

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
November 26, 2019
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: November 26, 2019 Regular Meeting

APPROVAL OF MINUTES FROM: October 22, 2019 Regular Meeting

CALL TO THE PUBLIC:

PUBLIC HEARING:

New BUSINESS:

- 1) SPR#02-19 Evergreen Landscape 386 Lucy Road SS Real Estate Holdings LLC
- 2) SPR#03-19 LoRea Topsoil & Aggregate Lucy Road Paul Marie Properties
- 3) TXT#01-19 Short Term Rental Special Use

Old BUSINESS:

- 1) TXT#04-17 review comments from LCPD Review if back
- 2) TXT#07-17 proposed changes Lots – move thru other issues. (Bring info from past meetings)

Correspondence and Updates and Discussion:

- Notice from Hamburg Township Pre-Draft Master Plan Review/Comment Meeting
- Notice from City of Howell Public Hearing fir 645 Lucy Road for scrap processing facility

Annual meeting/election will be held in January 2020

CALL TO THE PUBLIC:

ADJOURNMENT:

DRAFT

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
October 22, 2019 / 7:30PM**

MEMBERS PRESENT: BOB HANVEY
CHERYL RANGE – SECRETARY
BRUCE POWELSON – VICE CHAIR
JAMES ANDERSON

OTHERS PRESENT: DAVE HAMANN – ZONING ADMINISTRATOR
JOHN ENOS – PLANNER WITH CARLISLE WORTMAN

MEMBERS ABSENT: LARRY GRUNN – CHAIRPERSON

CALL TO ORDER:
Bruce Powelson called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:
Regular Meeting Agenda for October 22, 2019

Cheryl Range motioned to approve the agenda for the October 22, 2019. Jim Anderson seconded. **Motion carried.**

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for September 24, 2019

Bob Hanvey motioned to approve the minutes from the September 24, 2019 meeting. Cheryl Range seconded. **Motion carried.**

Bob Hanvey motioned to approve the grammar and spelling changes for the minutes from the September 24, 2019 meeting. Jim Anderson seconded. **Motion carried.**

CALL TO THE PUBLIC:

Rebecca Mistretta resides at 2883 Rubbins. Rebecca is concerned about the house on 1697 Triangle Lake Road. This property is currently being used as a rental property. The Township needs to put an immediate stop to this use, for various reasons. There are already major parking issues on this road, due to the road being extremely narrow. Last weekend there were seven vehicles visiting this residence and they were parked alongside the road, near this property.

Edward Grima resides at 2943 Rubbins. Ed is concerned about the septic system that runs under the road. The basement was only supposed to be used for storage. The website says that there is a washer and there should not be.

PUBLIC HEARING:

TXT# 04-17 Landscape Contractor and Nursery Operations

Jean Root resides at 723 E. Davis Road. Jean said that we have a trucking company running trucks illegally in the Township. These trucks are starting up at 4:30am-5:30am and you can hear them backing up and coming and going throughout the day. The Master Plan that the Township worked on in 2008 intended for Marion to remain rural in character. So something like this is not allowed in rural residential. Jean is concerned about accidents that could occur in result of these trucks and would like the Township to move forward and take action against this trucking operation.

Tim Ryan resides at 459 E. Davis. Tim agrees with everything that Jean Root just explained. This trucking operation is currently using Drain #3 which is not the drain they are supposed to be utilizing. In the mornings, the neighbors including himself can smell the exhaust fumes from the trucks. Tim is not trying to be a bad neighbor and it is not his job to come to the Township and complain but the Township needs to get some enforcement on this issue.

John Enos said that the Planning Commission Board is appointed by the Board of Trustees. The goal is to keep the Townships rural character intact. They try to protect and guide the future of the Township. It is not the Planning Commission's job to handle enforcement. They write language to protect and allow certain things within the Township. There is a difference between a trucking company that hauls mulch, stone and so forth versus a Landscape Contractors yard. We have created language that expresses the difference between the two. John's hope is to approve this language and sent it to the Livingston County Planning Commission for review and then to the Marion Township Board for approval.

Susan Schooley resides at 459 E. Davis road. Susan says that the Nursery Operation language states that it must not create a nuisance or disrupt the rural character. This leaves a lot of room from interpretation and different opinions of what is and isn't allowed. **PUBLIC HEARING CLOSED**

John Enos wished to address the short-term rental property on Triangle Lake. Marion Township is separated into different Zoning Districts. ERS-1 (existing rural subdivision) is one of the smaller districts. A short-term rental is not a permitted use according to our ordinance. There will be no more discussion on this during

tonight's meeting but maybe these residents should attend one of the regular weekly Board meetings to discuss your concerns.

Cheryl Range mentioned that there are currently two bills being discussed in the State House and Senate. This keeps getting stalled by the Senate but it addresses the definition of short and long-term rentals.

NEW BUSINESS:

TXT# 04-17 Landscape Contractor and Nursery Operations

Jim Anderson wanted to discuss the storage of live trees and shrubs. Does this mean trees with root balls or just growing trees?

Tim Ryan resides at 459 E. Davis. Tim explained that Right to Farm means that you are growing things from the ground. Not storing bagged trees or balled trees for a later sale. Storing these does not sound like something that should happen in Rural Residential.

John Enos asked why you couldn't have retail sale of trees in RR.

Tim Ryan explained that retail sales in RR opens the door for more issues, unless they are being grown on site.

Jim Anderson said that we need to spell out what they are allowed to do so there is not room for interpretation. Jim also said that he doesn't like the word "storage". He prefers "Natural growing of bulbs, trees and shrubs." John read a proposed draft of this definition:

"Nursery Operations: A parcel, area, space, building or structure, or combination thereof, used chiefly for the storage of, live trees, shrubs, and plants; natural growing or balled for retail sale."

Dave Hamann said that if it is Right to Farm then a Site Plan Review is not required.

Jim Anderson said that if it is naturally grown from the ground, then that is considered Right to Farm.

Jim Anderson made a motion to modify the language for the "Nursery Operations/Right to Farm" definition; Section 8.01.B.3, Section 8.02.B.6 and Section 10.01.B.16, with the verbiage previously read. Cheryl Range seconded. **Motion carried.**

Jim Anderson made a motion to send this updated language for the "Nursery Operations/Right to Farm" definition; Section 8.01.B.3, Section 8.02.B.6 and Section 10.01.B.16, to the County for recommendations and then back to the Planning Commission for review. Cheryl Range seconded. **Motion carried.**

OLD BUSINESS:

1) TXT #03-18 Section 6.14 and 17.32 Home Occupation / Home-Based Business

John Enos explained that the County did a thorough review of this language.

Jim Anderson said that since we are not allowing signs for Home Occupations, then we need to strike it from 15.05 and 15.06 in our Zoning Ordinance.

John Enos said that we should approve this language and clean up the Zoning Ordinance later on.

Bob Harvey is still concerned with the word "Lot" in 6.14 Home Occupation.

Jim Anderson made a motion to replace the word "lot" with the word "parcel" through all of section 6.14 Home Occupation and recommend approval of 6.14 & 17.32. Bob Hanvey seconded. **Motion carried.**

2) TXT# 07-17 Proposed Changes Lots

Bob Hanvey motioned to postpone discussion on this topic until the next meeting on November 26, 2019. Cheryl Range seconded. **Motion carried.**

3) Wellhead Protection Overlay District replacing 6.27

Cheryl Range motioned to postpone discussion on this topic until the next meeting on November 26, 2019. Jim Anderson seconded. **Motion carried.**

CORRESPONDENCE AND UPDATES:

McKay:

Dave Hamann discussed that in sections 6 and 6-10, it talks about yard encroachments. There is a resident in the audience tonight that has a lake front property. With lake properties, the lake-side is always considered the front and the road side is always the back side.

Gary McKay resides at 1451 Triangle Lake Road. Gary needs a variance for his deck because of issues that occurred years back.

Dave Hamann explained that he is just using McKay's situation as one of the examples that will help explain the importance of making changes to this language.

Gary said that several years ago their Land Use got approved to build their house on this property. Recently this house was torn down and it turns out that there is no drain field. The new house had to be moved to accommodate this. He would also like to build a deck but now the front yard setback is too short.

John Enos said that it sounds like Gary has a good practical difficulty.

Bob Hanvey asked if we could allow an encroachment on a lakeside.

John Enos said he will bring him some language options for the next meeting.

Cheryl Range motioned to postpone further discussion until the next meeting on November 26, 2019. Bob Hanvey seconded. **Motion carried.**

Esper/Wolf:

Bob Hanvey explained that Wolf is stating that his property has sufficient frontage to not be a flag lot.

Jim Anderson said that you can't encroach on property lines without a variance. You have to meet the setbacks from the property lines.

Jim Anderson made a motion to continue this meeting until 9:45pm. Bob Hanvey seconded. **Motion carried.**

Clarification on multi-pole flag lots:

Bob Hanvey said there is a parcel on Cedar Lake Road that has two poles. Is this still a flag lot?

Dave Haman said that he has to allow these residents to move forward because there is no language that says they can't. Should we put more language in section 6, to limit the amount of poles on a flag lot?

November is Annual meeting/election and no meeting scheduled for December:

Jim Anderson shared that he will not be here for the November meeting.

CALL TO THE PUBLIC:

Les Andersen wanted to know if the words "Right to Farm" was replacing the work "Ag" in our definition for Nursery operations.

Jim Anderson said it will now read, "Nursery / Right to Farm"

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:47pm. Jim Anderson seconded. **Motion carried.**

MARION TOWNSHIP
APPLICATION FOR SITE PLAN REVIEW

SPR 02-19

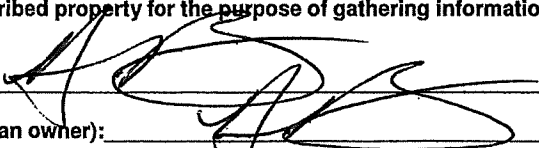
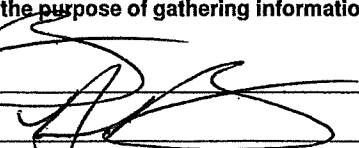
Date:	<u>10-6-19</u>
Parcel I.D. Number:	<u>4710-01-200-004</u>

Property Owner(s) Name (Print or Type):
<u>SS Real Estate Holdings LLC</u>
Mailing Address (Print or Type):
<u>386 Lucy Rd</u>
City, State, ZIP (Print or Type):
<u>Howell, Mi 48843</u>
Phone (Print or Type):
<u>810-599-9052</u>

Applicant(s) Name (Print or Type):
<u>Same</u>
Mailing Address (Print or Type):
<u>Same</u>
City, State, ZIP (Print or Type):
<u>Same</u>
Phone (Print or Type):
<u>Same</u>

Name of Proposed Development:	<u>SS Real Estate Pole Barn</u>		
Location of Proposed Development (address):	<u>386 Lucy Rd, Howell Mi 48843</u>		
N E S W Side of	<u>Lucy Rd</u>	Road between	
<u>Grand River</u>	and	<u>196</u>	Roads

- The property owner(s) must sign this application. In lieu of the owner(s) signature on this application, the owner may provide a letter authorizing the applicant to act on his / her behalf. This application will not be processed until authorized by the property owner and/or the authorized applicant.

Brief Description of the Proposed Development and / or Project (Land Use):
<u>Build A pole barn</u>
I hereby grant permission for members of the Planning Commission, Zoning Administrator or their appointed designee to enter the above-described property for the purpose of gathering information related to this application.
Owner(s) of Record Signature: 
Applicant(s) Signature (if other than owner): 
Date: <u>10-6-19</u>

DO NOT WRITE BELOW THIS LINE – TOWNSHIP USE ONLY

Date Received: 10-7-19 Received By: DA Application Fee: 500
Escrow 2500

PRELIMINARY SITE PLAN REVIEW

AGENCY REVIEWS AND COMMENTS FROM:

County Road Commission: Yes ___ No ___ County Health Department: Yes ___ No ___

County Drain Commissioner: Yes ___ No ___ Fire Department: Yes ___ No ___ Other Agencies: Yes ___ No ___

Township Attorney: Yes ___ No ___ Township Engineer: Yes ___ No ___ Township Planner: Yes ___ No ___

APPROVED

APPROVED WITH CONDITIONS

DENIED

Date: _____

Date: _____

Date: _____

Date Received: _____ Received BY: _____ Application Fee: _____

FINAL SITE PLAN REVIEW

AGENCY REVIEWS AND COMMENTS FROM:

County Road Commission: Yes ___ No ___ County Health Department: Yes ___ No ___

County Drain Commissioner: Yes ___ No ___ Fire Department: Yes ___ No ___ Other Agencies: Yes ___ No ___

Township Attorney: Yes ___ No ___ Township Engineer: Yes ___ No ___ Township Planner: Yes ___ No ___

APPROVED

APPROVED WITH CONDITIONS

DENIED

Date: _____

Date: _____

Date: _____



Carlisle | Wortman
ASSOCIATES, INC.

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

Site Plan Review For Marion Township, Michigan

Applicant:	Evergreen Outdoor Inc.
Project Name:	Evergreen Outdoor Inc.
Plan Date:	February 6, 2019
Location:	386 Lucy Road, West side north of RR (Approximately 1 acre)
Zoning:	LI: Light Industrial
Action Requested:	Site Plan Approval
Required Information:	Noted in Review

PROJECT AND SITE DESCRIPTION

The applicant has submitted a site plan for an expansion of a parcel which is currently zoned as LI – Light Industrial and located at 386 Lucy Road. The site has a total lot area of approximately one (1) acre and is currently in operation as a landscape business. The existing structure has been classified as a legal nonconforming building because it does not meet the bulk requirements delineated for industrial districts. The applicant had provided a preliminary site plan for review of several renovations to the property, including the construction of a pole barn for storage, a concrete approach, and parking improvements. The applicant has also stated that they intend to include a 1,000 square foot rain garden in the expansion.

The facility will continue to be accessed from Lucy Road through the existing driveway located on the east boundary of the parcel.

Section 18.03 highlights the general requirements for a site plan have been provided. A vicinity map, descriptions of surrounding zoning classifications, and contact information should be provided.

Figure 1 – Aerial Image of Site and Surroundings



Items to be addressed: None.

SURROUNDING ZONING AND LAND USE

The subject parcel is currently zoned LI – Light Industrial. The applicant has provided general information regarding zoning and land use. According to the Countywide Generalized Zoning Map found on the Livingston County GIS server, the parcel is largely surrounded by parcels designated as R-1, One Family Residential. The parcel located to the east is located within the City of Howell. None of the neighboring parcels have been developed. The table below depicts this information.

Table 1 – Surrounding Zoning and Land Use

Direction	Zoning	Use
North	R-1: One-Family Residential	Not developed
South	R-1: One-Family Residential	Not Developed
East	Parcel owned by the City of Howell	Not Developed
West	R-1: One-Family Residential	Not Developed

Items to be addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

The existing structure is currently considered a legal non-conforming structure because it does not meet the industrial bulk regulations set forth in the Zoning Ordinance. Due to the non-conformities of this site, it was originally noted in the 2015 review that any future expansion should not be permitted without being granted a variance.

Details regarding the existing structure are provided on the plan. It is 44 feet by 22 feet and has a total square footage of 875 square feet. It is 16 feet in height, with a six (6) foot roof. It is located approximately 31 feet south of the parcel's north property line and 143 feet east of Lucy Road.

Information on the proposed pole barn is shown. It has a length of 80 feet and a width of 40 feet. The structure's proposed height is delineated as being 16 feet with a seven (7) foot roof. It is located six (6) feet south of the parcel's north property line, ten (10) foot is required. A side yard variance has been granted by the Township ZBA. The following table discusses its compliance with the industrial district's bulk regulations.

Table 2 – Required and Provided Dimensions of the Proposed Pole Barn

	Required	Provided	Compliance
Minimum Lot Area	4 acres	.97 acres	✓
Minimum Frontage	330 feet	150 feet	✓
Setbacks:			
Front	100 feet	30 feet	Variance Granted
Side (North)	150 feet	6 feet	Variance Granted
Side (South)	150 feet	104 feet	✓
Rear	150 feet	Not Depicted	✓
Maximum Lot Coverage	40%	Not Depicted	✓
Maximum Height	40 feet	23 feet	✓

Items to be addressed: Provide rear setback information and maximum lot coverage.

NATURAL RESOURCES

No information regarding topography, or existing natural resources has been provided by the applicant. According to the National Wetland Inventory Map, the parcel is surrounded by wooded wetlands. In addition, the parcel itself contains wetlands.

Items to be addressed: Discuss wetland issues.

PARKING AND LOADING

Parking: The plan indicates an existing gravel parking lot that is located to the south of the existing structure. It is accessed after entering the site from Lucy Road by using the east driveway and is primarily used for company vehicle parking. The total amount of existing parking spaces is twelve (12) with no handicap accessible spaces. A new gravel parking lot has been proposed which contains thirteen (13) spaces situated to the west of the existing structure, four (4) spaces adjacent to existing parking spaces, and two (2) new handicap parking spaces at the center of the site. Overall, the applicant has proposed a total of 19 new parking spaces. If the expansion is approved, the site will accommodate for a total of 31 vehicles. We are comfortable with this many parking spaces.

The two (2) handicap accessible parking spaces are not the same size. One (1) has been depicted as being ten (10) feet, while the other is smaller. No other parking space dimensions have been depicted. It appears as though the parking spaces within the site have a 75 to 90 degree parking pattern. Section 14.04(C) requires all off-street parking areas to be designed, and constructed to have a maneuvering lane with a width of 20 feet and parking spaces with a width of nine (9) feet and a length of 20 feet.

