

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – October 28, 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: *October 28, 2025 Regular Meeting*

APPROVAL OF MINUTES FOR: *September 23, 2025 Regular Meeting*

OLD BUSINESS:

1. Review Updates to the Proposed Ordinance Changes
 - a. 6.20 Private Road Rewrite
 - b. PUD Rewrite
 - c. 6.18 Condominium Projects
 - d. 17.21 Rewrite
 - e. 6.17 and Traffic Study
 - f. 6.16, 16.04, and Flowchart Updates

NEW BUSINESS:

1. Discussion of 6.07.13 Cargo Containers
 - a. Should cargo containers be allowed if not used for storage?

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
SEPTEMBER 23, 2025 / 7:30PM**

*Approved by: _____

Larry Grunn – *Chairperson*

Date: _____

PC MEMBERS PRESENT: **LARRY GRUNN – CHAIRPERSON**
 JIM ANDERSON – VICE-CHAIRPERSON
 CHERYL RANGE – SECRETARY
 BRUCE POWELSON
 BOB HANVEY (SUPERVISOR REQUESTED)

PC MEMBERS ABSENT: **SCOTT LLOYD**

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 comments were made.

APPROVAL OF SEPTEMBER 23, 2025 AGENDA:

Bruce Powelson made a motion to approve the September 23, 2025 agenda as presented. Jim Anderson seconded. **4-0 MOTION CARRIED**

APPROVAL OF AUGUST 28, 2025 MINUTES:

Jim Anderson made a motion to approve the August 28, 2025 Planning Commission minutes as presented. Cheryl Range seconded. **4-0 MOTION CARRIED**

OLD BUSINESS:

1) REVIEW OF PROPOSED ORDINANCE CHANGES

A. 6.20 PRIVATE ROAD REWRITE

Jim Anderson made some updates to section 6.20 Private Roads in the Zoning Ordinance.

Scott Richardson said, Attorney John Gormley has not provided the Township with a review, but the document has been given to him.

Scott Richardson asked some questions about section 6.20: If someone is building 2-5 homes on a private road, is the Township going to require the private road to meet the Livingston County Road standards for public roads and Marion Township's private road standards? Jim Anderson said that private roads must meet Livingston County Road standards if there are more than five dwellings.

Jim Anderson reviewed some of the changes made to section 6.20 Private Roads:

- Get rid of section A #1
- Keep section C #1
- Add "commercial" and "private road" sections to section 6.20.

Scott Richardson explained that once these changes are made, a final draft will be given to Gormley and the Commissioners for review.

DRAFT

B. PUD REWRITE

Jim Anderson said Scott Lloyd suggested that only the roads that have water and sewer should be on the road list: D19, Mason Rd, Old M155 to Sanitorium. Norton Rd, Peavy Rd and County Farm Rd should be removed from the list. Commissioners discussed other changes to this section.

C. 6.18 CONDOMINIUM PROJECTS

Commissioners decided that Zach Mickels will re-write section 6.18 section A and E and will also create the "Mylar Sheet" for section A.

D. 17.21 REWRITE

- #4 in section 17.21 needs to be re-worded.
- #14 in section 17.21 needs to be changed to "Howell City Fire Marshall" along with the fire code.
- # 5 and 6 in section 17.21 need to be changed.
- Zach Michels is going to rewrite section 17.21 section E #6.

Jim Anderson agreed to make these changes and bring it back to the next Planning Commission meeting.

E. 6.17 AND TRAFFIC STUDY

Scott Richardson has reached out to Phil Westmoreland about traffic study requirements but has received no response. He will ask the Supervisor to try and reach out to him.

Bob Hanvey said throughout section 6.17 we should replace the words "Comprehensive Plan" with "Master Plan".

Commissioners decided that Zach Mickels will re-write section 6.17 section B #6 and section C.

Scott Richardson is still working on the Road list and will have it for the next meeting.

Cheryl Range made a motion to extend the meeting past 9:30pm. Jim Anderson seconded. **4-0 MOTION CARRIED**

NEW BUSINESS:

No new business to discuss.

CORRESPONDENCE/UPDATES:

Scott Richardson said there is a Renewable Energy workshop for those interested on 10/09/2025 @ 8:30am-5pm.

