

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – August 26, 2025
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:

MEMBERS' PRESENT:

CALL TO PUBLIC:

APPROVAL OF AGENDA: *August 26, 2025 Regular Meeting*

APPROVAL OF MINUTES FOR: *July 22, 2025 Regular Meeting*

OLD BUSINESS:

1. Review of Proposed Ordinance Changes
 - a. 6.20 Private Road Rewrite
 - b. PUD Rewrite
 - c. 6.18 Condominium Projects
 - d. 17.21 Rewrite
 - e. Proposed elimination of 6.17
 - f. Traffic Study Requirements

NEW BUSINESS:

1. Discussion of Lot Line definitions
2. Wellhead Protection Discussion

CALL TO PUBLIC:

ADJOURNMENT:

Marion Township Public Participation Policy at Township Planning Commission Meetings

The Public shall be given an opportunity to be heard at every Township Planning Commission Meeting following the adoption of this Policy.

The Planning Commission Chairperson is the moderator of the meeting. In the absence of the Chairperson, the Planning Commission VICE-Chairperson shall be the moderator of the meeting.

The Public attending the meeting either in-person or on-line may speak during the "Call to the Public" part of the meeting agenda. To preserve order, those attending in-person will speak first. When all in-person attendees have been heard, the moderator will ask if any on-line attendee wishes to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

All comments shall be addressed to the Township Planning Commission members. The "Call to the Public" is for attendees to provide information or opinions to the Township Planning Commission and is not intended to be a dialogue. Anyone needing a response should contact officials or staff during normal office hours.

The Public attending the meeting either in-person or on-line will be allowed to ask questions and make comments about NEW and UNFINISHED agenda items. These questions and comments must be made during the discussion of that agenda item. Anyone that would like to speak will raise their hand indicating their desire to speak.

When recognized by the moderator, in-person attendees shall come to the podium. The moderator will request that they give their name and address before they begin their comments. When all in-person attendees have finished speaking, the moderator will ask if anyone attending the meeting on-line wishes to speak about the NEW or UNFINISHED agenda item. On-line attendees may unmute themselves and when recognized by the moderator may speak. On-line attendees will also be asked for their name and address.

The moderator can close the questions and comments session about a NEW and UNFINISHED agenda item at his/her discretion.

To preserve efficiency, at any time during the meeting, each speaker, whether in-person or online will be limited to THREE MINUTES.

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
JULY 22, 2025 / 7:30PM**

Date: _____

PC MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
JIM ANDERSON – *VICE-CHAIRPERSON*
CHERYL RANGE – *SECRETARY*

PC MEMBERS ABSENT: BRUCE POWELSON
BILL FENTON

OTHERS PRESENT: SCOTT RICHARDSON – *MARION TWP. ZONING ADMINISTRATOR*
ZACH MICHELS – *TOWNSHIP PLANNER*

CALL TO ORDER:

Larry Grunn called the meeting to order at 7:30 pm.

CALL TO PUBLIC:

No comment made by the public.

APPROVAL OF JULY 22, 2025 AGENDA:

Jim Anderson made a motion to approve the July 22, 2025 agenda as presented. Cheryl Range seconded. **3-0 MOTION CARRIED**

APPROVAL OF JUNE 24, 2025 MINUTES:

Cheryl Range made a motion to approve the June 24, 2025 Planning Commission minutes as presented. Cheryl Range seconded.
3-0 MOTION CARRIED

NEW BUSINESS:

1) REVIEW OF LIST SUGGESTED ITEMS REGARDING LAND-USE MORATORIUM

Scott Richardson explained that he met with John Gormley, the Township's Attorney and put together a list of items that need to be addressed regarding the land-use moratorium.

Larry Grunn and Jim Anderson were under the impression that the list of changes should already be completed and available for the Commissioners to review.

Commissioners and Richardson discussed a way to move forward, so everyone is on the same page regarding the Zoning Ordinance changes.

The Commissioners agreed on the following changes to the Zoning Ordinance:

- 1) For Special Use Permits we should follow the flowchart on the planning and zoning page of the website. Add text description of the process to the current ordinance; Possibly in section 16.02 and reference the addition in the site plan section of the ordinance.
- 2) The Development Standards need to be put back in the Zoning ordinance. The Standards can also be listed on a separate document, to keep things organized for the applicant, Township engineers and Township staff.
(Get feedback from John Gormley on this change first.)
 - A) The traffic study requirement should also be listed in the Zoning Ordinance and we should specify who is paying for that. (Zach Michels is going to bring some language examples regarding traffic studies.)
 - B) Under section 13.02 - paragraph C, make the traffic study requirement part of the approval criteria.

