

MARION TOWNSHIP
2877 W. COON LAKE ROAD, HOWELL MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 18, 2018
7:30 P.M.

MEMBERS PRESENT: LARRY GRUNN- *CHAIRPERSON*
BOB HANVEY
BRUCE POWELSON- *VICE CHAIR*
CHERYL RANGE- *SECRETARY*
CLAIRE STEVENS

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVE HAMANN- *ZONING ADMINISTRATOR*
JOHN ENOS- *TOWNSHIP PLANNER, CARLISLE WORTMAN*

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

INTRODUCTION OF MEMBERS

The members of the Planning Commission introduced themselves. John Enos from Carlisle Wortman introduced himself.

APPROVAL OF AGENDA

April 18, 2018 Regular Meeting Agenda

Bruce Powelson motioned to approve the agenda. Cheryl Range seconded. ***Motion carried***

APPROVAL OF MINUTES

March 27, 2018 Regular Meeting Minutes

Cheryl Range motioned to approve the minutes as presented. Bob Hanvey seconded. ***Motion carried***

CALL TO THE PUBLIC

No response.

PUBLIC HEARING

SUP#02-18 17.04B Fueling/Mixed Use Pardiac Shell

John Enos explained that tonight's public hearing is about the expansion of the Pardiac Shell Station. Years ago when Pardiac built the existing building and requested a site plan approval, it met the standards in place at that time. Since then, there have been many changes in Marion Township's ordinances and now they require a special use as part of the site plan request. Pardiac Shell would like to expand their facility by extending certain parts of the building. The north side would be expanded to install a walk-in freezer. On the south side, the building would be expanded so the cashier's station could be in a better spot to view the gas pumps. This will give the attendants a better view of the pumps. John is hoping that they leave the large evergreen tree where it is. It does a nice job of screening the back part of the property.

PUBLIC HEARING

TXT #06-17 proposed 6.07.12 Roof Pitch and 6.22 LCBD reference

This proposed ordinance will apply to any new homes that are built in Marion Township. A roof pitch is how many inches the roof rises based on the depth of the roof. Larry Grunn explained that this updated text amendment will make it easier for residents and they will not have to come to the ZBA board regarding this item as long as it meets the new requirements.

NEW BUSINESS:

SPR#02-18 SUP#02-18 Pardiac Shell

John Enos is comfortable with this request. They are asking for an expansion less than 1000 square feet for a new walk-in freezer and a bigger window for the cash attendants, which will improve security.

Cheryl Range motioned to recommend approval to the board for the Pardiac Shell station's special use permit to expand their facility. Bob Hanvey seconded. ***Motion carried***

Cheryl Range motioned to recommend approval to the board for the Pardiac Shell station's site plan for the expansion of their facility. Bob Hanvey seconded. ***Motion carried***

TXT #06-17 Proposed 6.07.12 Roof Pitch and 6.22 LCBD Reference

Cheryl Range motioned to recommend approval to the board for the proposed updated roof pitch text amendment and recommends it be sent to the Livingston County Planning Commission. Bruce Powelson seconded. ***Motion carried***

OLD BUSINESS:

SPR#01-18, SUP#01-18 Schroeder Body Shop

John Enos explained that Schroeder's Body Shop is requesting a special use permit for his state of the art building which will be a body shop for RVs and other vehicles. It will be located on the southeast side of D19 and Schroeder Park Drive. There is lots of brush and trees surrounding this site. The rear of the building will be used for the office and storage repair. There is plenty of room for RVs to turn around and park. It meets the distance requirements and the setbacks from the private properties. John suggest planting some evergreen trees facing D19 to add some more green for the long winter months. The existing landscaping plans in place will be a nice buffer. They have received approval from all the outside agencies. John would like to get more

info on the fencing but recommends approval for this request.

Mark Mahajan is the engineer for this project. He explained that there will be plenty of landscaping surrounding this building and they have worked hard to make sure that this facility will look professional and clean to those driving on D19 and to those that live nearby.

Larry Grunn is concerned with the size of the white pines blocking the church nearby. Larry also asked who will be responsible for the creek near the property. Matt Schroeder explained that the Livingston County Drain Commission is responsible for this creek.

Barb Chiapparo, 348 Newberry Lane, requests a lot of screening in between them and D19. Larry Grunn explained that Woodberry Park is right on the border of a commercially-zoned area. Matt Schroeder also explained that the existing landscaping is already a really nice buffer and he will be adding even more. Bob Hanvey explained that the screening on the south side is not required for this commercial property, because the property to the south is also commercial.

Joseph Lloyd Clapper, 264 Newberry Lane, asked about the lighting that will be on this property. Will there be motion lights instead of lights that will be on all night long? Matt Schroeder explained that motion lights are a possibility. He wants to protect the vehicles on his lot and doesn't want anything to happen to them.

Bob Hanvey explained that back in 1996, the zoning in this area was set for commercial property. Woodberry Park came about after this.

Betsy Ormsbee, 536 Newberry Lane, asked about the lighting in the parking lot. She wants to know if the lights will be facing down or up because their property faces down into the new development and Roy's Auto. She doesn't want lights shining into their living room or bedroom.

Roy Connell, 400 Newberry Lane, wants to keep the integrity of Marion Township. These shops are like junk yards and we already have issues with the other junk yards off D19.

John Enos explained that this is a commercially zoned area and if they meet all the requirements, then by law, Marion Township cannot deny their request.

Paul White, 306 Newberry Lane, is concerned about the increased traffic on D19 because of this new business. It is already very scary to pull out on to D19 right now, let alone after another business opens up. He is asking that the board consider the safety of those driving on D19 before making a decision.

Bob Hanvey explained that the Road Commission, the police department and the township involved all have to agree when requesting a speed limit change on a road. It is not just one entity that makes this decision. A speed study was done on D19 and the Road Commission thought that the speed on D19 was appropriate.

Barb Chiapparo, 348 Newberry Lane, is concerned with the RVs that will be pulling in and out of the parking lot and is worried that it is going to be very dangerous.

Rosalie Cook, 363 Newberry Lane, said she heard that Capital Homes is building 400-600 homes off D19 and wondered if they would be putting in a traffic light as well? Lots of businesses and homes are along D19 and the traffic can be very scary along this road. She asked how many homes Marion Oak's is planning on developing. Bob Hanvey said 460 condos/single family homes.

Nancy Dubay, 294 Newberry Lane, asked who is responsible for the roads in Marion Township. Larry Grunn said that Marion Township can make a request regarding a specific road, but we do not make the decisions alone. Nancy said that we need to remedy this road problem before we approve any more businesses opening along D19. John Enos explained that Marion Township sends the approvals to the County Road Commission with our road concerns included and they make the decisions going forward.

Bruce Powelson asked if the County Road Commission holds meetings for the public. Bob Hanvey said they have bi-weekly public meetings, the 2nd and 4th Thursday of every month starting at 9:30am.

Mavoureen Kranz, 179 Newberry, said that growth is a good thing. She has known the Schroeder's for years and they are good people. Communities need growth in order to prosper and improve.

Bruno Chiapparo, 348 Newberry Lane, said that Bob Hanvey and Greg Durbin were at his house not too long ago and explained this. If 85% of traffic is going the same speed, then changing the speed would disrupt the flow of traffic on that road. Bruno asked if Marion Township makes the decisions about the roads. Bob Hanvey explained again that the Road Commission, the state police, and the township involved all have to agree when requesting a change of speed on a road. It is not just one entity that makes this decision.

John Enos explained that a public hearing was already held regarding this matter and these issues should have been addressed at that time. This is a permit and the permit can be taken away at any time if the rules and regulations are not followed.

Cheryl Range motioned to recommend approval of the special use permit and send to the board for review, along with all of the comments from the public and all the concerns from the outstanding entities included. Bruce Powelson seconded. **Motion carried**

Cheryl Range motioned to recommend approval of the site plan and send to the board for review, along with all of the comments from the public and all the concerns from the outstanding entities included. Cheryl also recommends the owner of Schroeder's sit down with the township to discuss the screening in more detail. Bruce Powelson seconded. **Motion carried**

Adopt Revised Planning Commission Rules and Procedures/Bylaws

Cheryl Range motioned to adopt the updated bylaws dated 4-18-2018. Claire Stevens seconded. **Motion carried**

TXT#07-17 Proposed Lot Changes

Bob Hanvey suggested that we be more consistent with the words "lot" and "parcel". We are not consistent throughout the ordinance. If everyone thinks its ok, then we can leave it how it is or we can spend some more time discussing it. Bob also thinks that the "flag lot" area of the literature has some conflicting information. We should just take out the portion that doesn't apply.

