

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
September 25, 2018
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS: Welcome Jim Anderson as new commissioner

APPROVAL OF AGENDA FOR: September 25, 2018 Regular Meeting

APPROVAL OF MINUTES FROM: August 28, 2018 Regular Meeting

CALL TO THE PUBLIC:

- 1) Livingston County Planning Visit

Old BUSINESS:

- | | |
|---------------------------------------|-------------------|
| 1) TXT #04-17 Landscape Operation | (John Bring back) |
| 2) TXT #05-17 Outdoor Vehicle Storage | (John Bring Back) |
| 3) TXT#07-17 proposed changes Lots | (John review) |

New BUSINESS:

- 1) TXT #01-18 6.20 Private Roads (discuss- length, #ingress/egress, shared driveway, #driveways)
- 2) TXT #02-18 17.04A/B Automobile Repair Garage (remove item #8 site requirements)
- 3) TXT #03-18 Home Occupation (discuss new criteria for Class II, revisit Class I)

Correspondence and Updates:
Master Plan update

CALL TO THE PUBLIC:

ADJOURNMENT:

Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

MARION TOWNSHIP
2877 W. COON LAKE ROAD, HOWELL MI 48843
PLANNING COMMISSION
REGULAR MEETING MINUTES
August 28, 2018
7:30 P.M.

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

MEMBERS ABSENT: NONE

OTHERS PRESENT: DAVE HAMANN- *ZONING ADMINISTRATOR*

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

Regular Meeting Agenda for August 28, 2018

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

APPROVAL OF MINUTES

Regular Meeting Minutes for July 24, 2018

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

CALL TO THE PUBLIC

Craig Huffman, 4384 Sundance Crossing, introduced himself to the Planning Commission and explained that he is one of the applicants for the Planning Commission member position.

New BUSINESS:

Section 18 Site Plan Review/New Process

Dave Hamann explained that in the past, applicants have skipped the preliminary site plan review, which sometimes results in having several contingencies being recommended by the Planning Commission. Dave spoke

with Phil Westmorland and John Enos and discussed the new process for site plan reviews. All site plan reviews should go to the consultants first. Once review is complete, it should be sent to the Planning Commission. That way we can be sure all of the recommendations are being met prior to being presented to the Planning Commission and the Board of Trustees.

Old BUSINESS:

TXT #04-17 Landscape Operation

TXT #05-17 Outdoor Vehicle Storage

TXT#07-17 Proposed Changes Lots

Bruce Powelson motioned to postpone all three items under old business until John Enos is present at the next meeting. Cheryl Range seconded. *Motion carried*

Correspondence and Updates:

Bruce Powelson said on page 45 of the Master Plan, chapter five, the school name should be "Southeast."

Master Plan Update

Dave Hamann said that the changes and suggestions that were done on the Master Plan when Annette McNamara was employed here were given to John Enos. Bob Hanvey said that if anyone has any further suggestions or changes they would like to implement into the Master Plan, send them in an email to Bob, so they can be discussed with John Enos.

Dave also asked that everyone send him a list of available dates for the special meeting regarding the Masterplan.

LCPD attending next meeting September 25, 2018

CALL TO THE PUBLIC:

Les Andersen suggested that we discuss "Ag Tourism" in the Masterplan.

ADJOURNMENT:

Cheryl Range motioned to adjourn the meeting at 8:56pm. Bruce Powelson seconded. *Motion carried*



Carlisle | Wortman

ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Marion Township Planning Commission
FROM: John L. Enos, AICP, Township Planner
DATE: September 14, 2018
RE: Ordinance Amendments

Per your request we have amended the Outdoor Vehicle Storage and Landscape Operation language.

1. The Outdoor Vehicle Storage language will require that any use of this type will only be considered as a special land use within the Highway Service District. We suggest this language is ready for approval.
2. The intent of the use permitted by right for a landscape nursery operation in the RR, Rural Residential district is to allow for an agricultural type operation where landscape materials, i.e. trees and shrubs, may be grown and sold on-site. Whereas, the definition for Nursery, Commercial describes a more intense operation used exclusively as a large retail operation to sell general landscape type materials, trees, shrubs and vegetation not grown on the property and other products relating to associated with landscaping; i.e. fertilizer, stone, mulch.

To discern between the use types,

We recommend amending Section 3.02 to include language specific for nurseries and farm operations intended to function more as an agricultural operation where most but not all product(s) but not all are sold are grown on site. We also recommend deleting the Nursery, Commercial definition and changing to "Landscaping Operations".

Furthermore, we believe the intended function of **Plant Nursery, Green House, Farm Related** operations, as permitted by right in the RR, Rural Residential district, is consistent with an agricultural operation and should remain a use in the RR, Rural Residential district. However, we recommend an amendment to remove this as a use permitted by right and allow as a use permitted by right subject to special conditions.

LANDSCAPE OPERATIONS IN MARION TOWNSHIP

Step #1

Amend RR Rural Residential District to allow plant nursery, greenhouse, farm related and Farm/Farm Operations as a use permitted by right in our largest zoned area. See definition below:

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 primarily but not exclusively grown onsite. Incidental or secondary items directly related to a nursery or greenhouse may also be sold, including but not limited to pots, decorations etc. 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.

