

**ARTICLE 22  
SPECIAL LAND USES**

**SECTION 22.00 INTENT**

The formulation and enactment of this ordinance is based upon the division of the unincorporated portions of the township into districts, in each of which are specified permitted uses that are mutually compatible. In addition to such permitted compatible uses, it is recognized, however, that there are certain other land uses, which may be necessary or desirable in certain districts, but on account of their actual or potential impact on neighboring uses or public facilities, need to be carefully regulated with respect to their location for the protection of township residents. This ordinance, therefore, requires approval and issuance of a special land use permit for each use listed in the several zoning districts as special land uses, and specifies in this Article the procedures and standards to be followed in granting such permits. A special land use shall not commence until a special land use permit is issued in accordance with this ordinance.

**SECTION 22.01 AUTHORITY TO GRANT OR DENY PERMITS**

The Township Planning Commission, after review and consideration of the special land use application and site plan according to the standards contained in this ordinance, shall recommend to the Township Board approval, disapproval or approval with conditions of the proposed special land use. The Township Board grants either approval, denial, or approval with conditions to the special land use application. Only the Township Board may direct the Zoning Administrator to issue a special land use permit. The Township Board shall establish financial guarantee and other performance requirements based on the type of special use, the district, and the specific conditions included in the permit. The financial guarantee shall be required to ensure completion of specific land or structure improvement(s), and to ensure ongoing compliance with the stated permit conditions.

**SECTION 22.02 PERMIT PROCEDURES**

An application made without full compliance with this ordinance shall be returned to the applicant. Every submission shall include the following information and data:

- A. Application:** Application for any special land use permit permissible under the provisions of this ordinance shall be made to the Tyrone Township Clerk by filling in the official special land use permit application form, submitting required data, exhibits and information, and depositing the required fee. The applicant shall pay a fee set by the Tyrone Board, except that a fee may be waived by the Township Board for any

governmental body or agency. No part of such fee shall be returnable to the applicant. The Township Clerk shall forward the official special land use permit application form and all related materials to the township Planning Commission at least fifteen (15) days prior to the next regular scheduled meeting.

- B. Data Requirement:** Every application shall be accompanied by the following information and data:
- 1. Special Land Use Permit Application.** A Special Land Use Permit Application supplied by the Township Clerk and filled out by the applicant.
  - 2. Statement of Use.** The special land use permit application shall contain a full statement of the requested use, the number of the ordinance article allowing provisions for the special land use requested, the reasons why the applicant feels the land use requested should be granted, substantiated by data, exhibits, information, and evidence regarding the requested findings as set forth in Section 22.05 of this Article, the applicant's signature(s), and the owner's notarized signature(s), if different from the applicant's. It shall be the obligation of the applicant to furnish sufficient evidence, or proof, of present and future compliance with the provisions of this ordinance.
  - 3. Representative.** Where an agent represents an applicant, a letter designating agent authority and signed by the applicant shall accompany the special land use permit application.
  - 4. Site Plan.** A detailed site plan that satisfies all requirements set forth in Article 23.
  - 5. Additional Information.** Upon review of the accepted special land use permit application, the Planning Commission shall have the authority to request additional information as it may deem necessary to make a determination of the request
  - 6. Land Use Permit.** The special land use permit shall be attached to an application for a land use permit that has been obtained from, and reviewed by the Zoning Administrator in accordance the provisions of this ordinance.
- C. Excavation and Construction.** Until a special land use permit has been issued with a proper land use permit there shall be neither construction nor excavation on any land, nor shall there be made any use of land related to the request for the special land use permit.

- D. Review Standards.** The Tyrone Township Planning Commission shall review the proposed development as presented on the submitted plans and specifications in accordance with the established standards set forth in this ordinance.

**SECTION 22.03 PUBLIC HEARINGS AND NOTICES**

- A. Publishing.** The Planning Commission shall hold a public hearing on an application for a special land use permit within a reasonable time period following receipt of the application. The public hearing may be scheduled for the same date as the Commission's regular meeting, provided that the meeting date does not conflict with the notice requirements in the following paragraph.

A notice that a request for a special land use approval will be reviewed and considered by the Planning Commission shall be published in a newspaper of general circulation in the township, and sent by mail or personal delivery to the owners and occupants of property for which approval is being considered. A notice shall also be sent to the property owners and occupants of all property within three hundred (300) feet of the subject property regardless of whether the property or occupant is located in Tyrone Township. The notice shall be given not less than fifteen (15) days nor more than sixty (60) before the date of the public hearing. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice.

- B. Public Notice Content.** The notice shall:
- 1. Nature of the Request.** Describe the nature of the special land use request.
  - 2. Property Location.** Indicate the location of the property by street address, if known, which is the subject of the special land use request.
  - 3. Date and Time.** State when and where the public hearing for the special land use request will be considered.
  - 4. Location.** Indicate when and where written comments will be received concerning the request.

**SECTION 22.04 GENERAL REVIEW STANDARDS FOR ALL SPECIAL LAND USES**

In addition to specific standards for individual special land uses listed in Section 22.05, the following general standards shall be satisfied for the use at the proposed location prior to approving a special land use permit:

- A. Master Plan.** The special land use will be consistent with the goals, objectives and future land use plan described in the Township's Master Plan.
- B. Zoning District.** The special land use will be consistent with the stated Intent of the zoning district.
- C. Neighborhood Compatibility.** The special land use will be designed, constructed, operated and maintained to be compatible with, and not significantly alter, the existing or intended character of the general vicinity in consideration of environmental impacts, views, aesthetics, noise, vibration, glare, air quality, drainage, traffic, property values or similar impacts.
- D. Environment.** The special land use will not significantly impact the natural environment.
- E. Public Services.** The special land use can be served adequately by public facilities and services such as police and fire protection, drainage structures, water and sewage facilities, refuse disposal and schools.
- F. Traffic.** The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration the following:
  - 1. Turning.** Vehicular turning movements;
  - 2. Intersections.** Proximity and relationship to intersections;
  - 3. Sight Distance.** Adequacy of sight distances;
  - 4. Parking.** Location and access of off-street parking; and,
  - 5. Pedestrian Access.** Provisions for pedestrian traffic.
- G. Additional Development.** The proposed use shall be such that the location and height of buildings or structures, and the location, nature and height of walls, fences, and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

- H. Health, Safety and Welfare.** The proposed use shall be designed, located, planned, and operated to protect the public health, safety, and welfare.

**SECTION 22.05 SITE DESIGN CONDITIONS**

All special land uses shall comply with the site plan design requirements of Article 23. In addition, certain special land uses shall also comply with design conditions unique to that use. Those special land uses and conditions are listed herein.

**A. Airports and Aircraft Landing Fields.**

- 1. Private Airstrips.** These regulations shall not apply for private air strips that are used only by the owner or lessee of the premises for the maintenance of aircraft.
- 2. FAA and MDOT Approval.** Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Transportation, Bureau of Aeronautics prior to submittal to the township for review and approval.
- 3. Arterial Road.** The parcel shall be located so as to abut an arterial road and to provide public access to and exit from said arterial.

**B. Campgrounds.**

Campgrounds must comply with the minimum license requirements of Act 368 of 1978, as amended, the Administrative Rules being R 325.1551 through R 325.1599, and the township provisions listed below:

- 1. Parcel Size.** Minimum parcel size shall be ten (10) acres. The parcel shall have direct vehicular access to an arterial road.
- 2. Sites.** The term "site" shall mean an individual campsite for tent or recreational vehicles. Each site designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets.
- 3. Sanitary Facilities.** Bathroom and sanitary facilities shall comply with all applicable state and county health department regulations.
- 4. Laundry Facilities.** Each campground containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.

