

MARION TOWNSHIP
ZONING ORDINANCE AMENDMENT

An amendment to the Marion Township Zoning Ordinance to add definitions related to Private Roads.

ORDINANCE NO. 26-01
(enacted February 26, 2026)

1. AMENDMENT OF ARTICLE III: DEFINITIONS

Section 3.02 Definitions of the Zoning Ordinance is hereby amended to add the following definitions, which shall be placed in alphabetical order with existing definitions and shall read as:

Private Road: A way or means of approach that provides access to two or more principal buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Minor Private Road (2-5 dwellings): A way or means of approach that provides access to two or more dwellings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Major Private Road (>5 dwellings): A way or means of approach that provides access to five or more dwellings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Commercial Private Road: A way or means of approach that provides access to two or more principal commercial buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Industrial Private Road: A way or means of approach that provides access to two or more principal industrial buildings, and which is constructed and maintained by the owner or owners and is not dedicated for general public use. Parking aisles and parking lot maneuvering lanes shall not be construed to be private roads.

Pre-existing, Legally Nonconforming Private Road: Any private road, serving any dwelling or principle commercial and industrial in existence prior to the adoption by the Board of Trustees of Marion Township of the current private road ordinance.

Private Road Easement: An easement that is granted exclusively for private access to two or more lots, whether by grant of easement, private dedication, designation as a common area, or other means, and which contains a private road.

2. AMENDMENT OF ARTICLE VI: GENERAL PROVISIONS

Section 6.17 Infrastructure and concurrency standards of the Zoning Ordinance is hereby amended to read as follows:

Section 6.17 Infrastructure and Concurrency Standards

A. Roadway Network:

1. No new land uses, except for unplatted single-family homes, or development requiring site plan review under this Ordinance shall be permitted which will reduce the level of service on adjacent roadways below the level of service (LOS) C as indicated by a complete traffic impact study, as identified in the Marion Township Master Plan, until the roadway has been improved to avoid such a decrease in the level of service.
2. All developments for multiple-family Site Condominium and Plan Urban dwellings shall have direct access to the following Livingston County public paved or unpaved portion roads in the Urban Residential, Suburban Residential, and Highway Service Districts;
 - a) Howell Pinckney Road, D19
 - b) Howell Mason Road
 - c) State Road M-155
3. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development, which shall be designed to minimize congestion and interference with normal traffic flow.

B. Traffic Impact Study.

1. Traffic impact studies shall be required as follows:
 - a) A Traffic Impact Assessment that evaluates current and future traffic operations at site access points shall be required for projects which could generate 50-99 directional trips during a peak hour.
 - b) A traffic Impact Statement that evaluates current and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak

hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Statement shall be established by the Township Engineer.

2. Traffic Impact Statement or Assessment shall also be required where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually); or for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project.
3. The contents of the traffic impact study shall include:
 - a) Illustrations and a narrative which describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
 - b) For a rezoning, a description of the potential uses which would be allowed, compared to this allowed under current zoning. For a site plan review, mobile home park, condominium project, a subdivision tentative preliminary plat, or specified Special Land Uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
 - c) Existing traffic conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Commission or its staff/consultants shall be provided for projects requiring a Traffic Impact Statement. Traffic count data shall be collected using accepted practices and shall not be over one (1) year old.
 - d) The traffic study shall include traffic generated by other projects in the vicinity which have been approved or are under construction.

- e) For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved.
- f) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan, including actual trip generation data (a.m. and p.m. peak hour and average day, in the form of actual hourly directional driveway counts, hourly transaction data, or other method deemed acceptable by the Township) for local or national chains and franchises. The Township may require inclusion of actual data for local or national chains and franchises in the study.
- g) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on Internal Traffic Engineers findings and documented survey results acceptable to the Township and applicable road agency. The community may elect to reduce the trip reduction rates used.
- h) For projects intended to be developed in phases, the trip generation by phase shall be described.
- i) Trip Distribution. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standards engineering procedures for determining the distribution should be provided (trip distribution model, market studies, counts at existing driveways, etc.).
- j) Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses

shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, unless other intersections are identified by the Township. Gap studies for unsignalized intersections shall be provided where applicable.

4. Qualifications of Preparer. The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques.
5. The requirement for a traffic impact study, or the specific study elements required may be waived or modified by the Planning Commission based on input from Township staff and consultants or a representative of the applicable road agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:
 - a) Roadway improvements that are scheduled which are expected to mitigate any impacts associated with the proposed project.
 - b) The existing level of service along the roadway is not expected to drop below C due to the proposed project.
 - c) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
 - d) A similar traffic study was previously prepared for the site and is still considered applicable.

C. Potable Water and Sewage Disposal:

1. Any structure for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be used or occupied unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
2. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Livingston County Public Health Department as well as those of other applicable local, county, state, or federal agencies.
3. All new land uses and land development projects within the Urban Residential District or Highway Services District, as delineated in the Marion Township Master Plan, must be serviced by a municipal sewerage

treatment and water supply if the infrastructure abuts the property in question.

D. Storm Water Management:

1. All development requiring site plan review shall retain storm water runoff, or detain it, so as to allow discharge without any increased impact on adjacent lands, streams or water bodies greater than the predevelopment runoff impact rate.
2. All developments shall conform to the soil erosion and sedimentation requirements of Livingston County and the State of Michigan.
3. All storm water management facilities shall meet or exceed the criteria of the Livingston County Drain Commissioner.
4. No land improvements shall be constructed which will reduce the service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage patterns are first made.
5. All drainage system reports, peak flow rates and runoff volume calculations, safety requirements and the grading plans shall be certified by a licensed professional engineer authorized by the State of Michigan to perform such functions.
6. Additional requirements may be necessary through the Livingston County Drain Commission.