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.

Step #2

Amend LI Light Industrial District to allow landscape contractors buildings, offices and yards as a use permitted by right. See definition below:

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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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.
3. All lighting shall be shielded from adjacent residentially used or zoned districts.

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4. No major repair or major refinishing shall be done on the lot.
 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.

Submitted by Sue Lingle on September 12, 1996
Retyped on October 16, 2006

Board of Trustees:

RE: EXISTING PRIVATE ROADS

With the township experiencing such a fast growth rate over the past couple of years by virtue of requests for more land divisions and land uses, it has intensified the need for a solution to existing sub standard private roads.

I have roughly drafted an idea to establish 3 classes of private roads with the least restrictive class offering the fewest options for development. With this plan the more an individual or group wishes to develop an area via splits the more obligation is required on his/their part to bear the expense. Those who wish to maximize their investment by splitting using the minimum requirements could afford to upgrade to the class best suited to their agenda. In most cases, the market dictates the discounting of property on sub standard roads.

This would enable those people who wish to only build a residence on an existing private road the option to upgrade a road for limited use rather than having the enormous expense of developing a private road.

Initially, this plan would require engineering expenditures by the township to establish these classes, but would allow those owning property on private roads options to utilize their land and set up definite guidelines for the township.

Of course, the details of such a plan would have to be worked out, but I hope this very rough draft offers an overview of a possible solution.

Sue E. Lingle
3808 Brent Drive
Howell, MI 48843

EXISTING PRIVATE ROADS

Have 3 standards for developing existing private roads by classes established by Marion Township.

Class A – Existing approved private road. All new roads must be approved under new ordinance.

Class B – Existing private roads that are approved by the township engineer to be of a high standard and with minor improvements and a Road Maintenance Agreement could be reclassified to A at the homeowners' expense.

RESTRICTION ON CLASS B

No splits less than 5 acres.

Class C – Existing sub-standard road. Must be brought up to a standard which is not as restrictive as Livingston County specs but that would be considered safe and passable by specs provided by township engineer and certified by an engineering firm after completion at homeowners' expense.

RESTRICTIONS ON CLASS C

Areas serviced by Class C will be restricted to no splits less than 10 acres. Only permitted buildings would be 1 residence and 1 accessory building per parcel. These restrictions would be recorded with the Livingston County Register of Deeds and remain with the parcels until such time as the existing private road is approved under Class A or B.

With a majority vote homeowners can expense to upgrade to Class A or B on a Special Assessment which could go with the parcel.

UNCLASSIFIED

These existing private roads are in such deteriorated state that they should not be considered as viable for any type of development or construction until brought up to at least a Class C status.

NO LAND USE PERMITS OR SPLITS WILL BE ISSUED ON EXISTING PRIVATE ROADS THAT DO NOT QUALIFY UNDER STANDARDS SET FORTH FOR CLASS A, B OR C.

PRIVATE ROAD AND PRIVATE
DRIVEWAY ORDINANCE
SALEM TOWNSHIP, MICHIGAN

Ord.no 2017.11.14.01 eff 12/30/2017

THE TOWNSHIP OF SALEM ORDAINS:

An ordinance under the provisions of Public Act 246 of 1945 as amended to regulate the construction, maintenance and use of private roads and private driveways within Salem Township, administration and enforcement, fees to defray the administrative and enforcement costs, and to ensure that residences and buildings within the Township of Salem may be accessible to police and fire protection, and for other purposes, as follows:

SECTION 1. INTENT

The Salem Township Board finds that unobstructed, safe, and continuous access to lots is necessary to promote and protect the public health, safety, and general welfare of persons and property through police and fire protection, and ambulance service. The Salem Township Board further finds that such access is necessary to insure that such services can safely and quickly enter and exit private property at all times. The Salem Board further finds that access to the interior of certain sections within Salem Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights-of-way to the Washtenaw County Board of Road Commissioners or other municipal corporations, when public dedication is desirable or required without future undue and unnecessary costs to abutting property owners. The procedures, standards and specifications set forth in this Ordinance are determined to be the minimum procedures, standards and specifications necessary to meet the intention of this Ordinance.

SECTION 2. DEFINITIONS

- A. For purposes of this ordinance, private roads shall be further defined and classified as follows:
1. Class I Private Roads shall be paved and shall meet one or more of the following criteria:
 - a. Serves any commercial or industrial facilities, ten or more dwellings, parcels or lots, or has a reasonably foreseeable potential to be extended in the future to serve a total of ten or more dwellings, parcels or lots. The potential shall be based upon the amount of acreage serviced and the potential buildable parcels.
 - b. Connects with or has a reasonably foreseeable potential to be extended at a future time to connect with another public or private road.
 2. Class II Private Roads are those which do not meet the criteria for Class I roads as specified in subsection (A)(1) of this section, but which do exceed the criteria for Class III roads as specified in subsection (A)(3) of this section.
 3. Class III Private Roads are those which will serve no more than five dwellings, parcels or lots.
- B. PRIVATE ROAD PERMIT. A right of way permit issued pursuant to this Ordinance.
- C. BUILDING. An enclosed structure used or intended for commercial purposes, or used for the

housing, enclosure or shelter of people, animals, or chattels.

