

**HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING**

3525 Byron Road
Howell, MI 48855
March 25, 2025
6:30 pm

1. Call to Order
2. Roll Call: () Wayne Williams - Chair () Chuck Frantjeskos
 () Robert Spaulding – Vice Chair () Matt Stanley
 () Mike Newstead – Secretary () Sharon Lollo
 () Tim Boal – Board Rep.
3. Pledge of Allegiance
4. Approval of the Agenda:
 Planning Commission Regular Meeting: March 25, 2025
5. Approval of the Minutes:
 A. Regular Meeting February 25, 2025
6. Call to the Public:
7. Zoning Board of Appeals Report:
8. Township Board Report:
 A. Draft Regular Meeting Minutes March 3, 2025
 B. Draft Special Meeting Minutes March 17, 2025
9. Ordinance Violation Report:
10. Scheduled Public Hearings:
 A. Renewable Energy Ordinance
11. Other Matters to be Reviewed by the Planning Commission:
 A. Legal Update
12. Business Items
 A. Unfinished Business:
 1. ADU Ordinance

 B. New Business:
 1. Mitch Harris Building Co., PC2025-02, Parcel # 4706-27-300-030, Preliminary Site
 Plan Review
13. Call to the Public:
14. Adjournment

Public Hearings. All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission. The following rules of procedure shall apply to public hearings held by the Planning Commission:

1. Chairperson opens the public hearing and announces the subject.
2. Chairperson summarizes the procedures/rules to be followed during the hearing.
3. Township Planner/Engineer/other consultants present their report and recommendation.
4. Applicant presents the main points of the application.
5. Persons having comments on the application are recognized.
6. Chairperson closes the public hearing and returns to the regular/special meeting.
7. Planning Commission begins deliberation and arrives at a decision.

To ensure everyone has the opportunity to speak, the Chairperson may elect to limit the time permitted for each person to speak, except that the applicant may be permitted additional time as the Chairperson allows. The Chairperson may also elect to allow persons to speak only once, until all persons have had the opportunity to speak, at which time the Chairperson, in his/her discretion, may permit additional comments.

All comments by the public, staff and the Planning Commission shall be directed to the Chairperson. All comments shall be related to the land use request; unrelated comments shall be ruled out of order.

A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of the request.

DRAFT

**HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

3525 Byron Road Howell, MI 48855

February 25, 2025

6:30 P.M.

MEMBERS PRESENT:

Wayne Williams	Chair
Robert Spaulding	Vice Chair
Mike Newstead	Secretary
Tim Boal	Board Representative
Chuck Frantjeskos	Commissioner
Matt Stanley	Commissioner
Sharon Lollo	Commissioner

MEMBERS ABSENT:**Also in Attendance:**

Township Planner Grayson Moore, Tim Zimmer with Livingston Engineering and Zoning Administrator Jonathan Hohenstein

Chairman Williams called the meeting to order at 6:30 pm. The roll was called. Chairman Williams requested members rise for the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Motion by Boal, **Second** by Spaulding, **“To approve the agenda as presented”** Motion carried.

APPROVAL OF THE MEETING MINUTES:

January 28, 2025, February 11, 2025

Motion by Spaulding, **Second** by Boal, **“Approval of the regular meeting minutes from January 28, 2025 and the special meeting on February 11, 2025.”** Motion carried.

Call to the Public

Bob Wilson, 2945 Brewer Rd: Spoke on his dissatisfaction with the Planning Commission’s decision on ADUs

Kayedon Lechevalier, 2900 Brewer Rd: Spoke on concerns with ADUs

ZONING BOARD OF APPEALS REPORT:

None

TOWNSHIP BOARD REPORT:

Draft minutes are included in the packet. Board Representative Boal reported that the Storage Container Ordinance language and The Wellhead Protection Ordinance were approved by the Board. Discussed Assessor Kilpela’s financial report and his concerns regarding attorney expenses with revising of Zoning Ordinances.

ORDINANCE VIOLATION REPORT:

Report in packet. Commissioner Lollo questioned time frames regarding the complaint on Henderson Rd. and foreclosure on Oak Grove Rd. Commissioner Spaulding questioned the final violation letter on 5057 Warner Rd.

SCHEDULED PUBLIC HEARINGS:

ADU Ordinance- **Motion** by Boal, **Second** by Stanley, **“To open the Public Hearing.”** Motion carried.

Bob Wilson, 2945 Brewer Rd: Spoke on opposition of having an ADU ordinance if detached ADUs will not be allowed.

Thomas Bull, 2704 Fisher Rd: Spoke on taxing and opposition to detached ADUs

Kayedon Lechevalier, 2900 Brewer Rd: spoke on concerns of detached ADUs

Motion by Newstead, **Second** by Lollo, **“To close the public hearing.”** Motion carried.

OTHER MATTERS TO BE REVIEWED:

None

OLD BUSINESS:

None

NEW BUSINESS:

- A. Kory Leppek, PC2025-01, Parcel #4706-20-100-027, 4640 W. Grand River Ave Preliminary Site Plan Review- Township Planner Grayson Moore gave a review of the preliminary site plan. The area is currently zoned as Industrial Flex. The property will include a pole barn, large gravel yard, nursery stock area, open air storage bins and will include the existing building on site. The storage area must be screened from public view by a wall or fence. Board Representative Boal questioned parking and easement driveway. Tim Zimmer with Livingston Engineering and applicant Kory Leppek answered questions regarding the site plan. Screening from the roadway would be berms, trees and existing fences. The existing building will be office space for landscape designers and there will be storage in the back area that is fenced for small machines and tools. Commissioner Lollo questioned if their existing business in Brighton would remain and if the new location was going to be strictly a landscaping company or open to the public. Chairman Williams questioned business hours, if delivery of landscape supply would be available to the public and garage door size. Secretary Newstead questioned if there was a timeframe of when the pole barn would be built. Commissioner Boal questioned screening at the back of the property, business model, trash enclosure, connecting driveway, current septic system and fire plan to connecting driveway. Commissioner Frantjeskos questioned outside lighting plan. Commissioner Spaulding questioned if the nineteen recommendations from the Township planner have been addressed. Discussion followed. **Motion** by Newstead, **Second** by Spaulding, **“To recommend approving preliminary site plan review for Kory Leppek PC2025-01, Parcel # 4706-20-100-027 at 4640 W. Grand River subject to the findings in the Planner’s report dated February 18, 2025, the Engineer’s report dated February 14, 2025, and the fire report dated January 27, 2025.”** Motion carried.

- B. Renewable Energy Ordinance- Township Planner Moore gave an update on the Zoning Ordinance amendment which regulates renewable energy facilities but would not be a CREO (compatible renewable energy ordinance) as defined under PA 233. Board Representative Boal questioned 75% lot coverage, battery size and storage. Commissioner Stanley spoke on residential battery storage and requirements. Commissioner Lollo questioned decommissioning surety. Commissioner Spaulding

questioned setbacks, if industrial sites are included and overlay district. Zoning Administrator Hohenstein spoke on how the overlay district was determined and why large turbines have not been discussed in the Township. Discussion followed.

CALL TO THE PUBLIC:

Bob Wilson, 2945 Brewer Rd: Questioned solar panel permits and restrictions for residential use

PUBLIC HEARING ADU ORDINANCE (CONTINUED)

Board Representative Boal questioned if there are any restrictions for attached additions if needed in the future for family. Discussion followed. **Motion** by Boal, **Second** by Newstead, **“To postpone the ADU ordinance discussion.”** Motion carried.

ADJOURMENT:

Motion by Newstead, **Second** by Spaulding, **“To Adjourn.”** Motion carried. The meeting was adjourned at 7:50 P.M.

Date

Mike Newstead
Planning Commission Secretary

Marnie Hebert
Recording Secretary

Draft

**HOWELL TOWNSHIP REGULAR BOARD
MEETING MINUTES**

3525 Byron Road Howell, MI 48855

March 3, 2025

6:30 P.M.

MEMBERS PRESENT:

Mike Coddington	Supervisor
Sue Daus	Clerk
Jonathan Hohenstein	Treasurer
Matthew Counts	Trustee
Tim Boal	Trustee
Shane Fagan	Trustee
Bob Wilson	Trustee

MEMBERS ABSENT:

Also in Attendance:

4 people signed in.

Supervisor Coddington called the meeting to order at 6:30 p.m. The roll was called. Supervisor Coddington requested members rise for the Pledge of Allegiance.

CALL TO THE BOARD:

Treasurer Hohenstein requested to add 2025 road projects to a new business item.

Trustee Fagan requested to add American Legion violation ticket number 0202 to a new business item.

APPROVAL OF THE AGENDA:

March 3, 2025

Motion by Fagan, **Second** by Wilson, **“To approve the agenda as presented.”** Motion carried. 1 dissent.

APPROVAL OF BOARD MEETING MINUTES:

February 10, 2025

REGULAR BOARD MEETING MINUTES

Motion by Hohenstein, **Second** by Daus, **“To accept the minutes from February 10th as presented.”**

Motion carried.

CALL TO THE PUBLIC:

John Mills, 1750 Oak Grove Rd.: Spoke on snow removal at Pioneer Cemetery

Justin Frederick, 225 Bain Dr.: Spoke on Zoning Administrator matters.

Kaye Don Le Chevalier, 2900 Brewer Rd.: Spoke on violation.

UNFINISHED BUSINESS:

None

NEW BUSINESS

- A. MHOG Percent Allocation and Budget – MHOG Director Greg Tatara
Greg Tatara spoke on improvements, maintenance, financials, and budgeting for MHOG. **Motion** by Counts, **Second** by Hohenstein, “**To approve the FY 2026 system labor and allocation percentage from MHOG.**” Motion carried. **Motion** by Counts, **Second** by Daus, “**To approve the amended DPW fund budget for FY 2025, and a proposed fund budget for FY 2026.**” Motion carried.
- B. Mark Juett, PC2024-17, Parcel #4706-28-100-071, vacant land – Hydraulic Drive, Request to rezone parcel from Industrial (I) to Industrial Flex Zone (IFZ)
Cole Juett and Hannah Juett spoke on Juett Outdoor Storage. **Motion** by Boal, **Second** by Hohenstein, “**To approve the rezoning to Industrial Flex on parcel #4706-28-100-071, also under PC2024-17.**” Motion carried.
- C. Heritage Square PUD Agreement
Treasurer Hohenstein discussed that in order to move forward with the Heritage Square PUD there needs to be an approved developmental agreement. **Motion** by Hohenstein, **Second** by Counts “**To accept the Planned Unit Development agreement as presented.**” Discussion followed. Roll call vote: Boal – no, Fagan – no, Hohenstein – yes, Daus – yes, Wilson – no, Counts – no, Coddington – yes. Motion failed 3-4. Discussion followed. **Motion** by Counts, **Second** by Fagan “**To approve the Heritage Square PUD agreement.**” Roll call vote: Coddington – yes, Boal – no, Daus – yes, Counts – yes, Fagan – yes, Hohenstein – yes, Wilson – yes. Motion carried 6-1
- D. Heritage Square PUD Final Site Plan Approval for Phase I, Parcel #4706-32-400-013
Motion by Fagan, **Second** by Hohenstein, “**To approve Final Site Plan Approval for Phase I, Parcel #4706-32-400-013.**” Roll call vote: Wilson – yes, Hohenstein – yes, Boal – no, Fagan – yes, Coddington – yes, Daus – yes Counts - yes. Motion carried 6-1
- E. Heritage Square PUD Amendment request to increase lot coverage percentage
Motion by Fagan, **Second** by Counts, “**To approve Heritage Square PUD amendment to requests increase lot coverage percentage.**” Roll call vote: Hohenstein – no, Counts – yes, Wilson – no, Boal – no, Daus – no, Coddington – yes, Fagan – yes. Motion failed 3-4.
- F. 2025 Road Projects
Treasurer Hohenstein spoke on future road projects for 2025. **Motion** by Counts, **Second** by Hohenstein, “**To approve road projects for Fisher road as presented in the Livingston County Road Commission report dated February 28,2025.**” Discussion followed. Motion carried. **Motion** by Counts, **Second** by Hohenstein, “**To approve crush and shape with asphalt on Fleming Rd., Grand River Ave. to the end of the pavement to the tune of \$64,000 dollars, as long as matching funds are available from Livingston County Road Commission.**” Motion carried.
- G. American Legion Ticket
Trustee Fagan spoke on American Legion’s violation ticket. **Motion** by Fagan, **Second** by Wilson, “**To dismiss the American Legion ticket.**” Discussion followed. Roll call vote: Daus – no, Wilson – yes, Fagan – yes, Coddington – no, Hohenstein – no, Counts – no, Boal – no. Motion failed 2-5.

CALL TO THE PUBLIC:

Robert Spaulding, 3500 Crandall Rd.: Spoke on Heritage Square PUD, Warner Rd condition.

Justin Frederick, 225 Bain Dr.: Spoke about Township Ordinance violation.

REPORTS:

- A. SUPERVISOR:
No report
- B. TREASURER:
Treasurer Hohenstein reported that the Treasury Department has completed the tax collection and is now in the process of settling with the County.
- C. CLERK:
No report
- D. ZONING:
See Zoning Administrator Hohenstein's report.
- E. ASSESSING:
See Assessor Kilpela's report.
- F. FIRE AUTHORITY:
Supervisor Coddington reported on Fire Authority.
- G. MHOG:
Trustee Counts reported on MHOG.
- H. PLANNING COMMISSION:
Trustee Boal reported on Planning Commission.
- I. ZONING BOARD OF APPEALS (ZBA):
No report
- J. WWTP:
See report
- K. HAPRA:
See report
- L. PROPERTY COMMITTEE:
No report
- M. PARK & RECREATION COMMITTEE: Treasurer Hohenstein reported that the Phase I study results have been made public and a Phase II study quote has been requested.

N. Shiawassee River Committee:
No report

CLOSED SESSION:

Burkart Ridge v. Howell Township

Motion by Counts, **Second** by Boal, **“To go into closed session.”** Roll call vote: Counts – yes, Boal – yes, Fagan – no, Wilson – no, Coddington – yes, Daus – yes, Hohenstein – yes. Motion failed 5-2. **Motion** by Counts, **Second** by Hohenstein, **“To go into Closed Session to discuss Burkhart Ridge v. Howell Township.”** Roll call vote: Fagan – no, Daus – yes, Coddington – yes, Wilson – yes, Counts – yes, Boal – yes, Hohenstein – yes. Motion carried 6-1. **Motion** by Counts, **Second** by Hohenstein, **“To enter back into regular session.”** Motion carried. **Motion** by Hohenstein, **Second** by Counts, **“To authorize the Township Counsel to proceed as discussed in closed session.”** Motion carried.

DISBURSEMENTS: REGULAR PAYMENTS AND CHECK REGISTER:

Motion by Hohenstein, **Second** by Daus, **“To accept the disbursements as presented and any normal and customary payments for the month.”** Motion carried.

ADJOURNMENT: **Motion** by Daus, **Second** by Boal, **“To adjourn”** Motion carried. The meeting was adjourned at 9:29 pm.

Sue Daus, Howell Township Clerk

Mike Coddington, Howell Township Supervisor

Tanya Davidson, Recording Secretary

DRAFT**HOWELL TOWNSHIP SPECIAL BOARD
MEETING MINUTES**

3525 Byron Road Howell, MI 48855

March 17, 2025

6:30 P.M.

MEMEBERS PRESENT:

Mike Coddington	Supervisor
Jonathan Hohenstein	Treasurer
Matthew Counts	Trustee
Shane Fagan	Trustee
Bob Wilson	Trustee

MEMEBERS ABSENT:

Sue Daus	Clerk
Tim Boal	Trustee

Also in Attendance:

Supervisor Coddington called the meeting to order at 6:30 p.m. The roll was called.

All rose for the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

March 17, 2025

Motion by Hohenstein, **Second** by Counts, **“To approve as presented.”** Motion carried.

CALL TO THE PUBLIC:

No public comment

NEW BUSINESS:

Heritage Square, Parcel # 4706-32-400-013 PUD Amendment request to increase lot coverage percentage:

David Straub from M/I Homes of Michigan LLC spoke on the request to increase the lot coverage percentage for Heritage Square. Discussion followed. **Motion** by Fagan, **Second** by Counts, **“To approve the Amendment request to increase lot coverage percentage from 30% to 40% for parcel number 4706-32-400-013.”** Roll call vote: Wilson – no, Fagan – yes, Hohenstein – no, Coddington – yes, Counts - yes. Motion passed (3-2).

CALL TO THE PUBLIC:

No public comment

ADJOURNMENT:

Motion by Counts, **Second** by Hohenstein, **“To adjourn.”** Motion carried. The meeting was adjourned at 7:02 p.m.

