

STATE OF MICHIGAN
IN THE 44th CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

WILLIAM D. MCCRIRIE,

Appellant,

Case No. 26-445-AA

Hon. Susan A. Longsworth

v

HOWELL TOWNSHIP,

Appellee.

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APPELLANT WILLIAM MCCRIRIE'S OPPOSITION TO THE DEFENDANTS MOTION TO DISMISS
PURSUANT TO MCR 2.116(C)(4) and MCR 2.116(C)(8)

NOW COMES the appellant William McCririe by and through his attorneys, McCririe Law, PLLC and hereby opposes the Appellee Howell Township's motion to dismiss the Appeal pursuant to MCR 2.116(C)(4) for lack of jurisdiction or in the event the Court treats the application's original complaint pursuant to MCR 2.116 (C)(8) for failing to state a claim upon which relief can be granted for all of the reasons as set forth in the accompanying brief.

/s/William D. McCririe
William D. McCririe (P34144)

STATE OF MICHIGAN
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WILLIAM D. MCCRIRIE,

Plaintiff,

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APPELLANT'S BRIEF IN OPPOSITION TO APELLEE'S

MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

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STATEMENT OF JURISDICTION

This Court has jurisdiction pursuant to MCL 125.3307 and MCL 125.3308 as to the issues regarding the Township Boards failure to follow the recommendations of their planners.

The Court has jurisdiction pursuant to Const 1963, art. 1, §17 of the Michigan Constitution governing due process. The Court also has jurisdiction to address the issues presented pursuant to the case law cited in the brief.

The decision of the Howell Township Board was January 12, 2026.

This action was filed January 30, 2026.

STATEMENT OF QUESTIONS INVOLVED

- I. WHETHER THE CASE SHOULD BE DISMISSED PURSUANT TO MCR 2.116(C)(4)

Appellant says, "No."

Appellee says, "Yes."

- II. WHETHER THE APPELLANT SHOULD BE ALLOWED TO AMEND THEIR PLEADINGS TO ALLOW THE CASE TO BE CONSIDERED A AN ORIGINAL ACTION OR PLENARY ACTION.

Appellant says, "Yes."

Appellee says "Unknown."

- III. WHETHER THE CASE SHOULD BE DISMISSED PURSUANT TO MCR 2.116(C)(8).

Appellant says, "No."

Appellee says, "Yes."

INTRODUCTION

This action arose out of two applications to rezone two parcels of property in Howell Township which were filed by William McCririe. The complaint is a 2 Count complaint accompanied by six exhibits. Count I of the complaint is a violation of substantive due process essentially a constitutional claim against the Township. The II Count of the complaint is against Howell Township for violation of the zoning enabling act which requires them to follow the recommendations in their planners and planning reports unless certain criteria are met pursuant to MCL 125.3202(1), MCL 125.3308 et seq.

This action arises out of the denial of two rezoning requests for two separate parcels of property that were filed by William McCririe. One of the parcels of property is currently zoned regional service commercial and the other parcel of property is zoned agricultural residential. Neither of the applications to rezone either of the parcels of property filed with the Township contained any conditions nor did they identify any intended use of the parcels after the rezoning, neither of which are required by law. On November 18, 2025, the Howell Township Planning Commission considered the proposed rezoning at a public hearing and denied the two rezoning requests in one separate motion not in two separate motions as is required given the fact that there were two applications for two separate and distinct parcels of property. The Planning Commission did not conduct two public hearings, one on each application as required.

The Howell Township Planning Commission requested and received recommendations from their outside planners, both of which went through the four criteria for rezoning and both recommended rezoning of both of the parcels of property. The Livingston County Planning

Commission met and voted in favor of both of the applications for rezoning following the recommendation of the Livingston County Planning Department which recommended the rezoning of each of the two parcels of property in question. On January 12, 2026, the Howell Township Board met and held public hearings on the request to rezone the two parcels of property. The Howell Township board unanimously voted to deny each requested rezoning contrary to the recommendations of their outside planners as to both parcels.

STANDARD OF REVIEW

William McCririe agrees with the standard of review as set forth by Howell Township as to a review pursuant to MCR 2.116(C)(4). When reviewing a motion brought under MCR 2.116(C)(8), the Court considers only the pleadings. 11 Michigan et al Gurganus v CVS Caremark Corp, 496 Mich 45, 63 (2014). The Court must accept all factual allegations in the complaint as true, along with all reasonable inferences and conclusions that can be drawn from them. Exhibit 1; 11 Id. A motion under MCR2.116(C)(8) should only be granted where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery. Maiden v Rozwood, 461 Mich 109, 199 (1999).

A motion for summary disposition pursuant to MCR2.116(C)(8) tests the legal sufficiency of the complaint, not whether the complaint can be factually supported. El-Khalil v Oakwood Healthcare, Inc, 504 Mich 152, 159-160 (2019); Pawlak v Redox Corp., 182 Mich App 758 (1990). A motion for summary disposition based on the failure to state a claim upon which relief may be granted is to be decided on the pleadings alone. Bailey v Schaaf, 494 Mich 595, 603 (2013); Parkhurst Homes, Inc v McLaughlin, 187 Mich App 357 (1991). Exhibits attached to pleadings

may be considered under MCR 2.116(C)(8) because they are part of the pleadings pursuant to MCR 2.113(C). Exhibit 2 El-Khalil, 504 Mich App 163. Matters of public record may also be considered. MCR 2.113(C)(1)(a). See also Dalley v Dykema Gossett, 287 Mich App 296, 301 N 1 (2010)(Court documents are matters of public record that may be considered on a motion under MCR 2.116(C)(8). “All well-pleaded factual allegations are accepted as true and construed in a light most favorable to the nonmovant.” Maiden v Rozwood, 461 Mich 109, 119 (1999); Wade v Dep’t of Corrections, 439 Mich 158, 162 (1992). Summary disposition is proper when the claim is so clearly unenforceable as a matter of law that no factual development can justify a right to recovery. Parkhurst Homes, 187 Mich App at 360; Spiek v Dep’t of Transportation, 456 Mich 331, 337 (1998).

If a motion is granted under (C)(8), the Court must give the nonmoving party an opportunity to amend their pleadings to correct the defect unless amendment would be futile. MCR 2.116(C)(5) if the grounds asserted are based on subrule (C)(8), (9), or (10), the Court shall give the parties an opportunity to amend their pleadings as provided by MCR 2.188, unless the evidence then before the Court shows that amendment would not be justified.

ARGUMENT

This was an action filed by William McCririe v Howell Township. It is a 2 Count complaint entitled Application for Appeal of Howell Township Board Decision.

Count I is entitled A Violation of Substantive Due Process, Const 1963, art. 1, §17. Count II is entitled Appeal from the Decision of the Township Board pursuant to the Michigan zoning enabling act.

The Defendant Township alleges that this Court lacks jurisdiction over the subject matter and as such summary disposition is warranted under MCR 2.116(C)(4). Essentially the Township is arguing that the action of the Township board in denying the two applications for re-zoning, was a legislative action and not an administrative action and as such then there is no appeal and that it should be an original action in the Circuit Court.

The basis as set forth in the appeal which was originally filed would essentially be the same basis for an original action in the Circuit Court for a violation of substantive due process. A property owner does have a property interest in the reasonable use of their land, *Richardson v Township of Brady* 218 F.3d 508 (2000). This same principle has been recognized in Michigan in the unpublished case of *ACC Industries Charter Township of Mundy*, No 242392 (Mich CT App Feb 24, 2004)(unpublished). Therefore, regardless of whether the original cause of action is entitled an appeal or whether it is actually an original action or plenary action the complaint itself is still viable. As such this Court can consider this matter as an original action or the Court can pursuant to MCR 2.118(A)(2) allow the plaintiff to retitle or amend their complaint to an original plenary action based upon the allegations in the original complaint that was filed. The Plaintiff agrees that the action filed is not properly an appeal, but in fact is an original or plenary action against the Township based upon their denial of the Plaintiff's request to rezone the two properties.

The Defendant's second argument is entitled to the extent that this Court considers the application is an original action Mr. McCririe has failed to state a claim upon which relief can be granted in Counts I and II should be dismissed pursuant to MCR 2.116 (C)(8).

This is not correct. In this case the property interest protected by due process is the right

to a reasonable use of the land free from arbitrary, unreasonable, and capricious regulation Kropf v City Sterling Heights, 391 Mich 139 (1974). The Defendant in this case argues that the Plaintiff does not have a protected property interest in the property being zoned industrial flex zone. And as such the substantive due process claim should fail as a matter of law. This is incorrect as a landowner in this case the Plaintiff does have a property interest in the reasonable use of their land, Richardson v Township of Brady, 218 F.3d 508 (6th Cir 2000), ACC (supra).

In Michigan the most fundamental constitutionally protected property interest is a landowner's right to the reasonable use of their land. A zoning ordinance may regulate the lands use that it cannot take away all of the lands reasonable uses or require the land to be used for something that is unreasonable. K&K Construction Inc v Department of Natural Resources 456 Mich. 570, 576, (1998), Kropf (supra). According to Kropf supra, Const 1963, art. 1, §17 unreasonableness can be shown by establishing that there is no reasonable government interest being advanced by the zoning classification or by showing that the zoning classification is arbitrarily and capriciously excluding types of legitimate land use from the area in question. Confiscation on the other hand may be shown by establishing that the zoning classification restrictions preclude using the property for any purpose to which it is reasonably adapted. Kropf (supra).

These types of land use cases are fact driven. Senefsky v Lawler, 307 Mich 728, 737 (1943). The complaint that was filed in this matter by the Plaintiff specifically shows that the existing zoning classification for each one of the particular properties is unreasonable, confiscatory or both. The Plaintiff accurately points out that the existing zoning classification for each parcel is

inconsistent with Howell Township's adopted master plan. *Troy Campus v City of Troy*, 132 Mich App 441, 447. The Howell Township adopted master plan shows both of these parcels of property as master planned for industrial flex. In the case of *Bell River Association v China Charter Township*, 223 Mich App 124 (1997) the Court held that there is a presumption of validity because the Township's master plan is convincing evidence of the reasonableness zoning classification of the regulations that are consistent with it. To say it a different way, Howell Township has master-planned both of the parcels in question for industrial flex which according to *Bell River Association (supra)* there should be a presumption that the industrial flex zoning classification is valid. Courts have also held that inconsistent nearby land uses can be pled to show that an existing zoning classification as in each of the parcels in question is unreasonable. *Biske v City of Troy*, 381 Mich 611, *Troy Campus (supra)*. In this case, it was noted in the complaint there are many inconsistent uses in the immediate area with the present zoning on the two parcels in question including Livingston County airport, the University of Michigan medical flight, Livingston County ambulance and other industrial facilities adjacent to the subject property. Also as noted the subject property zoning classifications are inconsistent with the actions of the of Howell Township because the zoning classifications of the existing property are inconsistent with the fact that Howell Township is provided a paved road, public utilities including municipal water, municipal sewer and multiple REU's. The existing zoning classifications are simply factually and legally unreasonable and confiscatory.

In summary, the general criteria for finding that the existing zoning on parcels of property is unconstitutional or otherwise invalid can be shown through a variety of reasons. These reasons include but are not limited to the master plan for the property in question. In this case

the master plan for both of the parcels in question is for industrial flex. This Court will find by reading the cited cases that Howell Township's master plan is perhaps the most important factor in considering and deciding whether or not the existing zoning on the parcels in question is unconstitutional. *Inverness Mobile Home Community v Bedford Township*, 263 Mich App 241, 248-249 (2004). The Courts also consider the consistency with the zoning classifications in the general area. Specifically with respect to the parcels owned agricultural residential there is RSC zoning on both sides of that parcel there is an airport on the other side of the road with two nonconforming uses and as such the imposition of an agricultural residential zoning district given the zoning classifications in the immediate vicinity is unreasonable, confiscatory and invalid. *Schaefer v City of East Detroit* 360 Mich 536 (1960). The Court must also consider the consistency and compatibility with the general land use patterns in the area. The present zoning of the two parcels is not consistent or compatible with the general land use patterns in the area. There is an airport across the street which has recently been expanded and added on to, there is a University of Michigan med flight facility, there is the Livingston County ambulance facility, there is a large municipal services building and adjoining industrial facilities, as shown in the exhibits attached to the complaint.

The zoning of the two parcels in question clearly is not consistent or compatible with the general land use patterns that are currently going on in the area. The Court must also consider the adequacy of the public services that are available in the area of the existing zoned property. The fact that Howell Township has recently run municipal water and municipal sewer to the subject parcels and the additional fact that there is natural gas and electricity available for both subject parcels makes the present zoning unreasonable and unconstitutional as the actions of

the Township are inconsistent with the present zoning on the two subject parcels. Why would Howell Township provide for 4 REU's on a parcel zoned agricultural restricted where only one home is allowed. The Court should also consider that under the zoning enabling act there is a requirement that the planning commission issue a recommendation on a proposed rezoning text amendment MCL 125.3202(1), MCL 125.3308. In this case the Howell Township outside planners as well as the Livingston County Planning Board requested and received rezoning recommendations from two independent experts. The Livingston County Planning Commission recommendation is provided for in MCL 125.3307. The legislative bodies in this case, the Howell Township Planning Commission in the Howell Township Board and the Livingston County Planning Commission, can act contrary to these recommendations of their experts if there are sufficient grounds to do so. *Albright v City of Portage*, 188 Mich App 342 (1991), *Binkowski v Shelby*, 46 Mich App 451 (1973). In this case the record does not support the Howell Township Planning Commission nor the Howell Township board having sufficient grounds to go against the recommendations of the experts that provided in the planning reports consistent with the statute.

CONCLUSION

The Defendant in this case seeks to dismiss the complaint for the number of reasons stated above. The Defendant relies primarily in their motion for summary disposition for a dismissal pursuant to MCR 2.116(C)(4) lack of jurisdiction and MCR 2.116(C)(8) the opposing party has failed to state a patent claim upon which relief can be granted.

When this Court reviews the Complaint and the exhibits attached to the complaint and matters of public record the Defendant has failed to meet their burden under MCR 2.116(C)(8). All of the well-pled factual allegations must be accepted as true and construed in a light most favorable to the Plaintiff. The (C)(8) motion tests the legal sufficiency of the complaint, not whether the complaint can be factually supported. In this case there is no basis for the granting of summary disposition pursuant to MCR 2.116(C)(8).

WHEREFORE, the Plaintiff prays this Honorable Court:

- 1) Allow the Plaintiff to amend their complaint to an original or plenary action.
- 2) Deny the motion for summary disposition pursuant to MCR 2.116(C)(4) and MCR 2.116(C)(8).
- 3) And whatever else the Court deems just and equitable.

Respectfully Submitted,

/s/ William D. McCririe
William D. McCririe (P34144)
McCririe Law, PLLC
123 Mason Road
Howell, MI 48843

The word count is 2704.

EXHIBIT 1

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 26-445-AA SUSAN A. LONGSWORTH P-65373
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Court address 204 S. Highlander Way, Howell, Michigan 48843	Court telephone number
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Plaintiff's name, address, and telephone number William D. McCririe
Plaintiff's attorney bar number, address, and telephone number William D. McCririe (P34144) McCririe Law, PLLC 123 Mason Road, Howell, Michigan 48843 (810) 229-6167

v

Defendant's name, address, and telephone number Howell Township 3525 Byron Road Howell, Michigan 48855 (517) 545-2817

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
 - MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
 - There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in this court, _____ Court, where it was given case number _____ and assigned to Judge _____
- The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside of Michigan).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 11/30/20	Expiration date* 5/1/20	Court clerk EC	ELIZABETH HINDEN CLERK OF THE CIRCUIT COURT HOWELL, MICHIGAN 48843
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN
IN THE 44th CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

WILLIAM D. MCCRIRIE,
an Individual
Plaintiff,

Case No. 25-445 -AA
Hon. SUSAN A. LONGSWORTH P-65575

v

HOWELL TOWNSHIP,
a General Law Township
Defendant.

WILLIAM D. MCCRIRIE (P34144)
MCCRIRIE LAW PLLC
123 Mason Road
Howell, MI 48843
(810) 229-6167

HOWELL TOWNSHIP
3525 Byron Road
Howell, MI 48855
(517) 546-2817

APPLICATION FOR APPEAL OF HOWELL TOWNSHIP BOARD DECISION

NOW COMES the Plaintiff on behalf of himself, and states the following as his application for appeal of Howell Township Zoning Decision:

That a transcript of the Howell Township Board meeting was ordered by a certified Court Reporter and will be provided to the Circuit Court as soon as possible. (Exhibit 1)

PARTIES AND JURISDICTION

Plaintiff is the owner of two parcels of property located in Howell Township, Livingston County Michigan.

Defendant Howell Township is a general law township located in Livingston County, Michigan.

The properties at issue (the "Properties") are located within Howell Township.

This Court has jurisdiction pursuant to MCL 600.605 and MCL 125.3606 under the Michigan

Zoning Enabling Act (MZEA).

