

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING

**Due to COVID-19 considerations and consistent with State Policy:
The Township Planning Commission will meet virtually November 24, 2020 at 7:30 pm**

Instructions to participate in the meeting are posted on www.mariontownship.com

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: November 24, 2020 Regular Meeting

APPROVAL OF MINUTES FROM: October 27, 2020 Regular Meeting & Training meeting

CALL TO THE PUBLIC:

PUBLIC HEARING:

- 1) Public hearing for TXT#01-19 Short Term Rentals
- 2) Public hearing for TXT#02-19 Signs for Home Occupation/Based Business
- 3) Public hearing for TXT#01-20 Site Plan/Private Road Changes for Development Standards
- 4) Public hearing for TXT#02-20 Accessory Structure add containers

Old BUSINESS:

- 1) Review TXT#01-19 Short Term Rentals send to LCPD for review and comment
- 2) Review TXT#02-19 Signs for Home Occupation/Based Business send to LCPD for review
- 3) Review TXT#01-20 Site Plan/Private Road changes for Development Standards send to LCPD for review
- 4) Review TXT#02-20 Accessory Structure send to LCPD for review

New BUSINESS:

- 1) Set a Public Hearing for TXT#03-20 Planned Unit Development Overlay District

Correspondence and Updates and Discussion:

CALL TO THE PUBLIC:

ADJOURNMENT:

POSTED 11-19-2020 11:50AM

Robert A. Jarvey

DRAFT

*Approved by: _____
Larry Grunn, Chairperson

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
October 27, 2020 / 7:30PM**

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

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

MEMBERS ABSENT:

CALL TO ORDER:

Larry Grunn called the meeting to order at 7:40 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Approval of the Regular Meeting Agenda for October 27, 2020

Bob Hanvey motioned to approve the agenda. Cheryl Range seconded. **MOTION CARRIED**

APPROVAL OF MINUTES:

Approval of the Regular Meeting Minutes for September 22, 2020

Bruce Powelson motioned to approve the minutes. Jim Anderson seconded. **MOTION CARRIED**

CALL TO THE PUBLIC:

NONE

NEW BUSINESS:

- 1. SPR #02-20 Vern Brockway 1388 Lucy Road Industrial Zoning
Parcel ID# 4710-01-400-005***

Alan Crestwood from MEGA engineering spoke on behalf of Vern Brockway. Brockway is requesting a 6000 square foot building to be used for repairs, with a retention basin, a parking lot, well and septic, a 1500 square foot office and a 4500

square foot repair shop. They will need to request a couple of variances, since it is a non-conforming lot. Those variances are for the building setbacks and also for the 60-foot buffer.

John Enos said they have been working with the applicant for some time now and we are happy that the applicant is cleaning up the site. Our outside agencies will have to take a look at this; The County Drain Commission, The Road Commission, The Fire Department and the ZBA. John thinks this is a nice preliminary and is ready for approval.

Jim Anderson asked what kind of repairs will be taking place.

Vern Brockway said mainly truck repairs.

Jim Anderson asked how they plan on dealing with the disposal of waste.

Brockway has a car yard across the street and has people that take care of that stuff. They will be using 400-gallon stainless steel bins for waste disposal, which will be housed inside the building.

Jim Anderson asked if the flooring was concrete and how thick.

Brockway said the floor will be made of roughly six inches of concrete.

Jim asked where the nearest fire hydrant is located.

Alan Crestwood said there will be one about 100 feet north of the property line.

Jim Anderson asked about any type of fire suppression inside the building.

Alan responded and said there would not be anything inside the building.

John Enos said that the Fire Department will be doing their own inspection, along with the building code requirements Does the Department of Environmental quality have any regulations when it comes to storage of transmission fluid, oil, etc.

John said they do and the Fire Department will also regulate some of these things.

Larry Grunn said they are all very pleased that this area is finally getting some attention.

Larry Grunn asked who is currently living in the house, listed at this address.

Brockway said that someone else actually lives in that house and runs their own business and occasionally has equipment parked in the yard.

Alan Crestwood said the house to the west is actually 1382 Lucy Road.

Jim Anderson asked about the landscaping on the West side. It doesn't seem like the homeowner really cares.

Brockway said he can't speak for the neighbor's property but assured the Commissioners that they will have a landscaping plan laid out on the Site Plan for the property.

Bob Hanvey inquired about possible signage on the property.

Brockway said he is not sure just yet whether or not they will have any signage on the property.

Dave Hamann suggested sending this to the ZBA first, to request the necessary variances, before sending this to the Board of Trustees. Let the ZBA evaluate the non-conforming parcel with the site plan and other variances, so any changes that need to be made, can be made before the Board see's anything.

John Enos agrees and supports Dave's idea.

Cheryl Range made a motion to recommend approval with the conditions stipulated by outside agencies and can be sent to the ZBA for review and variances. Bruce Powelson seconded. **MOTION CARRIED**

NEW BUSINESS:

2. Set Public Hearing for TXT# 01-19 Short Term Rentals for November 24, 2020

John Enos recommends setting a public hearing for this item, since we have discussed this in length several times now. We should keep the ball rolling and get the public hearing set.

Bruce Powelson inquired about the "28 days period".

Bob Hanvey also thinks that it should say "28 days or less" not "28 days or more".

Dave chose 28 days because that is the shortest month of the year.

John Enos responded to Bob and said if we wrote it that way, then we would be allowing the weekend rentals, which is what the Township was trying to get away from.

Dave said that maybe Commissioners need to have some more discussion on this before setting a public hearing.

Dave suggested asking one of the Board members in the audience to waiver in and provide their opinion. Les Andersen really does not want to see short-term rentals even on a ten-acre parcel. Jim Andersen said we should make some minor changes to the definition that Dave came up with for a Short-Term Rental and then only allow the use of Short-Term Rentals in Highway Service and Commercial districts. After further discussion this is the language that was agreed upon for our Short-Term Rental definition.

TXT# 01-19 Short Term Rentals

Article III Definitions

ADD to 3.02

Short Term Rental: The renting of a residential dwelling home usually leased for a period of twenty-eight fewer consecutive calendar days, by the same renter. Short Term Rental does not include a bed and breakfast permitted and operated in accordance within this Ordinance.

Cheryl Range made a motion to set a public hearing for TXT# 01.19 Short Term Rentals for November 24, 2020. Jim Anderson seconded. **MOTION CARRIED**

NEW BUSINESS:

3. Set Public Hearing for TXT# 02-19 Signs for Home Occupations / Home-Based Business for November 24, 2020

Dave said that the PC members need to set a Public Hearing for this matter or they need to go back to the drawing board.

Jim said that the only things that were changed were, adding Home-Based Business and creating a minimum set-back distance of 15 feet.

Bob Hanvey made a motion to set a public hearing for TXT# 02.19 Signs for Home Occupations / Home-Based Business for November 24, 2020. Jim Anderson seconded. **MOTION CARRIED**

NEW BUSINESS:

4. Set Public Hearing for TXT# 01-20 Site Plan / Private Road changes for Development Standards for November 24, 2020

John Enos said that these changes give Dave and your Consultants more flexibility when working with Applicants.

Jim Anderson so we may never see certain things because you guys will be handling it.

Dave Hamann said that if the Commissioners are comfortable with our consultants getting site plan applicants ready for Planning Commission review, then this is the way to go. It doesn't take away control from the Planning Commission. It will better prepare the applicant before they get to the Planning Commission meetings.

John Enos said it gives the consultants the chance to work out a lot of the technical issues and details ahead of time.

Dave said this will give the consultants the opportunity to make sure the applicant meets all of the criteria in our ordinances and development standards before it comes to the Commissioners. You guys will still have the opportunity to review and make changes to the applicant's site plan before it gets sent to the Board.

Bob Hanvey made a motion to set a public hearing for TXT# 01.20 Site Plan / Private Road changes for Development Standards for November 24, 2020. Jim Anderson seconded. **MOTION CARRIED**

NEW BUSINESS:

5. Set Public Hearing for TXT# 02-20 Accessory Structure for November 24, 2020

John Enos said that because we are starting to see more of these structures pop-up, we created some definition language for Accessory Structures, such as cargo containers.

Dave Hamann said we should try and keep it simple but still try to contain it. I wanted to make sure that I have the ability to require the applicant to put in some buffering if it doesn't look presentable.

Larry Grunn made a motion to set a public hearing for TXT# 02.20 Signs for Home Occupations / Home-Based Business for November 24, 2020. Cheryl Range seconded. **MOTION CARRIED**

OLD BUSINESS:

1. Master Plan Status

John Enos apologized for not having the Master Plan quite done yet but will get with Dave and bring an updated version to the next Planning Commission meeting.

CORRESPONDENCE AND UPDATES:

Handout from Bob "Is our love affair with single-family home over?"

Commissioners discussed the new generation decreased desire for single family homes. Duplex, condos and multiple unit dwellings seem to be getting increasingly popular.

CALL TO THE PUBLIC:

Les Andersen said he has to take some information back to the Board about the woman who recently came to a Planning Commission meeting and wanted to buy a parcel, so she could build tiny houses for troubled women. These "she-sheds" can be worth \$100,000 and they are under 200 square feet. What happens if the occupant passes away and now this tiny dwelling is on a parcel without a foundation?

John Enos said that its special use and you can't have more than one unit per parcel. Only family members would be allowed to take over the home. I believe our ordinance would protect us from people renting these out, but our ordinances are only as good as our enforcement.