DRAFT

- 3) The Township's Private Road Standards should also be in the Zoning Ordinance.
- 4) Requiring approval from the State Fire Marshall for site plan reviews, should be removed from the Zoning Ordinance.
- 5) Require a boulevard in both types of developments: Condominiums and planned unit developments. (Get John Gormley's opinion on this change.)
- 6) The title "*Livingston County Road Standards*" needs to be consistent throughout our Zoning Ordinance. The actual title for these standards should be the same title referenced on our ordinance. Zach Michels said it listed in four difference spots throughout the Zoning Ordinance.

Jim Anderson asked to review the items from the Board of Trustees to make sure that we are addressing them all in these changes.

CORRESPONDENCE/UPDATES:

None.

CALL TO PUBLIC:

Les Andersen resides at 4500 Jewell Road. Les Andersen wanted to ensure that the Township Zoning Administrator and the Township Assessor have good communications skills so that all departments have the same information about what is going on within the community.

ADJOURNMENT:

Jim Anderson made a motion to adjourn the Planning Commission meeting at 9:20pm. Cheryl Range seconded.

3-0 MOTION CARRIED

MINUTES TAKEN BY: Jessica S. Timberlake

Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

A. General Private Road Requirements

1. All new public roads shall meet the requirements set forth currently in the Livingston County Road Commission's June 27, 2024 Procedures and Regulations for Developing Public Road. and the Marion Township Zoning Ordinance.
2. Deviations from the standards for pre-existing, non-conforming private roads may be allowed by the Township Board based on the recommendations of the Township Engineer.
3. All facets of the intersection of two or more roads, public or private, where at least one (1) of the roads is a public road, shall meet the then current requirements of the Livingston County Road Commission outlined in the June 27, 2024 Procedures and Regulations for Developing Public Road.
4. The type of surface proposed for roadways, parking areas, driveways, sidewalks, pathways, loading zones, and dumpster pads shall be shown on the plans and shall be in accordance with the requirements outlined herein.
5. All applicable pavement and/or gravel cross-sections shall be included on the plans for roadways, parking areas, driveways, sidewalks, pathways, and dumpster pads. Curb and gutter cross- sections shall be included on the plans, if applicable.
6. Private roads shall be limited to serving no more than thirty (30) single-family dwelling units on a single access and seventy-five (75) with more than one point of access.
7. Any dwelling unit whose only means of ingress or egress is via the private road shall be considered in the number of dwelling units allowed.
8. If private roads are 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 roadway surface, gravel or pavement.
9. Private roads with only one connection to a county road, state highway, or another approved private road shall not be longer than two thousand (2000) feet.
10. Dead end roads shall terminate with a cul-de-sac, unless site conditions necessitate the use of another configuration. The Township must approve any alternate configuration.
11. All cul-de-sacs or turnarounds 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.

12. 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)
13. Not more than four (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.