5. **Commercial Enterprises.** Commercial enterprises shall not be permitted to operate in the campground, except that a convenience goods shopping building may be provided in a campground containing more than eighty (80) sites.
6. **Parking Area.** Each campground shall provide a dust-free vehicle parking area for site occupant and guest parking. Such parking area shall be located within four hundred (400) feet of the site it is intended to serve, except in the case of sites specifically designated only for tent camping each parking space shall be two hundred (200) square feet in area and guest parking shall be provided at the ratio of not less than one (1) space per each ten (10) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
7. **Minimum Site Area.** Each site shall contain a minimum of one thousand, five hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and at least forty (40) feet from any private street.
8. **Common Area.** A common area shall be provided at a ratio of not less than one thousand (1,000) square feet for each site. This common area shall be developed with grass seed, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts and the like) for the general use of all occupants of the entire campground.
9. **Hard Surfaced Access.** Each recreational vehicle site shall have direct access to a hard surfaced, dust-free roadway of at least twenty-four (24) feet in width for two-way traffic and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Public streets shall be paved with asphalt or concrete. Sites specifically designated for, and only used for, tent camping, need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in Section 22.05.B.6.
10. **Open Drains.** Any open drainage-ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into a county drain system, subject to approval by the Livingston County Drain Commissioner.
11. **Health Regulations.** All sanitary facilities shall be designed and constructed in strict conformance to all applicable Livingston County Health Department and State Public Health regulations.
12. **Distance Between Units.** A minimum distance of twenty (20) feet shall be provided between all recreational vehicles and tents.

- 13. Screening.** Fences and greenbelts may be required by the Planning Commission. The location of common use areas, roadways, streets and buildings shall be subject to approval by the Planning Commission.
- 14. Density.** Maximum campground density shall not exceed fifteen (15) sites per acre (including roads and other common areas).
- 15. Site Plan Review.** All such developments shall comply with Article 23, Site Plan Review.
- 16. Financial Guarantee.** A financial guarantee in an amount specified by the Township Board shall be posted prior to the start of construction.

**C. Cemeteries.**

Cemeteries, public or private, are subject to the following conditions:

- 1. Zoning District.** Cemeteries are allowed as special land uses only in the FR and RE zoning districts.
- 2. Access.** Cemeteries containing any structures shall have direct access on an arterial road. Cemeteries where the only structure is a shed or garage for storage of maintenance vehicles or machinery, need not have direct access on an arterial road. Structures shall not be located nearer than one hundred (100) feet from any property line.
- 3. Minimum Area.** Minimum lot area for cemeteries shall be ten (10) acres, with at least three hundred thirty (330) feet of public road frontage.
- 4. Placement and Number of Access Locations.** The location and number of ingress and egress driveways shall be designed in accordance with Section 21.54 Access Management of the Tyrone Township Zoning Ordinance and subject to the requirements and recommendations of the regulatory body responsible for the road from which access is planned.
- 5. Internal Road Design.**
  - a.** Roads shall be constructed with a 6" sand base and 7" of 21AA aggregate in accordance with Livingston County Road Commission standards. The roads shall also be designed to meet the slope, drainage

system, and other applicable standards for private roadway design as specified by the Livingston County Road Commission.

- b.** Roads should be designed as a looped system to allow for forward travel from entry to exit. The design of the internal road system shall be approved by the Township.
- c.** Ingress/egress driveway shall utilize a boulevard design for a distance of at least 150 feet from the road right-of-way to separate traffic and allow for simultaneous entry and exit of processions. The boulevard shall also comply with the design and construction standards in Section 21.54.F.2, Boulevard Entrance Standards, with the exception of the concrete curb requirement for boulevard islands.
- d.** Road Width.
  - i.** One-way Roads. Roads designed for, intended for, and posted (with signage) for vehicular travel in a single direction shall provide a paved or gravel surface of at least 18 feet in width to accommodate a moving vehicle and informal parking simultaneously.
  - ii.** Other Roads. Roads intended for multi-directional travel shall provide a paved or gravel surface of at least 24 feet in width to accommodate two moving vehicles and one parked vehicle simultaneously.

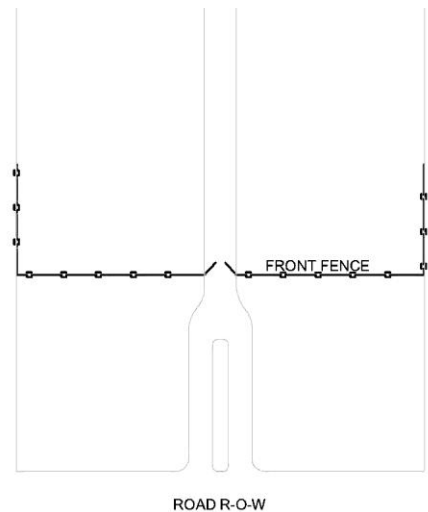
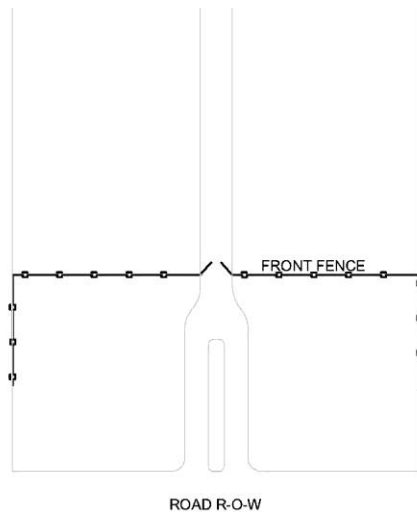
**6. Setbacks.**

- a.** Any building, structure, monument, or similar structures larger than six (6) feet in height, width, or length shall be located more than one-hundred (100) feet from any property line.
- b.** Monuments, markers, grave sites, and other elements customarily associated with a cemetery, regardless of placement above or below ground, shall be set back from property lines with respect to the defined front, side, and rear setbacks for the zoning district.
- c.** All structures and grave sites shall be set back from the internal road system by a minimum of 10 feet.



**7. Fencing.**

- a. A front fence, in the form of a decorative barrier, shall be installed for the entire width of the cemetery property in accordance with Section 21A.10 Obscuring Walls and Fences. The barrier shall consist of a fence, natural stone or brick wall, vehicular or pedestrian gates, or a living and sculpted hedge, or a combination of any of the materials listed herein.
- b. Extending toward the front or rear of the property from the front fence, additional fencing shall be installed for 50 feet along the side lot line.



**D. Churches and Schools.**

Churches and schools and related accessory facilities are subject to the following conditions:

- 1. **Height.** Buildings of greater than the maximum height allowed in Article 20 Schedule of Regulations, may be allowed provided that for every one (1) foot of height that the building exceeds the maximum height limitations, an additional one (1) foot of front, side, and rear yard setback shall be provided over and above the minimum yard requirements for the applicable district.
- 2. **Arterial Road.** The site shall be located to have at least one (1) property line abutting an arterial road. All access to the site shall be directly onto said major road or service drive thereof.