Cheryl Range said there is an MTA Meeting on 09/30/2025 @ 6:30pm at the Oceola Center.

CALL TO PUBLIC:

Catherine Dyer asked some questions regarding PUD developments.

Les Andersen made comments about primary roads, the Township Master Plan and potential Data Processing Centers.

ADJOURNMENT:

Larry Grunn made a motion to adjourn the Planning Commission meeting at 9:50pm. Jim Anderson seconded. **4-0 MOTION CARRIED**

Section 6.20 Private Roads

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.

1. Livingston County and Township: Private roads shall meet the requirements for roads in effect with the Livingston County Road Commission at the time of application, except where Township ordinance specify different standards and all Township ordinance.

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

1. Livingston County and Township: Private roads shall meet the requirements for roads in effect with the Livingston County Road Commission at the time of application, except where Township ordinance specify different standards and all Township ordinance.
2. Deviations: Deviations from the standards of this Section for pre-existing, legally nonconforming private roads may be allowed by the Township Board 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.

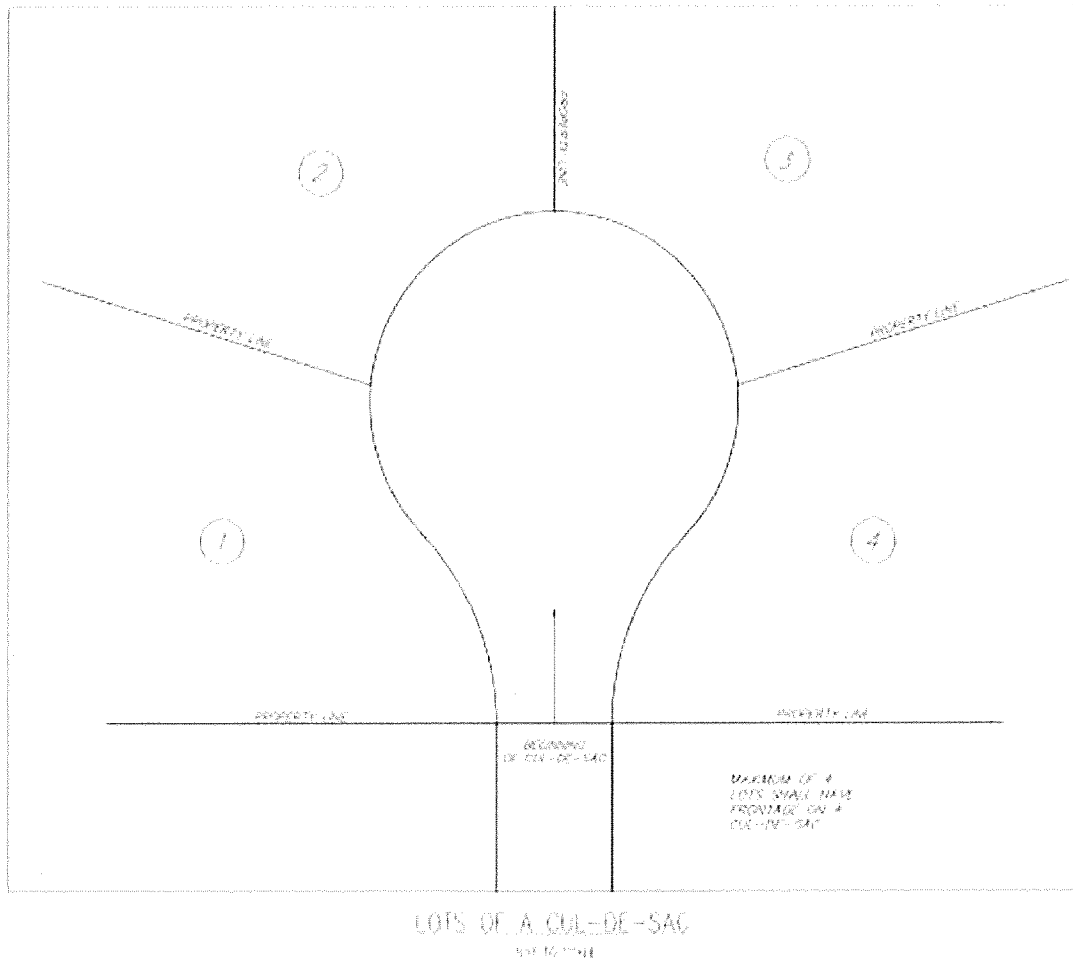


Figure 6.20.1

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 Township Board. 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 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 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 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.
18. Additional requirements for private roads are included in the Marion Township Development Standards, July 2020.

