

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

February 13, 2024

7:30 PM

Virtual access instructions to participate in the meeting are posted on www.mariontownship.com

MEETING WILL BE HELD IN MAIN HALL

Call to Order:

Pledge of Allegiance:

Introduction of Members:

Approval of Agenda for: February 13, 2024 Regular Meeting

Approval of Minutes from: January 23, 2024 Regular Meeting

Call for Public Comment:

Public Hearing:

- 1) SUP# 01-24 Christopher Smith Section 17.32 Home Based Business

New Business:

- 1) SUP# 01-24 Christopher Smith Section 17.32 Home Based Business

Unfinished Business:

- 1) Review Flowchart Draft for Text Amendment changes
- 2) Continue discussion on Sign Section
- 3) Continue discussion of affordable housing project
- 4) Continue Master Plan Goals for ZO changes

Special Orders:

- 1) Response from Attorney on DP and Wellhead ZO

Announcements:

Call for Public Comment:

Adjournment:

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING
JANUARY 23, 2024 / 7:30PM**

PC MEMBERS PRESENT: JIM ANDERSON – *CHAIRPERSON*
CHERYL RANGE - *SECRETARY*
BOB HANVEY
BRUCE POWELSON

PC MEMBERS ABSENT: LARRY GRUNN

OTHERS PRESENT: DAVID HAMANN - *MARION TWP. ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER

Jim Anderson called the meeting to order at 7:30 pm.

APPROVAL OF AGENDA

Jim Anderson requested to add "PDR Ballot Language" to the agenda.

Bruce Powelson made a motion to approve the January 23, 2024 agenda as amended. Cheryl Range seconded. **4-0**

MOTION CARRIED

APPROVAL OF MINUTES

Bruce Powelson made a motion to approve the December 19, 2023 Planning Commission minutes as amended. Cheryl Range seconded. **4-0 MOTION CARRIED**

CALL TO PUBLIC

Cheryl Range talked about the recent studies about utility-scale solar power plants. The study stated that a solar plant may require between 4 and 7 acres per megawatt hour of generating capacity. This means in order for the United States to produce enough solar power (using solar panels) to meet our current electrical needs, we would need 3-4 times more land than we currently have within the United States. When referring to wind turbines, the amount of land required would be even greater.

NEW BUSINESS

REVIEW FLOWCHART DRAFT FOR TEXT AMENDMENT CHANGES

Bruce Powelson mentioned spelling errors on page 2 & 3.

Zach Michels suggested adding numbers or letters to each of the steps, making it easier for members of the public to follow, and so people can identify the order of operation from start to finish.

Bob Hanvey suggested adding a footnote stating that Commissioners may not always go in this exact order and that the flowchart is to be used as a guidance tool. Bob asked Zach Michels if this flowchart would require Board approval.

Zach Michels suggested getting Board Approval because this process results in spending money. Zach also recommended not officially adopting the flowchart unless Commissioners plan on following this exact process with every text amendment change. Officially adopting the flowchart would prevent any deviation for extenuating situations. Jim Anderson does not think that we need to get Board approval for the flowchart because the Board has already approved a budget for the Planning Commission; as long as we do not exceed that budget, we should not need to get approval for the flowchart. This is simply a form of guidance for the Planning Commission when making text amendment changes.

Jim Anderson stated that he would make the following changes to the flowchart.

- Add the footnote suggested by Bob Hanvey.
- Add numbers/letters to each step to help create an order of operation.
- Make changes to the wording in some of the steps.

Dave Hamann asked if changes need to be made in Article XX, section 20.01, once this flowchart is finalized. Zach Michels said that we do not have to make any changes to that language.

NEW BUSINESS

REVIEW MASTER PLAN GOALS FOR ZONING ORDINANCE CHANGES

Zach Michels said that the Township is approaching the five-year mark for our Master Plan. He suggested that we review some of our current goals to make sure that we are following them. Zach discussed some of the essential characters that we emphasize in our Master Plan.

Zach asked the Commissioners if they thought we should modify the Zoning Ordinance to help reflect the goals and objectives outlined in the Master Plan.

Jim Anderson suggested that Zach make some suggestions of what language should be modified in our Zoning Ordinance, so we can review and discuss at our next Planning Commission meeting.

Zach and the Commissioners discussed current goals outlined in the Master Plan.

NEW BUSINESS

PDR BALLOT LANGUAGE

Bob Hanvey would like to remove the word "land" and replace it with "purchase of development rights".

Bruce Powelson made a motion to extend the Planning Commission meeting past 9:30 pm. Jim Anderson seconded. **4-0 MOTION CARRIED**

Jessica Timberlake will talk with Tammy Beal about the legal implications of discussing the PDR ballot language with residents prior to the election.

Bob Hanvey inquired about the language under #2 referring to the "Deputy Clerk". Jessica asked for her title to be removed from this section unless Tammy Beal decides otherwise. Jessica explained that she is the Clerk's Deputy and her duties and responsibilities come from the Clerk.

Bob Hanvey would like to add the word "option" to the section that discusses matching funds from the State.

Jim Anderson said that he will continue to look for more examples of PDR applications. Zach Michels suggested looking at Webster Township's PDR application.

Jim Anderson asked if the Township should form a committee to handle any PDR applications that get submitted. Zach Michels said that Webster Township has a committee and it works really well for them.

OLD BUSINESS

CONTINUE DISCUSSION ON SIGN LANGUAGE

Cheryl Range made a motion to postpone discussion on this item until the next Planning Commission meeting. Jim Anderson seconded. **4-0 MOTION CARRIED**

OLD BUSINESS

CONTINUE DISCUSSION ON AFFORDABLE HOUSING PROJECT

Bob Haney asked the Commissioners to take a look at the documents in the packet about affordable housing projects and bring back suggestions and ideas to the next Planning Commission meeting.

Zach Michels said that he would bring back some restrictions that other communities used that may be helpful.

SPECIAL ORDERS

Zach Michels said that currently the State of Michigan's language regarding solar farms is a hot mess. Zach said that currently the Township has a few options:

- **EXTREME PATH:** create language that follows the State's rules.
- **MIDDLE PATH:** create a workable ordinance that could be less or more restrictive.
- **LESS INVASIVE PATH:** create language that is more general about the restrictions.

- WAIT: keep our current Solar language and wait to see what happens with the State.

Jim Anderson said that we should not spend any more time discussing our Solar language unless we receive direction from the Board. They need to decide which direction we should go and then provide the Planning Commission with some instruction on what they want us to do.

ANNOUNCEMENTS

Jessica Timberlake asked if any of the Commissioners would like to attend any of the MTA classes that are coming up in April. Jim Anderson and Bruce Powelson both said "no". Cheryl Range said that she may be interested in taking some of the virtual classes and would email Tammy Beal and Jessica.

CALL TO PUBLIC

Les Andersen resides at 4500 Jewell Road. Les made a suggestion about the PDR Ballot language. Les also stated that the Board is currently stuck regarding our Solar language because we are waiting to see exactly what the State comes up with. Les mentioned that members of the public have told him that the video quality for our virtual meetings is pretty terrible.

ADJOURNMENT

Bruce Powelson made a motion to adjourn the Planning Commission meeting at 10:20pm. Cheryl Range seconded.

4-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

MARION TOWNSHIP
SPECIAL USE PERMIT

Application No: 01-24

Date: 1-22-2024

Name of Applicant: Christopher Smith
Address of Applicant: 2718 Sexton
Phone Number: 517-375-0358
Parcel ID Number: _____
Email: CSmith02777@gmail.com

The above applicant is: ☐ Owner ☐ Purchaser ☐ Representative

(Purchaser or representative will need a letter of permission from owner)

Please include the following with your request. These items are needed to determine administrative completeness:

- The current zoning of the property involved.
- Ten (10) copies of the required site plan *(per Section 18.03 of the Marion Township Zoning Ordinance.)*
- Supporting documentation with regard to all provisions of the Marion Township Zoning Ordinance pertaining to a Special Use Request.

The undersigned agrees to comply with all of the ordinance requirements for Marion Township. Further, the undersigned acknowledges being responsible for all costs incurred by the township in relation to this request. Such costs include, but are not limited to, engineering reviews, legal fees, newspaper notices, postage, etc. The applicant understands final approval is subject to complete payment of all incurred fees and any outstanding escrow balances.

Chris Smith
Applicant's Name (print)

[Signature]
Applicant's Signature

Office Use Only

Date Received: _____ Fee Paid: _____

Materials Received: _____ Site Plans: _____

Application accepted by: _____

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVII, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

Questions/Description	Owner/Response
Local Requirements	
Home-based businesses are permitted by Special Use Permit Local in the Rural Residential and Suburban Residential Districts.	Zoned Rural Residential

Site Requirements:	
A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.	Business is off site with equipment stored in accessory buildings
B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.	Residential dwelling not altered

<p>C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.</p>	<p>Home Based business is separated from dwelling</p>
<p>D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.</p>	<p>All activities are performed indoors</p>
<p>E. Storage and use of combustible, toxic or hazardous material associated with the home based business shall be done in a manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.</p>	<p>Very limited use of chemicals and all materials are handled and stored with the utmost care and in compliance with state and federal regulations.</p>
<p>F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a manner in full compliance with all federal, state and other governmental requirements of any such materials.</p>	<p>All oil and antifreeze is disposed at Livingston Waste Collection sites.</p>
<p>G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.</p> <p>. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.</p>	<p>No radioactive/medical/biomedical chemicals or materials used.</p>

<p>I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.</p>	<p>We will not conduct any noise disturbances or fumes/glazes/odors/electrical fluctuations to surrounding properties.</p> <p>Business-related work is all down off site with only loading on equipment done on site.</p>
<p>J. A resident of the dwelling on the parcel shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows: Minimum Parcel Size Maximum Number of Non-Resident Employees Up to 6 acres 1 6 acres and less than 10 acres 2 10 acres and less than 12 acres 3 12 or more acres 4 The Planning Commission may recommend or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises. In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission may recommend or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.</p>	<p>The acreage is under 6. All employees over 1 will meet on Job Sites and return to the house only to pick up/ or drop off a piece of equipment.</p>

<p>K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the recommendation of the Planning Commission and approval of the Township Board and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.</p>	<p>Measures are in place and process to shield any visibility from the road. Currently working on a berm north Street side of property. With planting going in on the south side.</p> <p>Another barn projected in the future to house any overflow of equipment.</p>
<p>L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.</p>	<p>Business is licensed and insured, and all work is done off premises.</p>
<p>M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.</p>	
<p>N. Home-based businesses are allowed signage. See Article XV Signage</p>	<p>No signage needed; no customers visit the home base business.</p>
<p>O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day, 7am – 7pm. The Planning Commission may recommend, or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling,</p>	<p>No business visitors or customers will visit the home. Also, any business-related deliveries will never exceed 12 in a day.</p> <p>Deliveries are rare and no customers visit home.</p> <p>No excessive traffic due to no business visitors or customers visiting the site. Which includes no addition parking needed.</p>

<p>and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the parcel, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.</p>	
<p>P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.</p>	<p>Currently have 4 trucks for business and 2 personal for the residents and 1 employee vehicle.</p> <p>All trucks are stored outside of visibility for the road and kept for negative impacting neighbors' views.</p>

Performance Standards:	
<p>Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.</p> <p>A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan</p>	<p>Attached is special use permit and site review for zoning.</p>

<p>Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following: 1) Owner's name, parcel identification (tax ID#) and address. 2) An 11 x 17-inch color aerial photograph of the site area and surrounding areas showing overlaying property lines with contour lines and the proposed site layout with dimensions. (available at Livingston County GIS). 3) Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business, subject property setbacks as well as distances from the proposed home-based business location on-site to adjacent property lines. 4) Location of driveways, off-street parking areas & delivery and storage areas. 5) Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties, 6) The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.</p>	
<p>B. In addition to the information required in this section and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features: 1) A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business. 2) The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business. 3) The number of full-time and part-time employees of the business and the</p>	<p>Lawn and landscape maintenance services performed off site during seasonal months April-November depending on weather. 8am – 6pm</p>

frequency at which such employees will be present at the site.	
C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.	
D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, an	

Property line

561.93

240.57

1012

278'

85'

342'

208.54

Driveway

Garages

Septic

45'

74'

Proposed new barn

Driveway

House

Property Line

254.03

71

95' Owell

64'

131'

Sexton Rd

N ↑

278.72

Property Line

Christopher Smith
2718 Sexton Rd.
Harrisburg, PA 17111

512 275-0000

II. SOLID SALT AND SAND-SALT STORAGE Possible ways to eliminate the requirement for sand-salt mixture storage and containment provisions would be:

- Use alternative deicing products and clean sand whenever possible to eliminate salt contaminated runoff.
- Store the sand and salt separately and batch-mixed it on an as needed basis, if the amount of salt on-site is below 5 tons. If solid salt and sand-salt are on-site and meet threshold management quantities of 5 tons or more, the following provides requirements and guidelines for proper storage at salt loading and unloading sites.