Parking areas with a capacity of four (4) or more vehicles are required to be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage. The existing gravel parking area should suffice.

Items to be addressed: Provide clarification of design dimensions for non-handicap accessible and handicap-accessible parking.

SITE ACCESS AND CIRCULATION

Site Access: No sidewalks exist within the site, or along its perimeter. Due to the site's location and lack of developed parcels within proximity, visitation is likely achieved through the use of a vehicle. Access to the site is through an existing driveway located on the eastern boundary. A privacy fence with a gate has been depicted to regulate access to the site. There is no indication of whether this is an existing or proposed feature.

Circulation: Section 14.04 discusses Site Development Requirements. No center lines or other markings designed to regulate vehicular movement throughout the site are shown. Additionally, a concrete approach has been proposed at the center of the site abutting the proposed pole barn to the south and includes (2) new handicap parking spaces with a width of ten (10) feet.

Items to be addressed: 1.) Indicate whether or not the privacy fence with gate near at the driveway is existing or proposed. 2.) Fire Department review and approval.

BUILDING LOCATION AND SITE ARRANGEMENT

The building and accessory uses are already in place. A gravel parking area intended for employee use has been proposed on the west portion of the site. An existing septic field and tank are located at the southwest corner of the parcel and is to be surrounded by the proposed gravel parking lot. The proposed pole barn is situated at the northeast portion of the site and is to be accompanied by a 100 foot by 20-foot concrete approach with two (2) new handicap parking spaces. Adjacent to these two (2) spaces, is a proposed landscaped area that continues north of the existing structure. The 1,000 square foot rain garden is to be located within this area. A single dumpster and three (3) fuel tanks are shown at the southeast corner of the site; it is uncertain as to whether these are proposed or currently exist.

Items to be addressed: Clarify if the dumpster and three (3) fuel tanks are currently existing or proposed.

LANDSCAPING AND SCREENING

Landscaping: A landscape plan has been provided. The applicant has stated that renovations will include a 1150 square foot rain garden that will act as a retention pond.

The plant legend containing species, size, and quantity accurately depicts what is shown on the landscape plan.

Parking lot landscaping standards require one (1) tree for every ten (10) spaces. Based upon the total 31 spaces, the development requires three (3) trees. This requirement has been met. Additionally, when a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer zone shall be provided between the parking area and the adjoining property of no less than three (3) feet in height.

Screening: Section 6.13 discusses screening requirements. Section 6.13(B) requires that a solid wall or fencing is to be located on the side and rear lot lines of any site within an industrial zone that abuts another residential zoning district or land use. The existing woodlands and wetlands should act as an adequate screen.

Section 14.05(E) requires that all trash storage areas which face or are visible from residential properties or public thoroughfares be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height. As mentioned in the portion of this review discussing building location and site arrangement, it is not shown whether the dumpster and three (3) fuel tanks currently exist within the site or if they are proposed features. Regardless of the status of these features, there is no screening shown.

Items to be addressed: 1) Differentiate between existing and proposed landscape features and buffer zones. 2) The Planning Commission should discuss the need for screening.

ESSENTIAL FACILITIES AND SERVICES

The site is served by a private well and septic system.

Items to be addressed: Township Engineer review and approval.

LIGHTING

The applicant should indicate any existing or proposed lighting within the site. Parking lot lighting is subject to section 14.04(E).

Items to be addressed: Provide information regarding existing or proposed lighting.

RECOMMENDATIONS

We would recommend approval of the plan conditional upon the following being addressed to the satisfaction of the Planning Commission.

1. Provide rear setback information and maximum lot coverage.
2. Discuss wetland issues.

3. Provide clarification of design dimensions for non-handicap accessible and handicap-accessible parking.
4. Indicate whether the privacy fence with gate near at the driveway is existing or proposed.
5. Fire Department review and approval.
6. Differentiate between existing and proposed landscape features and buffer zones.
7. The Planning Commission should discuss the need for screening.
8. Provide information regarding existing or proposed lighting.



October 22, 2019

Dave Hamman, Zoning Administrator
Marion Township
2877 W Coon Lake Rd
Howell, MI 48843

RE: 386 Lucy Road
Preliminary Site Plan Review

Dear Mr. Hamman:

We have received and reviewed the preliminary site plan for SS Real Estate Pole Barn, which is located on the west side of Lucy Road south of Grand River. The plans were prepared by Evergreen Outdoor and are dated February 6, 2019. We offer the following comments:

General

The proposed property is in the Light Industrial Zoning District and will be used as a contractor storage yard and offices. A legal description is provided on the cover sheet and closes within acceptable tolerances. The property is 0.97 acres. There is a location map on the cover showing the position of the property and a vicinity map showing its location relative to local roads. The vicinity map should be shown at a scale of 1" = 2000'.

No soils map is provided for this site. An aerial photograph has been provided, but it should indicate adjacent zoning, land use, owners, and other features as outlined in the Zoning Ordinance.

Landscaping is proposed throughout the site.

Setback distances are dimensioned on the plans and variances have been granted for the front and side setbacks. There is a dumpster enclosure shown near the southeast corner of the site; the dumpster should be relocated such that it is not in the front yard. We defer to the Township Planner for comments regarding landscaping and setback requirements.

It appears there are a number of fuel tanks being proposed in the southeast corner. These tanks should be moved toward the rear of the site. A containment curb of some type needs to be placed around the tanks to collect any possible spills.

The plans should be sealed by a Professional Engineer, Architect, or Landscape Architect.

Water Service

No water main is shown on the proposed site, although a hydrant is shown immediately south of the project on Lucy Road. The developer should indicate the location of the main along Lucy and avoid placing any landscaping on top of the main. No new water services are shown and no floor plan is provided for the new pole barn, therefore it is assumed there is no restroom or other plumbing in the barn. This should be verified by the developer.

October 22, 2019

Page 3 of 3

The area around the fuel tanks should be paved and curbed to contain potential spills. Any stormwater runoff from this area should be contained separately or the appropriate mechanical separators be put in place to manage the runoff.

We defer to the Township Planner on the appropriate number of parking spaces.

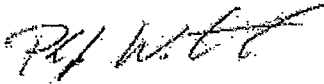
Recommendation

We recommend the plans be revised and resubmitted with the following corrections:

1. Indicate adjacent land use, zoning, and ownership on the location map.
2. The plans need to be professionally sealed
3. Verify there is no restroom in the proposed pole barn.
4. Verify the existing septic system can handle the loading from the increased employee count.
5. Provide calculations and design information for the stormwater management system.
6. Revise the site grading to capture all runoff on site.
7. Dimension the parking stalls.
8. Relocate the fuel tanks to the rear of the lot, and pave around the tanks. Provide a containment curb to isolate possible spills.

If you have any questions or need anything further, please feel free to contact our office.

Sincerely,



Philip A. Westmoreland, P.E.

Senior Project Manager

SPICER GROUP, INC.

125 Helle Blvd., Suite 2

Dundee, MI 48131

CC: SGI File
Ken Recker, P.E., Livingston County Drain Commissioner's office (via email)
John Enos, AICP, Carlisle Wortman (via email)

Dave Hamann

From: Ken Recker <KRecker@livgov.com>
Sent: Monday, November 18, 2019 2:07 PM
To: Dave Hamann
Cc: khiller@livingstonroads.org; Aaron Aumock; Phil Westmoreland (philaw@spicergroup.com); Rod Soos; Mitch Dempsey
Subject: RE: Site Plan Review request for Evergreen 386 Lucy Rd

Dave,

In regard to this one acre Lucy Road site I'd offer the following:

1. The site is an existing home site which is to be demolished to allow for the proposed new use. It is located on the west side of Lucy Road across from the former Landfill, between Miechels Auto Salvage to the north, and the railroad tracks to the south.
2. The plan should contain a note stating the drainage system is to be privately owned and maintained by the property owner.
3. Basin calculations were not reviewed in detail, as that is typically done by our review consultant. However, we would note that the 2" of runoff over the tributary area is not normally adjusted by the C factor as appears to be the case in the table on Sheet G-2. We'd recommend deepening the basin by one foot. While this might not allow the full 2" of runoff to be stored in the basin, this would provide additional storage, and make further certain the proposed two feet of freeboard as proposed on Sheet G-2. If the additional foot of depth is provided, we'd have no objection to allowing for two feet of freeboard as shown on the calculations on sheet G-2.
4. The soils information on Sheet I-1, though not extending to 25 feet below grade, appears to adequately document the capacity of the underlying soil strata at the proposed basin location to infiltrate water. We would not require a soil boring to further validate the information provided.
5. The inlets into the basins from the roof and footing drains should have proposed elevations at the discharge points in the basin, no higher than one foot above the bottom of the basin. It appears a rip rap spillway is being provided in the southwest corner of the basin to pick up surface runoff behind the existing structure. A detail of the spillway construction should be shown.
6. Due to the proximity of the site to surrounding wetlands, a commercial soil erosion and sedimentation control permit is required for the project. I will have staff perform a complete soil erosion control plan review upon receipt of fees and application materials.

If you have further questions give me a call.

Sincerely,

Kenneth E. Recker, II, P.E.
Chief Deputy Drain Commissioner

From: Dave Hamann <za@mariontownship.com>
Sent: Tuesday, November 5, 2019 10:47 AM
To: Ken Recker <KRecker@livgov.com>; khiller@livingstonroads.org; Jamil Czubenko <jczubenko@howellfire.net>;

**HOWELL AREA FIRE DEPARTMENT
FIRE MARSHAL DIVISION**

1211 W. Grand River
Howell, MI 48843
517-546-0560
FAX: 517-546-6011
firemarshal@howellfire.net

DATE: November 13, 2019

TO: Dave Hamann
Marion Twp Zoning Administrator
2877 W Coon Lake Rd
Howell, MI 48843

FROM: Jamil Czubenko-Fire Marshal

PROJECT: 386 Lucy Rd, Evergreen Site Plan, **Marion Township**

REF: Site Plan Review - **Approved w/concerns noted**

CONCERNS:

I have reviewed the above listed site plan and find that it is **satisfactory** as presented as long as the **following conditions** are met:

1. Building(s) shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. These numbers/letters shall be at least 6" high and shall contrast with their background.
2. The fire department access drive shall meet the following conditions:
 - a. The minimum unobstructed width shall be 20 feet.
 - b. The minimum unobstructed height shall be 13 feet
 - c. The access drive shall be accessible at all times (i.e. snow removal, parked equipment).
 - d. The use of the Knox Rapid Entry system padlock or Knox key switch will be required for any entry gate that is going to be installed.
 - e. The access drive shall be constructed so it can support up to 100,000 pound fire apparatus.
3. A final inspection of the buildings, gates and site shall be performed by the fire department before C of O is issued.

Any changes in this site plan shall be submitted to the Howell Area Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call.

LC HD


Dave Hamann

From: Aaron Aumock <AAumock@livgov.com>
Sent: Thursday, November 07, 2019 2:50 PM
To: Dave Hamann
Subject: RE: [EXT] Checking if you received site plan and could unzip?

Dave,

We are fine with the proposed pole barn as long as no plumbing is installed.

Aaron Aumock, REHS, PEM
Field Program Coordinator
Livingston County Health Department
2300 E. Grand River, Suite 102
Howell, MI 48843-7578
P: 517.552.6873
F: 517.546.9853
aaumock@livgov.com

LIVINGSTON COUNTY 
Health Department



From: Dave Hamann <za@mariontownship.com>
Sent: Thursday, November 7, 2019 8:56 AM
To: Aaron Aumock <AAumock@livgov.com>
Subject: RE: [EXT] Checking if you received site plan and could unzip?

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Hi Aaron, yes this one on Lucy is an old residence and the septic is on the print in the south west corner and is working. Page U1 shows the tank and field. Let me know what the issue is so I can get it back to Dan Brockway!

Dave Hamann
Zoning Administrator
Marion Township
za@mariontownship.com

From: Aaron Aumock [<mailto:AAumock@livgov.com>]
Sent: Thursday, November 07, 2019 8:14 AM
To: Dave Hamann <za@mariontownship.com>
Subject: RE: [EXT] Checking if you received site plan and could unzip?

LCRC

Dave Hamann

From: Kim Hiller <khiller@livingstonroads.org>
Sent: Tuesday, November 05, 2019 2:11 PM
To: Dave Hamann
Subject: RE: Site Plan Review request for Evergreen 386 Lucy Rd

Dave,

The applicant will need to apply for a commercial waiver for the existing driveway approach. If we find that the existing approach does not meet our requirements for the proposed use, the approach will need to be updated to meet our requirements and a commercial approach permit will be needed.

Please feel free to contact me with any questions.

Thank you,

Kim Hiller, P.E.
Utilities and Permits Engineer
Livingston County Road Commission
3535 Grand Oaks Drive
Howell, MI 48843
Ph. (517) 546-4250
khiller@livingstonroads.org

From: Dave Hamann <za@mariontownship.com>
Sent: Tuesday, November 05, 2019 11:37 AM
To: Kim Hiller <khiller@livingstonroads.org>
Subject: RE: Site Plan Review request for Evergreen 386 Lucy Rd

Here is the uncompressed! Let me know if you get it ok. And only 1 copy I hope!

Dave Hamann
Zoning Administrator
Marion Township
za@mariontownship.com

From: Kim Hiller [<mailto:khiller@livingstonroads.org>]
Sent: Tuesday, November 05, 2019 11:33 AM
To: Dave Hamann <za@mariontownship.com>
Subject: RE: Site Plan Review request for Evergreen 386 Lucy Rd

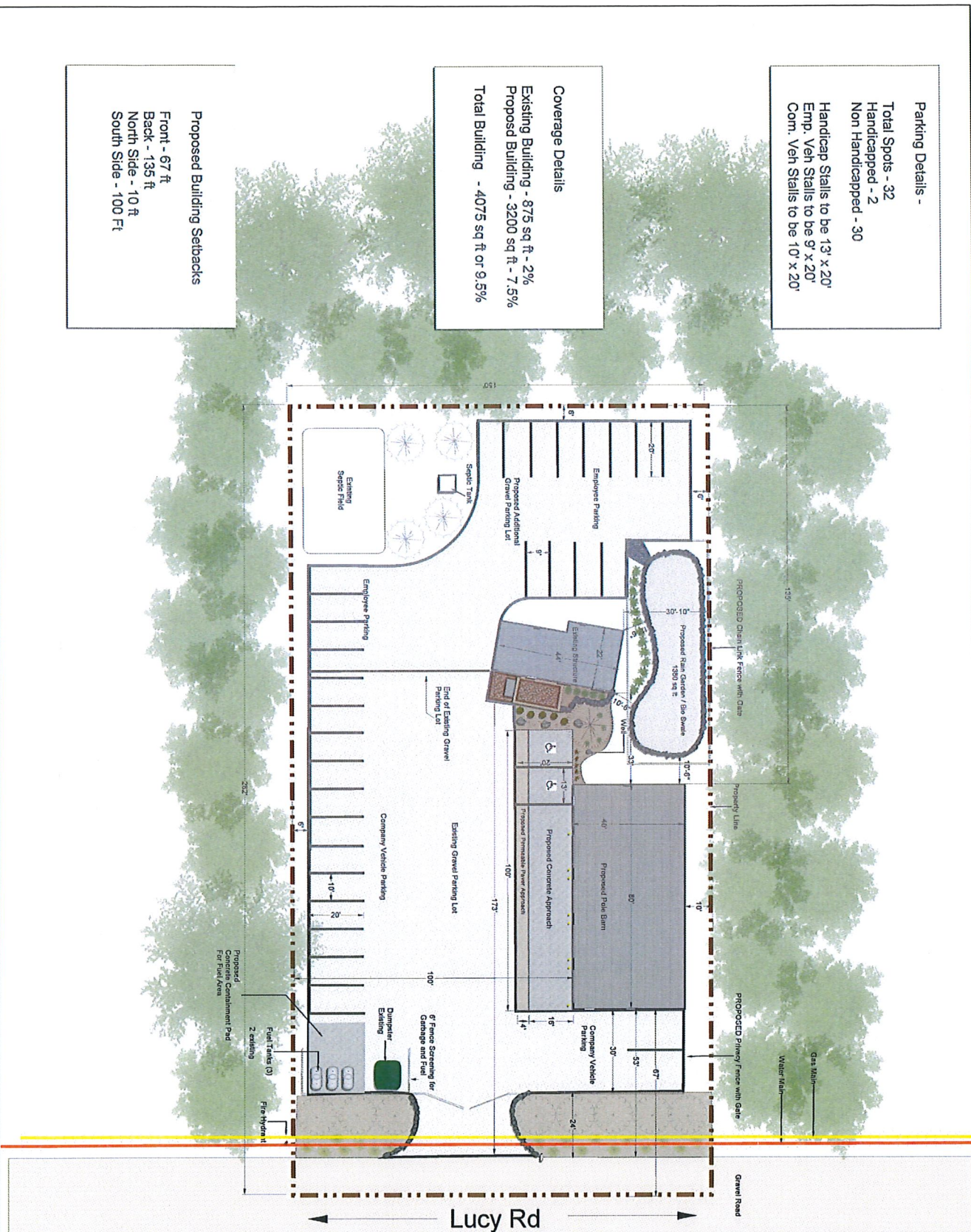
I do not have the 7zip program.

