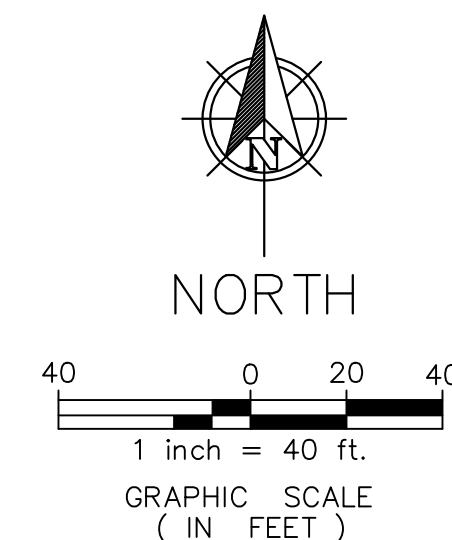


**LEGEND**

- — — — — PROPERTY LINE
- - - - - RIGHT OF WAY
- - - - - SECTION LINE
- - - - - SETBACK LINES
- ST — — — — — EXIST STORM SEWER
- CO — — — — — EXIST STORM SEWER STRUCTURE
- SAN — — — — — EXIST GRAVITY SEWER LINE
- S — — — — — EXIST SANITARY SEWER MANHOLE
- W — — — — — EXIST DOMESTIC WATER LINE
- OE — — — — — EXIST HYDRANT
- OE — — — — — EXIST OVERHEAD WIRES
- — — — — EXIST UTILITY POLE
- — — — — EXIST LIGHT POLE
- ▨ — — — — — EXIST. HMA PAVEMENT
- ⊕ — — — — — BENCH MARK
- 850 — — — — — EXISTING GROUND ELEVATION
- 758 — — — — — EXISTING MAJOR CONTOUR
- — — — — EXISTING MINOR CONTOUR
- ST — — — — — PROP. STORM SEWER
- ▨ — — — — — PROP STORM SEWER STRUCTURE
- SAN — — — — — PROP. GRAVITY SEWER LINE
- W — — — — — PROP. DOMESTIC WATER LINE
- ⊕ — — — — — PROP. HYDRANT
- ▭ — — — — — PROP. BUILDING
- ▨ — — — — — PROP. HMA PAVEMENT
- UE — — — — — PROP. UNDER GROUND ELECTRIC
- ⊕ — — — — — PROP. ELECTRIC LIGHT



**AVERAGE RUN-OFF CALCULATION "C"**

SITE AREA — 6.5042 ACRES  
 RUN-OFF COEFFICIENT "C" VALUES BASED ON FULL SITE DEVELOPMENT  
 0.90 — BUILDINGS  
 0.80 — PAVEMENT  
 0.20 — GRASS/LANDSCAPE  
 AVERAGE "C" VALUE CALCULATION BUILDING AREA — 1.6016+/-  
 ACRES PAVEMENT AREA — 2.4650+/-  
 ACRES GRASS/LANDSCAPE — 2.4376+/-  
 ACRES BUILDING AREA — 1.6016/6.5062 X 0.90 = 0.2216  
 PAVEMENT AREA — 2.4650/6.5062 X 0.80 = 0.303191  
 GRASS LANDSCAPE — 2.4376/6.5062 X 0.20 = 0.074953  
 AVERAGE "C" VALUE = 0.5997  
 USE "C" VALUE OF 0.60 < 0.63 FROM OLD DEVELOPMENT PLAN PER LCDC  
 NO ONSITE STORM WATER DETENTION IS REQUIRED

**BENCHMARK**

BENCH MARK-1  
 SOUTHWEST CORNER OF SITE NEAR EX.STORM CATCH BASIN  
 EX.SANITARY MANHOLE RIM: 911.88  
  
 BENCHMARK-2  
 SOUTH OF PROPERTY AND MIDDLE OF AUSTIN COURT  
 EX.SANITARY MANHOLE RIM: 914.71

**SITE DATA**

SETBACKS  
 REQUIRED FRONT 35 FT PROVIDED FRONT 134 FT (MIN)  
 SIDE 10 FT MIN(25 COMBINED) SIDE 50.92 FT (MIN)  
 REAR 10 FT REAR 88.16 FT (MIN)  
  