Claire Stevens feels like there needs to be more detail regarding the exact concerns listed in the packet. Some of us have different backgrounds on this stuff, so putting more detail about the things that need to be addressed so everyone has a better understanding would be helpful. Bob Hanvey said that he and Dave Hamann can add more detail to make things more clear.

Bob Hanvey motioned to postpone the proposed lot changes so he can work on it some more. Cheryl Range seconded. **Motion carried**

General Ordinances Proposed:

#01-17 Land Division

#05-17 Change Cemetery & Change Park & Recreation

Bob Hanvey motioned to postpone these items so more detail can be added for future discussion. Bruce Powelson seconded. **Motion carried**

Proposed Ordinance Change List

Cheryl Range motioned to postpone the items on this change list so more detail can be included for future discussion. Bob Hanvey seconded. ***Motion carried***

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Bruce Powelson motioned to adjourn the meeting at 9:50pm. Bob Hanvey seconded. ***Motion carried***

MARION TOWNSHIP
2877 W. COON LAKE ROAD, HOWELL MI 48843
BOARD OF TRUSTEE'S, PLANNING COMMISSION AND ZONING BOARD OF APPEALS
SPECIAL MASTERPLAN MEETING MINUTES
MAY 1, 2018
7:30 P.M.

DRAFT

MEMBERS PRESENT:

PLANNING COMMISSION

- LARRY GRUNN- *CHAIRPERSON (ALSO ON Z.B.A.)*
- BRUCE POWELSON- *VICE CHAIR*
- CHERYL RANGE- *SECRETARY*
- CLAIRE STEVENS

BOARD OF TRUSTEES

- BOB HANVEY (*ALSO ON PLANNING COMMISSION*)
- DUANE STOKES
- TAMMY BEAL
- LES ANDERSEN
- SCOTT LLOYD
- GREG DURBIN
- DAN LOWE (*ALSO ON Z.B.A.*)

MEMBERS ABSENT:

ZONING BOARD OF APPEALS

- LARRY FILLINGER
- DAN ROSSBACH
- LINDA MANSON-DEMPSEY

OTHERS PRESENT:

- DAVE HAMANN- *MARION TOWNSHIP ZONING ADMINISTRATOR*
- JOHN ENOS- *WITH CARLISLE WORTMAN (TOWNSHIP PLANNER)*
- TYLER LASSER- *WITH CARLISLE WORTMAN*

CALL TO ORDER

Larry Grunn called the Planning Commission meeting to order at 7:30 p.m.
Bob Hanvey called the Board of Trustee meeting to order at 7:31 p.m.

PLEDGE OF ALLEGIANCE

INTRODUCTION OF MEMBERS

The Board of Trustees introduced themselves. The members of the Planning Commission introduced themselves. John Enos and Tyler Lasser, both from Carlisle Wortman introduced themselves.

APPROVAL OF AGENDA

May 1, 2018 Regular Meeting Agenda

Did not approve or discuss this.

CALL TO THE PUBLIC

No response.

New BUSINESS:

John Enos explained that he has been the Planner for Marion Township for the past 15-18 years. He explained what a master plan was and discussed what discussions would take place for this workshop.

Definition of a Masterplan: "A master plan is a dynamic long-term planning document that provides a conceptual layout to guide future growth and development. Master planning is about making the connection between buildings, social settings, and their surrounding environments. A master plan includes analysis, recommendations, and proposals for a site's population, economy, housing, transportation, community facilities, and land use. It is based on public input, surveys, planning initiatives, existing development, physical characteristics, and social and economic conditions."

John explained that a Zoning Board of Appeal, allows you to build, sell or move forward with a particular activity on your property that may not typically be allowed based on the ordinances for the desired location. An ordinance is language that actually states what the rules and regulations are within that Township or area. A Masterplan is a legal binding document that by law is required to be updated/reviewed every five years. A Masterplan lays out the future land uses, any existing land use and the allowances involving Roads and Sewer. The anticipated due date for Marion Township's revised Masterplan, is by the end of 2018. One of the main goals in Marion is to keep things rural. The elected officials and appointed officials have done an exceptional job keeping Marion rural with in the Township.

Roads: One of the main goals for our roads is to improve traffic flow and the overall safety on existing roads. Implement some walkways, bike paths and other pedestrian areas. One of the ways we can do this, is by making sure that these new developments consider increased traffic. We obviously don't intend or desire to have sidewalks in front of every home in Marion Township but he believes that having linkage by foot, from one place to another is important within a community. Studies have shown that the majority of people enjoy walking and biking through communities. Residents are concerned about people using Marion Township as a pass way to get to other communities. Another resident explained that D19 is a major road whether we like it or not. It has become a passage for people to get from one area to another. D19 is an attractive location for new business development, which then also increases traffic. Residents are concerned about the new Marion Oaks subdivision. How many homes will be going in and when do they begin building? John Enos stated that at least a couple hundred homes and it should be starting relatively soon. John explained that Marion does not have the ability to stop developments from building but the Marion officials have done a really good job of slowing down the process and decreasing the amount of development taking place.

Sometimes paying more in taxes can help preserve more open space and by having land conservations, within a community. These things would prevent builders from developing. Les Andersen shared that there are several pieces of land along D19 that are owned by 60+ year old who own 40 acres or more and would probably be interested in making an investment in order to protect their land.

A resident asked if we have the ability to define the specifications involving land use permits. John Enos said that we absolutely can define them.

Residents suggested some things to help soften the view along D19 because it is currently a harsh transition when traveling along D19. Adding trees and shrubs to soften the view can be a good thing but it can also create different issues, like decreasing visibility while driving. Pingree and Coon Lake Road need some of the trees and shrubs cut back, due to poor the visibility.

Special Assessments are an option for certain road repairs and maintenance. 50% or more of the residents on that road, have to agree. If the Livingston County Road Commission decides to pave or repair a certain road, then they are responsible for all the costs. One resident asked if Concurrency was a possibility in Marion Township. John Enos said that

it is not yet legal in the State of Michigan.

The Masterplan defines the specific dividing lines that make up the different Zones, within a community. (Residentially zoned areas, commercial zoned area, Ag zoned areas, etc.) Permits are not available in an Ag zoned area. This leaves a wide range of opportunity available on Ag land, unless we have clear ordinances in places and then continue to enforce them properly. This is why we need to keep updating our language. We also need to protect our wetlands and natural scenic areas and get more involved in land preservations.

There are a few recreational areas in Marion Township. There is 30 acres that sits off of Triangle Lake Road, which is also where the Marion Township Office is located. There is also ten acres located off Coon Lake Road and the three acres off Jewell Road. There are additional recreation options that we could implement within our community.

There will be one more Workshop-Meeting like this one, before the Masterplan is completed and approved. You can sign up with David Hamann the Zoning Administrator or anyone else in the office, to learn more about and participate in updating Marion Township's Masterplan. By signing up, you will also receive any notices, information or meetings involving the Masterplan, going forward.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Bruce Powelson motioned to adjourn the meeting at 8:50pm. Cheryl Range seconded. ***Motion carried***

PLEASE

Bring

Your

Zoning Ordinance

Book

For Discussion of Text Amendments

Marion Township
Landscape Operations and Contractor Yard
Plant Nursery
October 17, 2017

SECTION 1. MODIFY SECTION 3.02: DEFINITIONS

[Add the following definitions] **Landscape Contractor's Buildings, Offices and Yards:** A space, building or structure, or combination thereof, used exclusively for the storage of equipment, tools, vehicles, and materials used in or associated with such a business and/or the retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to, fertilizers, mulch, groundcovers, boulders, etc., may also be sold.

Landscape Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land and planting flowers, shrubs, and trees. A Landscaping Contractor's Operation typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

Plant nursery, greenhouse, farm related: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage, wholesale sale, or retail sale, of live trees, shrubs, and plants exclusively grown onsite. The area and amount of such structures, equipment, vehicle storage and other areas dedicated to the use shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

[Delete the following definition]

Nursery, Commercial: A space, building or structure, or combination thereof, used exclusively for the storage or retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to, fertilizers, mulch, groundcovers, boulders, etc., may also be sold.

[Amend the following definition]

Farm/Farm Operation: As defined by the Right to Farm Act, PA 93 of 1981, as amended.