A. All solid salt and sand-salt at the site must be stored in an enclosed building, or covered with waterproof tarps, when the facility's total salt storage exceeds the threshold management quantity. This practice will help prevent the generation of salt contaminated runoff and the need for runoff collection and disposal. Storage on impervious surfaces such as asphalt or coated concrete that provide 1×10^{-7} centimeters per second permeability or less should also be utilized to eliminate salt contaminants from seeping to groundwater. If tarps are used, it will be necessary to ensure they are providing the necessary salt protection. The rules do not require a specific type of structure to be built. For more guidance on constructing salt storage units or calculating space needed for storage, see the salt storage publications from the Salt Institute. At the www.saltinstitute.org website, select "About the Salt Institute" "Publications and Audio-visual materials" and scroll down to "Winter Maintenance". The Salt Storage Handbook contains tables showing how much space different height piles will cover and also provides exposure surface areas to use in calculating how many tarps would be needed for covering salt piles. Road agencies may also contact the Michigan Department of Transportation at 517-322-3319 for information.

B. All solid salt and sand-salt must be stored at least 50 feet from the shore or bank of any lake or stream or any designated wetland.

C. Any salt and sand-salt containment structures located within a 100-year floodplain as defined by the federal flood disaster protection act of 1973, 42 U.S.C. 4001 et seq., must be designed and constructed to remain effective during a 100-year flood. Some floodplain information is on the Internet through the Federal Emergency Management Agency at www.fema.gov. Floodplain information may be available through watershed groups, and Soil and Water Conservation District. Or contact the DEQ Land and Water Management Division, Water Management Section at 517-373-1170.

D. Storage and handling of solid salt awaiting transfer at regional distribution sites, and sandsalt not stored within an enclosed structure, must be designed to contain the salt to prevent run-on, runoff, seepage, or leakage to public sewers or to surface water or groundwater. The salt containment should include storage on an impervious pad and a waterproof tarp covering at all times prior to use. The pad must be sloped to direct salt contaminated runoff to an appropriate collection area, and in a manner that prevents the runoff from reaching the soil or surface waters. The curbing must also direct runoff to an appropriate col

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on File



Special Use Permit Review for Marion Township Planning Commission

INTRODUCTION

Petition Number	SUP 01-24 Smith
Applicant	Christopher Smith
Request	Special use permit for a lawn and landscaping home-based business
Location	Northeastern corner of Sexton and Sexton, between Ridgewood and Jewell
Parcel Number	10-16-200-019

PETITION SUMMARY

The applicant is requesting special use permit approval for a home-based business. The proposed use is a seasonal lawn and landscaping business. Home-based businesses require special use permit approval in Rural Residential (RR) zoning districts.

According to information provided by the applicant, the home-based business will:

- store equipment in accessory buildings
- not alter the character of the existing single-family dwelling
- make limited use of chemicals, in compliance with state and federal regulations
- dispose of oil and antifreeze at Livingston County Waste Collection sites
- not use radioactive, medical, or biomedical chemicals or materials
- not generate noise disturbances, fumes, glares, or electrical fluctuations
- only have 1 non-resident employee on site, with other employees only visiting to collect or return equipment
- install screening, such as a berm and planting to provide screening from Sexton
- not have signage
- not have any business visitors or customers
- have less than 12 business-related trips/deliveries in a day
- not require additional parking
- use 4 trucks
- provide lawn and landscape maintenance services off-site from April through November from 8:00 am through 6:00 pm

SUP 01-24 Smith
Home-based Business- Lawn and Landscape
February 5, 2024

Special use permit applications usually also require site plan review and approval. Home-based businesses may provide a less formal site plan that shows basic parcel information; existing and proposed structures; driveway, parking, and storage areas; proposed landscaping; and details of proposed additions or modifications. The Planning Commission and Township Board may require additional information during review.

The application appears to include most but not all of the required information.

PROPERTY INFORMATION

Address	2718 Sexton
Location	Northeastern corner of Sexton and Sexton, between Ridgewood and Jewell
Parcel Numbers	10-16-200-019
Lot Area	4.57 acres (<i>gross, includes right-of-way</i>)
Parcel Number	10-16-200-019
Frontage	~640 feet (<i>including southern and western front lot lines</i>)
Current Zoning	Rural Residential (RR)
Existing Uses	Single-family dwelling
Future Land Use Map	Low Density Residential

SPECIFIC USE STANDARDS

Specific standards for home-based businesses are outlined in §17.32 Home-based Businesses.

Home-based businesses are more intensive than home occupations and are recognized as an occupation, business, commercial activity, company, or profession conducted by family members living on the property. Home-based businesses may have non-resident employees, may store equipment or materials in a screened area, or has vehicles dedicated to the activity.

There are 16 site standards for home-based business. Those standards requiring closer attention are examined below.

It appears likely that the home-based business will occupy less than 25 percent of the total gross floor area of the dwelling. Additional information should be provided concerning the floor area of the dwelling and of the home-based business.

The application states all activities will be performed indoors. It is our understanding that there may be outdoor storage of salt during winter. This should be clarified and shown on the plans, with months of operation amended as necessary.

Some chemicals will be used as part of the home-based business. These chemicals should be clarified with storage and containment information provided. The property is adjacent to a wetland area and surrounding residential properties.

Home-based occupations on parcels with a lot area of up to 6 acres can have a maximum of 1 non-resident employee. Additional non-resident employees may be permitted by the Township if the operator presents clear and convincing evidence that 1) additional non-resident employees will not impact the surrounding single-family residential use and surrounding area and 2) non-resident employees are limited to visiting the premises to drop-off or pick-up equipment. The application indicates that there will be additional non-resident employees, but the number of non-resident employees is not specified. The applicant should also clarify if non-resident employees will be parking their personal vehicles on the site while using work vehicles or where their personal vehicles will be parked when visiting the site.

Outdoor storage of materials or equipment must be screened from adjacent roads and properties. The application states that some additional screening will be installed. The location and exact nature of this screening is not clear, so it is not possible to determine compliance at this time.

The application proposes limiting hours of operation to 8:00 am through 6:00 pm. This is consistent with permitted hours of operation. The applicant should confirm that operations will not take place outside of the proposed hours, as doing so could result in revocation of the special use permit.

It appears most of the other site standards for a home-based business are satisfied or could be satisfied.

There are 4 performance standards for home-based businesses, primarily focused on application materials and review processes. Those standards requiring closer attention are examined below.

The application states that there will be 4 vehicles for the home-based business. This should be confirmed. If additional vehicles are anticipated in the future, it could require a new special use permit review and approval for the modification.

The application state that there will be additional non-resident employees, but it does not state how many there will be.

Approval of the special use permit for the home-based business should be in the form of a resolution, similar to a zoning map amendment resolution, to clearly document the findings and conditions of approval.

The proposed home-based occupation may meet the specific standards, but additional information is necessary to confirm compliance.

DECISION CONSIDERATIONS

The special use permit process is outlined in Article XVI Special Use Permits.

Unlike other special use permit applications, home-based businesses do not require full site plans.

The Planning Commission reviews special use permits at a public hearing and makes a recommendation to the Township Board, which makes the final decision.

In order to approve a special use permit, all of the bases of determination must be found to be true. These bases are defined in §16.05 Basis of Determination and are explored below.

The comments below are based on information provided in the application and through research. Additional information may be discovered or provided at the Planning Commission meeting.

1. Be harmonious with and in accordance with the general principles and objectives of the Comprehensive Plan of the Township.

Home-based businesses are consistent with the general principles and objectives of the Master Plan, provided they do not create negative impacts on surrounding properties. Additional information, such as screening, number of employees, and material storage, is necessary for confirmation of potential impacts.

2. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.

Additional information, such as screening, number of employees, material storage, vehicle parking location, and building setback, is necessary to confirm if the proposed home-based business will be harmonious with the surrounding residential area.

3. Not be hazardous or disturbing to existing or future uses in the same general vicinity and will substantially improve property in the immediate vicinity and in the community as a whole?

Additional information, such as material storage and building setback, is necessary to determine if the proposed home-based business will be hazardous or disturbing to the surrounding area.

4. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools.

It appears likely that the proposed home-based business will be adequately served by essential public facilities and services.

5. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

It does not appear that the proposed home-based business will not be detrimental to nearby residents or properties if activities are conducted indoors and outdoor equipment and material storage is properly located and screened.

6. Meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

The proposed home-based business is a special use permit in the Rural Residential (RR) district. It appears to meet most of the specific standards, but additional information is necessary, as outlined in this report, to confirm compliance with all of the specific standards for a home-based business.

7. Ensure that landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications, which result in maximum harmony with adjacent areas.

The application states that a berm and trees will be added to provide some screening. It is not clear what other modification or tree removal might be necessary. Additional information should be provided.

8. Ensure that special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

It does not appear that there will be significant surface improvements that would increase stormwater runoff. Additional information about the proposed accessory building, such as setback and how runoff will be directed, should be provided.

9. Ensure that all exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

The applicant should confirm if there will be any exterior lighting and provide details for any exterior lighting.

10. Meet the site plan review requirements of Article XVIII. If the applicant chooses to submit a preliminary site plan, the special use permit may also be considered preliminary.

Home-based businesses do not need to meet the full site plan requirements of Article VIII, per §17.32 Performance Standards (A). The informal site plan that has been submitted is not drawn to scale and does not include all of the necessary information at this time. The informal site plan should be revised to include missing information identified in this report and required by the Planning Commission.

11. Conform to all applicable state and federal requirements for that use.

This should be a condition of approval.

SUP 01-24 Smith
Home-based Business- Lawn and Landscape
February 5, 2024

PETITION TIMELINE

The application was submitted to the Township on January 22, 2024.
The application will go before the Planning Commission at its February 13, 2024, meeting.
Following a recommendation from the Planning Commission, the application will be forwarded to the Township Board for final action.

SUMMARY

The requested special use permit for a lawn and landscaping home-based business may be consistent with the specific standards and bases of determination. However, additional information, identified throughout this report, is needed to confirm consistency with some of the specific standards and bases of determination.

The Planning Commission should review the information available and direct the applicant to provide additional information.

A draft resolution has not been prepared at this time due to the need for additional information and documentation.

We look forward to helping facilitate this process at the meeting.

Zach Michels
Quality Zoning
Dexter, MI

Date: January 31 2024

From: James and Patricia Friedline
2606 Sexton
Howell, Michigan 48843
Phone: 517-546-1304

To: Marion Township Zoning Board

Subject: Christopher Smith Zoning Board Request for 2718 Sexton Road

First, we recommend/request that this zoning request be denied! Our reasons are many, some esthetic, some commercial, and some just plain personal.