ADJOURNMENT:

Cheryl Range made a motion to adjourn the meeting at 9:35pm. Jim Anderson seconded. **MOTION CARRIED**

DRAFT

*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
& ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
October 27, 2020 / 6:30PM**

P.C. MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
BOB HANVEY
CHERYL RANGE – *SECRETARY*
BRUCE POWELSON – *VICE CHAIR*
JAMES ANDERSON

Z.B.A. MEMBERS PRESENT: LARRY FILLINGER – *CHAIRPERSON*
DAN LOWE
LINDA MANSON-DEMPSEY
DIANE BOCKHAUSEN
JEAN ROOT
EDMUND GALUBENSKY

OTHER MEMBERS ABSENT: DAVID HAMANN - *ZONING ADMINISTRATOR*
JOHN ENOS - *CARLISLE WORTMAN*

CALL TO ORDER:
Larry Grunn called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:
Linda Manson-Dempsey motioned to approve the agenda. Larry Fillinger seconded. ***MOTION CARRIED***

CALL TO THE PUBLIC:
NONE

NEW BUSINESS:

***1. TRAINING WORKSHOP WITH JOHN ENOS FROM CARLISLE WORTMAN
COVERING ZONING BOARD OF APPEALS & PLANNING COMMISSION
TOPICS***

John Enos discussed the various duties that fall under the Planning Commission and The Zoning Board of Appeals. Topics such as Land Use Decisions, Statutory Authorities, Site Plan Reviews, ZBA Duties and Powers, Variances, Site Visits, Decision Principles, Risk Management and other related topics.

CALL TO THE PUBLIC:

NONE

ADJOURNMENT:

Linda Manson-Dempsey made a motion to adjourn the meeting at 7:35pm. Jim Anderson seconded. ***MOTION CARRIED***

TXT#01-19 Short Term Rentals

ARTICLE III Definitions

ADD to 3.02

Short Term Rental: The renting of a residential dwelling unit usually leased for a period of twenty-eight or fewer consecutive calendar days by the same renter. Short Term Rental does not include a bed and breakfast permitted and operated in accordance within this Ordinance.

Article XI

ADD to 9.01.B

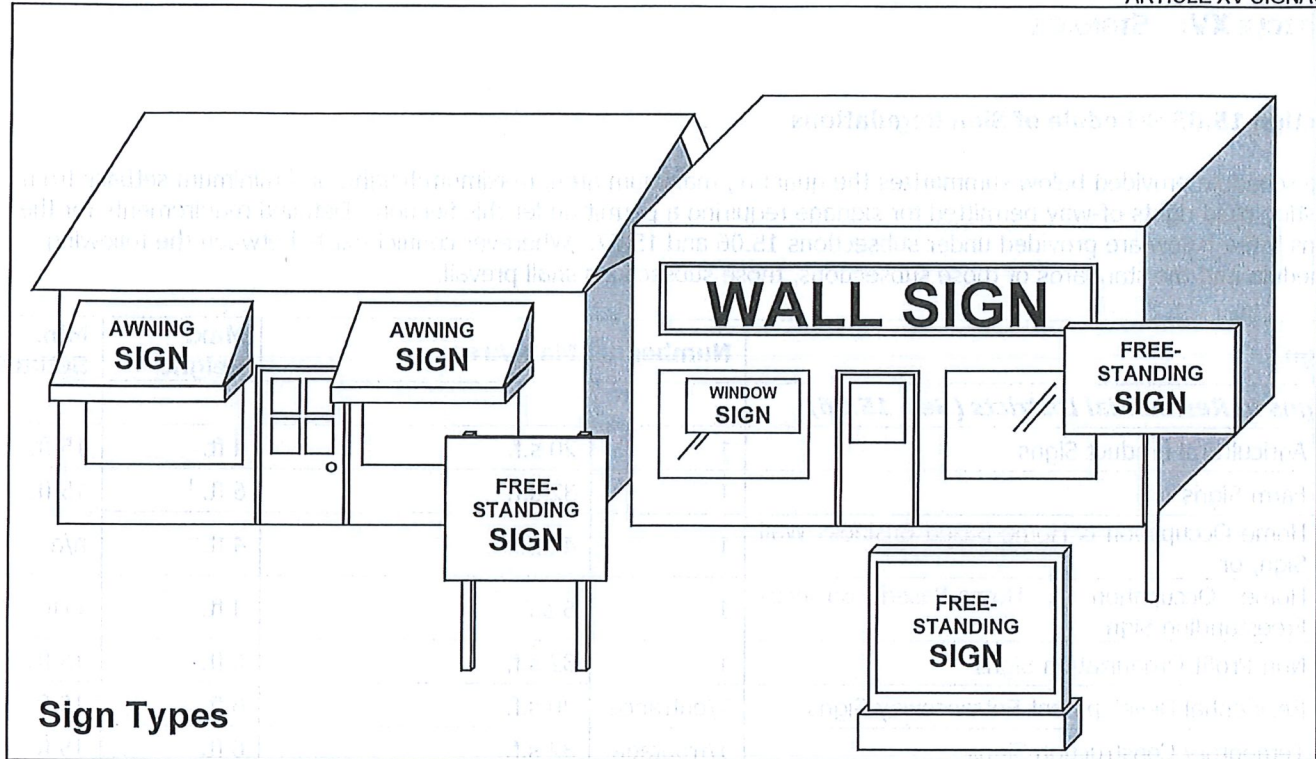
18. Short Term Rentals

ARTICLE XV: SIGNAGE**Section 15.05 Schedule of Sign Regulations**

The schedule provided below summarizes the quantity, maximum area, maximum height, and minimum setback from existing road rights-of-way permitted for signage requiring a permit under this Section. Detailed requirements for the signs listed below are provided under subsections 15.06 and 15.07. Wherever conflict exists between the following schedule and the standards of those subsections, those subsections shall prevail.

Sign	Number	Max. Area	Max. Height	Min. Setback
<i>Signs in Residential Districts (Sec. 15.06)</i>				
Agricultural Product Signs	1	20 s.f.	4 ft.	15 ft.
Farm Signs	1	32 s.f.	6 ft. ¹	15 ft.
Home Occupation & Home-Based Business Wall Sign, or	1	4 s.f.	4 ft.	n/a
Home Occupation & Home-Based Business Freestanding Sign	1	6 s.f.	4 ft.	15 ft.
Non-Profit Organization Signs	1	32 s.f.	6 ft.	15 ft.
Residential Development Entranceway Signs	2/entrance	20 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
<i>Signs in Non-residential Districts (Section 15.07)</i>				
Awning and Canopy Signs	N/A	25% of surface ²	n/a	per district
Free-Standing Signs	1/frontage	½ s.f. per foot of frontage ³	6 ft.	15 ft.
Gasoline Price Signs	1	20 s.f.	6 ft.	15 ft.
Marquee Signs	1/frontage	1½ s.f. per foot of building frontage	per district	per district
Menu Board Signs	2	60 s.f.	6 ft.	15 ft.
Office or Industrial Development Entranceway Signs	2/entrance	36 s.f.	6 ft.	15 ft.
Temporary Construction Signs	1/frontage	32 s.f.	6 ft.	15 ft.
Time/Temperature/Stock Market Signs	1/frontage	N/A ⁴	6 ft. ¹	15 ft. ¹
Wall Signs	1/frontage ⁵	1 s.f. per foot of building frontage ⁶	see below	n/a
Window Signs	N/A	25% of window area	n/a	n/a

1. If sign is free-standing.
2. Such signs shall be counted in determining compliance with maximum permitted area of wall signage.
3. Not to exceed 32 s.f., unless premises contain multiple tenants, in which case 4 s.f. may be added per additional tenant, up to a maximum of 64 s.f.
4. Such signs shall not be counted in determining compliance with wall or free-standing sign area requirements.
5. Or one per tenant having individual public access.
6. Not to exceed 60 s.f., unless such signs are set back at least 150 ft., in which case such signs shall not exceed 200 s.f.



Section 15.06 Signs in Residential Districts

The following signs shall be allowed in the RR, SR, UR, ERS#1, and ERS#2 zoning districts, subject to permit approval in accordance with Section 4.03 and the following standards. Such signs shall only pertain to permitted or special land uses or a legally nonconforming non residential use, and shall be located upon the same property to which the sign relates, unless otherwise provided herein.

- A. **Agricultural Product Signs:** In the RR district, one sign advertising agricultural and/or horticultural products grown on the premises shall be permitted in conjunction with a temporary roadside stand. The sign shall not exceed twenty (20) square feet in area, four (4) feet in height nor be located closer than fifteen (15) feet to any property line. The sign shall be erected not more than two weeks prior to opening of sales and removed within one (1) week of the end of sales.
- B. **Farm Signs:** Signs in the RR district displaying the name of farm, not to exceed thirty-two (32) square feet in area and six (6) feet in height if freestanding. One (1) such sign shall be permitted per farm, in addition to the home occupation sign permitted under item C below. Such a sign may be indirectly illuminated, provided that all lighting equipment for these signs shall be designed to illuminate the sign only and shall not interfere with driver visibility or cause glare on adjoining properties.
- C. **Home Occupation/ Based Business Signs:** one (1) wall sign per parcel containing a permitted use, not exceeding four (4) square feet in area. Such signs may not be illuminated and must be consistent with the residential character of the neighborhood in which they are to be located. **Within the Rural Residential (RR) district, one (1) freestanding sign may be substituted for a wall sign. Free standing signs shall not exceed six (6) square feet in area or four (4) feet in height and shall be located no closer to the right-of-way (ROW) line than one half (1/2) the required front yard, than fifteen (15') feet from the road right-of-way (ROW).**
- D. **Non-Profit Organization Signs:** Permanent, free-standing signs identifying churches, schools, museums, libraries or other non-profit institutions, at a rate of one (1) sign per parcel, with a minimum setback from the street right-of-way of fifteen (15) feet, which does not exceed thirty-two (32) square feet in area and six (6) feet in height.

- E. Residential Development Entranceway Signs: Permanent freestanding signs or signs affixed to decorative walls or fences identifying the entrances of residential developments such as subdivisions, apartment complexes, condominium communities, senior housing complexes, mobile home parks and similar residential uses, at a rate of two (2) per entranceway not to exceed a total of two (2), with a minimum setback from the street right-of-way of fifteen (15) feet, and not exceeding twenty (20) square feet in area and six (6) feet in height. Where such sign is placed upon a decorative wall or fence, the area of the sign shall be computed by measuring the area of the envelope required to enclose the lettering, graphics and border, if any, not the entire decorative wall or fence.
- F. Temporary Construction Signs: Temporary signs which advertise the construction of new residential subdivisions or similar permitted development, not to exceed thirty-two (32) square feet in area and six (6) feet in height. Such signs shall be removed immediately after the last available lot, home site or parcel is sold.