Sue Daus, Howell Township Clerk

Mike Coddington, Howell Township Supervisor

Tanya Davidson, Recording Secretary

Monthly Permit List

Commercial Land Use

Permit #	Applicant	Address	Fee Total	Const. Value
P25-012	RAND CONSTRUCTION	2212 GRAND COMMERCE DR	\$50.00	\$0.00
Work Description: 5,133 sf office buildout				

Total Permits For Type: 1
Total Fees For Type: \$50.00
Total Const. Value For Type: \$0.00

MHOG

Permit #	Applicant	Address	Fee Total	Const. Value
PMHOG24-010	PINEVIEW VILLAGE CONS. GROUP INC.	1688 PINECROFT LN	\$0.00	\$0.00
Work Description:				
PMHOG24-012	PINEVIEW VILLAGE CONS. GROUP INC.	1692 PINECROFT LN	\$0.00	\$0.00
Work Description:				

Total Permits For Type: 2
Total Fees For Type: \$0.00
Total Const. Value For Type: \$0.00

Residential Land Use

Permit #	Applicant	Address	Fee Total	Const. Value
P25-015	Ambia Energy LLC	3152 N BURKHART	\$10.00	\$0.00
Work Description: 5.525 KW residential solar system to be installed on roof				
P25-020	RENEWAL BY ANDERSEN - Store 92	5925 N BURKHART	\$10.00	\$0.00
Work Description: Replacing 10 windows and 1 patio door				
P25-016	Ambia Energy LLC	3889 N BURKHART RD	\$10.00	\$0.00
Work Description: 8.075 KW residential solar system to be installed on roof				
P25-021	ARNOLD LUMBER	5707 CRANDALL RD	\$75.00	\$0.00
Work Description: 40' x 72' x 14' Pole Barn with gravel floor				
P25-010	PRECISION ROOFING SERVICE	1389 CRESTWOOD LN	\$10.00	\$0.00
Work Description: Remove and replace shingles.				
P25-018	BURKHART RIDGE LLC	1087 ELLINGTON DRIVE	\$0.00	\$0.00
Work Description: New mobile home installation				
P25-019	Erie Home	150 HARMON RD	\$10.00	\$0.00
Work Description: Re-roof - remove existing roofing, replace with fiberglass dimensional shingle also replacing 2 pieces of decking				
P25-013	RENEWAL BY ANDERSEN - Store 92	3446 KNEELAND CIR	\$10.00	\$0.00

Work Description: Replacing 4 windows and 1 storm door

P25-017 BURKHART RIDGE LLC 4420 POOLSIDE DR \$0.00 \$0.00

Work Description: New mobile home installation

P25-014 RENEWAL BY ANDERSEN - 131 ROBIN CT \$10.00 \$0.00
Store 92

Work Description: Replacing 11 windows and 1 patio door

Total Permits For Type: 10
Total Fees For Type: \$145.00
Total Const. Value For Type: \$0.00

Sewer Connection

Permit #	Applicant	Address	Fee Total	Const. Value
PWS25-003	BURKHART RIDGE LLC	1087 ELLINGTON DRIVE	\$5000.00	\$0.00
Work Description:				
PWS25-001	BURKHART RIDGE LLC	4420 POOLSIDE DR	\$5000.00	\$0.00
Work Description:				

Total Permits For Type: 2
Total Fees For Type: \$10000.00
Total Const. Value For Type: \$0.00

Sign

Permit #	Applicant	Address	Fee Total	Const. Value
P25-011	MMD Signs LLC	2395 W GRAND RIVER AVE	\$225.00	\$0.00
Work Description: 4' x 9' x 11" channel letter wall sign				

Total Permits For Type: 1
Total Fees For Type: \$225.00
Total Const. Value For Type: \$0.00

Water Connection

Permit #	Applicant	Address	Fee Total	Const. Value
PWS25-004	BURKHART RIDGE LLC	1087 ELLINGTON DRIVE	\$5000.00	\$0.00
Work Description:				
PWS25-002	BURKHART RIDGE LLC	4420 POOLSIDE DR	\$5000.00	\$0.00
Work Description:				

Total Permits For Type: 2
Total Fees For Type: \$10000.00
Total Const. Value For Type: \$0.00

Grand Total Fees:	\$20,420.00
Grand Total Permits:	18.00

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
5800 PRESTON RD Complaint Trash and furniture left at the road for a month	BARROW JAMES A & G	4706-02-200-007	02/26/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.26.25 - Received complaint. Site visit completed. Letter sent to owner.					
3276 HILL HOLLOW LN Complaint Abandoned junk vehicle left in the road, not working, not in use.	JOHNSTON PHILIP AN	4706-13-302-019	02/25/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.20.25 - Complaint received 2.25.25 - Site visit completed, contacted Sheriff's Dept - verified owner, sent letter to owner.					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
222 BAIN DR Complaint	OTREMBA EMILY AND	4706-14-401-039	02/13/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Business being run out of the house, camper in front yard, business trucks, building built without a permit.					

Comments

2.13.25 - Complaint received

2.26.25 - Site visit completed. Review completed. Letter sent to owner.

3710 BOWEN Complaint	ORDUNA PLUMBING I	4706-21-100-013	02/13/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Plumbing company is being run out of a home with many vehicles and commercial dumpster in the front yard.					

Comments

2.13.25 - Complaint received

2.26.25 - Investigation complete, site visit completed

2.27.25 - Letter sent to owner

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
3750 BOWEN RD Complaint Business being run out of the home, over 20 vehicles, trailers, and equipment in yard with many temporary buildings.	BENFORD ANDREW T	4706-21-100-028	02/13/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.13.25 - Complaint received 2.26.25 - Investigation complete, site visit completed 2.27.25 - Letter sent to owner					
2900 BREWER RD Complaint Broken down vehicle in front yard, farm tractor on a lot under 2 acres.	LECHEVALIER KAYED	4706-22-200-014	02/13/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.13.25 - Received complaint 2.14.25 - Spoke to homeowner about violations 2.19.25 - Letter sent to homeowner 2.19.25 - Homeowner provided proof of registration and insurance 2.25.25 - Spoke to homeowner and Twp. Planner RE parking					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
3408 CHERYL DR Complaint Has 3 junk cars, junk boat, junk camper, and at least 80 yards of debris scattered in his backyard.	MELTON HAROLD D &	4706-14-401-029	02/10/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.10.25 - Complaint received. 2.11.25 - Site visit completed. 2.12.25 - Letter sent to owner. 2.18.25 - Owner came into the Township and discussed the violations. The owner has agreed to a schedule to remediate the violations.					
3353 BOWEN RD Complaint Camper parked in the front yard.	FRANTJESKOS CHARL	4706-21-400-005	02/10/2025	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 2.10.25 - Complaint Received 2.11.25 - Site visit completed 2.11.25 - Letter sent to owners 2.24.25 - Spoke to Homeowner RE violation 2.24.25 - Received correspondence from Homeowner RE violation and remediation agreement 2.25.25 - Sent letter to Homeowner RE remediation agreement					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
70 HENDERSON RD Complaint	LESPERANCE CHRIS A	4706-24-301-017	12/02/2024	ANONYMOUS	OPEN - COMPLANT RECEIVE
Dumpster on site for months. Piles of debris on site and people dropping off garbage and adding to piles of debris.					
Comments					
12.10.24 - Site visit completed. Verified complaint, dumpster is on site with large pile of junk near the dumpster. Letter sent to owner.					
1.27.25 - Site visit completed. Violation still exists. Letter sent to owner.					
1.29.25 - Received phone call from homeowner. They did not understand that this was not allowed and will be getting it taken care of.					
2-11-2025 - Homeowner (Kate) called, the dumpster has been removed and the junk is being removed either 2-12- or 2-13. She will let us know.					
5704 CRANDALL RD Complaint	JEWETT RICHARD L &	4706-05-200-004	11/25/2024	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
A person is living in an RV in the back of the property against Township Ordinance.					
Comments					
12.10.24 - Site visit completed. RV is located in the back of the property. Letter sent to owner.					
1.27.25 - Site visit completed. No visible change. Letter sent to owner.					
2.11.25 - Requested additional information from complainant					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
4141 W GRAND RIV Complaint House is neglected, building unsafe, junk in yard.	TONON CHIARINA S	4706-20-400-012	09/24/2024		OPEN - COMPLANT RECEIVE
Comments 9.24.24 - Contacted Livingston County Building Department RE performing dangerous building inspection. 10.3.24 - Received LCBD determination letter. Contacted Spicer RE Dangerous Buildings Hearing Officer availability. Spicer does not currently have availability to perform these duties. 10.17.24 - Letter sent to owner. 12.19.24 - No response received. Second letter sent to owner with tracking. 1.9.25 - Spoke to owner, is getting quotes from companies to demolish the structures. Provided contact information to Township and will stay in touch with progress reports. 1.27.25 - Violation still present.					
5407 OAK GROVE RD Complaint Garbage outside on the lawn surrounding the house and overflowing from the garage. Garbage is attracting vermin.	CITIZENS BANK NA	4706-02-401-008	09/10/2024	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
Comments 9.10.24 - Complaint received. Site visit completed. Letter sent to owner and to bank. 10.8.24 - Site visit completed. No change in condition. Letter sent to owner and to bank. 10.17.24 - Original certified letter to owner returned. 10.21.24 - Letter posted on the house. 11.6.24 - Site visit. Letter is no longer posted to the house. No change in condition. 12.10.24 - Site visit. No change in condition. Property in foreclosure.					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
30 SANTA ROSA DR Complaint	FAGAN, SHANE	4706-33-400-050	07/02/2024		OPEN - COMPLANT RECEIVE
Owner is operating a manufacturing business in the SFR zoning district.					
Comments					
7.2.24 - Reviewed information regarding Speakeasy Speed Shop. Not a permitted use in the SFR zoning district. Violation letter sent to owner.					
8.1.24 - Site visit completed. No observed business activity at site.					
9.4.24 - Site visit completed. Searched website and watched YouTube videos. Industrial use is continuing at this location in SFR Zoning district. Letter sent to owner.					
9.30.24 - Communication from owner received, attached. Owner is requesting Township Board to modify home occupation portion of Zoning Ordinance to allow this use in SFR Zoning. Enforcement action will pause until a decision has been made.					
10.16.24 - Ticket submitted to Court					
10.17.24 - Ticket presented to homeowner. Discussion with homeowners.					
11.14.24 - Ticket not paid. Owner has requested a formal hearing.					
1.13.25 - Hearing adjourned until 2.12.25.					
2.12.25 - Hearing held, but not finished. Remainder of hearing scheduled for 3.26.25					
3265 W GRAND RIVER A Complaint	AMERICAN LEGION P	4706-28-200-010	05/21/2024		OPEN - COMPLANT RECEIVE
Starting to add more parking on adjacent lot owned by MDOT without permits.					
Comments					
4.25.24 - Received call regarding work being done by American Legion. Site visit, verified work was underway. Contacted MDOT RE approval.					
5.21.24 - Site visit completed, violation still present. Sent letter to American Legion.					
6.18.24 - Site visit. More work has been completed including installing gravel in excavated area and a tent and fencing has been erected next to gravel area on MDOT property. Letter sent to American Legion.					
8.1.24 - Site visit completed. Tent and fencing have been removed, large pile of dirt has been removed, additional gravel parking area still on MDOT property.					
9.4.24 - Site visit completed. Violation still present. Posted Notice of Violation Ticket to front door, mailed a copy of the violation. Ticket #: 0202					
9.4.24 - Phone conversation with Commander Laura Goldthwait. Requested letter explaining the violation and steps moving forward. Mailed to Legion, emailed to Laura, attached.					
9.12.24 - Received correspondence from Legion's attorney denying all responsibility. Documents provided to Township's attorney. Township's attorney has contacted Legion's attorney.					
10.8.24 - Site visit completed. Photos of Legion using the additional parking attached.					
12.10.24 - Site visit completed. Christmas trees located in additional parking area and land east of building. Letter sent regarding temporary uses requiring permits.					
1.27.25 - No change to property.					

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
3590 W GRAND RIV	HASLOCK PROPERTIE	4706-28-100-024	05/06/2024		OPEN - FIRST LETTER SENT
Complaint Zoning Violations:Outdoor storage without screening, setback issues, parking not hard surfaced, no sign permit.					

Comments

- 5.13.24 - Violation letter to Occupant returned.
 - 5.20.24 - Received phone call from owner. Will be preparing a site plan to take before the Planning Commission for approval.
 - 6.20.24 - Received phone call from owner, discussed site plan requirements.
 - 9.4.24 - Sent letter to owner RE site plan progress.
 - 9.12.24 - Spoke to owner, Engineer has site plans almost complete. Will submit for review in the near future.
 - 2.27.25 - Spoke to owner, Engineer will be submitting plans in the next week or two.
-

Code Enforcement List

02/28/2025

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
5057 WARNER RD Complaint LARGE AMOUNT OF JUNK AND LITTER IN THE YARD.	HARTER EDWARD H	4706-19-200-005	03/14/2022	PUBLIC/ EMAIL	OPEN - SECOND LETTER SEN
Comments					
4.17.2023 THERE IS MORE JUNK NOW THEN THERE WAS LAST MARCH OF 2022 OR JANUARY OF 2023.					
5.25.2023 I SPOKE WITH MR. HARTER HE IS STARTING TO CLEAN THE SITE UP, HE SAID THAT IT WILL TAKE SOME TIME TO GET IT ALL CLEANED UP. I WILL BEE CHECKING ON HIS PROGRESS EVERY FEW WEEKS TO MAKE SURE HE IS MAKING PROGRESS.					
6.29.2023 SOME PROGRESS HAS BEEN MADE. WILL CHECK BACK IN A COUPLE OF WEEKS.					
1.9.2024 did a site vist there has been no progress made on the clean up.					
1.11.2024 Finial letter sent.					
3.20.24 - Site visit. No remediation of issues has taken place. Photos attached.					
3.25.24 Spoke to owner. Owner is working on cleaning up the property, has dumpsters being delivered, scrap is in piles and ready to be taken to the scrap yard. Has requested 3 months to get the property cleaned up. Letter sent in confirmation of agreement. Scheduled visit for June 25th.					
4.23.24 - Site visit. Violation still present. Scheduled reinspection.					
5.20.24 - Site visit. Work has been started. Violation still present. Scheduled reinspection.					
6.18.24 - Site visit. Violation still present, no evidence of continued clean up activity. Will reinspect on June 25th as agreed.					
6.25.24 - Site visit. Minimal changes to site, violation still present. Letter sent to owner.					
8.1.24 - Site visit completed. Owner still working on clean-up.					
9.4.24 - Site visit completed, spoke to homeowner. Owner claims to have back of property nearly complete. Dumpster to be arriving next week, neighbors helping to remove scrap in the next few days.					
10.8.24 - Site visit completed. No evidence of activity. Final violation letter sent to owner.					
11.6.24 - Site visit completed. No evidence of activity. Will check property on 11.14.24 per letter.					
11.14.24 - Site visit completed. No evidence of activity. Ticket number 0204 issued. Ticket mailed to homeowner 11.18.24.					
12.4.24 - Spoke to homeowner. He will be completing a clean-up schedule and providing it to the Township. If the schedule is followed and clean-up of property is achieved ticket will be waived.					
12.10.24 - Schedule has not been provided to Township. Site visit completed, no change.					
1.27.25 - Site visit completed, no change. Schedule has not been provided to Township. Final violation letter sent to owner.					
2.3.25 - Received phone call from owner's wife, owner is currently in jail. By February 24th they will contact the Township to discuss deadlines for removing the junk from the site. Letter sent to owner to confirm same.					

Records: 16

Population: All Records



Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Howell Township Planning Commission

FROM: Paul Montagno, AICP, Principal Planner
Grayson Moore, Community Planner

DATE: March 20, 2025

RE: Proposed Zoning Ordinance Amendments to Regulate Renewable Energy Facilities

Please find attached the revised draft Zoning Ordinance Amendments to regulate Renewable Energy Facilities. The proposed regulations have been developed using guidance from State legislation (PA 233 of 2023) and best practices from surrounding communities to establish requirements for both wind and solar energy systems in addition to feedback provided by the Planning Commission at their regularly scheduled February 25, 2025, meeting.

This ordinance would apply to facilities under the State-determined nameplate capacity but may also be utilized by developers of larger facilities should they find the ordinance reasonable and opt to work within the Township's framework. Therefore, as proposed, this ordinance does not function as a Compatible Renewable Energy Ordinance (CREO) under PA 233 of 2023 but offers a viable regulatory framework for renewable energy development within the Township. This ordinance establishes regulations for facilities under the State-defined nameplate capacity, while also allowing for larger facilities to voluntarily comply rather than awaiting State review.

Additionally, recognizing the demand for local renewable energy solutions, the proposed language includes provisions for accessory solar systems designed to meet the energy needs of a single residence or business. These systems would be incidental to the principal use of a property and are addressed with specific regulations to ensure compatibility within the Township.

Please note several proposed requirements which are more intensive than under PA 233:

- **Setbacks:** The proposed ordinance establishes larger setback distances for renewable energy facilities than the State law.
- **Stormwater Management:** More stringent stormwater control measures are required to mitigate environmental impacts.
- **Fencing:** Increased fencing requirements are included to enhance safety and security.
- **Decommissioning:** More comprehensive decommissioning requirements ensure responsible site restoration.

Additionally, the proposed zoning ordinance includes several regulatory provisions which are not addressed in PA 233 of 2023:

- Locational requirements: Requires facilities to be located in the Renewable Energy Overlay District
- Lot Coverage Requirements: Establishes limits on the percentage of land that can be covered by renewable energy facilities.
- Screening Requirements: Implements visual screening measures to minimize aesthetic impacts.
- Glare Requirements: Addresses potential glare impacts from solar facilities to prevent nuisance conditions.
- Guy Wire Restrictions: Regulates the use of guy wires to reduce hazards and undesirable visual clutter.
- Tower/Blade Color Requirements: Specifies acceptable colors for WECS towers and blades to mitigate visual impact.
- Controls and Brakes on WECS: Requires control and braking mechanisms to ensure safe operation.
- Climb Prevention & Warning Signage: Mandates safety measures to prevent unauthorized access to WECS structures.
- Site Security: Imposes security requirements to protect renewable energy infrastructure.
- Natural Feature Preservation Study: Requires an evaluation of potential impacts on natural features.

We look forward to discussing these proposed Zoning Ordinance amendments at your next Planning Commission meeting. The next step in the process would be to make any changes and call a public hearing.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Grayson Moore
Community Planner

Draft Renewable Energy Facilities Ordinance to Replace Sections 16.15 and 16.19

A. RENEWABLE ENERGY DEFINITIONS

- 1) *Abandonment*: Any renewable energy system or facility that is no longer producing power over a consecutive 12-month period of time.
- 2) *Accessory Solar Energy Systems*: A device, and/or components designed to generate renewable and store energy installed at individual residential or commercial locations which are incidental to the principle permitted use on a parcel of land. The use of such installation is exclusively for private purposes, and not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. Examples include Building-Mounted Solar Energy Collectors and Ground-Mounted Solar Energy Collectors.
- 3) *Decommission*: To remove and/or retire a renewable energy system or facility from active service.
- 4) *Facility Boundary*. The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a renewable energy facility.
- 5) *Nameplate Capacity*: The designed full-load sustained generating output of an energy facility. This is determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
- 6) *Nonparticipating Property*: A property that is adjacent to an energy facility and that is not a participating property.
- 7) *Occupied Community Building*: a school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
- 8) *Solar Array*: A collection of solar panels, wired together to generate electricity from the sun.

9) *Renewable Energy Facilities*: A facility where the principal design, purpose, or use is to provide renewable energy via wind, solar and/or storage to off-site uses or the wholesale or retail sale of generated electricity.

10) *Renewable Energy Systems*: A device, and/or components designed to generate renewable energy.

11) *Wind Energy Conversion System (WECS)*: Any device such as a turbine, windmill, or charger that converts wind energy to a usable form of energy.

A. INTENT. Renewable Energy Facilities may only be permitted in the Howell Township Renewable Energy Overlay District. The following regulations are intended to ensure the interests of the landowner and the Township are achieved harmoniously with no negative effect to the long-term viability of the subject property or those surrounding it. In the Renewable Energy Overlay District where this special land use is permitted, facilities for the capture, storage, and distribution of renewable energy for commercial purposes are subject to the following standards:

1) Facility Boundary. The facility boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road where pertinent.