Kim Hiller, P.E.
Utilities and Permits Engineer
Livingston County Road Commission
3535 Grand Oaks Drive
Howell, MI 48843

Parking Details -
 Total Spots - 32
 Handicapped - 2
 Non Handicapped - 30
 Handicap Stalls to be 13' x 20'
 Emp. Veh Stalls to be 9' x 20'
 Com. Veh Stalls to be 10' x 20'

Coverage Details
 Existing Building - 875 sq ft - 2%
 Proposed Building - 3200 sq ft - 7.5%
 Total Building - 4075 sq ft or 9.5%

Proposed Building Setbacks
 Front - 67 ft
 Back - 135 ft
 North Side - 10 ft
 South Side - 100 ft



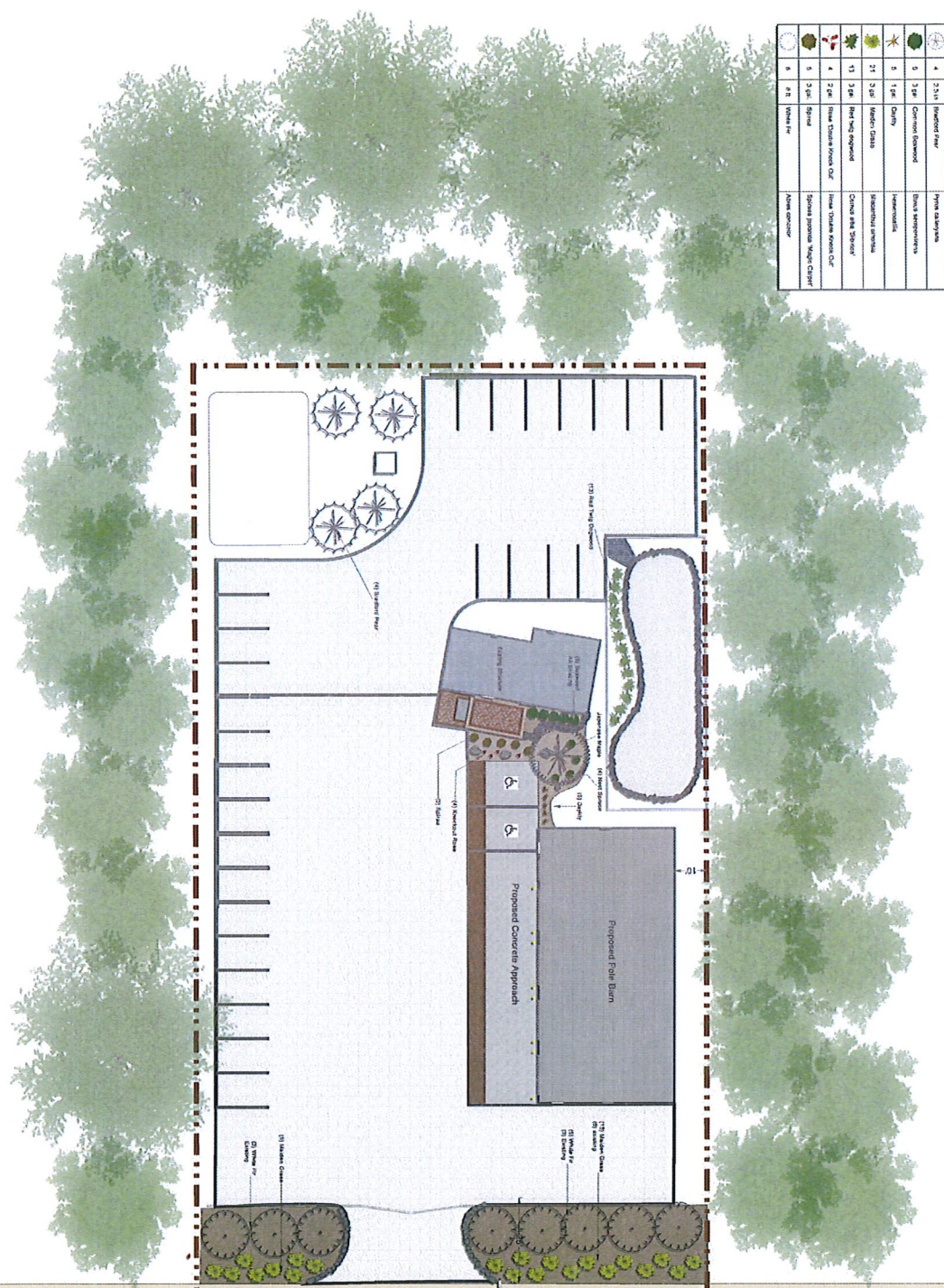
S-1
 2-6-19
 Date
 19 - 205
 Job Number

SS Real Estate Pole Barn
 386 Lucy Rd, Howell

Original - 2-1-19
 Revision 1 - 10-2-19
 Revision 2 - 11-2-19

Property Information
 386 Lucy Rd, Howell MI
 Parcel ID - 4710-01-200-004

Symbol	Code	Description	Plant Name
	1	1 420	Biological Infiltration Basin
	2	1 420	Biological Infiltration Basin
	3	1 420	Biological Infiltration Basin
	4	1 420	Biological Infiltration Basin
	5	1 420	Biological Infiltration Basin
	6	1 420	Biological Infiltration Basin
	7	1 420	Biological Infiltration Basin
	8	1 420	Biological Infiltration Basin
	9	1 420	Biological Infiltration Basin
	10	1 420	Biological Infiltration Basin
	11	1 420	Biological Infiltration Basin
	12	1 420	Biological Infiltration Basin
	13	1 420	Biological Infiltration Basin
	14	1 420	Biological Infiltration Basin
	15	1 420	Biological Infiltration Basin
	16	1 420	Biological Infiltration Basin
	17	1 420	Biological Infiltration Basin
	18	1 420	Biological Infiltration Basin
	19	1 420	Biological Infiltration Basin
	20	1 420	Biological Infiltration Basin
	21	1 420	Biological Infiltration Basin
	22	1 420	Biological Infiltration Basin
	23	1 420	Biological Infiltration Basin
	24	1 420	Biological Infiltration Basin
	25	1 420	Biological Infiltration Basin
	26	1 420	Biological Infiltration Basin
	27	1 420	Biological Infiltration Basin
	28	1 420	Biological Infiltration Basin
	29	1 420	Biological Infiltration Basin
	30	1 420	Biological Infiltration Basin



L-1

2-6-19
Date

19 - 205
Job Number

SS Real Estate Pole Barn

386 Lucy Rd, Howell

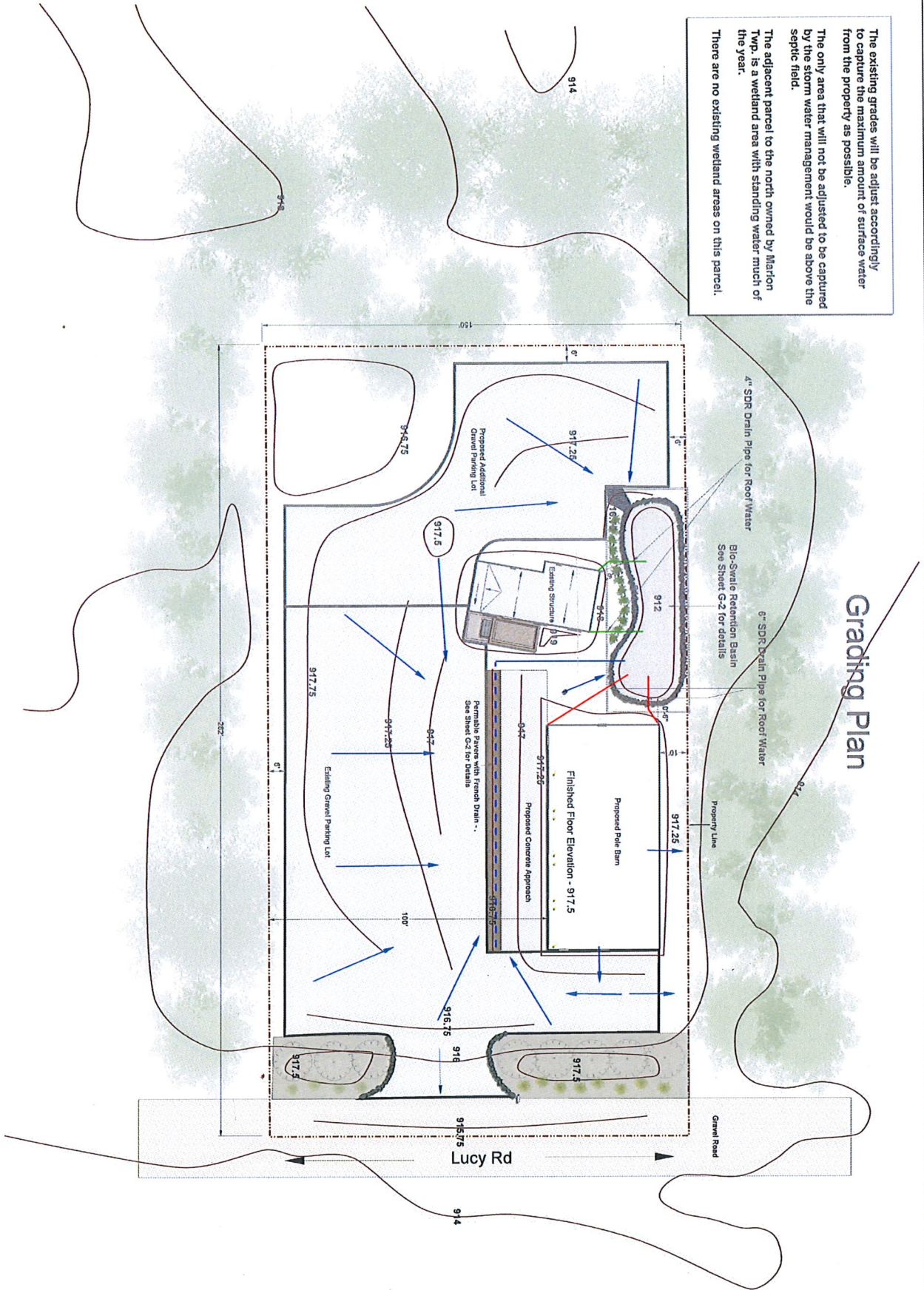
Original - 2-1-19
Revision 1 - 10-2-19
Revision 2 - 11-2-19

Property Information

386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

The existing grades will be adjusted accordingly to capture the maximum amount of surface water from the property as possible.
 The only area that will not be adjusted to be captured by the storm water management would be above the septic field.
 The adjacent parcel to the north owned by Marlon Twp. is a wetland area with standing water much of the year.
 There are no existing wetland areas on this parcel.

Grading Plan



G-1
 2-6-19
 Date
 19 - 205
 Job Number

SS Real Estate Pole Barn
 386 Lucy Rd, Howell

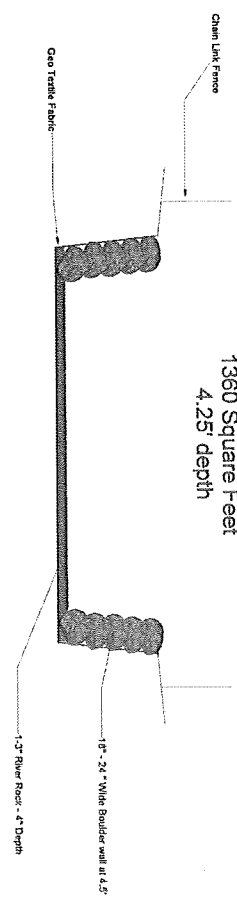
Original - 2-1-19
 Revision 1 - 10-2-19
 Revision 2 - 11-2-19

Property Information
 386 Lucy Rd, Howell Mi
 Parcel ID - 4710-01-200-004

Bio Swale / Rain Garden Cross Section

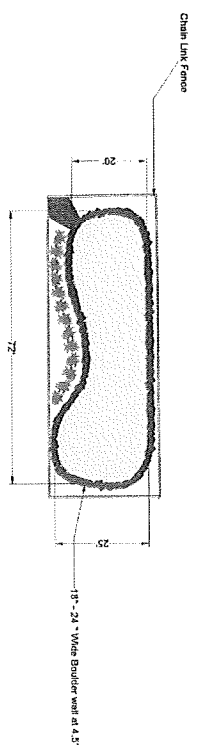
Not to Scale

1360 Square Feet
4.25' depth



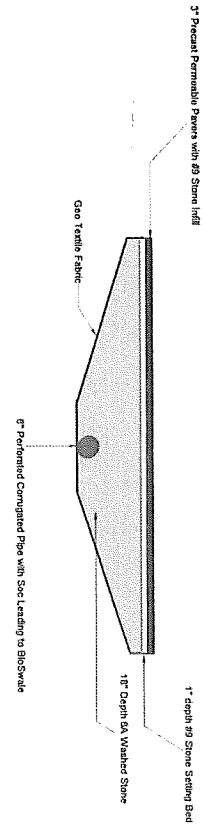
Bio Swale / Rain Garden Dimensions

1360 Square Feet
4.25' depth



Permeable Paver Drain Cross Section

Not to Scale



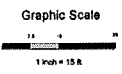
Storm Water Management Calculations

Surface	Area (sq ft)	Total @ 2" (cubic ft)	Run-off Coefficient	Runoff (cubic ft)
Road	3200	533.33	0.05	508.67
Concrete	875	145.83	0.05	136.84
Non Permeable Pavers	1050	206.67	0.05	203.33
Permeable Pavers	286	47.67	0.05	45.38
Gravel	400	66.67	0.3	20.00
Landscaping	21428	3571.25	0.01	354.28
Grass	8000	1333.33	0.2	101.67
Total	38839	6473.17		3474.96
Proposed Pond Capacity	3780	Colic Ft		
Footboard	3200	Rt		

NOTES TO THE CONTRACTOR

1. All dimensions are to be confirmed by the contractor.
2. All materials to be approved by the engineer.
3. All work to be done in accordance with the specifications.
4. All work to be done in accordance with the drawings.
5. All work to be done in accordance with the contract documents.
6. All work to be done in accordance with the applicable laws and regulations.
7. All work to be done in accordance with the applicable codes and standards.
8. All work to be done in accordance with the applicable industry practices.
9. All work to be done in accordance with the applicable best practices.
10. All work to be done in accordance with the applicable state-of-the-art.

These notes are to be read in conjunction with the drawings and specifications.



G-2

2-6-19
Date
19 - 205
Job Number

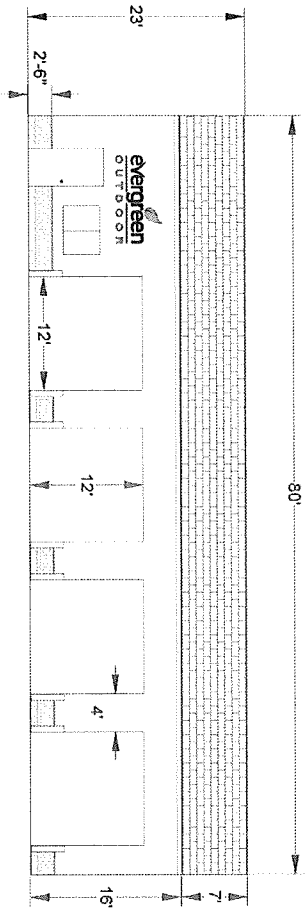
SS Real Estate Pole Barn
386 Lucy Rd, Howell

Original - 2-1-19
Revision 1 - 10-2-19
Revision 2 - 11-2-19

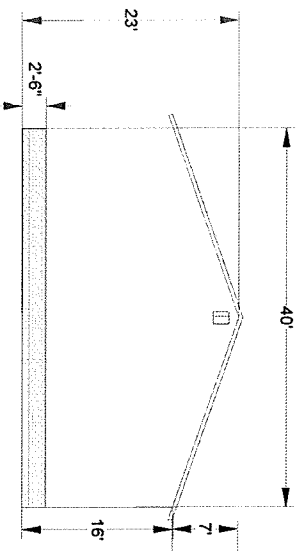
Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

Proposed Pole Barn 40' x 80'

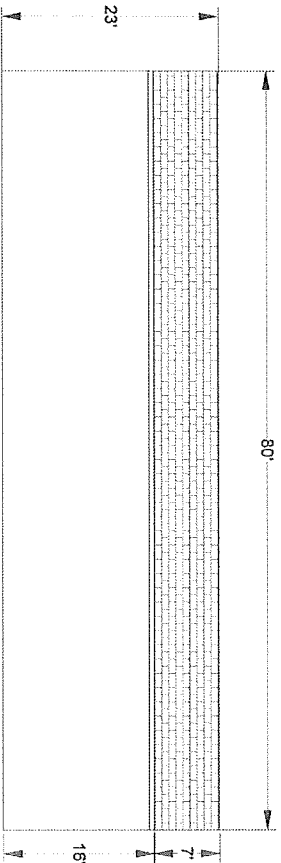
South Side Elevations



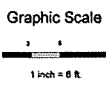
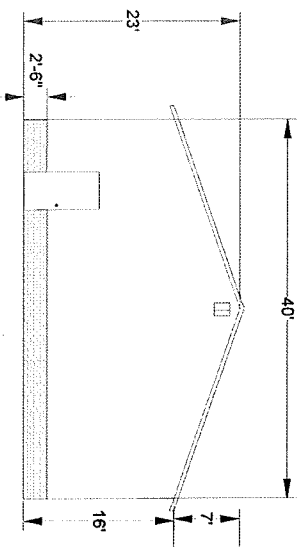
West Side Elevation