GENERAL ALLEGATIONS

1. Plaintiff is the fee simple owner of two Properties one currently zoned as Agricultural Residential and one zoned Regional Service Commercial respectively. The properties are adjacent to each other.
2. That on or about January 12, 2026, Plaintiff submitted a formal application to rezone the Property parcels 4706-22-300-003 (Agricultural Residential) and 4706-22-300-042 (Regional Service Commercial) located on Tooley Road, Howell Township Michigan, to the Defendant.
3. That the re-zoning request to Howell Township was for both of the properties to be re-zoned to Industrial Flex Zone from their present zoning.
4. That the Industrial Flex Zone Classification provides flexibility for land uses while being more prescriptive regarding design and quality of development. The Intent of the Industrial Flex Zone is to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties. (See Exhibit 2)
5. The requested re-zoning to Industrial Flex would give the Township the authority to address the public health, safety and welfare of the two properties not offered in the present zoning classifications.
6. It is the Plaintiff's position that re-zoning of the two properties to Industrial Flex Zone not only gives Howell Township more authority regarding the use of the properties but also ensures

that the land conforms with the already existing surrounding properties, now and in the future.

7. The requested re-zoning of the two properties is consistent with the Township's Master Plan and the surrounding land-use patterns, and present uses. (Exhibit 3)

8. That the requested re-zoning would not cause traffic volume issues, safety issues, and rezoning would be in harmony with the adjacent land uses and consistent with the historical pattern of land development.

9. That the requested re-zoning would not affect the utilities as the properties both have road access and on a major paved road and public utilities, including water and sewer.

10. On January 12, 2026, the Howell Township Board of Trustees formally denied the request to re-zone both parcels to Industrial Flex Zone in a single motion, and single vote on two individual re-zoning requests. (See Exhibit 4)

11. The denial was based including but not limited to potential noise concerns, traffic concerns, disturbing woman claiming to be in crisis, unidentified use concerns, height concerns and a general objection's to any changes in the present use of the two properties, rather than competent, material, and substantial evidence.

COUNT I: VIOLATION OF SUBSTANTIVE DUE PROCESS

12. Plaintiff incorporates by reference all preceding paragraphs.

13. That under the Due Process Clause of the Michigan Constitution (Art. 1, § 17) and the Fourteenth Amendment to the U.S. Constitution, Plaintiff has a right to be free from arbitrary and unreasonable government interference with the use of their property.

14. That there is no reasonable governmental interest being advanced by the present zoning classifications, as to public health, safety or welfare, as to the parcel zoned RSC and the Parcel

zoned AR.

15. That the Defendant's denial of the rezoning request as to both parcels does not advance a legitimate public health, safety, or general welfare interest.

16. That the Defendants decision making process was characterized by ignoring the Township's expert's reports on each property recommending the granting of both re-zoning requests, the ignoring of the Livingston County Planning department planners recommendation to grant the re-zoning of the two properties, the Livingston County Planning Commission vote recommending the granting of the two re-zoning requests and the Townships master plan providing for the future zoning classification, Flex industrial and the reality of the present and future uses in the area; instead considering untrue assumptions, undesirable uses, unverified concerns of traffic, noise, height issues, pollution, water issues all inappropriate considerations at a re-zoning request, but rather properly addressed at site plan review.

17. That the Defendant's decision-making process was characterized by ignoring expert reports, and reality, considering untrue, un-substantiated, vague comments unverified comments given, no specific use was identified rendering the decision arbitrary.

18. The current zoning of the Property, as enforced by the denial of the re-zoning request, serves no rational purpose, and unfairly burdens the Plaintiff's property rights. Specifically since there was no identified use of the 2 properties from which the Defendant could reasonably deny the request.

19. That the regulation and denial of the rezoning request has interfered with distinct investment backed expectations that Plaintiff has for both of the properties.

20. That at the time of the purchase of the land zoned Agricultural the previous owner gave standing for Plaintiff to apply for the re-zoning of the land, and that with that permission the Plaintiff began the re-zoning process prior to the closing on the property.

21. That parcel at 4706-12-300-003 (Agricultural Residential) is 10 acres. There is no economically viable use of the 10 acres parcel zoned Agricultural-Residential, given the previous uses of the property given its present zoning.

22. That a Livingston County Planning Commission met and recommended approval of the requested re-zoning of both properties.

23. That the Livingston County Planning commission voted to recommend approval of both re-zoning requests.

24. That in Howell Township's own masterplan for the area provides for the two properties to be zoned as Industrial Flex Zone, and that it would be consistent with the masterplan to grant the re-zoning of the properties.

25. That among the properties surrounding the properties include the Livingston County Airport, U of M Med Flights, Livingston County Ambulance, LCASA and many other industrial facilities. (Exhibit 5)

COUNT II: APPEAL FROM DECISION OF THE TOWNSHIP BOARD

(Pursuant to the Michigan Zoning Enabling Act)

26. Plaintiff incorporates by reference all preceding paragraphs.

27. That the Township's decision was not supported by competent, material, and substantial evidence on the record.
28. That the Township was presented expert reports from their hired professional planners, and the recommendation of approval from the Livingston County Planning Commission and the expert report from the Livingston County Planning Department. (Exhibit 6)
29. That the findings in the expert reports and the Livingston County Planning Commission were not properly weighed or considered by the Township Board.
30. That the expert reports should have been weighed as credible evidence, as the experts have education, experience in zoning and planning, and were the hired experts by the government entities making the decisions.
31. That Howell Township had a duty to weigh and consider the credibility of the expert reports, Board recommendations, and evidence against the untrue, unsolicited, spontaneous opinions and false statistics and opinions of the public which were not founded in fact, reality, science, or law.
32. That the decision not to re-zone both parcels represents an abuse of discretion.
33. That the decision was not authorized by law and failed to comply with the procedural requirements of the Howell Township Zoning Ordinance.
34. That the Howell Township Board did not vote specifically on the two distinct petitions pending before them at that hearing.

35. That the decision made by Howell Township is not consistent with the master plan, the opinions and recommendations of their own experts, and the existing zoning classifications within the vicinity; it makes the decision to deny the two re-zoning requests unreasonable.

WHEREFORE the Plaintiff prays that this Honorable Court:

- A. Declare the Howell Township’s denial of the two rezoning requests unconstitutional and void;
- B. Declare that Howell Township’s denial of the 2 re-zoning requests constitutes Inverse Condemnation.
- C. Order Howell Township to grant the 2 requested re-zonings;
- D. Award Plaintiff compensatory damages for the loss of use and value of the Property;
- E. Award Plaintiff reasonable attorney fees and costs;
- F. Grant any other relief the Court deems just and equitable.

Respectfully Submitted,

Dated: January 30, 2026

/s/ William D. McCrie
William D. McCrie (P34144)
Attorney for Plaintiff
McCrie Law, PLLC

PROOF OF SERVICE

The undersigned certifies that the foregoing was served upon all parties to the above cause to each of the attorneys/parties of record herein at their respective addresses disclosed on the pleadings on January 30, 2026.

BY: U.S. Mail Telefacsimile
 Hand Delivered Overnight courier
 Federal Express Other: Email

Signature: /s/ Juli A. Morga

TRUE COPY
44th Circuit Court
County Clerk's Office

EXHIBIT 2

HOWELL TOWNSHIP
Application for Re-Zoning/Text Amendment

3525 Byron Road Howell, MI 48855
Phone: 517-546-2817 ext. 108
Email: inspector@howelltownshipmi.org

Fee: \$1000.00

Parcel ID #: 4706- <u>22</u> - <u>300</u> - <u>042</u>	Date <u>10-3-2025</u>
Applicant Name <u>William McCririe</u>	Applicant Address <u>1015 E Main, Brighton, MI 48116</u>
Phone <u>[REDACTED]</u>	Fax <u> </u> Email <u>[REDACTED]</u>
Property Owner Name <u>William McCririe</u>	
Phone <u>[REDACTED]</u>	Fax <u> </u> Email <u>[REDACTED]</u>

Current Zoning Classification <u>RSC</u>	Proposed Zoning Classification <u>IFZ</u>
Existing Use <u>Vacant</u>	Proposed Use <u>Flex Industrial</u>
Legal Description (attach copy if necessary): SEC 22 T3N R4E COMM AT THE SW COR OF SEC, TH ALONG THE CENTERLINE OF TOOLEY RD AND THE WEST LINE OF SEC 22, DUE NORTH, 440.87 FT TO POB, TH CONTINUING DUE NORTH 570.76 FT, TH N89°53'00"E 543.38 FT, TH S01°41'57"W 571.47 FT, TH S89°56'22"W 526.74 FT TO POB. CONT. 7.03 A/C M/L. SPLIT 7/99 FROM 06-22-300-004.	

Requested change in Ordinance / Zoning Map: Regional Service Commercial to Industrial Flex Zone

Reason for Requested Change:

The Howell Township Master Plan has this parcel designated as IFZ. Given it's proximity to the airport and demand for uses in the IFZ zoning district, this zoning is appropriate at this time. See additional reasoning attached.

Has the Applicant made a previous request to rezone the property?

Yes

No

If yes, state when and the decision of the Township Board:

Owner, being first fully sworn, on oath deposes and says that all of the above statements in this application herewith are true.

Owner Signature _____

Date 12/14/25

Printed Name _____

William McCaffrey

Subscribed and sworn to before me

This 14th day of October, 2025

Julia A. Morgia
Notary Public Julia A. Morgia

LIVINGSTON County, Michigan

My commission expires: 10/24/28

Additional information for the reason for the requested change;

The proposed rezoning of the subject parcel from Regional Service Commercial (RSC) to Industrial Flex Zone (IFZ) is intended to better align the property's land use potential with both current market demands and Howell Township's long-term economic development goals.

Whereas the RSC designation limits the parcel primarily to retail and service-oriented uses, current regional trends show reduced demand for large-scale commercial service space, with increasing vacancies in similar zoning districts. Additionally, the parcel is not located on a main road or thoroughfare. In contrast, the Industrial Flex Zone classification allows for a wider range of contemporary uses—such as sale and leasing of motorized vehicles, contractor buildings and other uses permitted in the zoning classification—while still permitting complementary office and limited commercial functions.

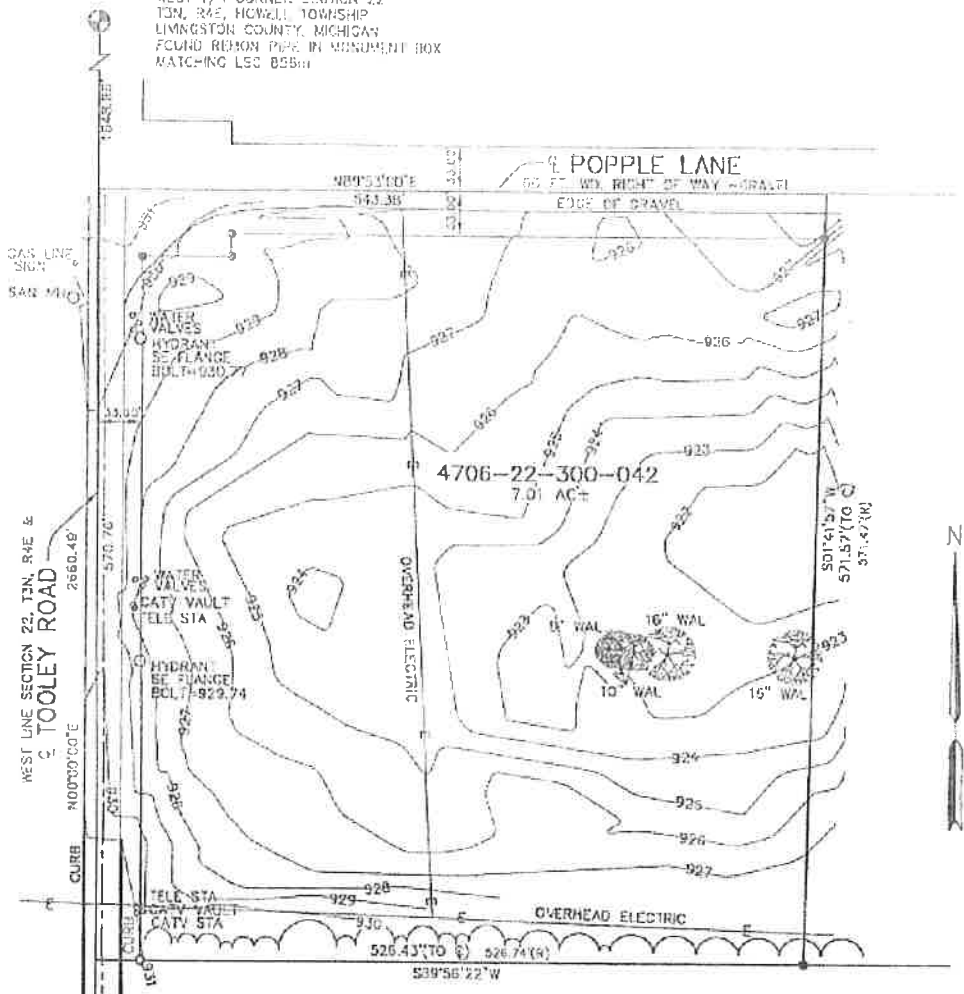
By enabling this transition, the Township can:

- Promote sustainable development by attracting modern industrial and hybrid businesses that are in high demand within Livingston County and the surrounding region.
- Enhance tax base stability by adapting to evolving market conditions and ensuring the parcel is positioned for long-term productive use.
- Ensure compatibility with surrounding land uses, as Industrial Flex Zone typically has operational and aesthetic standards that minimize impacts on adjacent properties.

In short, the rezoning will allow this parcel to remain competitive, flexible, and consistent with Howell Township's broader vision of balanced growth and economic vitality.

CERTIFICATE OF SURVEY

WEST 1/4 CORNER SECTION 22
T3N, R4E, HOWELL TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
FOUND REMON PIPE IN MONUMENT BOX
MATCHING LSC 855m



WEST LINE SECTION 22, T3N, R4E &
C TOOLEY ROAD
2660.48'

POPPLE LANE
60 FT. WID. RIGHT OF WAY HORALFI
EDGE OF GRAVEL

4706-22-300-042
7.01 AC±

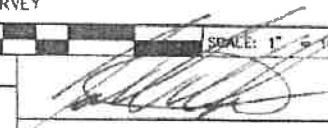
SOUTHWEST CORNER SECTION 22
T3N, R4E, HOWELL TOWNSHIP
LIVINGSTON COUNTY, MICHIGAN
FOUND REMON PIPE IN MONUMENT BOX
MATCHING LSC 856m

- LEGEND**
- = SET 1/2" STEEL ROD WITH CAP : JKS 35999
 - = FOUND CORNER MARKER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LAND HEREIN PLATTED AND DESCRIBED ON 8/30/2020, AND THAT THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN LIMITS ACCEPTED BY THE PRACTICE FOR MICHIGAN PROFESSIONAL SURVEYORS, AND THAT ALL OF THE REQUIREMENTS OF ACT NO. 132, P.A. 1970 (AS AMENDED) HAVE BEEN COMPLIED WITH.

NOTE: BEARINGS ARE BASED ON A PREVIOUS SURVEY

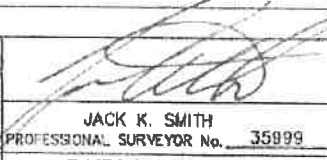

CLIENT: PRESTON TECHNOLOGY		SCALE: 1" = 100'	
SECTION: 22 TOWN: 3 NORTH RANGE: 4 EAST		 JACK K. SMITH PROFESSIONAL SURVEYOR No. 35999	
HOWELL TOWNSHIP LIVINGSTON COUNTY, MICHIGAN			
DATE: 09-09-2020	CREW: JKS	GARLOCK-SMITH PROFESSIONAL SURVEYORS 816 EAST GRAND RIVER HOWELL, MICHIGAN 48843 (517) 546 - 3340 FAX: (517) 546 - 2941	
BOOK NO. 218 PG 74	COMP: JKS		
	DRAWN: JKS		
SHEET 1 OF 2	REV:		



LEGAL DESCRIPTION:

4706-22-300-042

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 22, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN; THENCE N00°00'00"E 440.87 FEET ALONG THE WEST LINE OF SAID SECTION AND THE CENTER LINE OF TOOLEY ROAD FOR A PLACE OF BEGINNING; THENCE CONTINUING N00°00'00"E 570.76 FEET ALONG SAID WEST LINE AND CENTER LINE; THENCE N89°53'00"E 543.38 FEET ALONG THE CENTER LINE OF POPPLE LANE, A 66.00 FOOT WIDE PRIVATE ROAD; THENCE S01°41'57"W 571.57 FEET (PREVIOUSLY RECORDED AS 571.47 FEET); THENCE S89°56'22"W 526.43 FEET (PREVIOUSLY RECORDED AS 526.74 FEET) TO THE PLACE OF BEGINNING. BEING A PART OF THE SOUTHWEST 1/4 OF SECTION 22, T3N, R4E, HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN CONTAINING 7.01 ACRES OF LAND, MORE OR LESS, BEING SUBJECT TO THE RIGHTS OF THE PUBLIC OVER THE WESTERLY 33.00 FEET THEREOF, AS IS OCCUPIED BY TOOLEY ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH THE USE OF POPPLE LANE, A 66.00 FOOT WIDE PRIVATE ROAD, ALSO BEING SUBJECT TO AND TOGETHER WITH EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

CLIENT: PRESTON TECHNOLOGY		 JACK K. SMITH PROFESSIONAL SURVEYOR No. 35999	
SECTION: 22	TOWN: 3 NORTH RANGE: 4 EAST		
HOWELL TOWNSHIP LIVINGSTON COUNTY, MICHIGAN		GARLOCK-SMITH PROFESSIONAL SURVEYORS 518 EAST GRAND RIVER HOWELL, MICHIGAN 48843 (517) 546 - 3340 FAX: (517) 546 - 2941	
DATE: 01-09-2020	CREW: JKS		
BOOK NO. 218 PG 74	COMP: JKS		
	DRAWN: JKS		
SHEET 2 OF 2	REV:		

HOWELL TOWNSHIP

Application for Re-Zoning/Text Amendment

3525 Byron Road Howell, MI 48855

Phone: 517-546-2817 ext. 108

Email: inspector@howelltownshipmi.org

Fee: \$1000.00

Parcel ID #: 4706-	22	300	003	Date	10-3-2025
Applicant Name	William McCririe			Applicant Address	1015 E. Main, Brighton, MI 48116
Phone	[REDACTED]			Fax	[REDACTED]
Property Owner Name	Mark Bailey				
Phone	[REDACTED]			Fax	[REDACTED]
	[REDACTED]			Email	[REDACTED]

Current Zoning Classification	AR	Proposed Zoning Classification	IFZ
Existing Use	Vacant house and outbuildings	Proposed Use	Flex Industrial
Legal Description (attach copy if necessary): SEC 22, T3N,R4E BEG 2220.03 FT S FROM W 1/4 COR OF SEC, TH S 89°55'42"E 990.72 FT, S 441 FT, N 89°55'42"W 990.72 FT, N 441 FT TO BEG 10.03A M/L			

Requested change in Ordinance / Zoning Map: Ag. Residential to Industrial Flex Zone
--

Reason for Requested Change:

SEE ATTACHMENT

Has the Applicant made a previous request to rezone the property?

