

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

**REGULAR MEETING
Tuesday – January 27, 2026
7:30 pm**

*Virtual access instructions for participating in the meeting are posted on www.mariontownship.com
MEETING WILL BE HELD IN MAIN HALL*

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

MEMBERS' PRESENT:

PUBLIC COMMENT:

APPROVAL OF AGENDA: *January 27, 2026, Regular Meeting*

APPROVAL OF MINUTES FOR: *December 16, 2025, Regular Meeting (Mailout A)*

OLD BUSINESS:

1. **TXT#01-25 Review remarks from Livingston County Planning Commission (Mailout B)**
 - a. **6.20 Private Roads**
 - b. **13.03 Planned Unit Developments**
 - c. **6.18 Condominium Projects**
 - d. **17.21 Multi-Family Site Condominium**
 - e. **6.17 Infrastructure and Concurrency Standards**
 - f. **16.04 Planning Commission Action**
 - g. **3.02 Definitions**

NEW BUSINESS:

1. **Motion to send TXT#01-25 to the Marion Township Board of Trustees for review and Board action**
2. **Storage Unit Ordinance Discussion (Mailout C)**
3. **Discussion on ordinance review for keeping chickens (Mailout D)**
4. **Discussion of Data Center ordinance. (Mailout E)**

CORRESPONDANCE AND UPDATES:

1. **Planning Commission budget for July 1, 2025, through June 30, 2026 (Mailout F)**
2. **Election of Chair, Vice-Chair, and Secretary at the February meeting**

PUBLIC COMMENT:

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.

*Approved by: _____
Chairperson

Date: _____

**MARION TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 16, 2025 / 7:30PM**

mailout A

PC MEMBERS PRESENT: LARRY GRUNN – CHAIRPERSON
JIM ANDERSON – VICE-CHAIRPERSON
CHERYL RANGE – SECRETARY
BRUCE POWELSON
SCOTT LLOYD

PC MEMBERS ABSENT: NONE

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 DECEMBER 16, 2025 AGENDA:
Bruce Powelson made a motion to approve the December 16, 2025 agenda as presented. Jim Anderson seconded. **5-0 MOTION CARRIED**

APPROVAL OF NOVEMBER 25, 2025 MINUTES:
Cheryl Range made a motion to approve the November 25, 2025 Planning Commission minutes as presented. Larry Grunn seconded. **5-0 MOTION CARRIED**

OLD BUSINESS:
1) **STORAGE CONTAINERS**
A. **USES OTHER THAN STORAGE**

Commissioners discussed the language that was created to regulate the use of storage containers in May 2022. This language was given to John Gormley for review, and it did not move forward from there. Commissioners reviewed the language from Howell Township Article 14.07. Commissioners agreed to create a spreadsheet to start tracking language and ordinance changes.

NEW BUSINESS:
1) **COMMITTEE TO CREATE NEW ORDINANCE**

Commissioners discussed the Marion Township Board’s decision to create a new Zoning ordinance. The Board voted to draw a line in the sand, get a canned ordinance and modify it to fit the township’s needs. They decided to form a committee to work on this. The committee would include Jim Witkowski, Jim Anderson, Scott Richardson, Larry Fillingner, and Dean Blanchard.

DRAFT

(continued)

Commissioners discussed the Township's language on fences and wild and livestock animals.

The Township planner explained there is a difference between an emotional support animal and a service animal.

Commissioners asked to see language explaining the difference between emotional support animals and service animals at the next Planning Commission meeting.

The Zoning administrator gave an update on the Township's new Private Road ordinance. He explained that it is in the Livingston County Planning Commissions packet for their upcoming meeting on December 17, 2025. After the County provides their feedback it will go to the Marion Township Board for comments and review. It will then go to the Township Attorney for final review.

CORRESPONDENCE AND UPDATES:

A Commissioner shared that his sister has finished the conservation easement for her 35 acres.

Commissioners were reminded about the Parliamentary Procedure training at the Township on January 15, 2026 from 4pm-8pm.

CALL TO PUBLIC:

Les Andersen is a Marion Township resident and addressed the Commissioners about having cows under *the right to farm* act. The Township Planner and Commissioners discussed permitted agriculture in specific districts within the Township.

Catherine Dyer expressed her gratitude to the Commissioners for their notes on storage containers and to the resident who finished the conservation easement for her property. She also mentioned Brighton Township's chicken ordinance.

ADJOURNMENT:

Jim Anderson made a motion to adjourn the Planning Commission meeting at 8:30pm. Larry Grunn seconded. **5-0 MOTION CARRIED**

MINUTES TAKEN BY: Jessica S. Timberlake

mail out B



Livingston County Department of Planning

December 18, 2025

Marion Township Board of Trustees
c/o Tammy Beal, Clerk
Marion Township Hall
2877 W Coon Lake Road
Howell, MI 48843

Re: County Planning Commission Review
Z-46-25: Marion Township Zoning Ordinance Amendments
Various Sections: Private Roads

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
Principal Planner

Abby Carrigan
Planning Intern

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, December 17, 2025, and reviewed the Marion Township Zoning Ordinance text amendments referenced above. The County Planning Commissioners made the following recommendation:

Z-46-25 – Approval With Conditions.

There are a number of key elements highlighted in the review that need to be fully addressed before the township Board considers final approval. In general, the proposed amendments appear to be reasonable and appropriate. Staff has reviewed the draft standards and confirms the following:

- Requirements align with LCRC and AASHTO best practices.
- The section provides clear applicability rules, reducing interpretation disputes.
- Emergency access requirements are strengthened.
- Drainage, slope, and structural requirements reflect current engineering practice.

In particular, it appears that the newly proposed Section 6.20 Private Roads amendments are consistent with the Livingston County Road Commission (LCRC) private road standards, where applicable. Livingston County Road Commission (LCRC) private road standards focus on safety, emergency access, and proper identification, requiring specific sign posts at intersections with public roads, reflective lettering, and adherence to county-wide address/naming policies. While LCRC sets rules for signs and intersections, local townships (are permitted to develop their own individual specific construction standards (width, drainage, etc.) and maintenance agreements, as private roads usually aren't accepted into public maintenance. Staff would encourage the township to consider implementing all suggested recommendations prior to final approval by the Township Board. Additionally, if this hasn't occurred already, Staff would encourage and recommend that the township provide these amendments to the Township Engineer for their review and recommendation prior to final approval by the Township Board.

Copies of the staff reviews as well as draft Livingston County Planning Commission meeting minutes are enclosed.

Sincerely,

Robert Stanford, Principal Planner, AICP

Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission
Scott Richardson, Zoning Administrator

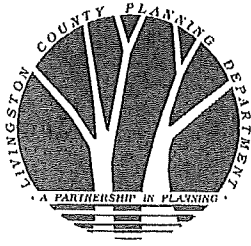
Additional minutes and agendas are available at: <https://milivcounty.gov/planning/commission/>

Department Information

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

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

Web Site
<https://milivcounty.gov/planning/>



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, December 17, 2025 – 6:30 p.m.

Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

Agenda

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
AICP
Principal Planner

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Roll and Introduction of Guests
4. Approval of Agenda – December 17, 2025
5. Approval of Meeting Minutes – November 19, 2025
6. Call to the Public
7. Zoning Reviews
 - A. PA-02-25 Handy Township PA 116 Agreement, R&D Hamlin LLC, Sections 19 & 28
 - B. PA-03-25 Handy Township PA 116 Agreement, Hamlin Farms LLC, Section 31
 - C. Z-40-25 Howell Township Rezoning, Section 22, RSC to IFZ
 - D. Z-41-25 Howell Township Rezoning, Section 22, AR to IFZ
 - E. Z-42-25 Brighton Township Rezoning, Section 18, R-2 to PUD Residential
 - F. Z-43-25 Tyrone Township Text Amendments, Section 21.55 Medical Marijuana Caregiver Operations
 - G. Z-44-25 Hamburg Township Rezoning, Section 26 RA to PPRF
 - H. Z-45-25 Conway Township Text Amendments, Section 6.23 Airports, Camping as Accessory Use
 - I. Z-46-25 Marion Township Text Amendments, Various Sections, Assorted Private Road Amendments
8. Old Business:
9. New Business:
 - A. Department presentation
10. Reports
11. Commissioners Heard and Call to the Public
12. Adjournment

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c/o Tammy Beal, Clerk
Marion Township Hall
2877 W Coon Lake Road
Howell, MI 48843

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Z-46-25: Marion Township Zoning Ordinance Amendments
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Sincerely,

Robert Stanford, Principal Planner, AICP

Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission
Scott Richardson, Zoning Administrator

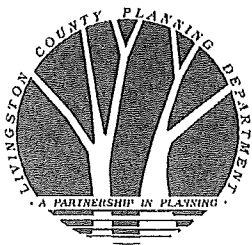
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Wednesday, December 17, 2025 – 6:30 p.m.
Administration Building, Board of Commissioners Chambers
304 East Grand River, Howell, MI 48843

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Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
AICP
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 - D. Z-41-25 Howell Township Rezoning, Section 22, AR to IFZ
 - E. Z-42-25 Brighton Township Rezoning, Section 18, R-2 to PUD Residential
 - F. Z-43-25 Tyrone Township Text Amendments, Section 21.55 Medical Marijuana Caregiver Operations
 - G. Z-44-25 Hamburg Township Rezoning, Section 26 RA to PPRF
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 - I. Z-46-25 Marion Township Text Amendments, Various Sections, Assorted Private Road Amendments
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9. New Business:
 - A. Department presentation
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DRAFT
LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES
 County Administration Building
 304 E. Grand River Avenue
 Howell, Michigan
DECEMBER 17, 2025
 6:30 p.m.

PLANNING COMMISSION	
COMMISSIONERS PRESENT:	<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> Matt Ikle Bill Call Paul Funk </div> <div style="width: 45%;"> Margaret Burkholder Kevin Galbraith Chuck Wright </div> </div>
COMMISSIONERS ABSENT:	Dennis Bowdoin
STAFF PRESENT:	Scott Barb Rob Stanford Martha Haglund Abby Carrigan
OTHERS PRESENT:	Various members of the public spoke, and names have been attached on the sign in sheet.

1. **CALL TO ORDER:** Meeting was called to order by Planning Commissioner Ikle at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **ROLL AND INTRODUCTION OF GUESTS:** None.
4. **APPROVAL OF AGENDA:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO APPROVE THE AMENDED AGENDA, DATED DECEMBER 17, 2026, SECONDED BY COMMISSIONER GALBRAITH.

All in favor, motion passed 6-0

5. **APPROVAL OF PLANNING COMMISSION MEETING MINUTES:**

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO APPROVE THE MINUTES DATED NOVEMBER 19, 2025, SECONDED BY COMMISSIONER BURKHOLDER.

All in favor, Motion passed 6-0

6. **CALL TO THE PUBLIC:**

Kristen Dennison, Cohoctah Township: Commented on the Draft County Master Plan though the plan contradicts between its goals and projected growth. Stated the data center section needs revisions.

Dan Bonello, Howell Township: Commented on the Draft County Master Plan, had concerns about the secondary growth area on the proposed Future Land Use Map.

Lauren Prebenda, Oceola Township: Commented on the County Draft Master Plan, concerned about secondary growth area along Grand River and Fleming. Stated there should be an Agriculture Preservation Area on the proposed Future Land Use Map.

Breanne Green, Marion Township: Commented on the County Draft Master Plan, thanked the commission on their hard work on the plan. She had concerns about the high-impact data centers use on resources and there needs to be stronger language in the data center section of the draft plan.

Charles Smith, Howell Township: Commented on the County Draft Master Plan, had concerns about the loss of farmland and diminishing of quality of life.

Patricia Murphy, Howell Township: Commented on the County Draft Master Plan, had concerns about the data center in the draft plan, does not think the data center section belongs in the infrastructure categorization.

7. ZONING REVIEWS:

A. PA-02-25: HANDY TOWNSHIP

PA 116 FARMLAND AND OPEN SPACE AGREEMENT SECTIONS 19 AND 28 R&D HAMLIN LLC.