TXT#01-20 Clean up from Development Standards

ARTICLE VI: GENERAL PROVISIONS

Section 6.19 Access Controls

Move A to Development Standards

- ~~A. **Curb Cuts and Driveways:** Curb cuts and driveways shall be located only upon the approval of the Livingston County Road Commission and appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.~~
- ~~1. All plans for buildings to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. The Zoning Administrator prior to the issuance of a building permit shall approve said plan. No such plan shall be approved unless such driveway access is onto a dedicated public street or an approved private road. The Zoning Administrator shall refer to appropriate Livingston County Road Commission standards during his review. Driveways shall, at a minimum, meet the following standards:
 - ~~a. Culverts shall be installed in line with and on the same grade as the road ditch.~~
 - ~~b. Driveways shall intersect an existing public street or private road in a generally perpendicular manner.~~
 - ~~c. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent—one (1) foot vertical rise in ten (10) feet of horizontal distance.~~
 - ~~d. The driveway shall meet the sight distance and clear vision standards of the Livingston County Road Commission.~~
 - ~~e. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.~~
 - ~~f. Driveways shall be designed to minimize runoff and erosion.~~~~
 - ~~2. No more than one (1) driveway shall be allowed per parcel.~~
 - ~~3. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the Livingston County Road Commission are met.~~
 - ~~4. The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the Township or Livingston County Road Commission or Michigan Department of Transportation.~~
 - ~~5. No driveway shall serve more than one (1) dwelling.~~

Keep B in ZO as Letter A

- 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.~~

~~C. **Clear Vision Zone:** Livingston County Road Commission Rules shall apply to all private roads in the Township.~~

Section 6.20 Private Roads Serving Single-Family, Multiple-Family and Commercial Developments

A. **Purpose and Intent:** Unobstructed, safe and continuous vehicular access to parcels is necessary to promote the health, safety and welfare of the citizens of Marion Township by ensuring that police, fire, and emergency services can safely and quickly enter and exit private property at all times. It is the intent of this Ordinance to allow for development of private roadways. Marion Township requires that all new private roads meet the Livingston County Road Commission Standards. Marion Township does not guarantee that the roads may become public at a later date. The decision to accept roads as public will be made by the Livingston County Road Commission.

Move B to Development Standards

~~B. **Permit Application**~~

~~1. **Requirements.** The application and plans for a private road shall include the following information:~~

~~a. Survey that provides the legal description(s) of all the parcel(s) and any and all easements that exist on the subject property. If applicable, the names and addresses of all the lot or parcel owners served or to be served by the private road shall also be provided.~~

~~b. A vicinity map of a minimum scale of one inch equals two thousand feet (1" = 2,000'), showing the location of the private road in the Township, any access roads and cross streets, road names, a scale, and a north arrow.~~

~~c. Existing topography at two (2) foot contour intervals for the portions of the site sufficient to determine drainage from the private road easement to a suitable storm water outlet.~~

~~d. Proposed improvements (including but not limited to, roads, sewers, and ditches) shown in plan and profile indicating all materials, grades, dimensions, and bearings. The plans shall also show all existing and proposed grades, the location of all existing and proposed drainage facilities, the location of existing and/or proposed utilities and structures, other structures, physical or natural conditions existing adjacent to such improvements, and any connections to existing public and private roads.~~

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

~~f. Location of existing buildings on the lots or parcels being served or intended to be served by the private road, as well as any existing buildings or structures in or adjacent to any proposed road easement.~~

~~g. Plans shall show the existing or proposed location of private utilities and~~

easements, such as gas, telephone, and electric.

- h. ~~Document from Marion Township assessor verifying two or more land divisions are available.~~
- i. ~~A complete copy of the road maintenance agreement(s) and road easement agreement(s) regarding the maintenance and improvements of the right-of-way and roadway. The road maintenance agreement shall, at a minimum, provide for:
 - i. ~~A method of initiating and financing of such road in order to keep the road up to Township specifications as set forth in this amendment.~~
 - ii. ~~A workable method of apportioning the costs of maintenance and improvements to current and future users.~~
 - iii. ~~A notice that if repairs and maintenance are not made, the Marion Township Board may bring the road up to established Township standards as set forth in this amendment and assess owners of parcels on the private road for the improvements, plus an administrative fee.~~
 - iv. ~~A notice that no public funds of the Township of Marion are to be used to build, repair, or maintain the private road.~~~~

~~Furthermore, said road maintenance agreements shall be in such form as to be recordable with the County Register of Deeds and shall specifically address the liability and responsibility of the parties to said agreement to maintain the private road pursuant to the specifications of this section, including, but not limited to, the responsibility of removing snow from said private roads. The recorded road easement and maintenance agreement, which shall run with the land, shall also inform subsequent purchasers that the road is private and may never be maintained or accepted by the Livingston County Road Commission.~~

- j. ~~A complete statement of all the terms and conditions of the proposed road easement and road maintenance agreement, which shall also provide for:
 - i. ~~Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary.~~
 - ii. ~~A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties and having a need to use the road.~~~~
- k. ~~Appropriate deed restrictions and/or master deed provisions shall provide for free and clear vehicular access for emergency service vehicles on all private roads.~~
- l. ~~Upon approval of the road easement and road maintenance agreement, it shall be recorded at the Livingston County Register of Deeds and a copy of the recorded agreement shall be filed with the Township Clerk. The Township shall not issue a land use permit for any dwelling unit until it has received a copy of the recorded, approved agreement.~~

~~C. **Road Design Requirements:** Private roads shall meet or exceed the following standards and the design requirements set forth in the current Livingston County Road Commission Plat & Street Development Specifications.~~

~~NOTE: Any dwelling unit whose only means of ingress or egress is via the private road shall be considered in the number of dwelling units allowed.~~

~~1. Dead-end roads shall terminate with a cul-de-sac that meets or exceeds standards in the current Livingston County Road Commission Plat & Street Development Specifications and the following:~~

~~a. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel that fronts upon the cul-de-sac.~~

~~b. Frontage measurements along a cul-de-sac shall be measured along the tangent of the front setback line between the side lot lines. See diagram 3-8.~~

~~c. Not more than four (4) principal buildings shall have frontage on a cul-de-sac.~~

~~d. Any lot located on a cul-de-sac shall have its side lot lines designated to be radial to the front property line or right-of-way line on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.~~

D. **Dedication of Rights-of-Way or Easements:** While not required to be dedicated to the public, no structure or land use activity shall be established within approved rights-of-way or easements. All plans, as submitted for approval, must show the private road easement including a legal description.

E. **Connection to County Roads:** Construction authorization from the Livingston County Road Commission is required for connection to County roads. When applicable, a permit is also required from the County under the Soil Erosion and Sedimentation Control Act, PA 347 of 1972. At the discretion of the Township Board, a proposed private road that otherwise meets the requirements of this Ordinance may be disapproved unless it connects to another private road or a County road when necessary to provide safe traffic flow and emergency vehicle access. No lots or units shall be permitted driveway access from a road that is not an interior road of the plat, condominium, or development.

F. **Application Procedure:** Application for road construction shall not be made without evidence of an approved land division. The applicant shall prepare and provide twelve (12) sets of a plot plan, site plan, or construction plan, pursuant to the application and design requirements of this Ordinance. All of the required information shall also be submitted twenty-one (21) days prior to the meeting date to which the applicant requests consideration by the Marion Township Zoning Administrator. The Zoning Administrator shall submit the private road site plan to the Livingston County Road Commission and Township Engineer for review and comment as necessary. The proposed road maintenance agreement and road easement agreement shall be sent to the Zoning Administrator who shall then forward to the Township Attorney for review and comment.

G. **Application Review and Approval or Rejection**

1. The reports of the Livingston County Road Commission, Township Attorney, Township Engineer, the application, and all supporting data shall be forwarded to and reviewed by the Planning Commission which shall make a recommendation to the Township Board who shall be responsible for granting final approval for the private road.

2. If the private road application is approved, construction authorization will be issued by the Zoning Administrator. Following approval of a private road application no new private road construction permit(s) will be issued without an approved amendment to the site plan or the private road application, as the case may be, in compliance with the zoning ordinance in effect at the time the land use permit is requested. If the private road application is rejected, the reasons for the rejection as well as any requirements that must be met in order to obtain approval shall be given in writing to the applicant.
 3. The Zoning Administrator will arrange for inspections by the Township Engineer during construction of, and upon completion of the private road. The costs of inspection, including the compensation of the Marion Township Engineer or designated official shall be paid by the applicant prior to the issuance of the certificate of completion.
- H. **Variations:** The Zoning Board of Appeals shall not grant a variance from road design requirements found in the Livingston County Road Commission Plat & Street Development Specifications until the Planning Commission has provided a recommendation on the variance being requested based upon the nine (9) criteria listed below. The Planning Commission and Zoning Board of Appeals shall consider the following criteria prior to making their recommendation and decision, respectively.
1. Anticipated traffic flows will not overburden the proposed roadway design.
 2. Unusual topographic conditions constrain roadway design.
 3. Roadway design will preserve natural features on the site.
 4. Stub road connections do not exist nor are such connections feasible.
 5. The Planning Commission shall make reference to the specific criteria met in their recommendation to the Zoning Board of Appeals.
 6. That a variance or exemption is required in order to comply with conflicting County or State laws, rules, or regulations.
 7. That there are such special circumstances or conditions affecting said property that strict application of the provisions of this Ordinance would clearly be impractical or unreasonable. This may include topographic, vegetative, or drainage conditions.
 8. That the granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
 9. That such variance or exemption will not be contrary to the intent and purpose of this Ordinance, the Master Plan, or the Zoning Ordinance.
- I. **Failure to Perform:** Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Livingston County Road Commission or the design requirements set forth in the current Livingston County Road Commission Plat & Street Development Specifications.
- J. **Issuance of Land Use Permit for Structures on Private Roads:** No land use permit shall be issued for a structure on any private road until such private road is given final approval by the Township Board. Should the applicant desire to obtain a land use permit prior to final completion and Board approval of the approved private road, as a condition to the granting of any permit under this Ordinance, the Township Board may require that the applicant deposit with the

Township Clerk a sum of money, bank letter of credit or certified check, in an amount sufficient to guarantee that the applicant shall perform the terms and conditions of the permit, including the application of a final course of asphalt and payment of any required fees. Upon completion of all road improvements required by this Ordinance, any unused portion of the deposit shall be refunded to the applicant. Regardless of the amount of money deposited with the Township, the actual cost to complete all of the road improvements remains the responsibility of the proprietor or its surety agent.