1. **Farm Operation, Animals.** All aspects of a Farm Operation, Crops, with the addition of the following: use of feed lots; handling and care of farm animals for profit. A Farm Operation, Animals, does not include an Intensive Livestock Operation (ILO.)
2. **Farm Operation, Crops.** The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:
 - a. Marketing produce at roadside stands
 - b. The generation of noise, odors, dust, fumes, and other associated conditions
 - c. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations
 - d. Field preparation and ground and aerial seeding and spraying

Marion Township
Landscape Operations and Contractor Yard
Plant Nursery
October 17, 2017

- e. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides
- f. Use of alternative pest management techniques
- g. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals not for profit
- h. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes
- i. The conversion from a farm operation activity to other farm operation activities
- j. The employment and use of labor.

This use includes greenhouses, plant nurseries, and orchards, but does not include landscape contractor's operations (see definition).

SECTION 2. MODIFY SECTION 8.01 RR: Rural Residential District

Township Zoning Ordinance Section 8.01 B. titled "Uses Permitted By Right" is modified as follows:

- 1. Single-family dwellings.
- 2. Agricultural buildings and agricultural operations involving no more than two hundred (200) animal units at a density not to exceed 1.4 animal units per acre.
- 3. Plant nursery, greenhouse, farm related.
- 4. Public or private conservation areas, parks, game refuges, and similar uses.
- 5. Family day care homes.
- 6. Adult foster care small group homes.
- 7. Accessory buildings.

Township Zoning Ordinance Section 8.01 C. titled "Permitted Accessory Uses" is modified as follows:

- 1. Accessory uses or structures, clearly incidental to the operation of an existing farm, including:
 - a. Agricultural buildings, pole barns, sheds, greenhouses and similar structures customarily incidental to the permitted principal use.

SECTION 3. MODIFY SECTION 10.01 LI: Light Industrial District

Township Zoning Ordinance Section 10.01 B. titled "Uses Permitted By Right" is amended to add the following new Subsection 10.01 B. 16.

(16) Landscape Contractor's Buildings, Offices and Yards

Marion Township
Vehicle Storage in Commercial District
Outdoor Vehicle Storage
October 26, 2017

SECTION 1. MODIFY TABLE OF CONTENTS ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

*[Add the following]*Section 17.34 Outdoor Vehicle Storage

SECTION 2. MODIFY SECTION 3.02 DEFINITIONS

*[Add the following definition]***Motor Vehicle:** Any vehicle which is self-propelled.

Recreational Vehicle: Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or driven upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

*[Delete the following definition]***Recreational Vehicle:** A vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

SECTION 3. MODIFY SECTION 9.01 HS: Highway Service District

Township Zoning Ordinance Section 9.01 D. titled "Uses Permitted By Special Use Permit" is modified to include Subsection 9.01 D. 11.

11. Outdoor Vehicle Storage, subject to additional requirements found in Section 17.34.

SECTION 4. MODIFY ARTICLE XVII: STANDARDS FOR SPECIFIC SPECIAL LAND USES

Township Zoning Ordinance Article XVII is modified to include Subsection 17.34.

Section 17.34 Outdoor Vehicle Storage

A. Location Requirements: Outdoor Vehicle Storage uses are permitted by Special Use Permit in the Highway Service District.

B. Site Requirements

1. The minimum lot area shall be three (3) acres.
2. Site Design and layout shall meet all applicable requirements and standards of Article VI: GENERAL PROVISIONS, and Article XVIII: SITE PLAN REQUIREMENTS

C. Performance Standards

1. All vehicle storage sites shall contain a permanent enclosed office building.
2. No vehicles shall be stored in the front yard.

Marion Township
Vehicle Storage in Commercial District
Outdoor Vehicle Storage
October 26, 2017

3. All lighting shall be shielded from adjacent residentially used or zoned districts.
 4. No major repair or major refinishing shall be done on the lot. This includes but is not limited to
 - a) Cylinder head replacement;
 - b) Valve grinding or replacement;
 - c) Repair, replace transmission, rear end, rear axles;
 - d) Body work;
 - e) Engine replacement;
 - f) Repair of fuel tank;
 - g) Radiator or heater core repair or replacement;
 - h) Painting;
 - i) Fender repair;
 - j) Engine or transmission removal
 5. Motor homes, mobile homes, or other large vehicles over eight (8) feet in height shall not be parked or stored any nearer to the property line than the required minimum setback distance of the HS: Highway Service District.
 6. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.
 7. No person/s shall live temporarily or permanently in any vehicle stored on site.
- D. Buffering Requirements:**
1. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 6.13.
 2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.
 3. Dependent on provided screening and buffering, required setbacks may be reduced or modified.
 4. Dependent upon location, site angles, security or other factors; fence, wall or berm may be reduced or modified.

MICHAEL J. KEHOE, P.C.
ATTORNEY AT LAW
710 E. GRAND RIVER
HOWELL, MI 48843



Michael J. Kehoe

517-546-4570
Fax No. 517-546-7651

May 2, 2018

Mr. David Hamann
Marion Township Zoning Administrator
2877 W. Coon Lake Rd.
Howell, MI 48843

via email only

Re: Text Amendments; Landscape Operations, etc.

Dear Dave:

As requested, I've reviewed the various proposed zoning ordinance text amendments along with review comments by the Livingston County Planning Department. I have a few comments and or questions, as listed below.

I'm not sure about using "**Farm/Farm Operation**: As defined by the Right to Farm Act, PA 93 of 1981, as amended" because it seems a little inconsistent with the Right to Farm Act for a couple of reasons. First, "farm" and "farm operation" have separate definitions in the Act and the way it's titled in the ordinance gives the impression that's a definition in the Act. Also, the ordinance definitions of "**Farm Operation, Animals**" isn't defined in the Act and neither is there a definition in the Act for **Farm Operation, Crops**. Furthermore, the subsections a-j aren't the same as in the Act. Perhaps the wording could be "**Farm and Farm Operation** include the following:" and then follow with the more specific definitions. The Right to Farm Act prohibits the Township from doing anything contrary to the Act so I'm not sure it's necessary to specifically refer to it or refer to terms as "defined in the Act."

In the definition of Landscape Contractor's Operation, the second paragraph dealing with "Plant nursery, greenhouse, farm related," the last two lines "shall be consistent with the residential character of the area and shall not adversely impact neighboring properties" might be inconsistent with the Right to Farm Act. The Act defines farm products as including "...nursery stock, trees and tree products" so I have a little concern with that language as it refers to those things exclusively grown on site.

In 8.01 B. 3., while not a big deal, it just seems to end awkwardly. Also, although it's never been an issue, the number of animals as limited in #2 could have potential for a problem depending upon the GAAMPS (generally accepted agricultural and management practices) which is what the State ag department uses in determining if a

Mr. David Hamann
May 2, 2018
Page 2

farm is properly operating. The actual number of animals or size of a property is not as determinative if an operation complies with the GAAMPS. As I said, it's never been an issue, but I mention it just in case.

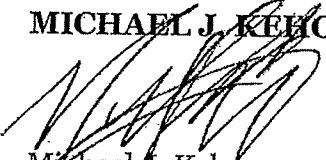
In 17.34 C.4, the wording "No major repair or major refinishing shall be done on the lot" leaves me to wonder if a person can do that within a building, but just not outdoors? I think that should be clarified. "Anywhere on the property," I think is a little clearer. This is meant to be outdoor storage but there is a provision for an office building so could it have room for some type of repairs.

In D.2., was the intent to have the entire parcel fenced, or just the storage area? As I read the current wording, the entire parcel must be fenced.

If you have any questions or desire any further information, please contact me.

Yours truly,

MICHAEL J. KEHOE, P.C.



Michael J. Kehoe
Attorney at Law

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Livingston County Department of Planning

April 19, 2018

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

Kathleen J. Kline-Hudson
AICP, PEM
Director

**Re: Livingston County Planning Commission
Review of Zoning Ordinance Amendments –**

**Z-01-18: Regarding landscape operations and contractor yards
Z-02-18: Regarding outdoor vehicle storage**

Robert A. Stanford
AICP, PEM
Principal Planner

Dear Board Members:

Scott Barb
PEM
Principal Planner

The Livingston County Planning Commission met on Wednesday, April 18, 2018, and reviewed the proposed Township Zoning Ordinance amendments. The County Planning Commissioners made the following recommendations:

Z-01-18 Approval.