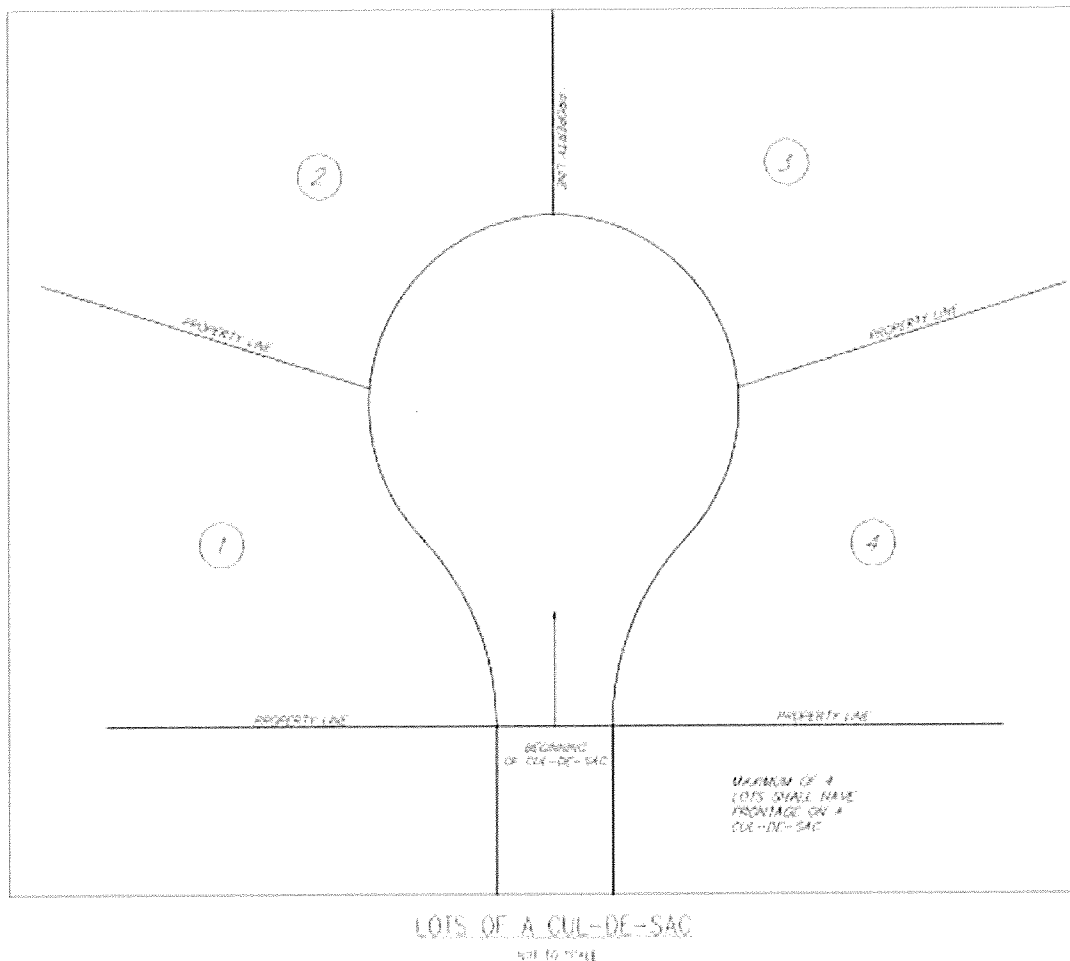


Figure 6.20.1

B. PRE-EXISTING, NON-CONFORMING OR NEW PRIVATE ROADS SERVING 2-5 DWELLING UNITS

1. Any road serving between 2 and 5 dwelling units shall be considered a private road and shall be referred to as a Minor Private Road.
2. Minor Private Roads should conform to the following criteria, unless exception are permitted by the Township Board. Additional requirements are set forth in Marion Township General Ordinance for Private Roads No. 07-03.
3. Requirements for Minor Private Roads will be on a case-by-case basis. The

requirements set forth herein are general guidelines to ensure public health, safety and welfare, and may be adjusted by the Township as necessary based on site conditions.

4. 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.
5. Right-of-way or easements should have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.
6. Roadway width should be sixteen (16) feet whether paved or gravel. A one (1) foot grass shoulder should be provided on both sides of the road.
7. Roadway cross section should conform to the following:
 - a. Gravel road:
 - i. Six (6) inches MDOT 22A aggregate placed in two (2) courses.
 - b. Paved road:
 - i. Four (4) inches bituminous surface placed in two (2) courses. No course or
 - ii. lift shall exceed 2" in depth.
 - iii. Eight (8) inches of aggregate base, MDOT 21AA Limestone.
 - iv. All roadways should be sufficiently crowned for drainage.
 - v. Vertical alignment should conform to the following guidelines:
 - vi. Site distances at all intersections (public roads or private roads) should be verified and shall meet the requirements of the Livingston County Road Commission.
 - vii. Roadway grades should be minimized and provide safe emergency vehicle access.
 - viii. 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.

C. PRE-EXISTING, NON-CONFORMING PRIVATE ROADS SERVING MORE THAN 5 DWELLING UNITS

1. Pre-existing, non-conforming private roads should conform to the following criteria, unless exceptions are permitted by the Township Board. Additional requirements are set forth in Marion Township General Ordinance for Private

Roads No. 07-03.