3. **Accessory Uses.** Current or future accessory uses which may generate traffic or that are out of scale or character with the neighborhood may serve as the basis for denial of the special use, however, any such ruling must be consistent with the Religious Freedom Restoration Act.
4. **Parking.** Off-street parking as required in Article 25.
5. **Housing.** The proposal shall include a detailed description of any housing to be provided in association with the proposed church or school. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation, assembly, etc. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 22.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

**E. Colleges and Other Education Institutions**

Colleges, universities, and other institutions of higher learning, public or private, offering courses in general, technical, or religious education are subject to the following conditions:

1. **Minimum Parcel.** Any use permitted herein shall be developed only on sites of at least fifteen (15) acres in area.
2. **Arterial Road.** All access to said site shall be directly from an arterial road.
3. **Ancillary Services.** Ancillary services, such as a bookstore, cafeteria or restaurant, are permitted uses as long as they are situated on the campus grounds.
4. **Housing.** The proposal shall include a detailed description of any housing to be provided in association with the proposed school or educational institution. This description shall include the number of units and/or beds, their location, the number of persons to occupy the housing and any housing related support facilities such as common areas for eating, cooking, recreation, assembly, etc. The Planning Commission shall review the proposed housing and determine whether it is appropriate for the proposed location using the general review standards in Section 22.04. Additionally, all such housing shall be found to meet all state, federal or local building codes or regulations applicable to such housing.

**F. Public and Private Recreational Areas and Facilities.** Recreation areas, institutional or community recreation centers, swimming pool or similar clubs, seasonal recreation areas, and other similar or unique recreational uses, whether public or private, or those uses found substantially similar by the Township, are subject to the following conditions:

1. **Description of Use.** Plans for commercial recreation areas and facilities must include a written statement of use describing the purpose of the facility, the uses proposed, whether the uses will require formal memberships or will be available to the public, whether the use will be permanent, year-round, or seasonal in nature, intended hours of operation, number of employees on a maximum shift, facility bylaws, nuisance mitigation measures, and other information applicable to the business and use.
2. **Compatibility of Use.** Commercial recreational areas and facilities may be permitted in residential districts only where it can be determined the commercial nature of the use does not affect the primarily residential character of the site and surrounding properties. Factors concerning the public health, safety, and welfare of the public, including, but not limited to, liability insurance, parking assistance, safety and security contractors, refuse disposal etc., may be required to ensure compatibility of use.
3. **Intensity of Use.** Recreation areas and facilities may be approved administratively by the Zoning Administrator after it has been demonstrated to his/her satisfaction there will be minimal adverse impacts to the surrounding properties or neighborhood in terms of intensity of use, noise, odor, visual nuisance, traffic, landscape, drainage, duration of use, or any other identified potential impact. The Zoning Administrator may request the opinion of a subcommittee of the Planning Commission to assist in a determination of appropriateness of administrative review. All uses not deemed appropriate for administrative review shall be reviewed as a special land use.
4. **Traffic Impacts and Road Access.** The proposed use must not generate traffic volumes of an amount that will create hazardous conditions for users of adjacent properties or contribute to altered character of properties in the vicinity. The Township may request formal feedback from the Livingston County Road Commission and an independent traffic study to determine impacts.
5. **Landscaping and Screening.** Landscaping and screening must achieve the standards of Article 21A of this Ordinance. The Township may waive certain landscape requirements where it is determined the intent of the landscaping standards is achieved with existing site conditions.

6. **Setbacks.** The setback standards in Section 20.01 of this Ordinance apply to all structures associated with the commercial recreation area. Accessory buildings and structures shall be located in accordance with Section 21.02, Accessory Buildings and Structures Provisions, to the extent feasible. Due to the unique and diverse nature of recreation areas defined herein, the Township may modify side and rear setback requirements to accommodate unique circumstances or structure types. Modification of setbacks may only be considered where vegetative screening, berms, or other forms of buffering are proposed to help minimize the effect of the modified setback.
  
7. **Parking.** The number of off-street parking spaces provided in support of temporary uses may be considered on a case-by-case basis. Where specific parking space requirements cannot be determined by Section 25.11 or credible external resources, the site must dedicate 320 square feet of land area for parking per expected vehicle at maximum anticipated capacity.
  - a. **Off-street parking.** Off-street parking is subject to the standards of Article 25 of this Ordinance, but certain design standards may be waived to permit informal parking areas with surfaces of turf, mulch, stone, or other similar material suitable for driving or parking. Parking area delineation may be accomplished by paint, string, or other means deemed appropriate by the Planning Commission.
  
  - b. **On-street parking.** On-street parking is prohibited unless authorization is expressly granted by the Livingston County Road Commission, MDOT, or other applicable authority of record for the road right-of-way.
  
8. **Use-Specific Standards.** The following standards are intended to be for a specific use and may not apply to all commercial recreation areas and facilities:
  - a. **Pools.** Whenever a pool is constructed under this ordinance, said pool area shall be provided with a protective fence at least six (6) feet in height, and entry shall be provided by a controlled gate. Additional standards of the Michigan Construction Codes may apply as determined by the Building Official.
  
  - b. **Shooting range, war games club, trap and skeet range /club, archery range.** A fence at least six (6) feet high shall be erected around the perimeter of the property. On-site facilities shall not be located within two hundred (200) feet of the property line. If the site is used for "war games" utilizing air guns, a fence at least six (6) feet high shall be erected around the perimeter of the property. In addition, ropes, ribbons or similar materials shall be erected or hung from trees to form

a visible line of demarcation at least fifty (50) feet inside of, and parallel to, the perimeter fence. Signs clearly stating NO TRESPASSING shall be erected around the perimeter fence as approved by the Zoning Administrator. Site plans for any use described in this paragraph may be forwarded to the County Sheriff for approval and determination of adequate safety.

9. **Deviations.** The Township anticipates a large variety of potential recreational areas and facilities that may be considered as a special land use as described herein. Accordingly, the Planning Commission may consider minor deviations from the ordinance standards herein after a public hearing has been held, where the purpose and intent of this article and the Zoning Ordinance are supported. The Planning Commission may also request additional reasonable information in order to make a determination that the proposed use will not negatively impact the health, safety, and welfare of adjacent property owners and the greater community. Standards for deviations include:
  - a. **Substantial Justice.** Proposed deviations will provide substantial justice to the applicant as well as to other property owners in the vicinity. Resulting development will relate harmoniously with adjacent land uses and will not alter the essential character of the neighborhood.
  - b. **Minimum Deviation Required.** The requested deviation will be the minimum required to provide substantial justice and allow granting of the deviation in such fashion that the spirit of these regulations will be supported and public safety and welfare secured.
  - c. **Extraordinary Circumstances.** There are conditions applicable to the use or property involved that do not apply generally to other properties and uses in the area. The circumstances shall not be self-created by the owner or a former owner of the land. The described circumstances or conditions shall uniquely identify this request.
  - d. **No Safety Hazard or Nuisance.** The deviation will not increase the hazard of fire or otherwise endanger public safety or create a public nuisance.
10. **Annual Review.** On an annual basis, special land uses described herein shall undergo review. Due to the unique and potentially evolving nature of these types of uses, the annual review is intended to ensure operations are in harmony with the surrounding neighborhood as intended, conditions of the approval are being followed, improvements to operations are identified and

mutually agreed-upon, and the interests of the owner/operator and Township are supported.