B. SOLAR AND STORAGE FACILITIES

1) Setbacks. The solar and storage renewable energy facility setback requirements are found in the table below. All associated accessory equipment shall be subject to the same requirements. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

District	Renewable Energy Overlay District		
Adjacent Properties	Residential Land Uses	Place of Worship or Public Institutional Land Uses	All Other Land Uses
Front Yard Setback (adjacent to right-of-way)	300ft from nearest dwelling unit or 100ft from property line whichever is greater	300ft from nearest dwelling unit or 100ft from property line whichever is greater	50ft from property line
Side Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	300ft from nearest dwelling unit or 100ft from property line whichever is greater	50ft from property line

District	Renewable Energy Overlay District		
Rear Yard Setback	300ft from nearest dwelling unit or 100ft from property line whichever is greater	300ft from nearest dwelling unit or 100ft from property line whichever is greater	50ft from property line

In instances where the renewable energy facility is comprised of multiple parcels, these setbacks shall apply to the exterior perimeter of all adjoining parcels. All setback distances are measured from the property line, or nearest point of a dwelling unit, to the closest point of the renewable energy system. Should the nearest component of the renewable energy system be a solar or photovoltaic array, the measurement shall be taken from the array at minimum tilt.

- 2) Lot Coverage. The area of the renewable solar energy facility and any associated accessory structures shall not exceed 75% of the square footage of the entire site within the facility boundary. Impervious surfaces for the purpose of calculating lot coverage for renewable solar energy systems include, but are not limited to, mounting pads, footings, concrete, asphalt, or gravel driveways and walkways, and accessory structures.

The area of the renewable storage energy facility and any associated accessory structures shall not exceed 50% of the square footage of the entire site within the facility boundary. Impervious surfaces for the purpose of calculating lot coverage for renewable storage energy systems include, but are not limited to mountings pads or structure foundations, concrete, asphalt, or gravel driveways and walkways, and accessory structures.

- 3) Height. The height of the renewable solar energy system and any mounts, buildings, accessory structures, and related equipment must not exceed twenty-five (25) feet when orientated at maximum tilt. Lightning rods may exceed twenty-five (25) feet in height, but they must be limited to the height necessary to protect the solar energy system from lightning and clearly shown in site plan proposals.

The height of the renewable storage energy system or any structure constructed to enclose the system shall not exceed thirty (30) feet.

- 4) Screening. Screening is required around the entire facility boundary perimeter to obscure, to the greatest extent possible, the solar or storage renewable energy system from all adjacent properties. Screening standards set forth in Section 28.03 A. shall be applied to all solar and storage renewable energy facilities. Each

- owner, operator, or maintainer of solar or storage renewable energy facility 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. An acceptable and reasonable long term landscape maintenance plan must be submitted prior to final approval. The Planning Commission may modify these requirements if it reasonable determines it necessary as it relates to proposed placement of renewable energy systems and adjacent land uses and/or zoning.
- 5) Fencing. The facility boundary perimeter of a solar or storage renewable energy facility shall be completely enclosed by a lock gated perimeter fence at least eight (8) feet in height and in accordance with the other relevant Fencing and Protective Screening language of Section 14.26, 14.27, 28.08 and 28.09 of the Township Zoning Ordinance Additional fencing may be required for screening or security purposes in cases where the Planning Commission deems necessary. All fencing must comply with the latest version of the National Electrical Code.
 - 6) Glare. Solar renewable energy systems must be placed and oriented such that concentrated solar radiation or glare does not project onto roadways and nearby properties. Applicants have the burden of proving any glare produced does not cause annoyance, discomfort, or loss in visual performance and visibility. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to determine if glare from the utility-scale solar energy system will be visible from nearby residents and roadways. The analysis shall consider the changing position of the sun throughout the day and year, and its influence on the solar renewable energy system.
 - 7) Drainage and Stormwater. Renewable solar and storage energy facilities shall not increase stormwater runoff onto adjacent properties. The application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff shall be managed and demonstrating that runoff from the site shall not cause undue flooding. Any necessary permits from outside agencies for off-site discharge shall be provided. It should also be demonstrated that maintenance procedures and products will not introduce chemicals or create detrimental impacts to the natural environment, groundwater, and wildlife.

- 8) Noise. The solar energy facility shall 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.
- 9) Code Compliance. All renewable storage energy facilities, all dedicated use buildings, and all other buildings or structures that (1) contain or are otherwise associated with a renewable storage energy facility and (2) subject to the Building Code shall be designed, erected, and installed in accordance with all applicable provisions of the Building Code, all applicable state and federal regulations, and industry standards as referenced in the Building Code and the Howell Township Zoning Ordinance.

C. WIND ENERGY CONVERSION SYSTEM (WECS)

- 1) Design Safety Certification. The safety of the design of all WECS structures shall comply with all current applicable State of Michigan guidelines and standards.
- 2) Interference. All WECS structures shall be certified by the manufacturer to minimize or mitigate interference with existing electromagnetic communications, such as radio, telephone, microwave or television signals.
- 3) Setbacks. The distance between a WECS and the nearest property line and/or nearest road right of way shall be at least one and one-half (1.5) times the height of the WECS. No part of the WECS structure, including guy wire anchors, may extend closer than ten (10) feet to the owner's property line.

All accessory equipment shall at least one hundred (100) feet from the nearest property line. Setback requirements for all yards may be increased or decreased by the Planning Commission based upon impacts to existing land uses and/or zoning of adjacent properties.

- 4) Shadow Flicker. Each wind tower is 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.

- 5) Height. Each wind tower blade tip does not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR part 77.
- 6) Lighting. The WECS is equipped with a functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine may be lit with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. The Planning Commission 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:
 - i. The purpose of the exemption.
 - ii. The proposed length of the exemption.
 - iii. A description of the light-mitigating technologies submitted to the Federal Aviation Administration.
 - iv. The technical or economic reason a light-mitigating technology is not feasible.
 - v. Any other relevant information requested by the Planning Commission.
- 7) Guy Wires. If an on-site WECS is supported by guy wires, the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
- 8) Fencing. Facilities shall be completely enclosed by a lock gated perimeter fence at least eight (8) feet in height and in accordance with the other relevant Fencing and Protective Screening language of Section 14.26, 14.27, 28.08 and 28.09 of the Township Zoning Ordinance. Additional fencing may be required for screening or security purposes in cases where the Planning Commission deems necessary. All fencing must comply with the latest version of the National Electrical Code.
- 9) Noise. WECS facility shall 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.
- 10) Color. Towers and blades shall be a non-reflective neutral color.

- 11) Controls and Brakes. All commercial WECS structures shall be equipped with manual and automatic controls to limit rotation of blades to a speed below the designed limits of the WECS. The Professional Engineer must certify that the rotor and overspeed control design and fabrication conform to applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a Professional Engineer's statement of certification.
- 12) Compliance with FAA. It shall be the responsibility of the applicant to obtain the appropriate FAA permits for the WECS structure, or to obtain a determination of no significant impact to air navigation from the FAA.
- 13) Climb Prevention. All commercial WECS structures must be protected by anti-climbing devices.
- 14) Warning Signage. A visible warning sign of High Voltage is required to be placed at the base of all commercial WECS structures. Such signs shall also be located at all points of site ingress and egress.

D. STANDARDS FOR RENEWABLE ENERGY FACILITIES

- 1) Abandonment, Removal, Repowering and/or Maintenance. If a renewable energy facility ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove all associated equipment and facilities no later than 90 days after the end of the 12-month period. Where the removal has not been lawfully completed as required above, and after at least 30 days' written notice, the Township may remove or secure the removal of the renewable energy facility and/or system or if due to abandonment and/or negligence to maintain, the Township shall have the right to enter the site for the reason of repowering the facility, in cases where repairs or replacements to the renewable energy system components are necessary, in order to properly maintain the system. The Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Charges may include the procurement of a contractor with the expertise to oversee and execute the entire set of repairs and/or maintenance to restore the site to its original capacity. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.
- 2) Decommissioning. The ground shall be restored to its original condition within 60 days of removal of structures. The restoration will include returning all soil within

the facility to its original environmental state of which record must be taken prior to the commencement of construction. Acceptable ground covers include grasses, trees, crops, or other material demonstrated to be characteristic of the surrounding land. All above and below ground materials shall be removed when the renewable energy facility and/or system is decommissioned. All installed landscaping and greenbelts shall be permitted to remain on the site as well as any reusable infrastructure as determined by the Township. These can include service drives, utilities, etc.

- 3) Surety. A letter of credit, cash deposit, or other security instrument found acceptable to the Township Board will be posted by the owner(s) and/or operator of the Utility-scale solar energy facility shall post a security instrument in a form acceptable to the Township equal to one-hundred fifty (150) percent of the total estimated decommissioning and/or reclamation costs. The cost of decommissioning shall be re-reviewed and submitted to the Township annually to ensure adequate funds are allocated for decommissioning. The Township shall have the right to evaluate the security instrument defined herein, at least every five (5) years to assess whether it should be appropriately adjusted to reflect the current decommissioning estimate.
- 4) The applicant shall engage a certified professional engineer acceptable to the Township to estimate the total cost of decommissioning all structures in the facility in accordance with the requirements of this Ordinance, including reclamation to the original site conditions.
- 5) A security bond, if utilized, shall be posted and maintained with a bonding company licensed in the State of Michigan or a Federal or State-chartered lending institution acceptable to the Township.
- 6) Any bonding company or lending institution shall provide the Township with 90 days' notice of the expiration of the security bond. Lapse of a valid security bond is grounds for the actions defined below.
- 7) If at any time during the operation of the renewable energy facility or prior to, during, or after the sale or transfer of ownership and/or operation of the facility the security instrument is not maintained, the Township may take any action permitted by law, revoke the special land use, order a cessation of operations, and order removal of the structure and reclamation of the site.

- 8) In the event of sale or transfer of ownership and/or operation of the renewable energy facility, the security instrument shall be maintained throughout the entirety of the process. The security instrument shall be maintained until decommissioning and removal has been completed to the satisfaction of the Township.
- 9) Provision of Manufacturers' Safety Data Sheet(s). The applicant must submit manufacturer safety data sheets for all proposed equipment. If approval is granted, applicant must provide the Township with finalized manufacturer safety data sheets both to be kept on record with the Township and on-site in a clearly marked waterproof container. Applicants must provide updated manufacturer data sheets whenever equipment is modified so that all records are up to date. Documentation shall include the type and quantity of all materials used in the operation of all equipment.
- 10) Fire Response. All electrical equipment associated with and necessary for the operations of the facility shall comply with all local and state codes. All design and installation work shall comply with all applicable provisions of the National Electrical Code (NEC).
- 11) The applicant shall provide training, at no cost to the Township, before, approximately halfway through and after construction for all emergency service departments serving the Township. Including all other requirements for permits, all three trainings must have been completed to receive final permits. Trainings upon the completion and during the operation of the renewable energy facility will be conducted upon the request of all emergency service departments but not exceed four (4) trainings per any given twelve (12) month period.
- 12) The applicant shall provide a set of procedures and protocols for managing risk or fire and for responding in the event of an emergency at the facility. It will be the burden of the applicant to ensure said procedures and protocols provided to the various emergency service departments is the most up to date version.
- 13) Special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township prior to commencement of construction of the facility. The authority to determine whether, and what type of, special equipment is needed shall be with the fire and/or rescue department(s) serving the Township.

- 14) The applicant shall provide for and maintain reasonable means of access for emergency services. Lock boxes and keys shall be provided at locked entrances for emergency personnel access. If any adjoining properties are damaged as a result of ingress/egress to the facility, the applicant shall remedy all damages in full.
- 15) Anticipated Construction Schedule. Applicant must provide an anticipated construction schedule which highlights when potentially hazardous materials will be brought on-site and installed.
- 16) Permits. Applicant must coordinate with all applicable agencies for required permitting including but not limited to the Livingston County Road Commission and/or Michigan Department of Transportation (MDOT) Livingston County Drain Commission, Environmental Protection Agency (EPA), Michigan Department of Environment, Great Lakes and Energy (EGLE), etc.
- 17) Photographic Record. Applicant must submit a complete set of photos and video of the entire development area prior to construction. This will be used as historical documentation for the township to secure and refer to if/when decommissioning and redevelopment activities take place.
- 18) Site Security. A security plan shall be submitted with the special land use application and site plan application for a renewable energy facility. Additional fees may be required to cover specialized reviews of these plans and or the Township's building official's inspection of the site. The security plan shall:
 - i. Show all points of secured access as well as the means for limiting access to authorized personnel only.
 - ii. Along with other signage requirements in this Ordinance and the Township Sign Ordinance, install and maintain warning signage on all dangerous equipment and facility entrances.
 - iii. Provide a schedule outlining the implementation and maintenance of site security as well as routine inspections to ensure site security infrastructure is intact and operating as intended.
- 19) Indemnity. 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 solar energy facility and/or system, which is subject to the Township's review and approval.

20) Ownership Changes: If the owner of the Utility-scale solar energy facility changes or the owner of the property changes, the special use permit shall remain in effect, provided that the successor owner or operator assumes in writing all of the obligations of the special use permit, site plan approval, and decommissioning responsibilities. A new owner or operator of the Utility-scale solar energy facility shall notify the Township of such change in ownership or operator within 30 days of the ownership change. A new owner or operator must provide such notification to the Township in writing. The special use permit and all other local approvals for the Utility-scale solar energy facility may be determined by the Township Board at a public meeting to be void if a new owner or operator fails to provide written notification to the Township in the required timeframe, unless the new owner or operator provides a reasonable explanation for any delay. Reinstatement of a void special use permit will be subject to the same review and approval processes for new applications under this Ordinance.

E. RENEWABLE ENERGY FACILITIES SITE PLAN REQUIREMENTS. Applications for all renewable energy facilities must be accompanied by detailed site plans, drawn to scale and dimensioned and certified by a registered engineer licensed in the State of Michigan. All site plans shall conform to the requirements listed in Article XX. In addition they shall display the following information:

- 1) Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed solar array(s), wind turbines and energy storage facilities, buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
- 2) Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the renewable energy facility and within one hundred (100) feet of all facility boundary property lines. Use of above-ground lines shall be kept to a minimum.
- 3) Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the renewable energy facility. In no instance shall barbwire be used.

- 4) A written description of the maintenance program to be used for the renewable energy facility, including decommissioning and removal. The description shall include maintenance schedules, types of maintenance to be performed, and decommissioning and removal procedures and schedules if the renewable energy facility is decommissioned. Description should include the average useful life of all primary renewable energy system equipment and components being proposed.
- 5) Additional detail(s) and information as required by the Planning Commission and/or Township Board.

F. RENEWABLE ENERGY FACILITIES REQUIRED STUDIES. All studies/analyses listed below are required for all renewable energy facilities unless waived by the Planning Commission.

- 1) Stormwater Study. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to account for the proposed layout of the renewable solar or storage energy facility and how the spacing, row separation, and slope affects stormwater infiltration, including calculations for a 100-year rain-event (storm). Percolation tests or site-specific soil information shall be provided to demonstrate infiltration on-site without the use of engineered solutions.
- 2) Wildlife Impact Analysis. The applicant shall provide an analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, or general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal

Endangered Species Act and Michigan’s Endangered Species Protection Law. The applicant shall follow all pre-construction and post-construction recommendations of the United States Fish and Wildlife Service. The analysis shall indicate whether a post-construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All aboveground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.

- 3) Natural Feature Preservation Study. The plan for installation of a renewable energy facility shall include a tree survey and plan for cutting of trees greater than 6” DBA. No such trees shall be cut in any required setback other than those reasonably required for the installation of a drive to access the facility. Retention of natural grades, soils, and groundcover material is encouraged where feasible.
- 4) Environmental Impact Analysis. An analysis by a qualified professional third-party, mutually agreeable by both the Township and applicant, shall be required to identify and assess any potential impacts on the natural environment including, but not limited to, wetlands and other fragile ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate, or mitigate adverse impacts identified in the analysis.
- 5) An applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the following:
 - i. Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to:
 - ii. Part 31 Water Resources Protection (MCL seq.),
 - iii. Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.),
 - iv. Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.),
 - v. Part 303 Wetlands (MCL 324.30301 et seq.),
 - vi. Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.),
 - vii. Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.),

- viii. Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.).

G. ACCESSORY SOLAR ENERGY SYSTEMS

- 1) Intent. Accessory Solar Energy Systems including all solar technologies and batteries for energy storage generated by the solar technologies are hereby permitted as accessory uses and subject to approval or a certificate of Zoning Compliance per Section 21.04 of this Ordinance. Typically installed at individual residential or commercial locations, use is exclusively for private purposes, and not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid. Any accessory solar energy system shall be designed and size to provide for the energy needs of the principal use. The following requirements shall apply to all Accessory Solar Energy Systems for private use.
- 2) Building-Mounted Solar Energy Requirements. Any building-mounted solar energy system shall be a permitted accessory use by right in all zoning districts, subject to the following requirements:
 - i. Solar energy systems that are mounted on the roof of a building shall not project more than the highest point on the roof. Additionally, they are not to exceed the maximum building height limitation for the zoning district in which it is located and shall not project beyond the eaves of the roof.
 - ii. Solar energy systems that are wall-mounted shall not exceed the height of the building wall to which they are attached.
 - iii. Solar energy systems that are mounted on the roof or on a wall of a building, shall not be angled in such a way that glare from the surface is directed at a neighboring residential structure.
 - iv. The design of accessory solar energy system, and the installation and use thereof, shall conform to the State Construction Code and all other applicable building, electrical, and fire codes.

- 3) Ground-Mounted Solar Energy System Requirements. A ground-mounted solar energy system is considered an accessory structure and may be permitted as an accessory use by right in all zoning districts, and subject to the following requirements:
- i. Ground-mounted solar energy systems may be located in the rear yard and the side yard but must meet the required side and rear yard setbacks of the district in which they are located. Ground-mounted solar energy collectors may be located within the front yard if the following criteria are met:
 - a. The parcel is located in AR district.
 - b. The principal building is located at a minimum of 200% of the required front yard setback.
 - c. Ground-mounted solar energy systems shall meets the front yard setback.
 - d. Vegetative screening material meeting the requirements of Section 28.04 is proposed or existing between the ground-mounted solar energy system and the road or neighboring residential parcel.
 - ii. Ground-mounted solar energy systems shall not exceed the height of fifteen (15) feet, measured from the ground at the base of such equipment at full tilt.
 - iii. The ground-mounted solar energy systems shall not be angled in such a way that glare from the surface is directed at a neighboring residential structure.
 - iv. The design of ground-mounted solar energy systems, and the installation and use thereof, shall conform to the State Construction Code and all other applicable building, electrical, and fire codes.
 - v. The lot coverage area, as measured from edge to edge, at minimum tilt, horizontally with the ground, of the solar array shall not exceed 50% of the square footage of the primary building of the property and shall comply with the maximum ground floor coverage referred to in Section 3.17.

