.
4. Billboards and/or off premise signs shall not be erected on the roof of any building nor have one sign above another.
5. A billboard shall be self-supported and pole-mounted.
6. The Township Board may charge a fee to the applicant and/or owner of the billboard and/or off-premise sign as established by the Township Board in its schedule of fees to reimburse the Township for any expenses incurred by the Township in verifying that the sign as constructed complies with the provisions hereof and the land use permit, which fee must be paid in full prior to the Township issuing a certificate of Zoning Ordinance Compliance. This fee shall be in addition to the normal and customary application and review fees charged by the Township for land use permits, site plan review, etc.

Chapter 22 MP Municipal Property District

Section 22.1 Intent

It is the intent of the Municipal Property (MP) District to provide adequate land resources for the purposes of administering and performing necessary and important public services by the Township of Handy and other public or quasi-public institutions offices. Lands within this district are intended solely for public and quasi-public buildings and uses and it is intended that no land will be placed within this district until such land falls under public or quasi-public ownership.

Section 22.2 Permitted Uses

Uses Permitted By Right:

1. Public conservation areas, parks, game refuges, and similar uses.
2. Public schools.
3. Administrative offices and maintenance buildings of municipal corporations such as but not limited to Livingston County, the State of Michigan or the United States of America.
4. Municipal water supply and treatment facilities.
5. Municipal fire, police and other public safety facilities.
6. Municipal sewage disposal and treatment facilities.
7. Municipally owned and maintained cemeteries and/or mausoleums.

Section 22.3 Special Uses

No land and/or buildings in the MP District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 16.

1. Public excavation operations.
2. Public communication towers on land owned by Handy Township.
3. Public and Quasi-Public utilities and accessory buildings associated with electric, gas, cable, etc.

Section 22.4 Site Development Requirements

All Permitted Uses and Special Uses are subject to the following Site Development Requirements:

- A. Site Plan Review is required for all Special Uses in accordance with Chapter 15, Section 15.1.
- B. Parking is required in accordance with Chapter 15, Section 15.2.
- C. Signs are permitted in accordance with the requirements of Chapter 15, Section 15.3.
- D. Setbacks, height, area, and lot dimension requirements shall be met as noted on the chart in District Regulations, Chapter 15.