2. Requirements for pre-existing, non-conforming private roads will be on a case-by-case basis. The requirements set forth herein are general guidelines to ensure public health, safety and welfare, and may be adjusted by the township as necessary based on site conditions.
3. 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 do not need to be to scale. Aerial information is available at the Livingston County GIS Management Department, 304 E. Grand River Ave., Suite 101, Howell, MI48843.
 - 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.
4. Right-of-way or easements should have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems. 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.
5. Roadway width should meet the following requirements:
 - a. Gravel road:
 - i. Twenty-two (22) feet edge of gravel to edge of gravel.
 - b. Paved road:
 - i. Shoulder (with or without ditch): twenty-two (22) feet edge of pavement to edge of pavement, with a one (1) foot wide gravel shoulder on either side of pavement edge.
 - ii. Curb and gutter: a minimum of twenty-five (25) feet back of curb to back of curb, with a minimum lane width of eleven (11) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.
6. Roadway cross sections should generally conform to the following:
 - a. Existing or 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.

- b. Gravel road:
 - i. Six (6) inches MDOT 22A aggregate placed in two (2) courses.
 - ii. Six (6) inch sand sub-base, meeting MDOT Class II requirements.
- c. Paved road:
 - i. Four (4) inches bituminous surface placed in two (2) courses. No course or lift all exceed 2" in depth.
 - ii. Eight (8) inches of aggregate base, MDOT 21AA Limestone.
 - iii. Shoulder sections shall match the section for the road.

7. Vertical alignment should generally conform to the following guidelines:

- a. Site distances at all intersections (public roads or private roads) should be verified and shall meet the requirements of the Livingston County Road Commission.
- b. The roadway grade within one hundred (100) feet of an intersection should generally not exceed a slope of three (3) percent regardless of surface type.
- c. Gravel Surface:
 - i. Minimum: one(1) percent.
 - ii. Maximum: five (5) percent.
- d. Paved road:
 - i. Minimum: 0.5 percent.
 - ii. Maximum: six (6) percent.

8. All roadways, regardless of surface type, should have a sufficient crown to adequately drain runoff from the roadway.

9. Drainage should conform to the following requirements:

- a. 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 runoff. Generally, a 10- year storm event shall be used to determine runoff.
- b. All paved roads with curb and gutter shall have an enclosed storm sewer system, unless otherwise approved by the Township.
- c. Drainage ditches and swales shall meet the following:
 - i. Minimum flat bottom depth of one (1) foot, measured from shoulder hinge point.

- ii. Longitudinal slope shall generally follow the slope of the road. The slope design shall minimize soil erosion. Slopes shall generally, be between one (1) percent and five (5) percent. Maximum front slope is 1:3, and the maximum back slope is 1:2.
 - d. Culverts should be sized for a 10-year storm elevation and their invert set at the ditch flowline. Culverts shall be clean and free of debris.
- 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.
- 11. Any pre-existing, non-conforming road that serve multi-family residential, commercial, or industrial uses shall meet the requirements for a new road according to the Township Engineering Standards. Any changes in the development will require the road be improved to meet the standards for a new road in its entirety.

D. NEW PUBLIC AND PRIVATE ROADS

- 4. New roads, whether public or private, shall meet the following criteria. Additional requirements are set forth in Article VI: General Provisions, Section 6.20 New Private Roads of the Township Zoning ordinance.
- 5. All roadways that are to be public shall meet the requirements of the Livingston Country Road Commission. Approval and acceptance of the roads shall be granted by the Livingston County Road Commission.
- 6. All roadways that are to be private shall meet the requirements of the Livingston County Road Commission, 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.
- 7. 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. Minimum road right-of-way or easement width shall meet the following:
 - i. All residential (single or multi-family) shall be sixty-six feet (66').
 - ii. Commercial, industrial and all other uses shall be eighty feet(80').
- 8. 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 either side 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. Commercial streets shall be a minimum of twenty-nine feet (29') back of curb to back of curb. Minimum lane width shall be twelve feet (12'). A 2-½ foot wide curb and gutter is required.
- iv. Industrial roads shall be a minimum of thirty-five feet (35') back of curb to back of curb. Minimum lane width shall be fifteen feet (15'). A 2-½ foot wide curb and gutter is required.
- v. In areas where on-street parking is allowed, the minimum width of the road shall be increased by 8'. Including the gutter pan in the width extension for parking is not permitted.
- vi. Roadway recovery areas, (clear zones) shall be a minimum of 7' for straight- line sections and inside diameter curves. A minimum of 15' 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.