Legal Update: February 2025 Recent Michigan Zoning-Related Cases

Throughout the last year, appellate courts at the state level have issued several decisions that will have a notable impact on townships and municipalities in general. Given the large number of recent municipal cases, this E-Letter could not cover them all. Instead, we have curated a list that includes five cases demonstrating everything from a rehash of foundational principles of making bulletproof zoning decisions to the changed application of the Open Meetings Act to require open meetings for essentially any committees performing governmental functions for municipalities. The cases addressed in this E-Letter highlight the importance of establishing when ordinances are non-zoning versus zoning, greater risks for private property owner disputes to pursue alleged zoning ordinance violations in court, and the importance of zoning bodies to identify specific information that does not support approval of a zoning request. This E-Letter explores those topics in-depth and provides practical takeaways for municipal officials and consultants to consider.

The Michigan Court of Appeals Reaffirms that Planning Commission Denials Must Include Factual Findings and Conclusions Supporting the Final Decision

Many zoned townships in Michigan rely upon zoning ordinances that divide up the Township into zoning districts and list uses that are permitted by right and by special use (sometimes referred to as conditional use) within each zoning district. Generally, special uses are treated with a similar process wherein a list of specific criteria must be considered in determining whether to grant or deny a specific special land use. More than a majority of zoned communities grant such special land uses with the planning commission, but it is certainly not unique to have the planning commission serve as a recommending body. If that is the case, the legislative body will then act as the final decision-maker on special land use requests. Regardless of the unique steps or distinctions between the final decision-maker, a Michigan circuit court made clear in *JS Beck Rd LLC v Charter Twp of Northville*, 2024 Mich App LEXIS 9219, that planning commissions (as the final decision-maker) are required to adequately articulate the basis for their decision in their minutes or in an issued written decision.

In this case, the plaintiff (Beck) attempted to build and operate a childcare and education facility near an intersection in Charter Township of Northville, Michigan. The site was zoned for single-family residential homes, and the intersection was known to be “one of the busier intersections.” The Township of Northville Ordinance provides the six criteria that are considered for granting a special land use. Beck submitted an application that included multiple iterations of development site plans, a traffic impact study that indicated the intersection after development would “remain acceptable” with traffic signal guidance during rush hour, and an agreement from Wayne County to assist with traffic signal manipulation to reduce traffic. Beck’s representatives also attended the planning commission’s public hearings on the application to advocate for its approval. In contrast, the Township Planner attended the hearing to advocate against the development. Ultimately, the planning commission denied Beck’s special land use application, and individual members expressed concerns regarding incompatibility with adjacent land uses, the master plan, and adversely impacted traffic. None of the individual members submitted findings or conclusions to represent the degree of which Beck’s application complied with standards for a special land use. Further, the planning commission never incorporated the concerns in a statement of findings or conclusions that stated the basis for Beck’s denial.

Beck appealed. On appeal, zoning decisions are reviewed for two core requirements: (1) did the decision comport with law; and (2) was the decision supported by competent, material, and substantial evidence. The courts have explained that the amount of evidence is less than a preponderance (meaning more likely than not), but must be more than a scintilla of evidence. Substantial evidence is evidence “a reasonable mind would accept as adequate to support a decision.” Furthermore, when there is substantial evidence, the court must not replace its discretion with that of the administrative tribunal.

The Township argued that the planning commission adequately supported its denial with detailed findings and conclusions based primarily on the development’s incompatibility with adjacent land uses, incompatibility with the master plan, and adverse impact on traffic. The circuit court vacated the planning commission’s denial of Beck’s special land use application and focused on whether there was competent, material, and substantial evidence. The circuit court reasoned that special land uses are to overcome adjacent uses, and found it was “inadequate to conclude the decision was supported by competent, material, and substantial evidence under MCL 125.3606.” In fact, both reviewing courts noted that MCL 125.3502(4) was specific in requiring that decisions on special land use “shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision.”

The Township then appealed, and the Court of Appeals rejected its arguments. The Court of Appeals, relying on a similar decision it issued just five months previously (*Lakeview Vineyards, LLC v Oronoko Charter Township*, 2024 Mich App LEXIS 4581), found fault in the failure to identify findings or conclusions specifying the basis for its special land use decision. The court noted that it failed to incorporate individual member concerns or findings in any detail that provided the basis of the denial. This failure to provide an adequate basis did not comply with the MZEA. As a result, the Commission’s decision was vacated, and the court remanded for the Commission to provide its findings and conclusions regarding the application in compliance with the MZEA and local ordinance.

There are several practical takeaways from this decision. The final decision-maker on a special land use must issue detailed statements of findings and conclusions when granting, granting with conditions, or denying special land use applications. Although it is tedious and certainly an additional effort for zoning staff and the planning commissioners (or legislative body), it is important to complete this necessary step. The court even noted that recording individual concerns prior to a final decision was not sufficient.

For special land use decisions, the planning commissioners are guided by the criteria. They therefore should specify which criteria are not met and how with reference to specific ordinance requirements. The same would be true for an approval or approval with conditions. When considering conditions, it can often be appropriate to further articulate the basis supporting each condition.

In *JS Beck Rd LLC*, and appropriately so, the court did not reverse and then approve of the use. Instead, the court properly remanded the case back to the planning commission. When remanded, planning commissioners should consult with their legal counsel and experts, as well as properly document their decision process and whether a new hearing will be held and new evidence received should be considered early after the remand.

Michigan Supreme Court's Decision in *Saugatuck Dunes Coastal Alliance* Continues to Impact Standing to Appeal Zoning Decisions

Three years ago in *Saugatuck Dunes Coastal Alliance*, the Michigan Supreme Court revisited the test that determines who is allowed to challenge zoning decisions. Certainly, no one takes issue when the applicant appeals after a denial or allegedly imposed improper zoning condition. But, other parties, whether independent neighbors or organized interest groups, routinely participate in an appeal after an applicant has been granted a zoning approval. As a result, the Supreme Court analyzed the standard for determining how these other parties can challenge zoning decisions under the “aggrieved party” standard set forth in the Michigan Zoning Enabling Act (“MZEA”). This same term is typically restated in most, if not all, local zoning ordinances. Based on the Court’s review of the statutes and other available authority, the court held that to be a “party aggrieved” under MCL 125.3605 and MCL 125.3606, the appealing party must meet three criteria.

First, the party must have participated in the challenged proceedings by taking a position on the contested decision, such as through a letter or oral public comment. Second, the party must claim some legally protected interest or protected personal, pecuniary, or property right that is likely to be affected by the challenged decision. Third, the party must provide some evidence of special damages arising from the challenged decision in the form of an actual or likely injury to or burden on their asserted interest or right that is different in kind or more significant in degree than the effects on others in the local community.

Last summer, the Michigan Court of Appeals revisited this new standard, but with an interesting twist. *Beverly Hills Racquet & Health Club, Ltd v Vill of Beverly Hills Zoning Bd of Appeals*, 2024 Mich App LEXIS 5048. The appealing party operated a longstanding racquet and health club that offered child daycare to its members. The service had become a key to the club’s success through the pandemic. According to the record, no other child daycare facility existed in the Village of Beverly Hills until the Village provided zoning approvals that would allow a mixed-use retail space and childcare facility to proceed forward. The club argued that it had a right to appeal the approval because it had economic interests in the decision and the approval increased competition in the allegedly same market of child daycare, which could negatively impact the club.

The court turned to the third standard and focused on whether the club had special damages that were different in kind or more significant in degree than the effects on others in the local community. Factors that are relevant when determining special damages include the following: a) the type and scope of the proposed, approved, or denied change; b) the nature and importance of the protected right or interest that is asserted; c) the immediacy and degree of the alleged injury or burden, and its connection to the challenged decision as compared to others in the local community; d) if the party is a real-property owner or lessee, the proximity of the property to the site of the proposed development or approval, and the nature and degree of the alleged effect on the real property.

In a surprising twist, the court found that economic interests/harm may constitute “special damages” sufficient to form the basis of standing. The record indicated that the economic harm was only potential at the time of the zoning process, but the court was not deterred from finding standing existed. The court noted a recent order by the Michigan Supreme Court in *Tuscola Area Airport Auth v Mich Aeronautics Comm’n*, 511 Mich 1024 (2023), where potential economic harm was recognized in an airport zoning board of appeals decision.

As a result, municipalities should expect that individuals and interest groups are going to actively participate in zoning processes to ensure they satisfy the requirements under *Saugatuck Dunes Coastal Alliance*. This case further suggests that the zoning boards should not be surprised when they receive additional information about harms and injuries that are incurred by those individuals and interest groups as result of an approval so as to build a record related to standing before the ZBA.

Due to this evolving standard, ambiguity remains as to when a party has standing to appeal a zoning decision. The court here noted it should be a low threshold. As a result, municipalities should always carefully consider and discuss when an appeal is filed whether there are any standing issues. If standing is challenged and the municipality succeeds, the case will be dismissed in the early stages of the process. This is particularly true as courts are now opening the door to economic harms being included as a basis for standing.

Courts Expand Ability for Private Neighbor Disputes to Sidestep Municipal Enforcement Process and Seek Private Enforcement of Local Ordinances

Neighbor disputes are not uncommon or new. Neither are telephone calls and complaints to the municipality to enforce such ordinances against neighbors. Municipalities are often complaint-driven, and thus in those circumstances, the complaints are investigated and there is a determination of whether formal action will be taken. Municipalities can exercise their discretion on whether enforcement is appropriate, which can stem from the municipality taking less aggressive approaches to obtain compliance, legal defenses that may exist, concerns over costs, or even municipal interests in future amendments to their ordinances that may cure a complaint or compliance. Even so, private individuals can file nuisance claims in a court of law based on violations of ordinances—particularly zoning ordinances which are statutorily identified as a nuisance per se. This means that if the violation of the ordinance is established then the elements of a nuisance per se have been met and a remedy could be awarded.

As discussed above with the standing threshold for zoning decision appeals, standing similarly applies in these cases, and has been of recent focus for the Court of Appeals. The Court of Appeals addressed this separate standard for standing in nuisance claims involving two parties with a long litigative history. Defendant, Ashkay Island, LLC (“Ashkay”) owns an island, located within Iron Mill Pond in Manchester Township. The plaintiff is a resident who owns multiple parcels that also abut Iron Mill Pond. The island is located approximately 560 feet from the parcel owned by plaintiff, which is also plaintiff’s primary residence. *Pigeon v Ashkay Island, LLC*, 2024 Mich App LEXIS 9157. Plaintiff filed a complaint claiming that Ashkay’s use of the island violated the local zoning ordinance, constituted a nuisance per se, and that Ashkay’s use and development of the property on the island constituted a private nuisance. The trial court dismissed the case on the basis that the plaintiff lacked standing to assert the claims. The court reasoned that the plaintiff did not suffer any specific harm or injury that was distinct from the harm or injury suffered by the general public. Plaintiff only stated concerns, fears, and worries of something that could happen, and did not articulate that he suffered actual harm. The court also stated that plaintiff could have raised these claims in a prior case. Plaintiff appealed.

The Court of Appeals reversed the trial court, finding that plaintiff did have standing.

The court held that plaintiff owns property within the same zoning district that Ashkay's structures are located, which gives him a legal cause of action, and standing to bring an action to abate the alleged nuisance. Furthermore, plaintiff offered evidence that the use posed a significant fire risk of wildfires, the septic system being used was inadequate, and the island lacked sufficient access in light of the activities conducted on the island. The court found this sufficient to establish standing to bring nuisance claims.

The court noted in its decision language within the local zoning ordinance that also deferred causes of actions for violations of the ordinance to property owners within the township. As a result, zoning ordinances should be reviewed to determine whether the municipality wants to identify if causes of actions may be brought to enforce the ordinance, if the Township chooses not to do so. This is particularly valuable to consider in light of the court identifying that special damages sufficient to allow suits include environmental and safety concerns that formed the basis of plaintiff's claim here. Property owners may find it valuable to be able to bring such claims, but municipalities will also have to determine the extent to which their ordinances will be litigated, including their meaning and enforceability, and the municipalities need not be a party to such suits (nor even potentially have notice of such suits).

Marijuana Licensing Procedures Post-Initiated Ordinance: Municipal Discretion in Application Scoring is Upheld

This case was taken up by the Court of Appeals and consolidates five appeals cases where the parties were marijuana provisioning and retail centers that were denied licenses by the City of Port Huron.

In 2020, voters in Port Huron approved a ballot initiative (the "Ordinance") that provided Port Huron with a scheme to consider and award licenses to marijuana retailers, provisioning centers, and designated consumption establishments in compliance with the Michigan Regulation and Taxation of Marijuana Act ("MRTMA") and the Medical Marijuana Facilities Licensing Act ("MMFLA"). Under the Ordinance, seven licenses could be granted to marijuana retailers, as well as several additional licenses to provisioning centers, and designated consumption establishments. Five establishments received various licenses, one establishment was Portage Acquisitions, Inc. ("Portage"), but since the number of applicants was greater than the number of available licenses the appellants were not granted licenses through the competitive scheme laid out within the Ordinance. As a result of the license denial, the licensees sued Port Huron.

Port Huron moved for summary disposition of all the appellants' claims that challenged the ordinance and the application process. Ultimately, the trial court granted the motions for summary disposition, and ruled that the ordinance was consistent with state law. The Court of Appeals first addressed the arguments that the trial court erred by granting summary disposition because the Ordinance is a regulatory ordinance, not a zoning ordinance, which cannot be enacted by initiative, and must be enacted by the ordinance municipal legislative process. The court's analysis began by reemphasizing that "[a]n initiative that purports to enact or amend a zoning ordinance is valid unless it complied with the procedural requirements found in the Michigan Zoning Enabling Act (MZEA)." The MZEA requires that property owners are afforded the opportunity to file written

objections to proposed zoning ordinances, therefore, zoning ordinances that are enacted by way of initiative are invalid.

Port Huron's Ordinance provided that "provisions of this article are regulatory in nature and not intended to be interpreted as zoning laws." Further, Port Huron's Ordinance contains a separate section (Chapter 52) where Zoning provisions are found. The court confirmed that an ordinance enacted by ballot initiative is legitimate and distinct from a zoning ordinance so long as it regulates operations rather than land use. The distinction between zoning and regulatory ordinances cannot be based solely on promoting public good since both may serve this purpose. Instead, non-zoning ordinances focus on "how" an activity takes place rather than "where," while zoning ordinances primarily control location. For the above-mentioned reasons, the court held that the ordinance at issue is regulatory, and not zoning.

The Court of Appeals further made clear that the applicants had no due-process property right to have a properly scored application. The court reasoned that a license does not convey property rights under Michigan law and that a property right must be based on more than an expectation. Additionally, the court reiterated that procedural protection of the Due Process Clause does not apply in determining whether to issue a license or permit. The court is only to reverse the legislative body's decision for first-time applicants in the extremely limited instance of whether the city has acted arbitrarily and capriciously. Here, the court held that Port Huron did not act arbitrarily and capriciously.

This case confirms a strong deference to municipalities providing for competitive review under MRTMA. It further exemplifies the potential litigation risk of those applicants who are not awarded licenses. Accordingly, it is important to first analyze whether an initiated ordinance contains zoning measures. When evaluating whether an ordinance is regulatory versus zoning in nature, focus on whether it primarily controls where a use occurs (zoning) or how it operates (regulatory). Moreover, the ordinance itself will be subject to scrutiny. Thus, it is important to ensure the definitions within the ordinance are clear. Any interpretative disagreement over a term or standards can lead to disputes. This can be further handled by accepting questions throughout the process and providing answers to all applicants, allowing for some guidance or feedback on how the governing board will be applying a specific term or standard, and also developing a robust record during the review of such licenses. Last, it is important there is sufficient documentation that forms the basis of the competitive review to allow a reviewing court sufficient documentation to find the ultimate decision was not arbitrary or capricious.

Committees of Municipal Bodies Face New Rules under Michigan Supreme Court

The Michigan Supreme Court recently issued an important ruling in *Pinebrook Warren, LLC v City of Warren*, 2024 Mich LEXIS 1455 addressing whether a local marijuana review committee constitutes a "public body" subject to the Open Meetings Act ("OMA"). This decision has significant implications for municipalities that utilize committees, subcommittees, or advisory bodies in their governmental processes.

In 2019, the Warren City Council adopted an ordinance to regulate medical marijuana provisioning center licenses. The ordinance created a Medical Marijuana Review Committee ("Review Committee") to evaluate applications. The Review Committee—composed of the city attorney (or

designee), the director of public service (or designee), and three city council members—reviewed 65 applications, conducted interviews, scored applications on a scale of 0-10 based on 17 factors, and ranked the applicants.

The Review Committee forwarded its scores and rankings to the city council, which then approved and issued licenses to the top 15 ranked entities as scored by the Review Committee without any substantive discussion of the rankings or consideration of other applicants. Plaintiffs, who were denied licenses, sued alleged the Review Committee had violated the OMA by conducting most of its meetings in private.

The Michigan Supreme Court held that the Review Committee was a public body subject to the OMA. The biggest shift was the court's position that courts will now examine both the language of the enabling action, which could be a motion, policy, ordinance, or statute and the actions taken by the established committee. In the latter portion of the new test, if a committee makes public policy decisions that would otherwise have had to be made by the original public body, then the committee is also a public body covered by the OMA. There is some confusion in the court's proposed application, however, as even in the case at hand the Committee provided a recommendation, and the Council made the final decision. The court's review went beyond the fact that the committee provided a stated recommendation to discern whether the Council made any deliberation or changes to such recommendation.

This raises a new issue as to how much deliberation, or changes to a recommendation are necessary to avoid running afoul of this test. This is going to raise questions in its application because the previous bright-line rule of knowing when sub quorum committees were lawful and need not comply with the OMA is less than clear. Following this rule, trial courts will be left searching through various spurious factual claims to determine if a committee's actions were those that otherwise should have been made by the full board. It is unfortunate in an area where municipalities are already subject to various suits due to confusion created in more recent amendments to the OMA that the Supreme Court's new decision muddies the waters for municipal committees.

Municipalities should evaluate their current committees and further be prudent in establishing any new committees. The court emphasized that what matters is not just what the authorizing directive states a committee can do, such as being a recommending body, but what the committee actually does in practice. If a committee *effectively* makes the decisions that the full body would otherwise make, it likely must comply with the OMA. Even if a committee only makes "recommendations," if those recommendations are routinely adopted without independent review or meaningful discussion by the full body, municipalities should consult with counsel as to whether the committee is functioning as a de facto decision-maker subject to the OMA.

And most importantly, one can always err on the side of caution and comply with the OMA—especially for committees involved in governmental functions like licensing, zoning, or other decision-making processes. Thus, if able, committees that can freely comply with the OMA's notice, public attendance, and minutes requirements so as to safeguard against any potential adverse ruling should do so in the coming years until this new test is applied in the lower courts (or even revisited by the Supreme Court).

Conclusion

Recent court decisions demonstrate the evolving landscape of local government law in Michigan. From reinforcing the need for detailed findings in special land use decisions to expanding the definition of “public body” under the Open Meetings Act, courts continue to shape how municipalities must operate. The standing threshold for zoning appeals has been clarified, neighbor disputes increasingly bypass municipal enforcement through private actions, and marijuana licensing procedures face continued scrutiny.