North Side Elevations



East Side Elevation



S-2

2-6-19
Date

19 - 205
Job Number

SS Real Estate Pole Barn

386 Lucy Rd, Howell MI

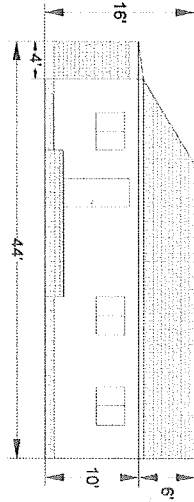
Property Information

386 Lucy Rd, Howell MI

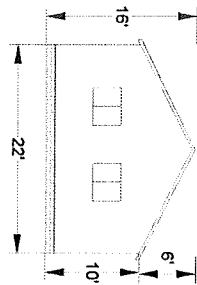
Parcel ID - 4710-01-200-004

Existing Home / Office Elevations

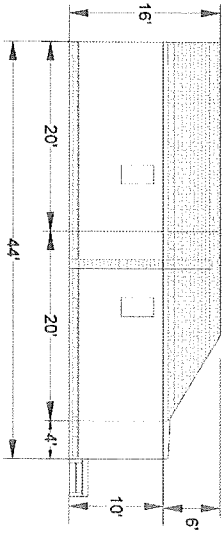
East Side Elevations



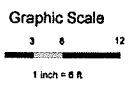
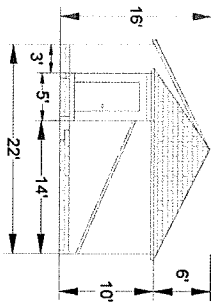
North Side Elevations



West Side Elevations



South Side Elevations



S-3

2-6-19
Date

19 - 205
Job Number

SS Real Estate Pole Barn
386 Lucy Rd, Howell MI



Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

Exhibit 1 - Soil Survey
Source - Soils of Livingston County Published 1974

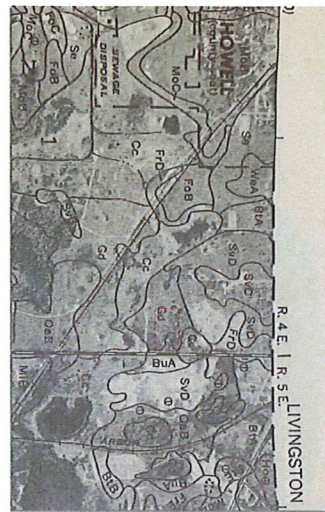


Exhibit 2
Exploratory Dig
3/29/19



Exhibit 3
Exploratory Dig
3/29/19



Exhibit 5
Neighboring Properties and Parcel #



Exhibit 4
Exploratory Dig
11/2/19



General Information

Soils
According to the soil survey conducted by the United States Department of Agriculture Soil Conservation Service in cooperation with the Michigan Agricultural Experiment Station first published in 1974 (see exhibit 1) the parcel in question (386 Lucy Rd) is primarily made up of 2 types of soils. First toward the east end of the parcel is BuA or Brndy Loamy Sand. The second end primary type covering the bulk of the parcel is Cd or Gilford Silty Loam. As you can see in Exhibits 2-4, our exploratory digging confirmed that the majority of the soil is a sandy substance topped with a 12-16" of topsoil. In our first dig in March of 2019 the water table was found to be approximately 6' below the surface. In our second dig in November of 2019 the water table was found to be approximately 8' below the surface. Such soils should absorb water quickly from proposed retention ponds.

Adjacent Properties, Reference, Exhibit 5

- Parcel 17-06-100-005
Parcel 17-06-100-006
Industrial
Residential land use
- Parcel 17-06-100-004
Marion Twp
R1
Single Family
- Parcel 17-06-100-003
City of Howell
L2
Solid waste storage
- Parcel 17-06-100-005
SS Real Estate Holdings
L2
Connector Storage Yard
- Parcel 17-06-100-005
L2
Parnos Manufacturing, Inc
Scrap Yard
- Parcel 17-06-100-016
Dover Industries
Industrial
Auto Salvage and Scrap Yard

Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

Original - 2-1-19
Revision 1 - 10-2-19
Revision 2 - 11-2-19

SS Real Estate Pole Barn
386 Lucy Rd, Howell

2-6-19
Date
19-205
Job Number

Utility Plan

General Utility Information

Electrical

A new service line and meter will be run from pole to NW corner of proposed Pole Barn.

As part of this project the existing overhead electric service line for existing structure will be replaced with a buried service line.

Gas

A new service line and meter will be run from street gas main to NW corner of Pole Barn.

As part of this project a new service line will be run from street gas main to existing structure and convert existing structure to gas from propane.

Water and Sewer / Septic

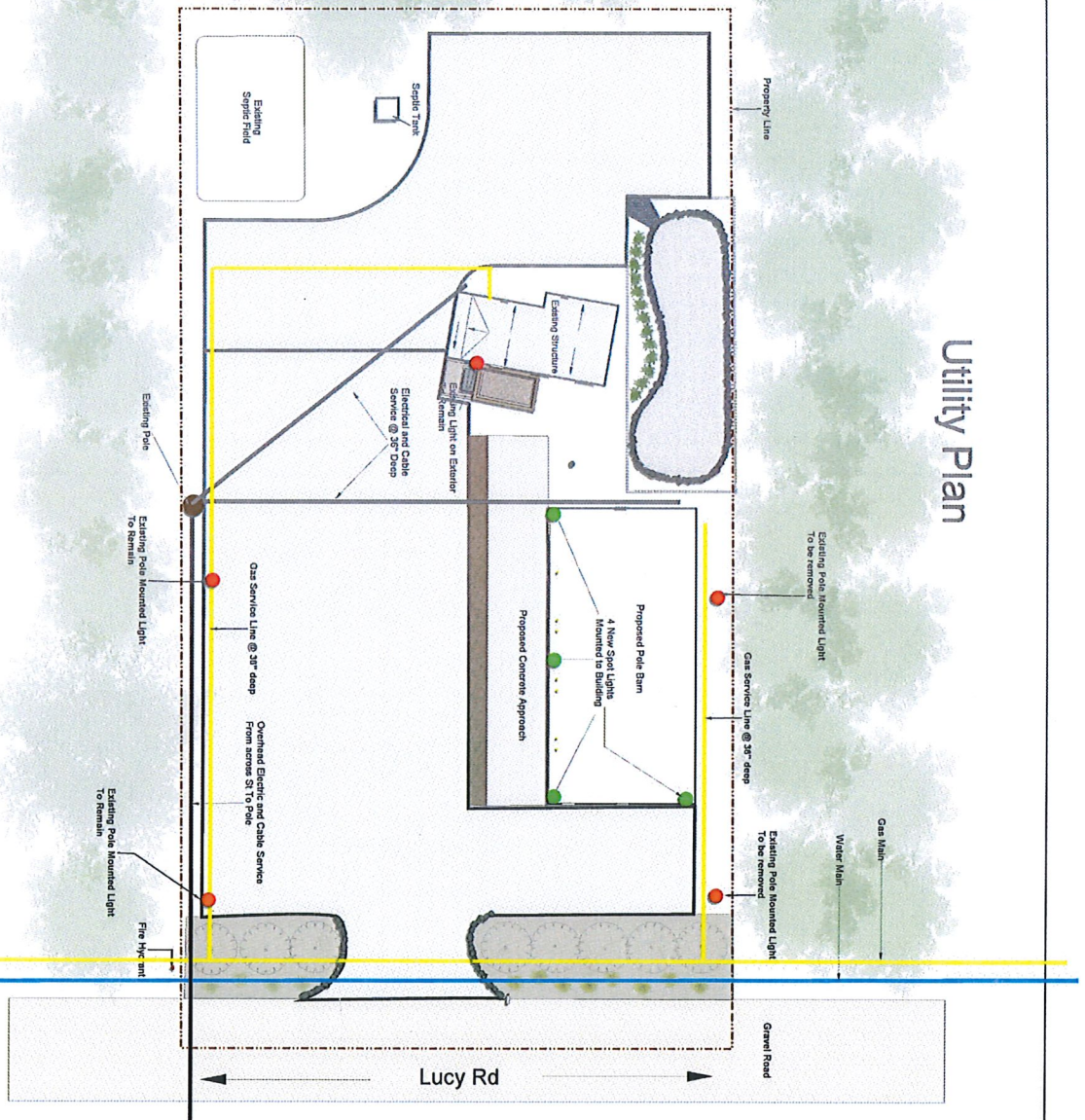
The proposed pole barn will have no water or sewer service.

Although the existing septic system would handle the slight uptick in employee use, a portable toilet service will be utilized for the morning and afternoon influx of traffic.

Exterior Lighting

Currently the exterior lighting consists of 1 motion sensor / Spot light on the existing structure entrance door, and 4 spot lights with photocells mounted to the top of 4 x 4 posts.

With the construction of the pole barn, the new exterior lighting situation would be 1 motion spot light next to the door to existing structure, 2 post mounted spot lights on south side of property and 4 spot lights mounted across the eaves of south and east sides of pole barn.



Graphic Scale



U-1

2-6-19
Date
19 - 205
Job Number

SS Real Estate Pole Barn
386 Lucy Rd, Howell

Original - 2-1-19
Revision 1 - 10-2-19
Revision 2 - 11-2-19

Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

RECEIVED

NOV 05 2019

MARION TOWNSHIP
APPLICATION FOR SITE PLAN REVIEW

MARION TOWNSHIP

Date: 11/04/2019 SPR# 03-19.

Parcel I.D. Number: 4710-01-200-024

Property Owner(s) Name (Print or Type):

Paul Marie Properties

Mailing Address (Print or Type):

2000 N. Burkhart Rd

City, State, ZIP (Print or Type):

Howell, MI 48855

Phone (Print or Type):

517-404-5590

Applicant(s) Name (Print or Type):

Paul Marie Properties - Matt Peevey

Mailing Address (Print or Type):

2000 N. Burkhart Rd

City, State, ZIP (Print or Type):

Howell, MI 48855

Phone (Print or Type):

517-404-5590

Name of Proposed Development: LoRea Topsoil & Aggregate

Location of Proposed Development (address): Howell, MI 48843, Parcel ID No: 4710-01-200-024

N E S W Side of Lucy Road **Road between**

Grand River Avenue **and** I-96 **Roads**

- The property owner(s) must sign this application. In lieu of the owner(s) signature on this application, the owner may provide a letter authorizing the applicant to act on his / her behalf. This application will not be processed until authorized by the property owner and/or the authorized applicant.

Brief Description of the Proposed Development and / or Project (Land Use):

Landscape material supply yard/retail business, selling to commercial landscapers and homeowners.

I hereby grant permission for members of the Planning Commission, Zoning Administrator or their appointed designee to enter the above-described property for the purpose of gathering information related to this application.

Owner(s) of Record Signature: *Matt Peevey*

Applicant(s) Signature (if other than owner):

Date: 11/5/19

RECEIVED

NOV 05 2019

DO NOT WRITE BELOW THIS LINE – TOWNSHIP USE ONLY **MARION TOWNSHIP**

Date Received: 11-5-19 Received By: DH Application Fee: 1000
5000 ESCRAM

PRELIMINARY SITE PLAN REVIEW

AGENCY REVIEWS AND COMMENTS FROM:

County Road Commission: Yes ___ No ___ County Health Department: Yes ___ No ___

County Drain Commissioner: Yes ___ No ___ Fire Department: Yes ___ No ___ Other Agencies: Yes ___ No ___

Township Attorney: Yes ___ No ___ Township Engineer: Yes ___ No ___ Township Planner: Yes ___ No ___

APPROVED

APPROVED WITH CONDITIONS

DENIED

Date: _____

Date: _____

Date: _____

Date Received: _____ Received BY: _____ Application Fee: _____

FINAL SITE PLAN REVIEW

AGENCY REVIEWS AND COMMENTS FROM:

County Road Commission: Yes ___ No ___ County Health Department: Yes ___ No ___

County Drain Commissioner: Yes ___ No ___ Fire Department: Yes ___ No ___ Other Agencies: Yes ___ No ___

Township Attorney: Yes ___ No ___ Township Engineer: Yes ___ No ___ Township Planner: Yes ___ No ___

APPROVED

APPROVED WITH CONDITIONS

DENIED

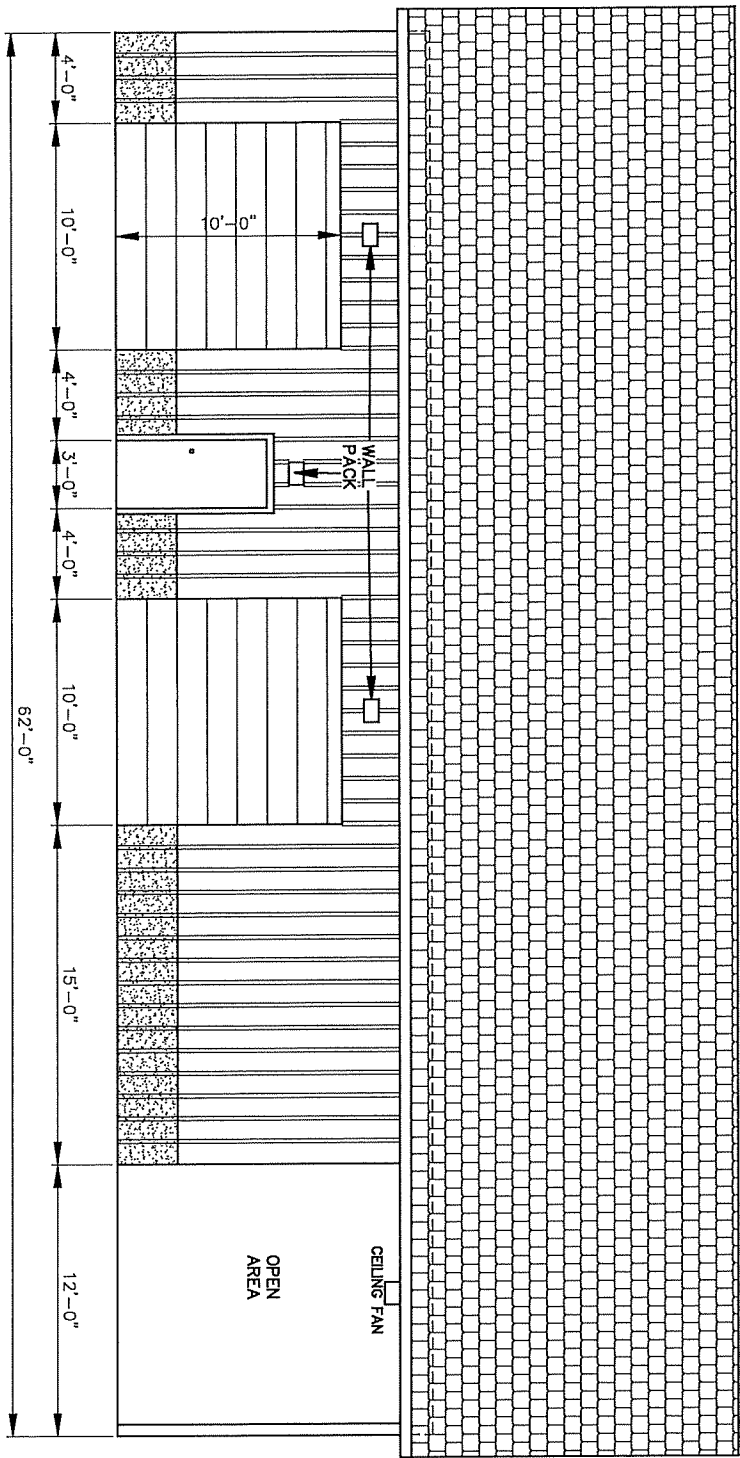
Date: _____

Date: _____

Date: _____

MARION MARCH 2019



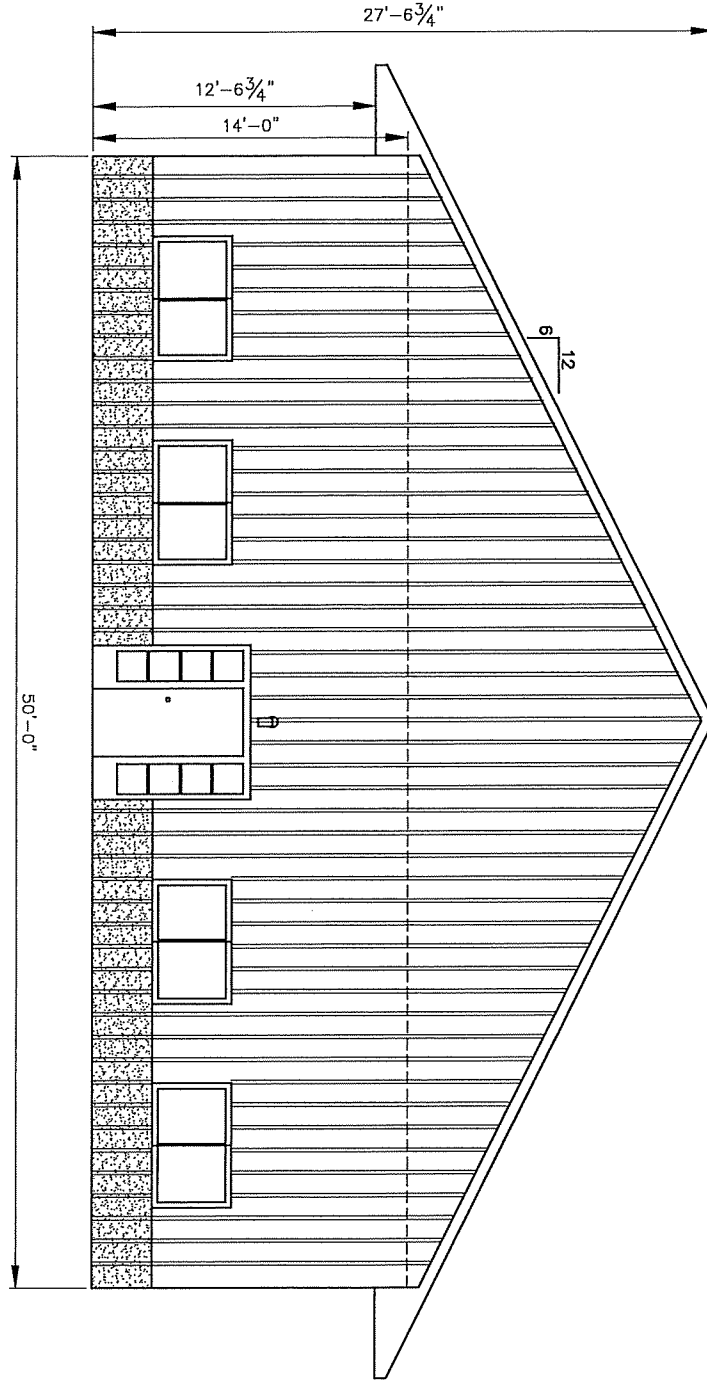


SIDE ELEVATION

SCALE: 3/8" = 1'-0"