Section: Handy Township: Sections 19 & 28

Acreage: 148 Acres

Applicant: R&D Hamlin

Staff Recommendation: Approval. This property complies with criteria established by PA 116 as a farm of 5 acres or more in one ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use and produces more than \$200 per year, per acre.

Public Comment: None

Commissioner Discussion: None.

Commission Action:

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

Motion passed: 6-0

B. PA-03-25: HANDY TOWNSHIP

PA 116 FARMLAND AND OPEN SPACE AGREEMENT SECTION 31 HAMLIN FARMS LLC

Section: Handy Township: Section 31

Acreage: 51 Acres

Applicant: Hamlin Farms LLC.

Staff Recommendation: Approval. This property complies with criteria established by PA 116 as a farm of 5 acres or more in one ownership, but less than 40 acres, with 51% or more of the land area devoted to an agricultural use and produces more than \$200 per year, per acre.

Public Comment: None

Commissioner Discussion: None.

Commission Action:

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

Motion passed: 6-0

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

Current Zoning: Regional Service Commercial (RSC)

Proposed Zoning: Industrial Flex Zone (IFZ)

Section: 22

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

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

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

Public Comments:

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

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

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

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

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

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

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

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

Motion passed: 4-2

COMMISSIONERS FUNK AND GALBRAITH OPPOSED

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

Current Zoning: Agricultural Residential (AR)

Proposed Zoning: Industrial Flex Zone (IFZ)

Section: 22

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

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

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

Public Comments:

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

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

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

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

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

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

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

Motion passed: 4-2

COMMISSIONERS FUNK AND GALBRAITH OPPOSED

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

Current Zoning: Residential Single Family (R-2)

Proposed Zoning: Residential Planned Unit Development (RPUD)

Section: 12

Township Recommendation: Approval. The Brighton Charter Township Planning Commission recommended Approval of this rezoning at its November 10, 2025, Regular Planning Commission Meeting. From the draft PC minutes provided for the November 10th PC meeting, there were a number of public comments noted regarding this proposed rezoning.

Staff Recommendation: Disapproval/ Denial As proposed, this rezoning to PUD does not enhance the quality of development to a satisfactory level of difference as compared to the current zoning designation, which should always be the result when utilizing this planning tool, as intended by the township PUD Ordinance.

Several deficiencies have been identified as to the areas of concern with the proposed rezoning, mainly focusing on the long-term viability and protection of the key existing natural feature associated with this development, that being the quality of the waters of Woodland Lake.

It is suggested and encouraged that the township reconsider the approval of this rezoning as proposed, and in turn, continue to with the applicant to revise the proposed development plan in a manner that both satisfies both the intended nature of the underlying zoning district (R-2) which is intended to provide predominantly for low-density, single family detached dwellings along with better alignment with the Charter Township's Future Land Use designation of Low-Density Residential development, while incorporating an improved site plan design which allows for more shoreline protection along Woodland Lake (greater buffering) and which significantly reduces impervious surface areas within the development to a level that does not contribute further to the degradation of Woodland Lake. As proposed, the level of planned impervious surface associated with the development counterbalances and nearly completely nullifies the expected beneficial result of any planned open space/natural feature set asides.

Commissioner Discussion: Commissioner Funk questioned the turnaround for emergency access that must service the neighborhood and requests fewer houses due to it being too intense.

Public Comments: Brent Lavanway and Mitch Harris (applicants) presented on the project.

Residents of Woodland Lake spoke in opposition to the project.

Katie Tierney: Concerned about wetlands and density of the project. Also, talked about declining water quality and lack of transparency from applicant.

Dean Guard: Has been HOA president for 31 years. Spoke about declining water quality and that he is not opposed to development but wants it limited to 16 houses like the 1990s plot

Kevin Holloway: Similar projects have been denied in the past. Concerned with traffic and lot sizes.

Kenneth Waite: Spoke about the woodland lake petition against the project-86% of residents opposed. Concerned about traffic and road conditions.

Jane Waite: Concerned about the changing character of the area.

Cheryl Wasilesnki: Concerned about the compliance with the land division act and density of the project. Questioned the water quality reports and she would like to see more drainage studies performed.

Tim Fuller: Concerned about buildability of the project and compatibility with neighborhood.

Russ Hartman: Concerned about storm water discharge.

Cheryl Guard: Concerned about density; there should only be 16 REUs on the site (Residential Equivalent Units)

Lori Hayden: Concerned with water quality, emphasized regional environmental significance, also concerned with impervious surface drainage.

Doug Taylor: Project needs to be compliant with Land Division Act. He is concerned about water quality and storm water management. Environmental concerns with density of project.

Gary Miller: Concerned about water quality especially during the construction process. How will they mitigate wetland disturbance and runoff?

Commissioner Action: IT WAS MOVED BY COMMISSIONER FUNK TO RECOMMEND DISAPPROVAL, SECONDED BY COMMISSIONER BURKHOLDER.

**Motion passed: 5-1,
COMMISSER IKLE OPPOSED**

**F. Z-43-25: TYRONE TOWNSHIP TEXT AMENDMENTS
SECTION 21.55 MEDICAL MARIJUANA CAREGIVER OPERATIONS**

The Tyrone Township Planning Commission proposes to revise Section 21.55 Medical Marijuana Caregiver Operations of the township zoning ordinance.

Township Recommendation: Approval. The Tyrone Township Planning Commission heard public comment and recommended Approval of these zoning amendments at its November 11, 2025, Planning Commission Public Hearing.

Staff Recommendation: Disapproval. As noted, the proposed amendments have been thoroughly vetted by township special legal counsel. However, as highlighted in Staff's review, there are several provisions that warrant serious reexamination by the township before any formal approval by the Township Board. There are many questionable provisions that have been found to be largely inconsistent with the guidelines for regulating Medical Marijuana Caregiver Operations as set forth in the State of Michigan Cannabis Regulatory Agency (CRA) Municipal Guide and the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq., as amended, as well as foundational State of Michigan case law as cited in the review, including *DeRuiter v. Byron Twp* (2020) and *Ter Beek v. Wyoming* (2014).

Commissioner Discussion: Commissioner Burkholder praised staff work on the ordinance review.

Public Comments: None.

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO RECOMMEND DISAPPROVAL, SECONDED BY COMMISSIONER WRIGHT.

Motion passed: 6-0

**G. Z-44-25: HAMBURG TOWNSHIP REZONING
(RA) MEDIUM DENSITY RESIDENTIAL TO (PPRF) PUBLIC & PRIVATE RECREATIONAL
FACILITIES DISTRICT
SECTION 22.**

Current Zoning: Medium Density Residential (RA)

Proposed Zoning: Public & Private Recreational Facilities District (PPRF)

Section: 26

Township Recommendation: Approval. The Hamburg Township Planning Commission recommended approval at their November 19, 2025, meeting. There were no public comments.

Staff Recommendation: Approval. The rezoning has been thoroughly reviewed. The proposed rezoning from Single Family Medium-Density Residential to Public & Private Recreational Facilities District is consistent with Hamburg Township Master Plan.

Commissioner Discussion: Commissioner Funk asked if we were part of the Township's grant process for these parcels.

Public Comments: None.

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

Motion passed 6-0

**H. Z-45-25: CONWAY TOWNSHIP TEXT AMENDMENTS
SECTION 6.23 AIRPORTS: CAMPING AS AN ACCESSORY USE**

The Conway Township Planning Commission proposes to add a new subsection to **Article 6 General and Supplementary Regulations, Section 6.23 Airport, Heliports and Related Uses, as Subsection (E) Accessory Uses**, which pertains to the regulation of short-term airport camping of the township zoning ordinance.

Township Recommendation: Approval. The Tyrone Township Planning Commission heard public comment and recommended Approval of these zoning amendments at its November 11, 2025, Planning Commission Public Hearing.

Staff Recommendation: Approval with Conditions. regulatory control over aviation-related camping activities. It checks the necessary boxes related to ensuring public health, welfare and safety concerns.

However, as an alternative and for sake of consistency with the current organizational format of the township ordinance, it would be recommended that the township:

1) Allow "Aviation-Related Camping" as an accessory use in the Industrial District, to the permitted use of Airports, heliports, and related uses in this district (refer to Section 6.23), as well as a special use as proposed.

In addition, as a condition for County Planning Commission approval, and directly related to the special use aspect specifically:

2) Relocate this language within Article 13, "Special Land Uses", Section 13.10 "Site Design Conditions" as a newly added use within this Section (Listed as Subitem "U" in this section).

Thus, not only does this require the potential applicant (in this case the airport/heliport owner/operator, rather than an individual pilot and their associates, as this text could be misinterpreted to mean as proposed) to comply with all provisions of Article 13 (most specifically Section 13.05 "Required Planning Standards and Findings" and Site Plan Review Standards of Article 14, which is required of all special uses), as well as providing the township the opportunity to regulate this unique and special land use activity with consistency as it does so with other unique and special land use activities currently listed in this section, such as "Ag Service Establishments", "Bed and Breakfast Homestays", "Home Occupations", "Child Care Centers", and "Commercial Recreation", among others.

This would be a much more logical location for this language and would be more consistent with the process of special use application, review, and decision making in accordance with the current organizational format of the entire township zoning ordinance.

Commissioner Discussion: None.

Public Comments: None.

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

Motion passed: 6-0

I. Z-46-25: MARION TOWNSHIP TEXT AMENDMENTS VARIOUS SECTIONS PRIVATE ROADS

The Tyrone Township Planning Commission proposes to revise the above referenced sections of the township zoning ordinance, regarding private roads, special use permits and special land uses.

Township Recommendation: Approval. The Marion Township Planning Commission heard public comment and recommended Approval of these zoning amendments at its November 25, 2025, Planning Commission Public Hearing.

Staff Recommendation: Approval with Conditions.

There are a number of key elements highlighted in the review that need to be fully addressed before the township Board considers final approval. In general, the proposed amendments appear to be reasonable and appropriate. Staff has reviewed the draft standards and confirms the following:

- Requirements align with LCRC and AASHTO best practices.
- The section provides clear applicability rules, reducing interpretation disputes.
- Emergency access requirements are strengthened.
- Drainage, slope, and structural requirements reflect current engineering practice.

In particular, it appears that the newly proposed Section 6.20 Private Roads amendments are consistent with the Livingston County Road Commission (LCRC) private road standards, where applicable. Livingston County Road Commission (LCRC) private road standards focus on safety, emergency access, and proper identification, requiring specific sign posts at intersections with public roads, reflective lettering, and adherence to county-wide address/naming policies. While LCRC sets rules for signs and intersections, local townships (are permitted to develop their own individual specific construction standards (width, drainage, etc.) and maintenance agreements, as private roads usually aren't accepted into public maintenance. Staff would encourage the township to consider implementing all suggested recommendations prior to final approval by the Township Board. Additionally, if this hasn't occurred already, Staff would encourage and recommend that the township provide these amendments to the Township Engineer for their review and recommendation prior to final approval by the Township Board.

Commissioner Discussion: None.

Public Comments: Jim Anderson Marion Twp Planning Commission: Spoke on the background of the proposed amendments and commended staff on the thorough review.

Public Comments: None.

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

Motion passed: 6-0

8. **OLD BUSINESS:**

9. **NEW BUSINESS:**

- A. Department Presentation: Recognition of Principal Planner, Rob Stanford for 25 years working with at Livingston County and has been instrumental numerous planning initiatives and is an outstanding Planning Professional.

10. **REPORTS:**

11. **COMMISSIONERS HEARD AND CALL TO THE PUBLIC:** Laura Prebenda and Breanne Green spoke about data centers and would like to meet with staff regarding the Draft 2026 Master Plan.

12. ADJOURNMENT:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CALL TO ADJOURN THE MEETING AT 10:02 PM, SECONDED BY COMMISSIONER BURKOLDER.

Motion passed: 6-0

Livingston County Planning Commission: SIGN-IN

Please note that signing this attendance sheet is strictly voluntary, but you may be asked to identify yourself should you desire to speak at the meeting.