Section 6.18 Condominium Projects of the Zoning Ordinance is hereby amended to read as follows:

Section 6.18 Condominium Projects

All condominium projects shall conform to the following general provisions in addition to all other applicable district regulations.

- A. **Master Deed Review and Approval:** Before recording the master deed and exhibits for a condominium project, the developer shall submit the master deed and exhibits to the Township for review and approval. These documents shall be reviewed by the Township Attorney, Township Engineer and Township Planner to verify compliance with local Ordinances and state law. The Planning Commission shall review these documents and comments and make a recommendation. The Board of Trustees shall have the authority to grant approval of the master deed and exhibits, according to the requirements of Article XVIII: Site Plan Requirements.

Before issuance of a certificate of zoning compliance, the developer shall submit the following information to the Zoning Administrator for review and approval: two (2) copies of the recorded master deed and any exhibits; and a survey of improvements labeled as "must be built." The survey shall be provided in a format acceptable to the Township.

- B. Developmental Standards: All buildings and structures within a condominium project shall comply, to the extent applicable, with the site development standards contained in Section 7.10 Schedule of Regulations and Articles IV and V of the Subdivision Control Ordinance, except that private roads shall be permitted.
- C. Infrastructure: Condominium projects shall comply with Section 6.17 Infrastructure and Concurrency Standards.
- D. Easement Dedication: Easements must be dedicated to the appropriate public agencies for the purpose of construction, operation, maintenance, inspection, repair, alteration, replacement, or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water, or storm water runoff across, through or under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easements dedication documentation shall be reviewed by the Township Attorney and Township Engineer.
- E. Monuments: Condominium projects that consist in whole or in part of condominium units that are building envelopes shall be marked with monuments as required in Section 125 of the Land Division Act (MCL 560.125).
- F. Private Roads: Private roads within a condominium project shall meet the standards of Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments of this Ordinance.

- 1. Access. All units must have driveway access from a road that is an interior private road of the project. Driveway access for units to exterior roads is prohibited.

- G. Greenbelt Buffer: A landscaped greenbelt buffer that shall consist of, but not be limited to, trees, shrubs, grasses, and herbaceous vegetation, exclusive of noxious weeds, is required upon finding by the Planning Commission that the proposed development may have a negative impact on an abutting parcel or parcels. If such a greenbelt is required, it shall be at least twenty-five (25) foot wide along and between the boundaries of the proposed development and any abutting parcels the Planning Commission determines could be negatively impacted by the proposed development. A fifty (50) foot wide greenbelt shall be established adjacent to any public road right-of-way that is not within the project. Required greenbelts shall not be within the boundaries of a lot or unit.

- 1. Character: The required greenbelt buffer areas shall be maintained in perpetuity in a natural vegetation or landscaped state, as provided above, to provide a visual buffer. The greenbelt shall not be mowed or altered in any manner unless approved by the township zoning administrator and the homeowners' association. In no case shall any item, including, but not limited to, sheds, play structures, play area, lawn ornaments, lawn furniture, patios, automobiles, trucks, tractors, trailers, brush piles, or refuse piles be placed within the required greenbelt. If landscaping maintenance needs to be done within the designated greenbelt area such as trimming or pruning of trees, removal of dead vegetation,

or other related activities, the Zoning Administrator and the homeowners' association must approve of the maintenance activity. The cost of such maintenance activity is to be paid for by the lot owners as defined above and/or the Home Owners Association.

2. Maintenance Responsibility. The homeowners' association shall be responsible for maintenance, including cost, of the greenbelt buffers. The Township is not responsible for any maintenance of the greenbelt buffer.
3. Modification: The Planning Commission may modify this standard for the end of stub streets and along phasing boundaries, upon finding that the intent of this Section is maintained.

Section 6.20 Private Roads of the Zoning Ordinance is hereby amended to read as follows:

Section 6.20 Private Roads (Approved by BOT on 2/12/2026)

A. Intent and Purpose: The intent and purpose of this Section is to: protect and promote the public health, safety, comfort, and convenience; establish minimum standards and specifications for the design and construction of private roads; ensure private roads remain passable in all weather conditions; ensure access by fire, police, and other public and emergency vehicles; and ensure a functional road transportation network.

B. General Private Road Requirements: All private roads shall meet the general standards below.

1. Private roads shall meet all applicable Township ordinances and standards at the time of application.
2. Deviations: Deviations from the standards of this Section for pre-existing, legally nonconforming private roads may be allowed by the Board of Trustees based on the recommendations of the Township Engineer as outlined in this Section.
3. Intersections: Intersections shall be as close to ninety (90) degrees as possible, but shall not be less than eighty (80) degrees or greater than one hundred (100) degrees.
4. Intersections with Public Roads: Intersections of private roads with public roads shall meet the applicable requirement of the Livingston County Road Commission in effect at the time of application.
5. Surface: The road surface shall be shown on the plans and shall be in accordance with the requirements outlined herein.