The proposed text amendments are reasonable and appropriate appear to add no further undue hardship on the public. The proposed revisions to these Sections appear to improve the intended nature of these types of land uses through more distinct and detail-specific regulatory provisions.

Z-02-18 Approval.

The proposed text amendments are reasonable and appropriate. Staff would highly recommend that the Township consider Staff comments prior to final approval by the Township.

Copies of the staff review as well as draft Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions regarding county actions.

Sincerely,


Kathleen J. Kline-Hudson, Director

Enclosures

c: Larry Grunn, Chair, Marion Township Planning Commission
 Dave Hamann, Zoning Administrator, Marion Township

Additional minutes and agendas are available at: <http://www.livgov.com/plan/Pages/agendas.asp>

Department Information

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Web Site
co.livingston.mi.us



Livingston County Department of Planning

LIVINGSTON COUNTY PLANNING COMMISSION MEETING

Wednesday, April 18, 2018 – 6:30 p.m.

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

Agenda

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

1. Call To Order
2. Pledge of Allegiance
3. Roll and Introduction of Guests
4. Approval of Agenda – April 18, 2018
5. Approval of Meeting Minutes – March 21, 2018
6. Call to the Public
7. Zoning Reviews
 - A. Z-01-18 Marion Township, Zoning Ordinance Amendment, Article III Definitions, Article VIII Residential Districts, and Article X Industrial Districts
 - B. Z-02-18 Marion Township, Zoning Ordinance Amendment, Article III Definitions, Article IX Commercial Districts, and Article XVII Standards for Specific Special Land Uses
 - C. Z-13-18 Putnam Township, Zoning Ordinance Amendment, Section 340-39 Alternative Energy Systems
 - D. Z-14-18 Hamburg Township, Zoning Ordinance Amendment, Article 4 Site Plan Review, Section 4.3 Applicability and Article 9 Environmental Provisions, Section 9.2.4 Standards for Agricultural, Scenic, or Recreational Ponds
 - E. Z-15-18 Howell Township, Rezoning, RSC to HC in Section 29
8. Old Business
 - A. Amendment and adoption of An Ordinance For The Creation Of A Planning Commission For Livingston County, Michigan
9. New Business

Department Information

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

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**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

DRAFT – April 18, 2018

6:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	BRIAN PROKUDA JEANNE CLUM	JAMES SPARKS BILL ANDERSON
COMMISSIONERS ABSENT:	LAURA ABRAMSON	MATT IKLE
STAFF PRESENT:	KATHLEEN KLINE-HUDSON ROB STANFORD	SCOTT BARB
OTHERS PRESENT:	ROBERT STECKROTH-HOWELL RESIDENT BOB HANVEY-MARION TOWNSHIP SUPERVISOR	

1. **CALL TO ORDER:** Meeting was called to order by Commissioner Prokuda at 6:30 PM.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO APPROVE THE AGENDA DATED APRIL 18, 2018, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed.

5. **APPROVAL OF MINUTES**

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED MARCH 21, 2018, SECONDED BY COMMISSIONER SPARKS.

All in favor, motion passed.

6. **CALL TO THE PUBLIC:** Mr. Robert Steckroth stated that he has been a resident of Howell for over 30 years and he has had difficulty homesteading. He was evicted, was homeless, and is now temporarily sheltered. He said that he is on disability income. He proposes establishing a church/property with a variety of purposes and he requested endorsement from the County Planning Commission. Director Kline-Hudson stated that we could not endorse a development proposal that does not come from a local Township Planning Commission, and that the role of the County Planning Commission is defined by the Michigan Planning Enabling Act. Commissioners and staff referred him to Livingston County Habitat for Humanity, the 211 call center and the large job fair at Crystal Gardens.

Commissioner Prokuda closed the Call to the Public.

7. ZONING REVIEWS

A. Z-01-18: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE III DEFINITIONS, ARTICLE VIII RESIDENTIAL DISTRICTS, ARTICLE X INDUSTRIAL DISTRICTS.

The Marion Township Planning Commission proposes to revise Article III Definitions, Article VIII Residential Districts, and Article X Industrial Districts regarding landscape operations and contractor yards.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their February 27, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate appear to add no further undue hardship on the public. The proposed revisions to these Sections appear to improve the intended nature of these types of land uses through more distinct and detail-specific regulatory provisions.

Commission Discussion: Commissioner Sparks asked where Rural Residential fits in with these Agricultural uses. Bob Hanvey, Marion Township Supervisor, stated that Rural Residential is their Agricultural district.

Public Comment: Bob Hanvey, Marion Township Supervisor, spoke about animal units, as questioned by Commissioner Sparks. He stated that 200 animal units is equivalent to 1 feeder cow. Commissioner Sparks stated that Right to Farm supersedes the animal unit requirement.

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND
APPROVAL. SECONDED BY COMMISSIONER ANDERSON.**

Motion passed: 4-0

B. Z-02-18: MARION TOWNSHIP, ZONING ORDINANCE AMENDMENTS - ARTICLE III DEFINITIONS, ARTICLE IX COMMERCIAL DISTRICTS, AND ARTICLE XVII STANDARDS FOR SPECIFIC SPECIAL LAND USES.

The Marion Township Planning Commission proposes to revise Article III Definitions, Article IX Commercial Districts, and Article XVII Standards for Specific Special Land Uses regarding outdoor vehicle storage.

Township Planning Commission Recommendation: Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their February 27, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate. Staff would highly recommend that the Township consider Staff comments prior to final approval by the Township.

Commission Discussion: Commissioner Sparks asked if this special use could be next to a filling station. Principal Planner Stanford answered in the affirmative. The Highway Service commercial zoning district allows fillings stations and now this use as a special use.

Public Comment: None.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: April 2, 2018

SUBJECT: Z-01-18 Amendments to Zoning Ordinance Article -
Article III: Definitions
Article VIII: Residential Districts:
Section 8.01 RR: Rural Residential District
Article X: Industrial Districts:
Section 10.01 LI: Light Industrial District

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Marion Township Planning Commission proposes to revise the following Articles/Sections regarding landscape operations and contractor yards:

Article III: Definitions
Article VIII: Residential Districts: Section 8.01 RR: Rural Residential District
Article X: Industrial Districts: Section 10.01 LI: Light Industrial District

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold** font while deletions to existing text are noted in ~~strike through~~ font (Times New Roman). Planning Staff comments are noted in ***bold italic underline*** fashion (Arial).

Marion Township proposes to revise its township zoning ordinance regarding landscape operations and contractor yards:

Add The Following New Definitions:

Section 3.02 Definitions

Landscape Contractor's Buildings, Offices and Yards: A space, building or structure, or combination thereof, used exclusively for the storage of equipment, tools, vehicles, and materials used in or associated with such a business and/or the retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to fertilizers, mulch, groundcovers, boulders, etc., may also be sold.

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Landscape Contractor's Operation: A business engaged in the practice of improving building sites or other grounds by contouring the land and planting flowers, shrubs, and trees. A Landscaping Contractor's Operation typically consists of equipment, tools, vehicles, and materials used in or associated with such a business.

Plant nursery, greenhouse, farm related: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage, wholesale sale, or retail sale, of live trees, shrubs, and plants exclusively grown onsite. The area and amount of such structures, equipment, vehicle storage and other areas dedicated to the use shall be consistent with the residential character of the area and shall not adversely impact neighboring properties.

Delete The Following Definitions:

~~**Nursery, Commercial:** A space, building or structure, or combination thereof, used exclusively for the storage or retail sale of live trees, shrubs or plants not grown on the property. Products used for gardening or landscaping such as, but not limited to, fertilizers, mulch, groundcovers, boulders, etc., may also be sold.~~

Revise The Following Definitions:

2. Farm Operation, Crops. The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products, and includes, but is not limited to:

- a. Marketing produce at roadside stands
- b. The generation of noise, odors, dust, fumes, and other associated conditions
- c. The operation of machinery and equipment necessary for a farm including, but not limited to, irrigation and drainage systems and pumps and on-farm grain dryers, and the movement of vehicles, machinery, equipment, and farm products and associated inputs necessary for farm operations
- d. Field preparation and ground and aerial seeding and spraying.
- e. The application of chemical fertilizers or organic materials, conditioners, liming materials, or pesticides
- f. Use of alternative pest management techniques
- g. The fencing, feeding, watering, sheltering, transportation, treatment, use, handling and care of farm animals not for profit
- h. The management, storage, transport, utilization, and application of farm by-products, including manure or agricultural wastes
- i. The conversion from a farm operation activity to other farm operation activities
- j. The employment and use of labor.