REVISIONS	BY

ACCEPTED OWNER	<p style="text-align: center;">POLE BARN LUCY ROAD PARCEL: 4710-01-200-024</p> <p style="text-align: center;">KATER ENGINEERING ASSOCIATES 6093 ANCHOR COVE DIMONDALE MI 48821 PHONE: (517) 974-2343 katerengr@aol.com</p>
BUILDER	
DRAWN T. BAKER	
CHECKED T. BAKER	
DATE 10-30-19	DRAWING NO. 01907302
SHEET 2 OF 2	



FRONT ELEVATION

SCALE: 3/16" = 1'-0"

REVISIONS	BY	OWNER	BLDR

POLE BARN
 LUCY ROAD
 PARCEL: 4710-01-200-024
KALER ENGINEERING ASSOCIATES
 6093 ANCHOR COVE
 DIMONDALE MI 48821
 PHONE: (517) 974-2343 kalerengr@aol.com

ACCEPTED	DATE	DRAWING NO.
OWNER	10-30-19	01907301
BUILDER		
DRAWN		
T. BAKER		
CHECKED		
T. BAKER		
SHEET 1 OF 2		



Carlisle | Wortman
ASSOCIATES, INC.

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

Site Plan Review For Marion Township, Michigan

Applicant:	Paul Marie Properties
Project Name:	Lo Rea Topsoil and Aggregate
Plan Date:	November 5, 2019
Location:	Lucy Road (Approximately 4 acres)
Zoning:	HS: Highway Service
Action Requested:	Site Plan Approval
Required Information:	Noted in Review

PROJECT AND SITE DESCRIPTION

The applicant has submitted a site plan to construct a warehouse building on an existing outdoor storage facility on Lucy Road. The new building will be near the front entrance of the site and include parking spaces for employees and/or customers. Also included will be the installation of a "fabric" structure near the southwest corner. A berm already surrounds most of the parcel and most of the site is covered with asphalt millings. A retention area will be constructed in the northwest corner and a topsoil pile is centered near the rear of the site. As a landscape supply yard several materials will be stored for purchase on the site and will be in concrete block bins near the southern property line.

The facility will continue to be accessed from Lucy Road through the existing driveway located on the east boundary of the parcel.

Figure 1 – Aerial Image of Site and Surroundings



Items to be addressed: 1.) Provide a vicinity map on the site plan. 2.) Clarify the proposed “fabric structure”.

SURROUNDING ZONING AND LAND USE

The subject parcel is currently zoned HS Highway Service. The applicant has not provided general information regarding zoning and land use.

Table 1 – Surrounding Zoning and Land Use

Direction	Zoning	Use
North	B-2: General Business (Howell)	Retail Strip
South	LI: Light Industrial	Salvage Yard
East	I-1 Light Industrial (Howell)	Industry
West	LI: Light Industrial	Storage Yard

Items to be addressed: Provide general zoning on plan.

AREA, WIDTH, HEIGHT, SETBACKS

The proposed use is a permitted use in the Light Industrial District. The applicant is proposing to dress up the site with a new warehouse and other improvements.

Table 2 – Required and Provided Dimensions of the Proposed Pole Barn

	Required	Provided	Compliance
Minimum Lot Area	1 acre	4 acres	✓
Minimum Frontage	330 feet	300 feet*	✓
Setbacks:			
Front	80 feet	40 feet	Variance Granted
Side (North)	25 feet	10 feet	Variance Granted
Rear	40 feet	40 feet	✓
Maximum Lot Coverage	40%	Not Depicted	✓
Maximum Height	40 feet	27 feet	✓

Items to be addressed: Provide maximum lot coverage.

NATURAL RESOURCES

Topography has been provided. The site is almost totally developed with asphalt millings and other storage material. Tall vegetated berms surround the site on three (3) sides.

Items to be addressed: None.

PARKING AND LOADING

The plan indicates that five (5) parking spaces that includes one ADA space will be provided fronting the proposed warehouse. Although not indicated on the plan we expect this parking area to consist of asphalt millings like much of the site.

Parking areas with a capacity of four (4) or more vehicles are required to be surfaced with a material that shall provide a durable, smooth, and dustless surface and shall be graded and provided with adequate drainage, asphalt millings should suffice.

Items to be addressed: None.

SITE ACCESS AND CIRCULATION

No sidewalks exist within the site, or along its perimeter. Due to the site's location and lack of developed parcels within proximity, visitation is likely achieved using a vehicle. Access to the site is through an existing driveway located on the eastern boundary. A privacy fence with a gate has been depicted to regulate access to the site.

Items to be addressed: Fire Department review and approval.

BUILDING LOCATION AND SITE ARRANGEMENT

The proposed new warehouse is planned near the entrance of the site with parking in front. The fabric structure is proposed near the rear. Because of the large open area truck turning radii should be fine. If a dumpster is proposed the location should be shown on the plan.

Items to be addressed: Clarify dumpster and rubbish removal.

LANDSCAPING AND SCREENING

No landscaping has been provided. Due to the significant vegetated berm surrounding much of the property limited landscaping is necessary. However, we would suggest the front yard be dressed up some limited landscaping as this is a "landscape" storage company.

Existing wooded decorative fencing will be extended along the rear property line of the adjacent parcel to the north.

Items to be addressed: The Planning Commission should discuss the need for limited landscaping.

ESSENTIAL FACILITIES AND SERVICES

The site is served by public water and sewer. Stormwater is proposed in the northwest corner.

Items to be addressed: Township Engineer review and approval.

LIGHTING

The applicant should indicate any existing or proposed lighting within the site. Wall mounted lights be proposed for security and safety purposes. It does not appear any other lighting is proposed on the site.

Items to be addressed: Provide information regarding existing or proposed lighting.

RECOMMENDATIONS

We would recommend approval of the plan conditional upon the following being addressed to the satisfaction of the Planning Commission.

1. Provide a vicinity map on the site plan.
2. Clarify the proposed “fabric structure”.
3. Provide general zoning on plan.
4. Provide maximum lot coverage.
5. The Planning Commission should discuss the need for limited landscaping.
6. Township Engineer review and approval.
7. Provide information regarding existing or proposed lighting.
8. Clarify dumpster and rubbish removal.
9. Fire Department review and approval.

November 18, 2019

Dave Hamann, Zoning Administrator
Marion Township
2877 W Coon Lake Rd
Howell, MI 48843

RE: LoRea Topsoil & Aggregate
Preliminary Site Plan Review

Mr. Hamann:

We have received and reviewed the preliminary site plan for LoRea Topsoil Aggregate, which is located on Lucy Road between Grand River Ave and I-96. The site plan was prepared by Livingston Engineering and the pole barn plan was prepared by Kater Engineering Associates. We offer the following comments:

General

The proposed property is in the Highway Service District and will be used to store landscaping materials. A site plan is provided at a scale of 1" = 30' which meets the development standards laid out for Marion Township. An aerial photograph depicting the site location was provided, however this aerial image does not clearly depict where the proposed site is located in respect to other properties. Property owner information, street names, parcel numbers, and parcel boundaries are missing from or are not labeled in the provided aerial. A vicinity map of the site should also be provided at a scale of 1" = 2,000' to clearly depict the location of the proposed site and its surroundings. The site plan provided does not include a legal description of the property. There are enough dimensions given to determine the total acreage, however, the total acreage is not identified on the plans.

Physical/Natural Features

The site plan includes a proposed pole barn that will be located on the East side of the property. Adequate dimensions for the pole barn are provided in two separate drawings. The final elevation of the pole barn is not shown on the site plan in relation to the existing contours. Lucy Road's centerline and 33' right of way are depicted on the site plan. There is an existing driveway and proposed parking area to be constructed in front of the proposed pole barn. The dimensions given for the driveway should include the approach radii and a cross section showing final grading. The proposed driveway is currently shown as millings, but it is our understanding that this was to be paved. This should be clarified on the plans and a paving section should be included.

The site plan does not identify all soil conditions. There is a surface cross section provided identifying that there is an existing 4" – 6" layer of asphalt millings over the majority of the site.

Landscaping

The site does not have any wetlands or bodies of water nearby. Wooded areas can be seen on the plans on the outer boundary of the property. These areas do not provide a description of the general type and size of the trees. Proposed and existing fencing is identified for the boundary of the property. No additional landscaping details have been provided.

Water Service

There is existing water main shown on the east side of the site running along the west side Lucy Road. The location of this utility was provided by the Township and will be verified in the field. The size of this existing water main is not provided on the plans. A proposed 1" proposed water service lead is shown on the plans. The connection is to be made with a tapping sleeve and stop box. We defer to MHOG on matters regarding the water mains and service.

Sanitary Sewer

Existing sanitary sewer is located along the west side of Lucy Road on the east side of the site. The location of this utility was provided by the township and will be verified in the field. The size of this existing sewer is not provided. The plans show a proposed 6" sanitary sewer lead. The details for the connection into the existing sanitary sewer was not provided.

Storm Water and Drainage

Existing and proposed contours are present on the site plan. The proposed contours need to be labeled to see the change between existing and proposed topography. The proposed site has been broken up into two tributary areas. These tributary areas are shown on the plans with a thick gray dashed border. The west most tributary area appears to flow directly into the retention basin, while the east most area flows into a swale which directs runoff into the retention basin.

The storm drainage system consists of two structures (R-1 and R-2). These structures are both 12" catch basins. These structures are connected by 278 feet of 12" ADS N-12 sewer pipe at a slope of 0.32 percent. Flow through this system is picked up in R-2 and discharges into the retention basin. System connection to structure R-1 should be more clearly identified on the plans. Overflow from the retention basin appears to be directed to the north east corner of the property. Overflow from this structure could cause runoff to flow onto adjacent properties. The applicant should verify the overflow route with the Livingston County Drain Commission. Storm sewer calculations have been provided on the plans, however, they were not reviewed for this preliminary review.

The location of the proposed retention basin has been provided along with proposed contour lines. However, these proposed contour lines do not appear to have labels. Storage calculations have been performed according to the Livingston County Drain Commission Design Standards and are shown on the plans.

We defer to the Livingston County Drain Commissioner's office for comment regarding stormwater management.

Recommendation

After careful review of the construction plans, we offer the following recommendations:

1. Include adjacent zoning, parcel boundaries, parcel numbers, owner information, and street names in the aerial map
2. Provide a vicinity map at a scale of 1" = 2000' to show approximate location
3. Relocate or resize dimension labels so that they can be seen clearer and identify total acreage somewhere on the plans
4. Provide a legal description of the site on the plans

November 18, 2019

Page 3 of 3

5. Clearly label proposed contours for the retention basin, the proposed building, utility structures, and proposed driveways and parking areas
6. Identify existing utility pipe sizes
7. Include a legend for map symbols

If you have any questions or need anything further, please feel free to contact our office.

Sincerely,

Kayla Bigelow

Kayla Bigelow, E.I.T.
Design Engineer
SPICER GROUP, INC.
1400 Zeeb Drive
St. John's, MI 48879

Philip A. Westmoreland

Philip A. Westmoreland, P.E.
Senior Project Manager
SPICER GROUP, INC.
125 Helle Blvd., Suite 2
Dundee, MI 48131

Dave Hamann

From: Ken Recker <KRecker@livgov.com>
Sent: Monday, November 18, 2019 12:17 PM
To: Dave Hamann
Cc: Aaron Aumock; Kim Hiller; Josh Ratliff; Rod Soos; matt@tlsoutdoor.com
Subject: SPR#03-19 for LoRea Topsoil Aggregate

Dave,

I met with Frank, an inspector from our office, and a Township representative out there some years ago. I've also discussed the site more recently with Mr. Peevey.

I'd offer the following comments:

1. The plan should contain a note stating the drainage system is to be privately owned and maintained by the property owner.
2. The ADS N-12 12" pipe installation from flared end R-1 to structure R-2 appears adequate for the tributary area shown. This pipe will require special trench backfill to maximize service life and minimize pipe deflection within manufacturers guidelines. We'd recommend pipe backfill consist of MDOT 6A stone to a foot above the top of the pipe. As an alternate, ADS HP pipe is less sensitive to backfill material.
3. Basin calculations were not reviewed as that is typically done by our review consultant. In order to minimize erosion beneath the piped outlet to the basin, we'd recommend dropping the invert of pipe R-1 to within two feet of the proposed basin bottom of 902. If there are concerns regarding excessive submergence of the inlet, given site constraints we'd permit an elevation as high as 905.0 with added rip-rap at the outlet.
4. To avoid excessive pipe velocities associated with addressing item 3 above, the pipe invert at R-2 may need to be adjusted accordingly.
5. Armor should be shown on the east side of the basin where the proposed shallow swale discharges into the retention basin down the sideslope from the basin bottom to the East/Northeast of drainage structure R-1.
6. A commercial soil erosion and sedimentation control permit is required for the project. Standard soil erosion control items (timing sequence, rip-rap details, tracking mat, stabilization specifications, etc.) will have to be shown on the site plan if a separate erosion and sedimentation control plan is not provided.

From a drainage perspective, the proposal agrees with the existing drainage patterns on the parcel. The site topography indicates that a high water overflow to the Lucy Road right of way is the most feasible overflow path when the retention basin overflows at high water.

If you have further questions give me a call.

Sincerely,

Kenneth E. Recker, II, P.E.
Chief Deputy Drain Commissioner

From: Dave Hamann <za@mariontownship.com>
Sent: Wednesday, November 6, 2019 2:34 PM
To: Jamil Czubenko <jczubenko@howellfire.net>; khiller@livingstonroads.org; Ken Recker <KRecker@livgov.com>; Aaron Aumock <AAumock@livgov.com>
Subject: [EXT] FW: SPR#03-19 for LoRea Topsoil Aggregate

**HOWELL AREA FIRE DEPARTMENT
FIRE MARSHAL DIVISION**

1211 W. Grand River
Howell, MI 48843
517-546-0560
FAX: 517-546-6011
firemarshal@howellfire.net

DATE: November 6, 2019

TO: Dave Hamann
Marion Twp Zoning Administrator
2877 W Coon Lake Rd
Howell, MI 48843

FROM: Jamil Czubenko-Fire Marshal

PROJECT: SPR#03-19 for LoRea Topsoil Aggregate Site Plan, **Marion Township**

REF: Site Plan Review - **Approved w/concerns noted**

CONCERNS:

I have reviewed the above listed site plan and find that it is **satisfactory** as presented as long as the **following conditions** are met:

1. Building(s) shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property.
 - a. These numbers/letters shall be at least 6" high and shall contrast with their background.
2. The fire department access drive shall meet the following conditions:
 - a. The minimum unobstructed width shall be 20 feet.
 - b. The minimum unobstructed height shall be 13 feet
 - c. The access drive shall be accessible at all times (i.e. snow removal, parked equipment).
 - d. The use of the Knox Rapid Entry system padlock or Knox key switch will be required for any entry gate that is going to be installed.
 - e. The access drive shall be constructed so it can support up to 100,000 pound fire apparatus.
3. A final inspection of the buildings, gates and site shall be performed by the fire department before C of O is issued.

Any changes in this site plan shall be submitted to the Howell Area Fire Department for additional approval. If there is anything further that you need, please feel free to give me a call.

Dave Hamann

From: Aaron Aumock <AAumock@livgov.com>
Sent: Thursday, November 07, 2019 8:09 AM
To: Dave Hamann
Subject: RE: [EXT] FW: SPR#03-19 for LoRea Topsoil Aggregate

Dave,

It appears they will be on municipal water and sewer. We have no comments.