 TAX ID NUMBER: 4706-28-301-034  
 ZONING: I-(INDUSTRIAL)  
 AREA OF DEVELOPMENT: 283,325 SQ FT (6.50 ACRE)  
 BUILDING COVERAGE: 25,958 SQ FT (0.60 ACRE)  
 AREA OF PAVEMENT: 51,966 SF (1.19 ACRE)  
 TOTAL GRASS/LANDSCAPE AREA: 181,447 SQ FT (4.16 ACRE) ( 64.00% )  
 TOTAL UNITS: 18  
 TOTAL PARKING PROVIDED- 52 SPOTS (INCLUDES 10 HANDICAP PARKING)  
  
 PARKING SPACES  
 REQUIRED = 25958 SQ FT/550 SQ FT = 47 SPACES  
 PROVIDED = 52+32=84

PROPOSED SITE PLAN  
 SCALE: 1"=40'

NOTE: ALL THE EXISTING UTILITIES ARE IN APPROXIMATE LOCATION.  
 CONTRACTOR TO VERIFY PRIOR TO BEGIN THE CONSTRUCTION

DATE	ISSUE	BY	DATE	ISSUE	BY	PROJECT	<b>FAIRWAY ENGINEERING LLC</b> LAND DEVELOPMENT - STRUCTURAL - GEOTECH 28525 BECK ROAD, SUITE 114 WYOMING, MI 48393-4743 P:(248) 214-5913	DATE	6-20-24	CKD. BY	DATE	72 HOURS 3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 800-482-7171 ( TOLL FREE )	PROPOSED SITE PLAN	JOB No	24-1013
						PROPOSED STORAGE UNIT DEVELOPMENT PARCEL NO-4706-28-301-034 HOWELL TOWNSHIP, MI		DRAWN AG DESIGN MM SECTION 28 T- 3-N, R- 4 -E.						SHEET C-3 SHEET 3 OF 8	

**Fahey Schultz  
Burzych Rhodes**

EXPERT COUNSEL  REAL SOLUTIONS

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# Wellhead Protection Overlay District

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ATTORNEYS WAYNE BEYEA & LINDSEY GERGEL

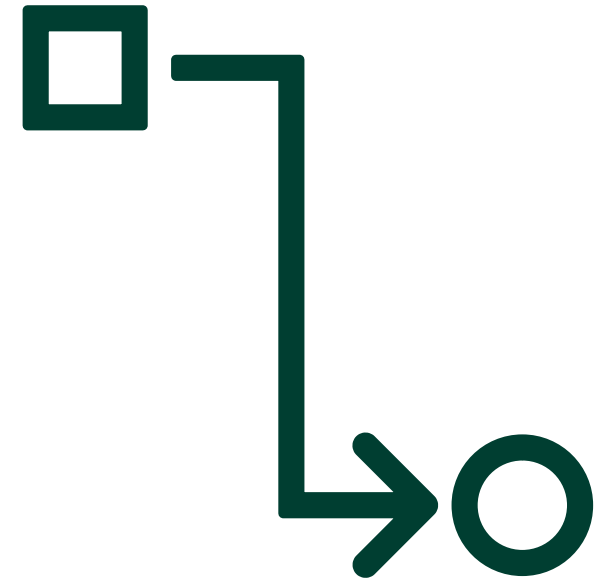
DECEMBER 17, 2024

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# How did we get here?