- a. **Annual Report.** The owner/operator of the Special Land Use shall submit a written report to the Township Zoning Administrator detailing ongoing operations, compiling complaints received and their resolution, listing police or zoning enforcement activities, identifying potential improvements to the site that could further ensure minimized impact on the surrounding community, and calling out desired changes in operation which would require updating the approved plan.
- b. **Township Review.** The Township Zoning Administrator, in collaboration with a subcommittee of the Planning Commission and Township consultants, as necessary, shall review the annual report and identify changes to the site or operation which may necessitate amending the special land use.
- c. **Actions.** If the Zoning Administrator identifies no issues or discretionary decisions to be made, the annual report may be filed, and no further actions are required. If there are concerns to address or updates to the approved land use required, the report is to be directed to the Planning Commission to discuss at a subsequent Planning Commission meeting with potential action to be taken in accordance with the Special Land Use approval procedures of the Zoning Ordinance.
- d. **Costs.** Reasonable costs incurred for annual review will be the responsibility of the operator of the Special Land Use.
- e. **Review Waiver.** The Zoning Administrator may, at the time of an annual review, consider an alternative review cycle.

**G. Kennels.**

1. **County and State Regulations.** All dog kennels shall be operated in conformance with all applicable county and state regulations. Permits for kennels are valid for one (1) year.
2. **Minimum Parcel.** For dog kennels, the minimum lot size shall be ten (10) acres for the first six (6) dogs and an additional one-third (1/3) acre for each one (1) additional dog.
3. **Housing.** Buildings wherein dogs are kept, dog runs, and/or exercise areas shall not be located nearer than one hundred fifty (150) feet to any adjacent property lines and two hundred (200) feet from the road right-of-way.

4. **Shelter Area.** Each dog shall be allotted the following minimum areas: Sixty (60) square feet for outside dog run, and sixteen (16) square feet for inside sleeping area. A chain-link fence shall, divide each dog's area from adjoining spaces.
5. **Outdoor Facilities.** Outdoor runs and breeding areas shall have concrete or other AKC recognized surfaces that are suitable for cleaning in a manner that eliminates odors and maintains a sanitary condition for the animals. The kennel owner is encouraged to contact the Environmental Health Division of the Livingston County Health Department for guidance in the proper disposal of animal waste.
6. **Fencing.** The entire shelter area, breeding area, and exercise runs shall be enclosed by a sight-obscuring and sound-reducing wall or fence not less than six (6) feet in height.
7. **Annual Review.** The Township Supervisor, or person designated by the Township Board, shall review the construction and maintenance of the kennel annually. The inspection will include sanitation, size of runs, exercise areas and general appearance. All fees for inspection by county or state agencies or approved kennel associations will be paid by the owner/operator.
8. **Financial Guarantee.** The applicant may be required to post a financial guarantee, the amount of which to be determined by the Township board, before a permit is granted or renewed.

**H. Feedlots; Commercial Feeding Operations.**

1. **Minimum Area.** Minimum lot areas of twenty (20) acres are required for commercial feeding operations.
2. **Setbacks.** All structures and confined lots designed to house or contain livestock shall have a setback of at least one thousand (1000) feet from any existing family residence, except that of the feedlot operator. A minimum setback distance of one thousand (1000) feet shall be maintained between any existing church, school, business, recreation area (public or private), public building, or area zoned other than FR or RE.
3. **New Development.** New residences, churches, schools, businesses and recreation areas not connected with feedlot operations shall maintain a setback distance of at least one thousand (1000) feet from any existing feedlot

operation. Permission to build within the setback distance must be secured from the Planning Commission, who shall ascertain that the owner of the proposed structure or use is aware of the existing feedlot.

**I. Golf Courses and Related Uses.**

Golf courses, pro shops, country clubs including restaurants and or lounges, and golf driving ranges, which may or may not be operated for profit, are subject to the following conditions:

1. **Arterial Access.** The site shall be so planned to provide all access directly onto or from a major hard surfaced arterial road.
2. **Safety.** The site plan shall be laid out to achieve an efficient relationship between the major road and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
3. **Buildings.** Development features, including the principal and accessory buildings and structures, shall be so located and related as to minimize adverse affects upon adjacent property. This shall mean that all principal or accessory buildings and structures shall be not less than one hundred (100) feet from any property line abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
4. **Pool.** Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence at least six (6) feet in height, and entry shall be by means of a controlled gate.

**J. Nursery Schools and Child Care Centers (with more than six children)**

Nursery schools and child care centers with more than six children must meet the following conditions. Group day care homes are subject to only the conditions in item 4.

1. **Outdoor Play Area.** Each child cared for shall be provided with a maintained outdoor play area of a minimum one hundred fifty (150) square feet.
2. **Minimum Play Area.** The total play space shall contain a minimum of five thousand (5,000) square feet in area, and shall be screened from any adjoining residential lot.



3. **Location.** Facilities shall satisfy the location requirements provided in subsection 4.a below, except when located within and operated as part of an approved commercial or industrial use.
4. **Special Land Use Conditions.** A group day care home, as defined in Article 2 and licensed by the State of Michigan, shall be granted a special land use permit if it satisfies the following conditions:
  - a. **Facility Location.** Facilities shall not be located closer than fifteen hundred (1,500) feet to any of the following:
    1. **Group Day Care.** Another licensed group day-care home.
    2. **Adult Foster Care.** Another adult foster care small group home or large group home as licensed under the adult foster care facility licensing act (PA 218 of 1979).
    3. **Substance Abuse Facility.** A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed under Article 6 of the Public Health Code, Act 368 of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws;
    4. **Community Correction Center.** A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
  - b. **Fencing.** Facilities shall provide appropriate fencing for the safety of the children.
  - c. **Neighborhood Compatibility.** The property and the facility shall be maintained consistent with the visible characteristics of the neighborhood.
  - d. **Hours of Operation.** Facilities shall not exceed 16 hours of operation during a 24-hour period.
  - e. **Other Requirements.** The use shall satisfy all other requirements of this Ordinance, including those for off-street parking (Article 25) and signage (Article 27).

**K. Roadside Stands and Permanent Structures for the Sale of Agricultural Products Raised on the Farm.**

In agricultural districts, each farm may have one (1) temporary roadside stand or one permanent building space operated on the same premises by the property owner, farm proprietor, or his family. The allowance and use of such structures shall not alter the zoning of land in the Farming Residential or Rural Estate zoning district, and such use shall not be deemed a commercial activity. The stand and/or structure shall be located and constructed to meet the following requirements (see Section 22.05.R for other agri-business uses):

- 1. Height.** The structure and/or stand shall not be more than one (1) story in height.
- 2. Floor Area.** The floor area of the roadside stand shall not exceed 400 square feet and the floor area of the permanent building space devoted to the retail sale of the produce shall not exceed 1,500 square feet.
- 3. Setbacks.** The permanent structure shall meet all setback requirements. The temporary moveable stand shall be located no closer than ten (10) feet from any part of the road right-of-way and shall be removed during the non-sales season.
- 4. Parking.** Parking shall comply with the requirements of Article 25, Off-street Parking and Loading. Provisions shall be made to allow cars to turn-off the road and park outside of the right-of-way. Parking lots in the FR and RE districts are not required to be paved.
- 5. Advertising.** Advertising signs as defined in Article 27.

**L. Oil and Gas Processing Plants**

The following regulations shall apply to oil and gas processing or sweetening plants:

- 1. Setbacks.** Setbacks:
  - a. Minimum Setbacks.** Oil and gas processing plants shall be located a minimum of 1,300 feet from any existing residential, commercial, or industrial establishments, wetlands, or surface water.
  - b. Minimum Residential Setbacks.** Oil and gas processing plants shall be located a minimum of 2,640 feet from population concentrations, such as subdivisions, apartment buildings, residential developments, or

manufactured home parks, and from uses whose occupants would be difficult to evacuate, such as hospitals or nursing homes.