Aaron Aumock, REHS, PEM
Field Program Coordinator
Livingston County Health Department
2300 E. Grand River, Suite 102
Howell, MI 48843-7578
P: 517.552.6873
F: 517.546.9853
aaumock@livgov.com

LIVINGSTON COUNTY 
Health Department



From: Dave Hamann <za@mariontownship.com>
Sent: Wednesday, November 6, 2019 2:34 PM
To: Jamil Czubenko <jczubenko@howellfire.net>; khiller@livingstonroads.org; Ken Recker <KRecker@livgov.com>; Aaron Aumock <AAumock@livgov.com>
Subject: [EXT] FW: SPR#03-19 for LoRea Topsoil Aggregate

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Attached are the documents for a site plan review for a new project on Lucy Road Parcel ID 4710-01-200-024. This site plan was reviewed and approved for a similar project back in 2007 for Frank Lover at this site. The use is a contractor storage yard similar to that one with the addition of an accessory structure to the front of the parcel. Can you please have something back to me on this one by November 18, 2019 because we want to take it to the Planning Commission meeting on November 26, 2019. It's an exception because there is no Planning Commission meeting in December so the applicant would exceed our 45 processing of a site plan if we make them wait until January 28, 2020. Thanks for your quick response! Let me know if you have any questions.

Dave Hamann
Zoning Administrator
Marion Township

Livingston County Road Commission

3535 Grand Oaks Drive • Howell, Michigan 48843-8575
Telephone: (517) 546-4250 • Facsimile: (517) 546-9628
Internet Address: www.livingstonroads.org

November 8, 2019

Sara Peevey
Lorea Topsoil & Aggregate
3300 South Old US 23
Brighton, MI 48114

Re: Outdoor Storage Facility – Lucy Road, Marion Township, Section 1

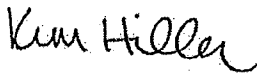
Dear Ms. Peevey:

I have conducted a field review of the existing commercial driveway approach for the above mentioned project. The existing driveway meets our current specifications for a commercial driveway approach for the land use shown on the plans, prepared by Livingston Engineering, dated November 5, 2019. Therefore, a permit from this office is not necessary at this time.

The storm water retention basins emergency overflow is being directed to the Lucy Road Right-of-way. The LCRC finds this acceptable, as long as approval for the storm water design is obtained from the local municipality having jurisdiction over the storm water design.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Kim Hiller, P.E.
Utilities and Permits Engineer

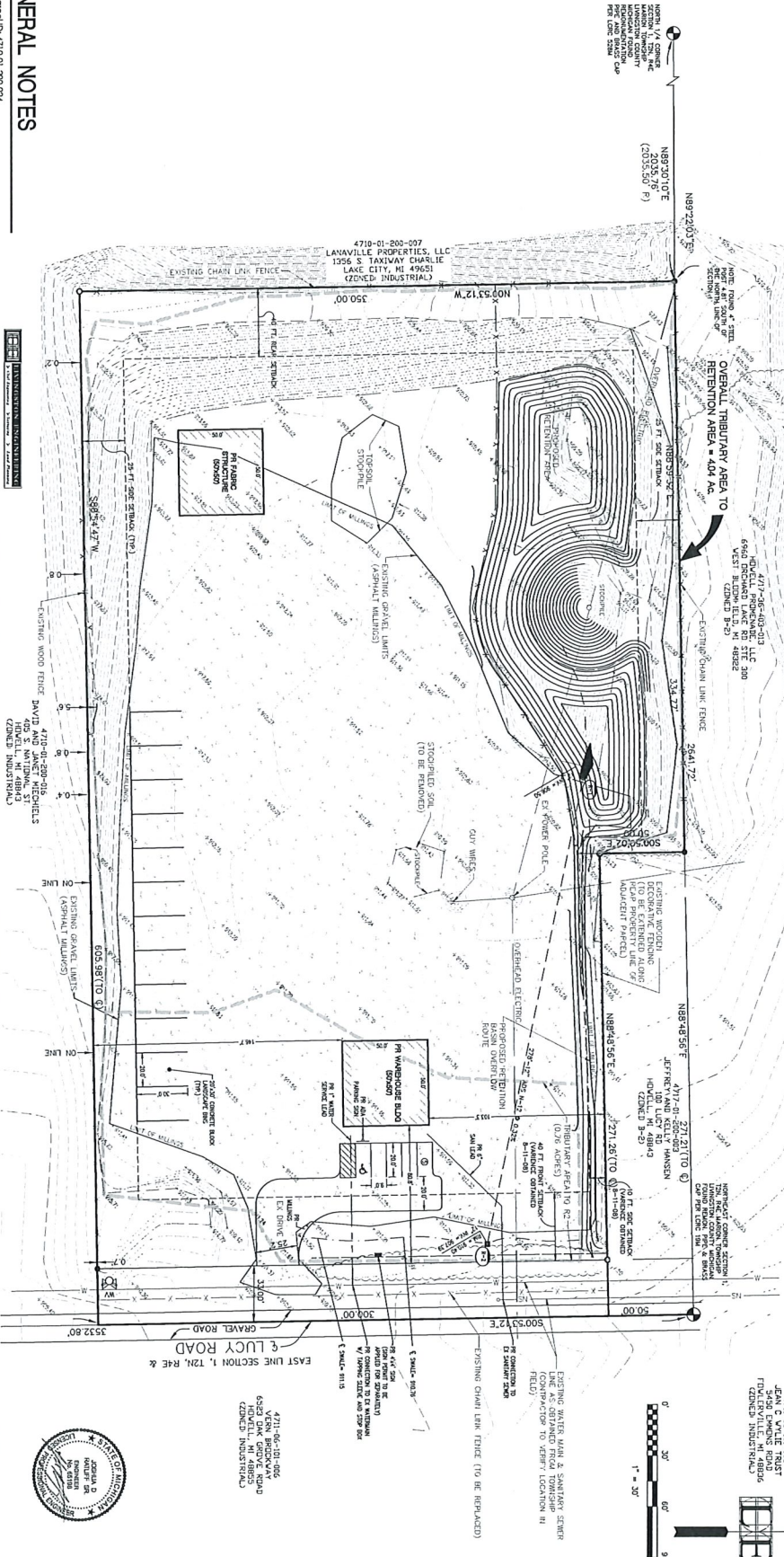
Cc: File

Dave Hamann, Marion Township (via email)

Ken Recker, Livingston County Drain Commissioner's Office (via email)

FULL SIZE PLAN AVAILABLE AT TOWNSHIP HALL

**SITE PLAN FOR AN
OUTDOOR STORAGE/ LANDSCAPE SUPPLY FACILITY
MARION TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN**



GENERAL NOTES

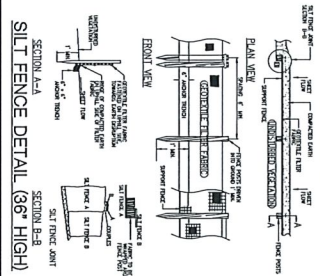
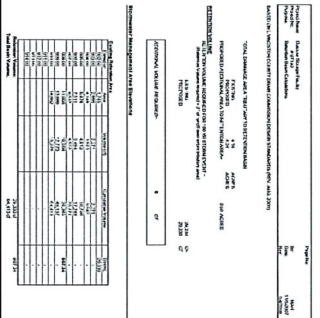
1. Proposed 27' ROAD 30' WIDE
2. Property zoned: Highway Service
3. Proposed Use: Outdoor Storage/ Landscape Supply
4. No buildings, light fixtures, or signs are proposed.
5. No electrical or fire alarm systems are proposed.
6. No chemical or flammable liquids are proposed to be stored.
7. Exact what is proposed is shown in this area of the proposed retention basin to determine suitability of on-site soils.

RETENTION REQUIREMENTS

- TOTAL TRIBUTARY AREA: 153,893 SF (4.04 AC)
- 27' RAIN VOLUME OVER THE TRIBUTARY AREA
- 3.17' RETENTION DEPTH
- 3.17' RETENTION DEPTH

RETENTION POND SPECIFICATIONS

- TOP OF FRETBOARD 910.34
- BOTTOM OF POND 922.00
- STORAGE VOLUME PROVIDED: 29,330 FT³
- SIDE SLOPES: 1.5 H: 1 V FENCINGS



ZBA REQUEST

VARIANCE GRANTED BY MEETING AUGUST 11, 2008

SECTION A-A 3.17' HIGH

SECTION B-B 3.17' HIGH

STORM SEWER CALCULATIONS

NO.	TYPE	AREA (SQ FT)	PERCENT IMPERVIOUS	COEFFICIENT OF RUNOFF	DRAINAGE AREA (SQ FT)	PEAK FLOW (GPM)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)	PEAK FLOW (MGD)
1	RESIDENTIAL	1000	10	0.35	350	100	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
2	COMMERCIAL	2000	20	0.40	800	200	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002	0.0002
3	INDUSTRIAL	5000	50	0.60	3000	750	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007	0.0007
4	PAVEMENT	10000	100	0.80	8000	2000	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020	0.0020
5	TOTAL	18000	45	0.55	9900	2550	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027	0.0027

SURFACE CROSS SECTION



PROPOSED CONSTRUCTION

74 E GRADY RIVER SUITE 4
HOWELL, MI 48843
(517) 225-6071

LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD US 21, BRIGHTON, MICHIGAN 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699

Job No.	07190	Drawn By	
Scale		Checked By	
Version	1	Approved By	
Revised		Date	11/25/2013



TLS CONSTRUCTION
PROPOSED OUTDOOR STORAGE/ LANDSCAPE SUPPLY
SITE PLAN
MARION TOWNSHIP, LIVINGSTON COUNTY, MI

REVISION	DATE

CLIENT
TLS CONSTRUCTION
74 E GRADY RIVER SUITE 4
HOWELL, MI 48843
(517) 225-6071



LIVINGSTON ENGINEERING
CIVIL ENGINEERING SURVEYING PLANNING
3300 S. OLD US 21, BRIGHTON, MICHIGAN 48114
PHONE: (810) 225-7100 FAX: (810) 225-7699

memo

To: Planning Commissioners

From: Dave Hamann

Date: November 26, 2019

Re: Short Term Rentals

Comments: Attached please find an adopted ordinance from New Buffalo Township for Residential Rental and Short Term Rental Licensing. Also is a proposed Short Term Rental Ordinance for Onekama Township. Please use these as examples to help create an ordinance for Marion Township.

**New Buffalo Township
Berrien County, Michigan**

**Residential Rental and Short Term Rental Licensing
Ordinance**

Ordinance No. 2019 08 19 a

Adopted: 2019 08 19

Published: 8-29-19

An ordinance to provide for the annual licensing of residential rental and short term rental property within New Buffalo Township and to create a procedure for the procurement of such licenses; to create certain conditions for the issuance of the licensing relating to its duration, to create restrictions on the transfer of the license, to the revocation of the license for noncompliance with this ordinance; to exempt nursing homes, hotels or motels with daily rentals from registration and licensing under this ordinance; to provide penalties for the violation thereof and to repeal all ordinance or parts of ordinances in conflict herewith.

THE TOWNSHIP OF NEW BUFFALO, BERRIEN COUNTY, MICHIGAN
ORDAINS:

Section 1. Title

This Ordinance shall be known and cited as the New Buffalo Township Residential Rental and Short Term Rental Licensing Ordinance.

Section 2. Definitions

RESIDENTIAL RENTAL - Any building, structure, room, enclosure, or mobile home including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters for a period of 30 consecutive days or more. Residential rental property does not mean nursing homes, hotels or motels with daily rental units, all of which shall be exempt from registration and licensing under this section.

RESIDENTIAL SHORT TERM RENTAL - Any building, structure, room, enclosure, or mobile home including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters for a period of less than 30 consecutive days. Residential short term rental property

does not mean nursing homes, hotels or motels with daily rental units, all of which shall be exempt from registration and licensing under this section.

PERSON – An individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

ENFORCEMENT OFFICER – Any person designated by the Township to perform inspections and determine compliance with the applicable rules, standards, statues, and ordinances.

Section 3. Purpose

The purpose of the ordinance is to create an organized inspection program of residential rental and short term rental units within New Buffalo Township in order to establish an enforcement minimum standard for rental units to meet Township and State of Michigan, health, fire, and zoning codes and to provide a more efficient system to ensure that rental property is properly maintained. The Township recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental and short term rental units within New Buffalo Township so that orderly inspections can be undertaken.

Section 4. License Requirements

No person may commence or continue a rental, as herein defined, within the Township without having first obtained a Township license therefore as hereinafter provided and without maintaining such licensing in current effect during any business operation or activity.

Section 5. Procurement Procedure for License

No license to commence or continue a residential rental or short term rental shall be issued until the owner or operator thereof shall have first submitted an application to the licensing agent of the Township on a form provided by the licensing agent for such purposes. A fee as established by the Township shall accompany the application. Upon filing of the properly completed application and payment of the fee, the licensing agent shall review the application and schedule the required inspection of the residential rental or short term rental to determine whether there is compliance with all applicable laws, ordinances, rules and regulations relating to health sanitation, building, zoning, fire code and all other applicable regulations and requirements of the Township and State of Michigan at the site. Upon final approval of the inspection the Township will issue a license to the person to commence or continue the rental designated in said application if the rental premises complies with the terms of this ordinance.

Section 6. Conditions of License

The license issued under this ordinance shall be effective from the date of approval for a period of 36 months.

No license may be transferred by the holder to any other person except upon prior approval of the Township. The licensing agent shall have right of inspection of the rental premises to assure compliance with this ordinance. In the event of any noncompliance with the provisions of this ordinance after a license has been issued, the same may be revoked by order of the licensing agent until the noncompliance has been corrected as determined by said agent.

Section 7. Exemptions

No license shall be required of nursing homes, hotels or motels with daily rentals.

Section 8. Penalty Clause

- A. Any person who disobeys, neglects or refuses to comply with any provision of this ordinance or who causes, allows or consents to any of the same shall be deemed to be responsible for the violation of this ordinance. A violation of this ordinance is deemed to be a nuisance per se.
- B. A violation of this ordinance is a municipal civil infraction, for which the fines shall not be less than \$100 nor more than \$500, in the discretion of the Court. The foregoing sanctions shall be in addition to the rights of the Township to proceed at law or equity with the appropriate and proper remedies. Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Township incurs in connection with the municipal civil infraction pursuant to MCL 600.8727.
- C. Each day during which any violation continues shall be deemed a separate offense.
- D. In addition, the Township may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief as may be provided by law.
- E. This ordinance shall be administered and enforced by the Ordinance Enforcement Officer of the Township or by such other person(s) as designated by the Township Board from time to time.

Section 9. Severability Clause

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or enforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 10. Repeal

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Effective Date

This Ordinance shall take effect the 31st day after publication.

Section 12. Publication, Recordation

This ordinance or a summary shall be published as required by law in a newspaper of general circulation in the Township, promptly after its adoption, and shall be recorded in the Ordinance Book of the Township and such recording authenticated by the signatures of the Township Supervisor and Township Clerk.

The above ordinance was offered for adoption by the Township Board Member Zabicki and seconded by Township Board Member Heit, the roll call vote being as follows:

Name	Yes	No
Michelle Heit	<u>X</u>	_____
Judith Zabicki	<u>X</u>	_____
Jack Rogers	<u>X</u>	_____
Pete Rahm	<u>X</u>	_____
Patty Iazzetto	<u>Absent</u>	_____

THE BOARD SUPERVISOR DECLARED THIS ORDINANCE ADOPTED THIS 19 DAY OF August, 2019.

CERTIFICATION

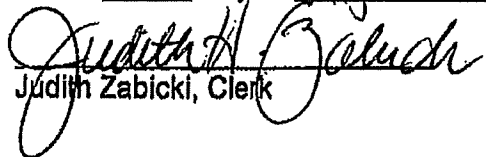
I certify that the foregoing is a true and complete copy of the Residential Rental and Short Term Rental Licensing Ordinance adopted by the Township Board at a meeting held on the 19 day of August, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

Dated: August 19, 2019


Judith Zabicki, Clerk

PUBLICATION

I hereby certify that a summary of the foregoing Ordinance was published in the New Buffalo Times, on the 19th day of August, 2019.


Judith Zabicki, Clerk

**SHORT TERM RENTAL (STR) APPLICATION
SUBMITTAL INFORMATION**

1. Applicant

1. Applicant's Name: _____
2. Mailing Address: _____
3. Telephone #: Home _____, Work _____, Fax _____
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the STR application.
5. STR Street Address: _____

2. Contact Person

The name, address and telephone number of the agent, representative or local contact person for the owner of the vacation home rental given that may be reached on a 24-hour basis. This must be kept current.

1. Name: _____
2. Mailing Address: _____
3. Telephone _____,

3. Number Of Occupants.

How many bedrooms are in the dwelling? _____ Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? _____ Please multiply the last number by four (4) to indicate the requested maximum occupancy for the STR _____. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted. No more than 16 without separate fixed cooking facilities.

4. Parking.

All parking is in the garage, driveway, on-site, and/or on the street frontage of the site. parking spot must be at least nine feet wide and 19 feet long. Number? _____. One 9' X 18' off-street space and/or on the street frontage will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided. No street parking is permitted.