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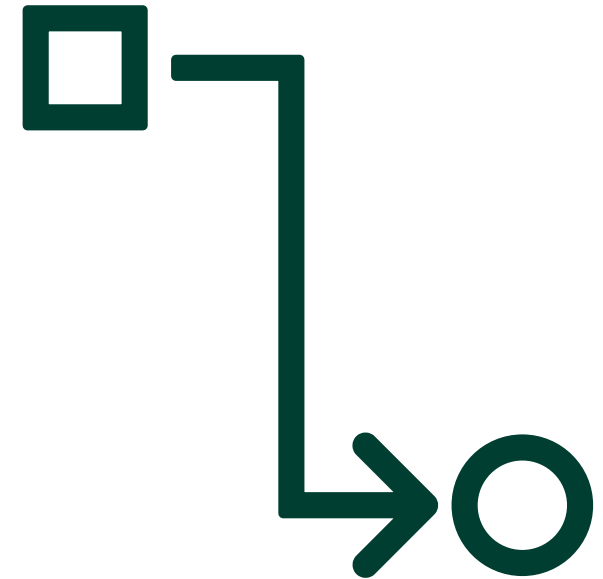
- 1996: MHOG and the City of Howell completed wellhead protection area delineations at the well field and submitted a report to the State of Michigan.
- 2001: Wellhead protection area for the well 7 site was approved by the MDEQ.
- 2013: Wellhead protection area delineation was reviewed and updated by WSP consultants and MHOG and the wellhead protection area report was created which details the hydrogeology of the area. Wellhead protection area delineations for MHOG and the City of Howell's and Marion Township's well approved by EGLE.



# How did we get here? (Continued)

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- 2019: The Township Planning Consultant began working on a Wellhead Protection Ordinance for Howell Township based on the wellhead protection approved areas and underlying hydrology.
- 2020-2022: Work on Wellhead Protection Ordinance stalled due to Covid-19 Pandemic.
- May 2023: The Township Board authorized the Planning Consultant to resume work on the Wellhead Protection Ordinance, requests that a draft ordinance be forwarded to the Planning Commission for consideration.
- April 2024: Marion Township adopts a wellhead protection ordinance.



# Who has helped?

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- **MHOG**; (810) 227-5225; [greg@mhog.org](mailto:greg@mhog.org)
- **EGLE** (approval of the wellhead protection study and delineated boundaries)
- **Howell Township Board**; (517) 546-2817; [office@howelltownshipmi.org](mailto:office@howelltownshipmi.org)
- **Howell Township Planning Consultant Paul Montagno**; (734) 622-2200; [pmontagno@cwaplan.com](mailto:pmontagno@cwaplan.com)
- **Spicer Group**; Township engineer
- **2023 MHOG Wellhead Protection Plan**; prepared by WSP USA Environment & Infrastructure, Inc.