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 sixteen (16) 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 22A

limestone aggregate placed in two (2) courses.

- 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 (60) 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 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 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. 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.
 - iv. 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.
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 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. 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.
 - 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 thirty-five (35) 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 125' 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 thirty-five (35) 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 100'.
 - d. Road grades within 100' 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 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. 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. All commercial private roads shall be sixty-six feet (66').
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 8'. Including the gutter pan in the width extension for parking is not permitted.
 - c. 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.
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. 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 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 thirty-five (35) 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 125' 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 thirty-five (35) 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 100'.
 - d. Road grades within 100' 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 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:
 - a. Installation or changes of signage
 - b. Adding reflectors or rumble strips
 - c. Installation of speed bumps
 - d. 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:
 - a. Widening the road
 - b. Changing the alignment of the road
 - c. Addition of a new commercial or industrial facility
 - d. Addition of a new driveway for an existing commercial or industrial facility
 - e. 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 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.
 - 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 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.
 - 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 Township Board 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.
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.

ARTICLE XIII: PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Section 13.03 Planned Unit Development 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. 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 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 Area 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 project's 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.

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 for 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 Township Board 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 lots or units must have driveway access from a road that is an interior private road of the project. Driveway access for lots or 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 for perpetually 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.
 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 17.21 Multiple-Family Site Condominium and Planned Unit Developments

A. Locational Requirements: Multiple-family Site Condominium and Plan Unit Development 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 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. 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 streets in the development shall be constructed in accordance with 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. All dwelling units shall have its 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 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 tend to obstruct light to adjacent residential structures.

6. Maximum lot coverage is thirty (30) percent. For purposes of this section, lot 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 parking areas shall be adequately lighted 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 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.
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 lot 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 and Plan Unit 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 Area Fire Marshall. The emergency secondary entrance location and construction shall meet the requirements of the current International Fire Code adopted by the Marion Township Board of Trustees. This gated emergency access private road may access either a private road of another development or a Livingston County public road.

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 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) years 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 ITE 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 Partial Services District, as delineated in the Marion Township Master Plan, must be serviced by a municipal sewerage treatment and water supply if the infrastructure is present and 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 above the predevelopment runoff impact.
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.

Land Use Permit: A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk, setback, and density.

Special Land Use: A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance. Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

Special Use Permit: A permit issued by the Board of Trustees to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in Article XVII.

Section 16.04 Planning Commission Action

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 6.16 Environmental Performance Standards

A. **Site Plans, Special Land Uses, and Construction Activities:** All site plans, special land uses, and construction activities shall conform to the provisions of this Ordinance and the regulations and standards of the following:

1. Published surface water drainage standards of the Livingston County Drain Commission.
2. Applicable fire safety and emergency vehicle access requirements of the State Construction Code, State Fire Marshall and Local Fire Code.
3. Livingston County Soil Erosion and Sedimentation Ordinance.
4. Requirements of the Michigan Department of Public Health and the Livingston County District Health Department.
5. Livingston County Building Department.
6. Michigan Department of Environmental Quality requirements for air or water quality protection, wetlands, stream crossings, fills in or near water bodies or in floodplains, and for waste disposal.
7. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.

B. **Sensitive Lands:**

1. Where a portion of a parcel is characterized by wetlands, hydric soils, floodplains, or steep slopes (slopes with an 18 percent incline or greater), new development on the parcel shall occur on those buildable portions of the parcel void of such sensitive resources where reasonably feasible.