These cases underscore several important principles for officials and staff: (1) document decision-making processes thoroughly with specific findings tied to ordinance criteria; (2) anticipate broader standing for appeals and private enforcement actions; (3) clearly distinguish between regulatory and zoning ordinances; (4) maintain robust documentation of competitive review processes; and (5) evaluate committee structures and operations to ensure OMA compliance where needed. It is important to stay up to date on recent developments in Michigan law and consider how those changes may impact the local law in your municipality.

By Christopher S. Patterson



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Howell Township Planning Commission

FROM: Paul Montagno, AICP, Principal Planner
Grayson Moore, Community Planner

DATE: March 20, 2025

RE: Proposed Zoning Ordinance Amendments to Regulate Accessory Dwelling Units

Please find attached the revised draft Zoning Ordinance Amendments to regulate Accessory Dwelling Units (ADUs). Text amendments have been modified per the Planning Commission's request to explore a different direction than the previously proposed language. The proposed text amendment now include ADUs as a permitted accessory use with conditions in the Agricultural-Residential (AR) District and the Single Family Residential (SFR) District.

The proposed text aligns with regulations specified in Section 4.05.B of the Howell Township Zoning Ordinance which provides conditions for mobile homes and trailer homes acting as accessory dwellings within the Agricultural-Residential District.

Please note the following requirements listed in the proposed amendment:

- Accessory Dwellings shall be permitted only when developed within an existing single-family home or as an attached addition.
- Floor area of ADUs is limited to 1,000 square feet.
- Leasing or renting of an ADU is not permitted.
- The ADU must share common water, septic, and electric facilities with the existing single-family home.
- Additional application materials are required preceding review by the Zoning Administrator.

We look forward to discussing these proposed Zoning Ordinance amendments at your next Planning Commission meeting. The next step in the process would be to make any changes and call a public hearing.

Sincerely,

CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Principal

CARLISLE/WORTMAN ASSOC., INC.
Grayson Moore
Community Planner

**SECTION 1 MODIFY SECTION 4.05 TO INCLUDE AN ACCESSORY DWELLING UNIT
AS A PERMITTED ACCESSORY USES WITH CONDITIONS.**

E. Interior or Attached Accessory Dwelling Units.

Accessory Dwelling units shall serve as a supplemental, smaller dwelling unit developed within an existing single-family home such as a basement, attic, or attached addition.

- 1) The ADU and single-family dwelling together shall be in a direct family relationship to the principal dwelling.
- 2) An ADU must be located within the appropriate setback lines of the corresponding zoning district.
- 3) The floor area of an ADU shall be no more than 1,000 square feet
- 4) An ADU shall adhere to the lot coverage requirements of the corresponding zoning district.
- 5) ADUs are permitted to have an additional entrance point or to share a common entrance point with the principal building.
- 6) The ADU shall be designed so that the appearance of the building will remain that of a single-family dwelling. The ADU shall not distract from the appearance of the lot as a place of one (1) residence and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.
- 7) Upon the construction of an ADU, there shall be a combined off-street parking for a minimum of four (4) automobiles for the parcel. An ADU shall not be permitted to have a separate driveway.
- 8) Leasing or renting an ADU is not permitted.
- 9) The Principal Dwelling Unit and the ADU must share common water, septic, and electric facilities, in compliance with state and county codes.
- 10) The applicant shall submit the following information for review to the Zoning Administrator:
 - a) A plot plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
 - b) Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
 - c) Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 - d) A mechanism or legal instrument that memorializes that the ADU cannot be rented must be recorded within the chain of title for the property and reviewed by the Township Attorney prior to approval of the permit.

**SECTION 2 MODIFY SECTION 6.05 TO INCLUDE AN ACCESSORY DWELLING UNIT
AS A PERMITTED ACCESSORY USES WITH CONDITIONS.**

D. Interior or Attached Accessory Dwelling Units.

Accessory Dwelling units shall serve as a supplemental, smaller dwelling unit developed within an existing single-family home such as a basement, attic, or attached addition.

- 1) The ADU and single-family dwelling together shall be in a direct family relationship to the principal dwelling.
- 2) An ADU must be located within the appropriate setback lines of the corresponding zoning district.
- 3) The floor area of an ADU shall be no more than 1,000 square feet
- 4) An ADU shall adhere to the lot coverage requirements of the corresponding zoning district.
- 5) ADUs are permitted to have an additional entrance point or to share a common entrance point with the principal building.
- 6) The ADU shall be designed so that the appearance of the building will remain that of a single-family dwelling. The ADU shall not distract from the appearance of the lot as a place of one (1) residence and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.
- 7) Upon the construction of an ADU, there shall be a combined off-street parking for a minimum of four (4) automobiles for the parcel. An ADU shall not be permitted to have a separate driveway.
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- 9) The Principal Dwelling Unit and the ADU must share common water, septic, and electric facilities, in compliance with state and county codes.
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 - a) A plot plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements on the lot, location of structures on adjacent lots, abutting streets, driveways, and parking areas.
 - b) Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
 - c) Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
 - d) A mechanism or legal instrument that memorializes that the ADU cannot be rented must be recorded within the chain of title for the property and reviewed by the Township Attorney prior to approval of the permit.

HOWELL TOWNSHIP
Application for Site Plan Review
 3525 Byron Road Howell, MI 48855
 Phone: 517-546-2817 ext. 108
 Email: inspector@howelltownshipmi.org

File # PC2025-02

Parcel ID #: 4706-27 - 300 - 030 Date 02/10/25

Applicant Name Mitch Harris Building Company Applicant Address 211 N. First St. Suite 100

Phone 810-229-7838 Fax _____ Email tmack@mitchharris.net

Property Owner Name Mitch Harris Building Company

Phone 810-229-7838 Fax _____ Email tmack@mitchharris.net

Please list all recipients to receive information and/or reports:

Name: Mitch Harris Email mharris@mitchharris.net

Name: Colbie Harris Email charris@mitchharris.net

Name: Tracy Mack Email tmack@mitchharris.net

Location of Property Grand River/Edgebrook Dr. Current Zoning Classification _____

Existing Use _____ Proposed Use Residential

Check One:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Preliminary Site Plan Review (20.06) | <input type="checkbox"/> Final Site Plan Review (20.07) |
| <input type="checkbox"/> Temporary Use (14.34) | <input type="checkbox"/> Commercial/Industrial Development |
| <input type="checkbox"/> Subdivision/Site Plan Condo | <input type="checkbox"/> Multi-Family/Condo |
| <input type="checkbox"/> Planned Unit Development (PUD) Type: | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |

Applicant needs to provide the following site plan drawings: twelve (12) full size copies, eight (8) - 11" x 17" copies, and an electronic set (either on an USB drive or provide an online link) for the preliminary site plan drawings. Drawings shall be submitted with an application for site plan review (20.06 a) thirty (30) days prior to the meeting.

The site plan is to contain the following information or the drawing submitted under the Land Use Permit can be utilized if it also contains the following information and is accurately drawn to scale:

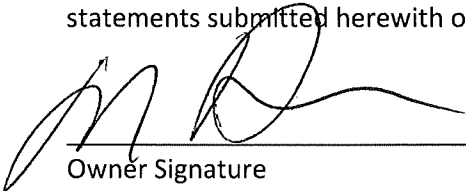
- a. The date, north arrow and scale. The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" = 100' for those (3) acres or more.
- b. Statistical data including number of dwelling units, size of dwelling units, if any, and total gross acreage involved. In the case of a mobile home park, the size and location of each mobile home site shall be shown.
- c. The location and height of all existing and proposed structures on and within 100' of the subject property's boundary.
- d. All lot and/or property lines are to be shown and dimensioned, including building setback lines on corner lots.
- e. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (show dimensions of a typical parking space), unloading areas and recreation areas.
- f. Vehicular traffic and pedestrian circulation features within and without the site.
- g. The location of all proposed landscaping, fences, or walls.
- h. Size and location of existing and proposed utilities, including proposed connection to public sewer or water supply system.
- i. A location map indicating the relationship of the site to the surrounding land uses.
- j. The location and pavement width and right-of-way width of all abutting roads, streets, alleys, or easements.
- k. Show properties and respective zoning abutting the subject property.
- l. The location and size of all surface water drainage facilities.
- m. Contour intervals shall be shown at a maximum of 2' intervals, with 1' intervals preferred for topographic features of the site.

By signing below the applicant understands and acknowledges the following statements:

- a. The Planning Commission has sixty (60) days from filing date to approve or deny site plan.
- b. Approval of preliminary site plan is valid for a period of one (1) year from date of approval.
- c. A one (1) year extension may be granted upon written request of the applicant and approval by the Planning Commission.
- d. Approval of preliminary site plan shall expire one year after approval of final site plan unless zoning permit has been obtained.
- e. Approval of the final site plan expires six (6) months after approval unless a land use permit application is applied for and granted.

- f. The final site plan approval shall expire one (1) year following the date of approval unless construction has begun on the property in accordance with the plan.
- g. Applicant may appeal the Planning Commission's ruling of the final site plan to the Board of Appeals within ten (10) days of the Planning Commission's decision on all matters except use of the land, use of buildings, or structures.
- h. The Planning Commission has sixty (60) days from the date of the Planning Commission meeting at which the final site plan was received to approve or deny the final site plan.
- i. Improvements not in conformance with the final site plan shall be deemed a violation of the ordinance and be subject to the penalties of the ordinance.
- j. Sewer system and water system tap in fees, if applicable, must be paid prior to issuance of a land use permit.

Applicant hereby deposes and says that all the above statements and information contained in this application and any statements submitted herewith or on the site plan are true and accurate.



 Owner Signature

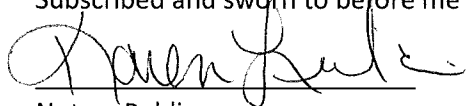
Mitch Harris

 Print Name Mitch Harris

2-12-25

 Date

Subscribed and sworn to before me this 12 day of February 2025.



 Notary Public Livingston County, Michigan

My Commission Expires: 6-5-2027.

Karen Leitch
 NOTARY PUBLIC - STATE OF MICHIGAN
 COUNTY OF LIVINGSTON
 My Commission Expires: June 5, 2027
 Acting in the County of Livingston

Howell Township Reimbursement Agreement

The applicant accepts responsibility for all expenses at actual cost for professional services related to the application required by the Township for the issuance of any permits, approvals, reviews and attendance at meetings by the Township's Planner, Landscape Architects, Legal Counsel, Engineering and Administrative Staff, over and above the fees listed in the Howell Township fee schedule.

Information for Additional Billing:

Name Mitch Harris Building Company Address 211 N. First St. Suite 100 Brighton

Phone 810-229-7838 Email tmack@Mitchharris.net

I have read and agree to the reimbursement agreement as presented between myself/my company and Howell Township.

Applicant Signature *[Signature]* Date 2-12-25
Tracy Mack

Notary Public
Livingston County, Michigan
My Commission Expires: 6-5-27

Karen Leitch
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LIVINGSTON
My Commission Expires June 5, 2027
Acting in the County of Livingston

Owner Signature *[Signature]* Date _____
Mitch Harris

Notary Public
Livingston County, Michigan
My Commission Expires: 6-5-27

Karen Leitch
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF LIVINGSTON
My Commission Expires June 5, 2027
Acting in the County of Livingston

THE RIVER LANDINGS

4-UNIT TOWNHOME PROJECT



MITCH HARRIS

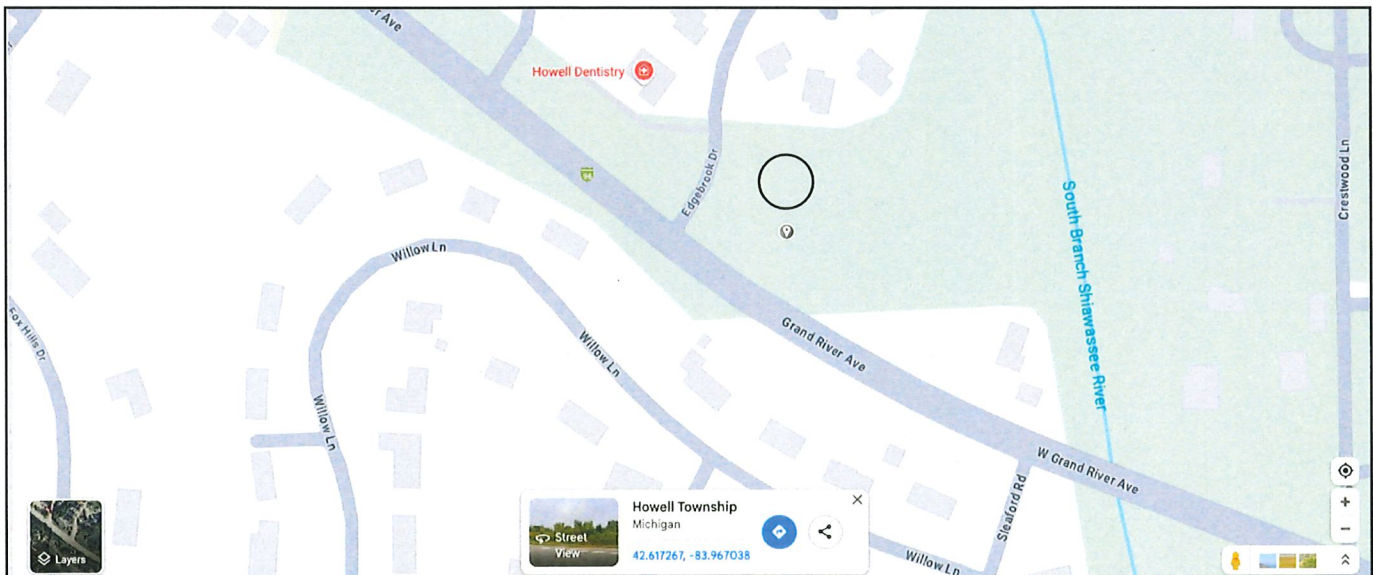
BUILDING COMPANY, INC.

Owned & Developed by Mitch Harris Building Company, Inc.

Mitchel Harris
211 N. 1st St., Suite 100
Brighton, MI 48116
(810) 229-7838

Site Plan by ACE Civil Engineering
5055 Lindemere Dr.,
Fowlerville, MI 48836
(517) 545-411

Plans Prepared by TK Design Creative Collaborative on 1/10/2025
26030 Pontiac Trail
South Lyon, MI 48178
(248) 446-1960



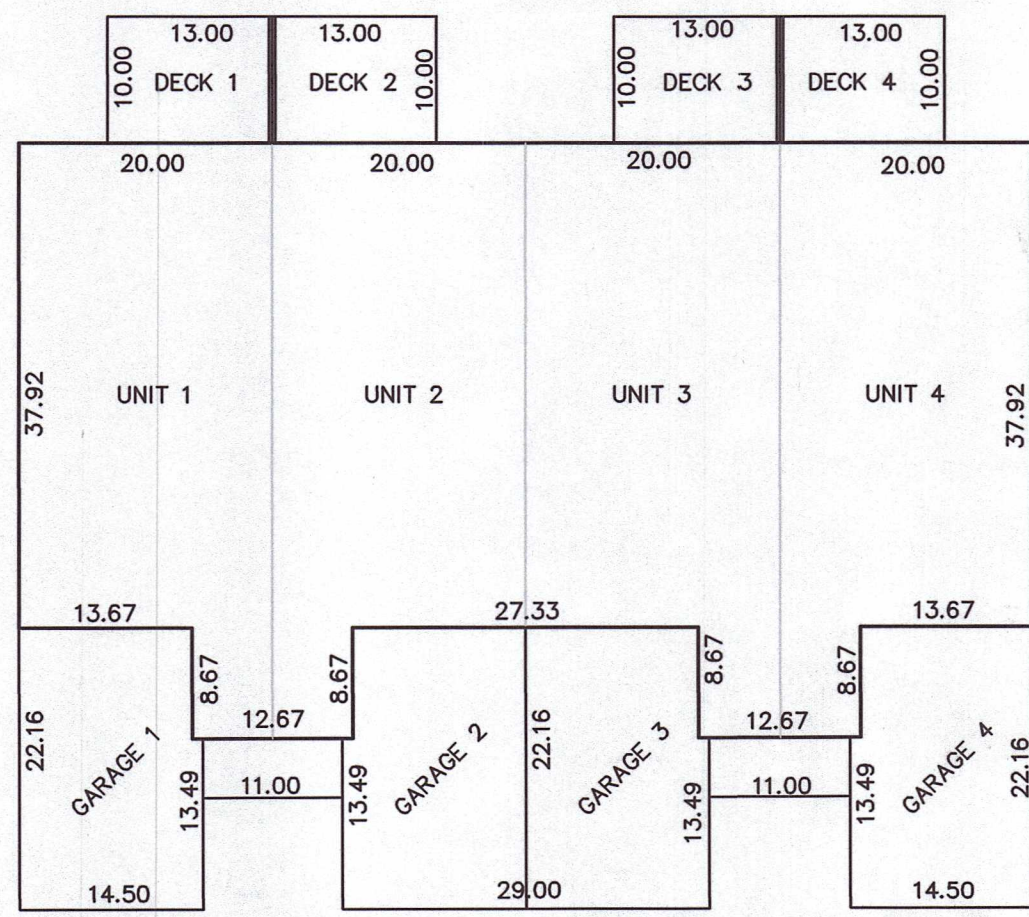
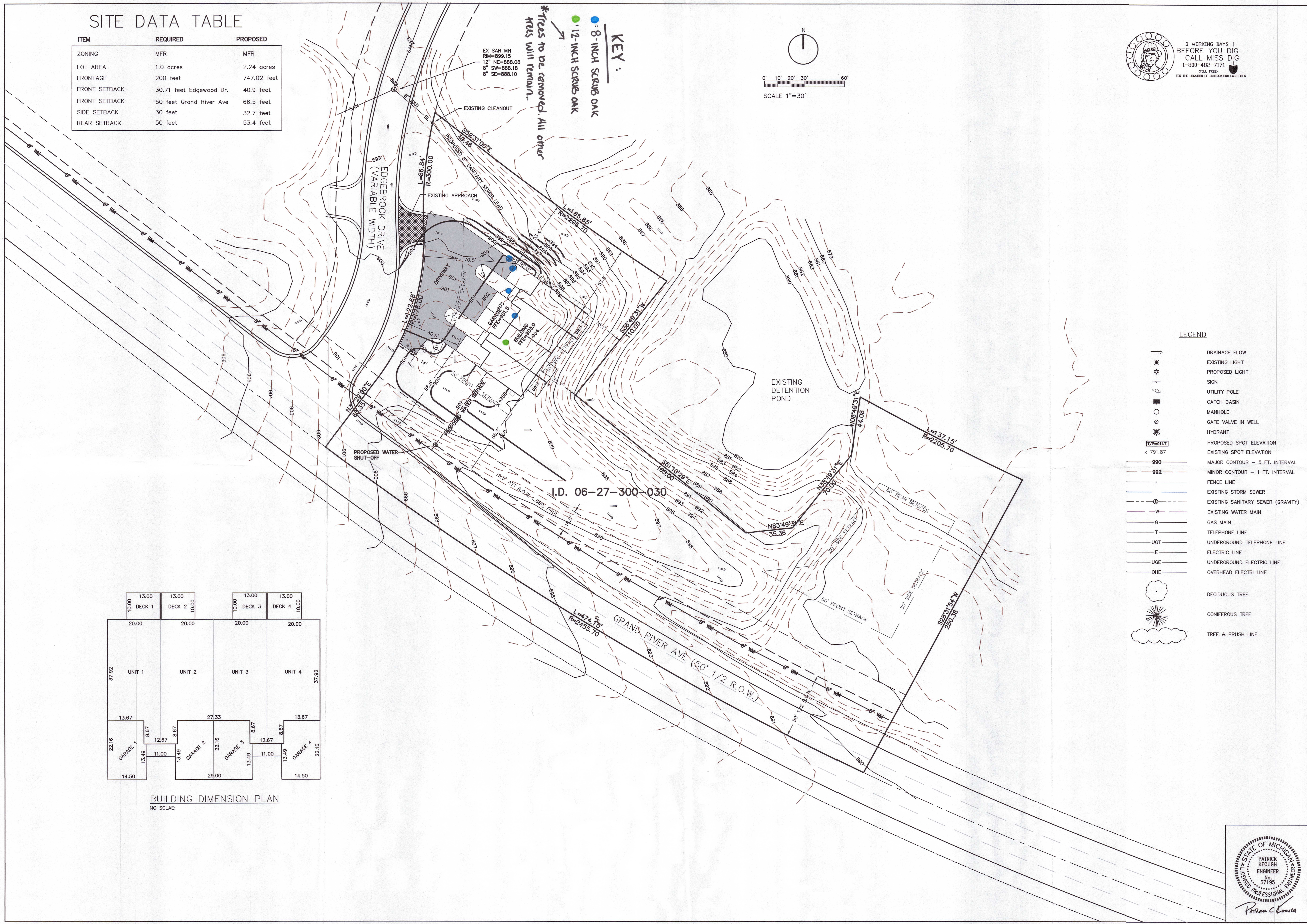
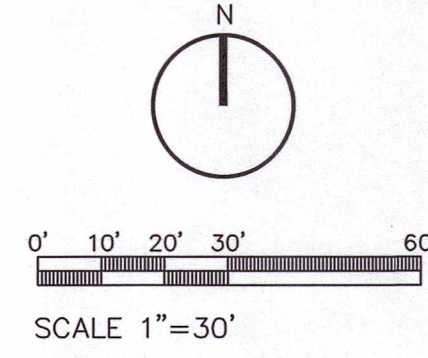
Grand River & Edgebrook Drive
HOWELL TOWNSHIP I.D. 06-27-300-030