9. 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:
10. 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. Commercial streets 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 streets 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. The trench must be filled with pea stone to the level of the base material, and the entire trench wrapped with geotextile fabric.
- 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. Only one drive approach is allowed per single-family dwelling unit. Driveways beyond the right-of-way shall generally not exceed 12% slope without significant topographical limitations.
- i. 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.
- j. Pavement sections for commercial or industrial driveways shall meet the following:
 - i. Gravel drives will not be permitted.
 - ii. Asphalt – four (4) inches of bituminous surface over eight (8) inches of MDOT 21AA limestone. For development with

significant truck traffic, asphalt approaches will not be permitted.

- iii. Concrete – eight (8) inches of concrete over four (4) inches of MDOT Class II.

- 11. 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. The design speed shall be thirty-five (35) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
- 12.
 - i. Minimum center-line radius for a horizontal curve shall be 230 feet.
 - ii. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.
 - iii. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 - iv. Intersection radii shall be a minimum of thirty-five (35) feet for residential streets and a minimum of forty-five (45) feet for commercial and industrial streets.
 - v. 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.
 - vi. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 - vii. 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.
 - viii. Commercial and industrial drive approaches shall have a minimum forty-five (45) foot radius.
 - ix. Drive approaches shall be contained within the property lines, including radii and any acceleration/deceleration tapers, if required.
 - x. Drive approaches shall be a minimum of 125' from any intersection, measured from the centerline of the drive approach to centerline of the road.
- b. 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 thirty-five (35) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.

- i. 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.
 - ii. 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%.
 - iii. 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 100'.
 - iv. Road grades within 100' of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.
- c. 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.
 - i. All paved roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 - ii. 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.
 - iii. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%.
 - iv. 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.
- d. 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. Access Controls

1. Curb Cuts and Driveways:

See Marion Township Ordinance Article VI, Section 6.19

2. Parking Lot Requirements

- a. A striping and traffic control plan for parking areas shall be included. The location of all traffic control, regulatory, street, and subdivision

signs shall be shown on the plans.

- b. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.
- c. Concrete curb and gutter shall be provided for the perimeter of the parking area and for all island areas within the parking area.
- d. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.
- e. Private Developments
 - i. Loading zones and dumpster pads: 8" concrete on 6" 21 AA limestone aggregate.
 - ii. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.

3. Pathways and sidewalks

- a. See Marion Township Ordinance Article VI, Section 6.25.
- b. Sidewalks shall be located in the right of way and one (1) foot from the ultimate right-of-way line.
- c. The sidewalk will be five (5) feet wide constructed of four (4) inches of concrete on compacted well-draining subgrade. The walk must be continued through driveway sections where it will be increased in thickness to eight (8) inches on major thoroughfares and collector roads and six (6) inches in all other instances. Curbs must be tapered to meet the walk.
- d. Proposed grades must be shown along the property line, driveways, and intermittent locations along the length of the walk.
- e. Any structures, hydrants, poles, etc., which are existing along the alignment of the walk, must be adjusted or relocated at the expense and coordination of the developer.
- f. All sidewalk construction will be according to public Act No. 8, 1973, the new MDOT standards for ADA ramps with detectable warning domes.

4. SOIL EROSION AND SEDIMENT CONTROL

- a. All proposed erosion control measures and sequence of soil erosion control measures shall be shown on the plans.
- b. Erosion control shall conform to Livingston County standard details, with a detail of each measure used shown on the plans.
- c. The smallest practical area of land should be exposed at any one time during

development. "Practical area" shall be defined as the area in which temporary or permanent restoration can and will be performed within a reasonable period of time, as defined by the Township.

- a. When land is exposed during development, the exposure should be kept to the shortest possible period of time, as deemed by the Township.
- d. 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.
- e. 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.
- f. Sediment basins prior to discharge into any wetland, stream, pond, etc., require 1 x 3 stone outlet filter at all low points/discharge points properly toed into silt fence.
- g. Permanent vegetation and structures/basins should be installed as soon as practical during development. This should be included in the Soil Erosion Control Sequence noted above.
- h. Wherever feasible, natural vegetation should be retained and protected.
- i. The development plan should be best fitted to the topography and soil so as to create the least erosion potential. The best earth balance may not be the best fit with respect to topography and natural vegetation.
- j. All new or existing (disrupted ditches) shall be sodded.
- a. Seed and mulch are not permitted on slopes greater than 1:4. "Excelsior" Mulch blanket, sod pegged per Township specifications, or approved equal will be required on such slopes.
- k. Erosion protection shall be provided in the public roadway for all drainage structures receiving road runoff to the low point.
- l. The developer shall clean all structures impacted during construction along with any other erosion control items prior to occupancy.