5. Approval Conditions

- *The maximum occupancy, along with good house rules/guest guide, shall remain posted. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement.*
- *Yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.*
- *Utilizes the off-street parking that is provided for the rental. In many areas, on-street parking is very limited and utilizing this parking can have a negative impact on the surrounding residents. No street parking is permitted.*
- *Short Term Rentals must comply with township and/or ordinances regarding noise, smoke, dust, litter, odor, burn, and solid waste collection. Solid waste pick-up is required during all months.*
- *Short term rentals must comply with township (STR) inspection checklist*
- *Short Term Rentals must have House Rules or Guest Guide with information available as referenced (STR) check list.*
- *A up to date person of contact must be given to the township and available 24/7.*
- *The business license must be obtained prior to any rental of the property. The license issued under this ordinance shall be effective from the date of approval for a period of 12 months.*
- *No license may be transferred by the holder to any other person except upon prior approval of the Township Board. The licensing agent shall have right of inspection of the business premises to assure compliance with this ordinance. In the event of any noncompliance with the provisions of this ordinance after a*

6. Penalty Clause

Any violation of this ordinance or any part thereof shall be punishable by a fine not to exceed \$500 plus court costs and/or confinement in the County Jail for a term not to exceed 90 days. In addition, the township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

7. Signature And Understanding Of Request

Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request? YES NO

Applicant's Signature: _____ Date: _____

-----**For Office Use Only**-----

At the time of submittal, the applicant must pay the annual business license fee.

If the STR application is not approved, only the business license fee will be refunded.

Submittal Date: _____ Amount Paid: _____

Parcel Reference # _____ Date determined to be complete: _____

Inspected by: _____

Approved by: _____

NEW BUFFALO TOWNSHIP RENTAL "BASIC" CHECKLIST
Building and Zoning Department
17425 Red Arrow Highway, New Buffalo, MI 49117 - Phone (269) 469-1011



*This checklist outlines some of the basic requirements that need to be met in order to be licensed. The purpose of an inspection is to ensure that your customers are provided a safe place to spend their time. Generally, we are looking at the building to ensure that the required safety systems are in place and have been serviced. We are also checking to ensure that the building has been maintained and is safe for use as a rental unit. Some items may be non-applicable **(Additional Requirements May Apply)***

OUTSIDE

- YES NO N/A House number is visible from the street.
- YES NO N/A The name, address and telephone number of the agent, representative or local contact person for the owner of the vacation home rental given that may be reached on a 24 hour basis.
- YES NO N/A Each parking spot must be at least nine feet wide and 19 feet long.
- YES NO N/A All parking is in the garage, driveway, , and/or on-site
- YES NO N/A Outside electrical receptacles are GFCI and they are in good working condition
- YES NO N/A There is no rubbish, trash, brush or tree trimmings accumulation on the property.
- YES NO N/A Barbecue grill is only used outdoors, and not in covered deck.
- YES NO N/A Swimming pool or hot tub Filter, or heater is properly grounded.
- YES NO N/A Sags, splits or buckling ceilings, walls, roofs, ceiling or roof supports, stairs, decking or other horizontal members due to defective material or deterioration.

INTERIOR

- YES NO N/A House rules or guest guide and, includes fire escape plan
- YES NO N/A Maximum number of occupants posted inside the front door
- YES NO N/A Indicate local emergency numbers and the nearest hospital. Provide a clear emergency contact number for yourself, as well as backup, for easy guest reference. Also make clear how you should be contacted if the guest has questions or issues arise.
- YES NO N/A Home has smoke alarms on every level.
- YES NO N/A Home has a smoke alarm in every bedroom.
- YES NO N/A Smoke alarms are located outside each separate sleeping area.
- YES NO N/A No All smoke alarms are working.
- YES NO N/A For larger homes (where the interior floor area on a given level is greater than 1,000 square feet), there is an average of at least 1 smoke alarm for every 500 square feet. [See NFPA 72-2007 11.5.1.3, 29.5.1.3 (2010)]
- YES NO N/A Home has a carbon monoxide alarm outside each separate sleeping area.
- YES NO N/A Home has a carbon monoxide alarm on every level.
- YES NO N/A Carbon monoxide alarms are working.

NEW BUFFALO TOWNSHIP RENTAL "BASIC" CHECKLIST
Building and Zoning Department
17425 Red Arrow Highway, New Buffalo, MI 49117 - Phone (269) 469-1011



BEDROOMS

- YES NO N/A All bedrooms have two ways out — window and a door.
YES NO N/A Windows used for escaping open easily — not blocked by furniture, security bars or nailed/painted shut. Security bars, if present, have a quick release-device.
YES NO N/A Windows used for escaping open easily — not blocked by furniture, security bars or nailed/painted shut. Security bars, if present, have a quick release-device.
YES NO N/A Basements and all sleeping rooms shall be provided with an approved egress opening directly to the outdoors. EXCEPTION: Basements used only to house mechanical equipment and do not exceed 200 sq. Ft.

KITCHEN

- YES NO N/A Smoke alarms are located at least 10 feet from a stationary or fixed cooking appliance.
YES NO N/A 10 lbs. ABC Fire extinguisher is in the kitchen and easy to find.
YES NO N/A First aid kit easily available.
YES NO N/A Things that can burn are removed from the stovetop.

LIVING/ SHARED ROOMS

- YES NO N/A Chimney is inspected annually and cleaned as needed.
YES NO N/A Fireplace has proper screen and hearth.
YES NO N/A The home is not cluttered with clothes, magazines, newspapers and other items that can burn.
YES NO N/A Things that can burn are at least 3 feet from space heaters and fireplaces.
YES NO N/A Flammable liquids, if stored in the home, are limited in quantity.
YES NO N/A Hot water heater is set at no higher than 120° Fahrenheit.
YES NO N/A Things that can burn are at least 3 feet from the furnace.
YES NO N/A Furnace is inspected and cleaned annually.
YES NO N/A Clothes dryer lint filter and vent pipe are clean.

ELECTRICAL

NEW BUFFALO TOWNSHIP RENTAL "BASIC" CHECKLIST

Building and Zoning Department

17425 Red Arrow Highway, New Buffalo, MI 49117 - Phone (269) 469-1011



YES NO N/A AFCIs (arc-fault circuit interrupters) are installed throughout the home and they are

YES NO N/A working properly (new home construction only).

YES NO N/A Kitchen and bathrooms have GFCI outlets on countertop surfaces within 6 feet of running water outlets and they are working properly.

YES NO N/A All receptacle and switch faceplates are installed and in good condition.

YES NO N/A Switches are in good condition — no evidence of arcing or overheating.

YES NO N/A Lighting fixture canopies are fastened in place and fixture is in good condition.

YES NO N/A Bulbs in light fixtures are the correct wattage for the lighting fixture.

YES NO N/A Flexible cords and cables are not used as fixed wiring, run through holes in walls, ceiling or floor, run through doorways or windows or under carpets or attached to building surfaces.

YES NO N/A Panel board and distribution equipment is accessible for inspection and in good condition — no evidence of overheating, corrosion or other damage.

YES NO N/A Service entrance raceways or cables are fastened in place, grounded, readily accessible and in good condition.

GARAGE

YES NO N/A There is a solid door between garage and residence.

YES NO N/A Gas powered equipment is stored in an outside shed or garage, separate from the home.

YES NO N/A No Gasoline is stored in an approved safety container in an outside shed or garage, separate from the home.

YES NO N/A Workshop area is clean of things that can burn.

OCCUPANCY

YES NO N/A Dwelling unit exceed the occupancy limits permitted based on bedrooms or parking.

YES NO N/A Occupants not to exceed the number of designated on-site parking spaces.

YES NO N/A Occupants not to exceed four (4) persons per bedroom. The number of bedrooms shall be based upon the Property Appraiser's profile of the property, and other documents of record as needed. In no case shall the maximum total occupancy for any dwelling unit exceed the occupancy limits permitted. No more than 16 without separate fixed cooking facilities.

SANITATION

NEW BUFFALO TOWNSHIP RENTAL "BASIC" CHECKLIST
Building and Zoning Department
17425 Red Arrow Highway, New Buffalo, MI 49117 - Phone (269) 469-1011



- YES NO N/A Bathroom with approved plumbing fixtures.
- YES NO N/A kitchen containing cooking facilities, refrigerator and an approved kitchen sink.
- YES NO N/A Signs of mold or mildew on wall surfaces or dry rot of any wood member.
- YES NO N/A Signs of infestation from rodents or insects.
- YES NO N/A Provided garbage cans with lids, and suitable storage. garbage service is required

NEW BUFFALO TOWNSHIP RENTAL HOUSE RULES AND GUEST BOOK SUGGESTION LIST
Building and Zoning Department
17425 Red Arrow Highway, New Buffalo, MI 49117 - Phone (269) 469-1011



House Rules/ Guest Book Suggestion List:

House Rules or Guest Guide to facilitate ordinance, legal, and safety understanding; you may want to include the information below. The easiest way to remediate an issue is to prevent it in the first place.

- Have a home fire escape plan.
- Ask guests to familiarize themselves with the address in case of an emergency.
- Ask guest to review the home fire escape plan.
- Parking map to help guests stay in approved parking.
- Smokers smoke outside the home.
- Matches and lighters are stored in a secure cabinet.
- Lit candles are not left unattended.
- Small appliances are unplugged when not in use.
- Adult stays in the kitchen when stovetop is in use.
- Ensure you relay parking rules for your building and neighborhood to your guest.
- rentals do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of any state law or local code pertaining to noise or disorderly conduct.

Suggestions:

- Change smoke alarm batteries every six months to ensure function; using time change is a great way to remember.
- Smoke alarms are interconnected so when one sounds, they all sound. (Best protection)
- Have alarm panel filled out to correct zones.
- The best place to put the fire extinguisher is by the door of the kitchen so you have easy access to it.
- Large ashtrays are provided outside for smokers.
- Swimming pool or hot tub is enclosed by a four-sided fence and locked gate. Receptacles have been tested and are in good working condition — no evidence of arcing or overheating.
- The home has tamper-resistant outlets.
- Stair is provided with a handrail(s).
- Stair can be illuminated for nighttime use.
- Stair tread depth and riser height are uniform.
- Ensure your home is safe for children, or else notify guests of potential hazards.

Visit www.redcross.org/homefires for more information

ONEKAMA TOWNSHIP SHORT TERM RENTAL ORDINANCE
Ordinance No. _____ of 2019 >> **DRAFT 4** (10/29/30) –
>> **Public hearing 11/21/19 > JRT**

AN ORDINANCE TO REGULATE SHORT TERM RENTAL OF RESIDENTIAL PROPERTY WITHIN ONEKAMA TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF

THE TOWNSHIP OF ONEKAMA ORDAINS:

Section 1 – PURPOSE

This Ordinance is intended to protect and promote the health, safety, and general welfare of all the citizens of Onekama Township by requiring the registration and certification of short term rentals within the Township. It is also the intent of the ordinance to protect the integrity of residential neighborhoods while allowing property owners to receive remuneration from rental of a dwelling to help maintain the dwelling.

Section 2 – DEFINITIONS

Bedroom – A room having a *primary purpose of sleeping quarters*, having a Code defined egress window to the outside, a doorway, and a minimum ceiling height of seven feet. The minimum sleeping room / bedroom size is 70 sq. ft. for one person with an additional 50 sq. ft. of sleeping room / bedroom floor space being the minimum for each additional occupant.

Capacity - Rental capacity shall be determined on the basis of number of bedrooms (see above) multiplied by three (3).

Caretaker -- A caretaker is an individual, other than the certificate holder, who is responsible for the oversight and care of the short-term rental.

Certificate – A short term rental certificate duly issued by Onekama Township.

Parking Space – For purposes of this ordinance, a parking space shall be a minimum of 9 feet by 20 feet, located off-street, outside of a road right of way, and in one of the following locations:

- i. - in a garage or carport
- ii. - within a paved or gravel driveway
- iii. - within a paved or gravel parking pad

Renter – As used in this Ordinance, a renter is an occupant or renter of a short-term rental pursuant to a rental agreement. The term “renter” as used herein does not include guests of the occupant or renter who are visiting between the hours of 7:00 am and 11:00 pm.

Special Events – In association with a short-term rental, a wedding, outdoor party, family reunion, or similar gathering that exceeds the maximum number of occupants allowed under the short-term rental certificate.

Section 3 – APPLICABILITY

A. This ordinance applies to all residential dwellings in Onekama Township and owners of those dwellings wherein the dwelling is rented for a period of less than 30 days.

1. Certificate Required. A certificate is required prior to the rental of any dwelling for a period of less than 30 days.

2. A certificate issued by the Township shall be valid for a period of 3 years unless revoked for cause or until the dwelling is sold.

3. A certificate will be issued within 15 days of receipt of a complete and approved application.

4. The certificate shall indicate the maximum number of guests that can be accommodated at the rental in accordance with the standards listed in Section 4.

5. A certificate and certificate holder shall be subject to all of the standards and penalties of this Ordinance. □

B. Application. An application provided by the Township for a short-term rental certificate shall include the following at a minimum:

1. Address of property. □
2. Property owner name(s). □
3. Signature of property owner(s) and caretaker. □
4. Number of bedrooms in the dwelling. □
5. Number of parking spaces as defined under Section 2. □
6. Sketch of the property indicating location of the dwelling, driveway or other point of access, and designated parking spaces meeting the definition of a parking space under Section 2. □
7. Contact information including: name, address, and 24-hour contact phone number for the owner of the property and the caretaker. □ This information must be kept up to date in the Township's records.
8. It is the certificate holder's responsibility to inform the Township of any change in caretaker or contact information for the certificate holder or caretaker.

Section 4 – Short Term Rental Standards

I.

- a. Parking. Parking for guests in a short-term rental shall only be in identified parking spaces as defined in this ordinance. **No on-street parking shall be permitted by renter occupants or included in any calculation of rental capacities in association with a short-term rental.**
- b. Trash. Refuse and recyclables shall be stored in appropriate containers with tight-fitting lids, or bagged and secure in caged enclosures, and shall be regularly picked up weekly by curbside service with a licensed waste hauler.
- c. Special Events. No increase in rental capacity or occupancy is permitted due to any special event as defined in this ordinance.
- d. Capacity Limit. The maximum number of renters to be accommodated shall be equal to the number of bedrooms multiplied by a factor of 3.
- e. **Accessory structures, recreational vehicles, motor homes, and travel trailers placed on the rental dwelling parcel shall not be included in any calculation of the claimed rental capacity of any dwelling or parcel, nor shall any use of the above as overnite quarters be permitted on any Short Term Rental property, other than those licensed as Campgrounds by the State of Michigan.**
- f. The number of bedrooms shall be as certified by the applicant, based on the definitions found in in this ordinance.,

g. The certificate issued by the Township shall indicate the maximum number of renters or overnite occupants.

h. Contact. The certificate holder or a caretaker representing the property owner must be available by telephone at all times and must be physically located within a 50-mile radius of the property in the event of an emergency or an issue that requires immediate attention. □

i. Certificate Number. The unique short-term rental certificate number issued by the Township shall be □included in any advertisement for the rental as shall the approved, certified rated capacity of the rental unit.

j. It is the certificate holder's responsibility to inform the Township of any change in caretaker or contact information for the certificate holder or caretaker..

k. The certificate number shall be posted on the mailbox for the rental or in a location visible from the street or road serving the property.

II. Renters shall be made aware of the following regulations:

a. Short term rentals shall observe quiet hours mandated by Onekama Township Noise Ordinance 2005-2.

b. Pets. Pets shall be secured on the premises or on a leash at all times. □□

c. Onekama Township Use of Consumer Fireworks Ordinance 2019-2 as amended.

□

III. Signs. Under Article 10 of the Onekama Township Zoning Ordinance, Ordinance Section 1015 as amended, a residence in the Township is permitted an on-site identification sign no larger than two (2) square feet in area. □

IV. Campfires. Any campfires at a short-term rental property shall:

- 1) Be contained within a fire ring or other comparable container.
- 2) Be located no less than 10 feet from any structure or any combustible material, be located away from overhanging tree branches, and be located such that the prevailing winds will not deliver smoke to adjacent residences. □
- 3) Be under the direct supervision of an adult at all times. □
- 4) Be fully extinguished prior to leaving the fire. □

V. A minimum of two type BC fire extinguishers and the minimum number of battery powered or hard wired smoke / CO / fire alarms as may be required by State law or Township regulations, annually tested and certified as functional, shall be properly installed and placed in the rental dwelling.

Section 5 – Violations and Revocation of Certificate

1. Violations. Any of the following will be considered a violation of this Ordinance:

- a. Failure to update information with the Township such as the caretaker or owner contact information in a timely manner.
- b. Advertising a short-term rental for a capacity in excess of that allowed under the certificate issued by the Township.
- c. Failure of the certificate holder or his/her designated caretaker to be available at any time during the tenure of an active short-term rental
- d. Providing false or misleading information on the application for a short-term rental certificate.
- e. Failure to obtain a short-term rental certificate when operating a short-term rental.
- f. Failure to comply with any of the standards under Section 4.

2. Nuisance Per Se - Any certificate holder or caretaker who violates any provision of this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not less than \$100 or more than five hundred and 00/100 (\$500.00) dollars plus all costs incurred by the Township in enforcing the ordinance, including attorney fees.

The Township shall have the right to commence a municipal civil action to enforce compliance with this Ordinance. Each day this Ordinance is violated shall be considered a separate violation.

3. A short-term rental certificate may be revoked following two separate violations on the same property under the same ownership within any single calendar year. The property owner may reapply for a certificate the following calendar year and receive a short-term rental certificate if all violations have been resolved.

Section 6. Enforcement Official.

The Township ordinance enforcement officer, Township Supervisor, any police officer, or any person officially authorized by the Onkama Township Board are hereby designated as authorized officials empowered to issue municipal civil infraction citations to alleged violators of this Ordinance.