This use includes greenhouses, **plant nurseries**, and orchards, but does not include nurseries (see definition) landscape contractor's **operations (see definition)**.



Township Zoning Ordinance Section 8.01 B. titled "Uses Permitted By Right" is modified as follows:

Section 8.01 RR: Rural Residential District

B. Uses Permitted By Right:

1. Single-family dwellings.
2. Agricultural buildings and agricultural operations involving no more than two hundred (200) animal units at a density not to exceed 1.4 animal units per acre.
3. Landscape **Plant nursery operations, greenhouse, farm related** including retail sales of nursery stock grown on the premises.
4. Public or private conservation areas, parks, game refuges, and similar uses.
5. Family day care homes.
6. Adult foster care small group homes.
7. Accessory buildings.

Township Zoning Ordinance Section 8.01 C. titled "Permitted Accessory Uses" is modified as follows:

Section 8.01 RR: Rural Residential District

C. Permitted Accessory Uses:

1. Accessory uses or structures, clearly incidental to the operation of an existing farm, including:
 - a. Agricultural buildings, pole barns, sheds, **greenhouses** and similar structures customarily incidental to the permitted principal use.

Township Zoning Ordinance Section 10.01 B. titled "Uses Permitted By Right" is amended to add the following new Subsection 10.01 B. 16:

Section 10.01 LI: Light Industrial District

B. Uses Permitted By Right:

(16) Landscape Contractor's Buildings, Offices and Yards

Township Recommendation: Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their February 27, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate appear to add no further undue hardship on the public. The proposed revisions to these Sections appear to improve the intended nature of these types of land uses through more distinct and detail-specific regulatory provisions.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: April 2, 2018

SUBJECT: Z-02-18 Amendments to Zoning Ordinance Article -
Article III: Definitions
Article IX: Commercial Districts:
Section 9.01 RR: Highway Service District
Article XVII: Standards For Specific Special Land Uses:
Section 17.34 Outdoor Vehicle Storage

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

The Marion Township Planning Commission proposes to revise the following Articles/Sections:

Article III: Definitions
Article IX: Commercial Districts:
Section 9.01 RR: Highway Service District
Article XVII: Standards For Specific Special Land Uses:
Section 17.34 Outdoor Vehicle Storage

The proposed amendments address revisions to the township zoning ordinance regarding outdoor vehicle storage.

NOTE: When existing (current) text are utilized in this review for illustrative purposes, additions (or newly proposed text) are noted in **underlined bold** font while deletions to existing text are noted in ~~strikethrough~~ font (Times New Roman). Planning Staff comments are noted in **bold italic underline** fashion (Arial).

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Marion Township proposes to revise its township zoning ordinance regarding outdoor vehicle storage:

Modify Table Of Contents – Add a New Section:

Article XVII: Standards for Specific Special Land Uses

Section 17.34 Outdoor Vehicle Storage



Add The Following New Definitions:

Motor Vehicle: Any vehicle which is self-propelled.

Recreational Vehicle: Includes travel trailers, pickup campers, motor homes, folding tent trailers, boats, boat trailers, snowmobiles, all terrain or special terrain vehicles, utility trailers, and similar equipment used for transporting recreational equipment. A

vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Vehicle: Every device in, upon, or by which any person or property is or may be transported or driven upon a highway except devices moved by human power or used exclusively upon stationary rails or tracks.

Modify Article IX: Commercial Districts, Section 9.01 HS: Highway Service District, Item D. – “Uses Permitted By Special Use Permit”- Add new subitem #11:

D. Uses Permitted By Special Use Permit:

1. Public facilities, including municipal buildings, schools, libraries, recreational facilities, and similar uses and activities.
 2. Automobile repair garage.
 3. Automobile fueling/mixed-use station.
 4. Billboards.
 5. Communication towers.
 6. Drive-in establishments including but not limited to: drive-in, drive-through, take-out, pickup, and other forms of in-vehicle retail or service establishments including restaurants, financial institutions, dry cleaning businesses, and similar facilities.
 7. Motels and hotels.
 8. Open air business uses such as retail sales of plant materials, sale of lawn furniture, playground equipment and garden supplies.
 9. Outdoor commercial recreation facilities.
 10. Adult Entertainment Uses (Amended 10/2000)
 - 11. Outdoor Vehicle Storage, subject to additional requirements found in Section 17.34.**
-



Modify Article XVII: Add New Subsection 17.34:

Section 17.34 Outdoor Vehicle Storage

A. Location Requirements: Outdoor Vehicle Storage uses are permitted by Special Use Permit in the Highway Service District.

B. Site Requirements

- 1. The minimum lot area shall be three (3) acres.**
- 2. Site Design and layout shall meet all applicable requirements and standards of Article VI: General Provisions, and Article XVIII: Site Plan Requirements**

C. Performance Standards

- 1. All vehicle storage sites shall contain a permanent enclosed office building.**
- 2. No vehicles shall be stored in the front yard.**
- 3. All lighting shall be shielded from adjacent residentially used or zoned districts.**
- 4. No major repair or major refinishing shall be done on the lot. This includes but is not limited to**
 - a) Cylinder head replacement;**
 - b) Valve grinding or replacement;**
 - c) Repair, replace transmission, rear end, rear axles;**
 - d) Body work;**
 - e) Engine replacement;**
 - f) Repair of fuel tank;**
 - g) Radiator or heater core repair or replacement;**
 - h) Painting;**
 - i) Fender repair;**
 - j) Engine or transmission removal**
- 5. Motor homes, mobile homes, or other large vehicles over eight (8) feet in height shall not be parked or stored any nearer to the property line than the required minimum setback distance of the HS: Highway Service District.**
- 6. All such recreational vehicle and equipment storage must be operable and licensed to operate on the highways of the State of Michigan.**
- 7. No person/s shall live temporarily or permanently in any vehicle stored on site.**



D. Buffering Requirements:

- 1. The front yard shall be planted with trees, grass, and shrubs. The spacing and type of plant materials shall be consistent with the provisions of Section 6.13.**
- 2. A solid fence, wall or earthen berm at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Such fence, wall or berm shall be of permanent finish and construction.**
- 3. Dependent on provided screening and buffering, required setbacks may be reduced or modified.**
- 4. Dependent upon location, site angles, security or other factors; fence, wall or berm may be reduced or modified.**

STAFF COMMENTS: Along with sub-items entitled “(A) Locational Requirements”, “(B) Site Requirements”, and “(C) Buffering Requirements”, most all Special Uses identified and described in Section 17 include a sub-item entitled “(D) Performance Standards”, which typically addresses signage issues or other miscellaneous or use specific catch-all regulatory provisions not included in other sub-items, but still pertinent to that particular use. To ensure complete comprehensiveness, Staff would simply suggest that the Township perform a final review of the desired and intended regulatory provisions for this special land use to make sure there are no potential regulatory gaps for this special land use type which need to be included and addressed for which this sub-item could be utilized.

Township Recommendation: Approval. The Marion Township Planning Commission recommended **Approval** of the text amendments at their February 27, 2018 meeting. There were no public comments.

Staff Recommendation: Approval. The proposed text amendments are reasonable and appropriate. Staff would highly recommend that the Township consider Staff comments prior to final approval by the Township.

ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE "LOTS"

This began as an attempt to reconcile the usage of the terms "lot" and "parcel" but as I looked for places that needed attention it has grown into more of an overall (but incomplete) review of things that may be candidates for change throughout the ordinance.

I'm not sure that everything referenced needs to be changed but I would like the Planning Commission and Zoning Administrator to review my comments. I don't think all these comments can be addressed quickly and I prefer that we take some time to think about the implications and applications in the day-to-day use of the zoning ordinance.

The attached document contains excerpts from our ordinances, state statutes, and The Michigan Community Association Law Blog. It has page numbers for reference. Some of these things seem trivial but I prefer not to rely on "you know what I meant" for interpretations.

The Zoning Ordinance on the township website:

mariontownship.com

Links

Planning & Zoning

Zoning Ordinance

Has the entire zoning ordinance and is searchable to help finding things.

ATTACHMENT PAGE 1

3.01 B Maybe we should include multiple individuals. See the definition of "Single Ownership" on page 3 that specifically includes "one or more persons."