2. **Density.** There shall be no more than one (1) oil and gas processing facility in operation per square mile section of land. Such facilities shall be designed to service all oil and gas wells that are expected to need such service within a two (2) mile radius.
3. **Screening.** Oil and gas processing facilities shall be screened in accordance with Section 21.35.
4. **Air Pollution Control.** Emissions from the plant shall meet or exceed all applicable state and federal pollution standards. Monitors/sensors shall be installed in at least four locations along the perimeter of the site. In addition, monitors shall be installed in all process buildings. These monitors shall be set to alarm and automatically cause the plant to be shut down upon detection of excessive concentrations of hydrogen sulfide, sulfur dioxide, methane, or other gases. The plant operator shall provide the Township with the instrument shut down set points, which shall be subject to review and approval. All monitors shall be maintained in proper working order at all times.
5. **Fire Detection.** The fire detection and suppression system shall be constructed and maintained in accordance with state and local fire and building codes, and as approved by the Fire Chief. Fire eyes shall be installed in storage tank areas and in process buildings.
6. **Noise.** Oil and gas processing plants shall comply with the noise standards set forth in Section 21.16.
7. **Automatic Alarm System.** In the event that instruments, sensors, or monitors detect a malfunction of the system, including but not limited to the detection of gas leaks, odors, fire, flare failure, or improper operation of the processing equipment, an alarm system shall be set to automatically operate. The alarm system shall be operated through a bonded alarm company approved by the Township. The alarm company shall be instructed to contact the Township Fire Department dispatcher or other designated official or agency and plant operating personnel.
8. **Site Security.** The following security measures shall be maintained on the site:
  - a. **Fencing.** The site shall be fully enclosed with a six foot high chain link fence with three strands of barbed wire along the top of the fence.

- b. **Locking.** All building doors and fence gates shall be kept closed and locked, except when personnel are at the site during the daytime hours.
  - c. **Signs.** "Poisonous Gas" or other appropriate warning signs shall be placed at fifty (50) foot intervals along the fence surrounding the facility. The warning signs shall have a reflective surface.
  - d. **Lighting.** The site shall be adequately lighted, in accordance with Section 21.37.
  - e. **Automatic Telephone System.** In the event of a break-in or other lapse of security, the bonded alarm system shall automatically be put into operation, and operating personnel and local law enforcement officials shall be notified.
9. **Preventative Maintenance.** The facility shall be maintained in proper operating condition at all times. Manufacturer's recommendations concerning periodic maintenance shall be adhered to.
10. **Site Closure.** In the event that operation of the facility is terminated for a period exceeding six (6) months, all equipment and surface piping shall be removed and foundations shall be destroyed to a depth of 36 inches below grade. The entire site shall be evenly graded and re-seeded.
11. **Agency Approvals.** The applicant shall submit proof of permits and approvals from all state or county agencies having jurisdiction, including but not limited to: the Michigan Department of Environmental Quality (MDEQ) Waste Management Division, Michigan Pollution Control Commission, Livingston County Health Department, Livingston County Road Commission, Livingston County Drain Commissioner, MDEQ Environmental Response Division, and Michigan Department of State Police Fire Marshall Division.
12. **Performance Guarantee.** Prior to issuance of a building permit, the Township may require submission of a financial guarantee, in accordance with Section 23.16.

**M. Mini-Warehouses**

- 1. **Lot Area.** The minimum lot area for mini-warehouses shall be two (2) acres.
- 2. **Enclosed Storage.** Mini-warehouse establishments shall provide for storage only. All storage must be completely contained within an enclosed building.

3. **Site Screening.** The entire site, exclusive of access drives, shall be screened from adjacent properties and road rights-of-way. The Planning Commission shall approve the appropriate screening for the site consistent with one (1) or more of the following options:
  - a. **Masonry Wall.** A six (6) foot high masonry wall enclosure in order to protect nearby adjacent lots that may be adversely affected by the warehouses and truck traffic accessing the warehouse site.
  - b. **Chain Link Fence.** A six (6) foot chain link fence may be permitted along property lines that do not abut a residentially zoned district or residential use.
  - c. **Landscaping.** Landscape screening in accordance with the provisions of Section 21.35.
4. **Open Bays:** Buildings must be oriented so that open service bays do not face adjacent major thoroughfares or arterial roads unless screened by an adjoining lot, building, or screening in compliance with M.3 above.
5. **Exterior Appearance.** The exterior of any mini-warehouse shall be of finished quality and design, compatible with the design of structures on surrounding property.
6. **Resident Manager.** A resident manager may be permitted on-site with the responsibility of maintaining the operation of the facility in conformance with the conditions of the approval. The manager's residence shall conform with the minimum dwelling unit floor area requirements of the RM-1 District provisions of this Ordinance.
7. **Circulation.** On-Site Circulation and loading/unloading:
  - a. **One-way Driveways.** All one-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and one fifteen (15) foot travel lane.
  - b. **Two Way Driveways.** All two-way driveways shall be designed with one ten (10) foot wide loading/unloading lane and two (2) twelve (12) foot wide travel lanes.
  - c. **Signs.** The loading/unloading lanes may be eliminated if the driveway does not serve storage units. Signs and painted lines shall be used to indicate loading/unloading areas and traffic direction throughout the site.

**N. State Licensed Child and Adult Foster Care Facilities Other than Adult Foster Care Family Homes, Foster Family Homes, Foster Family Group Homes, or Family Day Care Homes**

The following regulations shall apply to State Licensed Child and Adult Foster Care facilities other than Adult Foster Care Family Homes, Foster Family Homes, Foster Family Group Homes, or Family Day Care Homes and related sites:

- 1. Road Frontage.** The site for the facility shall front on a major road with a right-of-way of not less than sixty-six (66) feet.
- 2. Recreation Area.** The site shall include an outdoor open space and recreation area of not less than five hundred (500) square feet for each occupant of the facility. The open space and recreation area shall be located in side or rear yard areas.
- 3. Paved Parking.** Paved parking areas shall be provided on the site in the rear or side yard areas. Parking spaces shall be provided at the rate described in Section 25.11.A.4.
- 4. Site Screening.** The site shall be screened consistent with the requirements of Section 21A.05.C.

**O. Asphalt and Concrete Mixing Plants**

Asphalt and concrete mixing plants shall comply with the following minimum regulations. The Planning Commission and Township Board may require additional conditions related to the specific location and operation of a proposed plant.

- 1. Setbacks.** In order to reduce the effects of airborne dust, dirt and noise, and similar operations, equipment and materials shall be located no closer than the required front yard setback, no closer than one hundred (100) feet to any adjacent property lines, and no closer than five hundred (500) feet to any residence that is not zoned industrial or as otherwise required by other provisions of this Ordinance.
- 2. Arterial Access.** Asphalt, transit mix and concrete plants shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
- 3. Staging and Parking Area.** Staging and parking areas shall not occur within required yard setback areas.