SITE DATA TABLE

ITEM	REQUIRED	PROPOSED
ZONING	MFR	MFR
LOT AREA	1.0 acres	2.24 acres
FRONTAGE	200 feet	747.02 feet
FRONT SETBACK	30.71 feet Edgewood Dr.	40.9 feet
FRONT SETBACK	50 feet Grand River Ave	66.5 feet
SIDE SETBACK	30 feet	32.7 feet
REAR SETBACK	50 feet	53.4 feet

KEY:
 ● 8-INCH SCRUB OAK
 ● 12-INCH SCRUB OAK

*Trees to be removed. All other trees will remain.



BUILDING DIMENSION PLAN
 NO SCLAE:

LEGEND

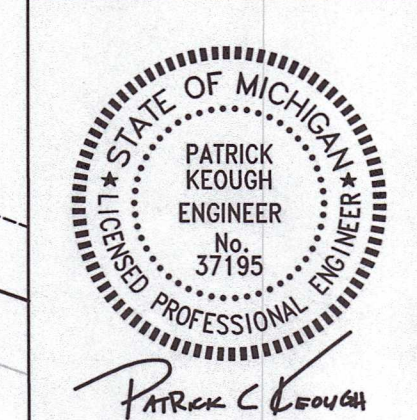
- DRAINAGE FLOW
- ★ EXISTING LIGHT
- ☆ PROPOSED LIGHT
- SIGN
- UTILITY POLE
- CATCH BASIN
- MANHOLE
- GATE VALVE IN WELL
- ★ HYDRANT
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- 990 MAJOR CONTOUR - 5 FT. INTERVAL
- 992 MINOR CONTOUR - 1 FT. INTERVAL
- x FENCE LINE
- EXISTING STORM SEWER
- EXISTING SANITARY SEWER (GRAVITY)
- EXISTING WATER MAIN
- GAS MAIN
- TELEPHONE LINE
- UGT UNDERGROUND TELEPHONE LINE
- E ELECTRIC LINE
- UGE UNDERGROUND ELECTRIC LINE
- OHE OVERHEAD ELECTRIC LINE
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE & BRUSH LINE

OWNER/DEVELOPER:
 MITCH HARRIS BUILDING CO.
 2111 N. FIRST ST.
 BRIGHTON, MI 48116
 (810) 229-7838

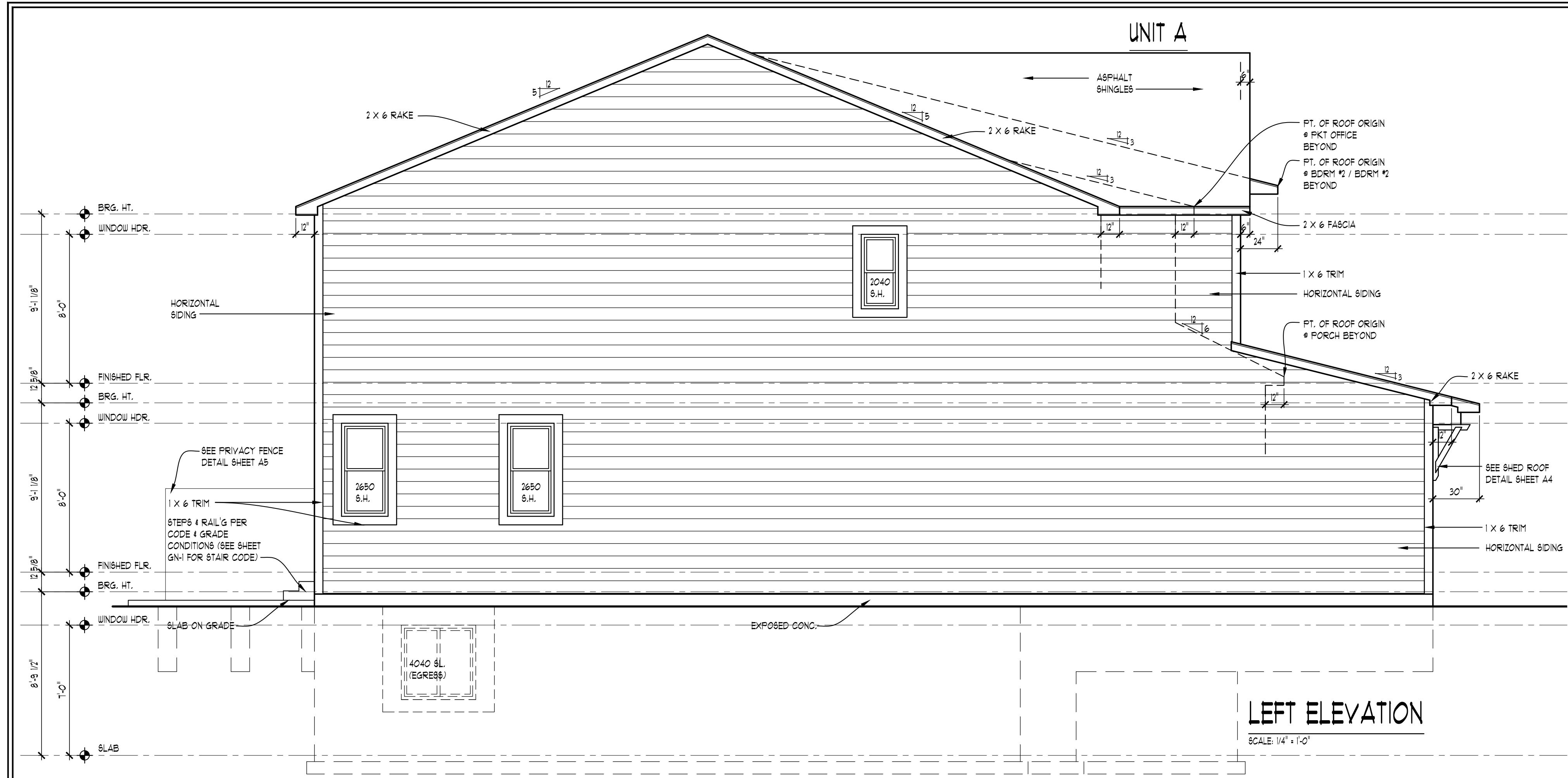
RIVER DOWNS-GRAND RIVER PARCEL
 HOWELL TOWNSHIP I.D. 06-27-300-030
 SITE PLAN

ACE CIVIL ENGINEERING, LLC
 2005 Lindeman Dr., Farmington Hills, MI 48334 517 245-4141 acecivil@gmail.com

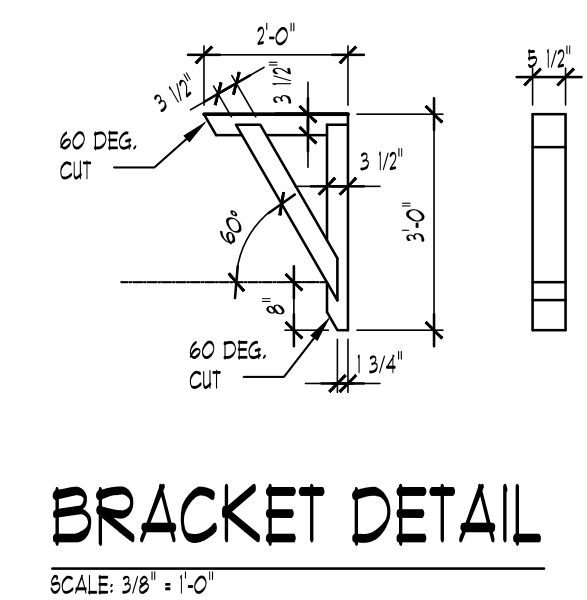
DATE: 02-06-25
 DRAWN BY: PCK
 CHECKED BY: PCK
 JOB No. 25003



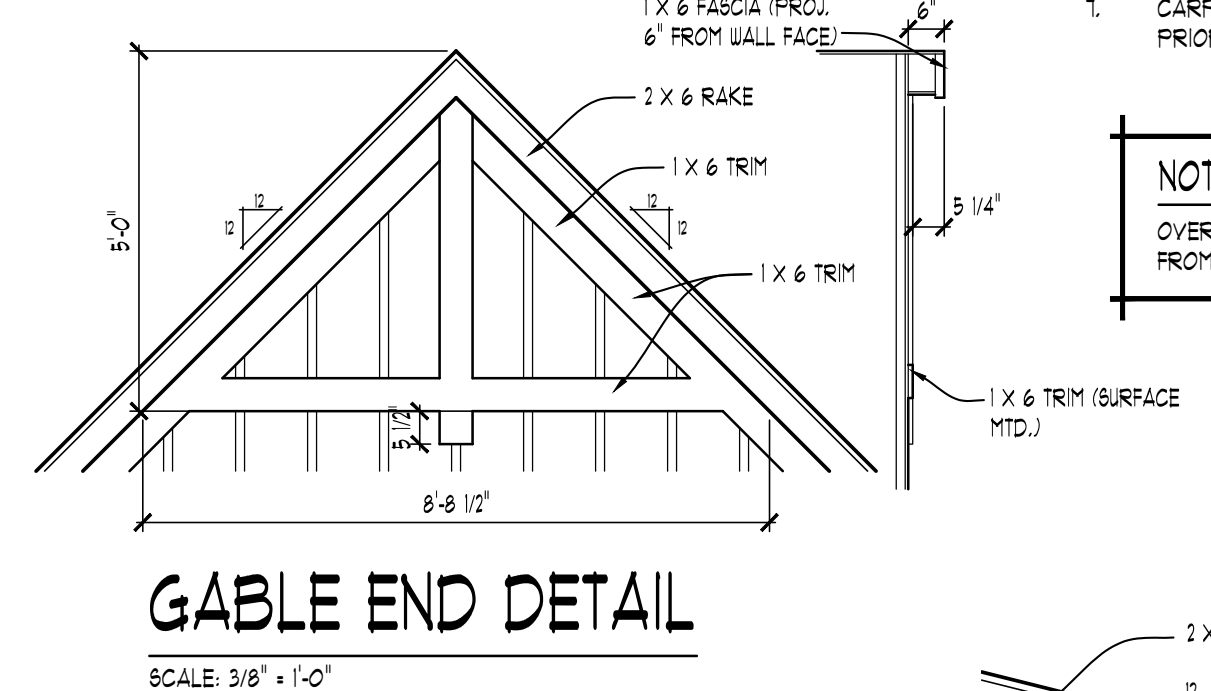
DRAWING No. 1



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



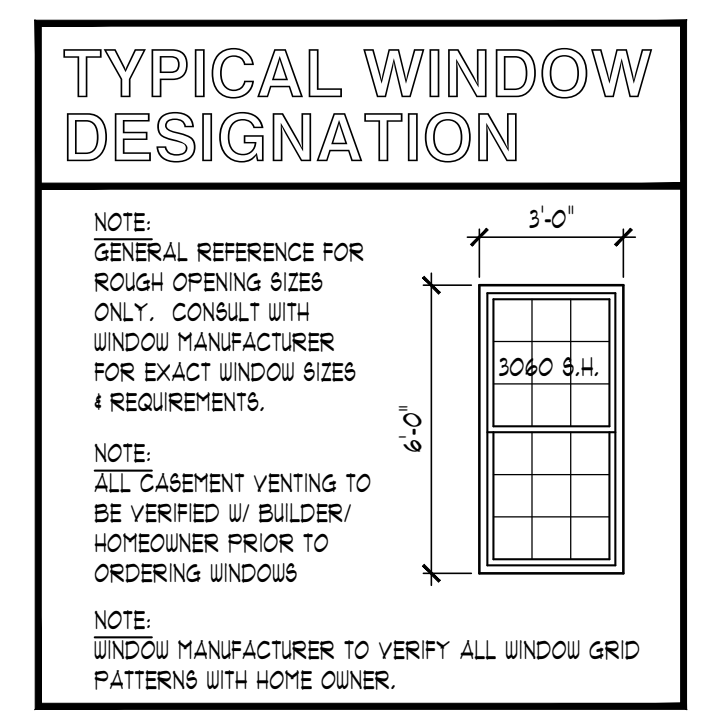
BRACKET DETAIL
SCALE: 3/8" = 1'-0"



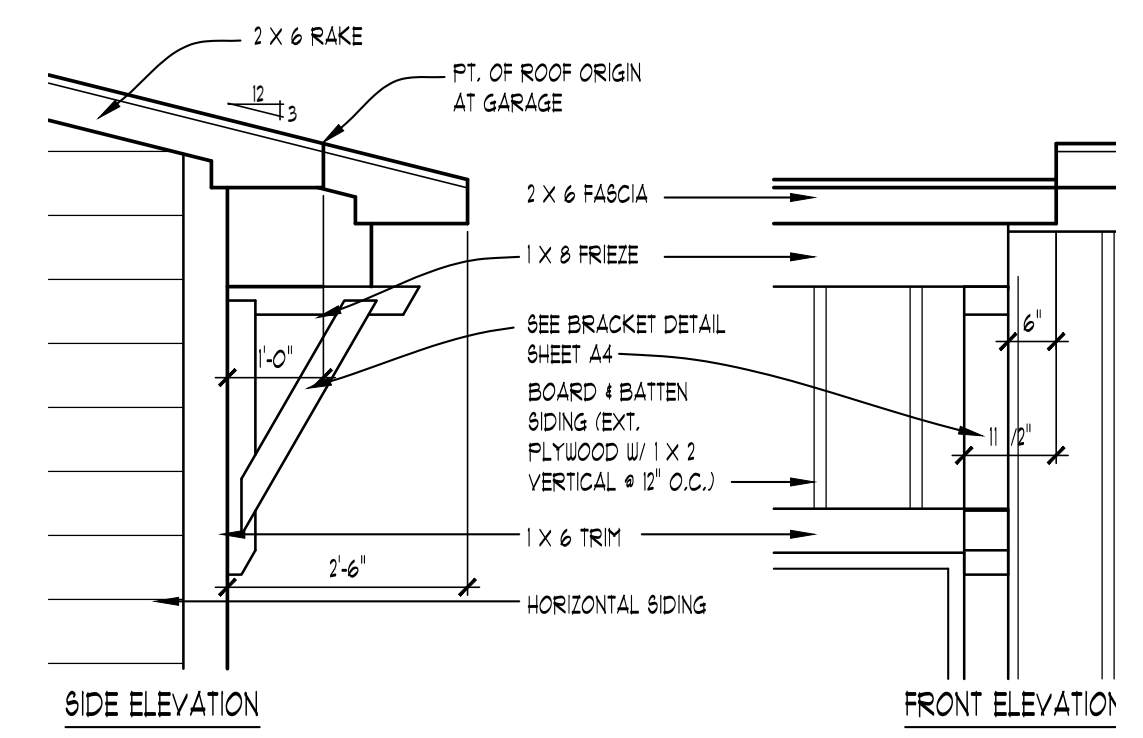
GABLE END DETAIL
SCALE: 3/8" = 1'-0"

- ELEVATION NOTES**
- ALL ROOF SADDLES TO BE O.S.B. SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
 - PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
 - FIREPLACE FLUE TO BE DETERMINED PER MANUFACTURER'S SPECIFICATION
 - METAL FLASHING AS REQUIRED BY CODE.
 - ROOF & SOFFIT VENTS AS REQUIRED BY CODE.
 - PROVIDE GUTTERS & DOWNSPOUTS FOR DRAINAGE OF ROOF WATER. DOWNSPOUTS ARE TO BE LOCATED SO THAT THE DISCHARGE WILL NOT SPILL ON OR FLOW ACROSS ANY PORCHES, WALKS OR DRIVES.
 - CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK

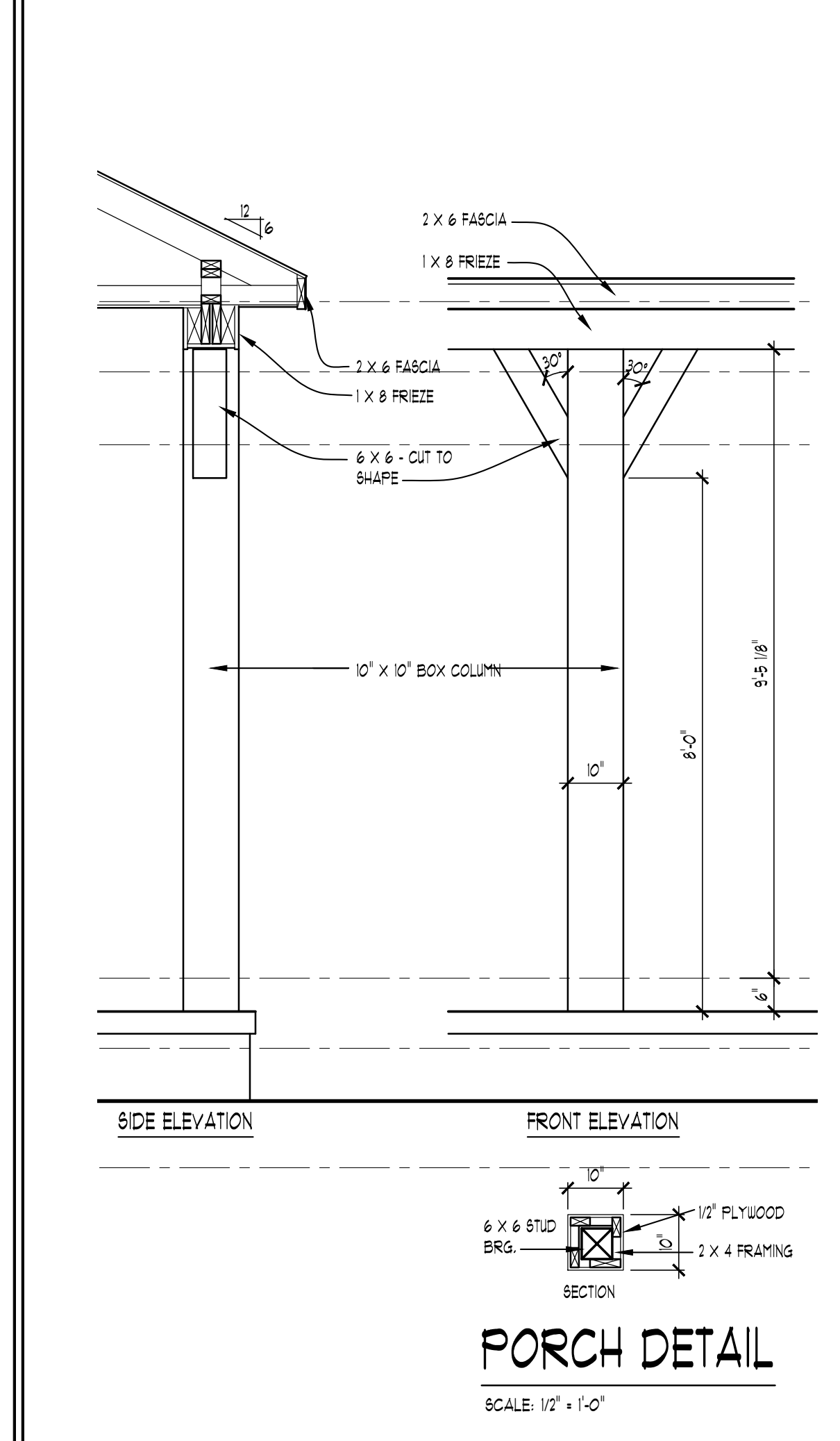
NOTE:
OVERHANG DIMENSIONS (O.H.) ARE FROM SHEATHING UNDO.



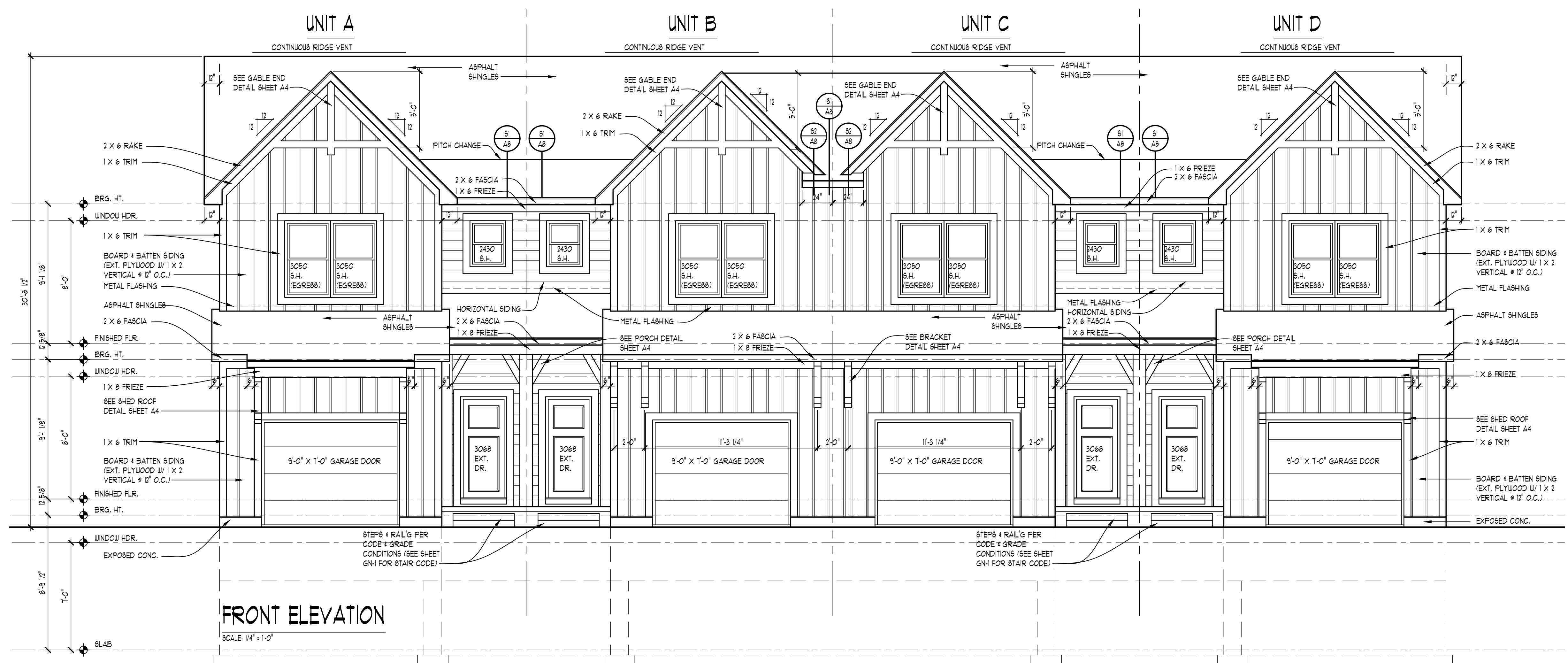
NOTE:
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 24" ABOVE FINISHED FLOOR OR HAVE SASH LIMITERS PER CODE REQUIREMENTS



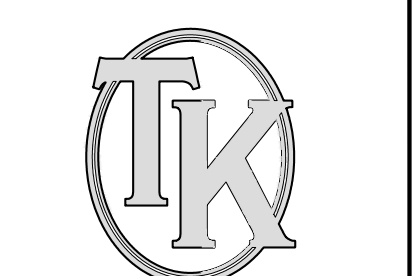
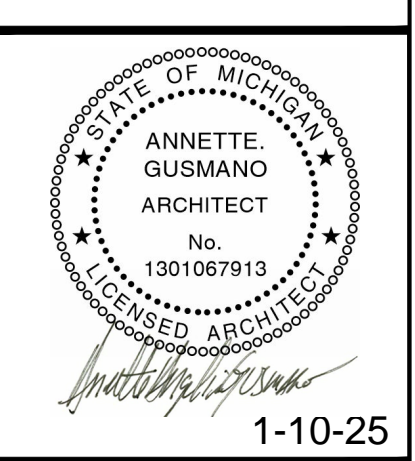
SHED ROOF DETAIL
SCALE: 1/2" = 1'-0"



PORCH DETAIL
SCALE: 1/2" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



DESIGN
CREATIVE COLLABORATIVE

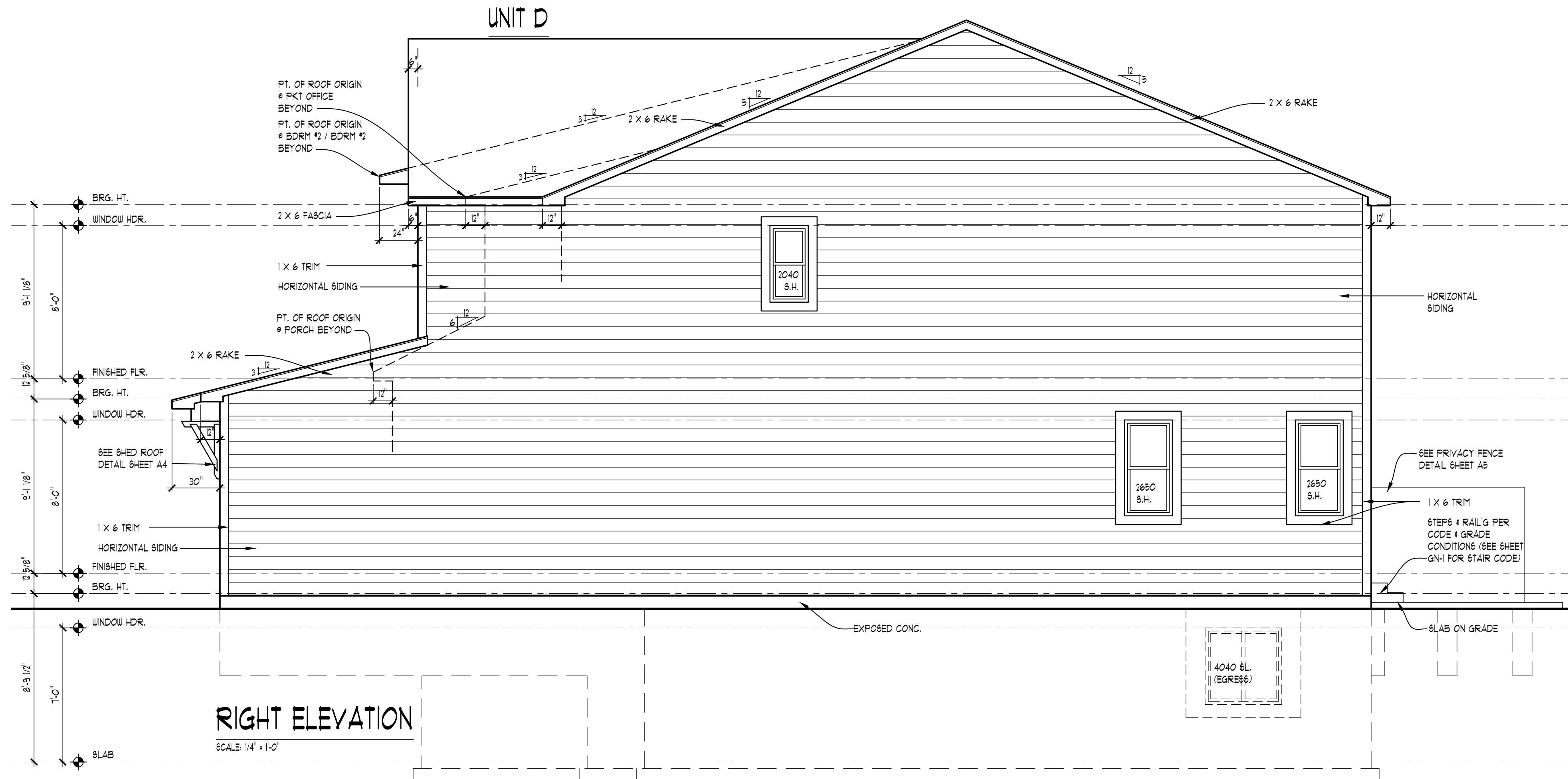
WWW.TKHOMEDESIGN.COM
26030 PONTIAC TRAIL, SOUTH LYONS, MI 48178
PHONE: (248)-446-1960
FAX: (248)-446-1961

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DO NOT SCALE DRAWINGS. USE CALCULATED DIMENSIONS ONLY
CONTRACTOR TO FIELD VERIFY ALL DRAWING ASPECTS BEFORE
CONSTRUCTION. DISCREPANCIES AND DESIGN CHANGES SHALL BE
REPORTED TO THE DESIGNER IN WRITING FROM IMMEDIATELY
CALL 482.500 AT 800.482.7273 3 DAYS PRIOR TO ANY EXCAVATION
CONSTRUCTION & BE SOLE RESPONSIBILITY OF THE PERFORMER.

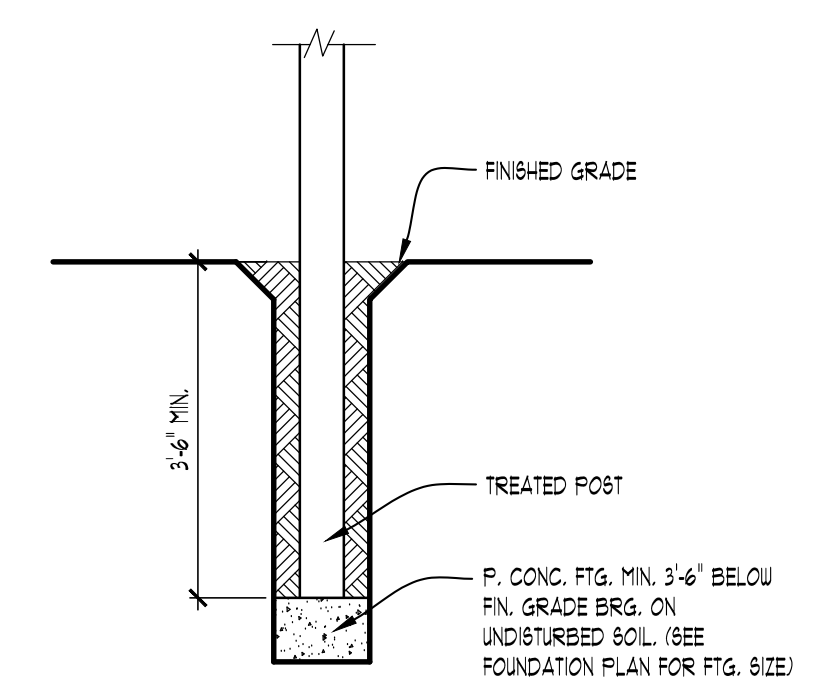
CLIENT / PROJECT
MITCH HARRIS
GRAND RIVER
TOWNHOMES
GRAND RIVER AVE /
EDGEBROOK DR
HOWELL MI

JOB No. 24-230
DRAWN: SP / AG
CHECKED: ECT
FRAMED: ECT
REVIEW: 11-26-24
FINAL: 1-10-25
REVISION

SCALE:
PER PLAN
SHEET #
A-4



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



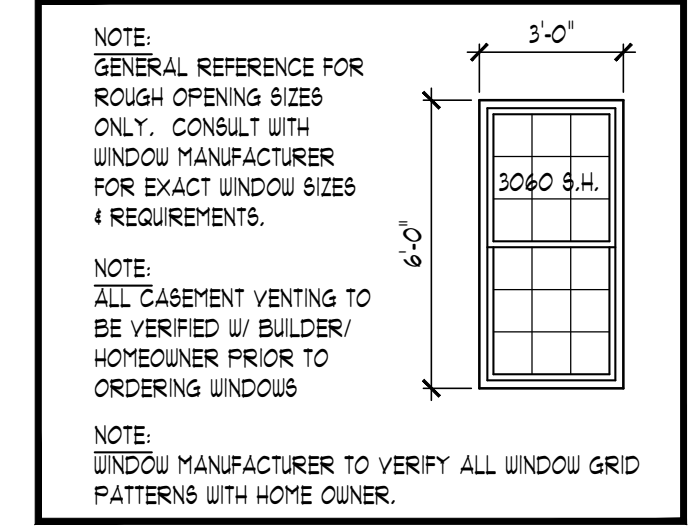
POST DETAIL
SCALE: 1/2" = 1'-0"

ELEVATION NOTES

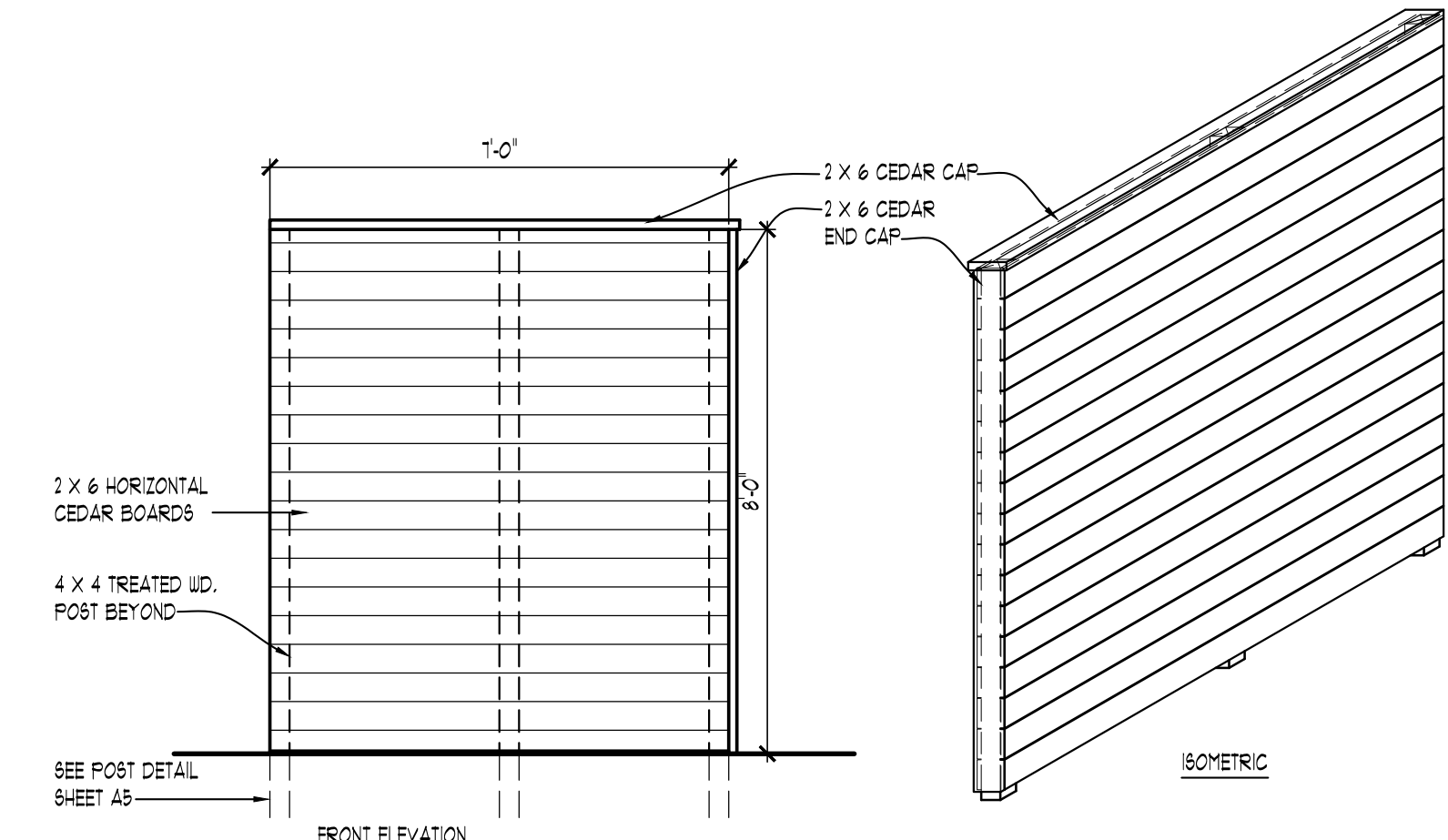
- ALL ROOF SADDLES TO BE O.S.B. SHEATHED WITH ICE & WATER SHIELD AND SHINGLES.
- PROVIDE ICE & WATER SHIELD MIN. 6'-0" COVERAGE AT ALL VALLEYS
- REPLACE FLUE TO BE DETERMINED PER MANUFACTURER'S SPECIFICATION
- METAL FLASHING AS REQUIRED BY CODE.
- ROOF SOFFIT VENTS AS REQUIRED BY CODE.
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- CARPENTER TO VERIFY THICKNESS OF MASONRY PRIOR TO BUILDING BRICK RACK

NOTE:
OVERHANG DIMENSIONS (O.H.) ARE FROM SHEATHING UNO.