3.01 C It says "building" includes "structure" which implies that "structure" is a subset of "building." The definition of "building" is any structure. The definition of "structure" includes "all buildings." That seems inconsistent or maybe circular. Throughout the ordinance the terms are used in a variety of ways. In 35 places the phrase "building or structure" is used. Sometimes it is "building and/or structure" Sometimes it is "building, structure." There are many more places where building is used by itself. There are some places where it is "building or premises" or "building or use." We need to determine if there is value in standardizing the text.

3.01 D These are the words that started this project. We say the word "lot" includes "plot" and "tract" but they are not included in our definitions.

Plot plan is referenced in Site Plan and 4.03 D but in 5.06 A there is the Implication that a "plot plan" is different from a "site plan" but we don't say what a "plot plan" is.

"Tract" is referenced in lot of record and Lot, Zoning, mobile home park, subdivision, and PUD.

"lot," "parcel," and "tract" are defined in the Michigan Land Division Act on page 10 of the attachment.

Not included in 3.01 D is the word "unit" which is usually associated with condominiums. "Units" in "site condos" are very similar to "lots" in a subdivision with the exception of attached condos (Meadows, Woodberry, etc.). See attachment page 2 (condominium unit) and page 14. I can't find anywhere in our ordinance where there is a distinction made between "site condos" (detached single family homes) and "condos" (attached multi-family homes) other than talking about building envelopes. I can't find the term "site condo" in the state condominium act even though it is a frequently used term in planning.

The definitions that include the word "condominium" are not consistent with the definitions in the Condominium Act but for now let's concentrate on "lots" and "units."

On page 2 is our definition of "lot" which seems to include our definition of "parcel" on page 3.

In this definition we have the requirement for frontage on an approved road which is also a requirement in section 6.19 B, page 9 of the attachment, but conflicts with our Land Division Ordinance, item 2 on page 11 of the attachment. The Land Division Ordinance allows access over an easement.

These two need to be reconciled.

Item 4 under Lot describes "through lots" which we do not allow. We should say so in the definition or leave it out.

Also on page 2, lot area gross, lot area net, and lot coverage are defined. Lot area net specifies "public street right(s)-of-way" but gross only says "street right-of-way." Lot coverage does not specify whether to use gross or net to calculate coverage. In Marion most lots in subs or site condos do not include any ownership of the road. Attached condos don't include any ownership outside the building walls. This should be cleaned up.

Also on page 2, Lot Depth should probably use the word "measured" same as lot frontage.

Page 3, Front Lot Line (1.) refers to "access easement" which is not allowed in the zoning ordinance. In Marion we have many lots that have the legal description going to the center line of the road, so there is no line separating the lot from the street right-of-way.

Figure 3 – 7 (page 7) shows a front lot line for a flag lot that does not front on a road in conflict with the definition of "Front Lot Line."

Also on page 3, "Rear Lot Line" will not work for many of our lots but item 4 allows the ZA to make the choices but does not specify who decides "not sufficient."

"Side Lot Line" specifies right angles to the road, we have many lots that are not at right angle to the road.

"Lot of Record" does not include Condo Units. The last phrase "prior to the adoption or amendment" should probably have a date certain, like "Parent Parcel" otherwise every lot could become a lot of record.

"Lot, Zoning" implies that a single parcel can have several tracts within it which is contrary to the definition in the Land Division Act. This is where things get confused with assessing. We have many tax parcels that are made up of multiple, often fractional, platted subdivision lots. The tax code is what we use to identify property on the land use application and other planning documents.

"Lot Width" uses the word "horizontal" but "Lot Depth" does not.

"Parcel" we don't include condo units.

"Parent Parcel" this definition is similar to the Plat Act "Tract." We allow only one flag lot per parent parcel. I'm not sure we enforce that properly.

This is most likely not an exhaustive list of issues.

From: Marion Township Zoning Ordinance

ARTICLE III: DEFINITIONS

Section 3.01 Construction of Language

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
- C. The word "building" includes the word "structure" and each term applies to any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, maintained for or designed to be used or occupied.
- G. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- I. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- J. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes, but is not limited to: mobile homes, tents, sheds, garages, greenhouses, lean to and other principal or accessory structures.

Condominium Project: A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978, MCL 559.101 et seq.

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended, MCL 506.101 et seq.

Condominium Plan: The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements. For the purpose of this Ordinance, a condominium plan shall be equivalent to the term "condominium subdivision plan" as defined by MCL 559.104.

Condominium Unit: That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a condominium unit(s) will consist of a building envelope, the term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

Lot: Land described in a recorded plat or by metes and bounds description, occupied, or to be occupied by, a building, group of buildings, or use, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage on a public street or a private road approved by the Township. (See also Condominium Unit.)

1. Corner Lot: A lot that has at least two contiguous sides abutting upon a public street and/or private road for their full length.
2. Flag Lot: A lot whose access to a public street or private road is by a narrow, private right-of-way that is part of the lot. (See also Figure 3-7.)
3. Interior Lot: A lot other than a corner lot.
4. Through Lot: An interior lot having frontage on two, more or less, parallel public streets and/or private roads.

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

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

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, located thereon, including roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but not including fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot Depth: The average distance measure from the front lot line to the rear lot line.

Lot Frontage: The length of the front lot line measured at the road right-of-way line, except as provided for flag lots. (See Section 6.11.)

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Register of Deeds, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded by the County Register of Deeds, or a Tax Code Number has been issued, prior to the adoption or amendment of this Ordinance.

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line. (See Figure 3-7.)

Lot, Zoning: A single tract of land, located within a single parcel, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record. **(Amended 6-03)**

Parcel: A lot described by metes and bounds or described in a recorded plat.

Parent Parcel: An existing parcel or contiguous parcels of land under the same ownership at the time this Ordinance became effective (March 14, 1996.)

Plat: A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act, PA 288 of 1967, MCL 501.101 et seq., or a prior statute.

Single Ownership: One or more parcels of land held entirely in the same ownership, which may include one or more persons and may be in any form.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including, but not limited to, all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including, but not limited to, utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Subdivision: The division of a lot, tract, or parcel of land into five or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term

subdivision shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land of more than ten acres.