6. Road Location: Private roads shall be located in the center of the right-of-way to the greatest extent practical.
7. Number of Dwelling Units: Private roads with a single access shall provide access to a maximum of thirty (30) dwelling units. Private roads with more than one (1) point of access shall provide access to a maximum of seventy-five (75) dwelling units. For the purposes of this requirement, access is defined as an intersection from another private or public road.
 - a. Number of Dwelling Units: All dwelling units whose only means of access is by the private road shall be considered in the number of dwelling units allowed.
 - b. Extension: If a private road is an extension of a dead-end public road, the number of dwelling units along the public road shall be considered in the number of dwelling units allowed. This limit shall apply to any type of road surface.
8. Length: Private roads with only one (1) point of access shall have a maximum length of two thousand (2,000) feet.
9. Dead Ends: Dead end roads shall terminate with a cul-de-sac, subject to the standards outlined below.
10. Cul-De-Sac General Requirements
 - a. Property Line: Cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot, or parcel within the development and that building envelope, lot, or parcel fronts upon the cul-de-sac.
 - b. Frontage Measurements: Frontage measurements along a cul-de-sac shall be measured tangent to the front setback line and at right angles to the side lot lines (See Figure 6.20.1)
 - c. Access: A maximum of (4) principal buildings or lots shall have frontage on a cul-de-sac. Any lot located on a cul-de-sac shall have its side lot lines designed to be radial to the front property line or right-of-way line on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.

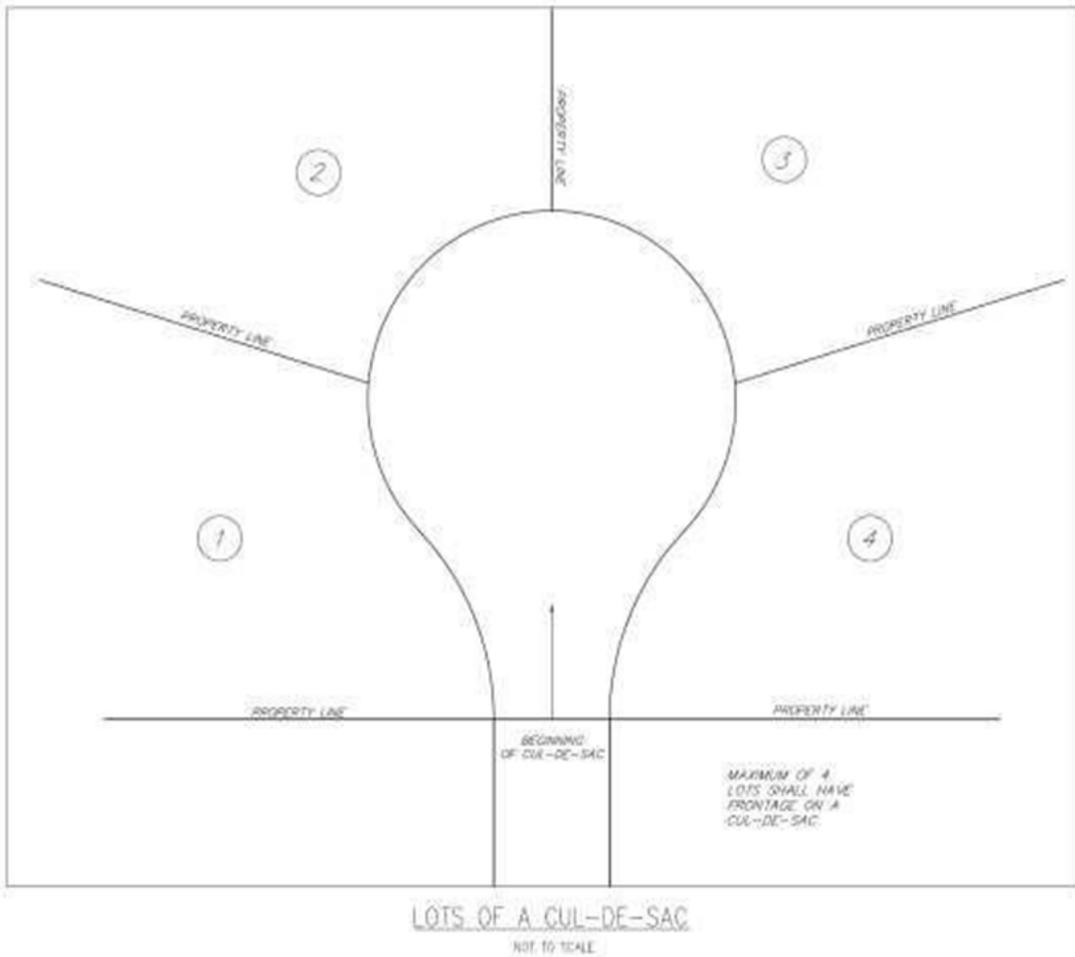


Figure 6.20.1

11. Curb Cuts: Curb cuts and driveways are subject to the requirements in 6.19 Access Controls.

12. Nonconformities: Private roads that create or increase nonconformities on any lot or parcel shall not be approved.

13. Road Names: Road names that might cause confusion with names of

existing roads in or near the Township are prohibited. Roads that are extensions of existing roads shall be called the same name. All names shall be approved by the Township.

14. Land Use Permit: A land use permit shall not be issued for a structure with access from a private road until such private road is given final approval by the Board of Trustees. Street signs must be installed before construction of buildings can commence.
15. Regulatory Signs: Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs with the private road shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private road name signs shall contrast with public street name signs and shall clearly indicate the private road is private. The sign shall be paid for, posted, and thereafter maintained by the homeowners' association or developer.
16. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
 - a. "This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)"
17. The Board of Trustees shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant.
18. Additional requirements for private roads are included in the Marion

C. New Minor Private Roads: New private roads serving between two (2) and five (5) dwelling units shall meet the additional specific standards below.