- K. **Posting of Private Roads:** Regulatory signs shall be positioned and installed in accordance with the Michigan Manual of Uniform Traffic Control Devices on all private roads where such private road intersects public streets. All other signs with the private road shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Planning Commission approves another type of design for consistency with the character of the development. Street name signs shall be provided at all intersections. Private road name signs shall contrast in terms of color with public street name signs, and shall clearly indicate the private road is private.

The sign shall be paid for, posted, and thereafter maintained by the property owner's association or developer.

- L. **Notice of Easements:** All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

"This parcel of land has private road access across a permanent sixty-six (66) foot easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither the County nor Township has any responsibility for maintenance or upkeep of any improvement across this easement. This is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)"

- M. **Fees:** The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant.

Section 6.25 Sidewalks in Residential/Commercial Developments

The Planning Commission may require the development of sidewalks in any residential (single-family or multiple-family) or commercial development subject to the following conditions:

- ~~A. Sidewalks shall be constructed of concrete with a minimum width of five (5) feet and a minimum depth of four (4) inches and six (6) inches of reinforced concrete at driveway crossing points.~~
- ~~B. Sidewalks are to be constructed within the road right-of-way or easement one (1) foot from the right-of-way or easement line.~~

Section 6.26 Street Lighting in Residential, Commercial and Industrial Developments

The Planning Commission may require the placement of streetlights in any residential, commercial or industrial development. Streetlights, for the purpose of this Section, may consist of poles or standards from which a light fixture is attached for the purpose of lighting a public right-of-way and/or private road easement.

TXT 1-20 CLEANUP FROM DEUSIBS

Article XVIII: Site Plan Requirements

ARTICLE XVIII: SITE PLAN REQUIREMENTS

ADD:

Refer to Marion Township Development Standards Policy Document for Site Plan Requirements.

DELETE:

~~Section 18.01—Purpose~~

~~It is the purpose of this Section to specify standards and data requirements, which shall be followed in the preparation of site plans as required by this Ordinance. It is also the purpose of this Section to ensure that:~~

- ~~A. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the Township;~~
- ~~B. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands; and~~
- ~~C. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.~~

~~Section 18.02—Approval of Site Plan Required~~

~~A final site plan shall be reviewed by the Planning Commission who shall then provide a recommendation of approval, approval with conditions, or denial, to the Township Board of Trustees. The Township Board of Trustees must approve or approve with conditions the final site plan prior to the establishment of any new land use, change of use, addition to an existing use, or the erection of any structure in any zoning district. **Individual single family structures erected within a single lot, parcel or building envelope shall not require site plan review.**~~

- ~~A. The Township **shall not issue a land balancing permit** until the final site plan has been approved by the Township Board of Trustees and **is in effect.**~~
- ~~B. No grading, removal of trees or other vegetation, landfilling, land balancing, or construction of improvements shall commence for any development that requires site plan approval until a final site plan is approved and **is in effect**, except as otherwise provided in this Article.~~

~~Section 18.03—Preliminary Site Plan~~

- ~~A. **Application.** Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee required herein, and twelve (12) copies of the preliminary site plan drawing(s) **plus 1 electronic PDF format copy**, and six (6) 11 x 17 inch color aerial photographs of the site area and surrounding areas showing overlaying property lines and the proposed site layout at a scale ten times that used for the site plan, and one (1) 24 x 36 inch presentation aerial photograph, at least twenty one (21) days prior to the next **?** scheduled Planning Commission meeting. The Administrator, upon receipt of the application, **shall transmit only complete submittals of the preliminary site plan to the Planning Commission reviewers.** The purpose of such preliminary review is to confirm general compliance with Township standards as well as to suggest changes, if necessary, for final site plan approval.~~

- ~~B. **Information Required.** Site plans shall consist of an overall plan for the entire development.~~

Article XVIII: Site Plan Requirements

Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three (3) acres or no greater than 1" = 100' for property three (3) or more acres. A preliminary site plan submitted for review shall contain all of the following information *required in the Marion Township Engineering Standards* in a clear and legible format.

General Information

1. ~~Name of the proposed development.~~
2. ~~Name, address, phone, fax number and/or email of applicant(s), property owner(s), engineer(s), architect(s), and landscape architect(s).~~
3. ~~A written narrative of the proposed use(s) of the property. For other than residential uses, including factors that potentially impact the proposed development may have on the surrounding area.~~
4. ~~One (1) presentation quality aerial photograph with adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), location of adjacent buildings, driveways, streets, existing and proposed lot lines, building lines, structures, and parking areas on the parcel and within one hundred (100) feet of the site.~~
5. ~~Date of plan preparation, including revision dates.~~
6. ~~Complete legal description of the site.~~
7. ~~Professional seal of a registered architect, engineer, surveyor, landscape architect, or a planner.~~
8. ~~Vicinity map drawn at a scale of 1" = 2,000'.~~
9. ~~Dimensions and gross acreage of the site.~~
10. ~~Zoning classification of petitioner's parcel and all abutting parcels and demonstration of compliance with lot area, width, coverage, and setback requirements.~~
11. ~~Scale and north arrow on each plan sheet.~~
12. ~~Existing natural features and man-made features to be retained or removed.~~
13. ~~Adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), zoning classification, location of adjacent buildings, driveways, streets.~~
14. ~~Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.~~
15. ~~Proposed construction phasing.~~
16. ~~Identification of variances that may be required.~~

Physical Features

Article XVIII: Site Plan Requirements

- ~~1. Location, size, and dimension of proposed buildings/structures, including floor area, finished floor elevation, number of floors, height, number and type of dwelling units (where applicable).~~
- ~~2. Location of existing and proposed private and public roads and access drives, including general alignment, right-of-way or easement, surface type, and width.~~
- ~~3. Location, size, and dimension of the following existing and proposed site features: water main, wells, detention and forebay basins, private utilities, utility poles, and public and private easements.~~
- ~~4. Location, size, and dimension of existing and proposed storm sewer, culverts, ditches, and public and private storm sewer easements.~~
- ~~5. Location, size, and dimension of existing and proposed sanitary sewer, septic fields, reserve septic fields (including reserve fields), sewage disposal facilities, and public and private sanitary sewer easements.~~
- ~~6. Location of all existing and proposed parking, including dimensions of spaces, maneuvering lanes, and surface type, where applicable.~~

Natural Features

- ~~1. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Livingston County, Michigan.~~
- ~~2. Existing topography with a maximum contour interval of two (2) feet for the site and beyond the site for a distance of one hundred (100) feet in all directions. Final grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filling and grading.~~
- ~~3. Location of existing wetlands, drainage courses, floodplains, and associated bodies of water, within one hundred (100) feet of the site, and their elevations.~~
- ~~4. Location of existing woodlands delineated with symbolic lines tracing the spread of the outermost branches and shall be described as to the general sizes and kinds of trees contained.~~
- ~~5. Location of natural resource features, including, but not limited to, woodlands and areas with slopes greater than eighteen percent (18%) incline.~~

Additional Requirements for Residential Developments

- ~~1. Density calculations by type of unit.~~
- ~~2. Designation of units by type and number of units in each building.~~
- ~~3. Amount, type, and location of common open space, including general and limited common elements within a site condominium, and any recreational amenities (i.e., playground equipment).~~

~~C. **Planning Commission Action.** The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions or denial of the preliminary site plan. If the~~

Article XVIII: Site Plan Requirements

~~preliminary site plan requires extensive revisions to meet Township requirements, the Planning Commission may recommend denial of the preliminary site plan. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken.~~

- ~~1. The Planning Commission recommendation of the preliminary site plan shall be forwarded to the Township Board of Trustees for its review.~~
- ~~2. If the preliminary site plan is recommended for denial or approval with conditions, the applicant may address all the conditions and submit the revised preliminary site plan to the Zoning Administrator for further action by the Planning Commission. The applicant may choose to proceed to the Township Board for review of the preliminary site plan.~~

~~D. **Board of Trustees Action.** The Township Board of Trustees shall review the preliminary site plan and approve, approve with conditions, or deny the preliminary site plan.~~

- ~~1. If the Board of Trustees approves the preliminary site plan, the applicant may submit a final site plan to the Zoning Administrator in accordance with the provisions herein.~~
- ~~2. If the preliminary site plan is approved with conditions, the applicant shall address all the conditions and submit a revised site plan to the Zoning Administrator. Upon a determination by the Township's Engineer and Planner that all the conditions have been satisfied, the plan shall be forwarded to the Planning Commission for final site plan review.~~
- ~~3. If the preliminary site plan is denied by the Township Board, the applicant may submit an alternative preliminary site plan to the Zoning Administrator for review by the Planning Commission in accordance with the provisions herein.~~

~~E. **Effect of Approval.** Approval or approval with conditions of a preliminary site plan by the Township Board of Trustees shall indicate general acceptance of the use and the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. The Zoning Administrator or duly appointed agent shall, within ten (10) days of the date of approval of the preliminary site plan by the Board of Trustees, transmit a written certification of such approval to the applicant.~~

~~F. **Expiration of Approval.** Approval of a preliminary site plan by the Board of Trustees shall be valid for a period of one (1) year from the date of approval and shall expire and be of no effect unless a completed application for a final site plan approval with all necessary supporting information is filed with the Zoning Administrator within that time period.~~

Section 18.04 Final Site Plan

~~A. **Application.** The applicant shall submit to the Zoning Administrator twelve (12) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee required herein, and a completed application form. The Zoning Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.~~

~~B. **Information Required.** Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50' for property less than three (3) acres or no greater than 1" = 100' for property three (3) or more acres. A final site plan submitted for review and approval shall contain all of the information required in the Marion Township Engineering Standards required for the preliminary site plan~~

Article XVIII: Site Plan Requirements

~~and final site plan~~ in addition to the following data presented in a clear and legible format.