FIGURE 3-4
LOT TYPES

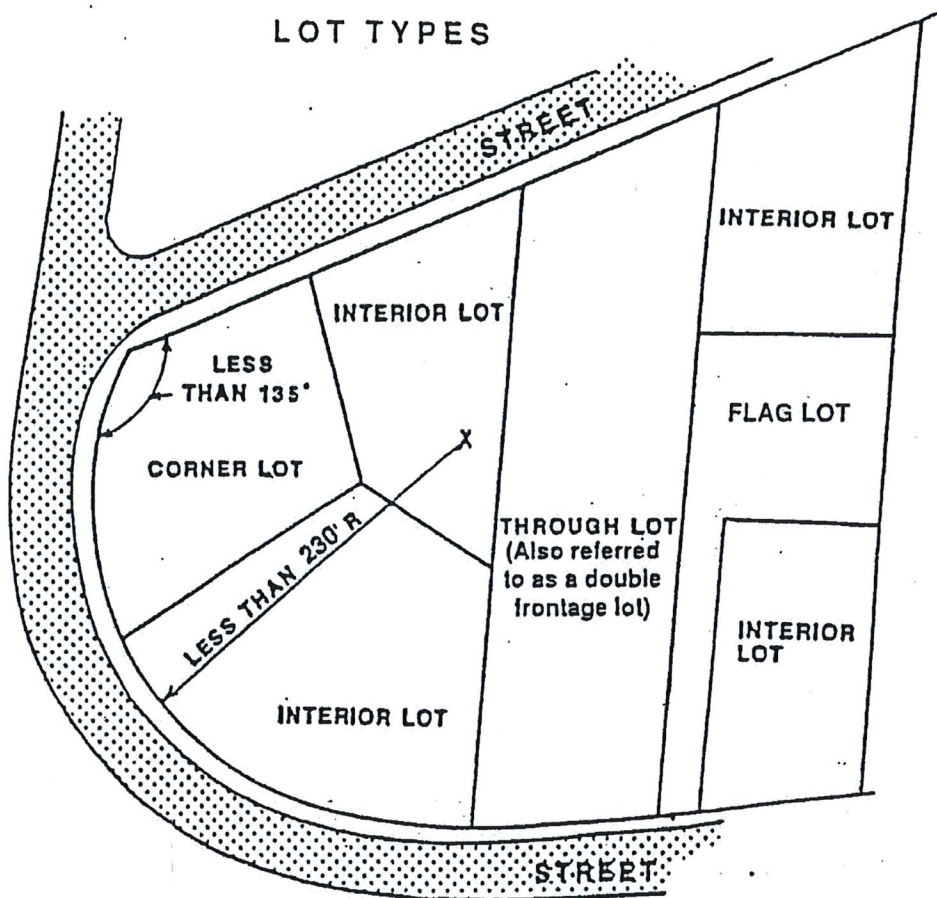


FIGURE 3-5
LOT DEPTH

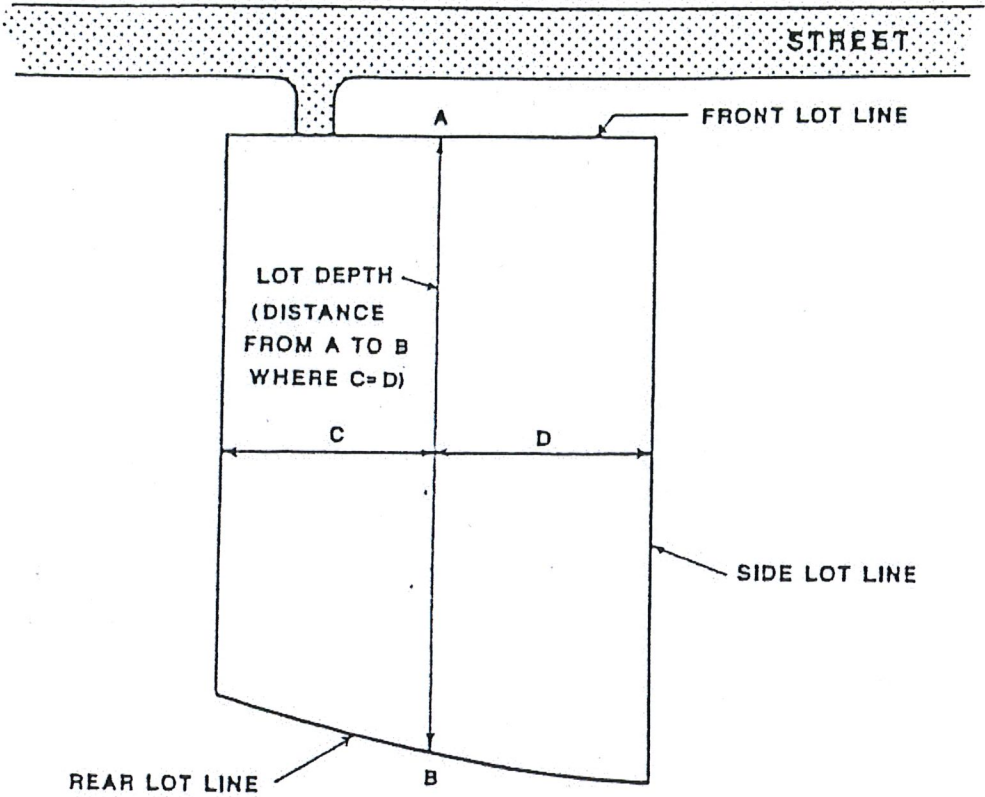


FIGURE 3-6
NET AND GROSS LOT AREA

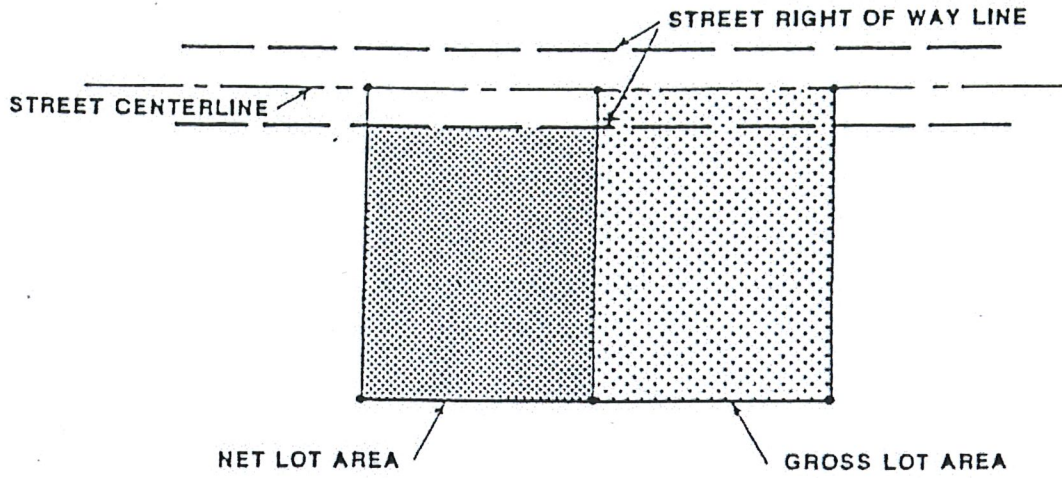
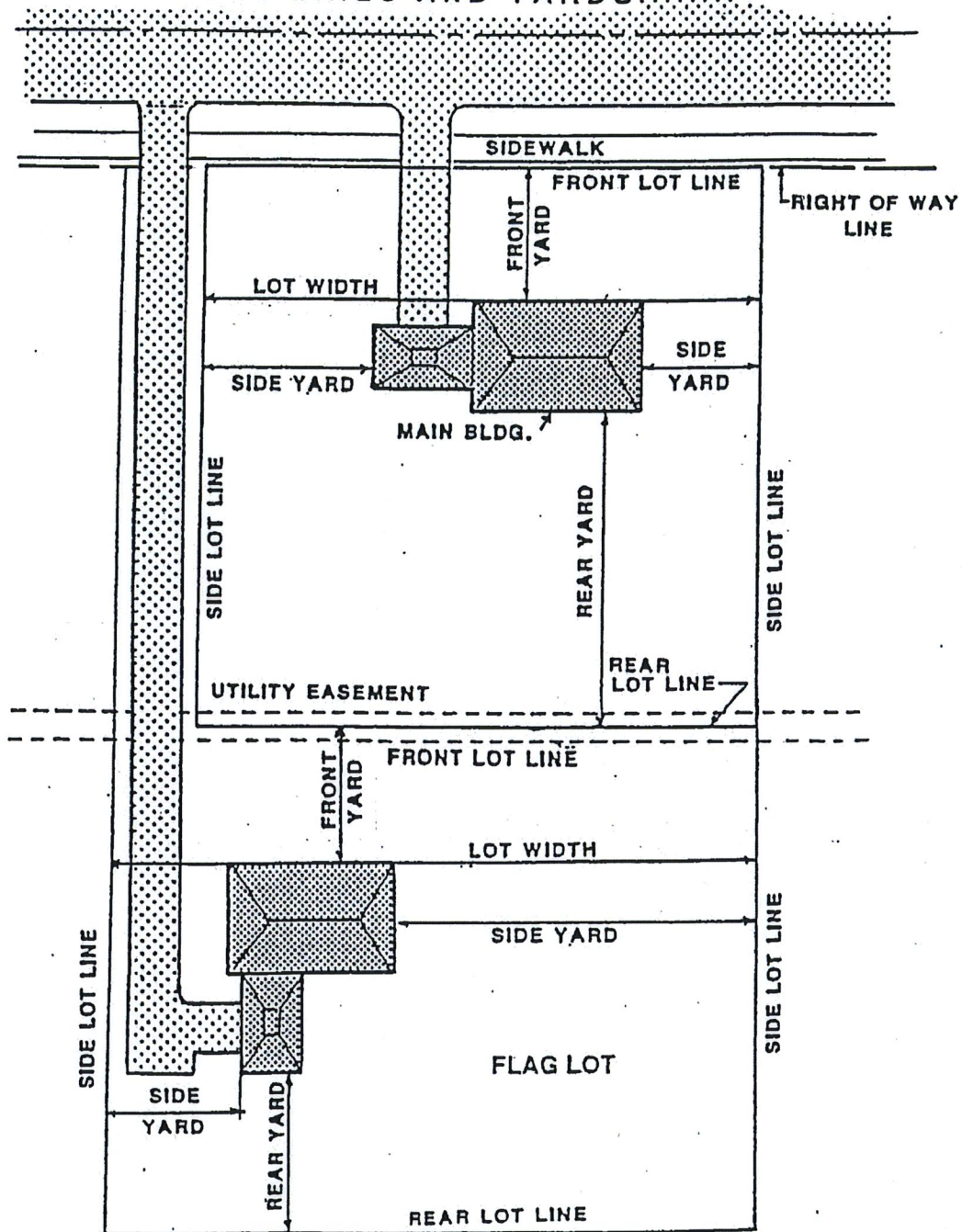