5. Sites Requiring Permits

- a. A permit is required for all earth moving activities as follows:
 - i. All projects that disturb one (1) or more acres.
 - ii. All projects that occur within 500 feet of surface water and disturb more than 225 square feet.

- iii. Construction of new ponds or alterations to existing ponds.
- iv. All major projects as defined by Livingston County.

6. Intent of Permit

- a. The intent of this requirement is to ensure that no silt or sediment enters the public stream or watercourses. This is accomplished through means of sediment basins, filters, diversions, etc.

7. Plans Required

- a. 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.
- b. Accelerated erosion and sedimentation must be prevented during all phases of construction including:
 - i. Initial site clearing.
 - ii. Utility construction.
 - iii. Building construction.
 - iv. Site paving.
 - v. Final site approval.

8. Inspection

- a. 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.
- b. If inspection reveals that the controls are not being implemented, a cease and desist order on all site construction may be issued.

D. Permit Application

- 1. **Requirements.** The application and plans for a private road shall include the following information:
 - a. Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property. If applicable, the names and addresses of all the lot or parcel owners served or to be served by the private road shall also be provided.
 - b. 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.

- c. 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 storm water outlet.
- d. 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.
- e. Soil borings within the proposed route of the road. Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
- f. 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.
- g. Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
- h. Document from Marion Township assessor verifying two or more land divisions are available.
- i. 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 amendment.
 - 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 Township Board 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.

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.

- j. A complete statement of all the terms and conditions of the proposed road easement and road maintenance agreement, which shall also provide for:
 - i. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.
 - ii. 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.
- k. Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.
- l. 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.

E. Dedication of Rights-of-Way or Easements:

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.

F. Connection to County Roads:

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 Township Board, 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.

- G. Application Procedure:** 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.

H. Application Review and Approval or Rejection

1. 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 Township Board who shall be responsible for granting final approval for the private road.
2. 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.
3. 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.

I. Variances: The Zoning Board of Appeals shall not grant a variance from road design requirements found in the Livingston County Road Commission's June 27, 2024 Procedures and Regulations for Developing Public Road until the Planning Commission has provided a recommendation on the variance being requested based upon the nine (9) criteria listed below. The Planning Commission and Zoning Board of Appeals shall consider the following criteria prior to making their recommendation and decision, respectively.

1. The completed traffic impact study and anticipated traffic flows will not overburden the proposed roadway design and the adjoining Livingston County public road system.
2. Unusual topographic conditions constrain roadway design.
3. Roadway design will preserve natural features on the site.
4. Stub road connections do not exist nor are such connections feasible.
5. The Planning Commission shall make reference to the specific criteria met in their recommendation to the Zoning Board of Appeals.
6. That a variance or exemption is required in order to comply with conflicting County or State laws, rules, or regulations.

7. That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. This may include topographic, vegetative, or drainage conditions.
 8. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 9. That such variance or exemption will not be contrary to the intent and purpose of this Ordinance, the Master Plan, or the Zoning Ordinance.
- J. Failure to Perform:** 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. Issuance of Land Use Permit for Structures on Private Roads:** No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board. Should the applicant desire to obtain a land use permit prior to final completion and Board approval of the approved private road, as a condition to the granting of any permit under this Ordinance, the Township Board may require that the applicant deposit with the Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the application of a final course of asphalt and payment of any required fees. Upon completion of all road improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant. Regardless of the amount of money deposited with the Township, the actual cost to complete all of the road improvements remains the responsibility of the proprietor or its surety agent.
- L. Posting of Private Roads:** 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 road intersects 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 in terms of color 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 property owner's association or developer.
- M. Notice of Easements:** 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:

"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.)"

- N. Fees:** The Marion Township Board 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.

ARTICLE XIII: PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Section 13.03 Planned Unit Development Design Standards

L. Private Roads in a Planned Unit Development:

1. All developments for multiple-family Site Condominium and Plan Urban 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. Norton Road
- d. County Farm Road
- e. Peavey Road

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 Plan Urban developments 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 City Fire Marshall. This gated emergency access private road may access either a private road of another development or a Livingston County public road.
3. The Planning Commission may modify the requirements found in Section 6.20, provided the applicant can demonstrate that the projects proposed internal road system provides adequate public safety measures for the residents. For PUD developments 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) foot 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 Livingston County Road Commission 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 (60) feet providing the project met the application qualifying criteria found under Section 13.02 C 8 of the Ordinance.