Name	Township/City/Village	Agenda Item of Interest
Aoby Harvey	Howell	
Tim Agrella	Brighton Twp.	
GARY MITTER SR	Brighton Twp.	
Breanne Green	Marion Twp	
Tim Anderson	Marion Twp	
Rodney Bower	Howell Twp	
Andre Torfeh	Brighton Twp	
Donna McGill	Howell Twp	
Sandra Hartwick	Howell Twp	
Denie Percola	Howell Twp	
Paul Johnson	Howell Twp	
Connie Johnson	Howell Twp	
Tony Laabach	Brighton Twp	
Vaylene Laabach	Brighton Twp	
Tim Fuller	" "	
CHARLES SMITH	Howell Twp	
Lorie Hayden	Brighton Twp	
Ray Miller	Howell Twp	

Livingston County Planning Commission: SIGN-IN

Please note that signing this attendance sheet is strictly voluntary, but you may be asked to identify yourself should you desire to speak at the meeting.



Name	Township/City/Village	Agenda Item of Interest
Pamela Adams	Howell/Howell	
Pam Adams	Howell	NO DATA CENTERS
Bill McClary	Brighton	
Kenneth White	Brighton	REZONING OF R-2 TO PUD
Kristin Dennison	Cohoctah	public comment
Katie Tesny	Brighton	REZONING OF R-2 TO PUD
Jonas Wasilowski	Brighton	
Cheryl Wasilowski	Brighton	
DAN BONELLO	HOWELL	REZONING MASTER PLAN
Janice Bonello	Howell	proposed rezoning of master plan
CHRIS Wetzel	Howell	Master Plan
Tim Baul	Howell Twp	-
Eric Hoard	Brighton Twp	PUD WOODLAND LAKE
Dean Guard	Brighton Twp	PUD woodland lake
Cheryl Guard		
Brent LaVanway	Boss Eng.	Woodland Lk PUD
Kevin Holloway	Brighton Twp	PUD
Bruce Powellson	MARION	MA
Lauren Prebenda	Occola Township	Master Plan Feedback

Livingston County Planning Commission: SIGN-IN

Please note that signing this attendance sheet is strictly voluntary, but you may be asked to identify yourself should you desire to speak at the meeting.



Name	Township/City/Village	Agenda Item of Interest
Klaus Harmon	Brighton	Z-42-25
Lynn Romain	Howell Twp	Howell Twp Master Plan
Beth O'Neil	Brighton Twp	development near Woodland Lake
Allen Romain	Howell Twp	MASTER PLAN
Dawn Brakham	Cohoctah Twp	Master plan - Rezoning
Edmund Brakham	" "	Master Plan
Lisa Kozakiewicz	Cohoctah	rezoning
PATRICIA MURPHY	OCEOLA	Rezoning
MELINDA BEAN-FRENCH	BRIGHTON	Rezoning - Hobbies
REGINALD PAINEN	BRIGHTON	REZONE
Noelle Vieau	BRIGHTON	Woodland LK Development
Paul Pratt	Brighton	Woodland Lake



Livingston County Department of Planning

MEMORANDUM

TO: Livingston County Planning Commissioners and the Marion Township Board of Trustees

FROM: Robert Stanford, Principal Planner, AICP

SUBJECT: Z-46-25 Amendments to Zoning Ordinance Article
Article VI GENERAL PROVISIONS
Section 6.17 Infrastructure and Concurrency Standards
Section 6.18 Condominium Projects
Section 6.20 Private Roads

Article XIII PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
Section 13.03 Planned Unit Developments

Article XVI SPECIAL USE PERMITS
Section 16.04 Planning Commission Action

Article XVII STANDARDS FOR SPECIAL LAND USES
Section 17.21 Multi-Family Site Condominiums

Scott Barb
AICP, PEM
Director

Robert A. Stanford
AICP
Principal Planner

Martha Haglund
AICP
Principal Planner

Abby Carrigan
Planning Intern

The Marion Township Planning Commission proposes to revise the above referenced sections of the township zoning ordinance, regarding private roads, special use permits and special land uses.

Staff offers the following comments and recommendations for your review. Proposed additions to existing text are noted in red underline. Text proposed for removal is in ~~strikethrough~~.

BACKGROUND INFORMATION FOR THIS CASE

According to the township, the following text amendments are being proposed as the result of planning related activities associated with a newly proposed development called "Meadows North" on a parcel located between Peavy and D19. Initially, our Planning Commission gave preliminary approval. That was challenged by a resident in a ZBA case in May. The ZBA overturned the approval and recommended changes to the ZO for clarity. The Board of Trustees then issued a moratorium on Site plan reviews and charged the PC to suggest changes to the ZO to make the process clearer.

Department Information

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

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(517) 546-7555

Fax (517) 552-2347

•
Web Site
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COUNTY PLANNING STAFF REVIEW

Marion Township proposes to revise the following four (4) articles and their associated sections as referenced above regarding private roads, special use permits and special land uses, to read as follows:

ITEM 1a – Article VI GENERAL PROVISIONS, Section 6.17 Infrastructure and Concurrency Standards - Revision of Subitems (A) through (C)

Article VI GENERAL PROVISIONS Section 6.17 Infrastructure and Concurrency Standards

A. Roadway Network:

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

B. Traffic Impact Study.

1. Traffic impact studies shall be required as follows:
 - a) A Traffic Impact Assessment that evaluates current and future traffic operations at site access points shall be required for projects which could generate 50-99 directional trips during a peak hour.
 - b) A traffic Impact Statement that evaluates current and future traffic operations at site access points and major signalized or non-signalized intersections in proximity to the site shall be required for any proposed development which would be expected to generate over one hundred (100) directional trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day. The exact study area of a Traffic Impact Statement shall be established by the Township Engineer.
2. Traffic Impact Statement or Assessment shall also be required where a traffic study is more than two (2) years old and roadway conditions have changed significantly (volumes increasing more than 2 percent annually); or for a change or expansion at an existing site where the increased land use intensity is expected to increase traffic by at least fifty (50) directional trips in a peak hour or result in at least 750 vehicle trips per day for the entire project.



3. The contents of the traffic impact study shall include:

- a) Illustrations and a narrative which describes the characteristics of the site and adjacent roadway system (right-of-way, functional classification, lane configuration, speed limits, any sight distances limitations, current traffic conflicts, etc.) This description should include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features and a description of any committed roadway improvements. The study should define and justify the study area selected for analysis.
- b) For a rezoning, a description of the potential uses which would be allowed, compared to this allowed under current zoning. For a site plan review, mobile home park, condominium project, a subdivision tentative preliminary plat, or specified Special Land Uses; a description of factors such as the number and types of dwelling units, the gross and usable floor area, the number of employees and shift change factors. Intended phasing or future expansion should also be noted.
- c) Existing traffic conditions including existing peak-hour traffic volumes (and daily volumes if applicable) on street(s) adjacent to the site. Existing counts and levels of service for intersections in the vicinity which are expected to be impacted, as identified by the Planning Commission or its staff/consultants shall be provided for projects requiring a Traffic Impact Statement. Traffic count data shall be collected using accepted practices and shall not be over one (1) year old.
- d) The traffic study shall include traffic generated by other projects in the vicinity which have been approved or are under construction.
- e) For any project with a completion date beyond one (1) year at the time of the traffic study, the analysis shall also include a scenario analyzing forecast traffic at date of completion along the adjacent street network using a forecast based on a network traffic assignment model (if available), historic annual percentage increases and/or future development in the area which has been approved.
- f) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan, including actual trip generation data (a.m. and p.m. peak hour and average day, in the form of actual hourly directional driveway counts, hourly transaction data, or other method deemed acceptable by the Township) for local or national chains and franchises. The Township may require inclusion of actual data for local or national chains and franchises in the study.
- g) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on Internal Traffic Engineers findings and documented survey results acceptable to the Township and applicable road agency. The community may elect to reduce the trip reduction rates used.
- h) For projects intended to be developed in phases, the trip generation by phase shall be described.
- i) Trip Distribution. The projected traffic generated shall be distributed (inbound v. outbound, left turn v. right turn) onto the existing street network to project turning movements at site access points, and nearby intersections where required. Projected turning movements shall be illustrated in the report. A description of the application of standards engineering procedures for determining the distribution should be provided (trip distribution model, market studies, counts at existing driveways, etc.).



- j) Level of service or "capacity" analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. For projects requiring a Traffic Impact Statement or Regional Traffic Analysis, before and after capacity analyses shall also be performed for all street intersections where the expected traffic generated at the site will comprise at least five percent (5%) of the existing intersection capacity, unless other intersections are identified by the Township. Gap studies for unsignalized intersections shall be provided where applicable.
- 4. Qualifications of Preparer. The person responsible for the preparation of the study shall have a degree or specific professional training in the preparation of traffic impact studies. The preparer shall have at least three (3) years of recent experience in the preparation of traffic impact studies, provide evidence of ongoing experience and familiarity with the Highway Capacity Manual and other traffic operation evaluation techniques.
- 5. The requirement for a traffic impact study, or the specific study elements required may be waived or modified by the Planning Commission based on input from Township staff and consultants or a representative of the applicable road agency. Reasons for the waiver or modification shall be documented. Factors to be considered include:
 - a) Roadway improvements that are scheduled which are expected to mitigate any impacts associated with the proposed project.
 - b) The existing level of service along the roadway is not expected to drop below C due to the proposed project.
 - c) The existing level of service is not expected to be significantly impacted by the proposed project due to specific conditions at this location.
 - d) A similar traffic study was previously prepared for the site and is still considered applicable.

~~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. 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.

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.~~
- ~~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.~~

D. Storm Water Management:

1. All development requiring site plan review shall retain storm water runoff, or detain it, so as to allow discharge without any increased impact on adjacent lands, streams or water bodies greater than the predevelopment runoff impact rate.



2. All developments shall conform to the soil erosion and sedimentation requirements of Livingston County and the State of Michigan.
3. All storm water management facilities shall meet or exceed the criteria of the Livingston County Drain Commissioner.
4. No land improvements shall be constructed which will reduce the service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage patterns are first made.
5. All drainage system reports, peak flow rates and runoff volume calculations, safety requirements and the grading plans shall be certified by a licensed professional engineer authorized by the State of Michigan to perform such functions.
6. Additional requirements may be necessary through the Livingston County Drain Commission.

ITEM 1b – Article 6 General Provisions, Section 6.18, Condominium Projects - Revision of Subitems (A) through (G)

Section 6.18 Condominium Projects

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

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

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. ~~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 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.~~



- 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. 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.
- C. Infrastructure: Condominium projects shall comply with Section 6.17 Infrastructure and Concurrency Standards. A condominium project shall comply with the provisions in Sections 6.17.B. and 6.17.C. pertaining to potable water and sewage disposal and storm water management, respectively.
- 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. 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.
- 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). E. 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 (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.



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.

1. Character: The required greenbelt buffer areas shall be maintained in perpetuity in a natural vegetation or landscaped state, as provided above, to provide a visual buffer. The greenbelt shall not be mowed or altered in any manner unless approved by the township zoning administrator and the homeowners' association. In no case shall any item, including, but not limited to, sheds, play structures, play area, lawn ornaments, lawn furniture, patios, automobiles, trucks, tractors, trailers, brush piles, or refuse piles be placed within the required greenbelt. If landscaping maintenance needs to be done within the designated greenbelt area such as trimming or pruning of trees, removal of dead vegetation, or other related activities, the Zoning Administrator and the homeowners' association must approve of the maintenance activity. The cost of such maintenance activity is to be paid for by the lot owners as defined above and/or the Home Owners Association.
2. Maintenance Responsibility. The homeowners' association shall be responsible for maintenance, including cost, of the greenbelt buffers. The Township is not responsible for any maintenance of the greenbelt buffer.
3. Modification: The Planning Commission may modify this standard for the end of stub streets and along phasing boundaries, upon finding that the intent of this Section is maintained.