My wife and I, both former residents of Dearborn Heights, have been residing at this address for 40 years. After growing up and living in the suburbs of Detroit it was our desire to raise our family in a more rural country atmosphere. Up till now Marion Township has satisfied that desire. We raised two children, took part in many local activities and found many new friends. Overall a very pleasing time.

Granted, there have been some significant changes to the neighborhood as well as our own home.

1985: after living here for over a year, I wanted to make an addition to our house. Drawings were made and permits applied for (as one would be expected to do). During this process it was noted that my proposed addition violated the current setback requirements. A variance was needed and permits were delayed while my neighbors were notified and we waited for a scheduled board meeting.

The delay was annoying but understandable. I accepted that the township could not allow individuals to build anything they want anywhere they want. The character of the community needed to be maintained.

1991: we decided to add a workshop for my woodworking tools and hobbies. Drawings, site plan and lot survey were prepared. Permits were applied for and granted before construction began.

1999: The 80+ acre farm that was the primary view from our front window became Cedar Creek Estates. A community of well-kept homes with a housing density appropriate for our rural lifestyle. Disappointing to lose the views of deer, fox and other wildlife, but acceptable for our desired rural lifestyle.

2005 we decided to add another addition to the house. Once again permits were applied for and granted before any construction began.

Today you have been asked to approve a land use for 2718 Sexton nearly 1 yr after the owner took actions to establish a business without zoning approval. Seems like putting the cart before the horse scenario. I can either assume the owner is ignorant (was not aware of the zoning requirements) or arrogant (chose to ignore them in hopes of not being challenged).

In the 40 yrs we have lived on Sexton we have had only 3 neighbors living at 2718 Sexton. Initially it was the Buermanns. They were good neighbors who kept the property well groomed and orderly. They were our neighbors until 2016. In 2016 the house was sold to a new couple who I must admit I never really met. They were quiet (except for a rooster) and also kept the property well groomed and orderly.

In 2023 the property was purchased by the current resident and things began changing dramatically. The open grassy field and small trees were plowed up to make room for commercial vehicles and equipment. It seemed obvious that a business was now operating out of this site. Numerous vehicles would come and go each day, many carrying landscaping equipment (mowers and trimmers).

The view from my backyard has been transformed from a green rolling meadow with numerous trees to an industrial storage yard. Numerous pickup trucks, trailers, and equipment of all sizes are openly stored on the site.



In May of last year, a gentleman driving one of these landscaping trucks stopped to look at a car I had for sale. He said he and his son worked for the company next door. After he returned the truck he came back and purchased my car. The notion that individuals pick up the work vehicles and meet their respective teams off site seems to be a misstatement in the zoning application.

It is clear that a business has been operating out of this home for nearly a year. I never questioned that as I assumed that a business of this size had somehow been approved by the township. My concerns were mostly for the cosmetic changes made to the property and how out of character there were to my rural residential expectation. Only recently finding that no township approval was granted was to put it mildly, very concerning.

In October/November of 2023 changes to the site caused me much more concern. It was at that time that we noticed a delivery of two gravel hauler sized trailers of salt. My house (and all homes in the area) rely on well water. A quick internet search revealed that any stockpile of salt over 4 tons requires special storage and handling. A second delivery was made this week.



The address in question has installed a very large concrete pad and what appears to be some form of salt storage structure.

My concerns are:

Is the containment adequate for the amount of salt being stored?

Was the containment structure built to existing codes?

Were permits granted for foundation and structure?

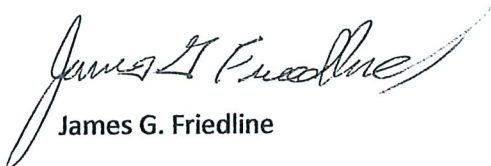
Who (what agency) monitors and ensures that ongoing salt storage is done in accordance with applicable regulations?

What recourse do I (as a neighboring homeowner) have in the event of ground water contamination of my well? (I think many of us can remember the issue in Brighton with the Highway departments outside storage of road salt)

One final issue I have is the use of this site as a refuse depository for his landscaping business. I as well as many of my neighbors take advantage of the open burn policy for our area. However; the refuse that we burn is from our own properties. In this past year it appeared (but I cannot say for certain) that several trailers were returning with yard waste from remote work sites. I find this to be unacceptable.

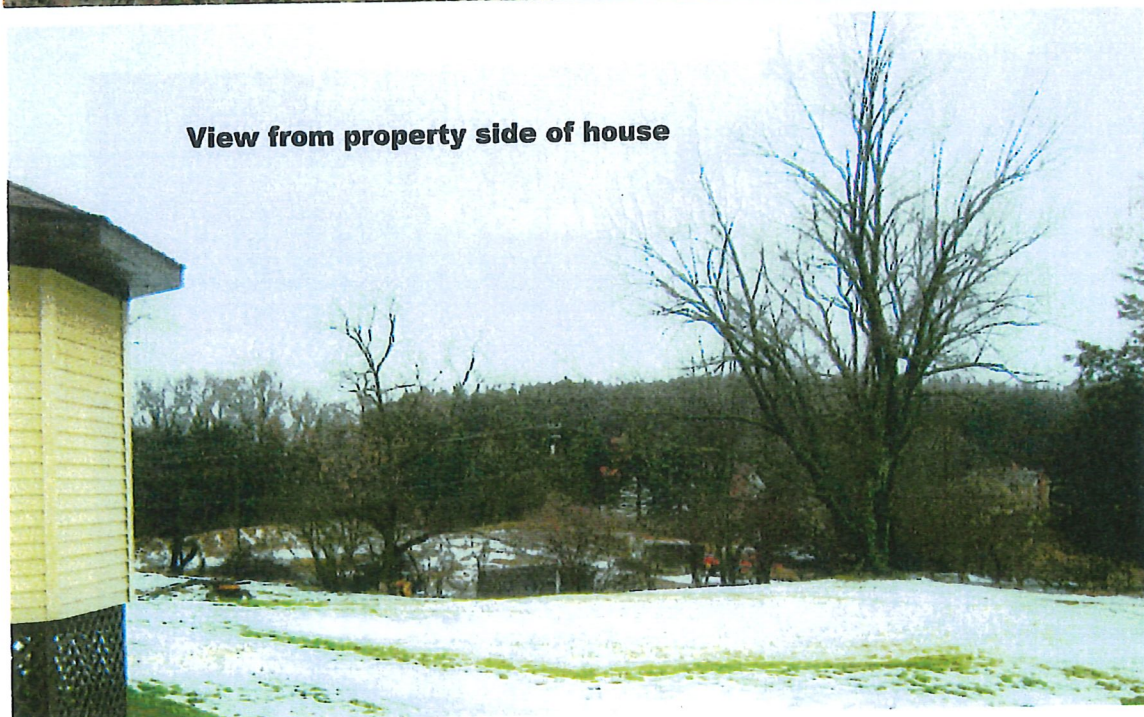
Again, I must repeat my request that this zoning request be denied. The owner has at best, shown a lack of understanding of the township codes and requirements. At worst he has shown complete contempt for the community guidelines which would make any future compliance also suspect. The property modifications (both existing and proposed) do not fit my expectations for a rural low density housing area and I would hope you agree.

Sincerely


James G. Friedline


Patricia A. Friedline

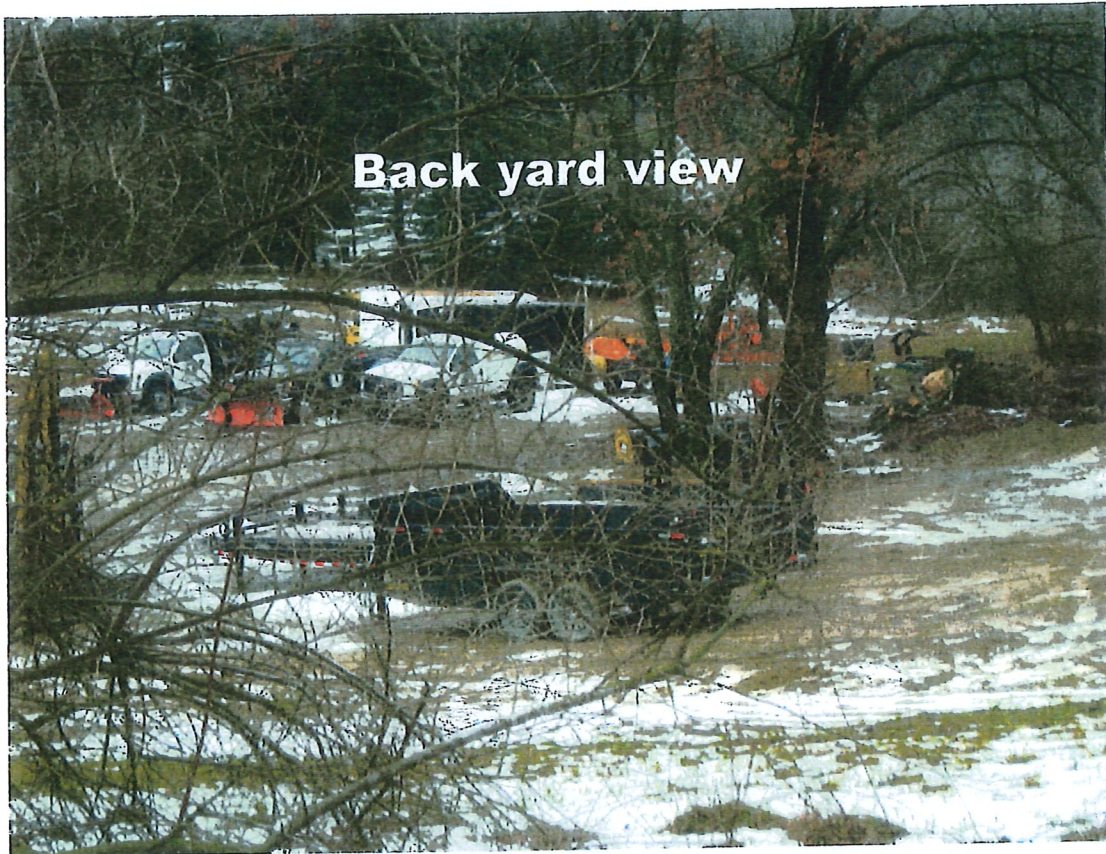
Views from 2606 Sexton Rd.



Views from 2606 Sexton Rd.



Views from 2606 Sexton Rd.



Views from 2606 Sexton Rd.



Members of the Planning Commission

January 31, 2024

Members of the Zoning Board

We are submitting this letter in regards to the proposed Special Use zoning ordinance under Section 17.32 Home-Based Business.

For Christopher Smith at 2718 Sexton Rd. Howell, MI

Unfortunately, we are unable to attend this meeting due to a prior commitment.

However, this Business has been working off this property since the beginning of last summer. **We have put up with bulldozers,** (still do) additional heavy equipment, shouting, and loud noises pertaining to loading up large trucks coming from this property. This begins early in the morning. 6-7am.

After checking resources, we found that they currently do not have any permits issued for this property. And some additional questions that should be answered.