Physical Features

- ~~1. Location of existing and proposed centerline, edge of roadway, approach radii at intersections, and pavement cross-sections for public and/or private roads on site or abutting the site. Acceleration, deceleration, passing lanes, approaches and curb and gutter shall also be shown.~~
- ~~2. Existing and proposed location, width, and approach radii of access drives, driveways, sidewalks, pathways, and curb and gutter. Pavement cross-sections shall be provided for each.~~
- ~~3. Existing and proposed off-street parking with calculations of the number of parking spaces required and provided.~~
- ~~4. Location of existing storage tanks. This may include, but not be limited to, information on the following:
 - ~~• Chemical and fuel storage tanks and containers;~~
 - ~~• Water supply facilities;~~
 - ~~• Sanitary sewage disposal facilities;~~
 - ~~• Storm water control facilities and structures; and~~
 - ~~• Location of all easements.~~~~
- ~~5. Location, size/dimension of existing and proposed fire hydrants, water service and fire suppression leads, and public and private water main easements. (All proposed water mains must meet the standards of the Marion, Howell, Oceola, Genoa (MHOG) Water Authority.)~~
- ~~6. Grading and overflow route for proposed and existing detention and forebay basins and public and private drainage easements. Calculations shall be included and indicate that the detention and forebay areas meet the Livingston County Drain Commission standards.~~
- ~~7. A note shall indicate the ultimate outlet for storm water runoff (County Drain, creek, or river).~~
- ~~8. Location of all building structures with setback and yard dimensions.~~
- ~~9. Dimensioned floor plans and typical elevation views for all buildings, where applicable.~~
- ~~10. Proposed exterior lighting locations, typical detail, and illumination pattern.~~
- ~~11. Location and description of all existing and proposed landscaping, berms, fencing, retaining walls, and quantity and size of all proposed landscaping.~~
- ~~12. Trash receptacle pad location, area, method of screening, pavement type and cross-section.~~
- ~~13. Location, area, depth, and method of screening of transformer pads, compressors, air conditioners, generators, refrigeration units, and similar equipment, where applicable.~~

Article XVIII: Site Plan Requirements

- ~~14. Entrance detail(s) including traffic control and monument sign locations and size.~~
- ~~15. Designation of fire lanes.~~
- ~~16. Proposed grading and how it shall tie into existing grading, and the limits of clearing and grading. Elevations shall be provided at, though not limited to: top of curb and/or edge of pavement, edge of walk/pathway, top and bottom of retaining wall, property corners, finished floor, storm structures, and detention and forebay high water.~~
- ~~17. Location of existing and proposed ground, wall, or directional signs, and details of all proposed signs.~~
- ~~18. Any other pertinent physical features.~~

Additional Requirements for Commercial and Industrial Developments

- ~~1. Loading/unloading areas.~~
- ~~2. Total and useable floor area.~~
- ~~3. Number of employees in peak usage.~~

~~C. **Standards for Review.** In reviewing the final site plan, the Planning Commission and Township Board shall determine whether the plan meets the following specifications and standards:~~

- ~~1. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.~~
- ~~2. All required information is provided.~~
- ~~3. There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means.~~
- ~~4. Site plans shall fully conform to the Livingston County Drain Commission standards.~~
- ~~5. Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.~~
- ~~6. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards, where applicable.~~
- ~~7. The proposed use is in compliance with all Township Ordinances and any other applicable laws.~~

~~D. **Planning Commission Action.** The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions, or denial of the **final site plan within ninety (90) days after the final site plan is first reviewed by the Planning Commission.** This time limit may be extended upon agreement between the applicant and the Planning~~

Article XVIII: Site Plan Requirements

Commission. The Planning Commission may suggest modifications in the proposed final site plan as are needed to gain Planning Commission recommendation for approval. All engineering drawings and plans shall be reviewed by the township's engineer, planner, attorney, Howell Area Fire Authority, and appropriate Livingston County and state agencies before a final site plan may be recommended for approval, approval with conditions, or denial by the Planning Commission.

- E. ~~**Effect of Approval.**~~ A recommendation of approval advances the final site plan to the Township Board of Trustees for its review and action. Upon approval of a final site plan by the Township Board of Trustees, the applicant may apply for a land balancing/land use permit in accordance with the terms of the approved final site plan and any other Township requirements.
- F. ~~**Expiration of Approval.**~~ Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property in conformance with the approved final site plan.

~~Section 18.05 Combining Preliminary and Final Site Plans~~

~~An applicant may, at their discretion and risk, request to combine a preliminary and final site plan in one (1) application for approval. **Only applications for Revised Site Plan Review will be considered for Combining.**~~ In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant.

~~Section 18.06 Conformity to Approved Site Plans~~

Property, which is the subject of an approved final site plan, must be developed in strict compliance with the approved final site plan and any amendments thereto which have been approved by the Township Board of Trustees. If construction does not conform to the approved final site plan, the approval shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than actions taken to correct the violation. ~~**For residential developments, no land use permit for dwellings shall be issued until the first course of blacktop, by development phase if applicable, and landscaping has been installed.**~~ The required landscaping shall include, but not be limited to, greenbelts, entrance(s), detention/retention basins, and buffers as shown on the approved final site plan.

~~Section 18.07 Amendment of Approved Site Plan~~

The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing(s) be submitted showing such minor changes, for purposes of record. An approved final site plan may be amended upon re-application including any fees required and in accordance with the procedure herein for a final site plan.

~~Section 18.08 Construction Plan Review~~

Following approval of the final site plan by the Township Board of Trustees, the applicant shall submit to the Zoning Administrator ~~two (2) copies of construction plans as well as any other data and exhibits hereinafter required.~~ The construction plans shall be consistent with the approved final site plan but shall provide greater detail in accordance with the Marion Township Engineering Standards. Approval of the construction plans by appropriate authorities is required prior to beginning construction. ~~**Final ASBUILT's will be require to be submitted for final record to the Marion Township Zoning Administrator for master file retention.**~~

Article XVIII: Site Plan Requirements

~~Section 18.09—Construction Observation~~

~~Marion Township or its designated representative will provide observation on all proposed public utilities and improvements, as well as limited construction observation of private improvements. The requirements for construction observation and final project closure shall be in accordance with the Marion Township Development Standards, as amended.~~

~~Section 18.10—Modification of Plan During Construction~~

~~All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. Any changes which result in a **material alteration** of the approved final site plan shall require resubmittal of a site plan, which shows the proposed changes, to the Planning Commission including any fees determined by the Township Board of Trustees. The Planning Commission or Township Board of Trustees may require the applicant to correct the changes so as to conform to the approved final site plan.~~

~~Section 18.11—Phasing of Development~~

~~The applicant may, at their discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A site plan for each phase shall be submitted in accordance with the procedure herein for a final site plan including any fees required.~~

~~Section 18.12—Appeals~~

~~No decision or condition related to a site plan approval shall be taken to the Zoning Board of Appeals.~~

~~Section 18.13—Fees~~

~~The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant. The applicant may also be required to post a cash Escrow Account according to Section 4.07 of the Marion Township Zoning Ordinance.~~

TXT#02-20 Amendment

Definitions Section 3.02 ADD

Cargo Containers. Standardized reusable receptacles that are:

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

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

ARTICLE VI: GENERAL PROVISIONS

Section 6.07 Accessory Uses and Structures ADD 13

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

1.

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

2. An accessory structure, including carports which are attached to the principal building, shall comply in all respects with the requirements of this ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the accessory structure or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.
3. Accessory buildings shall not be erected or allowed in any front yard, except for parcels larger than five acres providing no accessory building or structure is located closer than one hundred feet to the front property line or closer to the front property line than a principal building on any adjacent parcel of land or lot, whichever is greater.
4. Accessory buildings may be allowed in side yards providing they meet the minimum setbacks for the district in which it is located.
5. The maximum height for accessory buildings located on any parcels of land containing one acre of land or less or on any platted subdivision lot or site condominium building site shall not exceed thirty-five feet.

6. Accessory structures shall meet the minimum setbacks for the district in which it is located.
7. No accessory structure shall receive a certificate of zoning compliance prior to the principal structure receiving a certificate of zoning compliance.
8. No accessory structure shall be constructed prior to the approval of land use permit and the issuance of a building permit.
9. Accessory structures under two-hundred (200) square feet do not require a land use permit or building permit **and are limited to three per parcel and must be behind the primary structure and screened from the public right-of-way.** Accessory structures under 200 square feet and with a height no more than ten (10) feet above grade shall maintain a minimum five (5) foot side yard setback & five (5) foot rear yard setback. Accessory structures two-hundred (200) square feet and over and/or more than ten (10) feet above grade must meet the setback requirements of the zoning district in which they are located.
10. In no instance shall any accessory building be located within a dedicated easement right-of-way.
11. An accessory building shall not project within the front yard when it is located on a corner lot except as provided in item 3 above.
12. Accessory structures **greater than two-hundred (200) square feet** shall have a minimum 4:12 roof pitch, except engineered steel structures may have minimum 3:12.
13. **The use of cargo containers for storage shall only be permitted in HS and LI Districts, subject to the following:**
 - a) **Containers shall be restricted to a location behind the front face of the building**
 - b) **Containers shall not be stacked above the height of a single container**
 - c) **Container storage areas that are visible from the public right-of-way or abut residentially zoned or used properties shall be screened in accordance with the standards set forth in this ordinance**

Article XIII: Planned Unit Development District

ARTICLE XIII: PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

Section 13.01 PUD: Planned Unit Development Overlay District

- A. **Intent:** The planned unit development provisions of this Ordinance are intended to allow flexibility in the design of residential neighborhoods to encourage the conservation of natural features such as, but not limited to, woodlots, slopes, meadows, floodplains, and wetland areas and achieve economies of design related to vehicular and pedestrian circulation ways, utility construction, and dwelling unit siting. This Section provides for a mix of housing types provided that the overall project density does not exceed the density permitted by the underlying zoning district, based on the formula provided by this Section 13.03 B. Further, under certain circumstances and based on a comprehensive plan for the entire development, this Section allows for a mix of residential and compatible non-residential uses oriented toward the planned unit development residents but not exclusively for the residents of the planned unit development.