2. The Township shall not approve any land use that requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits.

3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

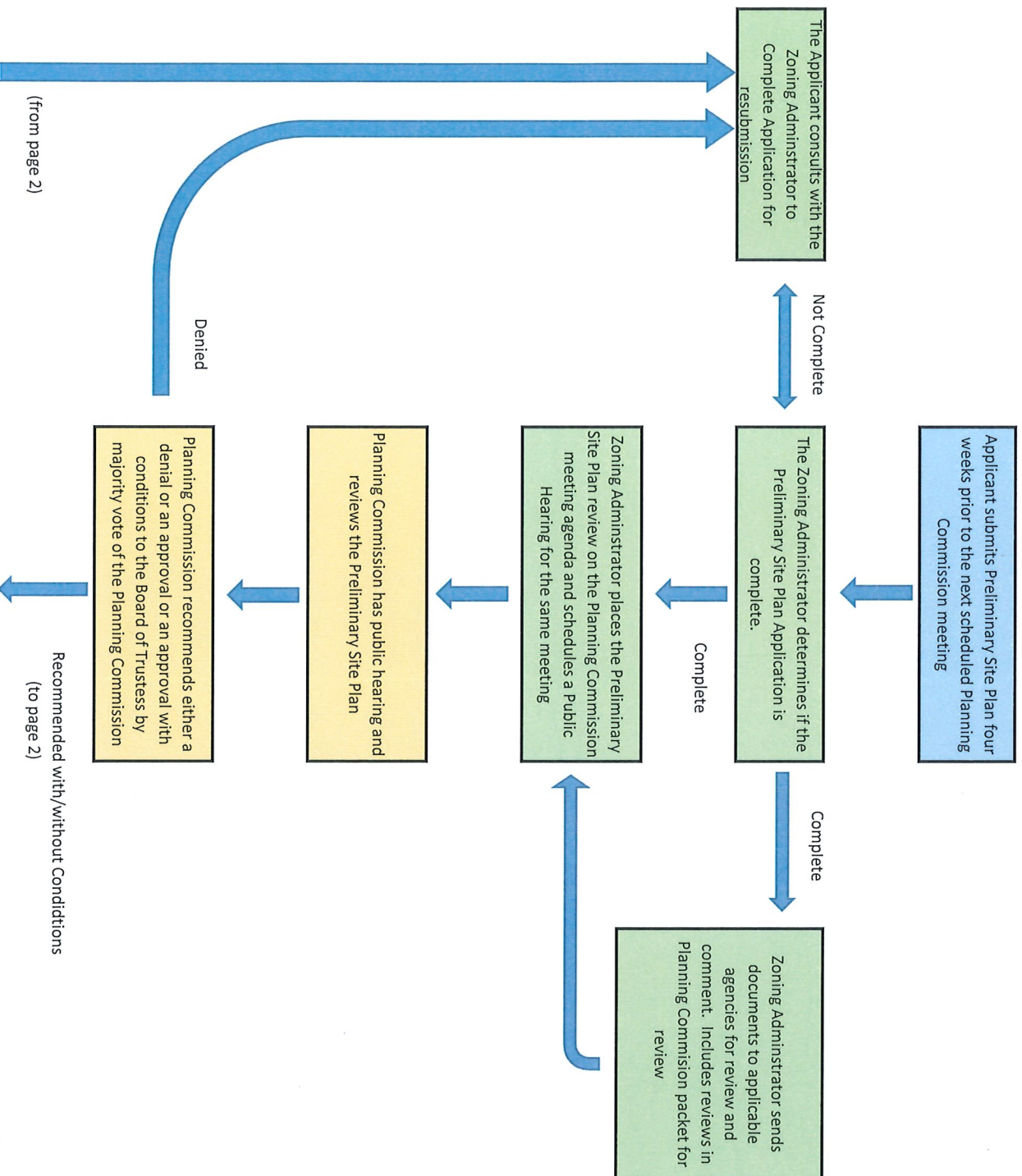
C. **Grading and Filling:** In order to protect adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