Yes

No

If yes, state when and the decision of the Township Board:

Owner, being first fully sworn, on oath deposes and says that all of the above statements in this application herewith are true.

Owner Signature



Date 10/14/25

Printed Name

William McCrorie

Subscribed and sworn to before me

This 14th day of October, 2025

Julia Murga

Notary Public Juli A. Murga

LIVINGSTON County, Michigan

My commission expires: 10/24/28

The requested rezoning from Agricultural Residential to Industrial Flex Zoning is being pursued to better align the subject property with the Township's long-term land use objectives, economic development priorities, and surrounding land use patterns. While the parcel is currently zoned for agricultural residential use, its location in close proximity to the airport, access, and infrastructure make it more suitable for development rather than continued low-density residential or agricultural activity.

Rezoning to Industrial Flex will provide several community benefits:

1. Consistency with Adjacent and Future Land Use

The property's proximity to existing commercial, light industrial, and transportation corridors makes it an appropriate transition area for flexible industrial uses. Industrial Flex zoning ensures compatibility with nearby non-residential uses while minimizing land use conflicts with residential properties.

2. Economic Development and Job Creation

The rezoning will attract light industrial, technology, warehousing, and service-oriented businesses that generate local employment opportunities. This supports Howell Township's economic base and broadens the tax base without placing a disproportionate burden on public services.

3. Efficient Use of Infrastructure

The parcel is located near existing public utilities and roadway networks capable of supporting non-residential development. Industrial Flex zoning allows for higher and better utilization of these resources, rather than limiting the property to low-density residential use that does not capitalize on available infrastructure investments.

4. Flexibility and Market Responsiveness

Industrial Flex zoning provides the ability to accommodate a wide range of light industrial, research, and business service uses, which allows the Township to respond to market demand and changing economic conditions. This adaptability makes the zoning district more resilient over time.

5. Preservation of Agricultural Land Elsewhere

Concentrating non-residential growth in appropriate areas reduces pressure to rezone more remote or productive agricultural land, helping to maintain the Township's rural character in designated areas while directing development to locations best suited for it.

In summary, the rezoning to Industrial Flex represents a logical and forward-looking land use decision that advances Howell Township's goals of sustainable growth, economic vitality, and balanced land use planning.

October 3, 2025

Mark Bailey
822 K Drive South
East Leroy, MI 49051

Howell Township Planning Commission
3525 Byron Road
Howell, MI 48855

Dear Howell Township Planning Commissioners:

Please accept this letter as authorization for William McCririe to submit a rezoning application for parcel ID 4706-22-300-003 ("The Property") from AR to IFZ, which is owned by myself and consists of 10.03 acres with a home and outbuildings. Mr. McCririe has a fully executed Real Estate Purchase Agreement on the Property.

If there are any questions about this authorization, please do not hesitate to contact me.

Mark Bailey

10/05/2025

Mark Bailey

Juli Morga

From: Leah Hanna <LHanna@livgov.com>
Sent: Tuesday, January 27, 2026 4:36 PM
To: Megan VanLeuven
Cc: Juli Morga
Subject: RE: Transcript request - Bill McCririe

Received. I will have this transcribed by Monday, February 2, 2026. Leah

From: Megan VanLeuven <megan@mccrirelaw.com>
Sent: Tuesday, January 27, 2026 4:17 PM
To: Leah Hanna <LHanna@livgov.com>
Cc: Juli Morga <juli@mccrirelaw.com>
Subject: [EXT] Transcript request - Bill McCririe

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Hi Leah,

Bill needs a certified transcript of this, for an appeal. We only need it transcribed at Item No. 9, until the end of the vote. The link to the recording is below.

<https://www.youtube.com/watch?v=XanAdhyOi8s>

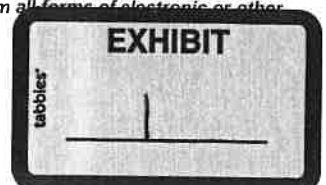
Thank you,

Megan VanLeuven

Paralegal to William D. McCririe
McCririe Law, PLLC
123 Mason Road
Howell, MI 48843
(810) 229-6167



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HOWELL TOWNSHIP

ORDINANCE NO. 985

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF HOWELL TOWNSHIP TO AMEND THE TEXT OF ARTICLE II, SECTION 2.02; ARTICLE III, SECTION 3.17; ARTICLE X, SECTION 10.02.B; ARTICLE XI SECTION 11.03; ARTICLE XII, SECTION 12.01, 12.02, 12.03, 12.04, 12.05 AND 12.06; AND ARTICLE XVI SECTION 16.18; AND TO CREATE ARTICLE XIV, SECTION 14.45; AND ARTICLE XVI SECTION 16.20, SECTION 16.21, SECTION 16.22, OF HOWELL TOWNSHIP; AND TO PROVIDE FOR REPEALER OF ANY ORDINANCES INCONSISTENT HERewith.

HOWELL TOWNSHIP ORDAINS AS FOLLOWS:

Section 1. Section of the Howell Township, Zoning Ordinance, shall be amended as follows:

Modify Article II. Definitions.

Sec. 2.02. DEFINITIONS.

Add the following definition, "Cafeteria" to read as the following:

Cafeteria: A dining facility typically located within an office or educational facility that does not offer its services to the public, where there is little to no waitstaff service, and food, either brought from home or purchased at a counter, may be eaten. A Cafeteria is not to be used synonymously as a restaurant or café.

Add the following definition, "Indoor recreation facilities" to read as the following:

Indoor recreation facilities: Facilities for recreation activities conducted entirely within a building, which typically receives a fee in return for providing some recreational activity or part of a facility. Such activities and facilities include but are not limited to: indoor courts and fields for various sports, gymnasiums, swimming pools, skating rinks, performance studios, indoor skateboard parks, climbing facilities, indoor driving ranges, batting cages, sport shooting ranges, and similar activities or facilities. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

Add the following definition, "Outdoor recreation facilities" to read as the following:

Outdoor recreation facilities: Facilities for recreation activities conducted outside a building, which typically receives a fee in return for the provision of some recreational activity or facility. Such activities and facilities include, but are not limited to: pools, splash pads, fields or courts for various sports, skateboard parks, shuffleboard, horseshoe

EXHIBIT

2

courts, archery range, sport shooting ranges, miniature golf, golf driving range, children’s amusement park or similar recreation uses. Such facilities may provide ancillary accessory uses such as pro shops or snack bars.

Revise Definition “Swimming Pool (Outdoor)” to be titled “Swimming Pool” and read as follows:

Swimming Pool: Any permanent, non-portable structure or container, for public or private use, located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Add the following definition, “Water Park (Public)” to read as the following:

Water Park (Public): A recreational area for public use consisting of a splash pad, water playground, wave pool, lazy river, swimming pool or any other similar water feature, including area(s) for bathing or swimming, in solitude or within a group. Although a water park may include one or more swimming pools, a swimming pool by itself is not considered a water park.

Revise Definition of Open Air Business Uses to read as the following.

Open Air Business Uses: Display or storage of merchandise or equipment for sale or rent outside of a permanent structure. Such merchandise or equipment shall include the following:

- (a) Sports equipment, motorcycles, watercraft, snowmobiles, off road vehicles, utility truck or trailer, farm implements, construction or home equipment, and similar products.
- (b) Garages, sheds, play structures, mobile homes, swimming pools, and similar products.
- (c) Trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, and similar products.

Revise Section 3.17 SCHEDULE OF AREA, HEIGHT, AND SETBACK REGULATIONS

Add Appropriate Row in the Schedule of Regulations corresponding with Industrial Flex Zone Requirements as follows:

ZONING DISTRICT	MIN LOT SIZE/UNIT		MAXIMUM BUILDING HEIGHT		MINIMUM YARD SETBACK REQUIRED			MAXIMUM LOT COVERAGE AREA AS PERCENT OF LOT AREA	MINIMUM FIRST FLOOR AREA
	AREA	WIDTH AT BLDG SITE	STORIES	FEET	FRONT YARD	SIDE YARD	REAR YARD		

IF, Industrial Flex Zone	2 acres	200 feet	--	70	35	10, minimum both side yard setbacks total of 25 ft.	10, 50 ft. abutting AR, SFR, MFR	75%	--
	40,000 sq. ft. with public sewer/water	120 feet with public sewer/water	--						

Replace Section 10.02.B. PERMITTED PRINCIPAL USES

Section 10.02 PERMITTED PRINCIPAL USES.

- B. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in A. above, and additionally including service outlets for insurance, real estate, medical and dental clinics, veterinary clinics and hospitals, nursing and convalescent homes, theatres, assembly and concert halls, indoor recreation facilities, clubs, fraternal organizations and lodge halls, restaurants, private and business schools, churches, public and private office buildings, motels and hotels, and uses of a similar character that are normally an integral part of a regional shopping center.

Replace Section 11.03.A. PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

Section 11.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

- A. Indoor recreation facilities Recreation and sports areas, if areas are completely enclosed with fences, walls or berms with controlled entrances and exits.

Create Section 14.45 "Performance Standards" to read as the following:

Section 14.45 PERFORMANCE STANDARDS

- A. Airborne Emissions.
 1. Smoke and air contaminants. It shall be unlawful for any person to permit the emission of any smoke or air contaminant from any source whatsoever to a density greater than that permitted by applicable Federal and State Clean Air Standards. There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger comfort, repose, health or safety of persons or which cause injury or damage to business or property.
 2. Odors. Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped or so modified as to remove the odor.

3. Gases. The escape or emission of any gas that is injurious, destructive, or harmful to persons or property or explosive shall be unlawful and shall be abated.

B. Noise.

1. General Requirements. No use, operation or activity shall be carried on that causes or creates measurable noise levels that are unreasonably loud or that unreasonably interfere with the peace and comfort of others, or that exceed the maximum noise level limits prescribed in Table 14-1 as measured at any point on property adjacent or in close proximity to the lot, parcel or other property on which the operation or activity is located.
2. Methods and Units of Measurement. The measuring equipment and measurement procedures shall conform to the latest American National Standards Institute (ANSI) specifications. The sound measuring equipment shall be properly calibrated before and after the measurements.

Because sound waves having the same decibel (Db) level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (that is, depending on whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with ANSI specifications shall be used on any sound level meter used to take measurements required in this section. All measurements below are expressed in Db(A) to reflect the use of the A-weighted filter.

3. Table of Maximum Noise Levels. Except as otherwise provided in this section, noise levels shall not exceed the limits set forth in the following Table 14-1:

Table 14-1		
Noise Level Standards		
Use	Time	Sound Level (A-Weighted) Decibels – Db(A)
Residential and Nonresidential Uses (in AR, SRF, MFR, MHD, and PUD, districts)	7:00am to 7:00pm	60
Commercial, Business, Office Uses (in OS, NSC, HSC, and RSC districts)	7:00pm to 10:00pm	55
	10:00pm to 7:00am	50
	7:00am to 7:00pm	65
	7:00pm to 7:00am	50
Industrial, Office and Research Office (uses in IF, I, and RT districts)	Anytime	70

4. Background Noise. Where existing background noise exceeds the maximum permitted levels specified in Table 14-1, the noise caused or created by a specific

operation or activity may exceed the levels specified in the Table, provided that the sound level on property adjacent or in close proximity to the lot or parcel on which the operation or activity is located does not exceed the background noise level. For purposes of this subsection, background noise shall mean noise being produced by permitted uses conducted in a legally-accepted manner from all sources other than those occurring on the lot or parcel on which the operation or activity is located. Background noise levels shall be determined by measurement at substantially the same time and location as the noise levels caused or created by the complained-of operation or activity.

5. Intermittent or Other Unreasonable Sounds. Intermittent sounds or sounds characterized by pure tones might be a source of complaints, even though the measured sound level does not exceed the permitted level in Table 14-1. Such sounds shall be prohibited when found to be unreasonably loud or to unreasonably interfere with the peace and comfort of others. In making such determination, the following shall be considered:
 - a. The proximity of the sound to sleeping facilities;
 - b. The nature of the use from which the sound emanates and the area where it is received or perceived;
 - c. The time (day or night) the sound occurs; and
 - d. The duration of the sound.
6. Exemptions. Noise resulting from the following activities shall be exempt from the maximum permitted sound levels provided such activity occurs in a legally-accepted manner:
 - a. Construction activity between the hours of 7:00am and sunset, Monday through Saturday and between the hours of 10:00am and 6:00pm on Sunday.
 - b. Performance of emergency work, including snow removal;
 - c. Warning devices necessary for public safety, such as police, fire, and ambulance sirens, tornado and civil defense warning devices, and train horns;
 - d. Lawn care and yard maintenance that occurs between 8:00am and 9:00pm;
 - e. Outdoor school and playground activities when conducted in accordance with the manner in which such spaces are generally used, including, but not limited to, school athletic and school entertainment events;
 - f. The operation or use of any organ, bell, chimes or other similar means of announcing religious services at a place of religious worship between the hours of 8:00am and 9:00pm, no more than five (5) times per day, and for a duration of no more than two (2) minutes each time; provided, however, the sound level does not exceed 80Db(A) at the property line of the religious facility;
 - g. An un-amplified human voice; and
 - h. Public works maintenance, repair, or improvement projects being conducted by or on behalf of public agencies.

C. Vibration

1. No use shall generate any ground-transmitted vibration in excess of the limits set forth in Table 14-2. Vibration shall be measured at the nearest adjacent lot line.
2. The instrument used to measure vibrations shall be a three (3) compartment measuring system capable of simultaneous measurement of vibration in three (3) mutually perpendicular directions.
3. The vibration maximums set forth in Table 14-2 are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = Particle velocity, inches-per-second

F = Vibration frequency, cycles-per-second

D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three (3) components recorded.

4. The following is the table of maximum ground-transmitted vibration:

Table 14-2	
Vibration Standards	
Particle Velocity (Inches-Per-Second)	
Along Nonresidential District Boundaries	Along Residential District Boundaries
0.10	0.02
0.20	0.02

5. The values stated in Table 14-2 may be multiplied by two (2) for impact vibrations, i.e., non-cyclic vibration pulsations not exceeding one (1) second in duration and having a pause of at least two (2) seconds between pulses.
6. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

Replace the entire existing ARTICLE XII HC HEAVY COMMERCIAL DISTRICT with the following:

ARTICLE XII

IF - Industrial Flex Zone

Section 12.01 - Purpose and Intent

The purpose of the Industrial Flex Zone Classification is to provide flexibility for land uses while being more prescriptive regarding design and quality of development. Many industrial or large format commercial uses could be compatible, because such uses often have the same or similar building and spatial requirements such as floor area and building height. The design requirements of this district are intended to allow for the mixing of certain industrial and commercial uses, and promote the reuse of buildings and sites for multiple such uses. The flexibility of this district is intended to foster economic development, create employment opportunities, and increase the tax base by promoting the development, redevelopment, or continued use of land adjacent to existing industrial and commercially developed property.

It is also the intent of the Industrial Flex Zone to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties.

Section 12.02 - Permitted Principal Uses

The following uses are permitted within the Industrial Flex Zone District.

- A. General office buildings, public or private.
- B. Educational and training facilities.
- C. Facilities for experimental product development, business and scientific research, and testing laboratories.
- D. Photography, art and graphic art studios.
- E. Sale or leasing of new motorized passenger vehicles including cars, and trucks. Outdoor sales/display lots in connection with such use shall not require a special use permit for an open air businesses. (Subject to Section 16.22)
- F. Sale or leasing of used motorized passenger vehicles in conjunction with a new car dealership.
- G. Warehouses and distribution centers.
- H. Warehousing, wholesaling, refrigerated, and general storage conducted completely within a building, or structure.
- I. Mini-warehousing, when conducted completely within a building, or structure.