Section 7. Abatement by Township

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may abate the violation through the procedures specified in this section.

1. When the Township becomes aware of a violation of this Ordinance, the Township shall send a written notice to the property owner and/or caretaker of the property in violation.

2. The notice shall describe the location of the property, describe the nature of the violation and the specific provisions of this Ordinance being violated, give the owner and/or caretaker of the property no less than seven (7) days to eliminate the violation without intervention by the Township.

3. If the owner and/or caretaker of any property on which a violation of this Ordinance exists fails to eliminate the violation within seven (7) days after service of the written notice from the Township, the Township shall issue a municipal civil infraction. □

Section 8. Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 9. Appeal

Any property owner holding a valid short term rental certificate or rental manager of such property may appeal the rental capacity rating as defined by this ordinance to the Onekama Township Zoning Board of Appeals for a review and decision on the capacity rating. Decisions of the Zoning Board of Appeals are final, but may be appealed to the Manistee County Circuit Court as provided by Article 96 of the Onekama Township Zoning Ordinance.

Section 10. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 11. Effective Date.

This Ordinance shall become effective thirty (30) days after its publication in a newspaper of general circulation within the township.

JRT ><> (draft 4 – 10/29/19)

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.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

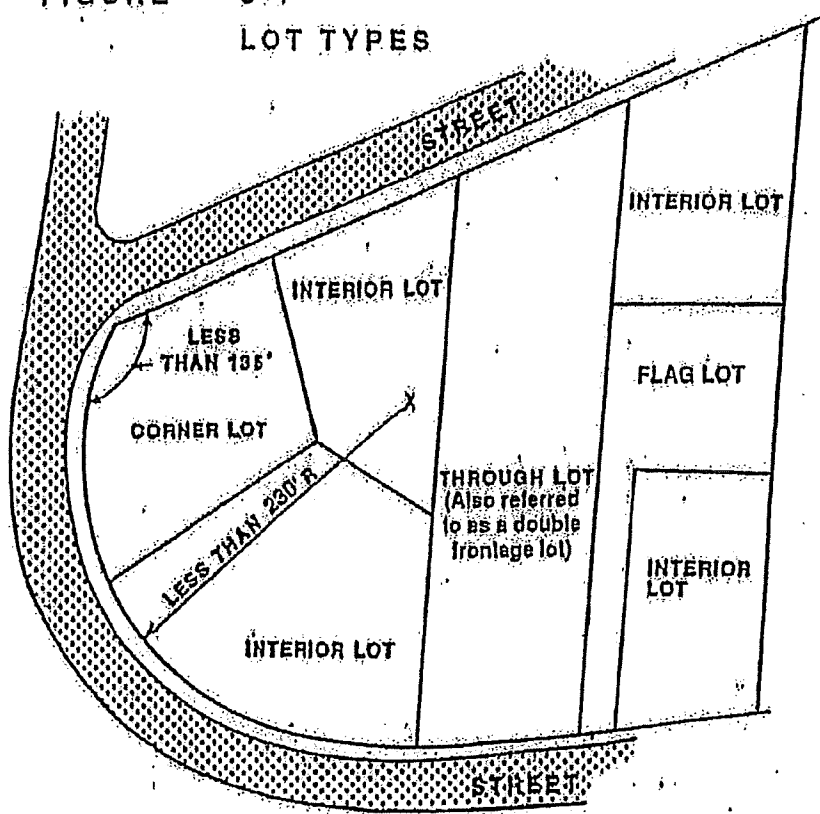


FIGURE 3-5
LOT DEPTH

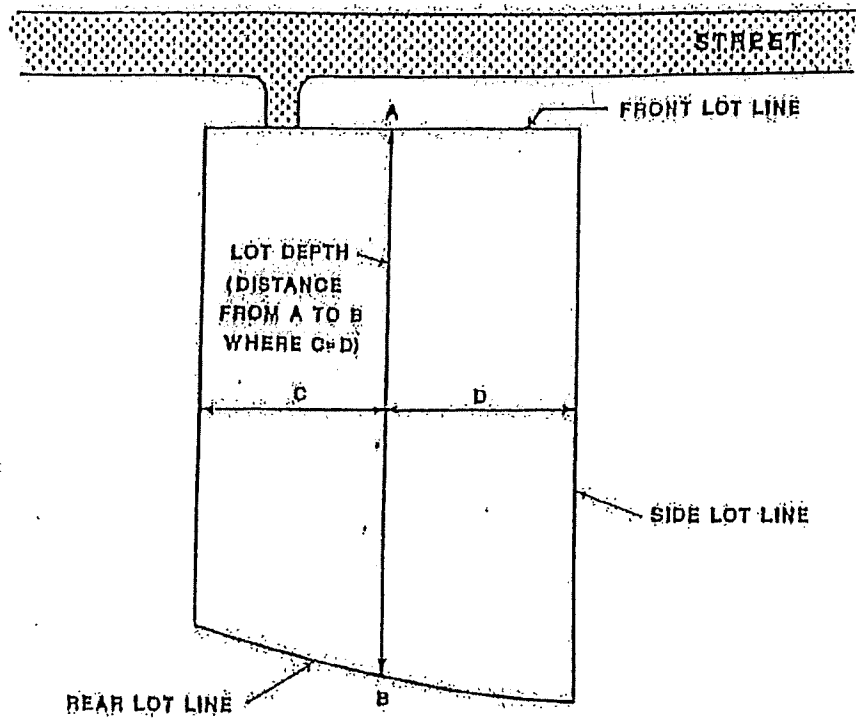


FIGURE 3-6
NET AND GROSS LOT AREA

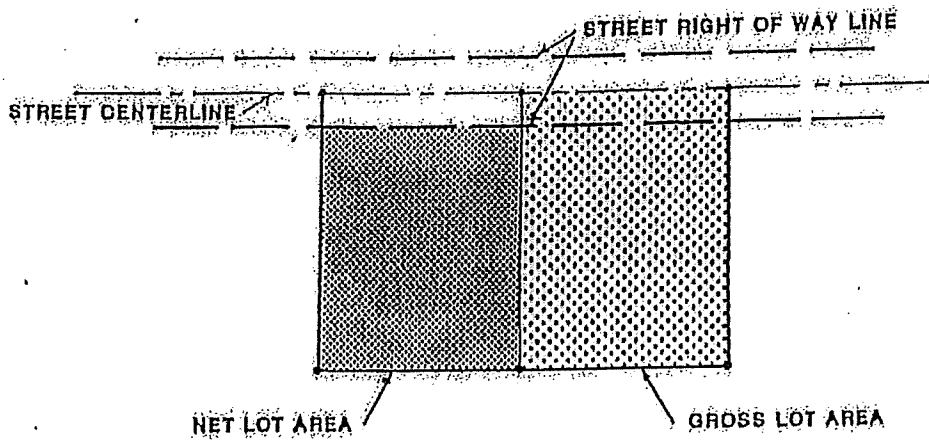
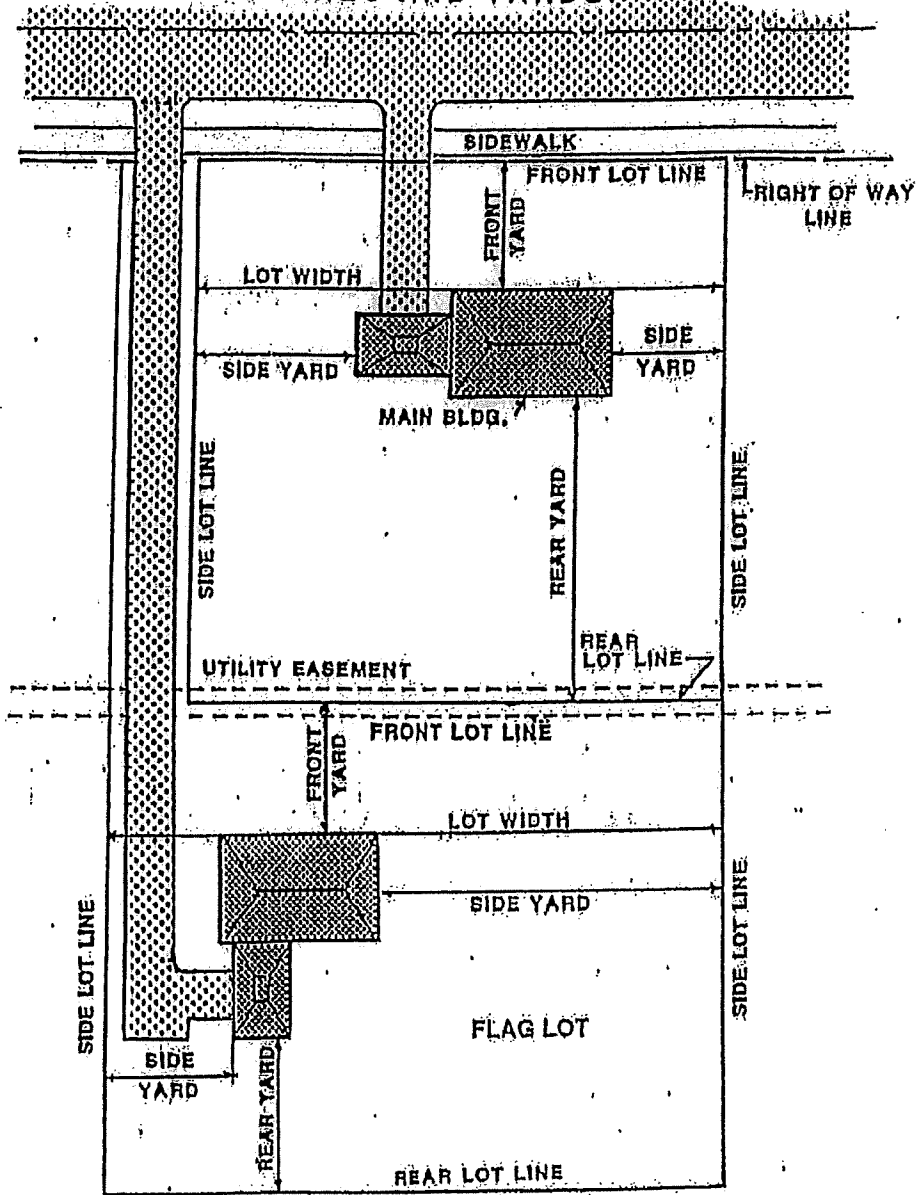


FIGURE 3-7

LOT LINES AND YARDS



ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

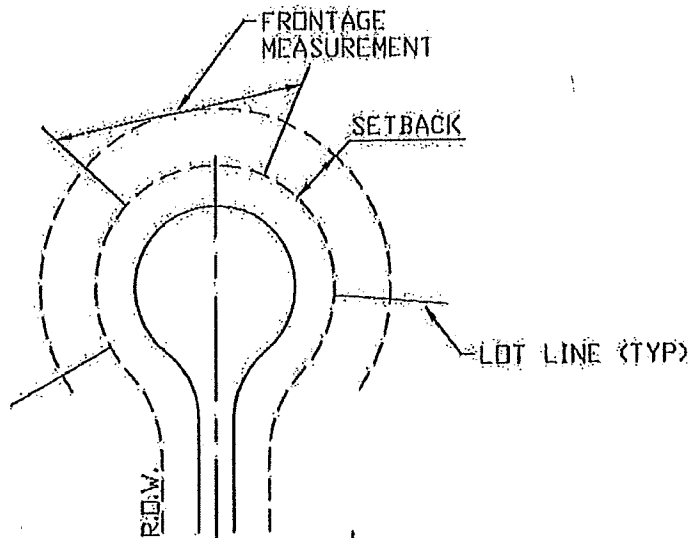


FIGURE 3-8

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

Definitions from Michigan Land Division Act, Act 288 of 1987 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.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

recording to insure future participation by new owners. A copy of the recorded maintenance agreement shall be provided to the Township. A non-profit corporation of property owners can be formed under PA 262 of 1982 for the funding of maintenance for the private road under the specifications of the road maintenance agreement.

If all property owners do not wish to participate in the private road maintenance agreement and the Board of Trustees feels there is a serious concern for health, safety and welfare of residents and others that use the road, a Special Assessment District can be created to fund the maintenance of the road. The Board of Trustees will then follow PA 188 of 1954 and if the residents vote down the Special Assessment then the road will be reclassified as an Unapproved Private Road and no further land divisions will be allowed until some means of maintaining the road has been provided by the owners of the road that is approved by the Township.

SECTION III: SEVERABILITY

Should any provision or part of this ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, such finding shall not affect the validity of enforceability of the remainder of this ordinance.

SECTION IV: EFFECTIVE DATE

This ordinance shall take effect thirty days after publication.

This ordinance was adopted by the Marion Township Board on October 11, 2007, and shall have an effective date thirty days after publication.

The Marion Township Private Road General Ordinance No. 07-03 can be purchased, examined or inspected at the Marion Township Hall, 2877 W. Coon Lake Road, Howell, MI 48843, between the hours of 9 am to 5 pm, Monday through Thursday.

Tammy L. Beal, Township Clerk

Date

Moved by:

Supported by:

Yeas: Hanvey, Lowe, Andersen, Beal, Wyckoff, Hodge

Nays: Hamann

Abstentions: None

Absent: None

I hereby affirm and certify that this is a true and correct copy of the Marion Township Private Road General Ordinance No. 07-03, duly adopted by the Marion Township Board at its regular meeting held on the 11th day of October 2007, to which I add my signature this 15th day of October 2007.

Tammy L. Beal, Township Clerk

Date

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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.

Pre-Draft Master Plan Review/Comment Meeting



The Hamburg Township Planning Department and the 20/20 Master Plan Steering Committee invite you to attend a discussion planned specifically to gather governmental and quasi-governmental agency comments on the Township's draft 20/20 Master Plan update.

The comments received from outside agencies since the plan update kick-off meeting in 2018 have been vital in drafting a master plan that encourages sustainable and cohesive communities of lasting value.

Your attendance allows us one final opportunity to hear your comments, answer your questions, and consider your proposed changes to the draft plan before the draft plan's review by the Planning Commission and Township Board and before the public distribution of the plan per the Michigan Planning Enabling Act (Section 125.3841).

*****If you are interested in reviewing the document or attending this meeting please contact Brittany Stein at bstein@hamburg.mi.us by November 8, 2019 for a copy of the draft master plan. *****

Where: 10405 Merrill Road the Township Board Chambers

When: Wednesday, November 13, 2019

Time: 1:00 pm to 2:00 pm

CITY OF HOWELL

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Howell City Planning Commission will hold the following public hearings on Wednesday, November 20, 2019 at 7:00 p.m. at **City Hall, 611 E Grand River Ave., Howell, MI 48843:**

A public hearing will be held to consider a Site Plan and Special Land Use request from GMB Architecture and Engineering (on behalf of Padnos Iron and Metal Company) for the property at 645 Lucy Road (PID: 4717-06-100-005). The applicant is requesting approval to construct a new ferrous scrap processing facility adjacent to the existing metal recycling yard, including a new scrap shredder. The property is zoned I-2, B-1, General Industrial.

Any questions may be directed to the City of Howell Community Development Department at 517-546-3861. Any written comments/concerns, can be sent to the Howell City Planning Commission, 611 E. Grand River, Howell, MI 48843 and should be received before November 20, 2019. Persons interested are welcome to attend this meeting and all interested parties will be given an opportunity to be heard.

COMMUNITY DEVELOPMENT DEPARTMENT
TIMOTHY R. SCHMITT, *AICP*
517-546-3861
Publish 11/5/19

RECEIVED

NOV 04 2019

MARION TOWNSHIP

CITY OF HOWELL

NOTICE OF PUBLIC HEARINGS

NOTICE is hereby given that the Howell City Board of Zoning Appeals will hold the following public hearings on Tuesday, December 3, 2019 at 7:00 p.m. at **City Hall, 611 E Grand River Ave., Howell, MI 48843:**

1. A public hearing will be held to consider a variance request from Johnson Sign Company on behalf of Howell Medical Development LLC for the property at 202 West Highland (PID: 4717-25-102-005). The applicant is seeking three variances from *Section 6.23 Mixed Use Development Regulations* for signage on the site. The applicant is seeking to install three wall signs on the proposed building, all larger than permitted by ordinance.
2. A public hearing will be held to consider a variance request from Padnos Iron and Metal for the property at 645 Lucy Road (PIDs: 4717-06-100-005, 4717-06-100-002, and 4717-06-300-005). The applicant is seeking the following three variances for the expansion of the existing salvage yard on the site:
 - a. *Section 4.06(l)(3)* requires all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building and the applicant is proposing to have a scrap shredder outside of the building.
 - b. *Section 5.13(f)* requires that all outdoor storage areas be paved and the applicant is proposing to utilize gravel for a portion of the outdoor storage.
 - c. *Section 10.06(b)* requires that all parking lots, driveways, maneuvering lanes, or loaded areas be paved and the applicant is proposing to utilize gravel for these areas throughout the site.

Any questions may be directed to the City of Howell Community Development Department at 517-546-3861. Any written comments/concerns, can be sent to the Howell City Board of Zoning Appeals, 611 E. Grand River, Howell, MI 48843 and should be received before December 3, 2019. Persons interested are welcome to attend this meeting and all interested parties will be given an opportunity to be heard.

COMMUNITY DEVELOPMENT DEPARTMENT
TIMOTHY R. SCHMITT, *AICP*
517-546-3861
Publish 11/18/19

RECEIVED

NOV 18 2019

MARION TOWNSHIP