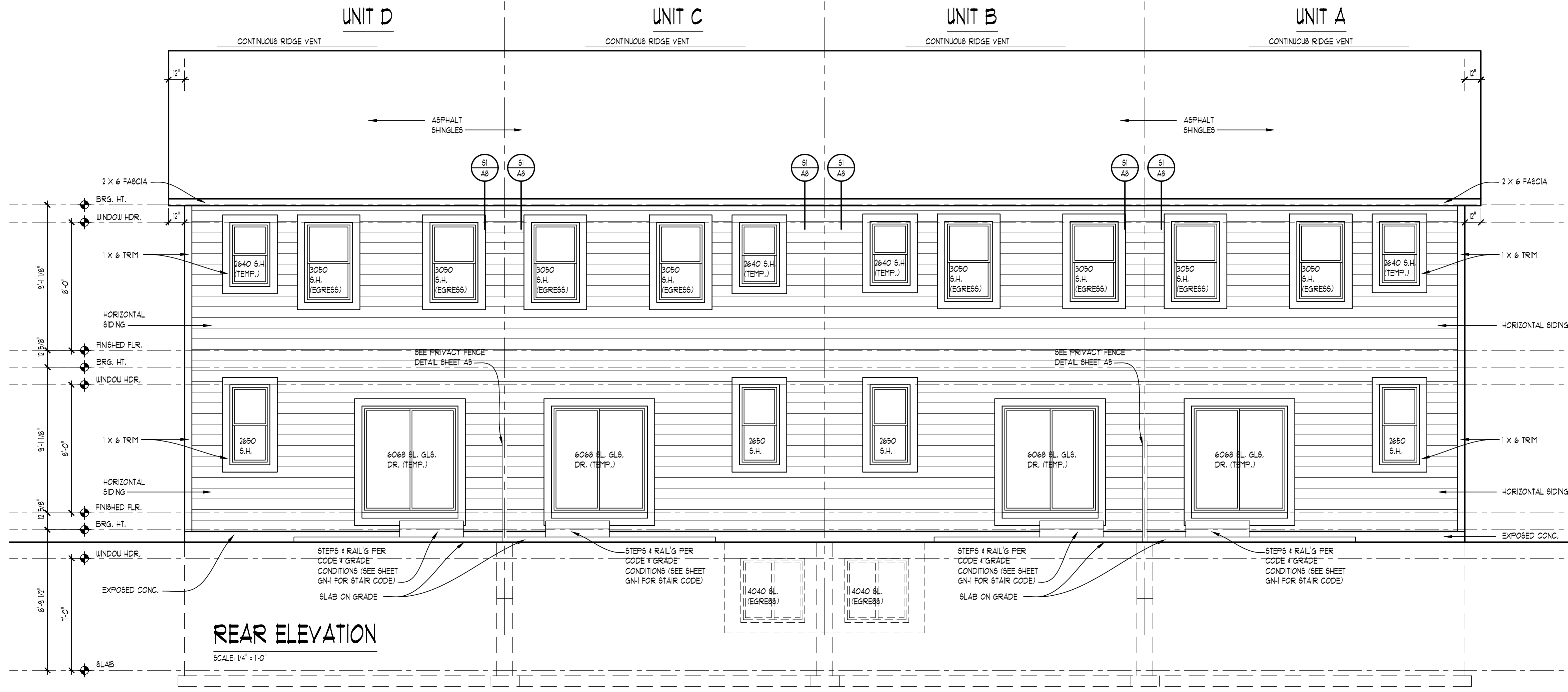
TYPICAL WINDOW DESIGNATION



NOTE:
ALL WINDOW SILLS OVER 6'-0" ABOVE EXTERIOR GRADE OR SURFACE BELOW TO BE MINIMUM 24" ABOVE FINISHED FLOOR OR HAVE SASH LIMITERS PER CODE REQUIREMENTS



PRIVACY WALL DETAIL
SCALE: 3/8" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

STATE OF MICHIGAN
ANNETTE GUSMANO
ARCHITECT
No. 301067919
LICENSED ARCHITECT
1-10-25

TK
DESIGN
CREATIVE COLLABORATIVE

WWW.TKHOMEDESIGN.COM
26030 PONTIAC TRAIL,
SOUTH LYONS, MI 48178
PHONE: (248)-446-1960
FAX: (248)-446-1961

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CALL MTD DO AT 800-482-7271 30 DAYS PRIOR TO ANY EXCAVATION
CONSTRUCTION. THE SOLE RESPONSIBILITY OF THE PROFESSIONAL

CLIENT / PROJECT
MITCH HARRIS
GRAND RIVER
TOWNHOMES
GRAND RIVER AVE /
EDGEBROOK DR
HOWELL MI

JOB No. 24-230
DRAWN: SP / AG
CHECKED: ECT
FRAMED: ECT
REVIEW 11-26-24
FINAL: 1-10-25
REVISION

SCALE:
PER PLAN

SHEET #
A-5



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: March 19, 2025

Site Plan Review For Howell Township, Michigan

Applicant:	Mitch Harris Building Company
Project Name:	The River Landings / River Downs
Plan Date:	February 6, 2025
Location:	Corner of Grand River Ave and Edgebrook Dr. Parcel ID #4706 – 27 – 300 – 030
Zoning:	Multiple Family Residential (MFR)
Action Requested:	Preliminary Site Plan Approval

PROJECT AND SITE DESCRIPTION

The applicant has submitted a preliminary site plan, dated February 6, 2025 and proposed elevations dated January 10, 2025, for a four (4) unit townhome development located at the corner of Grand River Ave and Edgebrook Dr. (parcel ID #4706-27-300-030). The proposed townhomes are two (2) stories, each with an attached garage and a first-floor patio. Due to the site's unconventional layout, the buildings location is along the western boundary line abutting Edgebrook Drive.

The subject site is 2.24 acres and almost entirely covered in an array of foliage. The site is directly across from a dental office, with residential uses on the other surrounding parcels. CSX Railroad tracks are approximately a quarter mile to the south of the site. The Livingston County Airport is located approximately one mile northwest of the site. The Shiawassee River runs near the eastern boundary line.

Benjamin R. Carlisle, *President* John L. Enos, *Vice President* Douglas J. Lewan, *Principal*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal* Craig Strong, *Principal*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal*
Richard K. Carlisle, *Past President/Senior Principal*

Figure 1. Aerial Image of Subject Site and Vicinity



Source: NearMap (October 6, 2024)

Items to be Addressed: None.

NEIGHBORING ZONING, LAND USE AND MASTER PLAN

Neighboring zoning designations are summarized in Table 1.

Table 1. Zoning, Land Use and Master Plan Designations

	Zoning	Existing Land Use	Master Plan Designations
Subject Site	MFR – Multiple Family Residential	Vacant	Recreation and Preservation
North	MFR – Multiple Family Residential	Residential/Natural Vegetation	Residential-Low Density, Recreation and Preservation
South	SFR - Single Family Residential	Residential	Residential-Low Density

East	NSC - Neighborhood Service Commercial	Residential	Recreation and Preservation
West	MFR – Multiple Family Residential	Dentist Office	Commercial-Local

Figure 2. Future Land Use Subject Site and Vicinity



The current zoning designation for the site allows for multiple family housing. In contrast, the Howell Township Master Plan designates the sites future land use as Recreation and Preservation, where the intended uses are parks, open space, greenways, natural areas, golf courses, and agriculture lands preserved through conservation easements or other mechanisms.

While the Planning Commission must approve a use which is allowed under current zoning so long as all the necessary requirements have been met, we note that through the proposed preservation of a large majority of the site that the applicant is in line with the current Zoning Ordinance and Master Plan goals and vision for the area.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The following table summarizes the Density, Placement, and Height Regulations for the site plan associated with the use. The proposed structures appear to meet all dimensional regulations of the zoning ordinance.

Table 2. Density, Placement, and Height Regulations

	Required	Provided	Complies
Lot Area	2 Acres	2.24 Acres	Complies
Lot Width	200 Feet	747 Feet	Complies
Front Setback	Grand River Ave: 50 Feet Edgebrook Drive: 30 Feet	Grand River Ave: 66.5 Feet Edgebrook Drive: 40.9 Feet	Complies
Side Setback	30 Feet	Approx. 33 Feet	Complies
Rear Setback	50 Feet	Approx. 53 Feet	Complies
Lot Coverage	40 % Max	Not Provided	Need More Information
Building Height	60 Feet Max 5 Stories	30.8 Feet	Complies

Additional requirements for multiple family residential developments in Section 7.06 include:

Open spaces comprising at least 10% of the total gross area of the project with the open spaces of at least three (3) acres in size and planned and built as a common facility to be used, operated and maintained by the developer or a nonprofit association representing the property owners and financed by means of a monthly or annual assessment.

The applicant has not provided gross area of project or proposed open space percentage.

Items to be Addressed: 1) Applicant to provide gross area of project. 2) Applicant to provide proposed open space percentage. 3) Applicant to provide how open space will be utilized. 4) Applicant to provide proposed lot coverage.

PARKING, LOADING

The applicant has not provided the number of parking spaces proposed on site. There are what appear to be one-car garages for each proposed unit which would meet the requirement of one (1) covered parking space per dwelling unit. It appears that there is an additional space in front of the garage where residents can park.

Section 18.02(G)(12) requires two (2) total parking spaces per dwelling unit.

Items to be Addressed: 1) Applicant to provide off-street parking space dimensions (including square footage of each garage).

SITE ACCESS AND CIRCULATION

The proposed townhomes have a single proposed access drive off of Edgebrook Drive which leads to a shared driveway area. Emergency and refuse vehicle circulation routes have not been provided.

Section 7.07.C of the Howell Township Zoning Ordinance provides requirements for access from multi-family developments. We believe that the language intends to say that access must be taken directly from a major arterial road except when the frontage of the side road is directly connected to the major arterial road. It is a best practice to direct individual developments to a side road that connect to an arterial road, thereby minimizing the curb cuts onto major arterial roads. This proposal does that.

Items to be Addressed: 1) Reduce paved area on site to just that necessary for maneuvering vehicles. 2) Provide approval from the Howell Area Fire Authority.

NATURAL FEATURES

The majority of the site is foliage with little topography change throughout. Sheet 1 depicts four (4) eight (8") inch scrub oak trees and one (1) twelve (12") inch scrub oak tree that are within the footprint of the proposed building.

Sheet 1 should be updated to reflect all existing natural features of the site including a the location of all existing trees which have a diameter at breast height of six (6) inches or more, uses of adjacent properties, and any potential wetlands and flood areas.

The Department of Environment, Great Lakes, and Energy (EGLE) Wetlands Map Viewer depict a small area of the site as wetlands.

Items to be Addressed: 1) Provide location of all trees having a diameter at breast height of six (6) inches or more and boundaries of woodlots and shrub masses. 2) Depict the uses of adjacent properties. 3) Indicate any potential wetlands and flood areas.

LANDSCAPING

The applicant has not provided a landscaping plan. A sealed landscape plan is required for site plan approval.

Per Section 20.06.B preliminary site plans require landscape planting plans prepared by a registered Landscape Architect showing the location, name and size of trees, shrubs, vines and ground covers to be planted on-site, including plantings related to buildings and structures, buffer areas and screenings, including detailed cost estimates for each item of construction.

Protective screening in the form of a berm and plantings or an obscuring wall shall be required wherever development in a MFR district abuts directly upon land zoned for single family residential purposes. While the proposed development does not currently abut land zoned for single family residential, the northwest corner of the site abuts several single family residences which are proposed to be zoned single family residential in the future land use map. We recommend the Planning Commission discuss some form of screening along the northwest portion of the site.

When submitted, the landscaping plan shall conform with requirements listed in Article XXVIII Landscaping Requirements and Section 20.06 Site Plan Requirements.

Items to be Addressed: *Provide a landscape plan that meets the requirements and Section 20.06.*

LIGHTING

A lighting plan has not been provided for the site. An exterior lighting plan is required for site plan approval.

Items to be Addressed: *Applicant to provide a professionally sealed exterior lighting plan.*

SIGNS

The submitted site plan does not indicate any signage proposed on the site.

If added, signs will require a separate permit from the Zoning Administrator. A sign application must be filed with the Zoning Administrator, at which time the zoning administrator will determine if the signs meet the requirements of the ordinance.

Items to be Addressed: *None.*

FLOOR PLAN AND ELEVATIONS

No floor plans for the proposed townhomes have been provided. The applicant should provide exterior building materials and color scheme.

Items to be Addressed: *1) Provide detailed floor plans for the proposed building. 2) Provide exterior building materials and color scheme.*

TRASH ENCLOSURE

No trash enclosure has been proposed. If no trash enclosure is provided, waste must be stored inside until it is moved from the site.

Items to be Addressed: *The applicant should indicate how refuse from the site will be handled.*

RECOMMENDATIONS

We offer the following recommendations:

1. We recommend that the applicant reduce the amount of hard surface area in front of the building to avoid an increase in stormwater runoff and include landscaping or green space to assist in mitigating the stormwater runoff and enhance the aesthetic appearance of the site.
2. We recommend the Planning Commission discuss some form of screening along the northwest portion of the site.

We recommend the Planning Commission postpone taking action until the following items are addressed:

1. Provide location of all trees having a diameter at breast height of six (6) inches or more and boundaries of woodlots and shrub masses.
2. Depict the uses of adjacent properties.
3. Indicate any potential wetlands and flood areas.
4. Provide emergency and refuse vehicle circulation routes.
5. Applicant to describe how open space will be utilized.
6. Applicant to provide proposed lot coverage.
7. Provide proposed open space percentage.
8. Applicant to provide gross area of project.
9. Applicant to provide off-street parking space dimensions (including square footage of each garage).
10. Reduce paved area on site to just that necessary for maneuvering vehicles.
11. Provide approval from the Howell Area Fire Authority.
12. Provide landscape planting plans in accordance with Section 20.06 prepared by a registered Landscape Architect showing the location, name and size of trees, shrubs, vines and ground covers to be planted on-site, including plantings related to buildings and structures, buffer areas and screenings, including detailed cost estimates for each item of construction.
13. Applicant shall provide a professionally sealed lighting plan.
14. Applicant to provide detailed floor plans for the existing building.
15. Provide exterior building materials and color scheme.
16. Applicant to indicate how refuse from the site will be handled.

Respectfully submitted,



CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Grayson Moore
Community Planner



MHOG Utility Department

2911 Dorr Road
Brighton, MI 48116
810-227-5225
www.mhog.org

Via E-mail

March 5, 2025

Jonathan Hohenstein
Howell Township Treasurer
Howell Township Zoning Administrator
3525 Byron Road
Howell, MI 48855

Subject: Proposed Site Plan for Townhome Development on Parcel 4706-27-300-030

Dear Mr. Hohenstein,

The MHOG Utility Department offers the following comments on the proposed site plan for the River Downs - Grand River Parcel 06-27-300-030. Our comments are based on a site inspection and review of existing utility records as they relate to the proposed development of this parcel.

Sanitary

The existing lead to the parcel was verified. Prior to connection, this lead will need to be cleaned. In addition, upon televising the lead, a clean-out was not field identified as shown on the site plan. Given the amount of sediment in the lead, it is possible that the clean out is broken below grade. Contact should be made with the MHOG Utility Department to inspect connection to the lead. In addition, the lead comes into the manhole from the parcel at a different angle than depicted in the site plan. A picture of the manhole and trace of the existing lead is attached.

Water

The existing main on Grand River is 12-inch diameter ductile iron water main and not 8-inch as shown on the site plan. In addition, if it is the intent that the proposed townhomes are individually owned, then MHOG will require a separate 1-inch service and meter in the basement of each unit. However, if the building will be a single owner and the townhomes are rental units, then a single 2-inch meter may be installed into one unit. MHOG request final site plan approval and approval of the water service plan prior to allowing connection to the existing main.

Thank you for the opportunity to review the plans. If you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,

Greg Tatara
Utility Director
MHOG Utilities



Howell Area Fire Department Fire Marshal Division

1211 W Grand River Ave Howell, MI 48843
office: 517-546-0560 fax: 517-546-6011
firemarshal@howellfire.net

DATE: March 4, 2025

TO: Jonathan Hohenstein
Township Zoning Administrator
3525 Byron Rd
Howell, MI 48855

FROM: Bryan Hager-Fire Inspector

PROJECT: Grand River Townhomes-Edgebrook-Howell Township

I have reviewed the above listed site plan and find that it is *satisfactory* as presented as long as the following conditions are met utilizing the 2018 IFC:

1. All roads in this development shall not exceed 10 percent in grade.
2. Building(s) shall have approved building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be at least 6" high and shall contrast with their background.

Any changes in this site plan shall be submitted to the Howell Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call. Thank you for the opportunity to review this site plan.