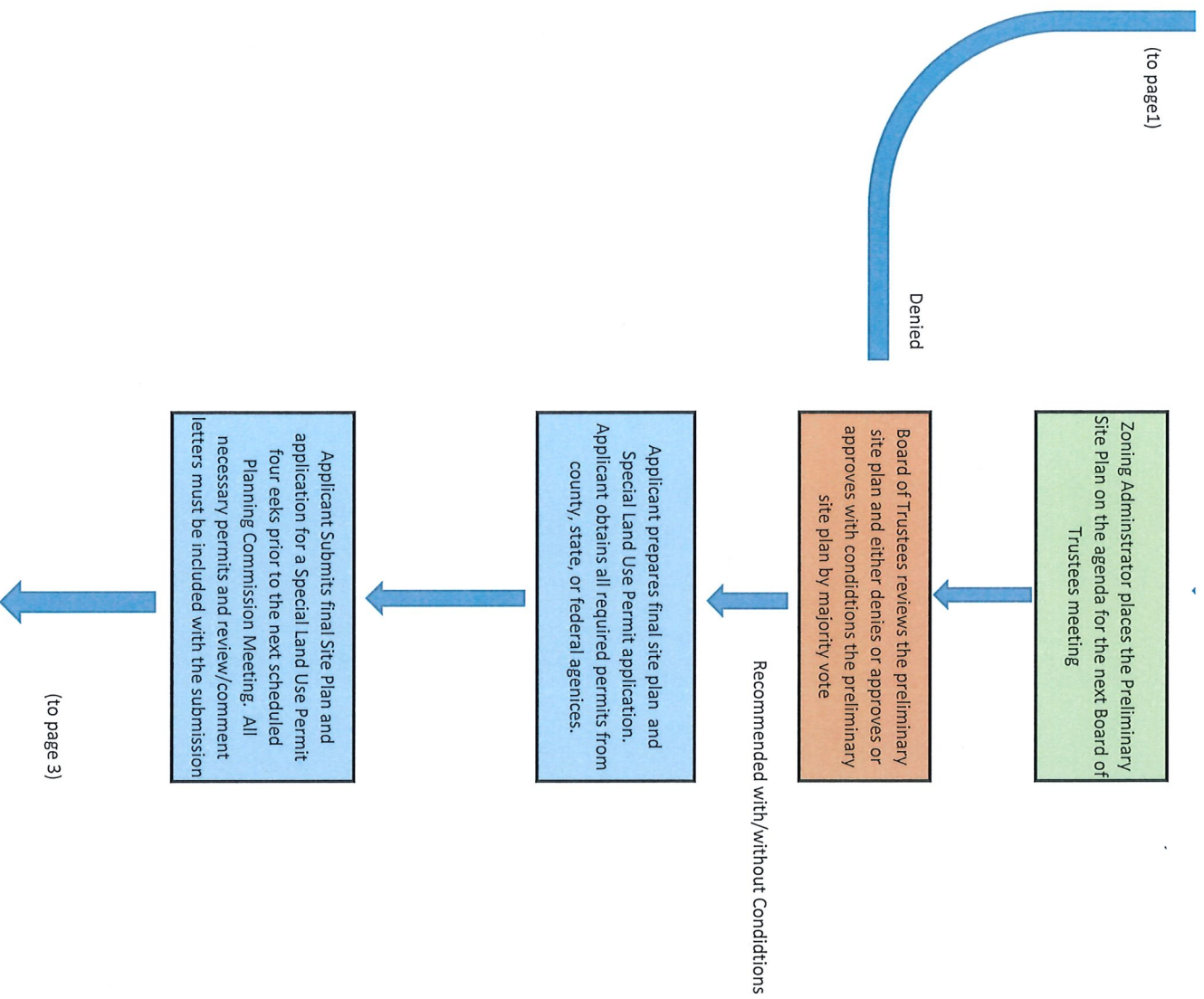
1. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field.