- D. COUNTY ROAD COMMISSION. The Road Commission of Washtenaw County, Michigan.
- E. EASEMENT. A right, such as a right of way, afforded a person to make limited use of another's real property.
- F. LOT. A parcel of Land; real estate.
- G. PRIVATE DRIVEWAY. A driveway that serves no more than one residence or lot and is located entirely on the same lot as the residence or lot served by the driveway.
- H. PRIVATE ROAD. A roadway meeting the standards of this ordinance which provides vehicular access to a lot or lots and which has not been dedicated to public use.
- I. RESIDENCE. An enclosed structure in which one or more persons live or may live for a period of time.
- J. SHARED PRIVATE DRIVEWAY. A driveway that serves no more than two lots or residences and which meets the standards in Section 3. E. of this ordinance.
- K. RIGHT OF WAY. The full area including private road or roadway over which there is an easement for the passage of persons, animals, vehicles, or any other uses related to the right of way or its maintenance or improvement.
- L. TOWNSHIP BOARD. The Board of Salem Township.
- M. TOWNSHIP CLERK. The Clerk of Salem Township.
- N. TOWNSHIP ENGINEER. An engineer appointed by the Township Board to the position of Township Engineer, or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in this Ordinance.

SECTION 3. GENERAL ACCESS AND PERMIT REQUIREMENTS

- A. Every lot in Salem Township that is to be approved with a building, shall:
 - 1. Either abut upon a road dedicated to the public, a private road which meets the requirements of this Ordinance, or a private road was in existence prior to September 30, 1989; or
 - 2. Have access for ingress and egress for all vehicular traffic including fire, police, and ambulance services and vehicles by means of such public or private roads.
- B. All private roads in existence prior to September 30, 1989, shall be exempt from the requirements of this Private Road Ordinance.
- C. No person shall construct or extend the length of a private road without compliance with this Ordinance and obtaining a Private Road Permit as provided herein. In the case of an

extension, only that portion being extended shall comply with this Ordinance.

- D. All private roads constructed after this Ordinance becomes effective shall contain a cul de sac wherever the road dead ends.
- E. A private driveway or a shared private driveway is not subject to the requirements for a private road under this Ordinance, except as stated herein but shall be subject to the following:
 - 1) A shared private driveway shall be located entirely within an easement having a minimum width of 66 feet and commencing from a public road. The easement shall provide for ingress, egress and all general improvements for the parcels served not limited to, drainage, electrical, telephone and gas.
 - 2) A shared private driveway may provide access to no more than two lots.
 - 3) A shared private driveway may provide access to two lots that both have at least the minimum road frontage required in the Zoning Ordinance for the zoning district in which the parcel is located. In this case a portion of the 66-foot-wide easement may be located on both lots. Said easement may be included in the required road frontage.
 - 4) A shared private driveway may provide access to a single lot that does not have the required road frontage if access to the single lot is through a 66 foot wide easement commencing from a public road. The lot, over which said easement is granted, shall have the minimum frontage, excluding said easement, on a public road as required in the Township Zoning Ordinance for the zoning district in which the parcel is located. No more than one easement for a shared private driveway may be located on a single lot.
 - 5) A private driveway or shared private driveway shall not be extended or used to serve other adjoining lots or residences beyond what is permitted for a shared driveway unless the requirements for a private road under the Ordinance has been fulfilled.
 - 6) In order to install a shared private driveway which provides access to a parcel that does not have the required road frontage, a deed restriction shall be executed and recorded prior to zoning approval stating that such shared driveway shall not be extended or used to serve other adjoining lots or residences beyond what is permitted for a shared driveway unless the requirements for a private road under this Ordinance have been fulfilled..
 - 7) A maintenance agreement for a shared private drive that meets the minimum standards for a maintenance agreement indicated in section 4. F. of this document shall be executed and recorded prior to approval.

SECTION 4. APPLICATIONS FOR PERMIT: REQUIREMENTS

Applications for private road or shared driveway permits shall be delivered to the Township Clerk and shall consist of the following regarding the entire right-of-way:

- A. A legal description of each lot to be served by the right-of-way, a legal description of the right-of-way, the names, addresses, and telephone numbers of all persons or parties owning an interest in the title to the lots and right-of-way area.