- J. Retail sales and wholesale of parts equipment, and supplies for: plumbing, electrical, building and construction, furnace and air conditions, home appliances, outdoor and indoor recreation, gardening and landscaping.
- K. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in J. above. Public and private office buildings.
- L. Contractor buildings, structures and equipment and materials storage yards for building and other types of construction such that any area used for outdoor storage is completely enclosed and screened from external visibility beyond such storage area.
- M. Woodworking or furniture making shops.
- N. Tool and die, machine shops, light assembly, injection molding.
- O. Any manufacturing plants and uses having performance characteristics similar to those listed in this district that conform with the performance standards in Section 14.45.

Section 12.03 - Permitted Principal Special Uses with Conditions:

The following uses are permitted as special uses in accordance with Article XVI, "Special Uses":

- A. Indoor recreation facilities (subject to Section 16.18).
- B. Outdoor recreation facilities (subject to Section 16.18).
- C. Water Parks if completely enclosed with fences, walls or berms with controlled entrances and exits.
- D. Commercial Kennels (subject to Section 14.42).
- E. Veterinary clinics and animal hospitals.
- F. Storage of recreational vehicles.
- G. Open Air Business as a Principal Use. (Subject to Section 16.22)
- H. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from beyond the lot lines of the parcel:
 - a. Electrical machinery, equipment and supplies, electronic components and accessories.
 - b. Professional, scientific and controlling instruments, photography and optical goods.
 - c. Fabricating metal products, except heavy machinery and transportation equipment.
 - d. Contract plastic material processing, molding and extrusion.
- I. Vehicle repair facilities for automobiles, trucks, busses and trailers (subject to section 16.20).
- J. Towing facilities (subject to Section 16.21).
- K. Propane Storage/Distribution.
- L. Sale, leasing, or rental of used motorized vehicles not in conjunction with a new car dealership.

Section 12.04 - Permitted Accessory Uses:

1. All normal accessory uses to all "Permitted Principal Uses" and "Permitted Principal Special Uses" including:
 - B. Restaurants.
 - C. Cafeterias.
 - D. Medical and health care facilities.
 - E. Office facilities.
 - F. Warehouse and storage facilities.
 - G. Physical fitness facilities.
 - H. Work clothing sales and service facilities.
 - I. Banking facilities.
 - J. Education, library and training facilities.
 - K. Research and experimentation facilities.
 - L. Truck or other vehicular and equipment service maintenance, repair and storage facilities conducted completely within a building, or structure.
 - M. Indoor sales display areas.
 - N. See Section 14.34.

Section 12.05 - Required Conditions of All District Uses:

1. All lots are permitted one (1) driveway unless the Planning Commission determines that any additional drives are necessary in promoting the efficient and safe use of the site due to size, layout, general circulation, or the need to separate drives for truck, or heavy equipment operations from general traffic (see subsection 3 below). The applicant shall provide all information deemed necessary to justify the necessity of any additional driveways.
2. Sites must be designed with sidewalks along building frontages where entrances are located. Such sidewalks should provide for safe and convenient access from parking lots and must connect to adjacent public or private roadways. Where sidewalks cross parking areas and drives the sidewalk material must be carried through. Color changes to highlight the crossing may be appropriate.
3. Parking lots should be designed to accommodate general vehicular and pedestrian traffic as well as employees and commercial traffic. Where heavy equipment and large trucks may be present, sites must be designed to separate such traffic from the general public. Parking areas for customers and employees must be separated physically and visually from loading areas.
4. All toxic wastes shall be disposed of in accordance with all state laws, rules and regulations governing their disposal.

5. The developer of any permitted use or special use with conditions within the IF district must demonstrate that such use will not produce any noise, smoke, fumes, glare, or odors beyond the property boundaries. The Planning Commission may request additional studies to demonstrate compliance with the requirement.

Section 12.06 - Dimensional Requirements, Except as Otherwise Specified in this Ordinance:

A. *Lot Area:* A minimum of two (2) acres or 40,000 square feet for sites with direct access to water, wastewater, and sewer systems on site.

B. *Lot Width:* Minimum of 200 feet at the required minimum building setback line when on-site well water supply and septic tank and field wastewater disposal systems are used or a minimum of 120 feet at the required minimum building setback line when public sewer and water systems are available and connections made to the lot or parcel.

C. *Lot Coverage:* Maximum of 75%.

D. *Yard and Setback Requirements:*

Front yard: Minimum of 35 feet (from the road right of way)

Side yards: Minimum of ten (10) feet
Minimum total of both sides: 25 feet

Rear yard: Minimum of ten (10) feet, but minimum of fifty (50) feet when abutting AR, SFR, MFR property lines.

E. *Height Limitations:* Maximum of seventy (70) feet unless reduced by the maximum permitted by the Livingston County Airport Zoning Ordinance.

F. *Locational Requirements:* Any storage of materials outside of the permitted structure must be proposed and approved by the Planning Commission and be screened from public view and adjacent properties by a wall or fence of no greater than 12 feet in height unless stated otherwise in the Ordinance.

Revise Section 16.17(B)(1): "Public and Private Educational and Training Schools and Facilities"

Section 16.17 PUBLIC, SEMI-PUBLIC AND PRIVATE BUILDINGS AND RELATED STRUCTURES AND OUTDOOR ACTIVITY AREAS

B. Public and private educational and training schools and facilities

- 1) Permitted in all zoning districts which permit any type of residential use, except that professional, business, and technical training schools and facilities shall only be permitted in the RSC, I and IF zoning districts as either a principal or accessory use.

Replace Section 16.18 Nonprofit public, semi-public and private park and recreation facilities

Section 16.18 Nonprofit public, semi-public and private park and indoor and outdoor recreation facilities

A. The following public and private park and outdoor and indoor recreation facilities shall be permitted in the zoning districts indicated in Table 16-1. Their minimum land area of the parcels for each use must also conform to the requirements in Table 16-1:

Table 16-1 Minimum Parcel Sizes for Recreation Facilities		
Land Use	Zoning District/Location	Minimum Lot Area
Neighborhood parks for active and passive recreation	AR, SFR and MFR	Five (5) acres
Community parks, serving two (2) or more neighborhoods for active and passive recreation	AR, SFR and MFR	Twenty (20) acres
Playgrounds for outdoor and indoor activities	AR, SFR and MFR	Ten (10) acres, except when located in conjunction with a K - 8 school on at least five (5) acres
Tot lots serving children up to five (5) years old	All residential zoning districts	One-half (1/2) acre
Beaches	Located on parcels with the waterfront of lakes or rivers	Ten (10) acres
Indoor recreation facilities	RSC, HSC, IF, and I	Two (2) acres
Outdoor recreation facilities	RSC, HSC, IF, and I	Twenty (20) acres
Golf courses	AR, SFR, and MFR	Forty (40) acres per nine (9) holes of golf
Golf driving ranges	AR, IF	Ten (10) acres

		additional five (5) acres to the minimum acreage for a nine (9) hole golf course
Golf driving ranges as an accessory use to a golf course	AR	Five (5) acres in addition to the minimum acreage for a nine (9) hole golf course
Nature study areas	AR and SFR	Ten (10) acres
Forest and woodlot preserves	AR and SFR	Ten (10) acres
Passive recreation areas and facilities related to the natural environment	AR, SFR, and MFR	Five (5) acres

* Where no size or district is listed, the minimum lot size for the district where a recreation use is specifically permitted through Article IV through XIII shall apply.

- B. Recreation facilities shall at a minimum conform to the following standards in addition to any conditions placed on an individual permit by the Township Board through Section 16.01 to 16.06.
1. All outdoor recreation and sports areas shall be completely enclosed with fences, walls or berms with controlled entrances and exits.
 2. The site shall maintain free and clear access for emergency service vehicles during all activities. Site access shall be reviewed during the site plan approval/special use permit process.
 3. All activities or facilities shall be located a minimum of two hundred (200) feet from the property lines.
 4. Hours of Operation shall be limited to the hours between sunrise and sunset but not prior to 8:00 a.m. or later than 10:00 p.m. The Township Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.
 5. Noise. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards

for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE).

6. All off-road vehicles are prohibited, except for vehicles used for event control and administration.
7. Outdoor recreation activities shall be subject to lighting in Section 14.22 of this ordinance.
8. Parking shall be provided at a rate of one (1) parking space per two (2) participants anticipated during peak recreational activities. The Planning Commission may allow a waiver of hard surface paving and parking requirements set forth in Section 18.02 for those situations where parking is used on a periodic basis for all or part of the parking requirements.
9. All sites or facilities shall comply with food and water supply regulations, health and sanitation regulations, or other regulations necessary to protect health, safety, or welfare as established by the county health department or the appropriate state agency.
10. All sport shooting ranges shall at a minimum conform to the following standards in addition to any conditions placed on an individual permit by the Township Board through Section 16.02.
 - a. Design and Operation Standards. The design and operation of such facilities shall conform with the specifications and best practices provided by the National Rifle Association Range Source Book, the generally accepted operation practices adopted pursuant to the Michigan Sport Shooting Ranges Act, Public Act 269 of 1989, applicable Environmental Protection Agency regulations and guidelines, Occupational Safety & Health Administration regulations and guidelines, and applicable federal and state law, and local ordinances.
 - b. Safety. The design of the facility shall clearly show that safety of persons on and off the site is guaranteed. This shall mean that no projectile of any kind may be permitted to leave the site. Indoor ranges must be designed so projectiles cannot penetrate the walls, floor or ceiling, and ricochets or back splatter cannot harm range users. Unless this safety requirement is clearly indicated by the design plans, a permit shall not be issued.
 - c. Lead Management/Environmental. The facility shall manage lead contamination and environmental impacts consistent with applicable federal and state law, including but not limited to the Resource Recovery and Conservation Act (RCRA), the Clean Water Act (CWA), and the EPA's Best Practices for Lead at Outdoor Shooting Range.
 - d. Hours of Operation. Shooting on a range shall be limited to the hours between sunrise and sunset but not prior to 9:00 a.m. or later than 8:00 p.m. The Township

Board may apply more restrictive hours where protection for nearby residential uses or property zoned for residential uses.

- e. Facility Size. Outdoor sport shooting ranges must be located on a parcel of twenty (20) acres or more.
- f. Setbacks. Any area used for firearm shooting activities must be located at least 1,600 feet from a lot line of any property zoned for residential uses, educational institution or school, public or private park, church, and house of worship or other religious facility. Any outdoor firearm shooting activities must be located at least 100 feet from all other lot lines. The minimum distance between uses shall be measured horizontally between the nearest property lines.
- g. Security. Fencing and gates shall be provided around an outdoor sport shooting range facility to maintain a level of security with a minimum height of 8 feet. Any indoor range shall be secured so as to prevent the unauthorized access to the range. Signage must be maintained and be posted at a minimum of 200-foot intervals by durable, weather proof signs not less than two square feet in size with a minimum of two-inch lettering, containing the following in large print: "DANGER SHOOTING RANGE".
- h. Reclamation: A surety bond, letter of credit or equivalent financial instrument shall be posted, in an amount determined by the Township with consultation of a registered engineer licensed in Michigan, taking into account the costs to reclaim the property to its condition prior to operation of the facility as estimated 30 years in the future. This instrument is to be used in the event the facility is not voluntarily reclaimed when operations cease to mitigate environmental contaminants, parcel grading, and public health and safety concerns associated with sport shooting range facilities. The surety bond, letter of credit or equivalent financial instrument shall be in favor of the Township and shall contain a replenishment obligation. The Township reserves the right to review the decommissioning plan every 5 years and revise the requirements and amount of any such instrument as necessary.
- i. Application Requirements: In addition to all information required by Articles XVI and XX of this Ordinance, all applications for a sport shooting range shall be accompanied with the following information:
 - i. A range safety plan addressing:
 1. Firearm handling rules;
 2. Range officers;
 3. Shooting range rules;
 4. Types of firearms permitted and any applicable conditions;

5. Types of activities permitted on the premises; and
 6. Range targets.
- ii. Shot-fall zones, backstops, berms, target locations, and relevant baffling.
 - iii. Existing and proposed structures on the site.
 - iv. Dwellings within one half (1/2) mile from the facility property lines.
 - v. A written plan outlining the facility's Best Management Practices (BMPs) program relating to lead management.
 - vi. A report of the predicted sound impact of the proposed facility shall be included with the application. The report shall demonstrate that the sound level limits required by this Ordinance are met and the report conforms with ANSI/ISO standards for outdoor measurements and predictions. The report shall be produced by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). Where such standards include confidence limits or limitations of use, the report shall present them and provide an explanation of how they were addressed. It shall include:
 1. A description and map of the facility's sound producing features, including the range of decibel levels expected (to be measured in dB(A)), and the basis for the expectation.
 2. A description of the project's proposed sound control features shall be described in detail, including specific measures to minimize noise impacts to neighboring residents and occupants.
 - vii. At the Township's request, the applicant shall provide an environmental assessment or impact study and/or other relevant report(s) or studies (including, but not limited to, assessing the potential impact on lead contamination caused by repeated use of lead shot) as required by the Township for review by the Township regarding the area or surrounding areas where the facility will be placed. Each such study or report requested shall be provided to the Township prior to the time when the Township Board makes its final decision.

Create Section 16.20 Vehicle Repair Facilities

Section 16.20 Vehicle Repair Facilities

Vehicle repair facilities shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All work on vehicles shall take place indoors.
- B. No sound or noise shall be discernible beyond the property lines in excess of street and traffic levels, and in no event shall noise exceed seventy (70) decibels on the dB(A) scale as measured at property lines of the facility. If contained within a multi-tenant building, the sound shall not exceed sixty-five (65) decibels on the dB(A) scale along a common wall. Sound shall be measured using a Leq (10-minute interval). All measurements and modeling shall be conducted in compliance with ANSI/ISO standards for outdoor sound measurements and be supervised by a qualified acoustical consultant with full member status with the Institute of Noise Control Engineering (INCE). No vehicle in any state of disrepair shall be stored in front of the principle building.
- C. No outdoor storage of vehicle parts shall be permitted.

Create Section 16.21 Tow Yards

Section 16.21 Tow yards

Tow yards shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. Vehicles are stored on site temporarily, not to exceed 60 days, while waiting for repairs or transport to a junk yard or salvage yard. Such period shall be tolled during any period when local, state, or federal law and law enforcement agency requires the tow yards to hold such vehicles.
- B. Vehicle storage areas shall be design with individual stalls and accessible drive lanes consistent with the parking lot design standards in Section 18.02 with the exception that no interior landscaping or landscape islands shall be required. Storage areas shall be paved with asphalt or concrete. This requirement shall not be subject to a waiver as indicated in Section 18.02.E.3.
- C. Storage areas shall be drained to an oil and water separator.
- D. Storage areas shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. Such screen shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.

Create Section 16.22 Open Air Businesses:

Section 16.22 Open Air Businesses

Open Air Businesses shall be subject to the following regulations and conditions in addition to all applicable regulations in effect in the district in which they are to be located:

- A. All display areas shall meet the minimum setback requirements for the district in which they are located.

- B. Any area for the storage of rental equipment shall be screened from the public view and adjacent properties by a screen fence, wall or other means deemed appropriate by the Planning Commission. A screen fence or wall shall be high enough to screen any storage areas but shall not exceed twelve (12) feet in height. A cyclone fence with inserts or fabric material shall not be used for screening.
- C. All display or storage areas shall be paved with asphalt or concrete.

Section 2. This Ordinance hereby repeals any ordinances in conflict herewith.

Section 3. Severability

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clauses is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 4. Savings Clause

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5. Publication and Effective Date

This Ordinance is hereby declared to have been adopted by the Howell Township Board at a meeting thereof duly called and held on the 14th of Dec, 2020, was ordered to be given publication in the manner required by law, and was ordered to be given effect as mandated by Charter and statute.