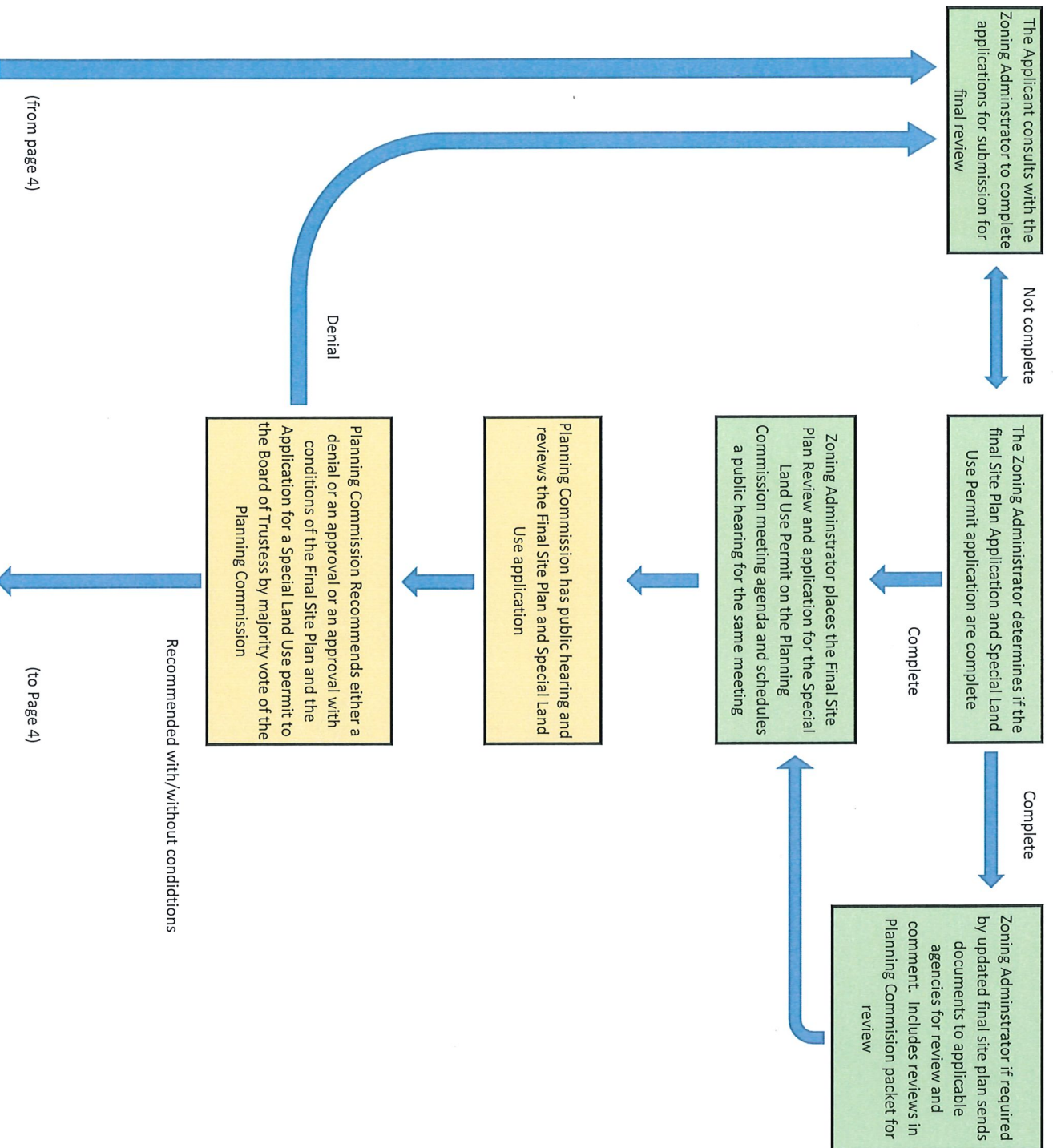
2. **Elevation Restrictions:** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the County Drain Commissioner.