1. Concrete – A large amount of concrete was placed in the back area this past summer. It is now covered with a tarp that holds salt. Still, it is not enclosed to deter wildlife from entering and rain can enter from the front.
2. There was a large amount of clearing done, leveling of the land to accommodate their trucks and equipment that they store behind the buildings in plan site. Would like to see any approved permits for verification.
3. There is a salt storage area covered with a tarp. Is there a containment for runoff? It is close to the Red Cedar River that runs across the road from their facility. What precautions have been taken to make sure that any leaks from the trucks and equipment is contained?
4. Not sure but is there storage for fuel needed for their equipment? If so what containment was installed for any possible leaks.
5. Has the DNR been contacted in regards to changing the flow of the water run off? As there is a large pile of dirt in the back next to a swamp area that could be affecting this.
6. This area is a zoned (LDR) Low Density residential. The property is not a farm. It is only 4.57 acres located between the Red Cedar River in front and a large over 15 acres swamp land behind it. This water rises and extends towards the proposed new barn annually.
7. During the last heavy snow/rain storm (January) it was noted that they were salting the county road so they could get up the hill. This work started before 6am. Do they have a legal permit or a contract with the county or State of MI to do this?
8. There has been a berm put on the front of the property to help hide the mess. It really doesn't work that well.

9. Trucks and large equipment are parked in the back area in our full view. Makes it look like a junkyard.

10. If this proposal is **not** passed what is required from the owner?

11. Is current owner living in the house per specifications? If not, who is living there if anyone?

Continued below are the reasons that this Special rezone should not be allowed per section on application and what is currently being done. **Letters** are requirements **NUMBERS** in **RED** are what is currently being done on the property now.

After reviewing Section 17.32 Home Business. Site requirements:

Items that do not meet requirements, per permit submitted.

A. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Building Structures.

1. Currently there are two large semi-trailers located on the property as well as a large garage which was there prior.

H. No equipment or process shall be used in such home-based business that creates **noise**, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site.

This was answered by applicant under section I- below.

I. The home-based business shall be conducted so it does not constitute a nuisance or **annoyance to the residents of adjoining properties due to noise**, smoke odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.

1. During the day, starting very early in the morning around 6- 7am, trucks are being filled with dirt, salt, machinery, and other various equipment, men are yelling back and forth to each other and are going in and out of the property and constantly.

2. There has been evenings during the summer when they have been doing various things until 11pm. We are unable to leave our windows open due to the loud banging. The back part of the property, (which is next to ours) is full of piles of dirt, and their machinery which is parked there. It looks like a junkyard.

3. This is not a quiet business. It is noisy, and the owner has no regards for the neighbors next to him. Is anyone actually living there? Or is property being used to just store their work equipment?

4. The trucks are driving past homes going way over the speed limit with their loaded trucks. Evening hours are the same with the trucks returning and being unloaded

J. Non-resident employees shall be regulated by the size of the parcel containing the business: per Parcel size only one (1) is allowed.

1. Many cars and trucks are parked on this property daily. They are constantly going and coming back and forth all day.

2. Non-resident employees: On many occasions there has been numerous employees at this site as well as their vehicles and as they are loading equipment for their off-site business.

3. I don't think that there is a permanent resident.

K. Outdoor storage of materials and equipment involved in the business is permitted PROVIDED it is adequately screened so it is NOT VISIBLE from adjoining roads and properties.

(NOTE) Measures suggested will not work as he is located in a low area which can be seen from homes surrounding him.

1. NO dimensions of the proposed barn are given. Which per drawing submitted shows it being placed right next to the swamp.

2. If this proposed building is built, any noise generated will not be kept inside.

O. Visitors, customers, and deliveries shall not exceed a total of twelve (12) during a day 7am to 7 pm.

No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single- family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles.

1. Visitors/customers are not the problem, the number of trucks going back and forth from their worksite has generated a considerable amount of traffic. If increased traffic is allowed this operation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.

P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business.

1. Many cars and trucks are parked on this property daily. See attached photo for verification.

Performance Standards: requirements not met.

A # (3) Existing and proposed structures with dimensions indicating the location and square footages to be occupied by the home-based business, subject property setbacks as well as distances from proposed home-based business location on-site to adjacent property lines.

B.#2 The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business.

Applicant stated: Land and landscape maintenance services performed off site during seasonal months April-November depending on the weather-

1. However within the past month there has been trucks loaded with salt early in the morning extending this business to be year round.

B #3 The number of full-time and part-time employees of the business and frequency at which such employees will be present at the site.

1. This varies depending on how many times they have to return to get something.

Home values are declining because who wants to live next to a commercial construction or other business

This is a beautiful area where people spend a good amount of money on a home in order to enjoy the quiet, rural setting. Excessive noise, commercial development, unsightly structures, is not something that we want to see and listen too every day.

Please stay within current zoning restrictions. property was zoned residential and should not be used as a business.

The proposed land use permit does not meet all of the requirements needed to exist. We are sure that even if this land use permit is not granted, he will continue to do whatever he wants as he has already changed the land.

I am positive that this is something that you would not like next to your home.

Please do not approve this. We feel this business should not be allowed.

Attachments: Enclosed are photos of the property line, and the views that we are having to look at every day. Additional maps of land surveys- and information.

Thank you for your Time


Derek and Armayne Lyons



Highlighted below are some of the more pertinent reasons for not approving this Special Land Permit. From the Marion Township Planning Commission.

Per the Marion Township Master Plan and Goals

Per the Master Plan: Low Density Residential (LDR)

The intent of the Low-Density Residential future land use category is to preserve land areas suitable for large-lot residential and agricultural land use, and to protect the rural character of the Township.

After reading the Marion Township Master Plan, we noticed many regulations that are not being met, to meet this proposal. This had been going on since last summer. Not something that they are thinking about doing in the future.

Proposed land use. Wetlands- this property is adjacent to a swamp that is directly behind it. Cars, trucks and other equipment (that could be leaking) as well as the salt pile could be draining into it. Also across the street is the Red Cedar River.

Listed below are the requirements from the Marion Township Master Plan: that should have some bearing on your decision.

Per the Master plan: Wetlands:

Wetland areas are interspersed throughout the Township and are adjacent primarily to deciduous and coniferous woodland areas. There are approximately 600 acres of wetlands in Marion Township, including large systems associated with the Shiawassee and Red Cedar Rivers. Under Public Act 451 of 1994, certain wetland areas are protected more stringently by the Department of Natural Resources and Environment. These include wetlands that are contiguous to an inland lake, pond, river, stream, or similar surface water feature and wetlands that are five acres or larger in area and located in counties that contain a population of at least 100,000 people, which includes Livingston County. Rivers, lakes, and wetlands are depicted on (Map 3), or more major soils and at least one minor soil. These associations are useful when looking at large areas of the Township or when planning broadly for recreation, development, wildlife areas, water shed protection, or similar activities. At the site planning level, it is necessary to look at individual soil maps.

WELLHEAD PROTECTION

Marion Township has two wellhead protection areas within its boundaries. Zoning Ordinance language was established by the City of Howell and Marion, Howell, Oceola, and Genoa (MHOG) Townships, to protect the water supply that each of these communities share in the center of Livingston County.

Marion Township adopted this language and incorporated it into their Zoning Ordinance. The wellhead protection areas in Marion Township can be found in Section 1 north of

I-96 and in all of Sections 4 and 5 and parts of Sections 3, 6, 7, 8, 9, and 10. (we are in section 9)

To minimize threats to public water supplies, the land area that contributes water to a municipal well through surface water infiltration is often designated as a Wellhead Protection Area. In Marion Township, the wellhead protection area has been marked with roadside signs. Older signs read,

"Wellhead Protection Area" while newer signs read, "Drinking Water Protection Area."

Below is the vision statements and GOALS that are pertinent to this proposal. These are not being met, not even close.

MARION TOWNSHIP VISION STATEMENT

Marion Township is a blend of town and country living environments. The Township experiences a high rate of growth as a rural residential community and its residents and governing body place a high priority on preservation of the Township's natural features which define the rural atmosphere of the community. Marion Township residents and their governing body are committed to providing a balance between growth and development, and protection, preservation, and enhancement of the Township's rural character by formulating a thorough plan review process and enacting appropriate ordinances.

Following are goals and objectives to accomplish the vision statement for the future of Marion Township. The goals and objectives are grouped under several subject headings although there are numerous interrelationships among them

GOAL 1

Foster/encourage a balance between growth and development, and protection and enhancement of the quiet, scenic, rural character of Marion Township.

Document and establish the existing character of Marion Township to serve as the basis for programs to protect that character.

Develop and enforce ordinances and regulations that, to the greatest extent possible, better preserve the established character of the Township and promote the official goals and objectives of the Marion Township Master Plan.

Identify and preserve significant scenic, geologic, open space, and historic features to retain

their benefits to the Township. Identify and preserve significant wetlands, woodlands, inland lakes and streams, wildlife habitat, and scenic and environmental areas to retain their benefits to the Township.

Promote farmland, open space, and natural feature preservation while continuing to actively protect the Township's natural beauty, rural character and resources.

GOAL 3

Use the Marion Township Master Plan as a basis for establishing land use regulations that are

easily understood by citizens and developers.

Use the Marion Township Master Plan as a basis for ensuring that preservation of environmental resources is incorporated into the design of agriculture, residential, commercial, and industrial developments in a manner that promotes and enhances the character of the Township

Goal 4

Devise regulations for land development in environmentally sensitive areas that permit development consistent with identified protection objectives and that complement state and federal regulations for those areas.

GOAL 12

Ensure all lakes, streams, creeks and drainage systems are protected from industrial, residential, road run off contamination.

OBJECTIVE

Inform Township residents how their actions impact the environment in which they live. Maintain the quality of the Township's groundwater system and continue to monitor well and septic system locations to prevent any adverse effects on the Township's groundwater supply

HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL 13

Encourage a variety of residential dwelling types that meet the needs of a changing population, are sensitive to existing natural features, and are compatible with the character of existing residences.

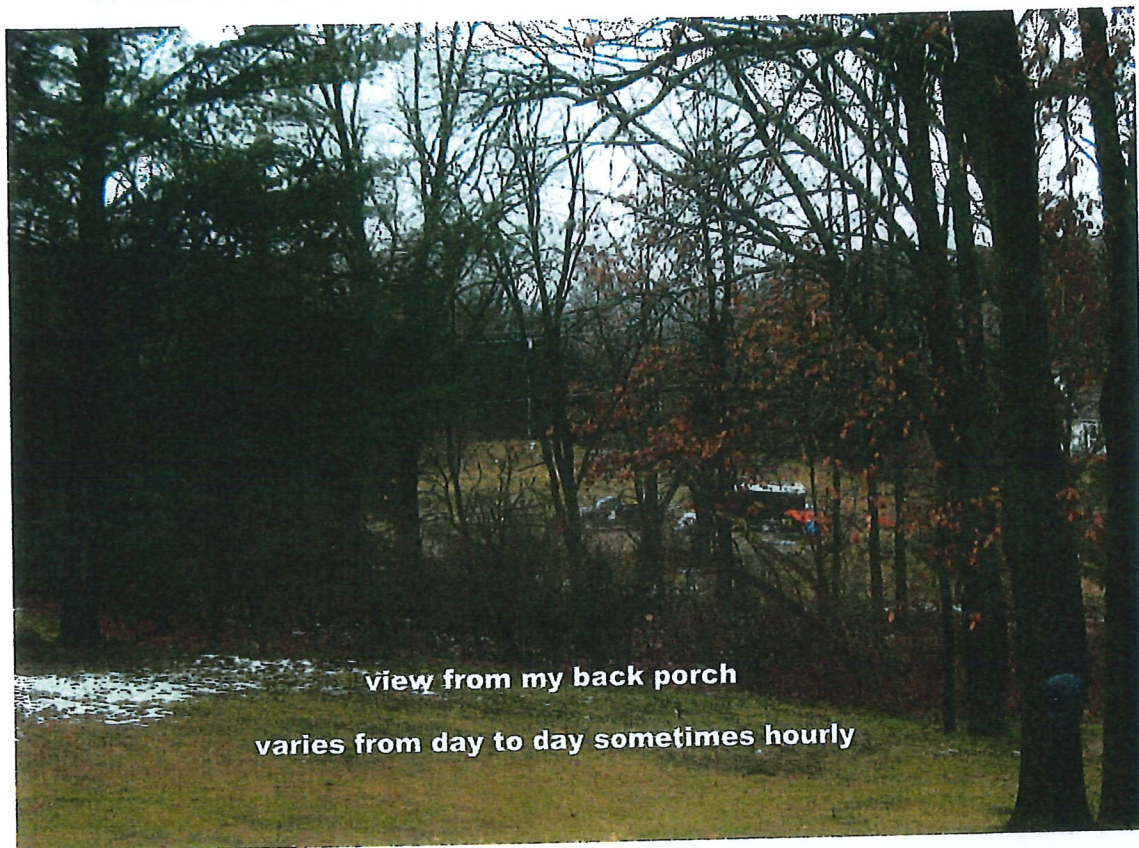
OBJECTIVES

Ensure that the designs of new development provide for preservation of existing trees, scenic features, and sensitive environmental areas.