HOWELL TOWNSHIP

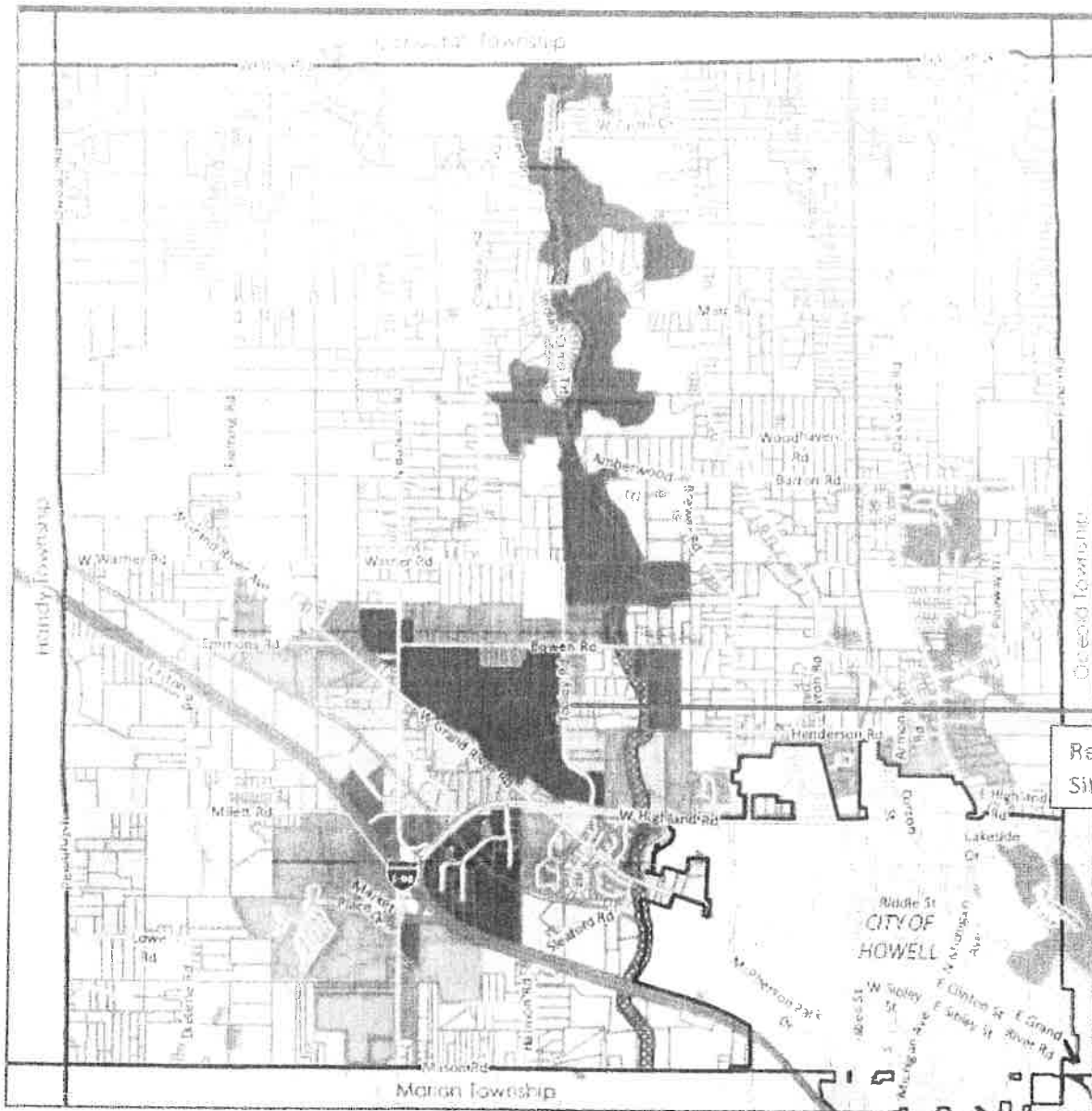
BY: John Markham

ADOPTED: 12-14-2020

PUBLISHED: 12-28-2020

EFFECTIVE: 1-4-2021

TOWNSHIP FUTURE LAND USE MAP




- | | |
|---------------------------|-----------------------------------|
| Agricultural Preservation | Residential - Medium Density |
| Airport | Industrial Flex |
| Commercial - Local | Industrial |
| Commercial - General | Recreation and Preservation |
| Commercial - Highway | Shiawassee River 200 foot Overlay |
| Residential - Low Density | |

Future Land Use

Howell Township
Livingston County, Michigan



Data: Livingston County, State of Michigan
 Prepared by: LaBare/Westman Associates, Inc.
 Date: December 7, 2022



EXHIBIT

3

Howell Township

3525 Byron Road • Howell, MI 48855
Phone: (517) 546-2817 • Fax (517) 546-1483
www.howelltownshipmi.org



January 13, 2026

William McCririe
1015 E. Main St.
Brighton, MI 48116


RE Rezoning request for parcels: 4706-22-300-042, 4706-22-300-003

William,

At the Howell Township Board meeting on January 12, 2026 the Board considered the rezoning request for the two properties listed above. After consideration the Township Board denied the rezoning requests. Please be aware that the Township will not be able to accept the same rezoning applications for one year.

Should you have any questions please let me know.

Thanks,



Jonathan Hohenstein
Howell Township Treasurer
Howell Township Zoning Administrator
treasurer@howelltownshipmi.org



Key-

1—Future Land Use

2—Zoning Districts Map

3—Existing Land Use

4—Industrial Flex Zone

5—AR Agricultural- Residential District

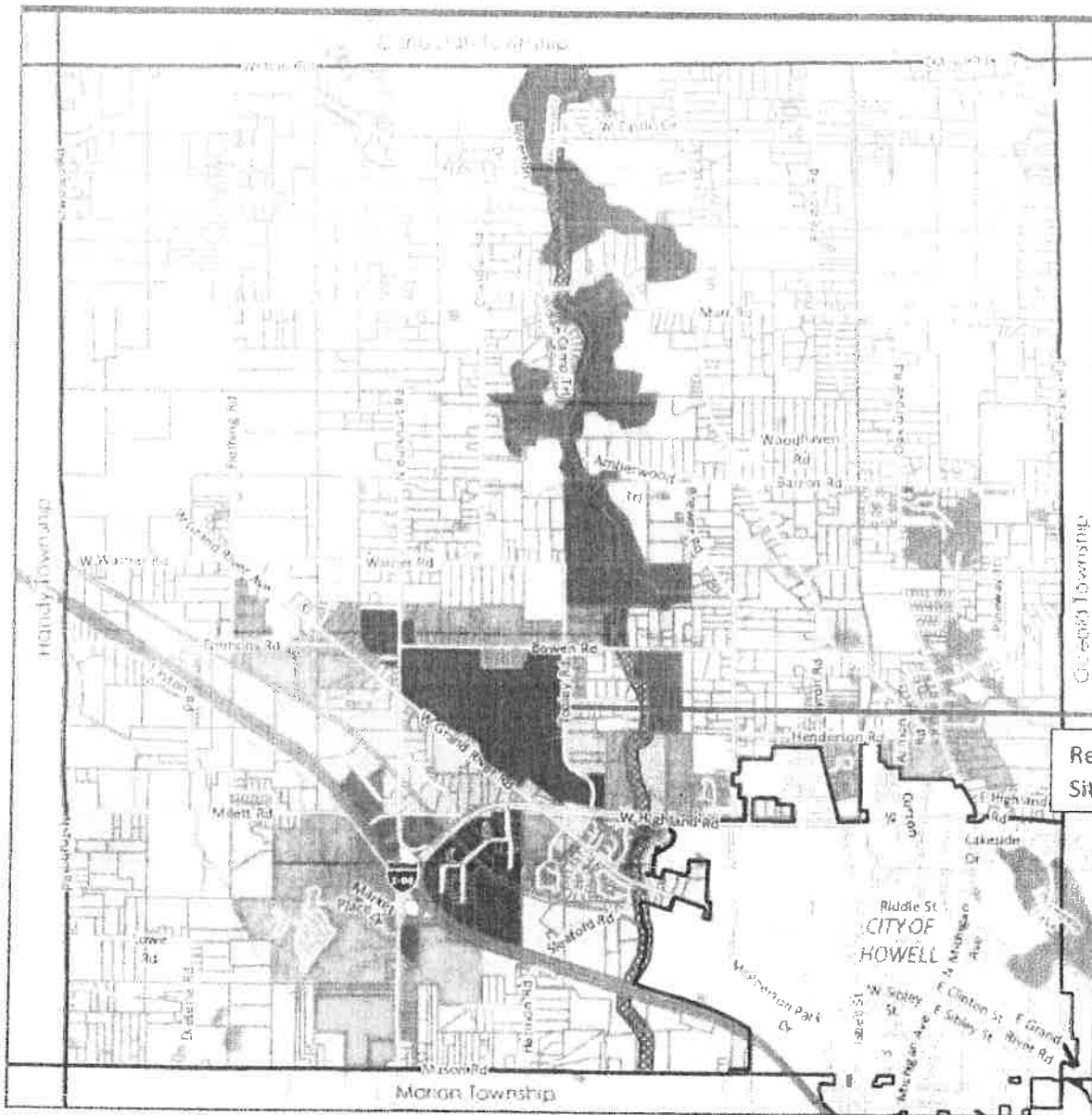
6—RSC Reginal Service Commercial District












7—Livingston County Department of Planning

8—County Planning Minutes



TOWNSHIP FUTURE LAND USE MAP

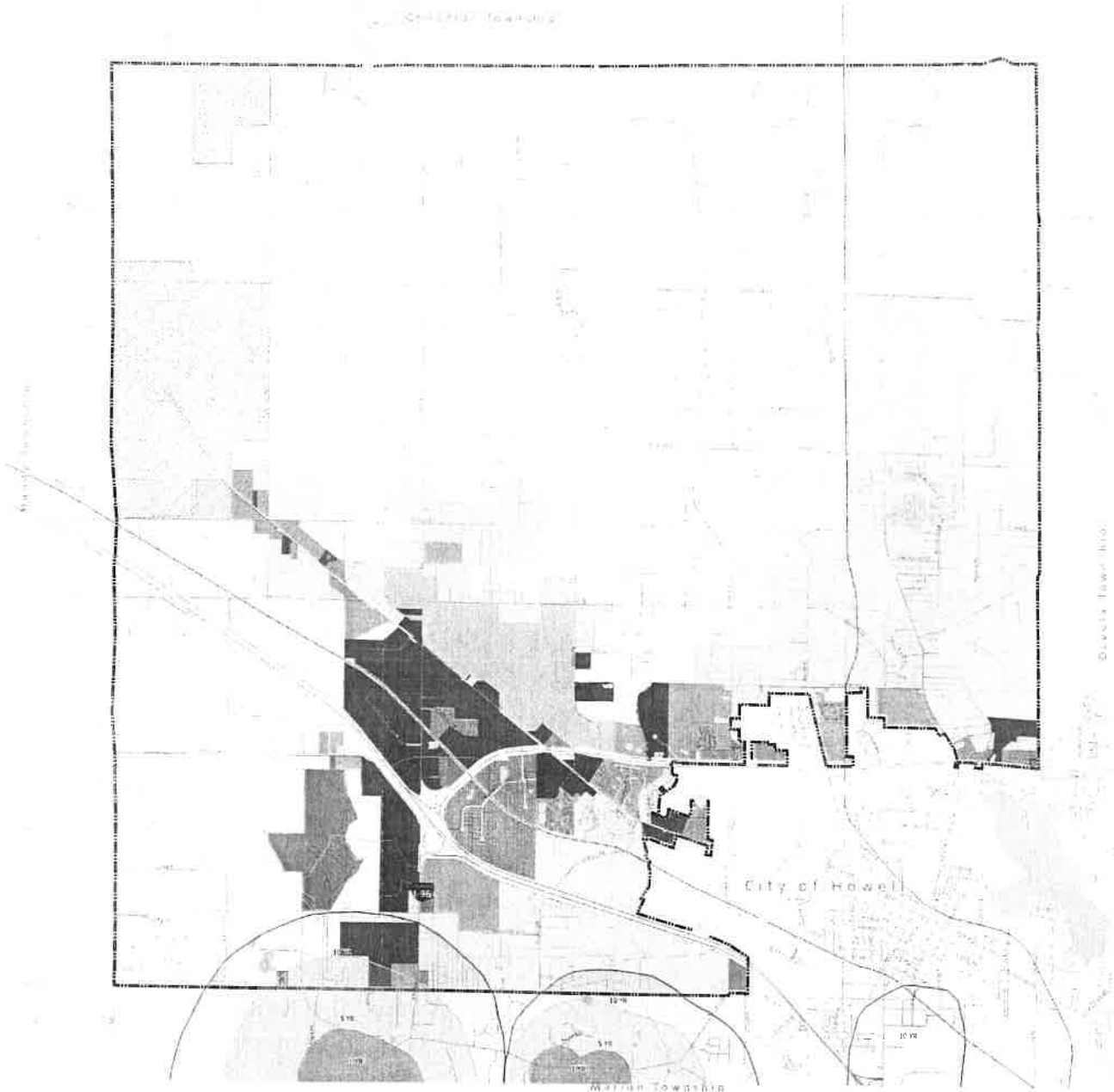


- | | |
|---|---|
|  Agricultural Preservation |  Residential - Medium Density |
|  Airport |  Industrial Flex |
|  Commercial - Local |  Industrial |
|  Commercial - General |  Recreation and Preservation |
|  Commercial - Highway |  Shiawassee River 200 foot Overlay |
|  Residential - Low Density | |

Future Land Use

Howell Township
Livingston County, Michigan





Zoning Designation		
■ Conditional Zoning	OS - Office Service	RT - Research & Technology
■ PUD - Planned Unit Development	NSC - Neighborhood Service Commercial	Renewable Energy Overlay District
■ AR - Agricultural Residential	HSC - Highway Service Commercial	Wellhead Protection Areas
■ SFR - Single Family Residential	RSC - Regional Service Commercial	1 YR
■ MFR - Multiple Family Residential	IFZ - Industrial Flex Zone	5 YR
■ MHD - Manufactured Housing District	I - Industrial	10 YR

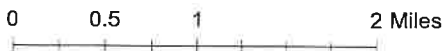
CERTIFICATION

This is to certify that this is the official Zoning Map referred to in the Zoning Ordinance of Howell Township, Livingston, Michigan.

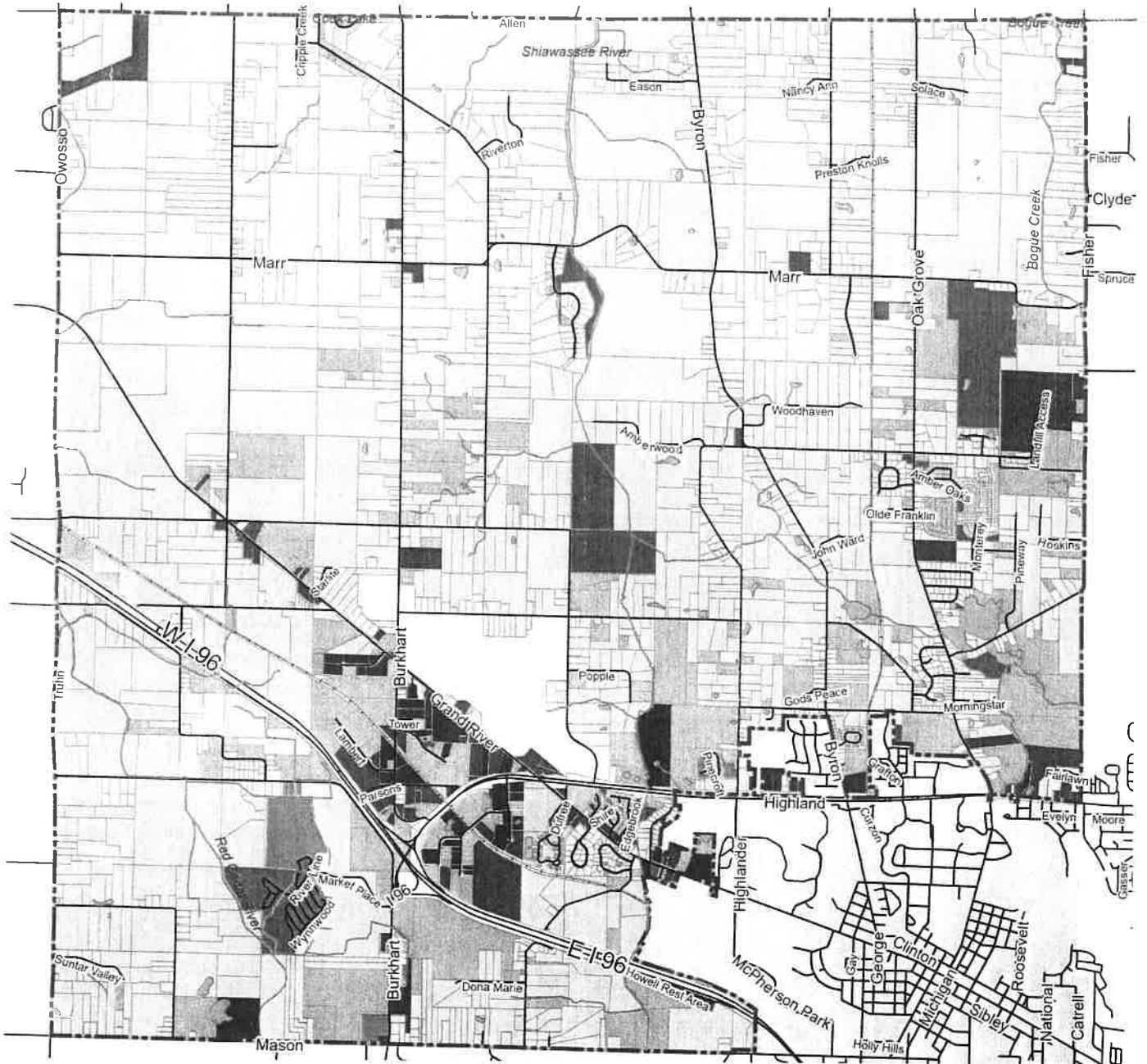
Township Supervisor *Mike Cuyt* Date: *12-18-25*
 Township Clerk *Janice Nave* Date: *12-18-25*

ZONING DISTRICTS MAP

**Howell Township
Livingston County**



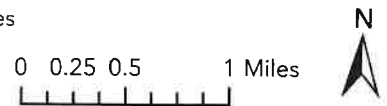
MAP 1: EXISTING LAND USE



Existing Land Use

Howell Township
Livingston County, Michigan

- Railroad
- Roads
- Township Boundary
- Agricultural / Rural Residential
- Single-Family Housing
- Attached Condo Housing
- Multi-Family Housing
- Mobile Home
- Mixed Use
- Commercial
- Industrial / Extractive
- Institutional / Medical
- Recreation / Open Space
- Vacant
- Transportation / Communications / Utilities
- Airport
- Water



ARTICLE XII IF INDUSTRIAL FLEX ZONE

Section 12.01 PURPOSE AND INTENT

The purpose of the ordinance of industrial flex zone is to provide flexibility and uses while being more prescriptive regarding design and construction. Many existing or proposed environmental use standards compatible zones or such uses often have the same or similar design requirements such as building height. The design requirements of this district are intended to provide a more uniform and a streamlined design and promote the use of existing and new structures. The flexibility of the ordinance is intended to promote development, create employment opportunities, and increase the tax base by promoting the development of residential development on certain (reuse of land adjacent to existing industrial and commercially developed property).