4. **Layout.** The site shall be designed so as to minimize the off-site views of truck loading, unloading and stacking areas. As determined feasible by the Planning Commission, truck accessible areas shall be screened by other site features including buildings and landscaping to be installed on the site.
5. **Outside Storage.** Outside storage of materials other than sand, gravel and other natural materials used in the manufacturing process shall be prohibited. Sand and gravel storage and temporary storage stockpiles of processed materials awaiting transport shall be enclosed on three sides with a wall or maintained landscaped berm. At no time shall material stockpiles exceed forty-five (45) feet in height. The location and size of the stockpiles shall be screened from public view. The location and screening of the stockpiles shall be shown on the site plan. The Planning Commission and Township Board shall require installation of screening consistent with these requirements in order to assure the material stockpiles are adequately screened.
6. **Screening and Noise Abatement.** Outside storage and parking and loading areas as permitted, shall be screened and landscaped in accordance with Section 21.35. At the discretion of the Planning Commission, additional vegetative plantings, screening walls and fences or other means of sound attenuation shall be required to mitigate noise impacts.
7. **Truck Traffic.** Trucks hauling mixing materials to the site shall be loaded and covered in accordance with all applicable State and County and local regulations. A truck haul route shall be designated and subject to Township approval. Roadways and driveways used by the trucks shall be regularly cleaned so as to maintain a clear surface for the safe transport of people and goods on the roads. At the discretion of the Township, a schedule for cleaning and other necessary maintenance of roadways at the point of access may be required.
8. **Truck and Site Maintenance and Pollution Control**
  - a. **Vehicle Washing.** All vehicle washing shall be performed on a designated hard surfaced area. Such area shall be designed so that wash water is captured and disposed of by a method approved by the MDEQ and U.S. EPA. Truck washing shall be limited to only those trucks that are permanently housed on the plant site.
  - b. **Vehicle Maintenance.** All vehicle maintenance to be performed on the site shall occur within an enclosed garage. If such garage will be built, it shall be shown on the site plan for the facility.

- c. **Waste Water Disposal.** The site plan must provide methods for disposal of waste water, storm drainage water, and other wastes in accordance with waste management practices approved by the Township, Livingston County, MDEQ and U.S. EPA.
  - d. **Fugitive Dust.** The site plan shall include provisions for capture of fugitive dust and emissions from stockpiles, process sources, and traffic in accordance with practices approved by the Township, Livingston County, MDEQ and U.S. EPA.
  - e. **Hazardous Materials.** All hazardous materials used in the production process including but not limited to additives, fixatives and liquid asphalt as well as any fly ash stored on site must be contained in sealed bins and housed within a building with concrete floors. Manufacturer's specifications (including potential hazards) for such additives, fixants, and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain fixants and other process chemicals shall be supplied with the site plan. A proposed emergency management plan to contain any possible spills shall be submitted to the Planning Commission for review and posted on site. Copies of this plan shall be forwarded to the Livingston County Emergency Program Manager and the Livingston County Health Department.
  - f. **Odors.** Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or a hazard on adjoining property, or which could be detrimental to human, plant, or animal life. The use of any furnace or combustion device in association with concrete, asphalt, or transit mix plants shall be equipped with recognized and approved equipment, methods, or technology to reduce the quantity of airborne fumes emitted into the open air as regulated by the MDEQ, USEPA, Tyrone Township, and Livingston County.
9. **Other Agency Approvals**  
The applicant shall obtain required approvals from all state or county agencies having jurisdiction, including but not limited to the MDEQ. Evidence of approvals from such agencies shall be submitted to the Township prior to final approval.
10. **Excess Asphalt or Concrete**  
The proposed recovery system for excess asphalt, concrete or similar materials must be noted on the site plan and approved by the Township. The plan shall



include a means of sealing the recovery area to prevent leaching of hazardous materials into the ground.

**11. Performance Guarantee**

Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with the provisions of this Ordinance.

**P. Open Storage Yards**

Open storage yards for the display and sale of finished products or the storage of finished manufactured products shall comply with the following minimum site development requirements:

- 1. Setbacks.** In order to reduce the effects and visual impact of the open storage yard equipment, storage areas, truck staging areas, and similar operations shall be located no closer than the required yard setbacks of the zoning district. In the case where adjacent residential uses exist or are planned, the Planning Commission may increase the setback requirements.
- 2. Access.** Storage yards shall have direct access onto a paved principal arterial. All driveways, loading areas, staging areas, and truck maneuvering areas within the site shall be paved.
- 3. Staging Area.** All vehicle traffic stacking and waiting areas shall be contained on the site and shall be designated on the site plan. Staging and parking areas shall not occur within the required yard setbacks nor in areas not designated for stacking purposes on the approved site plan.
- 4. Outdoor Storage of Material.** Only those types of materials included in the proposal at the time of site plan approval shall be permitted in the outdoor storage areas. Such permitted outdoor storage areas shall be enclosed on all sides with a wall or maintained landscaped berm. The location and size of storage areas shall be shown on the site plan. All loading and unloading of materials for storage shall occur in these designated areas and are limited to between 7 a.m. and 10 p.m. At no time shall storage stacks exceed the height of the approved screening wall or landscaped screen. An erosion prevention and containment plan must be prepared and maintained for any proposed outdoor storage of dirt, gravel, sand, or other loose material.
- 5. Screening.** All outdoor storage facilities, including parking and loading areas, shall be screened and landscaped in accordance with Section 21.35. At the discretion of the Planning Commission, vegetative plantings or other means of sound absorption may be required to mitigate noise impacts. A fence or wall shall be constructed and maintained along the rear and side lot lines in order to

keep trash, paper and other debris on the site. (See Section 21.19). At the discretion of the Township, this provision may be waived if the applicant demonstrates that all activities and storage will be contained within the confines of structures on the site.

6. **Display.** Subject to Planning Commission approval and the following requirements, a display may be allowed as an open storage use. All products displayed:
  - a. **Operable.** Shall be operable and without clutter. “Junk” or inoperable products are prohibited.
  - b. **Setback.** Shall not be located within a fifty (50) foot setback from any right-of-way or property line.
  - c. **Display Area.** Shall be located in an approved display area. The amount of outdoor display area shall be based on the following formula: For the first one hundred (100) feet of frontage on a street, two hundred (200) square feet of display area shall be permitted and one (1) additional square foot of display area shall be permitted for every additional foot of frontage on the street. In no event shall the display area exceed a maximum of one thousand (1,000) square feet.
  
7. **Site Design.** An outdoor storage use shall not be permitted to occupy a site where no building has been constructed. A building shall be constructed on the premises for office use in connection with the storage facility. The building should be located on the site to provide an office for site management and to assist in screening the operation from adjacent road right-of-way. This provision may be waived by the Township if the applicant can demonstrate other acceptable mechanisms for screening and site management.

Lighting for the site shall be shielded and directed so that glare and illumination from the lights shall not create a hazard for vehicles on adjacent roads or to cause a nuisance for adjacent or nearby uses. Lighting shall be indicated on the site plan and be maintained consistent with the approved site plan. All lighting must be down directed and shall not exceed .5 foot candle at all property lines.

Outdoor storage shall not be permitted in the required front yard. All loading, parking, and maneuvering shall be restricted to the site. Screening and noise abatement shall be provided for storage areas adjacent to residential zoning districts in accordance with the provisions of Section 21.35.

8. **Minimum Site Dimensions.** The site shall comply with the minimum zoning district area, dimensional and configuration requirements.
9. **Performance Guarantee.** Prior to issuance of a land use permit, the Township may require submission of a performance guarantee, in accordance with the provisions of this Ordinance.