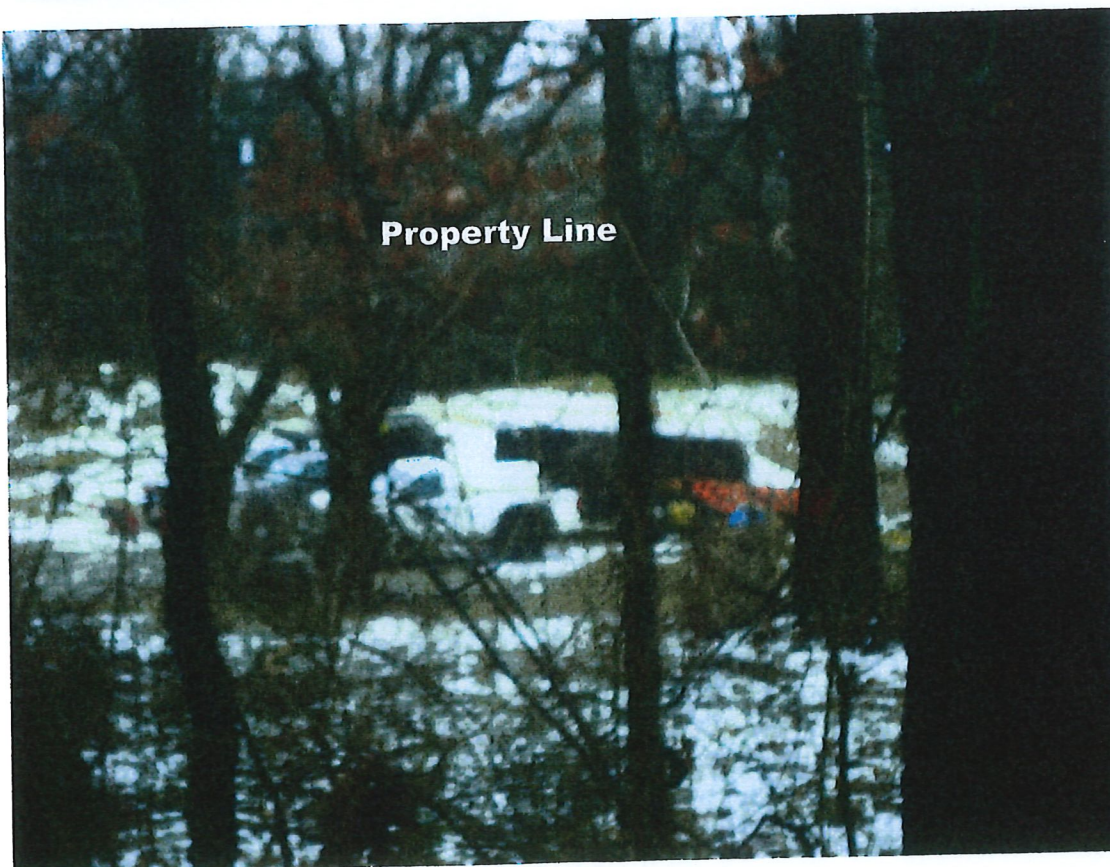
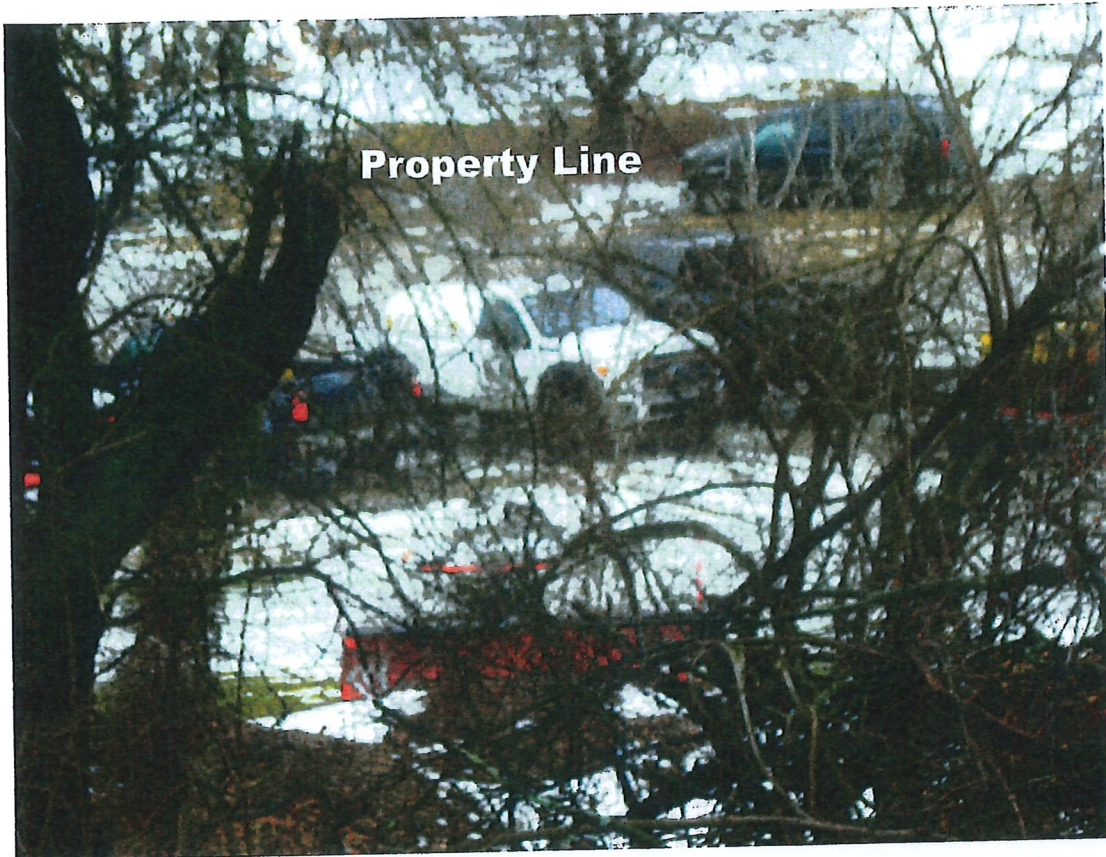
Structure zoning and land division regulations to ensure open space developments and preservation of farmland.

Discourage home occupations that require outdoor storage of heavy equipment or materials.

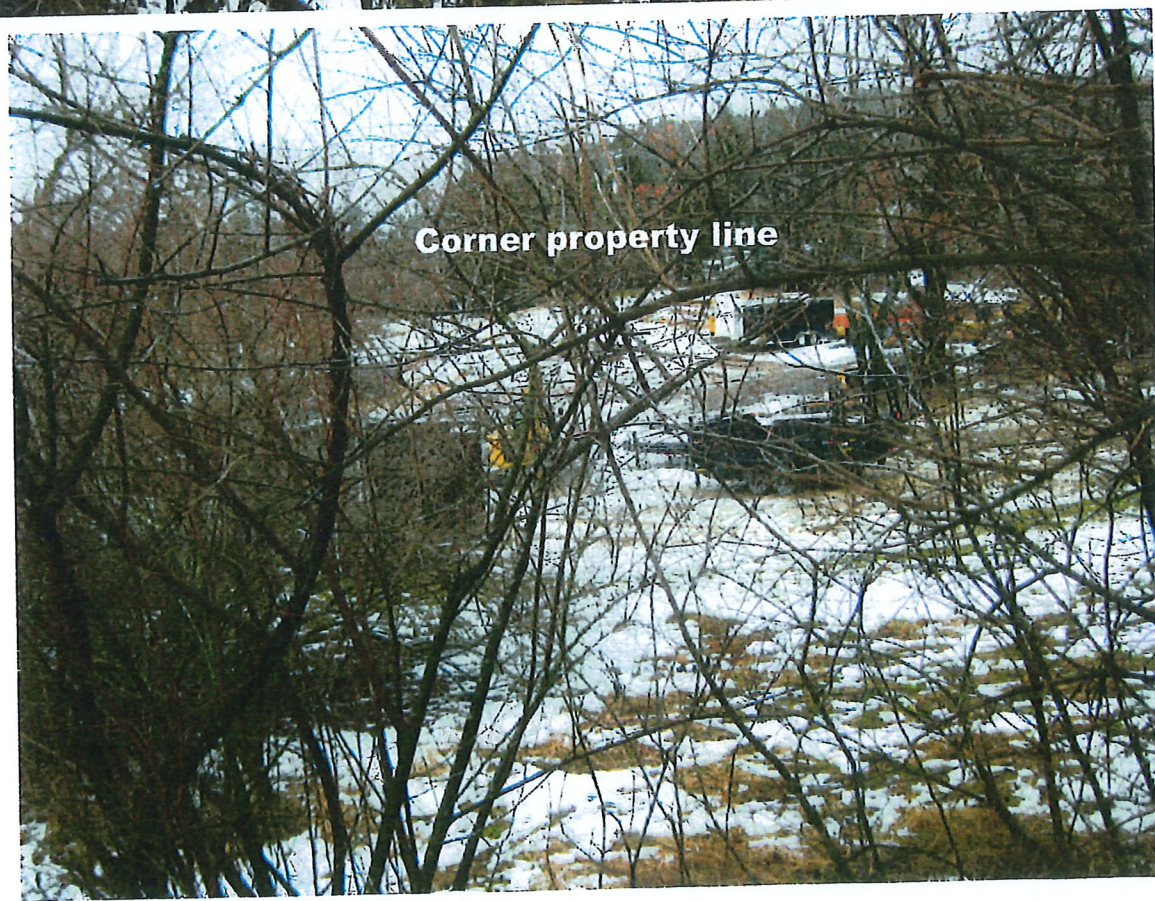
Views from 2588 Sexton Rd.



Views from 2588 Sexton Rd.



View from 2588 Sexton Rd.



Views from 2588 Sexton Rd.