ITEM 1c – Article VI: General Provisions, Section 6.20 Private Roads - All New Section

STAFF COMMENT: Private roads are used across the Township to provide access to residential, commercial, and industrial properties. Over time, inconsistent construction practices and varying levels of maintenance have resulted in emergency-access challenges, drainage failures, and resident disputes regarding responsibility for upkeep. Section 6.20 consolidates and updates Township requirements in coordination with:

- The Livingston County Road Commission (LCRC)
- AASHTO roadway design standards
- The Michigan Manual of Uniform Traffic Control Devices (MMUTCD)
- Township Development Standards (July 2020)

The proposed framework distinguishes between new minor private roads, new major private roads, commercial and industrial private roads, and pre-existing nonconforming roads.

**Article VI: General Provisions
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.

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 applicable Township ordinances.

STAFF COMMENT: As proposed, this appears to be legally acceptable, but one caveat:

LCRC regulates only:

- Intersections with public roads
- Drainage entering public ROW
- Work in or affecting the public road ROW

LCRC does not regulate private-road internal geometry, widths, or paving depth.

The language could be misinterpreted to mean LCRC standards govern the entire private road. It might be clearer to say:

"...shall meet LCRC regulations where applicable (intersections, drainage, and work affecting the public ROW)."

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

STAFF COMMENT: Subitems B.3–4 Intersections with public roads are fully compliant with LCRC standards. These correctly reference LCRC geometric and sight-distance requirements.

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.



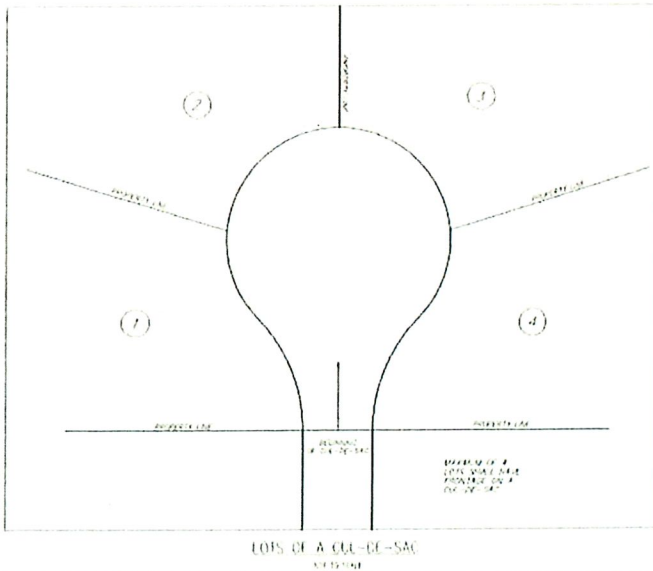
8. Length: Private roads with only one (1) point of access shall have a maximum length of two thousand (2,000) feet.

STAFF COMMENT: Subitems "B.7-8 Dwelling-unit limits & maximum length" are compliant with Township standards. LCRC does not regulate the number of dwellings served or maximum lengths of private roads, so no conflict exists with that regulating body.

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.



11. Curb Cuts: Curb cuts and driveways are subject to the requirements in 6.19 Access Controls.
12. Nonconformities: Private roads that create or increase nonconformities on any lot or parcel shall not be approved.



13. Road Names: Road names that might cause confusion with names of existing roads in or near the Township are prohibited. Roads that are extensions of existing roads shall be called the same name. All names shall be approved by the Township.
14. Land Use Permit: A land use permit shall not be issued for a structure with access from a private road until such private road is given final approval by the Board of Trustees. Street signs must be installed before construction of buildings can commence.
15. Regulatory Signs: Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private roads intersect public streets. All other signs with the private road shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private road name signs shall contrast with public street name signs and shall clearly indicate the private road is private. The sign shall be paid for, posted, and thereafter maintained by the homeowners' association or developer.

STAFF COMMENT: Subitem "B.15 Regulatory Signs" complies with MUTCD requirements. MUTCD requirements match both Township and LCRC policy.

16. All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:
 - a. "This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)"
17. The Board of Trustees shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant.
18. Additional requirements for private roads are included in the Marion Township Development Standards, July 2020.



STAFF COMMENTS:

B. General Requirements (Applicable to All Private Roads)

Key provisions include:

- **Compliance with LCRC standards except where Township standards differ.**
- **Allowance for deviations on legally nonconforming roads subject to Township Engineer recommendation.**
- **Intersection design requirements (generally 80–100 degrees).**
- **Road surface and alignment standards.**
- **Limits on dwelling units served:**
 - **Up to 30 units for roads with a single access.**
 - **Up to 75 units for roads with multiple access points.**
- **Maximum length for dead-end roads: 2,000 feet.**
- **Cul-de-sac design standards and limitations on the number of lots fronting.**
- **Requirements for road names, signage, and land-use permit issuance.**
- **Mandatory disclosure notice to purchasers regarding private-road maintenance responsibilities.**
- **Fee schedule authority for inspection, plan review, and enforcement.**

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

1. **Easement Width: Right-of-way or easements shall have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.**
2. **Roadway width should be at least 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.**



STAFF COMMENTS:

C. New Minor Private Roads (2–5 dwelling units)

Key Provisions include:

- **Minimum roadway width: 16 feet plus 1-foot shoulders.**
- **Specific cross-section standards for gravel and paved roads.**
- **Sight-distance verification required.**
- **10-year design storm required for drainage sizing.**

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 to reduce the impact of the private road upon existing abutting parcels.
3. Roadway width shall meet the following requirements:
 - a. Gravel road:
 - i. Gravel road: thirty (30) feet edge of gravel to edge of gravel.
 - b. Paved road:
 - i. Residential streets without curb shall be a minimum of twenty two (22) feet edge of pavement to edge of pavement, with a four (4) foot wide paved or gravel shoulder on both sides of roadway edge.
 - ii. Residential streets with curb and gutter: a minimum of twenty-seven (27) feet back of curb to back of curb, with a minimum lane width of twelve (12) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.
 - iii. In areas where on-street parking is allowed, the minimum width of the road shall be increased by eight (8) feet. Including the gutter pan in the width extension for parking is not permitted.
 - iv. Roadway recovery areas, (clear zones) shall be a minimum of seven (7) feet for straight- line sections and inside diameter curves. A minimum of fifteen (15) feet is required for outside diameter curves. Recovery areas shall be considered the distance between a permanent structure and edge of gravel shoulder or back of curb.
4. Roadway cross sections shall conform to the following criteria. Alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO (American Association of State Highway and Transportation Officials) Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer:



5. Residential roads or streets shall have a minimum of four (4) inches bituminous surface placed in two (2) courses (no course or lift shall exceed 2" in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone). Gravel roads, if permitted by the Township, shall consist of a minimum of eight (8) inches of aggregate base (MDOT 22A) and six (6) inches of sand sub- base meeting the requirements of MDOT Class II.

 - a. Shoulder pavement sections shall match the section of the road.
 - b. The pavement shall have transverse slope (crown) of 2% each way of the pavement centerline. Super elevated sections are prohibited in any development having a proposed operating speed of less than fifty-five (55) miles per hour. Where the design speed for a proposed street or road is less than fifty-five (55) mph and super elevation would otherwise be required as determined in the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways, the horizontal curve shall be designed with a radius long enough to counter the need for super elevation.
 - c. Edge drain is required on all streets with curb and gutter. The trench must be filled with pea stone to the level of the base material, and the entire trench wrapped with geotextile fabric.
 - d. Proposed sections utilizing an open ditch section shall have a ditch depth of not less than two (2) feet relative to the shoulder hinge point and two (2) feet wide rounded at the bottom. The depth shall be increased if warranted by drainage discharge calculations.
 - e. The maximum slope within the proposed right-of-way shall be 1:4 (rise/distance). The use of slopes steeper than 1:4 outside of the proposed right-of-way draining toward the roadway should be avoided.
 - f. Curb Cuts and Driveways:

 - i. See Marion Township Ordinance Article VI, Section 6.19.
 - g. Pavement sections for residential driveways shall meet the following:

 - i. Gravel – six (6) inches of MDOT 21AA limestone or MDOT 22A.
 - ii. Asphalt – three (3) inches of bituminous surface over six (6) inches of MDOT 1AA limestone.
 - iii. Concrete – six (6) inches of concrete over four (4) inches of MDOT Class II.
6. Horizontal alignment shall conform to the following guidelines. All horizontal alignment and intersection design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways.
7. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.

 - a. Minimum center-line radius for a horizontal curve shall be 230 feet.
 - b. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.



- c. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 - d. Intersection shall be at right angles and shall be designed such that the first sixty-five (65) feet in any direction shall be straight line sections.
 - e. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 - f. MDOT Detail M openings shall be used for all commercial or industrial drives or approaches. All commercial or industrial approaches shall be curbed regardless of the road cross section.
 - g. Drive approaches shall be contained within the property lines, including radii and any acceleration/ deceleration tapers, if required.
 - h. Drive approaches shall be a minimum of one hundred and twenty-five (125) feet from any intersection, measured from the centerline of the drive approach to centerline of the road.
8. Vertical alignment shall conform to the following guidelines. All vertical alignment design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
- a. The percent of grade on a road with an open ditch cross section shall be no less than 1.0% or more than 5.0% where ditch grades are centerline dependent.
 - b. The percent of grade on a road with a curb and gutter cross section shall be no less than 0.50% or more than 6.0%.
 - c. A vertical curve shall be required where the algebraic difference in slopes of the tangent sections exceeds 1.0%. The minimum length of the vertical curve shall be one hundred (100) feet.
 - d. Road grades within one hundred (100) feet of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.
9. A drainage system to adequately collect and discharge tributary roadway runoff is required. Either an open ditch or enclosed storm sewer system per the Township requirements is acceptable.
- a. All paved roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 - b. The maximum allowable storm water runoff tributary area conveyed overland in drainage ditches shall be no more than six (6) acres. When the tributary area is more than six (6) acres or the amount of flow in the ditch exceeds 8.0 cubic feet per second, an enclosed storm sewer system and curb and gutter will be required.
 - c. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%.
 - d. Any open ditch that exceeds 3.0% shall have a sodded ditch bottom. Sod in these areas shall extend from the ditch bottom up either side of the ditch to a point one foot above the flow line of the ditch.



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

STAFF COMMENT: Subitem "D. Major Private Roads" is generally compatible with LCRC standards. The cross-sections (8" 21AA, 6" subbase), ditch requirements, and stormwater standards exceed or match LCRC standards for comparable rural local roads. There are a couple of potential areas of misalignment with LCRC:

- Recovery areas (clear zones) of 7 ft / 15 ft are not present in LCRC rules. Not a compliance issue, but they exceed LCRC standards.
- Cul-de-sac radii (50 ft)

LCRC cul-de-sac minimums vary by classification; 50 ft paved is consistent with many LCRC Engineering expectations.

Key provisions include:

- Minimum right-of-way: 60 feet.
- Potential landscape buffer.
- Detailed geometric design requirements, including:
 - Paved road minimum widths.
 - Shoulder and clear-zone requirements.
 - Road base, pavement depth, and crown requirements.
 - Horizontal and vertical alignment consistent with AASHTO.
 - Cul-de-sac radii of 50 feet minimum.
 - Drainage design requirements and limits on ditch tributary areas.

E. New Commercial and Industrial Private Roads

1. All commercial and industrial roadways that are to be private shall meet the requirements of the Livingston County Road Commission's Procedures and Regulations for Developing Public Roads, effective July 1, 2024, the Marion Township Zoning Ordinance and the standards outlined below. If a conflict exists between the Road Commission and Township standards, the stricter requirements shall govern.
2. All private commercial and industrial roads shall be paved.
3. Right-of-way or easements shall have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.
 - a. Depending on the location of the private road easement in relation to adjacent parcels, a landscape buffer as provided in the Township Zoning Ordinance may be required by the Township to reduce the impact of the private road upon existing abutting parcels.
 - b. Width: The right-of-way or easement shall have a width of at least sixty (60) feet. A wider width may be required upon finding that it is necessary to accommodate drainage, utilities, topography, or other unique conditions.
4. Commercial and industrial private road width shall meet the following requirements:
 - a. A minimum of twenty-seven (27) feet back of curb to back of curb, with a minimum lane width of twelve (12) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.