1. Easement Width: Right-of-way or easements shall have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.
2. Roadway width should be at least twenty (20) feet whether paved or gravel. A one (1) foot grass shoulder should be provided on both sides of the road.
3. Roadway Cross Section: Roadway cross sections shall conform to the standards below.
 - a. Gravel Roads: Gravel roads shall have six (6) inches of MDOT 21A or 22A road gravel.
 - b. Paved Roads: Paved roads shall have eight (8) inches of MDOT 21 AA limestone aggregate base and four (4) inches of bituminous surface placed in two (2) courses with a maximum course or lift of two (2) inches.
 - c. Crown: All roadways should be sufficiently crowned for drainage.
 - d. Vertical alignment should conform to the following guidelines:
 - i. Site distances at all intersections should be verified and shall meet the requirements of the Livingston County Road Commission's Procedures and Regulations for Developing Public Roads, effective July 1, 2024, Section 3.6 and the Livingston County Road Commission's Procedures and Regulations for Permitted Activities, Section 3.2.
 - ii. Roadway grades should be minimized and provide safe emergency vehicle access.

- e. A system to adequately collect and discharge tributary roadway runoff is required. Either open ditch or enclosed storm sewer systems are acceptable and shall be sized reasonably for the anticipated run-off. Generally, a 10- year storm event shall be used to determine run-off.

D. New Major Private Roads: New private roads serving more than five (5) dwelling units shall meet the additional specific standards below.

1. Right-of-way or Easements: Rights-of-way or easements shall meet the standards below.
 - a. Stormwater Drainage: Rights-of-way or easements shall have sufficient width to encompass any ditches, swales, or drainage systems to convey stormwater from the road surface.
 - b. Width: The right-of-way or easement shall have a width of at least sixty-six (66) feet. A wider width may be required upon finding that it is necessary to accommodate drainage, utilities, topography, or other unique conditions.
2. Landscape Buffer: A landscape buffer may be required upon finding that a landscape buffer is necessary to reduce the impact of the private road upon existing abutting parcels.
3. Roadway width shall meet the following requirements:
 - a. Gravel road:
 - i. Gravel road: thirty (30) feet edge of gravel to edge of gravel.
 - b. Paved road:
 - i. Residential streets without curb shall be a minimum of twenty-two (22) feet edge of pavement to edge of pavement, with a four (4) foot wide paved or gravel shoulder on both sides of roadway edge.
 - ii. Residential streets with curb and gutter: a minimum of twenty-seven (27) feet back of curb to back of curb, with a minimum lane width of twelve (12) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb

and gutter are acceptable.

- iii. In areas where on-street parking is allowed, the minimum width of the road shall be increased by eight (8) feet. Including the gutter pan in the width extension for parking is not permitted.
 - iv. Roadway recovery areas, (clear zones) shall be a minimum of seven (7) feet for straight- line sections and inside diameter curves. A minimum of fifteen (15) feet is required for outside diameter curves. Recovery areas shall be considered the distance between a permanent structure and edge of gravel shoulder or back of curb.
4. Roadway cross sections shall conform to the following criteria. Alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO (American Association of State Highway and Transportation Officials) Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer:
5. Residential roads or streets shall have a minimum of four (4) inches bituminous surface placed in two (2) courses (no course or lift shall exceed 2" in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone), Gravel roads, if permitted by the Township, shall consist of a minimum of eight (8) inches of aggregate base (MDOT 22A) and six (6) inches of sand sub- base meeting the requirements of MDOT Class II.
- a. Shoulder pavement sections shall match the section of the road.
 - b. The pavement shall have transverse slope (crown) of 2% each way of the pavement centerline. Super elevated sections are prohibited in any development having a proposed operating speed of less than fifty-five (55) miles per hour. Where the design speed for a proposed street or road is less than fifty-five (55) mph and super elevation would otherwise be required as determined in the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways, the horizontal curve shall be designed with a radius long enough to counter the need for super elevation.
 - c. Edge drain is required on all streets with curb and gutter. The trench must be filled with pea stone to the level of the base material, and the entire trench wrapped with geotextile fabric.

- d. Proposed sections utilizing an open ditch section shall have a ditch depth of not less than two (2) feet relative to the shoulder hinge point and two (2) feet wide rounded at the bottom. The depth shall be increased if warranted by drainage discharge calculations.
 - e. The maximum slope within the proposed right-of-way shall be 1:4 (rise/distance). The use of slopes steeper than 1:4 outside of the proposed right-of-way draining toward the roadway should be avoided.
 - f. Curb Cuts and Driveways:
 - i. See Marion Township Ordinance Article VI, Section 6.19.
 - g. Pavement sections for residential driveways shall meet the following:
 - i. Gravel – six (6) inches of MDOT 21AA limestone or MDOT 22A.
 - ii. Asphalt – three (3) inches of bituminous surface over six (6) inches of MDOT 1AA limestone.
 - iii. Concrete – six (6) inches of concrete over four (4) inches of MDOT Class II.
6. Horizontal alignment shall conform to the following guidelines. All horizontal alignment and intersection design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways.
7. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
- a. Minimum center-line radius for a horizontal curve shall be 230 feet.
 - b. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.
 - c. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 - d. Intersection shall be at right angles and shall be designed such that the first sixty-five (65) feet in any direction shall be straight line sections.