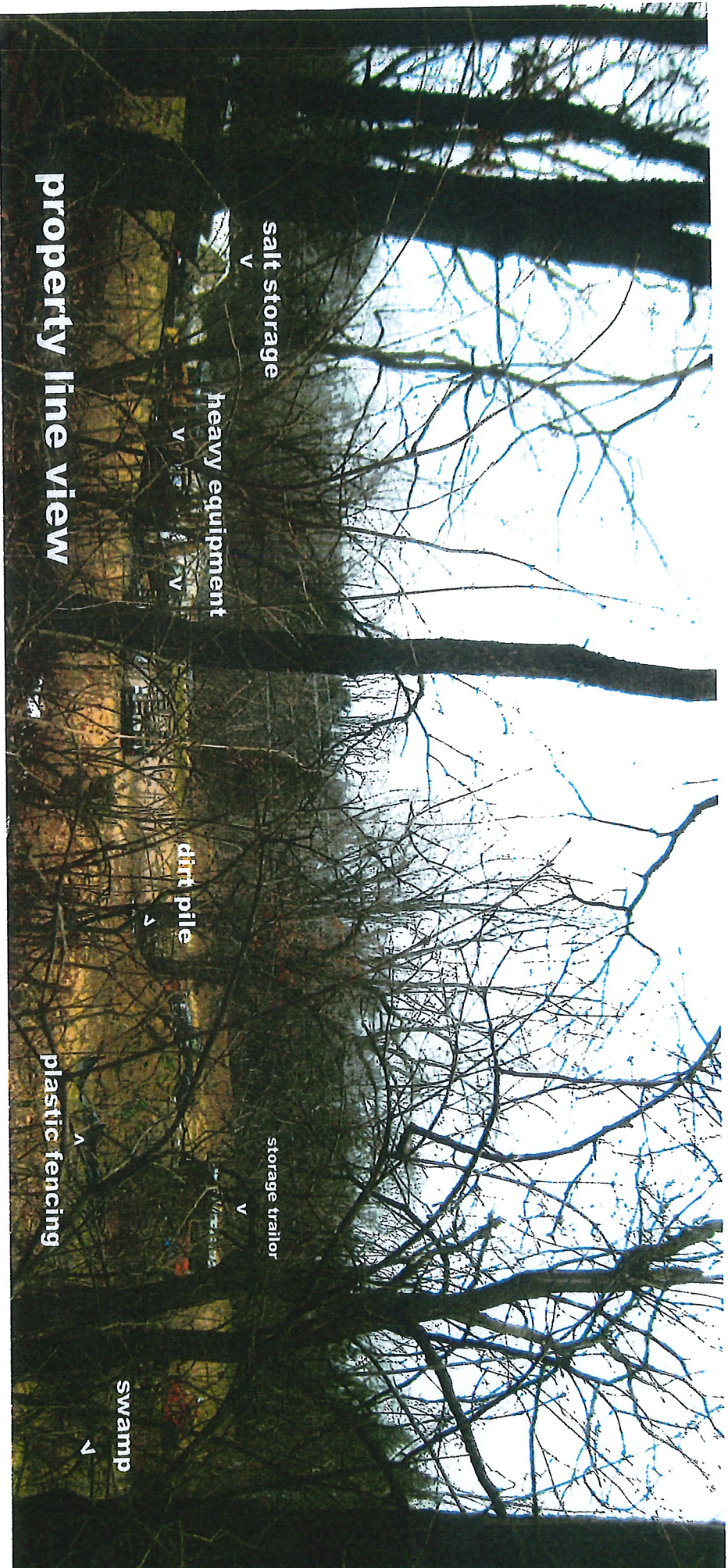


Property line corner view



Property Line

View from 2588 Sexton Rd.







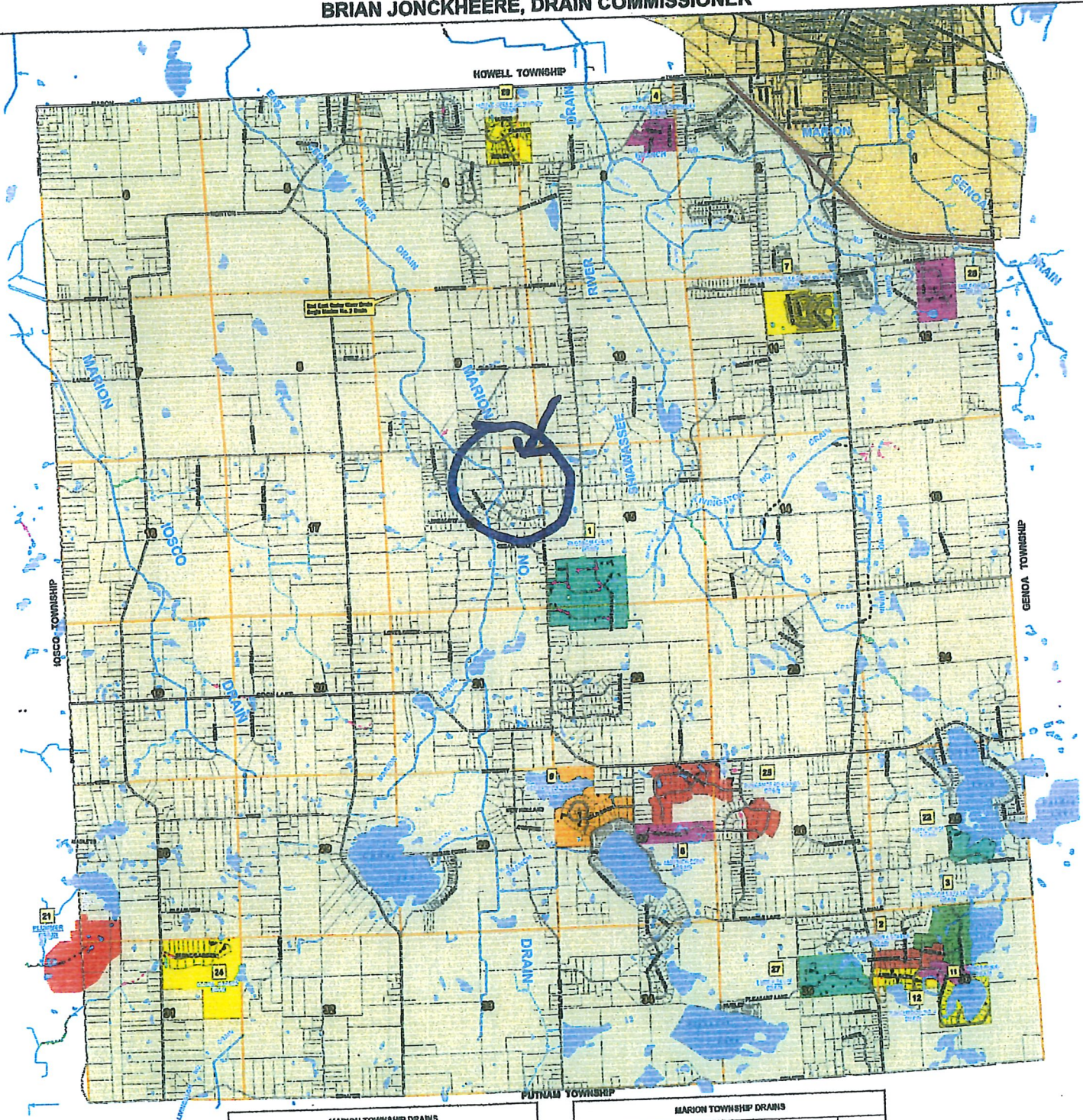
**View of 2718 Sexton Rd
from road- going North**



**View of 2718 Sexton Rd.
from road - going North**

MARION TOWNSHIP DRAINS

T2N-R4E, LIVINGSTON COUNTY, MICHIGAN
BRIAN JONCKHEERE, DRAIN COMMISSIONER



MAP NO.	DRAIN NAME	MARION TWP LENGTH (FEET)	TOTAL LENGTH (FEET)	SECTION(S)	DATE BKT.
1	Waukegan Farm Drain	2,881	2,881	13, 22	1984
2	Cranbrook Estates	284	284	25, 26	1984
3	Cranbrook Estates No. 2	873	873	38	1984
4	Cranbrook Estates No. 3	0	0	3	N/A
5	Cranbrook Estates No. 4	1,828	1,828	27	1984
6	East Cedar River	9,517	9,517	5, 8	1987
7	Hartman's Village of Marion	5,882	5,882	1, 11, 12	1989
8	Jarvis Pond	547	547	27	1989
9	Jarvis Pond	4,000	4,000	1, 10	1989
10	Jarvis Pond	4,000	4,000	2, 3	1987
11	Jarvis Pond	180	180	38	1984
12	Knappwood	791	791	25, 26	1989
13	Knappwood No. 2	2,283	2,283	31, 32	1982
14	Knappwood No. 3	8,290	8,290	13, 14, 15	1919

MAP NO.	DRAIN NAME	MARION TWP LENGTH (FEET)	TOTAL LENGTH (FEET)	MARION SECTION(S)	DATE BKT.
15	Marion No. 2	38,884	38,884	8, 19, 21, 27, 28, 29	1987
16	Marion No. 3	18,223	18,223	13, 14, 15, 16	1984
17	Marion No. 4	4,828	4,828	17, 24, 25	1989
18	Marion No. 5	18,660	18,660	25, 26, 27	1989
19	Marion No. 6	17,291	17,291	7, 14, 15, 16, 28	1989
20	Marion No. 7	311	311	31	1982
21	Marion No. 8	623	623	32	1982
22	Marion No. 9	25,726	25,726	2, 3, 4, 5, 6, 13, 14	1989
23	Marion No. 10	1,900	1,900	21	1984
24	Marion No. 11	2,226	2,226	28, 27	1989
25	Marion No. 12	1,821	1,821	15	1982
26	Marion No. 13	1,770	1,770	35	1984
27	Marion No. 14	691	691	3, 4	1989

- Drain Commissioner Enclosed Drain
- Private Enclosed Drain
- Drain Commissioner Open Drain
- Private Open Drain
- Natural Stream
- Drainage District



1 inch = 1,200 feet













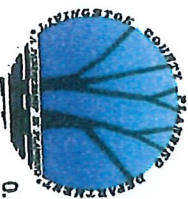
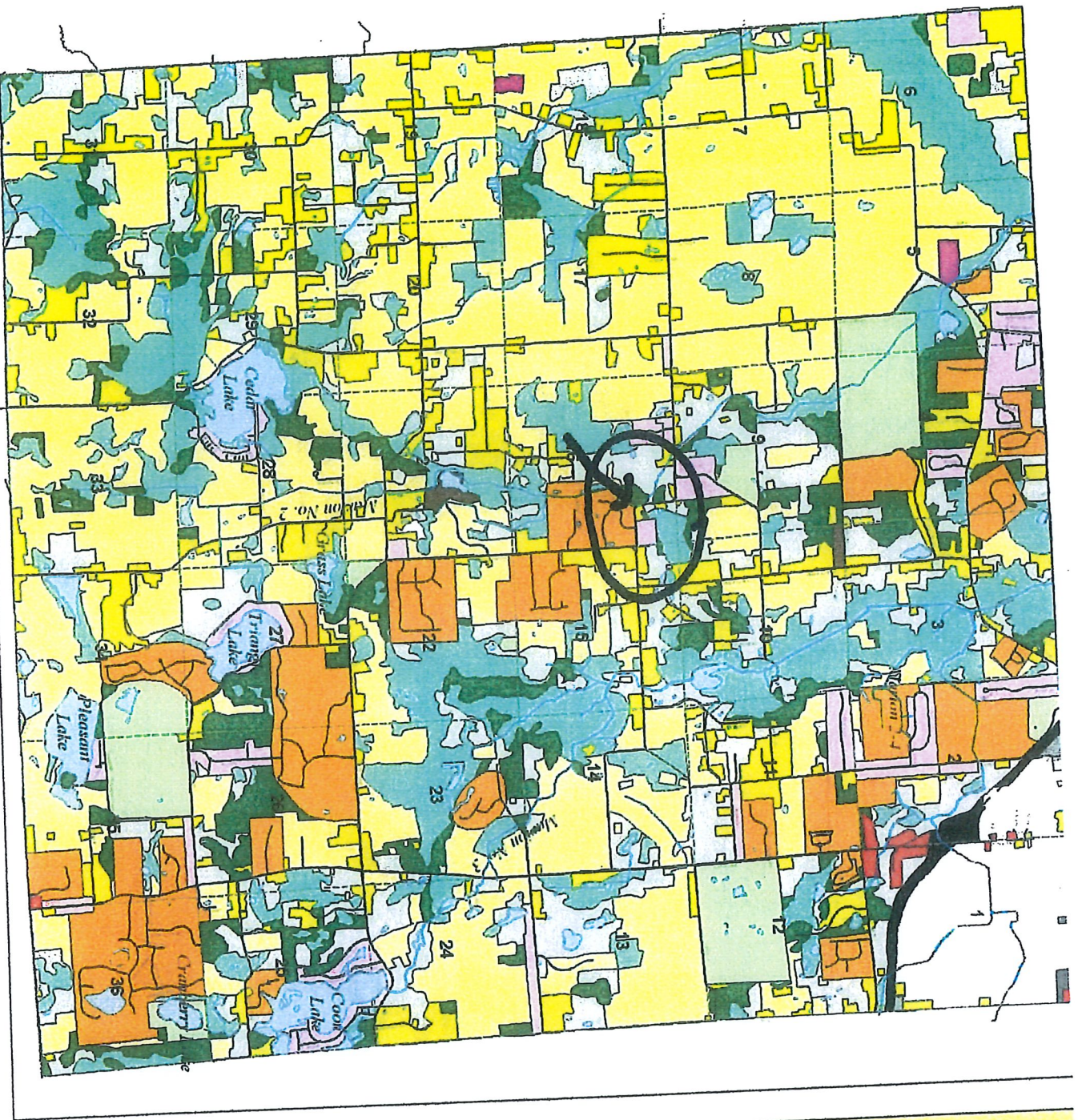
Livingston County Drain Commissioner
2300 E. Grand River
Howell, MI 48843