- B. A location map showing the proposed private road or shared driveway in relation to existing public roads in the vicinity including the private road in relation to the nearest major intersection. The location map shall contain a north arrow and the name of any public road that connects with the private road.
- C. A survey drawing to a scale of not less than one (1") inch to fifty (50') feet in size showing the outline of the proposed right-of-way, and the dimensions and bearings thereof, existing topographic contours, at two-foot intervals, of the right-of-way area and all adjacent land within ten (10) feet thereof, or within such greater area as may be necessary to determine whether drainage methods will be adequate; trees, streams and all bodies of water within ten (10) feet of the right-of-way area or within such greater area as may be necessary to determine whether drainage methods will be adequate; existing buildings within fifty (50) feet of the proposed right-of-way; the proposed right-of-way in relation to the nearest property lines; the location of all proposed improvements in the right-of-way area; and drainage easements covering all drainage paths. The survey drawing shall contain a North arrow and shall be prepared by a Registered Land Surveyor or Civil Engineer, registered in the State of Michigan, and shall bear the seal of the same.
- D. The length of the proposed private road or proposed shared driveway. The measurement of a private road shall be made from the center line of the existing public road to the extreme end of the cul-de-sac. The measurement of a shared driveway shall be made from the edge of the private or public road to the furthest opposite end of the driveway.
- E. Plan and profile drawings and a typical cross section of the proposed improvements showing clearly all materials, grades, and dimensions. For a private roads, (Class I & II) these plans and drawings must be prepared by a Civil Engineer registered in the State of Michigan, and bearing the seal of the same.
- F. A complete copy of all the terms and conditions of the recorded easement and a copy of the maintenance agreement signed or to be signed by all persons who own a lot served or benefited by the entire private road or shared driveway regarding the maintenance and improvement of the easement and private road or easement and shared driveway.

The maintenance agreement required by this ordinance shall be recorded with the Washtenaw County Register of Deeds and shall specifically address the liability and responsibility of the owners of each lot served by the private road or shared driveway to maintain and improve the entire private road or shared driveway pursuant to the specifications of this Ordinance, including, but not limited to, the responsibility for removing snow and ice, resurfacing and repairing as needed and providing dust control for gravel surfaces.

The maintenance agreement must specifically state that damage which may occur to a private road or shared private drive due to emergency equipment in an emergency situation shall be the responsibility of the property owners for whom the easement serves.

- G. The fee as established by resolution of the Township Board to defray the cost of inspection, plan review, administration, and enforcement of this Ordinance.
- H. The application shall be signed by the applicant or agent thereof, in which case, it shall be accompanied by a duly executed and notarized Power of Attorney, and shall represent that the applicant is making the application with the consent of all persons being served by or having an interest in the entire right-of-way, new and existing, or the abutting lots and shall

be made under penalties of perjury.

I. The following application requirements are specific to individual road classifications:

1. Class I or II private road.

a. Each application for a Class I or II private road shall be accompanied by completed plans prepared and sealed by a Civil Engineer registered in the State of Michigan, which includes the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.

b. The application and plans for a Class I or II road shall include the following information:

(1) The names and addresses of the dwellings, lot or parcel owners to be served by private road.

(2) A vicinity map of a minimum scale of one inch equals 2,000 feet, showing the location of the private road in the Township, any access roads and cross streets, road names, a scale and a north arrow.

(3) Existing topography at one-foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable stormwater outlet.

(4) Proposed improvements, including, but not limited to, roads, utilities and ditches, shown in plan and profile indicating all materials, grades, dimensions and alignment (both vertical and horizontal) in compliance with the standards set forth in Section 10.06. The plans shall also show all existing and proposed grades, the location of 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.

(5) Soil borings within the proposed route of the road. Tree coverage and wetland areas within 100 feet of either side of the proposed route.

(6) The 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 building or structures in or adjacent to any proposed road easement.

(7) The existing or proposed location of private utilities and easements, such as gas, telephone, and electric.

(8) A complete statement of all terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said 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, and section 4. F., including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement which runs with the land shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the county road commission.

- (9) A legal description of each lot to be served by the right-of-way, a legal description of the right-of-way, the names, addresses, and telephone numbers of all persons or parties owning an interest in the title to the lots and right-of-way area.

2. Class III private road.

- a. Each application for a Class III private road shall be accompanied by completed plans, which include the information contained herein. Where the required information is incorporated in the overall site plan of a development, separate road plans shall not be required.
- b. The application and plans for a Class III road shall include the following information:
 - (1) The names and addresses of the lot or parcel owners to be served by the private road.
 - (2) A vicinity map of a minimum scale of one-inch equals 2,000 feet, showing the location of the private road in the Township, any access roads and cross streets, road names, a scale and a north arrow.
 - (3) The location of existing buildings with existing and proposed grades in sufficient detail to depict drainage patterns. Existing utilities, storm drains, ditches, and swales crossing the road easement or adjacent to the easement shall be shown on the sketch plan.
 - (4) The relationship of the proposed road to an existing public roadway right-of-way which will serve as access for the private road.
 - (5) The location of the proposed road and turnaround within the easement together with proposed drainage and grading.
 - (6) The proposed roadway materials, thickness, and width and the type of underlying soil.
 - (7) A complete statement of all terms and conditions of the proposed road easement, including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway. Furthermore, said 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, and section 4. F., including, but not limited to, the responsibility of removing snow from said private roads. The recorded statement

which runs with the land shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the county road commission.

- (8) A legal description of each lot to be served by the right-of-way, a legal description of the right-of-way, the names, addresses, and telephone numbers of all persons or parties owning an interest in the title to the lots and right-of-way area.