Section 13.02 Application of Planned Unit Development Provisions

- A. **Minimum Parcel Criteria:** The provisions of this Section may be applied to any parcel of land twenty (20) acres or greater, located in all residential districts, with the exception of the RR, Rural Residential District, which is under single ownership and for which an application for a planned unit development is made as provided herein. In addition to the required residential land area, property zoned for commercial use, which is under the same ownership as the aforementioned residentially zoned property, may be included as a part of the overall planned unit development proposal.
- B. **Exceptions to Minimum Parcel Criteria:** Notwithstanding the provisions of paragraph A., an application for a planned unit development on a parcel of land of less than twenty (20) acres may be submitted if the Planning Commission finds, based upon information provided by the landowner, that the minimum area requirement should be waived because a planned unit development is in the public interest and that one (1) or more of the following conditions exist:
1. The parcel of land, or the neighborhood in which it is located, has an unusual physical feature(s) that will be conserved by employing the provisions of this Article;
 2. The parcel of land has a historical character of importance to the Township that will be protected by employing the provisions of this Article; or
 3. The parcel of land is adjacent to, or across the road from, a parcel, which has been developed as a planned unit development and such will contribute to the maintenance of the amenities and values of the neighboring development.
- C. **Application Criteria:** An applicant for planned unit development must demonstrate at least three (3) of the following to qualify as a site for a PUD:
1. The parcel to be developed has frontage on a major or secondary thoroughfare.
 2. The parcel is shaped in such a way that it contains angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary thoroughfare.
 3. A substantial part of the parcel's perimeter is bordered by a major thoroughfare which would result in a substantial proportion of the lots/units of the development abutting the major thoroughfare.
 4. The parcel contains a wetland, floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps, wetland maps, or other documented evidence must be submitted to the

Article XIII: Planned Unit Development District

Planning Commission in order to substantiate the parcel's qualification for the PUD development under this subsection.

5. The parcel contains substantial natural assets which could be preserved through the use of a PUD/cluster development. Such assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved. Requests for qualifications under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under the PUD Overlay District.
 6. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes in excess of ten (10) percent between these elevations. These elevation changes and slopes shall appear as the typical features of the site rather than the exceptional or infrequent features of the site.
 7. The topography is such that achieving road grades of less than five (5) percent would be impossible unless the site were mass graded. The PUD Overlay District will, in the opinion of the Planning Commission, allow a greater preservation of the natural setting.
 8. The proposed project incorporates sound land use policies and provides several unique design features and amenities such as, but not limited to: a) increased open space; b) active-use parks including tot lots; c) community buildings and structures; d) recreational facilities, i.e., swimming pools, tennis courts, ball fields, etc.; e) additional landscaping, signage treatment, etc.
- D. In areas meeting the above criteria, the minimum yard setbacks, heights, and minimum lot/unit sizes per unit required by Article VII and Article XIII, Section 13.03 B may be modified by the clustering and/or the attaching of the dwelling units as noted below (Section 13.02 D, 1-4). Further, if the development exists in an Urban Residential zoned area, then the square footage requirements may be modified contingent to the approval of the architectural floor plans, elevations, and a preliminary site plan by the Planning Commission.
1. The attaching of single-family dwelling units, one to another, when said homes are of one or more of the following:
 - a. Through a common party wall which does not have over fifty (50) percent of its area in common with an abutting dwelling wall.
 - b. By means of an architectural wall detail which does not form interior room space.
 - c. Through a common party wall only the garage portion of an abutting structure.
 2. The maximum number of units attached in the above described manner shall not exceed four (4).
 3. Yard requirements shall be provided as follows (Note: The Planning Commission, at its discretion, may grant relief to these minimum requirements when the parcel size and shape interfere with the proposed development and when the topography or other natural features interfere with the project.):
 - a. Spacing between any grouping of four (4) or less one-family units and another grouping of such structures shall be equal to at least ten (10)

Article XIII: Planned Unit Development District

feet, measured between the nearest points of the two groupings. A grouping may include a single, freestanding unit.

- b. Yards abutting a street may be reduced to thirty (30) feet measured from the back of curb to the front of the dwelling, and in the case of a corner lot/unit, from the back of the curb to the side of the dwelling.
 - c. All cluster groupings greater than two (2) attached units shall be so situated as to have one side of the building abutting onto a common open space.
 - d. Any side of a building with a cluster grouping greater than two (2) attached units adjacent to a private road shall not be nearer to said road than thirty (30) feet.
 - e. Any side of a building with a grouping greater than two (2) attached units adjacent to a public right-of-way shall not be nearer to said public right-of-way than thirty (30) feet.
 - f. This nature of development, when abutting a front yard of an existing recorded subdivision which is not part of the site plan submitted under this Section, shall cause all dwelling units facing such subdivision to relate through its front or entrance façade and treat said side of the grouping as a front yard.
 - g. No building shall be located closer than ninety (90) feet to the outer perimeter (property line) of the site.
4. The maximum height of buildings shall be thirty-five (35) feet.

Section 13.03 Planned Unit Development Design Standards

A planned unit development proposal shall be consistent with the statement of purpose of this Article as well as the following general standards for the use of land, the type, bulk, design, and location of buildings, the density of use, common open space and public facility requirements, and the development of geographic divisions of the site.

- A. **Residential Dwellings:** The plan may provide for a variety of permanent housing types, including both detached and attached single-family dwellings (clustering), and multiple-family dwellings, but not mobile homes, as herein defined. Single-family attached and cluster housing is encouraged as a means of conserving natural features and providing additional common open space.
- B. **Permitted Residential Density Lot/Unit Frontage and Setbacks:** The permitted residential density lot/unit frontage and setbacks shall be determined based on the standards permitted by the underlying zoning district, as modified and indicated below:

Residential Zoning District	Minimum Lot Area	Minimum Lot Frontage	Minimum Required Setbacks		
			Front	Side	Rear
SR, Suburban Residential (without public sewer)***	32,670 sq. ft. (0.75 acre)	100 feet	35 ft.	15 ft.	25 ft.
SR, Suburban Residential (with public sewer)	20,000 sq. ft. (0.459 acre)	85 ft.	35 ft.	10 ft.	25 ft.

Article XIII: Planned Unit Development District

sewer)					
UR, Urban Residential (requires public sewer)	15,000 sq. ft.	70 ft.	30 ft.	10 ft.	25 ft.

****The minimum permitted lot/unit size for a detached single-family dwelling in areas not served by public sewer shall be determined by the Livingston County Health Department standards. However, in no case shall the density be less than 32,670 square feet (0.75 acres) for a lot/unit.**

The Planning Commission may modify the above UR, Urban Residential lot/unit coverage regulations, minimum lot/unit frontage, and setback requirements, when a proposed project presents and offers unique designs, features, and amenities for a Planned Unit Development as specified in Section 13.02 C 8 of this Article. Should the Planning Commission modify the above requirements, in no case shall density exceed that noted below, nor should the yard requirements exceed those indicated in Section 13.02 D 3.

Density: The maximum permitted residential density standards for a Planned Unit Development obtaining any Planning Commission modifications, shall be determined based upon the following land areas per type and size of the dwelling:

UNDERLYING ZONING DENSITY CHART			
Zoning	Type of Unit	Unit Area	Max. Density
UR	Single-Family Detached	10,370 sq. ft.	4.2 DU/AC.
UR	Single-Family Attached	8,700 sq. ft.	5.0 DU/AC.
UR	1 & 2 Bedroom Apt.	4,890 sq. ft.	8.9 DU/AC.
UR	3 Bedroom Apt.	8,220 sq. ft.	5.3 DU/AC.
UR	4 or more Bedroom Apt.	8,700 sq. ft.	5.0 DU/AC.

Densities of PUD developments shall be calculated on a gross parcel area minus the area occupied by proposed public and/or private road rights-of-way or existing dedicated public or private rights-of-way, minus areas designated as easements for public utilities, (except for Marion Township sewer and water easements), transmission lines/towers and pipeline easements, and minus one hundred (100) percent of the area occupied by any state regulated wetlands, and floodplain areas. The resulting land area shall be divided by the minimum lot size of the modified underlying zoning district as noted above to establish the maximum number of permitted dwelling units.

- C. **Common Open Space:** All planned unit developments shall maintain a minimum of thirty (30) percent of the parcel as common open space which is readily accessible and available to the residents of the planned unit development. Wetland, floodplain, and/or open water areas may fulfill a portion of the common open space requirement, provided that not more than twenty-five (25) percent of the designated common open space area is wetland area, floodplain area, and/or open water.

All open space that is proposed as part of the planned unit development shall be a part of the parcel that is being proposed for the planned unit development. Under no circumstances shall open space be considered as part of a planned unit development that is not contiguous to the development.

- D. **Educational and Recreational Uses:** Both public and private nonresidential uses of an educational or recreational nature, including but not limited to golf courses, tennis clubs, swim clubs, riding stables, and necessary accessory uses and structures, designed as an integral part of the overall planned unit development, may occupy appropriate portions of the site. The area so occupied may be applied, at the discretion of the Planning Commission and Township Board, to satisfy a percentage of the total common open space requirement. Developed recreational uses such as tennis clubs, swim clubs, riding stables, and the like, may be used to satisfy twenty-five (25) percent of the common open space requirement. Golf courses may be used to satisfy up to

Article XIII: Planned Unit Development District

sixty (60) percent of the common open space requirement, provided such use is integrated into the overall development.