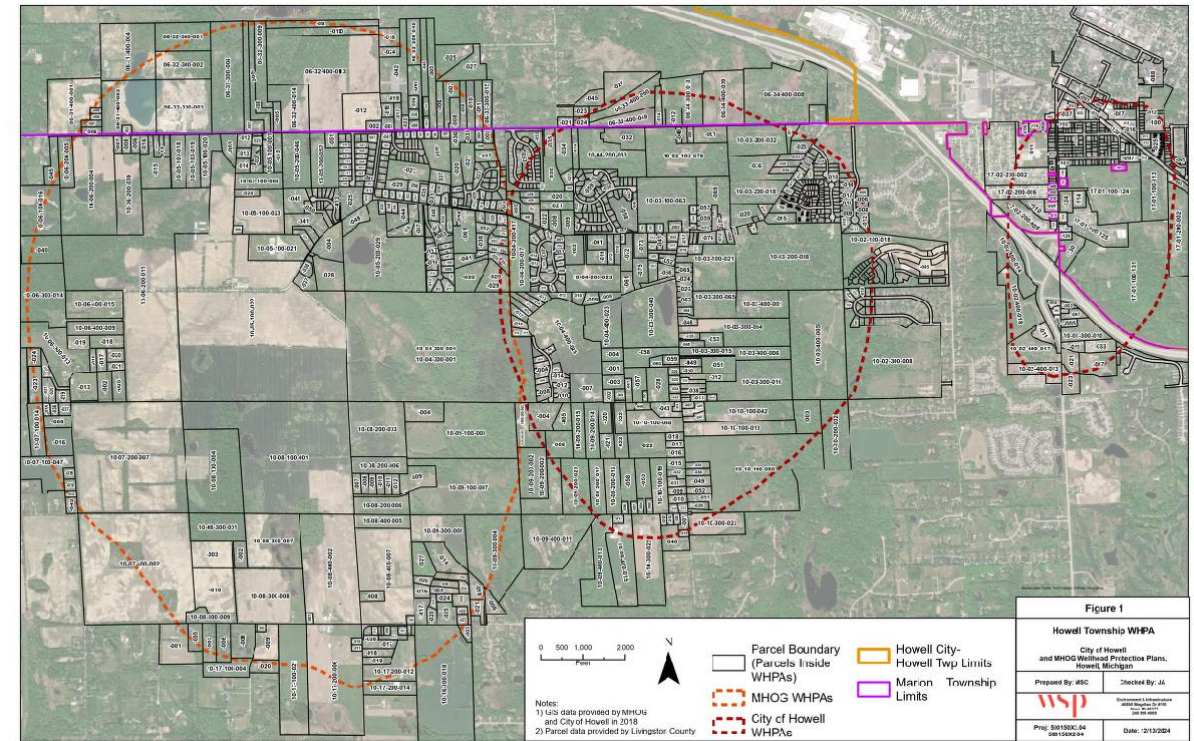


# Wellhead Protection Overlay

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# Wellhead Protection Areas

- The State of Michigan defines a Wellhead Protection Area as “the surface and subsurface areas surrounding a water well or well field, which supplies a public water system, and through which contaminants are reasonably likely to move towards and reach the water well or well field within a 10-year time of travel.” (Wellhead Protection Plan, p 12).



# How an Overlay District Works

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1

Property exists simultaneously in two zoning districts

2

Property is restricted by both use districts

3

The underlying district remains unchanged

4

The wellhead protection overlay limits the uses

5

Use approvals must comply with both use districts





# Wellhead Protection Overlay Purpose

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- The overlay safeguards the health, safety, and welfare of persons served by the Township's aquifers by protecting groundwater that serves as drinking water.
- The boundaries of the overlay district align with the protection boundaries provided by the wellhead protection zones.
- The review of new or expanded uses and structures are conducted to determine whether they should not be permitted within the area because of detriment to the drinking water aquifer.



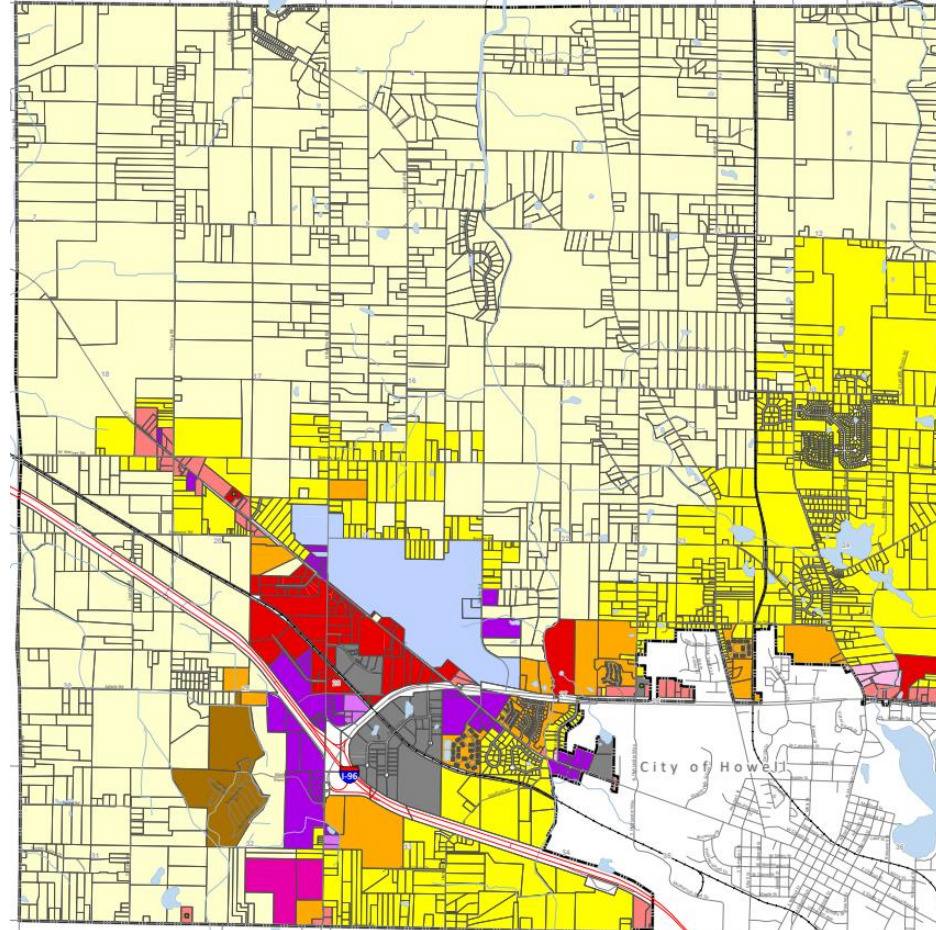
# What is MHOG?