SECTION 5. PERMIT APPROVAL PROCEDURE

- A. Upon receipt of an application for a Private Road or Shared Driveway Permit, the Township Clerk shall refer the application and related materials to the Township Engineer for review and determination as to whether or not the application should be approved. The Township Engineer may request additional information from the applicant prior to making his/her decision or may attach conditions to his/her decision in accordance with paragraph B below.
- B. The Township Engineer shall report in writing to the Township Clerk his/her determination including whether or not the proposed right-of-way and private road or shared driveway conform to the standards and specifications of this Ordinance. The report shall also contain any conditions to be attached to the Permit which, in the Township Engineer's judgment, are necessary to achieve the intent of this Ordinance.
- C. The Township Clerk shall not grant the Permit unless the Township Engineer determines and reports that the proposed right-of-way and private road or shared driveway meet the standards and specifications of this Ordinance and the Township Engineer recommends approval. If the foregoing requirements for approval are satisfied, the Township Clerk shall grant the Permit subject to any conditions required by the Township Engineer. The breach of any such condition of the approved Permit shall automatically invalidate the permit.
- D. As a condition of the granting of any Permit for a Private Road under this Ordinance, the applicant must meet the following requirements:
 - 1. The applicant shall deposit with the Township Treasurer:
 - a. a sum of money in cash or its equivalent including a certified check, bank check or cashier's check; or
 - b. an irrevocable bank letter of credit; or
 - c. a performance bond.

All such deposits and any documents evidencing a deposit shall comply with any condition or requirement imposed by the Township Clerk. The Township Board shall determine the cost per unit of the foregoing deposit from time to time and said deposit shall not be less than one and one-half (1 and 1/2) times the actual projected cost of the private road. The Township Clerk after consultation with the Township Engineer may require such additional deposits

even after issuance of the Private Road Permit as may be necessary to insure completion of the private road in accordance with this Ordinance. Upon issuance of a certificate of completion under Section 7 of this Ordinance, any unused portion of the deposit shall be refunded to the applicant. In the case of a letter of credit or performance bond, upon issuance of the Certificate of Completion, said deposit shall be released to the applicant. In the event that a Private Road Permit has been granted and the private road and any related improvements are not completed within the time period required in this Ordinance, the Township may use the deposit to complete the private road. The Township shall not be required to complete a road under any circumstances.

2. The applicant shall pay all projected fees pursuant to this Ordinance including but not limited to such fees as are necessary to defray the cost of inspection, plan review, administration and enforcement of this Ordinance per paragraph 4G. These fees shall be nonrefundable. The Township Clerk may require additional fees, to be paid by the applicant, after issuance of the Private Road Permit, if the initial projected fees are insufficient to defray the Township's actual costs.
 3. The applicant shall provide a maintenance agreement signed by all persons who are the owners of lots served or benefited by the proposed private road per paragraph 4. F. which has been recorded with the Washtenaw County Register of Deeds.
- E. Upon receipt, by the Township Treasurer, of the required deposit and predetermined fees, the maintenance agreement required by Section 4F, and approval of the application by the Township Engineer, the Township Clerk shall issue and sign the Permit pursuant to the terms established by the Township Engineer.
 - F. The Permit shall be in a form that shall be determined by the Township Clerk.
 - G. Only the Township Clerk shall have the authority to approve or deny applications for Private Road or Shared Driveway Permits; provided that any such approval or denial shall be made only in accordance with the recommendation of the Township Engineer. No other permit issued by any Township official or other governmental body or official shall be a substitute for the Private Road or Shared Driveway Permit. The Township Clerk shall act in accordance with Paragraph 5C.

SECTION 6. REQUIREMENTS AND SPECIFICATIONS FOR PRIVATE ROADS

All private roads shall meet the minimum requirements and specifications as identified in section 10.01 of the Salem Township engineering standards which may be amended from time to time.

SECTION 7. INSPECTION

All required improvements shall be inspected by the Township Engineer at various stages of construction. The applicant for a Private Road Permit shall notify the Township Engineer at the following stages of construction:

- A. After subgrade is constructed and before any subbase is placed, and after entrance is constructed per a Washtenaw County Road Commission Permit.

B. After subbase is placed.

C. When construction is complete, including topsoil, seed, and mulch.

The Township Engineer shall make a final inspection upon completion of construction and shall report the results of the final inspection to the Township Clerk in writing. The applicant's engineer shall certify to the Township Engineer, before the final inspection and report thereon are made, that the required improvements were made in accordance with this Ordinance and all approved plans. A Certificate of Completion by the Township Engineer shall be in a form as provided by the Township Clerk and a copy shall be delivered to the applicant. The costs of inspection, including compensation of the Township Engineer, and any other costs incurred by the Township, shall be paid by the applicant prior to the issuance of the Certificate of Completion. The Township Board shall establish and determine the costs of inspection. If the applicant does not directly pay the costs of inspection, the same shall be paid from the deposit established by the Township Board and held by the Township Treasurer, and the balance, if any, shall be returned to the applicant.