- E. **Commercial Uses:** Commercial uses together with such other uses deemed consistent with the overall development plan, may occupy up to fifteen (15) percent of the gross area of a parcel greater than thirty (30) acres.
1. The following commercial uses may be permitted within a planned unit development:
 - a. Professional offices including but not limited to the offices of a lawyer, accountant, insurance agent, real estate broker, architect, engineer, doctor, dentist or similar occupation.
 - b. Banks, credit unions, savings and loan associations, and similar financial institutions.
 - c. Retail businesses, which supply commodities on the premises such as but not limited to groceries, meats, dairy products, baked goods, drugs, dry goods, clothing, notions, hardware, books, and similar establishments.
 - d. Personal service establishments which form services on the premises such as but not limited to repair shops (watches, electronics, shoes, etc.), tailor shops, beauty parlors, barber shops, photographic studios, dry cleaners, and restaurants (restaurants shall not include fast food facilities or facilities with drive-up windows).
 2. Adjacent property, which is zoned commercial and included, as part of the planned unit development proposal shall not be applied to this provision.
 3. Planned commercial uses shall be accessed by public roads or private roads developed to Livingston County Road Commission standards and sited in such a manner as to not encourage through traffic within the planned unit development or adjacent residential areas.
 4. Approval of commercial uses shall be dependent upon the market potential or demand for the uses in the area. The developer shall submit sufficient evidence to justify the need for commercial uses within the planned unit development.
- F. **Off-Street Parking and Loading:** Off-street parking and loading/unloading spaces shall be provided in accordance with Article XIV of this Ordinance.
- G. **Other Site Improvements:** Signage, lighting, landscaping, exterior building materials, and other features of the project shall be designed and constructed with the objective of creating an integrated and controlled development, consistent with the character of the community, the surrounding developments, and the site's natural features.
- H. **Perimeter Setback and Buffering:** The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a ninety (90) foot perimeter setback from any building with a landscaped buffer area from all boundaries of the PUD and landscaping and/or berming, as recommended by the Planning Commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment may be modified by the Planning Commission provided that the project incorporates sound land use policies and provides unique design features and amenities, but in no case may it be less than what the adjoining district requires.

However, in cases where nonresidential uses in the planned unit development are adjacent to

Article XIII: Planned Unit Development District

residentially zoned property, a landscape berm, evergreen screen, or a decorative wall shall visually screen such uses.

- I. **Phasing:** Each residential development phase shall be designed to stand-alone and provide a residential environment, which is compatible with the surrounding existing development. Deviations from the number of dwelling units per acre established for the entire planned unit development may be permitted within certain development phases as long as the number of dwelling units authorized per acre is not affected. Further, each development phase shall be designed to provide a proportional amount of common open space in each proposed phase.

A minimum of fifty (50) percent of the total number of residential dwelling units in any planned unit development must be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. However, based on supportive evidence provided by a professional market study, the Planning Commission may authorize the construction of commercial uses prior to the completion of fifty (50) percent of the total number of residential dwelling units.

- J. **Planned Unit Development Agreement:** The plan shall contain such proposed covenants, deed restrictions, easements, and other provisions relating to the bulk, location, and density of such residential units, nonresidential uses and public facilities, and provisions for the ownership and maintenance of the common open space as are necessary for the welfare of the planned unit development and are not inconsistent with the best interests of the Township. Said covenants, deed restrictions, easements, and other provisions, which are a part of the plan as finally approved, may be modified, removed, or released only in accordance with regulations and standards as may be subsequently set forth by the Township Board. The enforcement of covenants, deed restrictions, and easements shall be carried out by an association formed by the residents of the planned unit development. Further, the bylaws of such association shall provide for the assessment of fees to finance enforcement actions undertaken by the association.

The landowner shall make such easements, covenants and other arrangements, and shall furnish such performance guarantees, as may be required, to assure performance in accordance with the plan and to protect the public interest in the event of abandonment of proposed development before completion.

- K. **Land Division Requirements:** All portions of the planned unit development, including single-family lots, multiple-family dwellings, commercial areas, and public and private recreational uses, and common open space areas shall be platted in conformance with the requirements of the state of Michigan Subdivision Control Act PA 288 of 1967, as amended, and with the Marion Township Subdivision Control Ordinance; or prepared in conformance with the requirements of the state of Michigan Condominium Act PA 59 of 1978 and the condominium provisions of this Ordinance.

- L. **Private Roads in a Planned Unit Development:** The Planning Commission may modify the requirements found in Section 6.20, provided the applicant can demonstrate that the projects proposed internal road system provides adequate public safety measures for the residents. For PUD developments with only one (1) means of ingress, such private road ingress and egress shall be developed as a boulevard from the public road to the first internal private road intersection within the development. Said boulevard entrance shall contain one (1) ingress drive and one (1) egress drive, each containing a minimum twenty-four (24) foot wide pavement area measured from the front of the curb to front of curb with a landscaped island between said ingress and egress drives measuring not less than thirty (30) feet in width. Also, a private road shall meet the paved road construction specifications of the Livingston County Road Commission for the actual roadway, including curb and gutter. The Planning Commission may modify the

Article XIII: Planned Unit Development District

width of a private road easement to a minimum of sixty (60) feet providing the project met the application qualifying criteria found under Section 13.02 C 8 of the Ordinance.

- M. **Entry Sign:** The Planning Commission may modify the sign ordinance regulations if a more attractive alternative is demonstrated and further provided that the project meets the application qualifying criteria under Section 13.02 C 8 of this Ordinance.

MOVE 13.04 to ENGINEERING DEVELOPMENT STANDARDS **Section 13.04 Procedure for Review and Approval**

A. Conceptual Planned Unit Development Submittal

An applicant for planned unit development approval shall prepare a conceptual planned unit development submittal to provide the Planning Commission with a general overview of the proposed planned unit development. The applicant shall also submit a conventional development plan for the development project being considered in order for the Planning Commission to determine whether or not the planned unit development project meets the intent of this Article. The conceptual submittal shall be processed in accordance with the following procedures:

1. The applicant shall provide twenty (20) copies of the conceptual submittal to Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the conceptual submittal on the Planning Commission's agenda.

2. The following minimum information must be provided as part of the concept submittal.

Statement of purpose, objectives, and development program including:

- a. Discussion of the rationale for employing the planned unit development provisions rather than developing the project conventionally.
- b. Total project area.
- c. Description of existing site characteristics.
- d. Description of proposed character of the development.
- e. Densities, areas and setbacks for various residential types.
- f. Area and percent of developed and undeveloped open spaces.
- g. Discussion of proposed means of serving the development with water, sanitary waste disposal, and storm water drainage.
- h. Proposed project phasing and estimated timing schedule by phase to completion.
- i. Statement of anticipated impact on natural features, public facilities and services such as but not limited to police and fire protection, roads, and schools.

Generalized development plan and program, including:

- j. Overall map at a minimum scale of 1 inch equals 2,000 feet showing the relationship of the proposed planned unit development to its surroundings, including section lines, parcel boundaries, major roads, collector streets, among other landmarks.

Article XIII: Planned Unit Development District

- k. ~~Generalized graphic depiction at a scale of 1 inch equals 200 feet showing the following:
 - 1) ~~Major access roads serving the site, including right-of-way widths, and existing and proposed road surfacing.~~
 - 2) ~~Existing utility lines including sanitary sewer, storm sewer, water main, and gas and electric service.~~
 - 3) ~~Existing adjacent land uses and structures within 200 feet of the proposed planned unit development boundary.~~
 - 4) ~~Proposed internal pedestrian and vehicular circulation system.~~
 - 5) ~~Areas to be developed for residential, commercial, recreational, and common open space uses and structure locations.~~
 - 6) ~~Areas to be preserved in a natural state.~~
 - 7) ~~Other data or graphics, which will serve to further, describe the proposed planned unit development.~~~~
- 3. ~~The Planning Commission shall review the concept plan with the applicant, shall inform the applicant of the Township's development policies, and shall make comments and suggestions about the proposed concept plan. The Planning Commission shall refer appropriate portions of the submittal to the Township Attorney, Engineer, Planner and/or appropriate county agencies for review and comment, prior to making comments and suggestions to the applicant.~~
- 4. ~~The Planning Commission upon reviewing the conceptual planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner and appropriate state and county agencies and prior to granting conceptual PUD site plan approval, the Planning Commission sets a public hearing to receive citizen input on the proposed planned unit development. Notice of such public hearing shall be given in accordance with the following notification procedures:
 - a. ~~One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township. Notice of the Public Hearing also shall be sent by mail or personal delivery to the owners of the property for which planned unit development approval is being considered and to all persons to whom real property is assessed within three hundred (300) feet of the boundaries of the property in question, and to the occupants of all structures located within three hundred (300) feet of the boundaries of the property in question regardless of whether the property or occupant is located within the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification.~~

~~Notifications need not be given to more than one (1) occupant of a structure, except if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.~~
 - b. ~~In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.~~~~

Article XIII: Planned Unit Development District

- c. ~~Notice of the public hearing shall be made not less than fifteen (15) days prior to the public hearing date.~~
- d. ~~The public hearing notice shall:~~
 - 1) ~~Describe the nature of the planned unit development proposal.~~
 - 2) ~~Adequately describe the property in question. The notice shall include a listing of all existing street addresses within the property, if such addresses exist. If there are no street addresses, other means of identification may be used.~~
 - 3) ~~State the date, time, and place of the public hearing.~~
 - 4) ~~Indicate when and where written comments concerning the request will be received.~~
- 5. ~~After the public hearing, the Planning Commission shall submit a written report on the public hearing and the Commission's recommendation to the Township Board. Before recommending conceptual approval to the Township Board, the Planning Commission shall determine that the stated purpose of the Planned Unit Development ordinance and the specific conditions of Section 13.02 C exist and the requirements of Section 13.03 have been met.~~
- 6. ~~The Township Board reviews the public hearing report and the Planning Commission recommendation and by resolution either approves, approves with modifications, or denies the conceptual planned unit development submittal.~~
- 7. ~~Following approval of the conceptual planned unit development submittal, the Township Board authorizes the developer to prepare the preliminary planned unit development submittal.~~

B. ~~Preliminary Planned Unit Development Submittal~~

~~A preliminary planned unit development submittal shall be processed in accordance with the following procedures:~~