- MHOG (Marion-Howell-Oceola-Genoa) is a water authority created to serve the four townships surrounding the City of Howell.
- MHOG provides water and sewer services to Marion, Howell, Oceola, and Genoa Townships.
- MHOG relies on groundwater sources of water to supply drinking water to its constituents.
- The MHOG public water supply system is owned by MHOG and serves approximately 14,000 people.
- Sources: <https://www.mhog.org/history>; 2023 MHOG Wellhead Protection Plan.

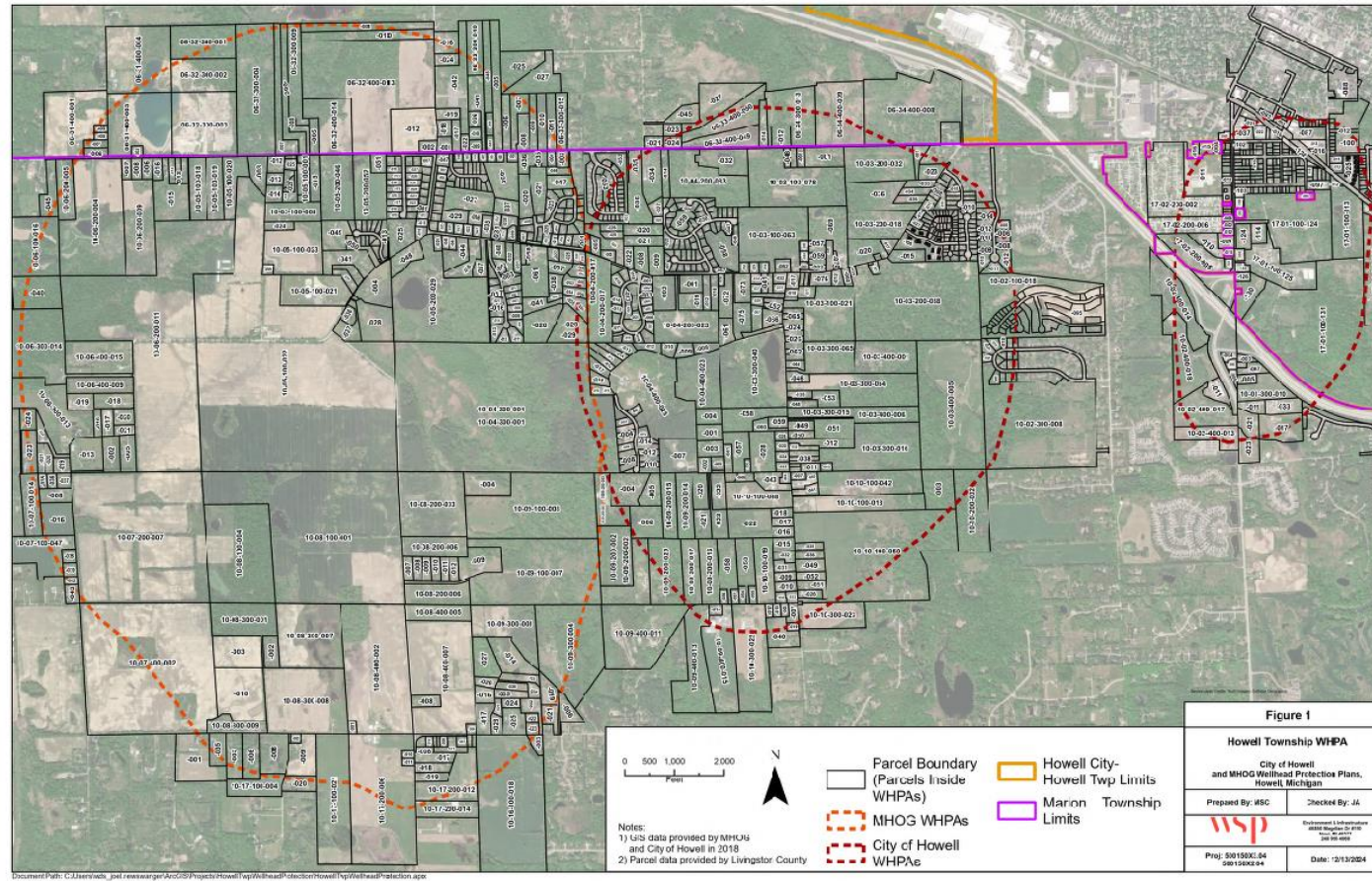


# Howell Township Zoning Map

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# Howell Township Wellhead Protection Area



# Executive Summary of Ordinance

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- **Section 1, Statement of Purpose:** States that the purpose of the Wellhead Protection Overlay District is to provide additional regulations in the wellhead protection zone to protect surface and groundwater resources.
- **Section 2, Definitions:** Defines terms used in the ordinance including:
  - Overlay District
  - Hazardous Materials
  - Regulated Substances
  - Storage of Petroleum Products
- **Section 3, Scope of Authority:** States that the Wellhead Protection Overlay District imposes additional requirements from those in the underlying zoning district.
- **Sections 4-5:** Establishes the Wellhead Protection Overlay District boundaries.
- **Sections 8-10:** Establishes permitted and special uses for the Wellhead Protection Overlay District. Also creates conditions for special uses in the Wellhead Protection Overlay District.



# Executive Summary of Ordinance

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- **Section 11, Prohibited Uses:** Establishes uses which are prohibited in the Wellhead Protection Overlay District, including:
  - Business and industrial uses that generate, use, treat, process, store, or dispose of Regulated Substances . . .
  - Businesses and industrial uses that dispose of processed wastewater on-site.
  - Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, with the exception of disposal of brush or stumps.
  - Storage of petroleum products, with exceptions.
  - Outdoor storage of salt, de-icing materials, pesticides or herbicides and outside storage of Regulated Materials
  - Other uses involving dumping, stockpiling, sewage disposal, and wastewater treatment, and uses not expressly authorized in Sections 8 and 9.
- **Section 12, Miscellaneous Requirements:** Additional regulations regarding drainage, discharge of regulated substances, and well abandonment.
- **Sections 13-19:** Enforcement, variance procedures, and administrative sections.





# Questions

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Fahey Schultz Burzych Rhodes PLC  
4151 Okemos Rd., Okemos, MI 48864

Tel: 517-381-0100

[www.fsbrlaw.com](http://www.fsbrlaw.com)



**SECTION 1 MODIFY SECTION 2.02 TO INCLUDE DWELLING, ACCESSORY TO DEFINITIONS**

**Dwelling, Accessory (ADU):** A supplemental, smaller dwelling unit either developed within an existing single-family house such as a basement, attic, as an attached addition, or as a smaller detached accessory building only to be occupied by family members as defined in this ordinance.

**Commented [WB1]:** This should be the current Zoning Ordinance definition of "family" with Section 2.02 DEFINITIONS not a different definition.

**SECTION 3 MODIFY SECTION 14.10 ACCESSORY BUILDING AS DWELLING TO INCLUDE BASEMENT AS DWELLING AND ADDITIONAL REGULATIONS**

No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as follows:

Accessory dwelling units (ADU's), except as otherwise permitted in this Ordinance, shall be subject to Section 14.07 and the following regulations:

- A. **Purpose:** The purpose of this Section is to allow accessory dwelling units in certain zoning districts, while also establishing regulations on accessory dwelling units, such as limitations on the occupancy and rental of accessory dwelling units. The regulations in this Section are designed to balance the allowance of accessory dwelling units in residential neighborhoods, while also protecting the residential character of the neighborhood by prohibiting the occupancy of an accessory dwelling unit by transient occupants, prohibiting the rental of accessory dwelling units, and otherwise limiting the occupancy of accessory dwelling units to minimize the risk of overcrowding, traffic congestion, limited parking, noise concerns, and other nuisances that could be caused by the proliferation of accessory dwelling units within residential neighborhoods.
- B. **Authorization:** No ADU shall be established prior to the issuance of a land use permit for the ADU. The applicant shall submit the following information for review to the Zoning Administrator:
  - 1. 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.
  - 2. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
  - 3. Interior floor plans showing the floor area of the proposed accessory dwelling unit and the primary dwelling.
  - 4. An affidavit attesting to the familial relationship of the ADU occupant(s). Annual certification may be required to ensure compliance if there are changes to the occupancy status of the ADU.
  - 5.
- C. **Dimensions & Setbacks:** ADU's must meet lot dimensions and setbacks of the corresponding zoning district.

**Commented [WB2]:** A "Purpose" section within the ADU provisions clarify the intent and "reasonableness" of the regulation.

**Commented [PM3]:** A deed restriction recorded with the county registrar of deeds that indicates that the ADU shall not be rented. Additionally, the deed restriction shall indicate that it cannot be lifted without approval from the township.

**Commented [PM4R3]:** Not sure if this is legal, but the PC talked about a way to make sure if the house is sold that new owners know that this cant be a rental.

**Commented [WB5R3]:** We suggest using alternative language: "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."



- D. **Lot Coverage:** ADU's shall adhere to the lot coverage requirements of the corresponding zoning district.
- E. **Floor Area:** The floor area of an ADU shall be no more than 1000 Square feet.
- F. **Amount of ADUs per Parcel:** No more than 1 ADU per parcel shall be constructed. ADUs are only permitted on lots with a single-family dwelling. ADUs are not permitted on parcels with existing duplexes/apartments.
- G. **Occupancy/Bedroom Requirements:** The ADU and single family dwelling together shall only be occupied by one immediate family members, as defined in Section 2.02, as parents, children, or dependents of the property owner.
- H. **Access:**
  - 1. ADUs are permitted to have up to two access points.
  - 2. Attached ADU may share a common entrance point with the principle building.
- I. **Design Characteristics:** The ADU shall be designated so that the appearance of the building will remain that of a single-family dwelling. The ADU shall not detract 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.
- J. **Driveway and Parking:** Shall provide 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.
- K. **Lease Restrictions:** Leasing or renting an ADU is not permitted
- L. **Utilities:**
  - 1. An ADU shall be connected to potable water and sanitary facilities in compliance with the Livingston County Health Department.
- M. **Garage:** A garage may be erected to serve an ADU subject to the following requirements:
  - 1. An ADU garage shall be part of the same structure as the ADU
  - 2. An ADU garage shall be no greater than 450 square feet in gross floor area.
  - 3. An ADU garage shall be no higher than seventeen (17) feet as measured to the highest point of the roof. Shall be a maximum of one (1) story and at no time taller than the Principal Dwelling Unit.
  - 4. An ADU garage shall comply with the same setback standards as required for an ADU in the corresponding zoning district.
  - 5. No more than one (1) ADU garage shall be erected on a lot.
  - 6. At no time shall the garage be used as a dwelling.
- N. **Principal Dwelling Unit:**
  - 1. Must be owner occupied.
  - 2. The Principal Dwelling Unit and the ADU must share common water, septic, and electric facilities, in compliance with state and county codes.
  - 3. No basement structure shall be used for an ADU, unless a completed story is situated immediately above the basement structure and is used as an owner-occupied dwelling, apart from underground homes designed and built in accordance with the Construction Code in effect in the Township.

**Commented [WB6]:** Maximum occupancy could be a condition based on a fire inspection as part of permit approval, consistent with local procedures.

**O. Detached ADU location:**

1. Detached ADUs shall only be located in the rear yard, outside of rear and side setbacks with a minimum of 10 feet behind the Principal Dwelling Unit.
2. Detached ADUs shall comply with all setback requirements for a principle structure.