Zach Michls comments: Rationale is that those standards apply to all developments. It is not necessary to call it out here specifically.

In fact, it calls into question when it is not called out specifically like this for other developments.

Best practice would be to have introductory text like:

"In addition to all other applicable standards of this ordinance and other applicable ordinances and laws, the following specific standards shall apply to this use."

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 Comprehensive 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 roads in the Urban Residential, Suburban Residential, and Highway Service Districts;
 - a. Howell Pinckney Road, D19
 - b. Howell Mason Road
 - c. Norton Road
 - d. County Farm Road
 - e. Peavey Road
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.
4. All site plans and land uses shall comply with driveway and traffic safety standards of the Michigan Department of Transportation and the Livingston County Road Commission.
5. All developments for multiple-family Site Condominium and Plan Urban dwellings 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 City Fire Marshall. This gated emergency access private road may access either a private road of another development or a Livingston County public road.

6. A complete Traffic Impact Study shall be completed prior to final site plan and special use permit approval. See Marion Township Ordinance Article VI, 6.XX.

B. 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 Services District or Partial Services District, as delineated in the Marion Township Comprehensive Plan, must be serviced by a municipal sewerage treatment and water supply if the infrastructure is present and abuts the property in question.

C. 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 above the predevelopment runoff impact.
2. All development shall conform to the soil erosion and sedimentation requirements of Livingston County and the State of Michigan. 10-75
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. All requirements set forth in the Marion Township Storm Water Management General Ordinance shall be met. For systems proposed to be privately maintained, a longterm private storm water management system maintenance plan and agreement shall be submitted to the township for approval. A maintenance agreement shall be signed by the Owner or Operator and shall be included as an obligation in the Master Deed, Easement documents, or in another recordable form and recorded with the Livingston County Register of Deeds. For systems that are proposed to have a drainage district (i.e., publicly maintained drainage system), evidence of a recorded agreement with the Drain Commissioner shall be submitted to the township.

Section 6.18 Condominium Projects

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

- A. Prior to the recording of a master deed and exhibits for a new condominium project, the developer shall submit the master deed and exhibits for review and recommended approval by the Planning Commission with final approval being granted by the Township Board according to the requirements of Article XVIII: Site Plan Requirements. Prior to the recording of a master deed and exhibits for the conversion or expansion of an existing condominium project, the developer shall submit the master deed and exhibits for review and recommended approval by the Planning Commission with final approval being granted by the Township Board according to the requirements of Article XVIII: Site Plan Requirements. Further, these submittals shall be reviewed for approval by the Township Attorney, Township Engineer and Township Planner to verify compliance with local Ordinances and state law.

Prior to the issuance of a certificate of zoning compliance, the condominium 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 on a mylar sheet of at least thirteen (13) inches by sixteen (16) inches.

- A. All principal buildings and/or accessory 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 Marion Township Subdivision Control Ordinance, except that private roads shall be permitted.
- B. A condominium project shall comply with the provisions in Sections 6.17 A, 6.17.B. and 6.17.C. pertaining to roadway network, potable water and sewage disposal and storm water management, respectively (Remove if we delete 6.17 from Zoning Ordinance).
- C. The condominium project shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/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 and storm water runoff across, through and 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.
- D. All condominium projects which consist in whole or in part of condominium units that are building envelopes shall be marked with monuments as provided below:

1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
 2. All monuments used shall be made of solid iron or steel bars at least one-half ($\frac{1}{2}$) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
 4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and referenced to the true point.
 5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
 6. All required monuments should be placed flush with the ground where practicable.
 7. All building envelope corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half ($\frac{1}{2}$) inch in diameter or other approved markers. 10-77
 8. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on condition that the proprietor deposits with the Township Clerk cash, a certified check or irrevocable bank letter of credit, whichever the proprietor selects, naming the municipality, in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.
- E. All private roads within a condominium project shall be constructed to the standards of Section 6.20 of this Ordinance.

1. No lots or units shall be permitted driveway access from a road that is not an interior private road of the plat, condominium or development.