It is also the intent of the Industrial Flex Zone to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 8 eff. Dec. 7, 1983; further amend. by Ord. No. 11 eff. Apr. 4, 1986; amend. by Ord. No. 285, eff. January 4, 2021)

Section 12.02 PERMITTED PRINCIPAL USES

The following uses are permitted within the Industrial Flex Zone District.

- A. General office buildings, public or private.
- B. Educational and training facilities.
- C. Facilities for experimental product development, business and scientific research, and testing laboratories.
- D. Photography, art and graphic art studios.
- E. Sale or leasing of new motorized passenger vehicles including cars, and trucks. Outdoor sales/display lots in connection with such use shall not require a special use permit for an open air businesses. (Subject to Section 16.22)
- F. Sale or leasing of used motorized passenger vehicles in conjunction with a new car dealership.
- G. Warehouses and distribution centers.
- H. Warehousing, wholesaling, refrigerated, and general storage conducted completely within a building, or structure.
- I. Mini-warehousing, when conducted completely within a building, or structure.
- J. Retail sales and wholesale of parts equipment, and supplies for: plumbing, electrical, building and construction, furnace and air conditions, home appliances, outdoor and indoor recreation, gardening and landscaping.

- K. Public and private office buildings.
- L. Automobile storage areas, including and structures, if constructed with the same materials and construction standards as those used for public use, located on a lot with a frontage on a street or alley.
- M. Manufacturing or processing plants.
- N. Tobacco and cigar factories, including processing.
- O. Any manufacturing plants and uses having performance characteristics similar to those listed in this district that conform with the performance standards in Section 14.45.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986; further amend. by Ord. No. 76 eff. Sept. 30, 1998; further amend. by Ord. No. 137, eff. May 24, 2000; further amend. by Ord. No. 152 eff. Mar. 23, 2003; amend. by Ord. No. 235, eff. January 4, 2021)

Section 12.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

The following uses are permitted as special uses in accordance with Article XVI, "Special Uses":

- A. Indoor recreation facilities (subject to Section 16.18);
- B. Outdoor recreation facilities (subject to Section 16.18).
- C. Water Parks if completely enclosed with fences, walls or berms with controlled entrances and exits.
- D. Commercial Kennels (subject to Section 14.42).
- E. Veterinary clinics and animal hospitals.
- F. Storage of recreational vehicles.
- G. Open Air Business as a Principal Use. (Subject to Section 16.22)
- H. The following uses are permitted as long as they are conducted completely within a building, structure or an area enclosed and screened from beyond the lot lines of the parcel:
 1. Electrical machinery, equipment and supplies, electronic components and accessories.
 2. Professional, scientific and controlling instruments, photography and optical goods.
 3. Fabricating metal products, except heavy machinery and transportation equipment.

- J. Car Washes, material processing, mixing and extrusion.
- K. Vehicle repair facilities for autos, trucks, buses and trailers (subject to section 16.2)
- L. Towing facilities (subject to Section 16.2)
- M. Propane Storage/Distribution
- N. Sale, leasing, or rental of used motorized vehicles not in conjunction with a new car dealership

(Ord. No. 1 eff. Jan. 8, 1983, amend. by Ord. No. 8 eff. Dec. 7, 1983, further amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 63 eff. Oct. 8, 1997; Ord. No. 62 eff. Oct. 8, 1997, further amend. by Ord. 167 eff. May 24, 2000, further amended by Ord. 110 eff. July 23, 2000, further amended by Ord. 113 eff. August 30, 2000; further amend. by Ord. 271 eff. Oct. 3, 2017; amend. by Ord. No. 285, eff. January 4, 2021)

Section 12.04 PERMITTED ACCESSORY USES.

- A. All normal accessory uses to all "Permitted Principal Uses" and "Permitted Principal Special Uses" including:
 1. Restaurants.
 2. Cafeterias.
 3. Medical and health care facilities.
 4. Office facilities.
 5. Warehouse and storage facilities.
 6. Physical fitness facilities.
 7. Work clothing sales and service facilities.
 8. Banking facilities.
 9. Education, library and training facilities.
 10. Research and experimentation facilities.
 11. Truck or other vehicular and equipment service maintenance, repair and storage facilities conducted completely within a building, or structure.
 12. Indoor sales display areas.

Section 12.05

Ord. No. 167, Jan. 5, 1999, as amended; Ord. No. 223, Feb. 16, 2007

Section 12.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

4. Cargo Containers with Accessory Structure Subject to Section 12.05

The Planning Commission may allow more than the stated number of cargo containers if the following conditions are met:

- a) The additional containers do not adversely impact adjacent properties or the character of the district.
 - b) The primary use of the parcel is an industrial, warehousing, distribution, or a use of a similar manner where additional on-site storage is demonstrably necessary to support principal operations.
 - c) Containers will not occupy any required parking spaces.
 - d) All containers are appropriately screened and do not obstruct access or circulation.
- 2) Any site containing more than five (5) cargo containers shall ensure that all containers are of a similar, neutral color such as beige, gray, brown, tan, or muted green.
 - 3) Cargo containers may be permitted in the absence of a principal building when the primary use of the lot is outdoor storage or other use where the storage function is integral to the principal use.
 - 4) Cargo containers being used to store or ship goods or building materials associated with a shipping facility shall not be subject to limitations on the number of containers permitted.

Section 12.06 REQUIRED CONDITIONS OF ALL DISTRICT USES.

- A. All lots are permitted one (1) driveway unless the Planning Commission determines that any additional drives are necessary in promoting the efficient and safe use of the site due to size, layout, general circulation, or the need to separate drives for truck, or heavy equipment operations from general traffic (see subsection 3 below). The applicant shall provide all information deemed necessary to justify the necessity of any additional driveways.
- B. Sites must be designed with sidewalks along building frontages where entrances are located. Such sidewalks should provide for safe and convenient access from parking lots and must connect to adjacent public or private roadways. Where sidewalks cross parking areas and drives the sidewalk material must be carried through. Color changes to highlight the crossing may be appropriate.
- C. Parking lots should be designed to accommodate general vehicular and pedestrian traffic as well as employees and commercial traffic. Where heavy equipment and large trucks may be present, sites must be designed to separate such traffic from the general public. Parking areas for customers and employees must be separated physically and visually from loading areas.
- D. All toxic wastes shall be disposed of in accordance with all state laws, rules and regulations governing their disposal.

XII-4

Table of Contents

Zoning Map

Definitions

The Planning Commission shall have the authority to suspend or modify the dimensional requirements of this Ordinance, subject to the approval of the Board of Commissioners. The Board of Commissioners shall have the authority to suspend or modify the dimensional requirements of this Ordinance, subject to the approval of the Planning Commission.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000, further amend. Ord. 113 eff. August 30, 2000; further amend. Ord. No. 119 eff. Dec. 27, 2000; amend. by Ord. No. 285, eff. January 4, 2021)

Section 12.07 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

- A. Lot Area: A minimum of two (2) acres or 40,000 square feet for sites with direct access to water, wastewater, and sewer systems on site.
- B. Lot Width: Minimum of 200 feet at the required minimum building setback line when on-site well water supply and septic tank and field wastewater disposal systems are used or a minimum of 120 feet at the required minimum building setback line when public sewer and water systems are available and connections made to the lot or parcel.
- C. Lot Coverage: Maximum of 75%.
- D. Yard and Setback Requirements.
 - Front yard: Minimum of 35 feet (from the road right of way)
 - Side yards: Minimum of ten (10) feet
 - Minimum total of both sides: 25 feet
 - Rear yard: Minimum of ten (10) feet, but minimum of fifty (50) feet when abutting AR, SFR, MFR property lines.
- E. Height Limitations: Maximum of seventy (70) feet unless reduced by the maximum permitted by the Livingston County Airport Zoning Ordinance.
- F. Locational Requirements: Any storage of materials outside of the permitted structure must be proposed and approved by the Planning Commission and be screened from public view and adjacent properties by a wall or fence of no greater than 12 feet in height unless stated otherwise in the Ordinance.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000, further amend. Ord. 113 eff. August 30, 2000; further amend. Ord. No. 119 eff. Dec. 27, 2000; amend. by Ord. No. 285, eff. January 4, 2021)

ARTICLE IV
AR AGRICULTURAL - RESIDENTIAL DISTRICT

Section 4.01 PURPOSE

The purpose of this district is to provide for the compatible arrangement and development of parcels of land for conventional residential building purposes in a pastoral, agricultural, woodland or open land areas, that will remain unserved by public water distribution and waste water disposal systems in the foreseeable future and that is more suitable for residential purposes and which can accommodate healthful on-site water supply and wastewater disposal, but which reserves and conserves that land which is most adaptable for present and future agricultural, woodland, natural resource and other extensive land use.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986)

Section 4.02 PERMITTED PRINCIPAL USES

A. General agriculture in accordance with PA 93 of 1981, The Right to Farm Act, including general farming, farming for crops, dairy and beef cattle, sheep, horses and similar kinds of domestic animals, including the following:

- 1) Tree Fruit Production
- 2) Small Fruit Production
- 3) Field Crop Production
- 4) Forage and Sod Production
- 5) Livestock and Poultry Production
- 6) Fiber Crop Production
- 7) Apiary Production
- 8) Maple Syrup Production
- 9) Mushroom Production
- 10) Fur Bearer Production
- 11) Greenhouse Production
- 12) Silviculture

B. State Licensed Day Care Facilities.

ARTICLE 1

- 1) Child Family Day Care Homes (six (6) or fewer minor children)
 - 2) Adult Family Day Care Homes (six (6) or fewer adults)
- C. State Licensed Foster Care Facilities.
- 1) Adult Foster Care Family Home, excluding an adult foster care facility licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions (six (6) or fewer adults).
 - 2) Child Foster Care Family Homes (four (4) or fewer minor children).
 - 3) Child Foster Family Group Homes (five (5) or six (6) minor children).
- D. Agricultural buildings necessary to and functionally related on-site agricultural land uses.
- E. Single family farm-related or non-farm conventional dwelling on a minimum one (1) acre parcel.
- F. Public and private developments designed for the purpose of conserving natural resources including woodlands, watersheds, surface water, soil, wildlife and underground natural resources including ground water, minerals, oil and gas or any other natural resource important to the present and future local, regional or national economy.
- G. The growing, harvesting and sale of nursery stock, plants, trees, and shrubs and any equipment, improvements and structures that are necessary to and designed to be functionally a part of such a land use.
- H. The growing, stripping and sale of sod and any equipment improvements and structures that are necessary to and designed to be functionally a part of such a land use, providing that any area stripped of sod shall be seeded by the fall season in which it was stripped, so as to prevent possible wind and water eroding the otherwise exposed soil.
- I. Churches. (Group Day Care Facilities which are affiliated with the church on the same site may be permitted after special land use approval - See Sections 4.03 and 16.17)
- J. Stables for breeding, rearing, and housing horses and similar animals, subject to the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471).

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. no. 8 eff. Dec. 7, 1983; Ord. No. 62 eff. Oct. 8, 1997; Ord. No. 97 eff. Feb. 23, 2000; amend by Ord. No. 254 eff. 2/10/2013.)

Section 4.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS

- A. Confined animal feedlots and similar concentrated feeding areas, buildings and structures.
- 1) A minimum lot of forty (40) acres.
 - 2) A minimum distance of seven hundred and fifty (750) feet shall be required from any residential use.

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Zoning Map

Definitions

ARTICLE IV

B. Removed.

C. Airports and airplane landing fields.

- 1) These regulations shall not apply for private airstrips which are used only by the owner or lessee of the premise for the maintenance and flight of his/her aircraft.
- 2) Plans shall be approved by the Federal Aviation Agency and the Michigan Department of Aeronautics prior to submittal to the Township for review and approval.
- 3) The parcel shall be located so as to abut a major thoroughfare and to provide public access and egress to and from said lot from said thoroughfare.

D. Campgrounds and day camps.

- 1) Minimum lot size shall be forty (40) acres. The lot shall provide direct vehicular access to a public street or road. The term lot shall mean a campground or travel trailer park.
- 2) Each site on a lot designated for camping use may accommodate a travel trailer or tent, and shall be provided with individual electrical outlets.
- 3) Public stations, housed in all-weather structures containing adequate water outlet, toilet, waste container and shower facilities, shall be provided uniformly throughout the lot at a ratio of not less than one (1) such station per each twenty (20) sites.
- 4) Each campground and day camp containing more than sixty (60) sites shall provide a masonry building containing machine laundry (wash and dry) facilities.
- 5) No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites.
- 6) Each lot shall provide a hard surfaced 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 a ratio of not less than one (1) space per each two (2) sites. Occupant parking space for two (2) vehicles shall be provided on each site.
- 7) Each site shall contain a minimum of fifteen hundred (1500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet, and from any private street at least forty (40) feet.
- 8) A common use area shall be provided on each lot at a ratio of not less than one thousand (1000) square feet of such area per each site. This common area shall be developed by seeding, landscaping, picnic tables, barbeque 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 lot.
- 9) Each travel trailer site shall have direct access to a hard-surfaced 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 roads 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 paragraph six (6). Access to the parcel or development shall be a hard-surfaced major thoroughfare.

10) Any open drainage ways must have seeded banks sloped at least 3:1 and designed to properly drain all surface waters into the county drain systems subject to approval by the Drain Commissioner of Livingston County.

11) The development of the entire lot is subject to all applicable requirements of the Department of Environmental Quality.

12) A minimum distance of fifteen (15) feet shall be provided among all travel trailers and tents.

13) Fences and green belts 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) Maximum lot density of not more than twelve (12) lots per acre (including roads and other common areas) shall be required.

E. Public and private cemeteries.

1) All cemeteries shall be developed on sites of at least forty (40) acres.

2) Refer to Ordinance No. 68 Cemetery Ordinance for additional regulations.

F. Agribusiness.

1) All agricultural industrial and commercial uses shall be located and developed on sites of at least forty (40) acres, and shall have a direct relationship to the existing types of permitted agricultural uses.

G. State Licensed Day Care Facilities.

1) Adult Group Day Care Homes (seven (7) to twelve (12) adults.)

2) Child Group Day Care Homes (seven (7) to twelve (12) minor children).

(Amend. Ord. No. 119 eff. Dec. 27, 2000, Amend. Ord. No. 160 eff. June 20, 2003 Amend. Ord. No. 220 eff. Feb. 13, 2009; Amend. Ord. No 254, eff. Feb. 10, 2013.)

H. Home Business.

In those AR - Agricultural Residential areas of the Township which have direct access to Grand River Avenue, it is anticipated that Grand River Avenue will eventually be devoted primarily to commercial types of uses but also be subject to the existence of single-family dwellings on parcels of property with sufficient size to accommodate a residence and a business that is operated by the owner of the single-family dwelling. It is the intent of this section to allow and provide for the gradual change in uses along Grand River Avenue from low density residential to high density residential or commercial and allow for certain home businesses. A home business shall be considered as a technical, personal or professional service, or other type of commercial enterprise as permitted un-

der Section 9.02 (A or C) which business either takes place in a home or one of its accessory structures which is operated and carried on by the inhabitants thereof or with no more than one non-family employee which use is generally, but not necessarily, secondary to the use of the dwelling for dwelling purposes. Such use shall not significantly change the character of the properties adjacent to the subject parcel and it shall not endanger the health, safety, or welfare of any other persons residing in that area by reason of noise, obnoxious odors, unsanitary or unsightly conditions, fire hazards, and the like, involved in or resulting from such home business. Such home business shall be further subject to the requirements of Article XVI, "Special Uses", of this zoning ordinance and shall also be subject to the following conditions:

- 1) There shall be no outside display or storage of goods or materials.
 - 2) The home business shall involve no more than one non-family employee or other employee who is not an inhabitant of the dwelling on the premises.
 - 3) Uses related to the repair of motor vehicles and/or heavy equipment shall be specifically excluded.
 - 4) The home business shall be entitled to a small announcement sign which shall not exceed four (4) square feet in area.
- I. Church affiliated group day care facilities.

Replaced by Section 16.17.

J. Agribusinesses.

- 1) An agribusiness shall be buildings, structures, lots, parcels or parts thereof which provide services, goods, storage, transportation or other activities directly related to the production of agricultural commodities. An agribusiness may include, but is not limited to:
 - a) Farm machinery, sales, service, rental and repair.
 - b) Bulk feed and fertilizer outlets and distribution centers.
 - c) Seed dealership outlets and distribution centers.
 - d) Truck and cartage facilities.
- 2) Agribusiness uses are permitted in the AR Zoning District on lots and parcels having frontages on Grand River or Burkhart Road.
- 3) Minimum lot or parcel area shall be five (5) acres and a minimum road frontage shall be 330 feet.
- 4) These uses shall meet all other requirements of the AR District.

K. Prohibited Principal Uses.

- 1) Slaughter houses and commercial processing.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 10 eff. May 3, 1984, further amend. by Ord. No. 11 eff. Apr. 4, 1986; Ord. No. 46 eff. Nov. 4, 1993; Ord. No. 52 eff. May 3, 1995; Ord. No. 62 eff. Oct. 8, 1997, amend. by Ord. No. 254 eff. Feb. 10, 2013; amend. by Ord. 271 eff. Oct. 3, 2017)

SECTION 4.04 PERMITTED ACCESSORY USES.