Printed January 21, 2014

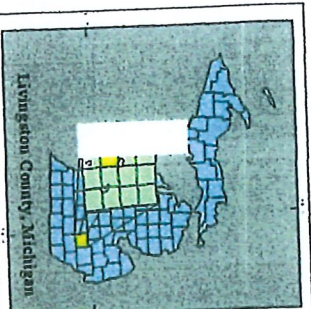
Map 8

Marion Township Generalized Current Land Use

-  Agriculture
-  Commercial
-  Extractive
-  Industrial
-  Recreation & Open Space
-  Highways
-  Residential
-  Residential Developments
-  Existing Subdivision
-  Utilities
-  Vacant/Undeveloped
-  Lakes, Ponds, & Streams
-  Wetlands
-  Woodlands

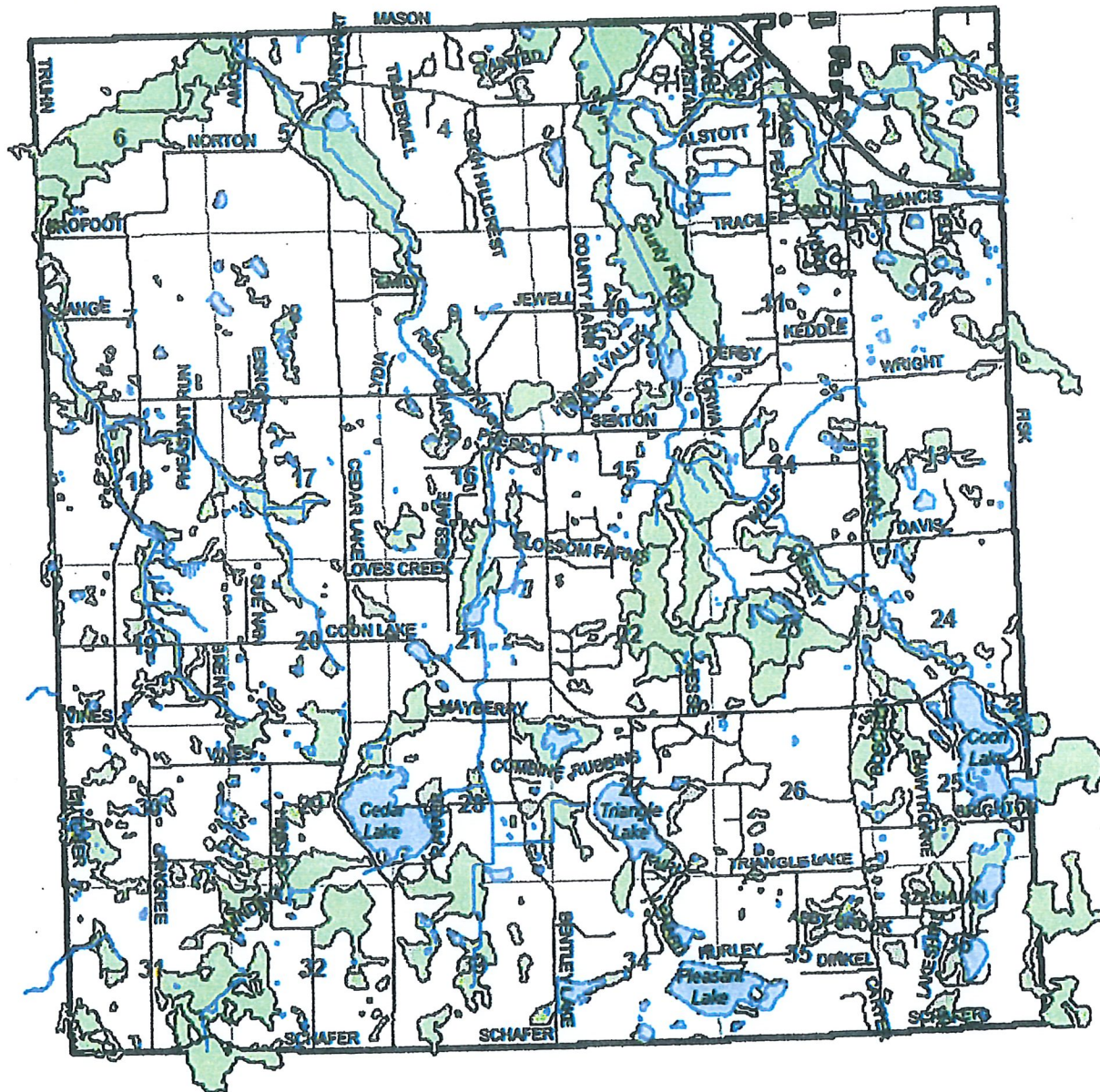


0.5 0 0.5 1 M



Source: Livingston County GIS, Livingston
Planning, MIRS, Marion Township
December 2004

Map 3 Rivers, Lakes, and Wetlands



1:54,984

0.5 0 0.5 1 Miles



Source: MIRIS, SEMCOG, National Wetland Inventory



Parcel Viewer

Livingston County, Michigan

SWAMP

Find address or place



200-017

501.93

10-16-200-019

203.64

10-16-200-006

254.09

SETON

GEDAR CREEK
ESTATES
202

ROW

OLD VIEW
4.57 ACRES

60ft

-83.975 42.565 Degrees

Potential Zoning Ordinance Amendments for Marion Township Planning Commission

INTRODUCTION

Regular review of the Zoning Ordinance is important. It allows a community to make changes to advance its master plan. It allows a community to address issues identified in administration and enforcement. It allows a community to continue to stay consistent with changing state and case law.

The Planning Commission has identified several areas of the Master Plan it would like to advance. Other areas have been identified to address changing laws.

These potential areas for Zoning Ordinance amendment are outlined below. The final action will be directed by the Planning Commission and Township Board, but brief commentaries of potential changes are added to aid discussion.

POTENTIAL AMENDMENTS

Private roads and shared driveways

Standards and processes for private roads are outlined in §6.20 Private Roads Serving Single-family, Multiple-family, and Commercial Developments. *(There is a separate general law ordinance for existing private roads desiring maintenance and improvement assistance.)* Shared driveways are not addressed.

There are options to modify private road standards that would make them more-affordable to develop while protecting public health, safety, and welfare and being more consistent with Marion's rural character.

Shared driveways can provide alternative access to a limited number of properties in a more-affordable manner while protecting public health, safety, and welfare. Standards for maintenance and minimum width would be necessary.

Pedestrian Accessibility

§6.25 Sidewalks allows the Planning Commission to require sidewalks in certain residential developments and outlines specific standards for sidewalks.

Additional pedestrian options, such as trails and paths, should be considered. Many communities require new developments along major corridors to provide paths along the major rights-of-way or to provide connections to adjacent developments.

Enhanced pedestrian accessibility can be required for planned unit developments or enumerated as an option for special considerations.

Open Space Preservation

Open space preservation standards are outlined in § 6.29 Open Space Preservation.

The Zoning Enabling Act requires communities with undeveloped lands with certain minimum lot areas to provide an open space preservation, or cluster development, option. Marion is in this category.

Although this development option is not regularly used, it would be good to do a review to confirm consistency with state law and make any necessary revisions.

Accessory Dwellings

Standards for accessory dwellings are outlined in §6.30 Family Accessory Apartments.

These dwellings can provide a variety of benefits to a community, but standards should be carefully crafted to limit negative impacts. There are some potential changes that could allow for greater use of this option without impacting surrounding areas.

Renewable Energy

Solar farm standards are outlined in Article XII Solar Farm Overlay District. Standards for wind farms and battery energy storage systems are not addressed.

The state adopted new laws in 2023 requiring local units of government to have standards for solar farms, wind farms, and battery energy storage of certain sizes to be consistent with state standards or risk losing authority for review and approval.

There are very few, if any, local ordinances that are considered compatible renewable energy ordinances at this time.

Communities need to decide if they want to make revisions to be fully compatible or to stay with or amend 'workable' ordinances.

Planned Unit Developments

Standards and process for planned unit developments are outlined in Article XIII Planned Unit Development Overlay District.

Planned unit developments can be a tool for communities to encourage better developments than otherwise required if there is a recognizable and substantial benefit to the community.

The current article defines some substantial benefits, but there are opportunities to better define these benefits to more-closely align with Marion's goals and character. There are options available to improve the review and approval process to further encourage use of planned unit developments.

Signs

Sign standards are outlined in Article XV Signage.

Many of the standards are content-based; the developmental standard for the sign depends on the nature of the message communicated. Content-based sign standards are more likely to fail if challenged in court than sign standards that are content-neutral (*time, place, and manner*).

Farm Market

Farm market standards are outlined in §17.14 Farm Markets.

The Michigan Department of Agriculture and Rural Development adopts new Generally Accepted Agricultural Management Practices every year, including one for farm markets. It would be good to do a review to confirm consistency with the new practices and make any necessary revisions.

Group Child Care Homes

Group child care home standards are outlined in §17.16 Group Child Care Homes.

The Zoning Enabling Act requires local units of governments to accommodate group child care homes. The state standards for these have changed in the past 2 years; it would be good to do a review to confirm consistency with the new standards and make any necessary revisions.

SUMMARY

The Planning Commission, and for some items Township Board, should provide guidance on which zoning ordinance amendments it would like to pursue this year.