**Q. Expansion and/or Modification of an Existing, Nonconforming Building or Use.**  
See Article 26.07.

**R. Agri-Business Uses in Addition to the Sale of Agricultural Products Raised on the Farm.**

As defined in Article 2 and provided for in Article 4, agri-businesses are provided as a special land use for parcels in the Farming Residential and Rural Estate zoning districts and may include agriculturally related uses that are clearly incidental to the principal permitted agricultural use on the property. In some cases, the agri-business may involve a commercial or tourism use that is more intense than a roadside stand or facility for the sale of items grown or raised on the farm (standards for these facilities are found in Section 22.05.K). Agri-business uses such as these are governed by the standards below.

1. **Zoning.** Such uses shall be operated on the same premises as the principal agricultural use by the property owner or farm operator. The allowance and use of such structures and land shall not alter the zoning of land in the Farming Residential or Rural Residential zoning district, and such use shall not be deemed a commercial activity for zoning purposes.
2. **Facility Size.**
  - a. **Floor Area.** The total floor area above finished grade (one or two stories) of any agri-business facility falling into this category, including retail space, shall be no larger than 10,000 square feet. The facility may consist of more than one building. Underground space is not limited to, and may be in addition to, the 10,000 square feet of floor area provided that it is below pre-existing ground level and has no more than one loading dock exposed.
  - b. **Pre-Existing Buildings.** Building(s) built prior to this amendment may be used for an agri-business provided that the area dedicated to the agri-business is limited to 10,000 square feet. The Zoning Board of Appeals may consider variances from setbacks for such a pre-existing building if



- c. Approval.** The Township Board shall approve a facility’s ability to host events when it has demonstrated the largest event desired by the facility can be handled without significant adverse impacts to adjacent neighbors or Township facilities and services or otherwise creating a detriment to public health, safety, or welfare.
  - d. Special Conditions.** The special land use approval may specify a maximum number of events per year, number of persons per event, and hours for events.
  - e. New Permit.** In order to exceed the number of events approved by the Township Board or to host an event of increased intensity, the special use permit must be amended. Otherwise, a new permit is not required for each event.
- 7. Parking.** Parking shall comply with the requirements of Article 25 - Off-street Parking and Loading. Provisions shall be made to allow cars to turn off the road right-of-way and park outside of the right-of-way. Parking lots in the FR and RE districts are not required to be paved.
- 8. Signs.** Signage shall comply with the requirements of Article 27 - Signs. Agri-businesses are permitted one ground sign with a maximum area of 48 square feet and a maximum height of 6 feet.
- 9. General Standards.** In addition to the specific standards for Agri-business uses specified above, the Planning Commission and Township Board shall consider the following when making a determination under this section:

  - a.** The relationship of the agri-business use to the primary agricultural use on the site.
  - b.** The duration of use (i.e. seasonal, annual, weekends, everyday, etc.).
  - c.** Hours of operation.
  - d.** Relationship of agri-business use and proposed development to the overall size of the parcel.
  - e.** Potential traffic impacts created by the proposed use.
  - f.** Other potential impacts on the Township or adjacent properties including but not limited to lighting, noise, dust, and drainage.

**S. Contractor's Limited Storage.**

Contractor's office and related storage of vehicles and equipment used in the business may be permitted on a limited basis in the FR or RE Districts, subject to the following conditions:

- 1. Owner-Occupied.** Any such site shall contain a single family dwelling that is occupied by the owner of the business. There shall be no visible change to the single family residential appearance of the dwelling. The business use of the site shall be clearly incidental and secondary to the use of the site for dwelling purposes. Traffic, parking, sewage, trash or garbage storage and removal or water use shall not be noticeably different from the impacts associated with a typical home in the neighborhood. Further, the use shall not generate noise, vibration, glare, fumes, toxic substances, odors or electrical interference at levels greater than normally associated with a single family home.
- 2. Lot Area.** The minimum lot area shall be three (3) acres.
- 3. Enclosed Storage.** All materials and equipment must be stored and completely contained within an enclosed building. No more than one (1) commercial vehicle may be parked outdoors, subject to and as specifically provided under Section 21.19.C.2 Commercial Vehicle Parking. No storage of loose materials shall be permitted including but not limited to, topsoil, sand, mulch, gravel, wood, debris, and the like. There shall be no more than one detached accessory building per site devoted to this use.
- 4. Screening.** All portions of the site that are used for employee parking or commercial vehicle parking shall be screened from view from adjacent properties and road rights-of-way. Screening shall be accomplished with landscaping, topographic barriers, screening walls or fences, or other means as approved by the Planning Commission and Township Board.
- 5. Primary or Section Line Road Access.** The site shall be located to have at least one (1) property line abutting a primary or section line road. All non-residential access to the site shall be directly onto that primary or section line road.
- 6. Non-Resident Parking.** The personal passenger vehicles of employees may be parked outside on site for periods no greater than 14 hours per occurrence. The location of employee parking shall be shown on the site plan and is subject to approval by the Township.

7. **Exterior Appearance.** The exterior of any accessory building used for contractor storage shall be of finished quality and design, compatible with the design of structures on surrounding property, so as to not detract from the predominant residential character of the district.
8. **Signs.** No signs shall be permitted other than those allowed for normal residential use.
9. **Maximum Size of Accessory Building.** No accessory building or total of all accessory buildings used for contractor storage shall exceed 5% of the maximum permitted lot coverage on the site. Subject to the determination of the Planning Commission and approval of the Township Board, the maximum accessory building size permitted on a site may be reduced.

**T. Utility-scale Solar Energy Facilities.**

Tyrone Township recognizes the positive environmental impact solar energy systems promise as an energy alternative to traditional sources. Concurrently, the Township has an obligation to ensure use of lands within its jurisdiction provide a net positive effect in terms of impact, support of the Township Master Plan, and availability of land resources.

1. **Regulations.** 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 zoning districts where they are permitted or special land uses, facilities for the capture, storage, and distribution of solar energy for commercial purposes are subject to the following standards:
  - a. **Lease Unit Boundary.** The boundary around a parcel, multiple parcels, or portions thereof, leased or purchased for the purposes of operating a solar energy facility. The Lease Unit Boundary may cross road rights-of-way, but required setbacks shall be provided and calculated on each side of any such road.
  - b. **Location and Setbacks.** The solar energy system shall not be located closer to the road than any portion of a principal building located on the same parcel. The solar energy facility setback requirements are found in the table below. For parcels abutting Old US-23, the minimum setback from Old US-23 shall be 50 feet. All 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 or likely adjacent development.

District	FR	PCI	PIRO-A	PIRO-B	PIRO-C
Front Yard Setback	*50	100	100	100	100
Side Yard Setback	30	30	30	30	50
Rear Yard Setback	75	30	30	30	50

\*In the FR district if the prevailing setbacks of structures on adjacent properties within 500 feet are greater than 50 feet the front yard setback must be increased to those average setbacks, but is not required to be greater than 150 feet.

- c. **Height.** The height of the solar energy system and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- d. **Screening.** Landscaping shall be provided to screen the racking and any accessory equipment from view at a six (6) foot ground level from adjacent properties or public rights-of-way, unless otherwise determined and/or modified by the Planning Commission and/or Township Board.
- e. **Glare.** Solar 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.
- f. **Batteries and Accessory Equipment.** When solar storage batteries are included as part of the solar energy system, they must be placed in a secure container or enclosure when in use, and when no longer used shall be disposed of in accordance with applicable laws and regulations.
- g. **Natural Feature Preservation.** The plan for installation of a solar farm 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.
- h. **Drainage and Stormwater.** Solar 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 exceed the agricultural runoff rate or



otherwise cause undue flood. 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. Detergents should be of a biodegradable variety, and frequency of anticipated cleaning should be described.