- b. In areas where on-street parking is allowed, the minimum width of the road shall be increased by eight (8) feet. Including the gutter pan in the width extension for parking is not permitted.
- c. Roadway recovery areas, (clear zones) shall be a minimum of seven (7) feet for straight- line sections and inside diameter curves. A minimum of fifteen (15) feet is required for outside diameter curves. Recovery areas shall be considered the distance between a permanent structure and edge of gravel shoulder or back of curb.
- 5. Roadway cross sections shall conform to the following criteria. Alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer:

 - a. Commercial private roads shall have a minimum four (4) inches of bituminous surface placed in two (2) courses (no course or lift shall exceed 2” in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone), and six (6) inches of sand sub-base meeting the requirements of MDOT Class II. An open graded drainage course may be substituted for sand sub-base.
 - b. Industrial roads shall have a minimum of nine (9) inches of nonreinforced concrete pavement, four (4) inches of aggregate base (MDOT 21AA limestone), and four (4) inches of sand sub-base meeting the requirements of MDOT Class II.
 - c. Shoulder pavement sections shall match the section of the road.
 - d. The pavement shall have transverse slope (crown) of 2% each way of the pavement centerline. Super elevated sections are prohibited in any development having a proposed operating speed of less than fifty-five (55) miles per hour. Where the design speed for a proposed street or road is less than fifty-five (55) mph and super elevation would otherwise be required as determined in the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways, the horizontal curve shall be designed with a radius long enough to counter the need for super elevation.
 - e. Edge drain is required on all streets with curb and gutter.
 - f. Proposed sections utilizing an open ditch section shall have a ditch depth of not less than two (2) feet relative to the shoulder hinge point and two (2) feet wide rounded at the bottom. The depth shall be increased if warranted by drainage discharge calculations.
 - g. The maximum slope within the proposed right-of-way shall be 1:4 (rise/distance). The use of slopes steeper than 1:4 outside of the proposed right-of-way draining toward the roadway should be avoided.
 - h. Driveway slopes or lot access areas shall have a slope not greater than 1:10 within the right-of-way. Driveways beyond the right-of-way shall generally not exceed 12% slope without significant topographical limitations. Additional information about driveways may be found in Article XI section 6.19 Access Controls



- i. Pavement sections for commercial and industrial driveways shall meet the following:
 - i. Asphalt – three (3) inches of bituminous surface over six (6) inches of MDOT 1AA limestone.
 - ii. Concrete – six (6) inches of concrete over four (4) inches of MDOT Class II
6. Horizontal alignment shall conform to the following guidelines. All horizontal alignment and intersection design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways.
7. The design speed for commercial and industrial private roads shall be twenty-five (25) mph for interior roads unless otherwise directed by the Township or Road Commission.
 - a. Minimum center-line radius for a horizontal curve shall be 230 feet.
 - b. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.
 - c. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 - d. Intersection shall be at right angles and shall be designed such that the first sixty-five (65) feet in any direction shall be straight line sections.
 - e. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 - f. MDOT Detail M openings shall be used for all commercial and industrial drives or approaches. All commercial or industrial approaches shall be curbed regardless of the road cross section.
 - g. Commercial and industrial drive approaches shall have a minimum forty-five (45) foot radius.
 - h. Drive approaches shall be contained within the property lines, including radii and any acceleration/deceleration tapers, if required.
 - i. Drive approaches shall be a minimum of one hundred and twenty-five (125) feet from any intersection, measured from the centerline of the drive approach to centerline of the road.
8. Vertical alignment shall conform to the following guidelines. All vertical alignment design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be twenty-five (25) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
 - a. The percent of grade on a road with an open ditch cross section shall be no less than 1.0% or more than 5.0% where ditch grades are centerline dependent.
 - b. The percent of grade on a road with a curb and gutter cross section shall be no less than 0.50% or more than 6.0%.
 - c. A vertical curve shall be required where the algebraic difference in slopes of the tangent sections exceeds 1.0%. The minimum length of the vertical curve shall be one hundred (100) feet.



- d. Road grades within one hundred (100) feet of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.
9. A drainage system to adequately collect and discharge tributary roadway runoff is required. Either an open ditch or enclosed storm sewer system per the Township requirements is acceptable.
 - a. All commercial and industrial private roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 - b. The maximum allowable storm water runoff tributary area conveyed overland in drainage ditches shall be no more than six (6) acres. When the tributary area is more than six (6) acres or the amount of flow in the ditch exceeds 8.0 cfs, an enclosed storm sewer system and curb and gutter will be required.
 - c. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%.
 - d. There shall be no open ditches along commercial private

STAFF COMMENT: Subitem "E. Commercial & Industrial Private Roads" is highly consistent with LCRC standards. The pavement sections match or exceed LCRC commercial approach standards.

There may be- one area of conflict. Where the proposed text reads:

"There shall be no open ditches along commercial private roads."

LCRC does allow ditch cross-sections for commercial private roads where drainage patterns require it, though curb-and-gutter is preferred. Not a "conflict" but it is stricter than LCRC—allowed unless it prevents necessary drainage at a public-road intersection.

Key provisions of Subitem "E" include:

- **All such roads must be paved.**
- **Right-of-way minimum: 60 feet.**
- **Heavier structural pavement sections required (e.g., 9" concrete for industrial).**
- **Horizontal/vertical geometry per AASHTO.**
- **Larger driveway radii and spacing standards.**
- **Enclosed storm sewer systems required with limited exceptions.**

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).

STAFF COMMENT: Subitem "F. Legally Nonconforming Roads" employs an acceptable approach. The triggers for upgrading (increase in dwelling units causing classification change) are consistent with LCRC expectations.

Key provisions of Subitem "F" include:

- Existing private roads may remain as-is unless dwelling or facility counts increase.
- Increases that change the classification trigger full compliance with current standards.
- Parcels created after ordinance adoption must comply.
- Nonconforming roads may be improved voluntarily to allow future land-use permits.

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:

i. See Marion Township Ordinance Article VI, Section 6.19

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

1. Submission requirements shall be sufficient to determine the nature and extent of the existing conditions and any proposed improvements. The extent of the information provided shall be at the discretion of the Township, Township Engineer and Township Planner.

2. In general:

a. Minor changes in the physical characteristics of the road will require a sketch of the proposed improvements. The sketch shall be legible and clearly identify all improvements. The sketch should utilize current aerial information but does not need to be drawn to scale. Aerial information is available at the Livingston County GIS Management Department, 304 E. Grand River Ave., Suite 101, Howell, MI 48843.

i. Minor changes shall include:

1. Installation or changes of signage
2. Adding reflectors or rumble strips
3. Installation of speed bumps

b. Major changes in the physical characteristics of the road will require detailed plans. The level of detail shall meet the requirements of a full, complete construction plan submittal.

ii. Major changes shall include:

1. Widening the road
2. Changing the alignment of the road
3. Addition of a new commercial or industrial facility
4. Addition of a new driveway for an existing commercial or industrial facility
5. Increasing the length of the private road

STAFF COMMENT: Subitems "G.–H. Improvements or Changes" are fully compliant with LCRC standards. LCRC does not regulate private-road improvements except at intersections.

Key provisions of Subitems G. and H. include:

- Minor changes require only a sketch (e.g., signage, rumble strips, speed bumps).**
- Major changes require full construction plans (e.g., widening, realignment, new facility access).**
- Driveways and curb cuts must comply with Section 6.19.**

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.

STAFF COMMENT: Subitem "I. Soil Erosion & Sediment Control" complies with Part 91 requirements. This is independent of LCRC requirements and is lawful.

Key provisions of Subitem "I" include:

- **A soil erosion plan is required for all permitted projects.**
- **Erosion must be controlled throughout all phases of construction.**
- **Land exposure must be minimized.**
- **Temporary vegetation or equivalent measures must be provided.**

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

1. Submittal Requirements: Private road applications shall include all of the information outlined below.
 - a. Survey and Legal Description of Parcel: Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property, and the names and addresses of all the lot or parcel owners of the property the private road will be built on.
 - b. Legal Description of Area Served: A legal description of all lots or parcels to be served by the private road and the names and addresses of all persons owning an interest in title to the property.
 - c. Vicinity Map: A vicinity map of a minimum scale of one-inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.



- d. Topography: Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable stormwater outlet.
- e. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.
- f. Soil Borings: Soil borings within the proposed route of the private road.
- g. Trees and Wetlands: Tree coverage and wetland areas within one hundred (100) feet of either side of the proposed route.
- h. Existing Buildings: Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as any existing buildings or structures in or adjacent to any proposed road easement.
- i. Utilities: Plans shall show the existing or proposed location of private utilities and easements, such as gas, telephone, and electric.
- j. Division Confirmation: Document from Township Assessor verifying two or more land divisions are available.
- k. Maintenance and Easement Agreement: A complete copy of the road maintenance agreement(s) and road easement agreement(s) regarding the maintenance and improvements of the right-of-way and roadway. The road maintenance agreement shall, at a minimum, provide for:
 - i. A method of initiating and financing of such road in order to keep the road up to Township specifications as set forth in this ordinance.
 - ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
 - iii. A notice that if repairs and maintenance are not made, the Marion Board of Trustees may bring the road up to established Township standards as set forth in this amendment and assess owners of parcels on the private road for the improvements, plus an administrative fee.
 - iv. A notice that no public funds of the Township of Marion are to be used to build, repair, or maintain the private road.
 - v. Furthermore, said road maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this section, including, but not limited to, the responsibility of removing snow from said private roads. The recorded road easement and maintenance agreement, which shall run with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Livingston County Road Commission.



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



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

K. Inspection

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

STAFF COMMENTS: The proposed Section 6.20 is largely compliant and in many places stricter than the current LCRC standards. In general:

- **Areas that are clearly compliant:**
 - **Intersections with public roads require LCRC compliance.**
 - **Sight distance references to LCRC Sec. 3.6 & 3.2.**
 - **Required conformance with AASHTO - matches LCRC.**
 - **Stormwater requirements - generally consistent with LCRC.**
 - **Driveway spacing, approach design, MDOT Detail M references.**
 - **Nonconforming private-road upgrading triggered by increases in dwellings - LCRC practice.**
 - **Design speed: 25 mph interior roads—acceptable to LCRC.**
 - **General cross-section components (aggregate bases, ditch depth, crown) consistent with LCRC.**



**Areas where the Township may enforce stricter standards than LCRC -
(and this is allowed because private roads are not under LCRC jurisdiction except at intersections):**

- **DWELLING UNIT limits per access point.**
- **Maximum length of dead-end private roads (2,000 ft).**
- **Cul-de-sac geometry differences (Township uses 50 ft radii, which exceeds many LCRC minimums).**
- **Shoulder widths on major and minor private roads.**
- **Required roadway recovery areas (not an LCRC requirement for private roads).**

These are legally permissible because townships may adopt standards beyond LCRC minimums as long as intersections and public-road impacts still meet LCRC regulations.

Key Findings/Recommendations:

Section B.1 should clarify where LCRC rules apply, so no one misinterprets the Ordinance to mean LCRC governs internal private roads.

Suggested language:

"Private roads shall comply with all applicable LCRC regulations for intersections, driveway permits, drainage entering public rights-of-way, and any activity within county right-of-way."

Ensure no internal conflicts with LCRC intersection rules, i.e., anything mentioning:

- **sight distance**
- **driveway spacing**
- **cul-de-sac placed near public roads**
must defer to LCRC at the public-road connection. Your draft already does this in most places.

Additionally, Commercial ditch prohibition. This is stricter than LCRC practice. It is legally fine, but the township should be aware that it may limit engineering flexibility

Other Key Observances:

With regard to the proposed amendment consistency with the provisions of the current Township Zoning Ordinance, Staff identified a few areas that warrant further consideration:

Issues:

1. **"Private Road" definition is not repeated in Section 6.20, and the ordinance relies heavily on it.**
2. **"Minor road", "major road", "commercial private road," and "industrial private road" are not defined in Article II.**

Section 6.20 uses these terms extensively.