- 1. ~~The applicant shall provide twenty (20) copies of the preliminary planned unit development submittal to the Zoning Administrator at least fourteen (14) days prior to the meeting at which the submittal is to be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the preliminary submittal on the Planning Commission's agenda.~~
- 2. ~~The following minimum information must be provided by the preliminary planned unit development submittal.~~

Existing Site Features

- a. ~~An overall area map at a scale of not less than 1 inch equals 2,000 feet showing the relationship of the planned unit development to its surroundings such as section lines and/or major roads or collector streets.~~
- b. ~~Physical development plan prepared at a minimum scale of 1 inch equals 100 feet.~~

Article XIII: Planned Unit Development District

- c. ~~Boundaries of proposed planned unit development, section or corporation lines within or adjacent to the tract, and overall property dimensions.~~
- d. ~~Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed planned unit development site, including those of areas across abutting roads.~~
- e. ~~Location, widths, and names of existing or prior platted streets and private streets, and public easements within or adjacent to the proposed planned unit development site, including those located across abutting roads.~~
- f. ~~Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the proposed planned unit development site.~~
- g. ~~Topography drawn at a two (2) foot contour interval. Topography must be based on USGS datum and be extended a minimum distance of two hundred (200) feet outside the proposed planned unit development boundaries.~~

Proposed Development Features

- h. ~~Layout of internal roads indicating proposed road names, right-of-way widths, and connections to adjoining platted roads, and also the widths and location of alleys, easements, and pedestrian ways.~~
- i. ~~Layout, numbers, and dimensions of single family lots/units, including building setback lines.~~
- j. ~~Layout of proposed multiple family dwellings, including setbacks, buildings, drives, parking spaces, pedestrian ways, and landscaping.~~
- k. ~~Location and function of both developed and undeveloped open spaces, as well as the layout of facilities to be included on developed open spaces.~~
- l. ~~Depiction of major wooded areas and description of means to be employed to preserve them.~~
- m. ~~An indication of ownership, and existing and proposed use of any parcels identified as "excepted."~~
- n. ~~An indication of the proposed sewage, water supply, and storm drainage system. If county drains are involved, the proposed drainage shall be acceptable to the Livingston County Drain Commissioner.~~
- o. ~~Conceptual site grading and conceptual landscaping plans.~~
- p. ~~Depiction of proposed development phases.~~
- q. ~~Architectural renderings of typical structures and landscape improvements, in detail sufficient to depict the basic architectural intent of the improvements.~~

Tabulations

- r. ~~Total site acreage and percent of total project in various uses, including developed and undeveloped open space.~~
- s. ~~Total site density of single family and multiple family dwellings and percent of~~

Article XIII: Planned Unit Development District

~~ground-area covered by structures other than detached single-family dwelling units.~~

- ~~t. Acreage and number of single-family lots, multiple-family dwellings (including number of bedrooms) to be included in development phases.~~
- ~~3. Planning Commission accepts the submittal and refers the appropriate portions to the Township Attorney, Engineer, Planner, and appropriate county agencies for review and recommendation.~~
- ~~4. The Planning Commission reviews the preliminary planned unit development submittal as well as the comments from the Township Attorney, Engineer, Planner, and appropriate state and county agencies. After its review, the Planning Commission shall determine that the stated purpose of the Planned Unit Development Ordinance and the specific conditions of Section 13.02 C exists and the requirements of Section 13.03 and 13.04 A have been met and shall submit a written report with their recommendation to approve, deny, or approve with modifications to the Township Board.~~
- ~~5. The Township Board, upon receiving a recommendation from the Planning Commission and upon reviewing the planned unit development submittal shall by resolution approve, approve with conditions, or deny the planned unit development submittal.~~
- ~~6. A final planned unit development submittal for some portion of the planned unit development must be submitted within twenty-four (24) months following approval of the preliminary planned unit development. If no final planned unit development submittal is accepted within that period, approval of the preliminary planned unit development is automatically rescinded and the underlying zoning will take effect. However, the Township Board, upon written application by the developer, may extend the designation for successive two (2) year periods; except that no more than two such twenty-four (24) month extensions may be granted.~~

~~C. Final Planned Unit Development Submittal~~

~~The final planned unit development submittal for all or a portion of the total planned unit development is reviewed by the Planning Commission and acted upon by the Township Board to assure substantial compliance with the preliminary planned unit development submittal.~~

- ~~1. The final planned unit development submittal must be prepared as one of the following:~~

- ~~a. Subdivision Plat as Defined by the Subdivision Control Act~~

~~The final planned unit development submittal must be prepared in the form of a preliminary plat in detail sufficient to be granted tentative preliminary plat approval in conformance with the state of Michigan Subdivision Control Act, the Marion Township Subdivision Ordinance, and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.~~

~~Construction of the initial phase of the planned unit development shall be completed within two (2) years following final preliminary plat or condominium plan approval by the Township Board. This limit may be extended for a reasonable period to be determined by the Township Board, upon written application by the developer for cause shown. If, however, this time limit is not met and an extension is not granted, the planned unit development agreement is automatically rescinded.~~

- ~~b. Condominium Plan as Defined by the Condominium Act~~

Article XIII: Planned Unit Development District

~~The final planned unit development submittal must be prepared in the form of a condominium plan pursuant to the requirements of the Condominium Act in detail sufficient to be granted approval in conformance with the condominium provisions of this Ordinance and the conditions established in the preliminary planned unit development submittal and planned unit development agreement.~~

~~2. The developer prepares a planned unit development agreement which is reviewed by the Township Attorney, Planner, and Engineer. The planned unit development agreement shall contain the following:~~

- ~~a. Legal description of the total site.~~
- ~~b. Statement of developer's interest in the land proposed for development.~~
- ~~c. Statement regarding the manner in which open space is to be maintained.~~
- ~~d. Statement regarding the developer's intentions regarding sale and/or lease of all or portions of the planned unit development, including land areas, units, and recreational facilities.~~
- ~~e. Statement of covenants, grants of easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.~~
- ~~f. Statement of required modifications (variances) to the regulations which are otherwise applicable to the site.~~
- ~~g. Schedule indicating the time within which applications for final approval of each phase of the planned unit development are intended to be filed.~~

~~3. The following minimum information must be provided by the developer at the time of filing of a final planned unit development submittal for all or a portion (phase) of a planned unit development:~~

- ~~a. Detailed grading plan.~~
- ~~b. Detailed landscaping plan.~~
- ~~c. Detailed utilities layout.~~

~~Tabulations showing~~

- ~~d. Total phase acreage and percent of total planned unit development.~~
- ~~e. Acreage and percent of portion of phase and total planned unit development occupied by single-family, multiple-family, and developed and undeveloped open space.~~
- ~~f. Total phase density and percent of total planned unit development.~~
- ~~g. Number of bedrooms per multiple-family dwelling unit by type (i.e., efficiency, one bedroom).~~
- ~~h. Percent of ground area covered by structures other than detached single-family dwelling units.~~

Article XIII: Planned Unit Development District

Supporting materials

- i. ~~Legal description of the total phase, each use area, and dedicated open space.~~
- j. ~~Copies of covenants, easements, and other restrictions to be imposed.~~
- k. ~~Proposed dates of construction start and completion of phase.~~
4. ~~The final planned unit development submittal shall not:~~
 - a. ~~Vary the proposed gross residential density or intensity of use in any portion of the planned unit development by more than ten (10) percent; or~~
 - b. ~~Involve a reduction of the area set aside for common space; or~~
 - c. ~~Increase by more than ten (10) percent the floor area proposed for nonresidential use; or~~
 - d. ~~Increase by more than five (5) percent the total ground area covered by buildings.~~
5. ~~The final planned unit development submittal shall be processed in accordance with the following procedures:~~
 - a. ~~The applicant shall provide twenty (20) copies of the final planned unit development submittal to the Zoning Administrator at least fourteen (14) days before the meeting at which the submittal will be presented. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the submittal is complete, the Zoning Administrator shall place the final submittal on the Planning Commission's agenda.~~
 - b. ~~The Planning Commission accepts plan and refers the appropriate portions of the submittal to the Township Attorney, Engineer, Planner as well as the appropriate state and county agencies for review and recommendation.~~
 - c. ~~The Planning Commission reviews the final planned unit development submittal to assure conformance with the approved preliminary planned unit development submittal and planned unit development agreement. Within thirty (30) days following receipt of the final planned unit development submittal, the Planning Commission shall approve or require modifications to assure conformance, if the final planned unit development submittal deviates from the preliminary planned unit development submittal by more than the limits prescribed in this Ordinance.~~
6. ~~Before either the Planning Commission recommends final approval or the Township Board grants final approval to any planned unit development, the Planning Commission and Township Board shall, respectively, determine that:~~
 - a. ~~Provisions, satisfactory to the Township Board, have been made to provide for the financing of any improvements shown on the plan for open spaces and common areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the Township Board.~~
 - b. ~~The cost of installing all streets and necessary utilities has been assured by a means satisfactory to the Township Board.~~
 - c. ~~The final plan for any phase is in conformity with the overall comprehensive plan of the entire neighborhood acreage. Any changes or amendments requested~~

Article XIII: Planned Unit Development District

~~shall terminate the overall planned unit development approval until such changes and/or amendments have been reviewed and approved as in the instance of the preliminary submittal.~~

~~d. Proceeding with a planned unit development should only be permitted if it is mutually agreeable to the Township Board and the developer.~~

~~The Township Board shall prepare a report stating its conclusions, its decision, the basis for its decision, and any conditions imposed on an affirmative decision.~~

~~7. Following approval of a final planned unit development submittal by the Township Board, the developer begins processing the plat through the Township Board in conformance with the Subdivision Control Act and the Marion Township Subdivision Ordinance or the condominium plan through the Planning Commission and Township Board in conformance with the Condominium Act and condominium provisions of this Ordinance.~~

Section 13.05 Appeals

No decision or condition related to a planned unit development submittal shall be taken to the Board of Appeals.

Section 13.06 Fees

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the Township Board. Before final approval is granted, the cost of review fees shall be paid for by the applicant/developer.