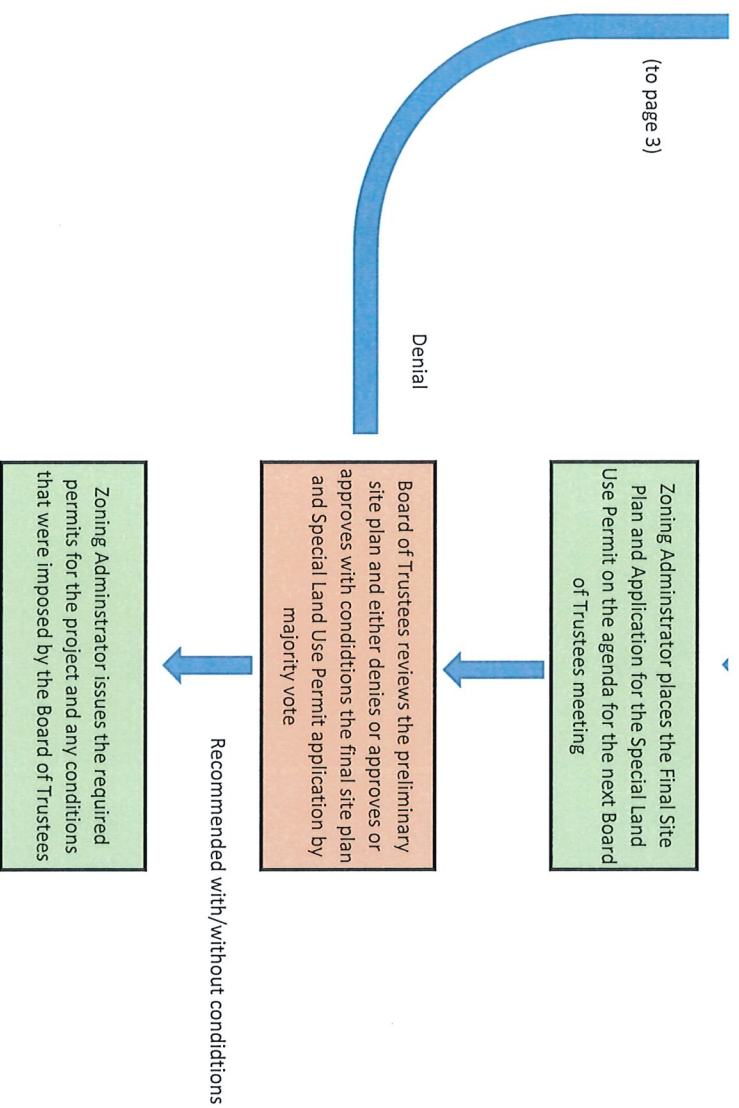
3. See also the requirements of Section 6.17.C.

FLOWCHART FOR PRELIMINARY/FINAL SITE PLAN APPROVAL COUPLED WITH A SPECIAL LAND USE PERMIT









Section 6.07

Accessory Uses and Structures

Accessory buildings, structures and uses are permitted only in connection with and on the same lot with a principal building, structure or use, provided such buildings, structures and uses are incidental to the principal building or use and does not include any activity conducted as a living quarters, except for farms or other uses otherwise permitted in this Ordinance that may be permitted on a separate lot in conjunction with the permitted activity, and shall be subject to the following regulations:

1.

Zoning districts	Lot Size Based on Gross Lot Area	Maximum Square Footage of all Accessory Structures
All single family residential districts	All parcels equal to or less than 1 acre in size	1,300 square feet
All single family residential districts	All parcels that are greater than 1 acre	These sizes are based on a .030 x parcel size calculation

2. An accessory structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the accessory structure or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
3. Accessory buildings shall not be erected or allowed in any front yard, except for parcels larger than five acres providing no accessory building or structure is located closer than one hundred feet to the front property line or closer to the front property line than a principal building on any adjacent parcel of land or lot, whichever is greater.
4. Accessory buildings may be allowed in side yards providing they meet the minimum setbacks for the district in which it is located.
5. The maximum height for accessory buildings located on any parcels of land containing one acre of land or less or on any platted subdivision lot or site condominium building site shall not exceed thirty-five feet.
6. Accessory structures shall meet the minimum setbacks for the district in which it is located.
7. No accessory structure shall receive a certificate of zoning compliance prior to the principal structure receiving a certificate of zoning compliance.
8. No accessory structure shall be constructed prior to the approval of land use permit and the issuance of a building permit.
9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit and are limited to two per parcel and must be behind the

primary structure and screened from the public right-of-way. Accessory structures under 200 square feet and with a height no more than ten (10) feet above grade shall maintain a minimum five (5) foot side yard setback & five (5) foot rear yard setback. Accessory structures two-hundred (200) square feet and over and/or more than ten (10) feet above grade must meet the setback requirements of the zoning district in which they are located.

10. In no instance shall any accessory building be located within a dedicated easement right-of-way.
11. An accessory building shall not project within the front yard when it is located on a corner lot except as provided in item 3 above.
12. Accessory structures greater than two-hundred (200) square feet shall have a minimum 4:12 roof pitch, except engineered steel structures may have minimum 3:12.
13. The use of cargo containers for storage shall only be permitted in HS and LI districts, subject to the following:
 - a) Containers shall be restricted to a location behind the front face of the building.
 - b) Containers shall not be stacked above the height of a single container.
 - c) Container storage areas that are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in this ordinance.