SECTION 8. EXPIRATION OF APPROVAL OF PERMITS AND RENEWAL PROCEDURE

A Private Road or Shared Driveway Permit shall be valid for a period of one year from the date of issuance. Except as otherwise provided herein, if the required improvements have been completed upon the expiration of the one year or longer period, then the permit shall be void and of no force and effect, and all fees paid by the applicant shall be forfeited to Salem Township.

An applicant may apply for a renewal of said permit no more than one time unless a variance is obtained in accordance with this Ordinance. The renewal must be for a successive period limited to an additional six (6) month in duration. The renewal shall be granted by the Township Clerk upon prior approval of the Township Board if the following requirements are satisfied: (1) The applicant submits a renewal fee at the time of application for a renewal in such an amount as shall be determined by the Board from time to time and (2) the applicant completes and submits to the Township Clerk a signed renewal form certifying under oath in a signed writing that the information submitted in the applicant's initial approved application has not changed and remains accurate.

SECTION 9. RECORDING OF RIGHTS-OF-WAY

The right-of-way and easements, including all agreements as identified in Section 4F herein, shall be recorded in the office of the Register of Deeds for Washtenaw County prior to the issuance of the Certificate of Completion required in Section 7.

SECTION 10. BUILDING PERMITS

No building permit shall be issued for any lot subject to the provisions of this ordinance unless a Private Road or Shared Driveway Permit has been issued by the Township Clerk.

SECTION 11. CERTIFICATES OF OCCUPANCY

No Certificate of Occupancy shall be issued for any building on a lot subject to the provisions of this Ordinance unless a certificate of completion has been received by the Township Clerk, as provided in Section 7 herein.

SECTION 12. VIOLATIONS

Any person who violates any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. Any access which is used in violation of the terms of this Ordinance be and the same is hereby declared to be a nuisance per se, and such use may be abated, restrained, enjoined, and prohibited, upon the commencement of an appropriate action in the Circuit Court.

SECTION 13. VARIANCES

When there are practical difficulties or unnecessary hardship in the way of carrying out this strict letter of the Ordinance, such as topographical and other physical characteristics of a parcel, the Township Board shall have the power to vary or modify the application of the provisions of this Ordinance so that the intent and purpose of the Ordinance shall be observed, public safety secured and substantial justice done. Any applicant may apply for a variance from any provision of the Ordinance by filing an application for variance with the Township Clerk and paying a nonrefundable application fee in an amount determined by the Board from time to time. The Township Board shall hold a public hearing upon such application within forty-five (45) days from it filing. The Township Board shall provide notice of the hearing to the owners of all property abutting and/or having access for ingress and egress of traffic by means of the private road described in the variance application, as well as law enforcement officials, fire officials, and ambulance companies known by the Clerk to serve such property. The notice shall be mailed to each such party and published in a newspaper of general circulation in the Township not later than seven (7) days prior to the hearing, Any party may appear and comment at the hearing in person or by agent or by attorney. The Township Board shall keep a record of the hearing and shall render a written decision not later than the next regular Township Board Meeting held after the hearing date. The Township Board may attach reasonable conditions in granting any variance from any provision of the Ordinance, and the breach of any conditions or the failure of any applicant to comply with the conditions shall void the variance. This provision of the Ordinance is intended, in part, to enable variances to be granted and conditions attached to the variances to facilitate the private roads to the standards of the Ordinance, in a reasonably practical manner, without unnecessary hardship or practical difficulty due to soil conditions, topographical considerations, or other factors.

SECTION 14. EFFECTIVE DATE

This Amended Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation throughout Salem Township.

Any existing private road ordinance is repealed immediately upon the effective date of this Ordinance

CHARTER TOWNSHIP OF SUPERIOR

WASHTENAW COUNTY, MICHIGAN

PRIVATE ROAD ORDINANCE

ORDINANCE NO. 163

AN ORDINANCE OF THE CHARTER TOWNSHIP OF SUPERIOR ESTABLISHING PROVISIONS FOR APPROVAL OF PRIVATE ROADS

IT IS ORDAINED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF SUPERIOR, MICHIGAN, as follows:

Section 163.01. Purpose

Unobstructed, safe, and continuous access to private property is necessary to promote and protect the health, safety, and the welfare and to ensure that police, fire, and emergency services can safely and quickly enter and exit such property at all times. It is also the purpose of this Ordinance to ensure that the building of a private road does not adversely affect the natural drainage courses or change the drainage in such a way that neighboring properties or public roads are impacted by the private road.

It is further the purpose of this Ordinance to ensure that private roads and rights-of-way are maintained and repaired by the private property owners who own and use the road. Furthermore, whenever public dedication is desirable or required, access to the interior of certain sections within Superior Charter Township should meet minimum standards and specifications to permit the subsequent upgrading and dedication of such access rights of way to the Washtenaw County Board of Road Commissioners.

It is further the purpose of this Ordinance to ensure that the construction of private roads will not negatively affect drainage, water runoff, and retention on adjacent properties.