- e. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 - f. MDOT Detail M openings shall be used for all commercial or industrial drives or approaches. All commercial or industrial approaches shall be curbed regardless of the road cross section.
 - g. Drive approaches shall be contained within the property lines, including radii and any acceleration/deceleration tapers, if required.
 - h. Drive approaches shall be a minimum of one hundred and twenty-five (125) feet from any intersection, measured from the centerline of the drive approach to centerline of the road.
8. Vertical alignment shall conform to the following guidelines. All vertical alignment design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
- a. The percent of grade on a road with an open ditch cross section shall be no less than 1.0% or more than 5.0% where ditch grades are centerline dependent.
 - b. The percent of grade on a road with a curb and gutter cross section shall be no less than 0.50% or more than 6.0%.
 - c. A vertical curve shall be required where the algebraic difference in slopes of the tangent sections exceeds 1.0%. The minimum length of the vertical curve shall be one hundred (100) feet.
 - d. Road grades within one hundred (100) feet of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.
9. A drainage system to adequately collect and discharge tributary roadway runoff is required. Either an open ditch or enclosed storm sewer system per the Township requirements is acceptable.
- a. All paved roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 - b. The maximum allowable storm water runoff tributary area conveyed

overland in drainage ditches shall be no more than six (6) acres. When the tributary area is more than six (6) acres or the amount of flow in the ditch exceeds 8.0 cubic feet per second, an enclosed storm sewer system and curb and gutter will be required.

- c. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%.
- d. Any open ditch that exceeds 3.0% shall have a sodded ditch bottom. Sod in these areas shall extend from the ditch bottom up either side of the ditch to a point one foot above the flow line of the ditch.

10. Roadway signage shall meet the requirements of the Livingston County Road Commission and the Michigan Department of Transportation's Manual of Uniform Traffic Control Devices.

E. New Commercial and Industrial Private Roads

- 1. All commercial and industrial roadways that are to be private shall meet the requirements of the Livingston County Road Commission's Procedures and Regulations for Developing Public Roads, effective July 1, 2024, the Marion Township Zoning Ordinance and the standards outlined below. If a conflict exists between the Road Commission and Township standards, the stricter requirements shall govern.
- 2. All private commercial and industrial roads shall be paved.
- 3. Right-of-way or easements shall have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.
 - a. Depending on the location of the private road easement in relation to adjacent parcels, a landscape buffer as provided in the Township Zoning Ordinance may be required by the Township to reduce the impact of the private road upon existing abutting parcels.
 - b. Width: The right-of-way or easement shall have a width of at least sixty-six (66) feet. A wider width may be required upon finding that it is necessary to accommodate drainage, utilities, topography, or other unique conditions.
- 4. Commercial and industrial private road width shall meet the following

requirements:

- a. A minimum of twenty-seven (27) feet back of curb to back of curb, with a minimum lane width of twelve (12) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.
 - b. In areas where on-street parking is allowed, the minimum width of the road shall be increased by eight (8) feet. Including the gutter pan in the width extension for parking is not permitted.
 - c. Roadway recovery areas, (clear zones) shall be a minimum of seven (7) feet for straight- line sections and inside diameter curves. A minimum of fifteen (15) feet is required for outside diameter curves. Recovery areas shall be considered the distance between a permanent structure and edge of gravel shoulder or back of curb.
5. Roadway cross sections shall conform to the following criteria. Alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer:
- a. Commercial private roads shall have a minimum four (4) inches of bituminous surface placed in two (2) courses (no course or lift shall exceed 2" in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone), and six (6) inches of sand sub-base meeting the requirements of MDOT Class II. An open graded drainage course may be substituted for sand sub-base.
 - b. Industrial roads shall have a minimum of nine (9) inches of non-reinforced concrete pavement, four (4) inches of aggregate base (MDOT 21AA limestone), and four (4) inches of sand sub-base meeting the requirements of MDOT Class II.
 - c. Shoulder pavement sections shall match the section of the road.
 - d. The pavement shall have transverse slope (crown) of 2% each way of the pavement centerline. Super elevated sections are prohibited in any development having a proposed operating speed of less than fifty-five (55) miles per hour. Where the design speed for a

proposed street or road is less than fifty-five (55) mph and super elevation would otherwise be required as determined in the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways, the horizontal curve shall be designed with a radius long enough to counter the need for super elevation.

- e. Edge drain is required on all streets with curb and gutter.
 - f. Proposed sections utilizing an open ditch section shall have a ditch depth of not less than two (2) feet relative to the shoulder hinge point and two (2) feet wide rounded at the bottom. The depth shall be increased if warranted by drainage discharge calculations.
 - g. The maximum slope within the proposed right-of-way shall be 1:4 (rise/distance). The use of slopes steeper than 1:4 outside of the proposed right-of-way draining toward the roadway should be avoided.
 - h. Driveway slopes or lot access areas shall have a slope not greater than 1:10 within the right-of-way. Driveways beyond the right-of-way shall generally not exceed 12% slope without significant topographical limitations. Additional information about driveways may be found in Article XI section 6.19 Access Controls.
 - i. Pavement sections for commercial and industrial driveways shall meet the following:
 - i. Asphalt – three (3) inches of bituminous surface over six (6) inches of MDOT 1AA limestone.
 - ii. Concrete – six (6) inches of concrete over four (4) inches of MDOT Class II.
6. Horizontal alignment shall conform to the following guidelines. All horizontal alignment and intersection design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways.
7. The design speed for commercial and industrial private roads shall be twenty-five (25) mph for interior roads unless otherwise directed by the Township or Road Commission.
- a. Minimum center-line radius for a horizontal curve shall be 230 feet.