Result: Internal inconsistency due to undefined terminology.

Recommendation:

Add definitions:

- **Minor Private Road (2-5 dwellings)**
- **Major Private Road (>5 dwellings)**
- **Commercial Private Road**
- **Industrial Private Road**
- **Private Road Easement**
- **Legal Nonconforming Private Road**



**ITEM 2 – Article XIII: Planned Unit Development Overlay District
Revised and New Section 13.03, Subitem “L” Private Roads in Planned Unit Developments**

**Article XIII PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
Section 13.03 Planned Unit Developments**

L. Private Roads in a Planned Unit Development:

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

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

2. All developments for multiple-family PUDs shall have a secondary entrance for emergency vehicle access to the development if the primary entrance to the development is blocked. The secondary entrance shall be either a private road to a Livingston County public road or a gated emergency access private road constructed to Marion Township construction specifications and approved by the Howell Area Fire Marshall. This gated emergency access private road may access either a private road of another development or a Livingston County public road.
3. The Planning Commission may recommend modification of the requirements found in Section 6.20, provided the applicant can demonstrate that the project’s proposed internal road system provides adequate public safety measures for the residents. For PUDs with only one (1) means of ingress, such private road ingress and egress shall be developed as a boulevard from the public road to the first internal private road intersection within the development. Said boulevard entrance shall contain one (1) ingress drive and one (1) egress drive, each containing a minimum twenty-four (24) feet wide pavement area measured from the front of the curb to front of curb with a landscaped island between said ingress and egress drives measuring not less than thirty (30) feet in width. Also, a private road shall meet the paved road construction specifications of the 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.

ITEM 3 –Article XVI Special Use Permits, Revised Section 16.04 Planning Commission Action

**Article XVI SPECIAL USE PERMITS
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.



STAFF COMMENT: This revision essentially amounts to minor a housekeeping revision, adding a needed connection between special use application processes at this location of the township ordinance and the current provisions of Section 6.16.B.2., which has similar language regarding county, state or federal permits.

Section 6.16.B.2 is the Environmental Performance Standards section from Article VI: General Provisions. Specifically, Subitem B.2. states the following:

B. Sensitive Lands:

3. *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.*

The proposed change clears up the present omission between the two section of the zoning ordinance.

ITEM 4 – Article XVII Standards for Special Uses, Revised Subitems (A), (B) and (D)

Article XVII STANDARDS FOR SPECIAL LAND USES

Section 17.21 Multi-Family Site Condominiums

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

B. Site Area Requirements: All Multiple-family dwelling units shall be permitted at a density no greater than ten (10) units per acre. ~~B. Site Requirements: Multiple-family dwelling units shall be permitted at a density no greater than ten (10) units per acre.~~

C. Buffering Requirements: Any multiple-family development adjoining any single-family residential district or any developed non-residential district shall be provided with a buffer zone planted pursuant to the requirements of Section 6.13.C.

D. Performance Standards:

1. **All developments for multiple-family Site Condominium dwellings shall have direct access to the following Livingston County public paved roads in the Urban Residential, Suburban Residential, and Highway Service Districts:** ~~1. All developments for multiple-family dwellings shall have direct access to major thoroughfare.~~

a. Howell Pinckney Road, D19

b. Howell Mason Road

c. State Road M-155

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



2. All streets in the development shall be constructed in accordance with Private Roads, Article VI, Section 6.20. ~~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 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. ~~3. All streets and driveways in the development shall be constructed and maintained with an all-weather road surface~~
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. ~~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 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. ~~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. ~~6. Maximum lot coverage for a multiple-family development shall cover no more than thirty (30) percent of the parcel~~
7. All developments shall be served with public sewer and water facilities. ~~7. All developments shall be served with public sewer facilities~~
8. The site shall be developed and facilities shall be provided in such a manner so as to insure adequate drainage. ~~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. ~~9. There shall be provided easily accessible and useable open space in the development in an amount of ten (10) percent of the site area or two thousand (2,000) square feet per four (4) dwelling units, whichever is greater.~~
10. All off-street, community parking areas shall be adequately lit during hours of darkness. ~~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. ~~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. Only non-residential land and/or building uses shall be permitted: ~~12. All developments shall provide for underground installation of all utilities.~~
- 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. ~~13. 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, and open space for tenants.~~
14. All developments for multiple-family Site Condominium shall have a secondary entrance for emergency vehicle access to the development if the primary entrance to the development is blocked. The secondary entrance shall be either a private road to a Livingston County public road or a gated emergency access private road constructed to Marion Township construction specifications and approved by the Howell Area Fire Marshall. The emergency secondary entrance location and construction shall meet the requirements of the current International Fire Code adopted by the Board of Trustees. This gated emergency access private road may access either a private road of another development or a Livingston County public road. ~~14. 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.~~

STAFF COMMENT: the language in 17.21 is more restrictive than the general single-family housing; it's limiting these types of developments to only certain areas because of infrastructure and proximity to the City of Howell.

Township Recommendation: Approval. The Marion Township Planning Commission heard public comment and recommended Approval of these zoning amendments at its November 25, 2025, Planning Commission Public Hearing.

Staff Recommendation: Approval with Conditions

County Planning Staff would recommend Approval with Conditions. There are a number of key elements highlighted in the review that need to be fully addressed before the township Board considers final approval. In general, the proposed amendments appear to be reasonable and appropriate. Staff has reviewed the draft standards and confirms the following:

- Requirements align with LCRC and AASHTO best practices.
- The section provides clear applicability rules, reducing interpretation disputes.
- Emergency access requirements are strengthened.
- Drainage, slope, and structural requirements reflect current engineering practice.



In particular, it appears that the newly proposed Section 6.20 Private Roads amendments are consistent with the Livingston County Road Commission (LCRC) private road standards, where applicable. Livingston County Road Commission (LCRC) private road standards focus on safety, emergency access, and proper identification, requiring specific sign posts at intersections with public roads, reflective lettering, and adherence to county-wide address/naming policies. While LCRC sets rules for signs and intersections, local townships (are permitted to develop their own individual specific construction standards (width, drainage, etc.) and maintenance agreements, as private roads usually aren't accepted into public maintenance. Staff would encourage the township to consider implementing all suggested recommendations prior to final approval by the Township Board.

Additionally, if this hasn't occurred already, Staff would encourage and recommend that the township provide these amendments to the Township Engineer for their review and recommendation prior to final approval by the Township Board.

mailout C

TXT#02-20 Amendment

Definitions Section 3.02 ADD

Cargo Containers. Standardized reusable receptacles that are:

1. Originally designed for or used in the parking, shipping, movement or transportation of freight, articles, goods or commodities; and or
2. Originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers.

Portable Temporary Storage Container (PSC): A box-like container typically delivered by truck, used to temporarily store household or other goods and items. A PSC does not include a truck trailer, or other part of a motor vehicle, nor any type of wheeled vehicle or conveyance except when attached to a truck for delivery and removal.

ARTICLE VI: GENERAL PROVISIONS

Section 6.07 Accessory Uses and Structures ADD 13

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 three 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**

ma:lost D-1

Where in Livingston County can you raise a flock of chickens? What to know



Tess Ware

5 Livingston Daily
June 12, 2025, 5:10 a.m. ET

Over the last few years, raising chickens has become a popular hobby — but depending on where you live in Livingston County, owning a flock could be in violation of local ordinances.

10 Chickens have been a recurring hot topic in Fowlerville for years. Residents have made multiple pushes for flocks to be allowed in the village since 2015, but so far, none have succeeded.

Brighton Township recently broached the topic of loosening restrictions in the municipality. For now, residents must have at least five acres of land to own chickens.

15 Here's a breakdown of other local jurisdictions:

City of Brighton

According to city ordinance, fowl must be kept 200 feet (a little less than an acre) away from any dwelling, except the dwelling of the owner. The owner may not allow them to run in any street or public place.

20 The owner is required to maintain the home of the fowl to prevent smells or disruptive noises.

Residents have pointed out that most city properties aren't large enough to make this ordinance realistic.

Green Oak Township

Green Oak Township's ordinance is a bit more restrictive. Keeping "livestock maintained on a farm" is only allowed on properties zoned as rural estates and residential farming. The restriction does not apply to horses or domesticated household pets.

5 Genoa Township

Genoa prohibits keeping livestock in all zoning districts except agricultural, country estates and rural residential.

For chickens, turkeys or rabbits, the minimum lot area for the first animal is two acres. Each additional animal requires an extra 0.05 acres.

- 10 All grazing areas must be fenced, a structure must be provided to house the animals, and that structure must be set back at least 100 feet from any occupied dwelling or public building.

Hamburg Township

- 15 Hamburg Township has an ordinance specifically related to poultry. On land zoned waterfront residential or natural river, keeping poultry is only permitted on plots bigger than two acres. They must be kept in a fenced area at least 100 feet away from any water.

- 20 All lots larger than two acres may have up to 16 poultry animals, as well as another 16 for every additional acre. Those properties are also allowed to keep roosters, which are notably noisier than hens.

On lots less than two acres, owners are limited to eight poultry animals. The ordinance details several other restrictions on placement of structures, health and public safety, sanitation and public nuisance.

City of Howell

- 25 Howell residents are required to get a permit, as well as written consent from adjacent properties, in order to keep chickens. The property must be a single-family residence and isn't allowed to have more than six chickens. They cannot keep roosters and cannot slaughter any of the chickens.

- 30 The chickens must have a covered enclosure and a fenced-in area. The enclosure must be well ventilated, lockable and kept clean and sanitary.

The covered and fenced enclosures cannot be closer than 10 feet to any property line and cannot be closer than 40 feet to any residential structure on an adjacent property.

D-2

Introduced by the Law Enforcement and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

RESOLUTION TO ADOPT AN ORDINANCE AMENDING THE INGHAM COUNTY ANIMAL CONTROL ORDINANCE TO PERMIT KEEPING CHICKENS IN NON-AGRICULTURAL AREAS

RESOLUTION #09-345

WHEREAS, the Ingham County Animal Control Ordinance was adopted by the Board of Commissioners on September 18, 1972, and has subsequently been amended; and

WHEREAS, under the Ordinance, as amended, livestock and poultry are generally prohibited from non-agricultural areas within the County; and

WHEREAS, some local jurisdictions permit the keeping of a limited number of chickens on residential land in urban areas.

THEREFORE BE IT RESOLVED, that the Ingham County Board of Commissioners shall adopt the Ordinance Amending the Ingham County Animal Control Ordinance, attached and incorporated by reference as Exhibit 1 to this Resolution, expressly permitting the keeping of up to five hens on one- or two-family residential properties, under certain conditions, unless otherwise prohibited or regulated by local ordinances or private land use restrictions.

BE IT FURTHER RESOLVED, that an updated version of the Ingham County Animal Control Ordinance, as amended, will be compiled and published in hard copy and on the County's internet website.

BE IT FURTHER RESOLVED, that the amended Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

LAW ENFORCEMENT: Yeas: Schor, Holman, Celentino, Copedge, Bupp, Schafer
Nays: None **Absent:** None **Approved 10/1/09**

FINANCE: Yeas: Grebner, Nolan, Bahar-Cook, Dougan
Nays: None **Absent:** Davis, Tennis **Approved 10/7/09**

D-2 P ~~AD~~ 2

INGHAM COUNTY BOARD OF COMMISSIONERS

ORDINANCE AMENDING THE INGHAM COUNTY ANIMAL CONTROL
ORDINANCE TO PERMIT KEEPING CHICKENS IN NON-AGRICULTURAL
AREAS

ORDINANCE NO. _____

An Ordinance to amend the Ingham County Animal Control Ordinance to permit the keeping of chickens in non-agricultural areas of the County.

THE PEOPLE OF THE COUNTY OF INGHAM, MICHIGAN, DO
ORDAIN:

Section 1. Purpose and Authority. Deeming it advisable in the interest of the citizens of Ingham County, as authorized by Act 339 of 1919, as amended, being Section 287.261 *et seq.*, of the Michigan Compiled Laws, the County of Ingham, Michigan, adopts this Ordinance amending the Ingham County Animal Control Ordinance.