The procedures, standards and specifications hereinafter set forth are determined to be the minimum procedures, standards, and specifications necessary to satisfy the purpose of this ordinance and protect the health, safety and welfare of the citizens of the Township.

Section 163.02. Definitions.

Building. Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property of any kind.

Building/Zoning Official. The authorized Building/Zoning Official of Superior Charter Township or any other person authorized by the Township Board to perform the duties of Township Building/Zoning Official as set forth in this ordinance.

County Road Commission. The Washtenaw County Road Commission.

Lot. A parcel of land with at least sufficient size to meet the minimum requirements for use excluding any street or other right-of-way and any easement area for a private street.

Maintenance Agreement. An agreement executed by the owner(s) of a private road that provides the terms for maintaining the private road and the financing thereof.

Permit. A private road permit issued pursuant to this ordinance.

Private Road. A road, street or driveway serving two or more residential properties under private ownership which has been constructed for the purpose of providing access to adjoining property which has not been accepted as a public road by the Washtenaw County Road Commission.

Public Street or Road. A street or road, accepted by and under the jurisdiction of the Washtenaw County Road Commission or the State of Michigan Department of Transportation, for the purpose of providing access to adjoining property, and open to the public so that persons other than the occupants of adjoining property may travel thereon.

Right-of-Way. The right of an owner of property by reasons of such ownership, to use the property of another for purposes of ingress egress, utilities, drainage and similar uses. In the context of this Ordinance, private right-of-way shall be designated for purposes of vehicle ingress and egress.

Township Engineer. An engineer appointed by the Township Board to the position of Township Engineer or any other person authorized by the Township Board to perform the duties of Township Engineer as set forth in the ordinance.

Section 163.03. Exemptions from the Private Road Ordinance.

A. The provisions of this ordinance shall not apply where private roads are created as part of a planning process required by the Superior Charter Township Zoning Ordinance and are reviewed and approved by the Planning Commission and/or the Township Board. Such processes include but are not limited to: Planned Community area plans, subdivision plats, site condominiums, site plans and other special zoning districts.

B. Existing lots, rights-of-way and drives in existence prior to the enactment of this ordinance shall be exempt from the provisions of this ordinance unless the Township Board, by resolution, determines that such compliance is necessary to protect and promote the public health, safety and welfare in accordance with the purposes of this Ordinance or unless additional lots are connected to the private road.

Section 163.04. General Requirements

A. No lot shall be created subsequent to the date of adoption of this Ordinance, unless a

permit in accordance with this Ordinance has been issued, if required.

- B. No person shall construct, alter, or extend a private road without compliance with this ordinance and without obtaining a permit.
- C. The construction and maintenance of the private road shall be constructed to allow for access of police and fire equipment on a year-round basis, allowing emergency equipment to safely enter and exit.
- D. All private rights-of-way for private roads shall maintain a minimum width of 66 feet.
- E. No land division approvals requiring a private road shall be granted for any lot or parcel until access, as required under the Superior Charter Township Zoning Ordinance, has been approved. The Building/Zoning Official shall have the authority to approve the provision of required access.
- F. No building permits shall be issued for any lot or parcel until access, as required under this section, has been constructed and approved by the Building/Zoning Official and the Fire Marshal in consultation with the Township Engineer, if necessary. The Building/Zoning Official shall have the authority to approve the construction of the road with consultation with the Township Engineer and/or Fire Marshal, if necessary. All private roads under the jurisdiction of the Township shall not affect drainage, water run-off, or retention on adjacent public roads or adjacent property.
- G. A maintenance agreement for the private road is required prior to the approval of a property division or the issuance of a building permit. The maintenance agreement shall provide for a minimum of annual maintenance, must specify the method of private financing for all maintenance of the private road, and must state that the owners of the property abutting the road will carry liability insurance for the road. The maintenance agreement shall first be approved by the Township Building/Zoning Official and then be recorded with the Washtenaw County Register of Deeds. (A sample Road Maintenance Agreement is available at the Township Hall which contains all necessary requirements.) A recorded copy shall be filed with the Township Building/Zoning Official and Township Assessor prior to the property division being approved.
- H. A private road accessing four (4) or more lots shall have road signs erected and maintained in accordance with the Michigan Manual of Uniform Traffic Control Devices.

Section 163.05. Application for Private Road Permit: Required Information

- A. When a private road permit is required by the terms of this Ordinance, the owner of a lot shall apply to the Township Building/Zoning Official for a private road permit which shall consist of the following information:
 - (1) A legal description of each lot to be served by private road.