- A. Buildings and structures customarily incidental to the operation of an agricultural enterprise.
- B. Accessory buildings and structures customarily incidental to single family residential.
- C. Signs related to the permitted agricultural enterprise, provided that all such signs shall conform to the requirements of this Ordinance.
- D. House Hold Pets.
- E. Cargo Containers, as an accessory structure, subject to Section 14.07.

(Ord. No. 1 eff. Jan. 8, 1983; Amend. by Ord. 271 eff. Oct. 3, 2017)

SECTION 4.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

A. Roadside Stands.

In agricultural districts each farm may have one (1) temporary roadside stand for the purpose of selling produce raised or produced on that farm in the course of its permitted agricultural activity. The stand shall be located and constructed to meet the following requirements:

- 1) The structure shall not be more than one (1) story in height.
- 2) The floor area shall not exceed 400 square feet for farms having forty (40) acres or less in area, and farms in excess of forty (40) acres may increase the floor area at the rate of 100 square feet for each additional ten (10) acres of area.
- 3) The stand shall be located no closer than forty (40) feet from the nearest highway pavement or other traveled surface. In no case, shall the stand occupy any part of the right-of-way.

B. Mobile homes and trailer homes.

Trailer coaches or mobile homes may be permitted as accessory dwellings to a permanent dwelling under the following circumstances:

- 1) The parcel of land shall be used for agricultural production, and shall not be less than eighty (80) acres in area.
- 2) The occupants of a said trailer shall qualify by being either:

- a) in direct family relationship to the principal dwelling, or
 - b) a bona fide employee of the occupant of the principal dwelling, and engaged in an agricultural occupation on the premises
- 3) The permit for such use shall terminate at such time as any of the above conditions shall cease to be met. In any case, the permit must be renewed each year, on the anniversary of its initial issue.
- 4) All mobile homes and travel trailers shall be located within the appropriate setback lines, and, in no case, shall be located in the front yard of the principal dwelling.
- C. The rearing and housing of horses, mules and similar domestic animals.
- 1) The rearing and housing of horses, mules, and similar domestic animals for noncommercial purposes shall be subject to the Michigan Right to Farm Act, Public Act No. 93 of 1981 (MCL 286.471).
- D. Rural Kennels subject to Section 14.44.
- E. Interior or Attached Accessory Dwelling Units subject to requirements listed in Section 14.10 Accessory Building as Dwelling.

(Ord. No. 1 eff. Jan. 8, 1983; Ord. No. 46 eff. Nov. 4, 1993; Ord. No. 97 eff. Feb. 23, 2000; further amend Ord. No. 125 eff. March 25, 2001, amend Ord. No. 160 eff. June 20, 2003, amend Ord. No. 254 eff. Feb. 2013; Amend. by Ord. 271 eff. Oct. 3, 2017)

SECTION 4.06 DIMENSIONAL REGULATIONS.

- A. Lot area. A non-farm single family residential parcel or lot shall have a minimum of one (1) acre in area, provided the parcel or lot contains a developable area or areas adequate to locate and space all buildings and structures proposed and required to be constructed on it.
- B. Lot width. Minimum of 150 feet at the building setback line.
- C. Lot coverage. Maximum of twenty (20) percent.
- D. First floor area. The minimum first floor area of a one (1) story dwelling is 900 square feet, and for a two (2) story dwelling is 600 square feet and minimum total of 900 square feet for both stories.
- E. Yard and setback requirements.
 - 1) Front Yard. Minimum of fifty (50) feet from the road right-of-way line or as specified in Section 26.05, whichever is greater.
 - 2) Side Yard. Minimum of twenty (20) feet for each side yard.
 - 3) Rear Yard. Minimum of fifty (50) feet.

ARTICLE IV

F. Height limitations. Maximum of 2.5 stories or forty-five (45) feet, except on all non-agricultural parcels, accessory buildings and structures shall not exceed twenty-five (25) feet.

(Ord. No. 11 eff. Jan. 8, 1983; amend. Ord. No. 8 eff. Dec. 7, 1983; further amend. Ord. No. 119 eff. Dec. 27, 2000; further amend. Ord. No. 217 eff. May 1, 2009)

ARTICLE X RSC REGIONAL SERVICE COMMERCIAL DISTRICT

Section 10.01 PURPOSE

This District is to recognize the unique regional location existing in Howell Township around the combination of I-96, M-59 and Grand River Road and therefore plan the surrounding adjacent area in part for regionally accessible commercial developments.

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

Section 10.02 PERMITTED PRINCIPAL USES.

The following uses are permitted as long as the use is conducted completely within an enclosed principal building and enclosed accessory structures and areas having controlled entrances and exits with the exits having operating cashier stations where the payment of goods or services purchased can be paid by customers:

- A. Retail establishments, including supermarkets, department stores, home appliance stores, hardware stores, home improvement stores and other similar types of retail outlets that sell food items, hardware goods, drugs and sundries, home improvement items, gifts, dry goods, clothing and dressmaking equipment and supplies, notions, home appliances, wearing apparel, shoes and boots, automotive equipment, parts and supplies, photographic equipment and supplies, electrical equipment and supplies, office equipment and supplies, home interior decorating equipment and supplies, art equipment and supplies, furniture, antiques, showrooms with interior and/or exterior exposure, home garden equipment and supplies, candy and confections, alcoholic and non-alcoholic beverages, toys and games, electronic equipment and supplies, musical instruments and supplies, outdoor and indoor recreation equipment and supplies, pets and pet equipment and supplies, building and construction equipment and supplies, medical and dental equipment and supplies, graphic arts equipment and supplies, computer and data processing equipment and supplies, leasing, rental, and sale of new and used motorized vehicles including but not limited to cars, trucks, recreational vehicles, and motorcycles, and other uses of a similar character that are normally an integral part of a regional shopping center.
- B. Service establishments, either as completely separate units or as an integral part of any of the principal uses permitted in A. above, and additionally including service outlets for insurance, real estate, medical and dental clinics, veterinary clinics and hospitals, nursing and convalescent homes, theatres, assembly and concert halls, indoor recreation facilities (subject to Section 16.18), clubs, fraternal organizations and lodge halls, restaurants, private and business schools, churches, public and private office buildings, motels and hotels, and uses of a similar character that are normally an integral part of a regional shopping center.
- C. Mini Warehouses.

(Ord. No. 1 eff. Jan. 8, 1983; amend. by Ord. No. 11 eff. Apr. 4, 1986, further amend. by Ord. No. 107 eff. May 24, 2000; Ord. No 200 eff. December 11, 2006; amend. by Ord. No. 285, eff. January 4, 2021)

Section 10.03 PERMITTED PRINCIPAL SPECIAL USES WITH CONDITIONS.

- A. Automotive gasoline and service stations in accordance with the provisions of Article XVI, "Special Uses" for this use. See Section 16.11.

ARTICLE V

- B. Drive-in retail and service establishments in accordance with the provisions of Article XVI, "Special Uses" for this use.
- C. Regional shopping centers in accordance with the provisions of Article XVI, "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this district.
- D. Commercial Kennels subject to Section 14.42.

(Ord. No. 1 eff. Jan. 3, 1983; Ord. No. 61 eff. Oct. 8, 1997; Ord. No. 62 eff. Oct. 8, 1997, further amend. by Ord. No. 107 eff. May 24, 2000; further amend. by Ord. 271 eff. Oct. 3, 2017)

Section 10.04 PERMITTED ACCESSORY USES.

- A. Normal accessory uses to all "Permitted Principal Uses."
- B. Normal accessory uses to all "Permitted Principal Special Uses." See Section 14.34.

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

Section 10.05 PERMITTED ACCESSORY USES WITH CONDITIONS.

- A. Cargo Containers, as an accessory structure, subject to Section 14.07.1
 - 1) No more than one cargo container is permitted per acre, with a maximum of two (2) containers per parcel.

Section 10.06 DIMENSIONAL REQUIREMENTS, EXCEPT AS OTHERWISE SPECIFIED IN THIS ORDINANCE.

- A. Lot area. Minimum of two (2) acres, except where a lot or parcel is served by a public or common water supply system and a public wastewater sewer and treatment system, in which use the lot or parcel may have a minimum area of 40,000 square feet. Regional Shopping Centers shall meet the requirements of Article XVI, "Special Uses" for a collective grouping of two (2) or more of the uses permitted in this District.
- B. Lot width. Minimum of 200 feet at building setback line when on-site well water supply and septic tank wastewater disposal systems are used or a minimum of 120 feet at building setback line when public or approved on-site common water supply and wastewater sewer and treatment systems are directly accessible to the lot or parcel.
- C. Lot coverage. Maximum of 75%.
- D. Yard and setback requirements.
 - 1) Front yard. Minimum of thirty-five (35) feet from the road or highway right-of-way line, or as specified in Section 26.05, whichever is greater.
 - 2) Side yards. Minimum of ten (10) feet for one (1) side yard, but a minimum total of twenty-five (25) feet for both side yards.

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- 3) Rear yard. Minimum of fifty (50) feet.
- E. Height limitations. Maximum of seventy (70) feet.
- F. Locational and other requirements.
 - 1) The site shall have at least one (1) property line abutting a major road or highway arterial.
 - 2) All vehicular access shall be from a Livingston County Road Commission or Michigan Department of Transportation approved driveway intersection with a road or highway, which may include the use of acceleration and/or deceleration lanes, tapered lanes, or a frontage access road located parallel and adjacent to a major road or highway arterial in conformance with Section 26.04.
 - 3) The storage of goods or materials is not permitted outside of the principal structure.

(Ord. No. 1 eff. Jan. 8, 1983; amend. Ord. No. 75 eff. Sept. 30, 1998; further amend. Ord. No. 97 eff. Feb. 23, 2000; Ord. No. 98 eff. Feb. 23, 2000; further amend Ord. No. 119 eff. Dec. 27, 2000; Ord. No. 200 eff. Dec. 11, 2006)

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Livingston County Department of Planning

December 18, 2025

Howell Township Board of Trustees
c/o Sue Daus, Clerk
3525 Byron Road
Howell, MI 48855

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Martha Haglund
AICP
Principal Planner

Re: Planning Commission Review of Rezoning Z-40-25 and Z-41-25

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, December 17, 2025, and reviewed the rezoning requests detailed above. The County Planning Commissioners made the following recommendations:

- Z-40-25** **Approval.** The proposed rezoning from RSC (Regional Service Commercial) to IFZ (Industrial Flex Zone) is consistent with the overall goals and objectives of the 2022 Howell Township Master Plan and the Livingston County Master Plan. Future development of the parcel should include mitigation efforts to protect the nearby residential land uses.
- Z-41-25** **Approval.** The proposed rezoning from AR (Agricultural Residential) to IFZ (Industrial Flex Zone) is consistent with the overall goals and objectives of the 2022 Howell Township Master Plan and the Livingston County Master Plan. Howell Township should mitigate any land use conflicts between the proposed rezoning and the nearby residential land uses through development regulations found in the Township Zoning Ordinance.

Copies of the staff review and Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county action.

Sincerely,
Scott Barb

Scott Barb

sb

Enclosures

c: Wayne Williams, Vice Chair, Planning Commission
Jonathan Honerstein, Township Zoning Administrator

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

(517) 546-7555
Fax (517) 552-2347

Web Site
<http://www.livgov.com>

Meeting minutes and agendas are available at:
<https://milivcounty.gov/planning/commission/>

Commission Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER BURKHOLDER TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER GALBRAITH.

Motion passed: 6-0

**C. Z-40-25: HOWELL TOWNSHIP REZONING
RSC REGIONAL SERVICE COMMERCIAL TO (IFZ) INDUSTRIAL FLEX ZONE
SECTION 22.**

Current Zoning: Regional Service Commercial (RSC)

Proposed Zoning: Industrial Flex Zone (IFZ)

Section: 22

Township Recommendation: Action on the proposed rezoning failed at the November 18, 2025, public hearing after a 2-2 tie, with 2 township commissioners abstaining from the vote. Comments for and against the proposed rezoning were heard at the public hearing.

Staff Recommendation: The proposed rezoning from RSC (Regional Service Commercial) to IFZ (Industrial Flex Zone) is consistent with the overall goals and objectives of the 2022 Howell Township Master Plan and the Livingston County Comprehensive Plan. Future development of the parcel should include mitigation efforts due to the nearby residential land uses.

Commissioner Discussion: Commissioner Funk asked about the township planning commission vote.

Public Comments:

Bill McCririe (applicant) spoke on behalf of the proposed rezoning.

Raymond Randall, Howell Township: An adjacent landowner, and is concerned about water management and road maintenance.

Tonya Johnson, Howell Township: An adjacent landowner, concerned about increased cost with road maintenance and increase in impervious surfaces.

Paul Johnson, Howell Township: An adjacent landowner, concerned the project will decrease property values, safety and traffic issues should be considered, also concerned with environmental pollution in the area.

Debbie Mannisto, Howell Township: An adjacent landowner, concerned about lack of transparency from applicants, past traffic issues, road maintenance, and concerned for surrounding landowners.

Matt Hall, Howell Township: An adjacent landowner, concerned about property values, he is opposed to rezoning, concerned about water management.

Charles Smith, Howell Township: Concerned about emergency services and navigation of private road in the development.

Commissioner Action: IT WAS MOVED BY COMMISSIONER BURKHOLDER TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CALL.

Motion passed: 4-2

COMMISSIONERS FUNK AND GALBRAITH OPPOSED

D. Z-41-25: HOWELL TOWNSHIP REZONING
AR AGRICULTURAL RESIDENTIAL TO (IFZ) INDUSTRIAL FLEX ZONE
SECTION 22.

Current Zoning: Agricultural Residential (AR)
Proposed Zoning: Industrial Flex Zone (IFZ)
Section: 22

Township Recommendation: Action on the proposed rezoning failed at the November 18, 2025, public hearing after a 2-2 tie, with 2 township commissioners abstaining from the vote. Comments for and against the proposed rezoning were heard at the public hearing.

Staff Recommendation: The proposed rezoning from AR (Agricultural Residential) to IFZ (Industrial Flex Zone) is consistent with the overall goals and objectives of the 2022 Howell Township Master Plan and the Livingston County Comprehensive Plan. Howell Township should consider mitigating any potential land use conflicts of the proposed rezoning with the nearby residential land uses when development of the parcel is implemented.

Commissioner Discussion: Commissioner Funk asked about uses in the Agricultural district and Industrial Flex Zone.

Public Comments:

Mark Mastisto, Howell Township: An adjacent landowner, concerned about water management, concerned about the intended use of the property. He would prefer houses on the lot and is opposed to the rezoning.

Charles Smith, Howell Township: Had a question about the rezoning process.

Debbie Mannisto, Howell Township: An adjacent landowner, concerned about property values and transparency of the project, homeowners should be involved in rezoning process. She is opposed to the rezoning.

Ellen Swartz, Howell Township: An adjacent landowner, concerned about neighbor investment and their property values, light pollution and size of development.

Matt Hall, Howell Township: An adjacent landowner, concerned about destruction of rural neighborhood character, Does not believe this area is suited for industrial or residential buildings.

Kristen Dennison, Conway Township: Surrounding uses should be evaluated in the rezonings, concerned about neighborhood character and spot zoning, questioned the intended use.

Commissioner Action: IT WAS MOVED BY COMMISSIONER BURKHOLDER TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CALL.

Motion passed: 4-2

COMMISSIONERS FUNK AND GALBRAITH OPPOSED

E. Z-42-25: BRIGHTON CHARTER TOWNSHIP REZONING
R-2 RESIDENTIAL SINGLE FAMILY TO (RPUD) RESIDENTIAL PLANNED UNIT
DEVELOPMENT
SECTION 12.

Current Zoning: Residential Single Family (R-2)
Proposed Zoning: Residential Planned Unit Development (RPUD)
Section: 12



Carlisle | Wortman

ASSOCIATES, INC.

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

Date: November 13, 2025

Land Use and Zoning Analysis For Howell Township, Michigan

Applicant: William McCirire

Project Name: Tooley Road and Popple Lane Rezoning

Location: Parcel # 4706-22-300-042

Current Zoning: RSC – Regional Service Commercial

Action Requested: Rezoning from RSC – Regional Service Commercial to IFZ – Industrial Flex Zone

Required Information: As noted in the following review.

PETITION

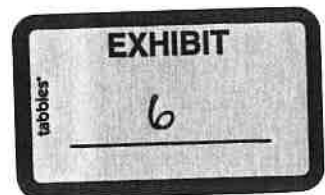
The applicant is requesting a rezoning for parcel #4706-22-300-042 at the corner of Tooley Rd. and Popple Ln. The petitioner requests to rezone the approximately 7-acre site from RSC – Regional Service Commercial to IFZ – Industrial Flex Zone (shown on Figure 1).

The applicant has not offered any conditions of rezoning but offers reasons why the rezoning would benefit the Township including consistency with adjacent and future land use, economic development and job creation, efficient use of infrastructure, flexibility and market responsiveness, and preservation of agricultural land in other areas of the Township.