- i. **Lot Coverage.** Impervious surfaces required for the installation of ground-mounted solar energy systems shall be subject to the maximum lot coverage standards of the zoning district. Impervious surfaces for the purpose of calculating lot coverage for solar energy systems include, but are not limited to, mounting pads, footings, concrete or asphalt driveways and walkways, and accessory structures. In the case of a solar energy system on a lease unit, maximum lot coverage standards shall apply for each parcel included within a lease unit.
  
- j. **Abandonment and Removal.** If a solar energy system ceases to perform its intended function (generating electricity) for more than 12 consecutive months, the operator shall remove the collectors, mounts, and 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 solar energy system or portion thereof, with the Township's actual cost and reasonable administrative charges to be covered by the operator's security bond. Any costs incurred by the Township above and beyond the value of the security bond will be the responsibility of the operator.
  
- k. **Decommissioning.** The ground shall be restored to its original condition within 60 days of removal of structures. 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 solar energy system is decommissioned.
  
- l. **Security. A letter of credit, cash deposit, or other security instrument found acceptable to the Tyrone Township Board.** The owner(s) and/or operator of the 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 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 security instrument, defined herein, shall be appropriately adjusted to reflect the current decommissioning estimate.

- i. 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.
- ii. 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.
- iii. 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 in Subsection v., below.
- iv. In the event of sale or transfer of ownership and/or operation of the solar energy facility, the security instrument shall be maintained throughout the entirety of the process.
- v. If at any time during the operation of the solar 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.
- vi. The security instrument shall be maintained until decommissioning and removal has been completed to the satisfaction of the Township.

**2. Site Plan Approval and Supporting Materials.** All applications for Utility-scale Solar 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 of Article 23. In addition they shall display the following information:

- a. All lot lines and dimensions, including a legal description of each lot or parcel comprising the Utility-scale Solar Energy Facility.
- b. Vicinity map showing the location of all surrounding land uses.

- c. Location and height of all proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing, and all above-ground structures and utilities associated with a Utility-scale Solar Energy Facility.
- d. Horizontal and vertical to scale drawings (elevations) with dimensions that show the location of the proposed Solar Array(s), buildings, structures, electrical tie lines and transmission lines, security fencing and all above ground structures and utilities on the property.
- e. Location of all existing and proposed overhead and underground electrical transmission or distribution lines within the Utility-scale Solar Energy Facility and within one hundred (100) feet of all exterior property lines of the Utility-scale Solar Energy Facility. (exterior means the physical property lines versus the lease unit boundary lines)
- f. Proposed setbacks from the Solar Array(s) to all existing and proposed structures within the Utility-scale Solar Energy Facility.
- g. Topography for the Solar Array(s) location and the relationship to the land elevations of all existing and proposed structures within the Utility-scale Solar Energy Facility at a minimum of two (2) foot contour intervals.
- h. Access driveways within and to the Utility-scale Solar Energy Facility, together with a detailed narrative regarding dimensions, composition, and maintenance of each proposed driveway. All access driveways shall be subject to Livingston County Road Commission (LCRC) approval and shall be planned so as to minimize the use of lands for that purpose.
- i. Planned security measures to prevent unauthorized trespass and access during the construction, operation, removal, maintenance or repair of the Utility-scale Solar Energy Facility.
- j. A written description of the maintenance program to be used for the Solar Array(s) and other components of the Utility-scale Solar 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 Utility-scale Solar Energy Facility is decommissioned.
- k. Planned lightning protection measures.

- I. Additional detail(s) and information as required by the Tyrone Township Zoning Ordinance, or as required by the Planning Commission and/or Township Board.

**SECTION 22.06 REQUIRED STANDARDS AND FINDINGS**

- A. The Planning Commission shall review the particular circumstances and relevant facts concerning each special land use in terms of the standards and required findings listed below. The Planning Commission shall find and record adequate data, information, and evidence showing that the proposed use on the lot in question meets all required standards. The Planning Commission will review each proposal in order to determine that the use(s) envisioned:
  1. **Township Objectives.** Will be harmonious with, and in accordance with, the general objectives of the Tyrone Township Master Plan, and will be consistent with the intent and purpose of this ordinance;
  2. **Character of the Area.** Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the area;
  3. **Disturbance.** Will not be hazardous or disturbing to existing or future neighboring uses or detrimental to the economic welfare of the community;
  4. **Environment.** Will be compatible with the natural environment and existing and future land uses in the vicinity;
  5. **Essential Services.** Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that persons or agencies responsible for the establishment of the proposed use(s) shall be able to provide them and that such proposed use(s) will not create excessive additional requirements at public cost for public facilities and services;
  6. **Detrimental Uses.** Will not involve uses, activities, processes, materials and equipment, and conditions of operation which will be detrimental to any persons, property or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, odor, or handling of storage of hazardous materials and supplies.
- B. **Public Record.** The Planning Commission shall record all data, information, and evidence of the findings of Section 22.05 as a matter of public record.

**SECTION 22.07            DETERMINATION**

- A.     Recommendation to the Board.** The Planning Commission may recommend approval, denial, or approval with conditions of a request for special land use based on the findings of Section 22.05. Any conditions proposed shall meet all of the following requirements:
- 1.     Community Protection.** Be designed to protect natural resources, the health, safety, and welfare and social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - 2.     Exercise of Police Powers.** Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - 3.     Intent and Purpose of the Zoning Ordinance.** Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- B.     Statements and Conditions.** The recommendation of a special land use shall be incorporated in a statement containing the conclusions relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
- C.     Changes in Conditions.** Any conditions imposed with respect to the approval of a land use or activity shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The Planning Commission shall maintain a record of conditions which are changed.
- D.     Final Decision.** The Planning Commission action on the special land use is forwarded to the Township Board, which then shall take action on the application. The decision of the Township Board shall be final.

**SECTION 22.08            EXPIRATION OF SPECIAL LAND USE PERMIT**

A special land use permit shall be valid for as long as the permitted use continues in accordance with the conditions stated therein, unless otherwise stated in the special land use permit. If there is not compliance with the term of the special land use permit within ninety

(90) days from the date of its issuance, then it shall automatically expire and be of no further effect or validity. The conditions of approval may limit the duration that the special use is granted and/or may require an annual review of the special use. The breach of any condition, safeguard, or requirement shall automatically invalidate the permit granted.

**SECTION 22.09 REAPPLICATION**

An application for a special land use permit, which has been denied wholly or in part by the Township Board, shall not be resubmitted until the expiration of at least one (1) year from the date of such denial, except on grounds of valid new evidence or proof of changed conditions found by the Township Planning Commission or Township Board.

REVISIONS:

- 2000 DECEMBER - Section 22.03.J; 22.05.0 1-11, 22.05.P 1-9; 22.05.Q.
- 2007 APRIL - Sections 22.03, 22.05.J, 22,05.N.
- 2007 JULY - Section 22.05.K (new) and Section 22.05.R (New).
- 2012 JUNE - Added 22.05.S to include Contractor's Limited Storage.
- 2012 OCTOBER - Amended 22.05.G – Kennels.
- 2013 OCTOBER – Amended 22.05.C – Cemeteries to include RE.
- 2018 FEBRUARY – Amended 22.05.C – Cemeteries - to update special land use requirements.
- 2018 SEPTEMBER – Amended 22.05.F – to include provisions for commercial recreational uses in the FR District.
- 2019 JULY – Added Section 22.05.T Utility-scale Solar Energy Facilities.