- b. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.
 - c. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 - d. Intersection shall be at right angles and shall be designed such that the first sixty-five (65) feet in any direction shall be straight line sections.
 - e. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 - f. MDOT Detail M openings shall be used for all commercial and industrial drives or approaches. All commercial or industrial approaches shall be curbed regardless of the road cross section.
 - g. Commercial and industrial drive approaches shall have a minimum forty-five (45) foot radius.
 - h. Drive approaches shall be contained within the property lines, including radii and any acceleration/deceleration tapers, if required.
 - i. Drive approaches shall be a minimum of one hundred and twenty-five (125) feet from any intersection, measured from the centerline of the drive approach to centerline of the road.
8. Vertical alignment shall conform to the following guidelines. All vertical alignment design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
- a. The percent of grade on a road with an open ditch cross section shall be no less than 1.0% or more than 5.0% where ditch grades are centerline dependent.
 - b. The percent of grade on a road with a curb and gutter cross section shall be no less than 0.50% or more than 6.0%.
 - c. A vertical curve shall be required where the algebraic difference in slopes of the tangent sections exceeds 1.0%. The minimum length of the vertical curve shall be one hundred (100) feet.
 - d. Road grades within one hundred (100) feet of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.

9. A drainage system to adequately collect and discharge tributary roadway runoff is required. Either an open ditch or enclosed storm sewer system per the Township requirements is acceptable.
 - a. All commercial and industrial private roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 - b. The maximum allowable storm water runoff tributary area conveyed overland in drainage ditches shall be no more than six (6) acres. When the tributary area is more than six (6) acres or the amount of flow in the ditch exceeds 8.0 cfs, an enclosed storm sewer system and curb and gutter will be required.
 - c. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%.
 - d. There shall be no open ditches along commercial private

F. Pre-existing, Legally Nonconforming Private Roads

1. Existing: Private roads in existence prior to the adoption of this ordinance will not be subject to the requirements listed in 6.20 provided there is no change in the number of dwellings or commercial/industrial facilities utilizing the private road.
2. If the number of dwellings or commercial/industrial facilities using the private road increases and causes the private road to change classification, the private road must be brought up to the current private road standards outlined in 6.20.
3. If a private road is classified as a non-conforming private road, no land use permits will be granted for new construction unless the parcel in question was in existence prior to the adoption date of this ordinance.
 - a. A parcel that is created because of a split from a parcel that was a lot of record at the time of the adoption of this ordinance shall be classified as a new parcel for the purposes of this section.
 - b. An additional new dwelling unit or parcel where the number of dwelling units or parcels is greater than 5 will require the private road to be brought up to the current private road standards outlined in 6.20.E, New, Conforming Private Roads serving more than 5 dwelling units.

4. Non-Conforming roads can be brought into compliance to allow the issuance of land-use permits in the future. A permit will be required as described in Section 6.20 A (9).

G. Improvements or Changes of a Conforming Pre-Existing Private Road Serving More than 1 Dwelling Unit

1. Submission requirements shall be sufficient to determine the nature and extent of the existing conditions and any proposed improvements. The extent of the information provided shall be at the discretion of the Township, township Engineer and Township Planner. In general:
 - a. Minor changes in the physical characteristics of the road will require a sketch of the proposed improvements. The sketch shall be legible and clearly identify all improvements. The sketch should utilize current aerial information but does not need to be drawn to scale. Aerial information is available at the Livingston County GIS Management Department, 304 E. Grand River Ave., Suite 101, Howell, MI 48843.
 - i. Minor changes shall include:
 - a. Installation or changes of signage
 - b. Adding reflectors or rumble strips
 - c. Installation of speed bumps
 - b. Major changes in the physical characteristics of the road will require detailed plans. The level of detail shall meet the requirements of a full, complete construction plan submittal.
 - i. Major changes shall include:
 - a. Widening the road
 - b. Changing the alignment of the road
 2. Curb Cuts and Driveways:
 - a. See Marion Township Ordinance Article VI, Section 6.19

H. Improvements or Changes of a Conforming Pre-Existing Commercial or Industrial Private Road

1. Submission requirements shall be sufficient to determine the nature and extent of the existing conditions and any proposed improvements. The extent of the information provided shall be at the discretion of the Township, Township Engineer and Township Planner.
2. In general:
 - a. Minor changes in the physical characteristics of the road will require a sketch of the proposed improvements. The sketch shall be legible and clearly identify all improvements. The sketch should utilize current aerial information but does not need to be drawn to scale. Aerial information is available at the Livingston County GIS Management Department, 304 E. Grand River Ave., Suite 101, Howell, MI 48843.
 - i. Minor changes shall include:
 1. Installation or changes of signage
 2. Adding reflectors or rumble strips
 3. Installation of speed bumps
 - b. Major changes in the physical characteristics of the road will require detailed plans. The level of detail shall meet the requirements of a full, complete construction plan submittal.
 - ii. Major changes shall include:
 1. Widening the road
 2. Changing the alignment of the road
 3. Addition of a new commercial or industrial facility
 4. Addition of a new driveway for an existing commercial or industrial facility
 5. Increasing the length of the private road

I. Soil Erosion and Sediment Control

1. A soil erosion and sediment control plan are required for all sites that require a permit. This can be made a part of the plan documents. Itemized on this plan shall be step-by-step requirements for controlling erosion (sequence of construction). No work, including site clearing, will be allowed until approved soil erosion and sediment control measures are in place.
2. Accelerated erosion and sedimentation must be prevented during all phases of construction including:
 - a. Initial site clearing.
 - b. Utility construction.
 - c. Building construction.
 - d. Site paving.
 - e. Final site approval.
3. When land is exposed during development, the exposure should be kept to the shortest possible period of time, as deemed by the Township.
4. Temporary vegetation or mulching may be required to protect areas exposed during development, particularly if an unexpected erosion problem becomes evident. The developer will be required to assign this activity top priority upon notification by the Township. Failure to act after a second notification will be grounds for the Township to take necessary action to address the problem and charge the owner/developer accordingly.
5. Sediment basins or temporary basin outlet standpipe filters shall be maintained during construction to ensure that sediment within runoff is not being discharged onto neighboring properties.
6. Erosion protection shall be provided in the public roadway for all drainage structures receiving road runoff to the low point.
7. The developer shall clean all structures impacted during construction along with any other erosion control items prior to occupancy.