Section 2. Amendment. Article VIII of the Ingham County Animal Control Ordinance, entitled Prohibition of Livestock or Poultry in Non-Agricultural Areas, is amended to read as follows:

- (a) No livestock or poultry shall be owned, kept, possessed, harbored or kept charge of within the boundaries or any non-agricultural area within Ingham County except as such places are provided for shipping said livestock or poultry.
- (b) Notwithstanding paragraph (a), and unless expressly prohibited or regulated by a city, village or township ordinance, or private property restriction, chickens may be owned, kept, possessed, harbored, and kept charge of within the boundaries of any non-agricultural area within Ingham County, under the following conditions:
 - (i) No more than five (5) hens may be kept on any one- or two-family residential property, and no roosters shall be allowed;
 - (ii) Chickens must be kept in an enclosure so constructed or repaired as to keep the chickens confined on the owner's property, and to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;

- (iii) A covered enclosure or fenced enclosure shall not be located closer than 10 feet from the property line of any adjacent property, nor closer than 40 feet from any residential structure on an adjacent property, unless the adjacent property owner consents in writing;
- (iv) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents, shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
- (v) No person shall slaughter any chickens.

Section 3. Repeal. All ordinances or parts of ordinances inconsistent herewith are hereby repealed

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance Amending the Ingham County Animal Control Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

I, Mike Bryanton, Ingham County Clerk, certify that this Ordinance was adopted by the Ingham County Board of Commissioners and published in a newspaper of general circulation in the County on _____.

Mike Bryanton, Ingham County Clerk

Ingham County Board of Commissioners

Debbie De Leon, Chairperson

606.08 KEEPING OF CHICKENS.

City of Howell

- (a) Permit Required. Any person who keeps chicken within the City shall obtain a permit from the City prior to acquiring the chickens and pay a permit fee set by City Council. Applications shall be made to the City of Howell Community Development Department. Permits are nontransferable.
- (b) Neighbor Consent. No permit shall be issued and no chickens shall be allowed to be kept unless the owners of all adjacent properties (as defined below) consent in writing to the permit and this consent is presented along with an application for a permit.
- (c) Term of Permit. Permits are issued on an annual basis and are then renewable annually.
- (d) Adjacent Property. For the purposes of this chapter, "adjacent property" is defined as any property sharing any part of a property line or corner with the parcel proposed for the keeping of chickens.
- (e) Requirements. Each person holding a permit to keep chickens within the City shall comply with the following:
- (1) The principle use of the property where the chickens are to be kept must be a single family dwelling as defined by the City of Howell Zoning Ordinance;
 - (2) No more than six hens per parcel;
 - (3) No keeping of roosters;
 - (4) No slaughter of any chickens;
 - (5) Chickens shall not be kept in any location on the property other than the backyard as defined by the City of Howell Zoning Ordinance;
 - (6) Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or in a fenced enclosure at all times. Fenced enclosures are subject to the requirements of Section 5.11 of the City of Howell Zoning Ordinance;
 - (7) Chickens shall be provided with a secure, well-ventilated, roofed and lockable enclosure. The floors and walls of the structure shall be kept in a clean and sanitary condition;
 - (8) No covered enclosure or fenced enclosure shall be located closer than ten feet to any property line;
 - (9) No covered enclosure or fenced enclosure shall be located closer than forty feet from any residential structure on an adjacent property;
 - (10) All enclosures for the keeping of chickens shall be so constructed as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure;
 - (11) Chicken feed must be stored within a tightly lidded container in a shed, garage, or similar storage area; and
 - (12) Waste materials (feed, manure, litter) shall be disposed of in a sanitary manner (which may include bagging or composting) and not piled or otherwise stored on the property.
- (f) Application for Permit. An application for a permit for keeping chickens shall be made on a form provided by the City, shall be accompanied by a payment of a non-refundable annual permit fee in an amount set by resolution of City Council and shall include, but not be limited to, the following information:

- (1) Number of chickens;

D3-P2

- (2) Description of all pens, coops, cages and enclosures constructed for housing and confining chickens;
- (3) The distance and location of all pens, coops, cages and enclosures from all adjacent property lines and residential structures; and
- (4) Documentation of consent from all adjacent property owners.
- (g) Amendment. No additional fee shall be required for an amendment to a permit.
- (h) Violation of Section and Revocation of Permits. If any of the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate a civil infraction violation pursuant to Section 606.99. The City may also revoke a permit if a person's chickens become a nuisance as defined in Section 652.01 or the permit holder receives two verified violations pertaining to the keeping of chickens within a six month period.

(Ord. 883. Passed 10-28-13.)



D-3A

Application for Keeping of Chickens

City of Howell – Community Development Department
611 E. Grand River • Howell, MI 48843 • (517)546-3861

Date of Application: _____

Fee: \$45

PROPERTY INFORMATION

Property Address: _____

Acreage of Site: _____

Proposed Use: _____

Current Zoning: _____ Proposed Zoning: _____

OWNER INFORMATION

Name: _____

Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____

CHICKEN ENCLOSURE INFORMATION

Number of Chickens (maximum of 6): _____ Enclosure Dimensions: _____

Proposed Setbacks from Property Lines: Side _____ Rear _____

Proposed Setback from Adjacent Residential Structures: _____

APPLICANT INFORMATION

Applicant Name: _____

Permit Address: _____

Planning & Zoning Approval Date

Return completed applications to the Howell City Hall or
email to building@cityofhowell.org

D-3A PR

Instructions to Applicant:

No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all adjacent properties consent in writing to the permit. For purposes of this permit, adjacent property means all parcels of property that the applicant's property comes into contact with at one or more points. **Please attach a drawing of the property, including the distances to neighboring structures and the proposed location of all enclosures that will be used to keep chickens.**

Instructions to Adjacent Property Owners:

1. Your neighbor is applying for a permit to keep backyard chickens. A maximum of six chickens may be kept under this permit. If you an adjacent property owner, your consent to this permit is required for issuance. Do not sign this form if you are not giving consent to the issuance of a permit.
2. The City Council has imposed the following conditions on the keeping of backyard chickens:
 - a. No more than six hens per parcel
 - b. Roosters are strictly prohibited
 - c. No slaughter of any chickens
 - d. Chickens shall not be kept in any location on the property other than the backyard as defined by the City of Howell Zoning Ordinance.
 - e. Chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or in a fenced enclosure at all times. Fenced enclosures are subject to the requirements of Section 5.11 of the City of Howell Zoning Ordinance.
 - f. Chickens shall be provided with a secure, well-ventilated, roofed, and lockable enclosure. The floors and walls of the structures shall be kept in a clean and sanitary condition.
 - g. No covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line.
 - h. No covered enclosure or fenced enclosure shall be located closer than forty (40) feet from any residential structure on an adjacent property.
 - i. All enclosures for the keeping of chickens shall be so constructed as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - j. Chicken feed must be stored within a tightly lidded container in a shed, garage, or similar storage area.
 - k. Waste materials (feed, manure, litter) shall be disposed of in a sanitary manner (which may include bagging or composting) and not piled on the property.

By signing this form, you are providing written consent for the issuance of the permit.

Street Address	Name	Owner or Occupant?	Signature	Date

D-4

Introduced: May 14, 2012
Adopted: May 29, 2012
Effective: June 18, 2012

CITY OF CHARLOTTE
ORDINANCE NO. 2012-02

AN ORDINANCE TO AMEND SECTION 10-4 OF CHAPTER
10 - ANIMALS - OF THE CODE OF THE CITY OF
CHARLOTTE TO REGULATE THE KEEPING OF CHICKENS
WITHIN THE CITY OF CHARLOTTE.

Councilmember Kruger moved the following:

THE CITY OF CHARLOTTE ORDAINS:

Section 10-4 of Chapter 10 - Animals - of the Code of the City of Charlotte is hereby amended to read as follows:

§10-4 - DOMESTIC ANIMALS AND FOWL.

- (A) Except as provided in this section, no person shall keep or house any animals or fowl within the city.
- (B) Dogs, cats, birds and animals commonly classified as household pets may be kept within the city.
- (C) Ponies, cattle and horses may be kept on premises constituting a farm as defined in the zoning chapter of this Code (1993 Code, § 10-4).
- (D) Persons may keep chickens if done so in conformity with all of the following:
 - (1) Any person who keeps chickens in the City shall obtain a permit from the City prior to acquiring the chickens. Application shall be made to the City Clerk with a fee as determined by Council resolution.
 - (2) The Applicant must obtain approval of abutting landowners on a form provided by the City Clerk. The form must be submitted with the application and fee.

- (3) No more than ten (10) permits may be outstanding at any time.
- (4) Permits may be revoked at any time if the applicant fails to comply with all applicable ordinances, rules and regulations.
- (5) Permits expire and become invalid one (1) year after the date of issuance. A person who wishes to continue keeping chickens shall obtain a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.
- (6) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (7) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
 - (a) Have been issued the permit required under subsection (1) of this section.
 - (b) Keep no more than 4 chickens.
 - (c) The principal use of the person's property is for a single-family dwelling.
 - (d) No person shall keep any rooster.
 - (e) No person shall slaughter any chickens outdoors.
 - (f) The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or an adjoining fenced enclosure at all times.
 - (g) A person shall not keep chickens in any location on the property other than in the backyard as defined by the zoning code.
 - (h) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - (i) All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.

- (j) The coop and fenced enclosure may not be located nearer than twenty five (25) feet to any dwelling unit or property line.
 - (k) The coop and enclosures must comply with all zoning ordinance requirements for accessory structures and use, including lot coverage requirements.
- (8) The City may initiate prosecution for a civil infraction violation for any violation of this ordinance. Each day a violation exists shall constitute a separate offense.
 - (9) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.
 - (10) This section shall not regulate the keeping of chickens on a farm, as defined at § 82.4 of the City Code, which is located outside the boundaries of either a proprietary or supervisor's plat and having an area of not less than five (5) acres, and where the raising of poultry is a permitted principal use when conducted in compliance with the Michigan Right to Farm Act and the Generally Accepted Agricultural and Management Practices promulgated thereunder.
 - (11) Council may adopt additional rules and regulations as necessary to implement the ordinance.
 - (12) This ordinance will sunset after four (4) years.

This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second by Dyer. Carried. 4 Yeas. 3 Nays. (Smith, Baker, Sanders)

Dated: May 29, 2012

Dee Smith, Mayor

Michelle King, Clerk

Sec. 5-3. Permitted animals.

(a) Notwithstanding other provisions of this Code, household pets may be possessed and cared for in the township, provided that an animal does not become excessively noisy, excessively odorous, dangerous or in any way disruptive to the character of the area in which it is possessed or otherwise become a public nuisance.

(b) Farm animals may be possessed in the township provided that all of the following conditions are met:

- (1) That the property upon which they are possessed consists of a parcel of land under single ownership or control, with at least five (5) acres in area. Chickens may be possessed on parcels of land of 40,000 square feet or more. A maximum of eight (8) chickens are allowed on a parcel of 40,000 square feet or more, and twelve (12) chickens are allowed on a parcel of 70,000 square feet and less than five acres in size. Roosters are prohibited on any property under five (5) acres in size. Roosters are defined as an adult male 6 months or older.
- (2) That the animals possessed are housed and/or penned out at a distance no closer than one hundred (100) feet to any neighboring dwelling except for chickens which must be located in a secure enclosed coop in the rear yard and can be located no closer than twenty-five (25) feet from any lot line or property boundary or the minimum side yard setback as required for the zoning district, whichever is larger. Coops and runs cannot be larger than 100 square feet or they would have to go through the accessory building permit process.
- (3) That the animals possessed are kept and cared for under sanitary conditions; and
- (4) That the animals possessed do not become excessively noisy, excessively odorous, dangerous, or in any way disruptive to the character of the area in which they are possessed, or otherwise become a public nuisance.