F. The Planning Commission may require a landscaped, greenbelt buffer that shall consist of, but not be limited to, trees, shrubs, grasses and herbaceous vegetation, exclusive of noxious weeds, where the impact of a proposed development will have a negative impact on an existing, abutting parcel or parcels. If such a greenbelt is required, it shall be a twenty-five (25) foot wide landscaped greenbelt buffer established alongside and between the boundaries of the proposed development and any existing abutting parcels the Planning Commission determines could be negatively affected by the proposed development. A fifty (50) foot wide greenbelt shall be established adjacent to any public road right of way which is not located within the project. The area of the required greenbelt, which lies within the boundaries of a lot or unit, applies to the area calculation for that lot or unit. The required greenbelt areas shall be maintained perpetually in natural vegetation or landscaping, as provided above, to provide a visual buffer. The Planning Commission may modify this requirement at the end of stub streets and along phasing boundaries, provided that the intent of this Section is maintained.

Section 17.21 Multiple-Family Site Condominium and Plan Urban Developments

A. Locational Requirements: Multiple-family Site Condominium and Plan Urban dwellings are permitted by special use permit in the Urban Residential, Suburban Residential, and Highway Service Districts~~Urban Residential District.~~

~~in the Urban Residential District.~~

B. Site 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 nonresidential 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 and Plan Urban dwellings shall have direct access to ~~major~~

~~1. thoroughfare.~~ 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. Norton Road

d. County Farm Road

e. Peavey Road

~~2.~~ 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.

~~3.~~ All streets ~~and driveways~~ in the development shall be constructed ~~and~~

~~2. maintained with an all-weather road surface.~~ to the Livingston County Road Commission's June 27, 2024 Procedures and Regulations for Developing a Public Road. Also see Private Roads Serving Single Family, Multi-family and Commercial Developments, 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.~~ No dwelling unit shall have its principal access more than one hundred fifty (150) feet from either an access drive or a public street and the required off-street

~~4.~~ parking ~~a~~ area.

- ~~5.~~ The distance between any two (2) residential structures that occupy the same lot 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
- ~~5.~~ tend to obstruct light to adjacent residential structures.
- ~~6.~~ Maximum lot coverage for a multiple-family development shall cover no more
- ~~6.~~ than thirty (30) percent of the parcel.
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
- ~~9.~~ (2,000) square feet per four (4) dwelling units, whichever is greater.
10. All off-street parking areas shall be adequately lighted during hours of darkness.
- ~~11. All streets and roadways shall have a minimum pavement width of thirteen (13) feet for one-way streets, and twenty-four (24) feet for two-way streets. Driveways shall have a minimum paved width of ten (10) feet.~~
- ~~12.11.~~ All developments shall provide for underground installation of all utilities including electrical, natural gas, communication, and cable.
- ~~13.12.~~ Only the following 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.
 - c.
- ~~14.~~ Where ~~fire fighting~~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 lot line is not less than the height of the structure and no other nuisance would befall
- ~~13.~~ abutting properties because of the greater height.
14. All developments for multiple-family Site Condominium and Plan Urban dwellings 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 City Fire Marshall. This gated emergency access private road may access either a private road of another development or a Livingston County public road.

Lot Line Definitions for discussion

From definitions in Zoning Ordinance:

Lot Area, Gross: The area contained within the lot lines or property boundary including street right-of-way. (See Figure 3-6.)

Lot Area, Net: The area within the lot lines of a lot, exclusive of any public street rights-of-way abutting any side of the lot. (See Figure 3-6.)

Lot Line: The line(s) bounding a lot or parcel. (See Figure 3-7.)

1. **Front Lot Line:** The line separating the lot from any street right-of-way, private road or other access easement.
2. **Rear Lot Line:** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. **Side Lot Line:** Any lot line other than a front or rear lot line, which shall be at right angles to straight streets and radial to curved streets and cul-de-sacs on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.
4. In the case where the above definitions are not sufficient to designate lot lines, the Zoning Administrator shall designate the front, rear and side lot lines in consideration of the orientation of the building(s) on the lot, the address of the lot, the orientation of other building(s) along the road frontage, and natural features affecting site design.

The use of lot line in the highlighted sections provides a confusing definition of where a lot or parcel starts. There are parcels that include legal descriptions that extend to the center of the road. But following the guidance above results in confusion as to where the setbacks

are measured from. Many property owners have express frustration when meeting setback requirements. Figure 3-7 does little to help visualize the concepts presented above.

FIGURE 3-7

LOT LINES AND YARDS