J. Review and Approval Process: Private roads shall be reviewed as outlined below.

1. Submittal Requirements: Private road applications shall include all of the information outlined below.
 - a. Survey and Legal Description of Parcel: Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property, and the names and addresses of all the lot or parcel owners of the property the private road will be built on.
 - b. Legal Description of Area Served: A legal description of all lots or parcels to be served by the private road and the names and addresses of all persons owning an interest in title to the property.
 - c. Vicinity Map: A vicinity map of a minimum scale of one-inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.
 - d. Topography: Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable stormwater outlet.
 - e. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
 - f. Soil Borings: Soil borings within the proposed route of the private road.
 - g. Trees and Wetlands: Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
 - h. Existing Buildings: Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as any existing buildings or structures in or adjacent to any proposed road easement.
 - i. Utilities: Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
 - j. Division Confirmation: Document from Township Assessor verifying two or more land divisions are available.

- k. Maintenance and Easement Agreement: A complete copy of the road maintenance agreement(s) and road easement agreement(s) regarding the maintenance and improvements of the right-of-way and roadway. The road maintenance agreement shall, at a minimum, provide for:
 - i. A method of initiating and financing of such road in order to keep the road up to Township specifications as set forth in this ordinance.
 - ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - iii. A notice that if repairs and maintenance are not made, the Marion Board of Trustees may bring the road up to established Township standards as set forth in this amendment and assess owners of parcels on the private road for the improvements, plus an administrative fee.
 - iv. A notice that no public funds of the Township of Marion are to be used to build, repair, or maintain the private road.
 - v. Furthermore, said road maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this section, including, but not limited to, the responsibility of removing snow from said private roads. The recorded road easement and maintenance agreement, which shall run with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Livingston County Road Commission.
2. A complete statement of all the terms and conditions of the proposed road easement and road maintenance agreement, which shall also provide for:
 - a. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
 - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.

3. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.
4. Upon approval of the road easement and road maintenance agreement, it shall be recorded at the Livingston County Register of Deeds and a copy of the recorded agreement shall be filed with the Township Clerk. The Township shall not issue a land use permit for any dwelling unit until it has received a copy of the recorded, approved agreement.
 - a. While not required to be dedicated to the public, no structure or land use activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description.
 - b. Construction authorization from the Livingston County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. At the discretion of the Board of Trustees, a proposed private road that otherwise meets the requirements of this Ordinance may be disapproved unless it connects to another private road or a county road when necessary to provide safe traffic flow and emergency vehicle access. No lots or units shall be permitted driveway access from a road that is not an interior road of the plat, condominium, or development.
 - c. Application for road construction shall not be made without evidence of an approved land division. The applicant shall prepare and provide twelve (12) sets of a plot plan, site plan, or construction plan, pursuant to the application and design requirements of this Ordinance. All of the required information shall also be submitted twenty-one (21) days prior to the meeting date to which the applicant requests consideration by the Marion Township Zoning Administrator. The Zoning Administrator shall submit the private road site plan to the Livingston County Road Commission and Township Engineer for review and comment as necessary. The proposed road maintenance agreement and road easement agreement shall be sent to the Zoning Administrator who shall then forward to the Township Attorney for review and comment.
5. Application Review and Approval or Rejection
 - a. The reports of the Livingston County Road Commission, Township Attorney, Township Engineer, the application, and all supporting data shall be forwarded to and reviewed by the Planning Commission which shall make a recommendation to the Board of Trustees who shall be

responsible for granting final approval for the private road.

- b. If the private road application is approved, construction authorization will be issued by the Zoning Administrator. Following approval of a private road application no new private road construction permit(s) will be issued without an approved amendment to the site plan or the private road application, as the case may be, in compliance with the zoning ordinance in effect at the time the land use permit is requested. If the private road application is rejected, the reasons for the rejection as well as any requirements that must be met in order to obtain approval shall be given in writing to the applicant.
 - c. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road. The costs of inspection, including the compensation of the Marion Township Engineer or designated official shall be paid by the applicant prior to the issuance of the certificate of completion.
 - d. Private Road Certification. The Board of Trustees, by resolution, upon receipt of the Township Engineer's final inspection report, will certify the private road in question as conforming to the standards of Marion Township, and accepted as an approved private road.
6. Variances to private road requirements will be handled by the Zoning Board of Appeals as outlined in Article V of this ordinance.
 7. Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission or the design requirements set forth in the current Livingston County Road Commission Plat & Street Development Specifications.

K. Inspection

1. Inspection will be made periodically throughout construction on the maintenance and effectiveness of soil erosion control methods by designated consultants or personnel from Marion Township and Livingston County.
2. If inspection reveals that the controls are not being implemented, a cease and desist order on all site construction may be issued.

Section 13.03 Planned Unit Developments of the Zoning Ordinance is hereby amended to read as follows:

ARTICLE XIII: PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (Approved by BOT on 2/12/2026)

Section 13.03 Planned Unit Development (PUD) Design Standards

L. Private Roads in a Planned Unit Development:

1. Multiple-family Site Condominiums shall have direct access to the following Livingston County public paved roads or paved portions in the Urban Residential and Suburban Residential zoning districts;
 - a. Howell Pinckney Road, D19
 - b. Howell Mason Road
 - c. State Road M-155

Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development, which shall be designed to minimize congestion and interference with normal traffic flow.