FIGURE 3-7
LOT LINES AND YARDS



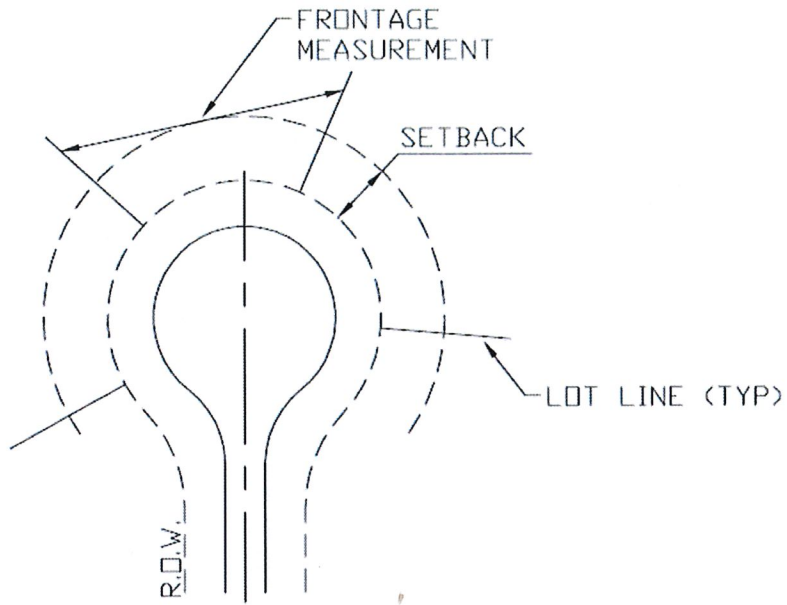


FIGURE 3-8

Section 6.19

Access Controls

2. No more than one (1) driveway shall be allowed per parcel.
5. No driveway shall serve more than one (1) dwelling.

B. Lots to Have Access: All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Except that corner lots shall take their access from an approved private road or approved public street in a platted subdivision or condominium project. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the Livingston County Road Commission.

Prior to obtaining a land use permit for a new parcel or lot created on a private road that was in existence prior to the effective date of this ordinance, the Township may initiate an inspection of the private road in accordance with General Ordinance No. 07-03, Pre-existing, Non-conforming Private Roads.

Definitions from Michigan Land Division Act, Act 288 of 1967 as amended

"Accessible", in reference to a parcel, means that the parcel meets 1 or both of the following requirements:

- (i) Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
- (ii) Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under 1969 PA 200, MCL 247.321 to 247.329, and of the city or village, or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

"Lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

"Parcel" means a continuous area or acreage of land which can be described as provided for in this act.

"Parent parcel" or "parent tract" means a parcel or tract, respectively, lawfully in existence on the effective date of the amendatory act that added this subdivision.

"Plat" means a map or chart of a subdivision of land.

"Tract" means 2 or more parcels that share a common property line and are under the same ownership.

From: STATE OF MICHIGAN, COUNTY OF LIVINGSTON, TOWNSHIP OF MARION
LAND DIVISION ORDINANCE NO. G-11-97

Section III: Definitions. For the purpose of this ordinance, certain terms and words shall have the following meaning:

Accessibility: in reference to a parcel, means the parcel meets one or both of the following requirements:

1. Has an area where a driveway provides vehicular access to an existing road or street and meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969, being sections 247.321 to 247.329 of the Michigan Compiled Laws, or has an area where a driveway can provide vehicular access to an existing road or street and meet all such applicable location standards.
2. Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

TOWNSHIP OF MARION
LIVINGSTON COUNTY, MICHIGAN
PRIVATE ROAD ORDINANCE NO. 07-03

SECTION I: INTENT AND PURPOSE

There are many private roads in the township that are not maintained by any government agency. Some of these roads are covered by an agreement of the owners that is part of their condominium documents, Planned Unit Development Agreement or a township approved Private Road Maintenance Agreement. This ordinance is intended for private roads that are not covered by any provision for maintenance approved by the township and these roads are referred to as unapproved roads.

A list of private roads is maintained by the township for reference. An approved private road maintenance agreement contains provisions for township intervention in the event that repairs and maintenance are not performed.

The Township realizes that at the time the private road was constructed, the developer voluntarily chose not to dedicate the road to the public and therefore maintenance became the responsibility of the owners.

This ordinance is enacted because of the Township's concern for the health, safety and welfare of township residents and others who may use private roads in the township. There are two situations that will trigger the township's involvement with private road maintenance on unapproved private roads:

1. A request for a land division that will create parcels with frontage on the road.
2. A written complaint about the road condition signed by the record owners of land constituting more than 50% of the total frontage upon the road.

It is the Marion Township Board of Trustees' goal to try to help owners of property on unapproved private roads that do not have a private road maintenance agreement approved by the Township, to establish a township approved road maintenance agreement and encourage the future care and maintenance of each private road.

SECTION II: PROCEDURE

Under this General Ordinance, the Board of Trustees can initiate an inspection of an unapproved private road when there is an application for a land division that results in a new parcel with frontage on an unapproved private road or the township receives a written complaint about the condition of the unapproved private road as described in Section I of this ordinance.

The zoning administrator, along with the township engineer, will perform an inspection and evaluate the condition of the unapproved private road to determine if the private road is acceptable. The guidelines for acceptability will be the specifications for new private roads taking into consideration the characteristics of the existing conditions. Items to be evaluated include but are not limited to: subbase, base, surface, drainage, length, width, shape, and traffic. Following the inspection, a written report of the road's condition will be provided to the Township Board. The report will include a cost estimate, if required, to address any perceived unacceptable condition of the road.

The Board of Trustees will review the engineer's report and estimates, if applicable, and decide if it is in the best interest of the property owners to facilitate the establishment of a road maintenance agreement to help provide for improvement and maintenance of the road. If the Township Board determines a road maintenance agreement would be in the best interest of the property owners, or upon request by a property owner, the township zoning administrator will provide a sample private road maintenance agreement to the property owners. An acceptable road maintenance agreement shall contain a provision that indemnifies and holds harmless the township from any liability. The sample maintenance agreement may be modified if necessary. All property owners on the road must sign the maintenance agreement.

After the signature of every property owner is obtained, the maintenance agreement is then submitted to the Township Board for its review to determine thoroughness and to allow the Township Board to decide if the agreement adequately addresses road improvement and maintenance needs of the road and the property owners on the road. After this review and approval by the township board, the maintenance agreement shall then be filed with the Livingston County Register of Deeds for

From:

The Michigan Community Association Law Blog

Nature and Extent of Property Ownership – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

ZONING ORDINANCE TEXT AMENDMENTS

CASE #	ARTICLE	SECTION	STATUS	PROPOSED CHANGE	PH	ADOPTED
TXT # TBD	XVII	17.33	Ag/Tour	On hold but needs rework		
TXT #04-17	X	10.01B16 8.01B3	Landscape Contractor's Operation	LI district rgst Board chg Plant Nursery	2/27/18	
TXT #05-17	XVII	17.34 9.01D.11	Outside Vehicle Storage	SU 17.34 rgst (Board) HS district	2/27/18	
TXT # 06-17	VI	6.07 6.22	Accessory Structures LCBD	roof pitch for AG engineered structures + calculation no bldg code, zoning issue	4/18/18 4/18/18	
GO #01-17	GO	G11-97	Land Div GO	revise with 6.19B,6.15A	n/r	
GO #02-17	GO	tbd	Nuisance	rgst(Board)	n/r	
GO #03-17	GO	tbd	Noise	rgst(Board)	n/r	
GO #04-17	GO	tbd	Motor Braking GO	rgst(Board) send to Board(10/24/17)	n/r	
GO #	GO	tbd	combine Lake & Boat GO Cemetery GO Park & Rec	cover all lakes add fines for vandalism still needed? Add moral conduct		
TXT #07-17	III	Definitions 6.11 18.02	Lots per Parent Parcel Land Balancing/clearing	in 10/24/17 packet in 10/24/17 packet in 10/24/17 packet	discuss	
TXT #	VI	6.14	nonconforming Acc Structure Home Occupation Class I	in 10/24/17 packet add application in first paragraph	discuss	
TXT #	VI	6.19/6.20	Private Roads	Length, # of ingress/egress, #driveways, shared driveways,	discuss	