SITE DESCRIPTION/CURRENT USE

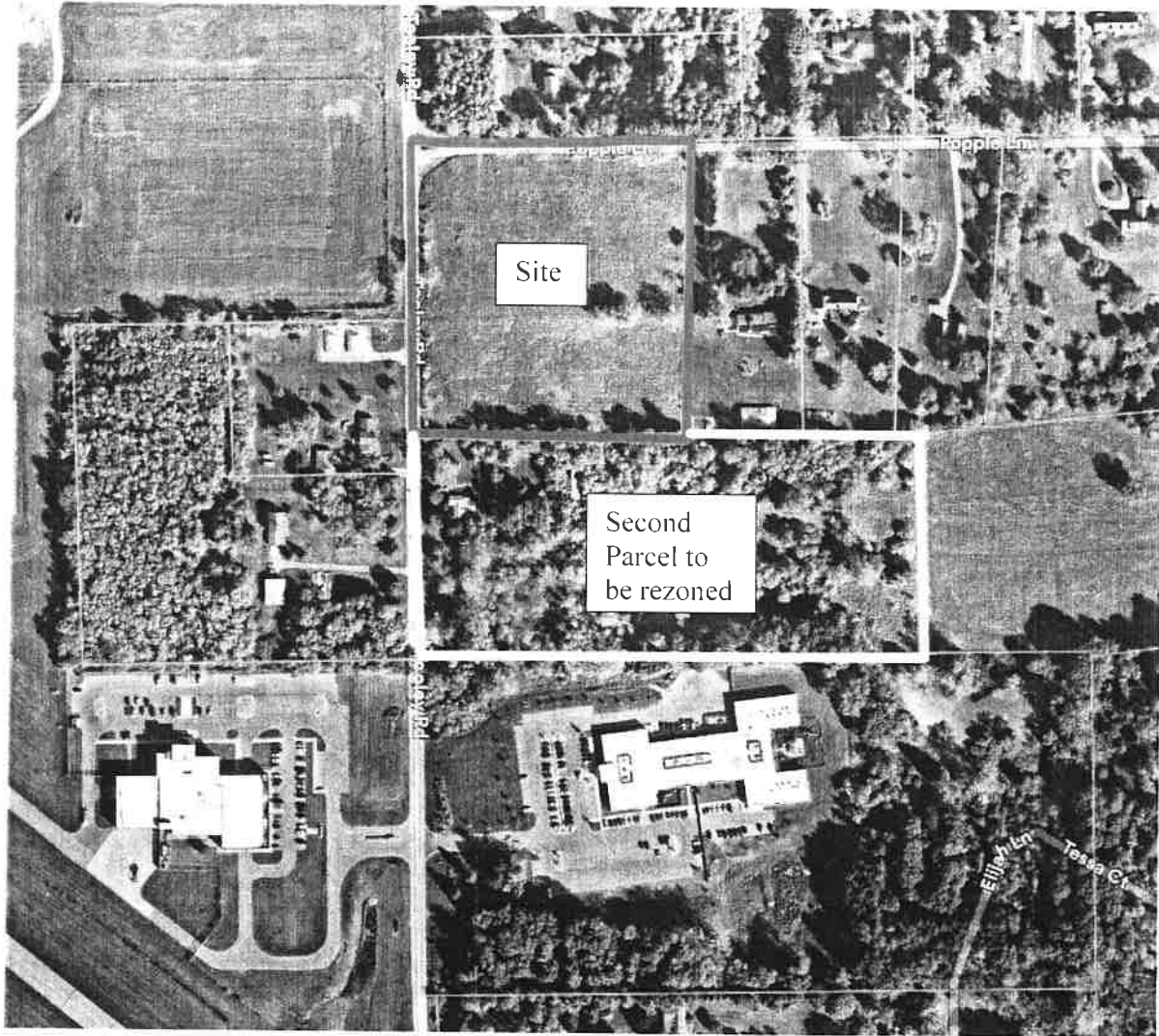
The subject site is approximately 7-acres and is currently vacant. The parcel to the south is also vacant, which the applicant submitted a rezoning application for, and will be discussed in another

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David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal* Craig Strong, *Principal*
Paul Montagno, *Principal* Megan Masson-Minock, *Principal* Laura Kreps, *Principal*
Richard K. Carlisle, *Past President/Senior Principal*



review. The site is surrounded by residential to the north and east along with industrial uses to the west. The site is mostly empty with a few trees around the perimeter and the middle of the site.

Figure 1 - Aerial Image of Site and Surroundings



Source: Nearmap

SURROUNDING ZONING, LAND USE, AND FUTURE LAND USE

Table 1 on the next page summarizes the zoning, existing land use, and the future land use designation from the Township Master Plan of the subject parcel and the surrounding parcels.

Table 1. Zoning, land use, and future land use of subject parcel and vicinity

	Zoning	Existing Land Use	Future Land Use Designation
Subject parcel	RSC – Regional Service Commercial	Vacant	Industrial Flex
North	SFR – Single Family Residential	Residential	Residential – Medium Density
South	AR – Agricultural Residential	Vacant	Industrial Flex
East	AR – Agricultural Residential	Residential	Residential – Low Density
West	RT – Research and Technology	Industrial	Airport

Figure 2. Zoning of Subject Properties

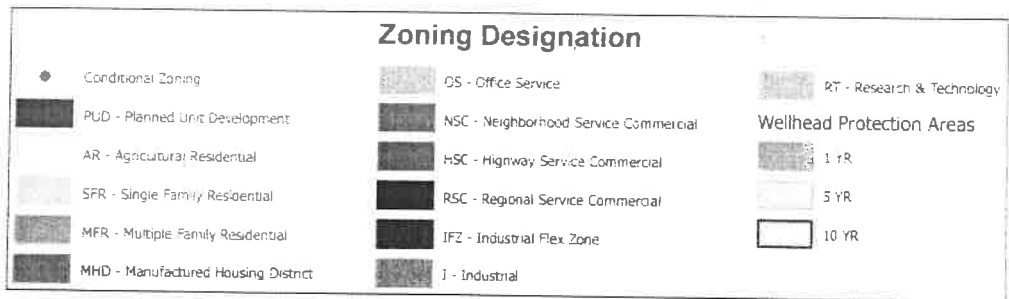
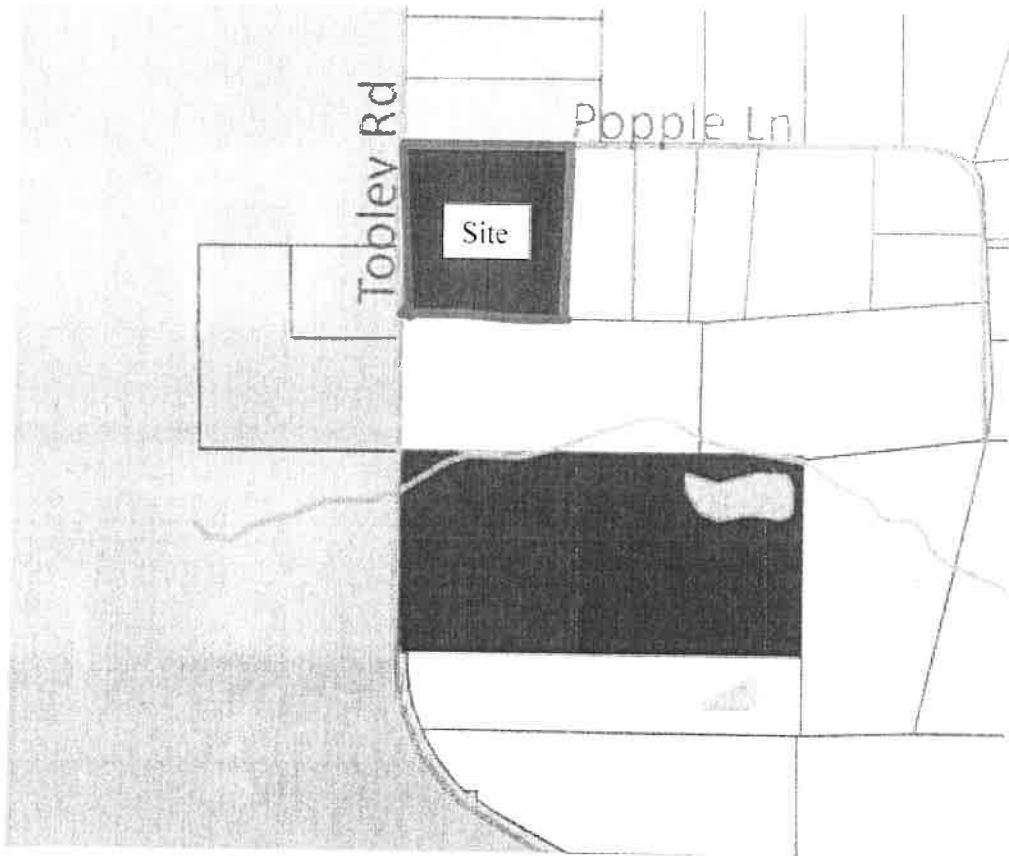
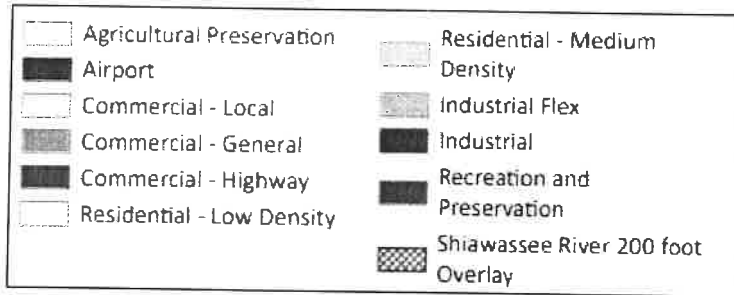
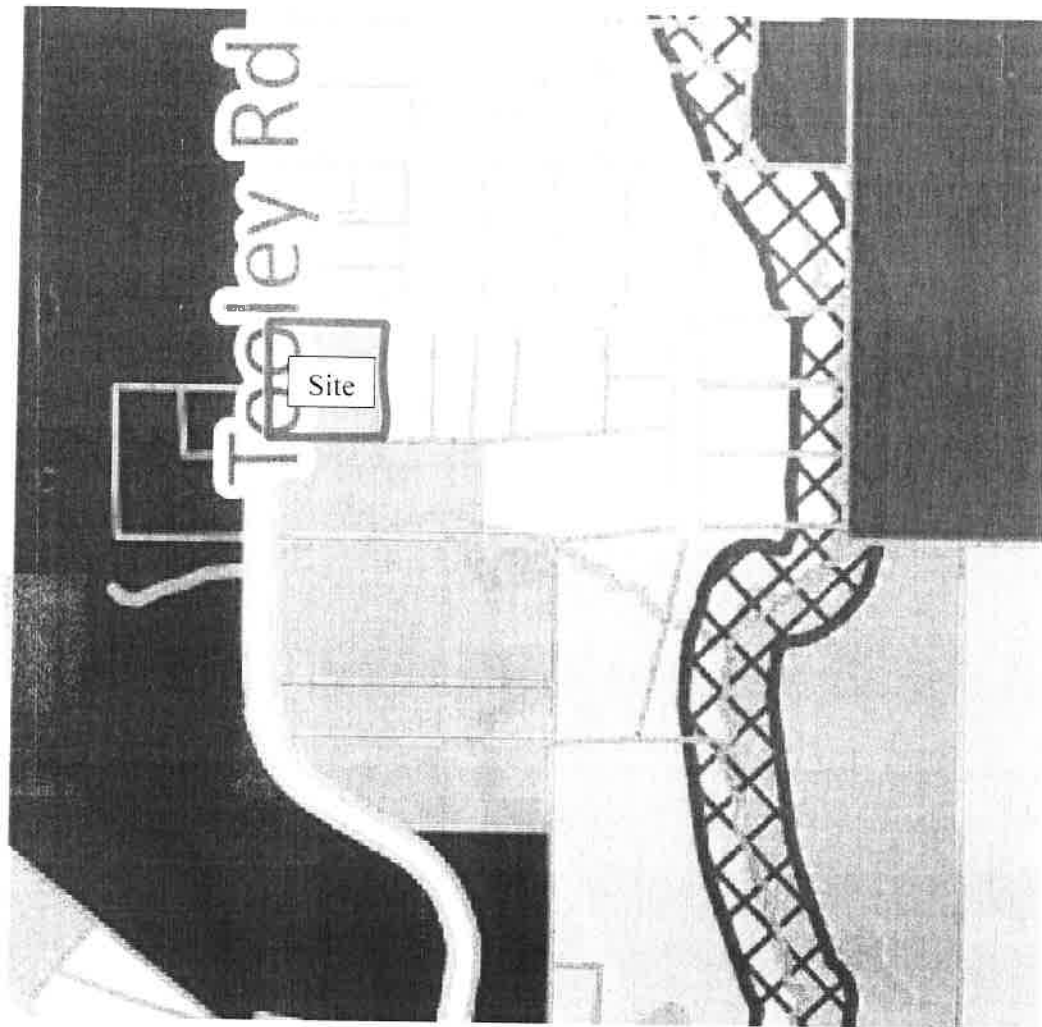


Figure 3. Future Land Use Map



As shown in Table 1 and Figure 2, the subject parcel is zoned as RSC – Regional Service Commercial. The parcel to the north is zoned as SFR – Single Family Residential, the parcel to the south is zoned as AR – Agricultural Residential, and the parcels to the west are zoned as RT – Research and Technology.

The Future Land Use map in the Township's Master Plan designates the subject site as Industrial Flex along with the parcels to the south. The parcels to the north are designated as Residential – Medium Density, and the parcels to the east are designated as Residential – Low Density, and the parcels to the west are designated as Airport.

The Master Plan states the following on **Industrial Flex**: This area is intended to be flexible with regard to specific uses that might be permitted while being more prescriptive with regard to design and quality of development. It is recognized that some of the uses permitted in the industrial and commercial districts could be compatible land uses. In fact, often, such uses have the same or similar building and special requirements. The flexibility of the district is intended to foster economic development, create employment opportunities, and increase the tax base by promoting the development or redevelopment of land that is adjacent to existing industrial and commercially developed property. This area is intended to allow for mixed industrial and commercial development; eliminate blighted properties; incorporate Low Impact Design (LID) practices, as well as ensure safe and complementary vehicular and pedestrian circulation patterns; improve environmental quality and remediate degraded properties; and provide an attractive transition between residential and non-residential properties.

DEVELOPMENT POTENTIAL

Current Zoning

The current zoning is RSC – Regional Service Commercial which is intended to recognize the unique regional location existing in Howell Township around the combination of I-96, M-59 and Grand River Road and therefore plan the surrounding adjacent area in part for regionally accessible commercial developments.

Proposed Zoning

The proposed zoning is IF – Industrial Flex Zone which is intended to provide flexibility for land uses while being more prescriptive regarding design and quality of development. Many industrial or large format commercial uses could be compatible, because such uses often have the same or similar building and spatial requirements such as floor area and building height. The design requirements of this district are intended to allow for the mixing of certain industrial and commercial uses and promote the reuse of buildings and sites for multiple such uses. The flexibility of this district is intended to foster economic development, create employment opportunities, and increase the tax base by promoting the development, redevelopment, or continued use of land adjacent to existing industrial and commercially developed property. It is also the intent of the Industrial Flex Zone to allow development of property that eliminates blighted properties, ensures safe and complementary vehicular and pedestrian circulation patterns, improves environmental quality and remediates degraded properties, while also providing an attractive transition between residential and non-residential properties.

The applicant did not state what they plan to do with the site once it is rezoned. If the rezoning were approved any of the listed permitted or conditional uses listed in the zoning ordinance could be established on this site with appropriate site plan of conditional use approval.

CONDITIONAL REZONING PROCEDURE

Article 23 of the Zoning Ordinance outlines the requirements and procedures to review a rezoning. The applicant has submitted an application for a conditional rezoning. The public hearing notices have been published in the newspaper, sent out to the parcels surrounding subject parcels and on the Township website fifteen (15) days before the public hearing which will be at the Planning Commission meeting on November 18, 2025, at 6:30 p.m.

FINDINGS FOR REZONING

According to Section 23.02.D.5 in the Zoning Ordinance states, in reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

A. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan;

The proposed rezoning is consistent with the policies and uses in the Master Plan as the site is categorized as Industrial Flex in the Future Land Use map. The parcels to the south are categorized as Industrial Flex as well.

B. Whether all uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

The rezoning will be compatible with the surrounding uses. The Livingston County Airport is west of the site, and the parcels to the south of the site have industrial uses. There are residential uses to the west, but the IFZ is intended to allow for low impact industrial use. It is unknown what the applicant plans to do with the site, but there are development requirements in the zoning ordinance designed to mitigate any nuisance from development adjacent to less intensive uses.

C. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and


There are no concerns about public services and facilities. This area has or is planned to have the infrastructure to support the uses allowed in the IFZ district including paved roads and municipal sewer and water.

D. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

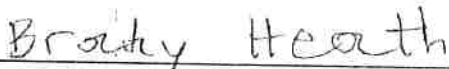
The proposed rezoning would be better suited for the area because it aligns with the policies and uses proposed in the Master Plan. The site is currently vacant along with the site to the south, which the applicant intends to rezone as well. There are parcels along Tooley Road to the south that already have industrial uses, and with the Livingston County Airport across the street from the site, industrial use would be more suitable for the site rather than regional service commercial.

RECOMMENDATIONS

The Planning Commission should review each of the findings in this report to determine if the proposed rezoning is appropriate before making a recommendation to the Township Board. The planning commission can recommend a timeline by which the conditions must be met.



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



CARLISLE/WORTMAN ASSOC., INC.
Brady Heath
Community Planner

#308-2517

CC: Joanathan Hohenstein, Township Zoning Administrator
 Marnie Hebert, Administrator