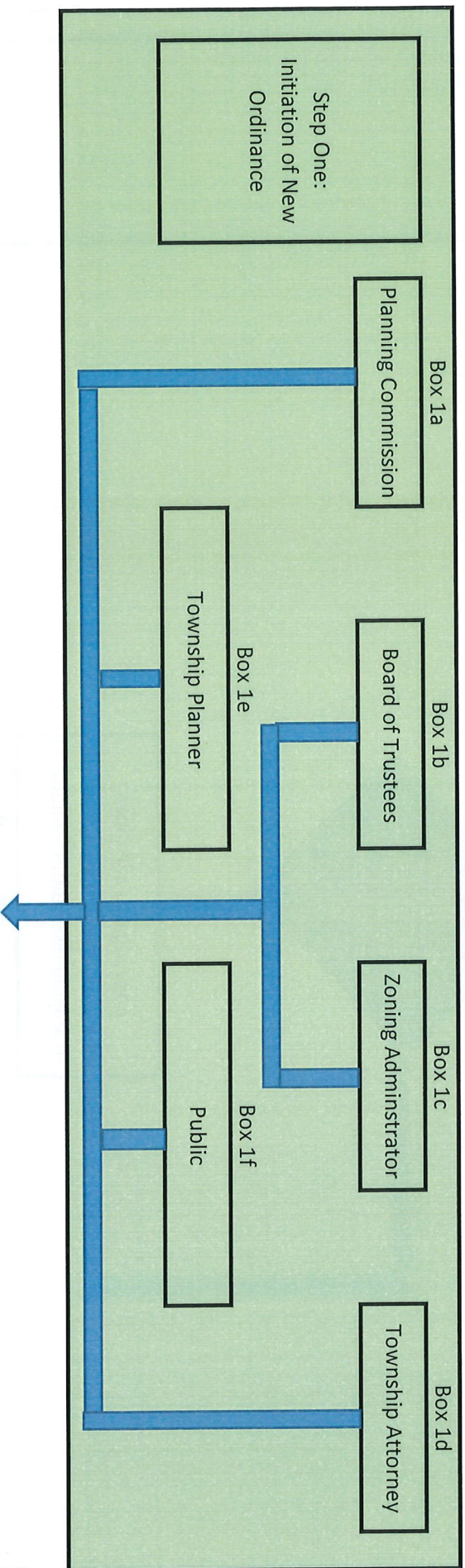
Once direction has been provided, we can prepare materials for further discussion, where needed, and prepare draft language.

Zach Michels

Quality Zoning

Dexter, MI

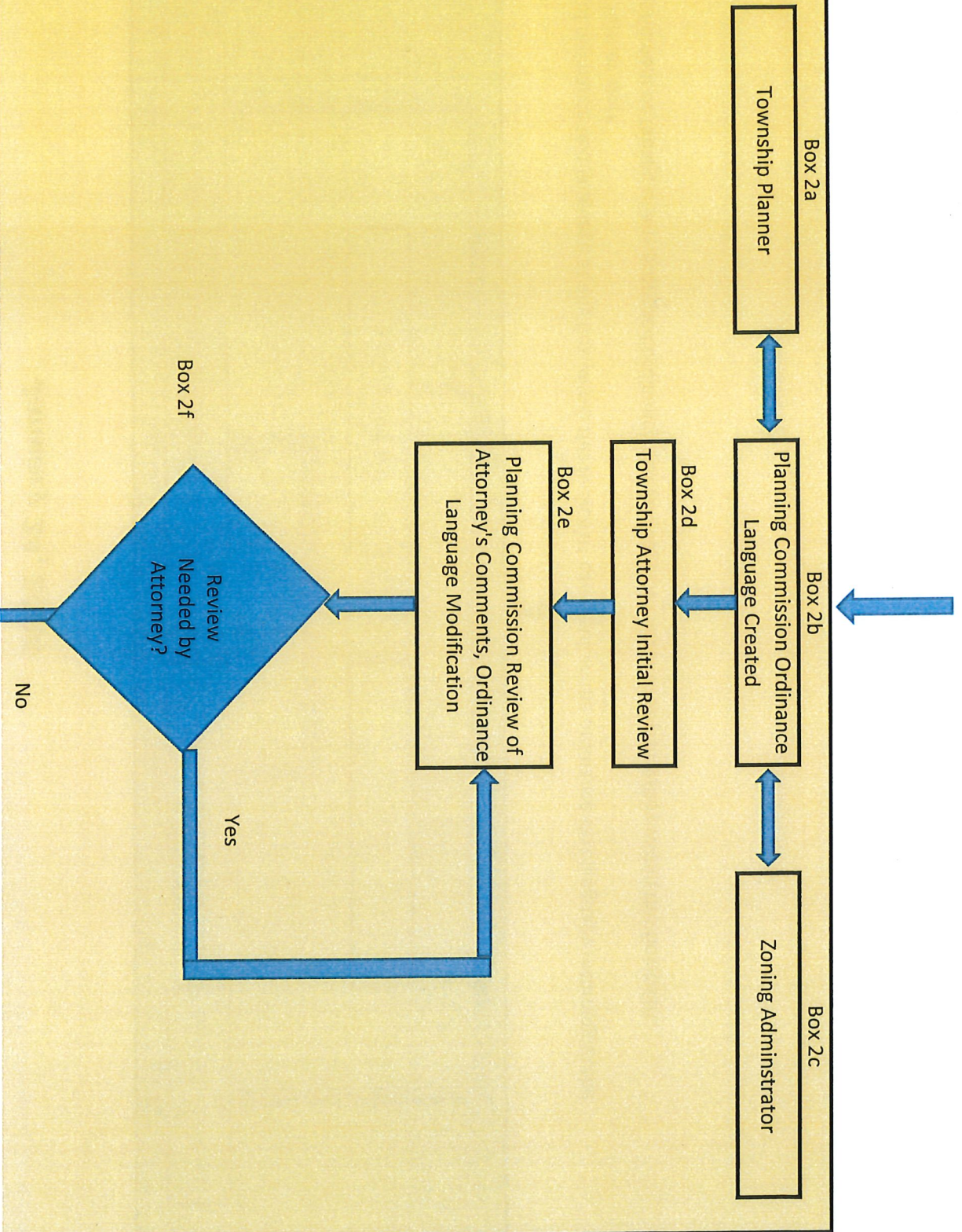
Marion Township New/Modified Ordinance Flowchart - Draft **January 24, 2024**



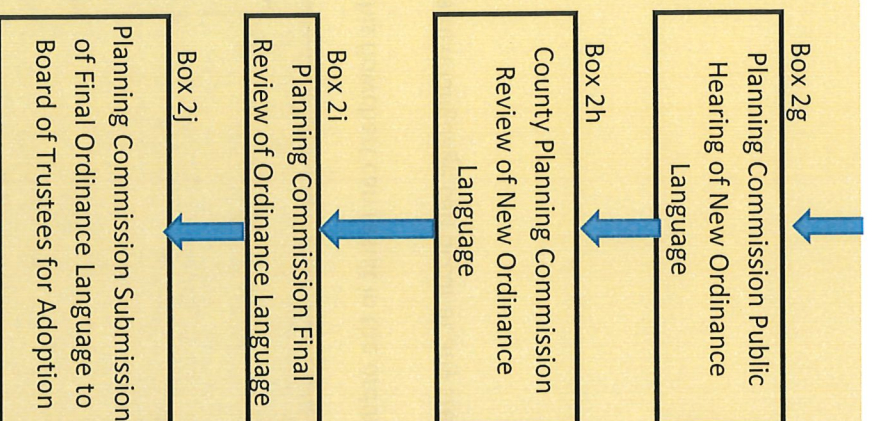
Footnote 1: Rejection of ordinance text language at any box within this flowchart can result in the ordinance text language returning to the beginning of Step 2 for further work.

Footnote 2: The postponement or tabling of any proposed ordinance text language can occur at any step/box within this flowchart.

Step 2: Creation of
a New Ordinance
Language by the
Planning
Commission

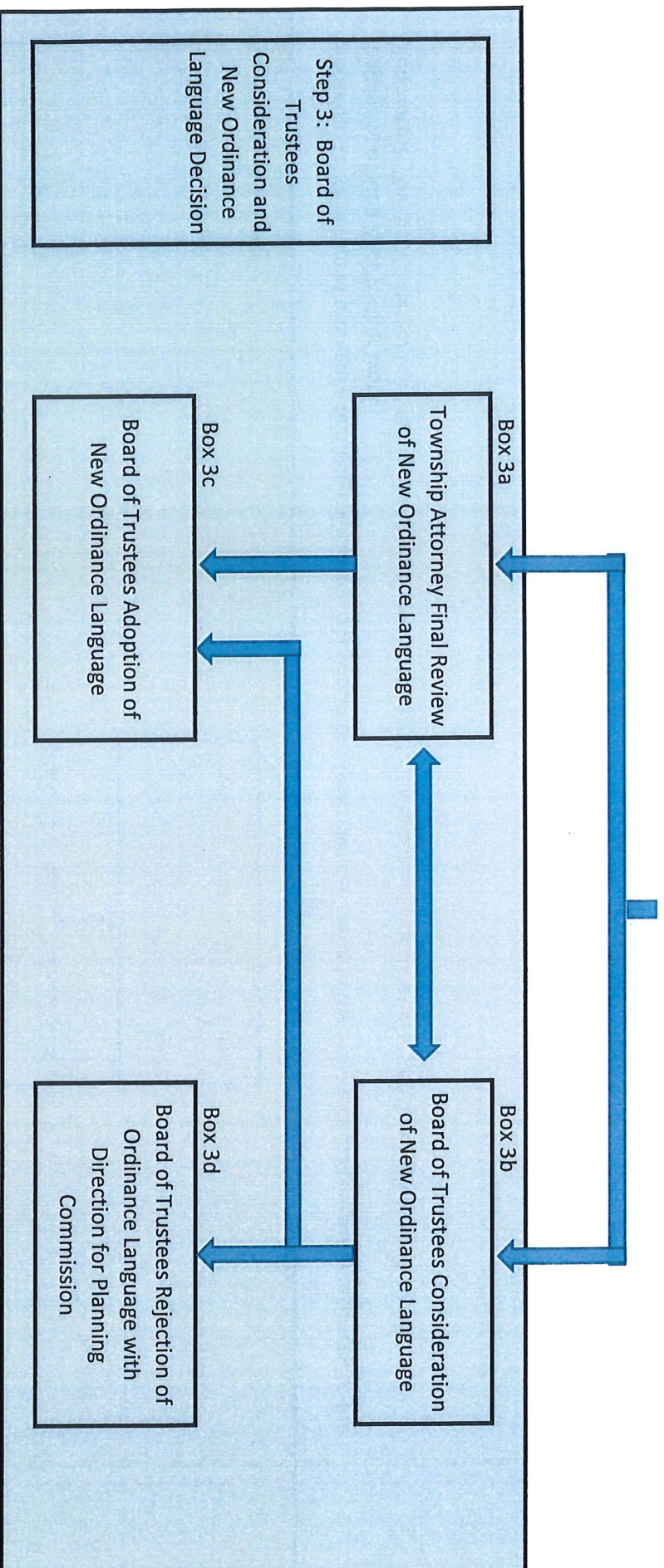


Step 2: Creation of
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Dave Hamann

From: John Gormley <john@gormleylaw.onmicrosoft.com>
Sent: Thursday, February 1, 2024 6:53 PM
To: Dave Hamann
Cc: supervisor@mariontownship.com
Subject: RE: Wellhead Protection Overlay Draft

Dave:

On the Well Head Protection Ordinance, do we want to consider changing the 12A.011 on enforcement to make violations perhaps be a municipal civil infraction. I recently proposed to the Board changes to the nuisance law and created a penalty ordinance. In the penalty ordinance, I created MCI, as the nuisance ordinance had MCI in it.

Otherwise, I found the ordinance satisfactory. Call with any questions.

John L. Gormley (P-53539)
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101 East Grand River Ave.
Fowlerville, MI 48836
(517) 223-3758 (office)
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Notices to Recipients:

Dave Hamann

From: John Gormley <john@gormleylaw.onmicrosoft.com>
Sent: Thursday, February 1, 2024 7:08 PM
To: Dave Hamann
Subject: RE: Review of DP ordinance

Dave,

I do not have any issues with the proposed Ordinance. I do question why in the design standards we are not allowing such a facility in an industrial park. With all the fencing and everything, I would think it would be an appropriate location.

John L. Gormley (P-53539)
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1. Among the many other legal services we provide clients of the firm, we are a debt relief agency, helping people file bankruptcy under the United States Bankruptcy Code.