- (2) A legal description of the private road.
- (3) The names, addresses, and telephone numbers of all persons or parties owning an interest in the title to the lots and right-of-way area.
- (4) A survey drawing showing the outline of the proposed right-of-way and all lots served by the proposed right-of-way and the dimensions and bearings thereof.
- (5) A grading plan showing proposed finish contours at a minimum interval of two (2) feet correlated with existing contours so as to clearly indicate cut and fill required. The Building/Zoning Official is authorized to waive or modify this requirement at his/her discretion as determined to be warranted.
- (6) Streams, wetlands and all bodies of water within 100 feet from the right-of-way area, or within such greater area as may be necessary to determine whether drainage methods will be adequate.
- (7) Existing buildings within 100 feet of the proposed right-of-way and all existing buildings on lots to be served by the right-of-way.
- (8) The proposed right-of-way in relation to the nearest property lines.
- (9) The location of all proposed improvements in the right-of-way area.
- (10) A drawing showing a cross section of the proposed roadbed detailing the width of the actual roadbed, materials to be used, and depth of material.
- (11) A complete statement of all the terms and conditions of the proposed right-of-way including copies of all agreements or intended agreements regarding the maintenance and improvements of the right-of-way and roadway.
- (12) A fee as established by resolution of the Township Board to defray the costs of plan review, administration, inspection and enforcement of this ordinance.
- (13) The application shall be signed by the applicant or agent thereof (in which case, it shall be accompanied by a duly executed and notarized Power of Attorney) and shall represent that the applicant is making the application on behalf of all persons having an interest in the right-of-way or the abutting lots and shall be made under penalties of perjury.
- (14) In addition, the applicant shall provide evidence that the proposed right-of-way will be built in conformance with the Township's Wetland and Watercourse Protection and Restoration Ordinance, the Township Zoning Ordinance and the Washtenaw County Drain Commissioner's standards for storm water retention and drainage facilities.
- (15) A copy of the Washtenaw County Driveway/Road Permit.
- (16) A copy of the Washtenaw County Soil Erosion Permit.

Section 163.06. Permit Approval Procedure

- A. The Township Building/Zoning Official and the Fire Marshal shall consider the application, and if the information submitted by the applicant does not establish that the proposed right-of-way will conform to the standards and specifications of this ordinance, the Township Building/Zoning Official shall not grant the permit. The Building/Zoning

Official shall impose such conditions on the approval of the permit as it deems necessary to achieve the intent and objectives of this ordinance. The breach of any such condition proposed by the Building/Zoning Official or making a change that affects the approved plan adversely shall automatically invalidate the permit. The Building/Zoning Official will secure the services of the Township Engineer to assist in reviewing the application for the proposed private road for circumstances such as, but not limited to, soil type, topography, drains, wetlands, etc. The costs associated with the services of the Township Engineer shall be bourn by the applicant from an escrow account set up by the applicant. The Building/Zoning Official may waive the Township Engineer review in the case of a private road that has no engineering issues.

- B. Upon receipt of the required deposit and predetermined fees and approval of the application by the Township Building/Zoning Official, a permit shall be issued in accordance with this Ordinance.

Section 163.07. Expiration of approval of permits.

A Permit shall be valid for a period of one year from the date of issuance, or such longer period as determined by the Township Building/Zoning Official. If the required improvements have not been completed upon the expiration of the one year or the longer period of time then the Permit shall be void and of no force and effect and all deposits shall be forfeited to Superior Charter Township. ---

Section 163.08. Variances and Appeals

When there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, such as topographical and other physical characteristics of a lot, the Township Board shall have the power to vary or modify the application of the provisions of this ordinance so that the intent and purpose of the ordinance shall be observed, public safety secured and substantial justice done.

If the Building/Zoning Official denies the issuance of a permit or if the applicant is aggrieved by the administrative decision of any official charged with enforcement and/or interpretation of this Ordinance, the applicant may appeal the decision to the Township Board.

Any applicant may apply for a variance or appeal to the Township Board by submitting a letter to the Township Clerk which clearly indicates the variance/appeal requested and the reasons for such a request.

Section 163.09. Recording of Rights-of-Way.

The right-of-way, including all maintenance agreements as identified in Section 4 (H), herein, shall be recorded in the office of the Register of Deeds for Washtenaw County. A recorded copy shall be filed with the Township Building/Zoning Official and the Township Assessor prior to

the granting of approval for any property division involving a private road.

Section 163.10. Violations

- A. A person or entity that violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law, and subject to a civil fine determined in accordance schedule determined by the Township Board. In addition, a person or entity violating this Ordinance shall be responsible for payment of all direct and indirect costs and expenses which the Township incurs in connection with the violation, including reasonable attorneys' fees.
- B. A person or entity violating this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law.
- C. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- D. Any access that is used in violation of the terms of this Ordinance is a nuisance per se and such use may be abated, restrained, enjoined and prohibited, upon commencement of an appropriate action in the Circuit Court.

Section 163.11. Fees

Applications for a private road permit under this Ordinance shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Township Board.

Section 163.12. Effective Date.

This ordinance shall become effective immediately upon publication in a newspaper of general circulation throughout Superior Charter Township.

CERTIFICATION

I, Kay Williams, Clerk of the Charter Township of Superior, Washtenaw County, Michigan, hereby certify that this is a true copy of an Ordinance adopted by the Superior Charter Township Board for first reading at a regular meeting held on August 16, 2004 and for second and final reading on October 4, 2004. This Ordinance shall become effective on the eighth day following publication of second and final reading, or such later date as may be provided herein or by law.

William McFarlane, Supervisor
October 4, 2004

Kay Williams, Clerk