2. All developments for multiple-family PUDs shall have a secondary entrance for emergency vehicle access to the development if the primary entrance to the development is blocked. The secondary entrance shall be either a private road to a Livingston County public road or a gated emergency access private road constructed to Marion Township construction specifications and approved by the Howell Area Fire Marshall. This gated emergency access private road may access either a private road of another development or a Livingston County public road. It is the responsibility of the development's HOA per the Master Deed, Development Agreement and HOA by-laws to maintain the gated emergency access private road and keep the access clear of snow, trees, and all other vegetation.
3. The Planning Commission may recommend modification of the requirements found in Section 6.20, provided the applicant can demonstrate that the project's proposed internal road system provides adequate public safety measures for the residents. For PUDs with only one (1) means of ingress, such private road ingress and egress shall be developed as a boulevard from the public road to the first internal private road intersection within the development. Said boulevard entrance shall contain one (1) ingress drive and one (1) egress drive, each containing a minimum twenty-four (24) feet wide pavement area measured from the front of the curb to front of curb with a landscaped island between said

ingress and egress drives measuring not less than thirty (30) feet in width. Also, a private road shall meet the paved road construction specifications of the Marion Township ordinance, Section 6.20 Private Roads, for the actual roadway, including curb and gutter. The Planning Commission may modify the width of a private road easement to a minimum of sixty-six (66) feet providing the project met the application qualifying criteria found under Section 13.02 C 8 of the Ordinance.

Section 16.04 Planning Commission Action of the Zoning Ordinance is hereby amended to read as follows:

After review of the application for the special land use, required county, state, or federal permits pursuant to the requirements of Section 6.16.B.2, and the public hearing, the Planning Commission shall recommend approval, denial, or approval with conditions to the Board of Trustees. The Planning Commission recommendation shall be incorporated in a statement of conclusions relative to the special land use under consideration, and shall specify the basis for the recommendation and any conditions. The Board of Trustees shall consider the application at their next regular meeting or if requested by the applicant, the Board of Trustees may schedule a special meeting.

Section 17.21 Multiple-Family Site Condominium of the Zoning Ordinance is hereby amended to read as follows:

- A. Locational Requirements: Multiple-family Site Condominium dwellings are permitted by special use permit in the Urban Residential and Suburban Residential.
- B. Site Area Requirements: All Multiple-family dwelling units shall be permitted at a density no greater than ten (10) units per acre.
- C. Buffering Requirements: Any multiple-family development adjoining any single-family residential district or any developed non-residential district shall be provided with a buffer zone planted pursuant to the requirements of Section 6.13.C.
- D. Performance Standards:
 - 1. All developments for multiple-family Site Condominium dwellings shall have direct access to the following Livingston County public paved roads in the Urban Residential, Suburban Residential, and Highway Service Districts:
 - a. Howell Pinckney Road, D19
 - b. Howell Mason Road
 - c. State Road M-155Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development, which shall be designed to minimize congestion and interference with normal traffic flow.
 - 2. All streets in the development shall be constructed in accordance with Private Roads, Article VI, Section 6.20.

3. All driveways and parking areas in the development shall be constructed and maintained with an all-weather road surface consisting of either asphalt or concrete. Driveways shall have a minimum paved width of ten (10) feet.
4. All dwelling units shall have principal access no more than one hundred fifty (150) feet from either an access drive or a public street and the required off-street parking area.
5. The distance between any two (2) residential structures that occupy the same site shall not be less than thirty (30) feet, if both of the walls facing each other contain windows or other openings, and not less than twenty (20) feet for all other situations; provided, however, a greater separation may be required where any structure exceeds thirty (30) feet in height and the location of such structure will tend to obstruct light to adjacent residential structures.
6. Maximum site coverage is thirty (30) percent. For purposes of this section, site area shall include the property boundaries of the development site excluding rights-of-way or dedicated access easements.
7. All developments shall be served with public sewer and water facilities.
8. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage.
9. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.
10. All off-street, community parking areas shall be adequately lit during hours of darkness.
11. All developments shall provide for underground installation of all utilities including electrical, natural gas, communication, and cable.
12. Only non-residential land and/or building uses shall be permitted:
 - a. One (1) office space for conducting the business of the development.
 - b. Utility areas for laundry facilities and auxiliary storage for tenants.
 - c. Recreation area such as community buildings, playgrounds, swimming pools, and open space for tenants.
13. Where firefighting capability is documented and confirmed to be adequate to permit a structure taller than thirty-five (35) feet, the Planning Commission may so permit the greater height, provided the setback of the structure from any site line is not less than the height of the structure and no other nuisance would befall abutting properties because of the greater height.
14. All developments for multiple-family Site Condominium shall have a secondary entrance for emergency vehicle access to the development if the primary entrance to the development is blocked. The secondary entrance shall be either a private road to a Livingston County public road or a gated emergency access private road constructed to Marion Township construction specifications and approved by the Howell Area Fire Marshall. The emergency secondary entrance location and construction shall meet the requirements of the current International Fire Code adopted by the Board of Trustees. This gated emergency access private road may access either a private road of another development or a Livingston County public road. It is the responsibility of the development's HOA per the Master Deed, Development Agreement and HOA by-laws to

maintain the gated emergency access private road and keep the access clear of snow, trees, and all other vegetation.

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