(c) Certain wild animals that are traditionally nonpredatory and/or nondangerous may be possessed and cared for in the township. These include, but are not limited to, nonpoisonous snakes that will not exceed three (3) feet in length at maturity, quails, pheasants, peacocks and turkeys. These wild animals may only be possessed and cared for if all of the following conditions are met:

- (1) That any and all appropriate state and federal permits and/or licenses are obtained and currently maintained;
- (2) That the animals possessed and cared for are properly caged, penned, housed or secured so as not to be able to leave the property upon which they are possessed;
- (3) That the animals possessed are kept and cared for under sanitary conditions; and
- (4) That the animals possessed and cared for do not become excessively noisy, excessively odorous, dangerous, or in any way be disruptive to the character of the area in which they are possessed or otherwise become a public nuisance.

(Ord. No. 110, § 1, 6-7-94)

Sec. 5-4. Prohibited animals.

CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE

(7) **Essential Public Service/Utility Buildings and Uses (without Storage Yards).** Utility and public service buildings and uses (without storage yards) shall only be permitted when operating requirements necessitate the locating of the building or use within the district in order to serve the immediate vicinity.

5

(8) **Farms and Related Uses**

a. Farms shall only be located on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat which includes site condominiums and having an area of not less than five (5) acres except for chickens as otherwise allowed under Chapter 5, Sec. 5-3(b)(1) of the Code of Ordinances, all subject to the health and sanitation provisions of the Township,

10

15

b. All accessory farm buildings for uses other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any dwelling, except for chicken coops which are allowed in the rear yard and not less than twenty-five (25) feet from any lot line or property boundary or the minimum side yard setback, for the zoning district, whichever is larger, with the exception that the main farm barn building(s) shall not be less than one hundred fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which existed prior to the adoption of this Ordinance.

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25

(9) **Golf Courses**

a. The site shall provide all access directly an arterial or collector road (a road of at least eighty-six (86) feet of right-of-way, existing or proposed).

30

b. The relationship between the arterial or collector road and any proposed service roads, entrances, driveways, and parking areas shall be designed to maintain pedestrian and vehicular traffic safety.

35

c. All principal and accessory buildings and structures shall be located to minimize any adverse effects upon adjacent property. All principal or

D5A

Brighton Township

Application for Keeping of Chickens

The keeping of chickens shall be allowed only as an accessory use incidental to the permitted principal use in residential districts [R-1, R-2, SC-1, UD], subject to the requirements of the Zoning Code.

Permits required:

Application - Application for Chickens and Chicken Coop permit shall be made to the Zoning Officer on a form provided by the Township and shall be accompanied by the prevailing filing fee as established by Resolution by the Township Board of Supervisors. The Zoning Officer will make a decision and notify the applicant in writing within 15 calendar days of the date the application is received.

Scope - In cases where the Zoning Officer considers the application not within the scope of the permit requirements or Zoning Code, the application will be denied.

Time Limit - The Chicken and Chicken Coop permit shall be valid for a period of one year from initial date of approval.

Voiding of Permit - The Zoning Officer may void any permit for noncompliance with the requirements set forth in the permit or Zoning Code. Revocation may take place at any time prior to the expiration date of the permit. If the permit is revoked or is not renewed, it becomes null and void, and the use shall be terminated.

Inspection - Applicants shall permit a reasonable inspection of the premises by the Zoning Officer to determine compliance with the application, permit and the Zoning Code.

Renewal - Chickens and Chicken Coop permits may be renewed annually provided there has not been any violation of the provisions of this permit or the Zoning Code. Requests for renewals shall be submitted to the Zoning Officer in writing, accompanied by the prevailing renewal fee, as established by Resolution by the Township Board of Supervisors, one month prior to expiration of the permit.

Date: _____

Applicant: _____ Phone #: _____

Address: _____

Zoning District: _____ Lot Size (acreage): _____

Number of Chickens Proposed: _____

Size / Dimensions of Coop (Length X Width): _____ X _____ = SF _____

Size / Dimensions of Outside Run (Length X Width): _____ X _____ = SF _____

Applicant shall comply with the minimum lot size and chicken maximum number of chickens requirements per Zoning Code:

Acreage	Maximum No. Chickens
1/2	3
1	4
3	6
5	8
10+	12

Sanitary Requirements for Housing of Chickens:

- (1) Any owner or owners of chickens are required to house chickens at all times under sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance;
- (2) All chicken feces accumulated on private property shall be removed by using the approved sanitary method of double-bagging and placing in the trash for collection; and
- (3) Chicken feces on private property shall not be allowed to accumulate to the degree that it becomes a public health nuisance or hazard. In cases where chicken feces do accumulate on private property, the Code Enforcement Officer may conduct an investigation, after which the accumulation may be declared a public health hazard or nuisance and the owners shall be ordered to remove and dispose of the accumulated feces in an approved manner.
- (4) Coops shall be regularly cleaned and maintained, and kept in good appearance.
- (5) Proper storage of feed. All feed, water and other items associated with the keeping of chickens shall be protected and secured in a way that prevents infestation by rats, mice, or other rodents or vectors.

Do you comply with the following criteria established by Zoning Code for the Keeping of Chickens and Chicken Coop?

	Criteria for Compliance	Yes	No
1	I have read and comply, and will continue to comply, with the Sanitary Conditions for the Housing of Chickens as set forth in this application and Zoning Code.		
2	Only one chicken coop is permitted on the property. All chickens shall be housed in a chicken coop that is either stationary or mobile, secured, and enclosed in a way that prevents the escape of chickens and the entry of predators. Floors, walls, and ceiling or roof areas are required. The minimum size of the coop shall be four square feet per chicken. The maximum height of the coop shall be eight feet.		
	A chicken coop shall be located and maintained only in the back yard of the property; the chicken coop is prohibited from being located in the front or side yard of any property.		
3	The chicken coop shall be setback a minimum of 30 feet from any lot line; and a minimum of 100 feet from any dwelling other than the property owner's dwelling.		
4	An outside run is permitted when attached to the chicken coop, and only in the rear yard. Chickens are not be permitted to run at large. If an outside run is provided, it shall be no bigger than 20 square feet per chicken and shall be enclosed in such a way that contains the chickens as provided above in Criteria 2. The outside run setbacks shall be the same as the coop as provided above in Criteria 3. Any chicken not contained within an approved coop or run shall be deemed "at large" and in violation of Code.		
5	Chickens shall be kept for personal use only. The selling of chickens, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.		
6	The keeping of roosters, and ducks and other fowl is prohibited.		
7	Composting. It shall be unlawful for any person to spread or cause to spread or deposit upon any ground or premises any chicken manure.		
8	Coops shall be regularly cleaned and maintained, and kept in good appearance.		
9	Proper storage of feed. All feed, water and other items associated with the keeping of chickens shall be protected and secured in a way that prevents infestation by rats, mice, or other rodents or vectors.		
10	The keeping of chickens does not violate any private plan restrictions or plan covenants that apply to the plan of lots in which the property is located.		
11	I have attached a site plan demonstrating compliance showing the location of the coop and outside run area, where applicable, to demonstrate compliance with the setback criteria established by the Zoning Code.		

\$25 Fee Enclosed _____

Signed: _____

This permit is valid for a period of one year from the date of approval and may be reissued on an annual basis provided the applicant can demonstrate compliance with the permit and Zoning Code.

Approved: _____

Date: _____

Brighton Township new Chicken Ordinance-December 2025-AI Summary

Brighton Township, Michigan, recently updated its chicken ordinance in December 2025, significantly reducing the minimum required property size.

New Brighton Township Chicken Ordinance Details

- 5 The recent amendments have eased the restrictions, allowing more residents to keep chickens on smaller parcels of land, subject to specific rules.

Minimum Lot Size and Number of Chickens:

Properties of less than one acre (specifically around 0.92 acres) can have up to eight hens.

Parcels between one and five acres can have up to 12 chickens.

- 10 Previously, a minimum of five acres was required.

Permit Requirements: A permit is required to keep chickens and a coop. You must submit an application and site plan to the Zoning Officer to demonstrate compliance with the zoning code. The Brighton Township website provides the application form.

General Regulations:

- 15 Roosters are not allowed on any property less than five acres in size due to noise concerns.

Chickens must be for personal use only; commercial breeding or selling of chickens or manure is prohibited.

D-6

9:42. - Keeping of chickens.

- (1) Any person who keeps chickens in the City of Ann Arbor shall obtain a permit from the City prior to acquiring the chickens. No permit shall be issued to a person, by the City, and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties (as defined below in subsection (3)j.) consent in writing to the permit and this consent is presented along with an application for a permit. Written statements waiving the distance requirement in subsection (3) below shall also be submitted at the time of application and become a part of the permit if issued. Application shall be made to the City Clerk and the fee for the permit shall be as determined by Council resolution.

Permits expire and become invalid 5 years after the date of issuance. A person who wishes to continue keeping chickens shall have obtained a new permit on or before the expiration date of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit.

- (2) Notwithstanding the issuance of a permit by the City, private restrictions on the use of property shall remain enforceable and take precedence over a permit. Private restrictions include but are not limited to deed restrictions, condominium master deed restrictions, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (3) A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
- a. Have been issued the permit required under subsection (1) of this section.
 - b. Keep no more than 4 chickens.
 - c. The principal use of the person's property is for a single-family dwelling or two-family dwelling.
 - d. No person shall keep any rooster.
 - e. No person shall slaughter any chickens.
 - f. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times. Fenced enclosures are subject to all provisions of Chapter 104 (Fences).
 - g. A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.
 - h. No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property;
 - i. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:
 - (i) If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.
 - (ii) If the principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.
 - j. For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.
 - k. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - l. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.
 - m. If the above requirements are not complied with, the City may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- (4) A person who has been issued a permit shall submit it for examination upon demand by any Police Officer or Code Enforcement Officer.

(Ord. No. 08-19, § 2, 6-2-08, eff. 8-7-08)

mailout E

Section 17.36 Data Processing Facility

The intent and purpose of this data processing facility section is to establish guidelines and safeguards for the collection, storage, and use of data within our rural community. By implementing these standards, we aim to protect the privacy of our residents, ensure data security, and foster trust and transparency in data-driven practices.

Data Processing Facilities are considered special uses and are therefore subject to the provisions of Article XVI, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the township board if all the criteria listed hereof are met.

A. **Locational Requirements:** Data Processing Facilities are permitted in the Light Industrial Districts with a minimum lot size of four (4) acres.

B. **Performance Standards:**

1. Data Processing Facilities are considered a principal use and shall be the only principal use on a property at any one time.
2. At all times, sound levels at the property boundary may not exceed thirty (30) dB(A).
3. A fence shall be installed around the perimeter with a minimum height of six (6) feet.
4. Additional screening, such as a vegetative buffer, may be required at the discretion of the Planning Commission, per standards in Section 6.13.

ma:loot F

Marion Township Planning Commission Proposed Budget for 2025-2026

	Actual Jul '23 - Jun 24		YTD 2024-2025	Approved Budget 2025-2026
701-000 · PLANNING COMMISSION				
701-702 · SALARIES	9,282.25		9,544.25	12,000.00
701-705 · RECORDING SECRETARY	2,820.00		2,690.00	3,500.00
701-750 · SUPPLIES	0.00		760.00	0.00
701-765 · LUNCH STIPEND	0.00		0.00	0.00
701-801 · ATTORNEY	1,105.10		1,036.84	1,500.00
701-804 · PLANNER	3,590.00		4,482.50	12,000.00
701-805 · ENGINEER	0.00		0.00	0.00
701-806 · PROFESS SERV - PREAPPLICATION	0.00		0.00	0.00
701-860 · MILEAGE	26.20		16.80	50.00
701-900 · DUES AND PUBLICATIONS	520.50		773.50	1,000.00
701-910 · TRAINING FOR PLANNING COMMISSIO	1,243.00		842.00	1,200.00
701-955 · MISCELLANEOUS	0.00		0.00	0.00
701-000 · PLANNING COMMISSION - Other	0.00		0.00	0.00
Total 701-000 · PLANNING COMMISSION	18,587.05		20,145.89	31,250.00