

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
July 23, 2019
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: July 23, 2019 Regular Meeting

APPROVAL OF MINUTES FROM: June 25, 2019 Regular Meeting

CALL TO THE PUBLIC:

New BUSINESS:

- 1) TXT#03-18 Section 6.14 and 17.32 Set a public hearing for 8-27-2019

Old BUSINESS:

- 1) Marion Township Engineering Standards (Phil/John final review)
- 2) TXT#07-17 proposed changes Lots – move thru other issues.
- 3) Wellhead Protection Overlay District replacing 6.27 review comments for change requirements.

Correspondence and Updates:

CALL TO THE PUBLIC:

ADJOURNMENT:

*Approved by: _____
Larry Grunn, *Chairperson*

Date: _____

MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
June 25, 2019 / 7:30PM

DRAFT

MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
BOB HANVEY
CHERYL RANGE – *SECRETARY*
JAMES ANDERSON

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

MEMBERS ABSENT: BRUCE POWELSON – *VICE CHAIR*

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Regular Meeting Agenda for June 25, 2019

John Enos requested to add discussion for the “Master Plan” to the agenda. Cheryl Range motioned to add #1 Master Plan, to the agenda and approved the remaining items for June 25, 2019. Jim Anderson seconded.
Motion carried.

APPROVAL OF MINUTES:

Approval of the Joint Meeting Minutes for May 22, 2019

Bob Hanvey said that Dan Lowe requested that we add a comment that Dan said during that meeting, on page 3 of 4, paragraph five. Dan Lowe’s comment was, “He doesn’t care about being re-elected”. Cheryl Range motioned to approve the minutes with this change, from the May 22, 2019 meeting. Bob Hanvey seconded. **Motion carried.**

Approval of the Special Regular Meeting Minutes for May 28, 2019

Cheryl Range motioned to approve the minutes from May 28, 2019 with the spelling correction. Jim Anderson seconded. **Motion carried.**

CALL TO THE PUBLIC:

Les Andersen resides at 4500 Jewell Road. Les explained that at the last joint meeting with the Planning Commission and Board of Trustees, a discussion was had involving a business being operated on the lake. Les said that he would like to have applicants fill out some sort of documentation explaining what they plan on doing, why they want to operate at that particular location, how they plan on doing it, and who will be employed there.

John Enos explained that some people are not going to feel comfortable signing or filling out paperwork, regardless what "class of business" they fall in to. Most people are going to look online for the rules and guidelines but do not plan on notifying the Township. Due to the lack of enforcement in Marion Township, the board needs to prioritize some of these current issues. If there are no complaints, then it is safe to say that there are not any problems. He thinks that Dave needs additional staff to help with enforcement.

Dave Hamann would like them to fill out a form regardless of what class they fall into; that way we have something in writing from them which explains what they would like to do.

Les Andersen would like to post a spreadsheet on the website with all of the home occupations throughout Marion Township. New residents may not want to live next to a "business". They have the right to know prior to purchasing. Bob asked what will happen in the future if we tell new residents that there are no businesses near them prior to purchasing but later discover that there are.

Jim Anderson said that there is a difference between a "Home Occupation" and a "Home-based Business". A home occupation does not have other employees, no storage of equipment, no customers coming to the home, etc. A home-based business will have employees, storage of material and/or equipment, customers that purchase items from the home/business, etc. A home-based business will be the primary source of income for that residence.

John Enos said that we can allow home-based businesses within the township as long as we start to regulate them. John doesn't understand why we keep going around and around about this. It seems that we are making a mountain out of a mole-hill. Address the bigger issues, like the non-conforming business in residential areas first. As for the others, if people are not complaining about a particular business, then do not worry about it for now.

Les Andersen asked if Dave should give those who are non-conforming a chance to come in and file paperwork. Bob Hanvey asked what we plan on doing with that paperwork once it is returned to us. It then would become public information.

OLD BUSINESS:

1) *Master Plan Draft*

John Enos said that he would like to distribute the Master Plan draft to the Board of Trustees for review. Dave Hamann asked if we have to have a public hearing within 60 days once distributed to the Board. John Enos said that you can have as many public hearings as you want. At the public hearing, you would then discuss the goals, objectives and the different land uses within the township. It would then get sent to the

surrounding communities and also the county for review/feedback. The Board of Trustees and the Planning Commission are able to request any changes within that 60 day period.

Jim Anderson asked if an electronic copy could be distributed as well. John said that he would also distribute electronically.

Cheryl Range motioned to distribute the Marion Township Master Plan to the Board of Trustees for review/comments. Jim Anderson seconded. **Motion carried.**

2) Nuisance GO final review and send to BOT

John Enos said that Cheryl Range did a very good job putting this language together. She took what was given to her and very thoroughly made it our own. John recommends sending this to the Board of Trustees for any changes and then adopt as a General Law Ordinance.

Jim Anderson inquired about the section on page 2 regarding bee keepers. What if a neighbor has an allergy and lives next to a bee keeper? Could they claim that their neighbor's profession is a nuisance? Jim would like to re-word this section and eliminate the section on bee keepers. Bob Hanvey would also like to remove the section that discusses livestock being a nuisance. John Enos said to take the section out regarding livestock. We can create a separate section that covers the regulation of animals, if we have to.

Jim Anderson suggested the following changes:

- ✧ Page 4 - Section 6 – Fourth bullet – Language should say that it must be “a current license plate and registration”.
- ✧ Page 5 – The word “manager” should be replaced with “supervisor”.
- ✧ Page 8 – Section 8 – Should say, “Township Supervisor, Township Board or the appointed agent.”
- ✧ Page 9 – Section 10 – Would like this section, “Appearance Tickets” removed completely.

Jim Anderson spoke with another township clerk and found out that they used to have quite a few complaints but once they created their complaint form, in the beginning the complaint rate dropped. However, it is now starting to increase again. They also suggested that we have some type of measurements of nuisance (something to measure against.)

Jim Anderson motioned to send revised Nuisance language to the Board for its review. Cheryl Range seconded. **MOTION CARRIED**

3) TXT #03-18 Home Occupation

Jim Anderson said that Home Occupations are very important in our community. He explained that there is a difference between a “Home Occupation” and a “Home-based Business.” A home occupation does not have other employees, no storage of equipment, no customers coming to the home, etc. It is something that a person does. A home-based business will have employees, storage of material and/or equipment, customers that purchase items from the home/business, etc. A home-based business will be the primary source of income for that residence.

In Section 6.14 Home Occupation, we already have language similar to this. Signage is not required for a Home Occupation. It is needed for a Home-based Business; neighbors should be aware when there is a business operating next to them.

Larry Grunn asked if the lot size matters for a Home Occupation. Jim Anderson said that it shouldn't for a Home Occupation, but for a Home-based Business, it does matter because you need proper screening all year round. The location should still look like a residence from the road.

Cheryl Range said that there should be language that discusses a "living trust". Otherwise, what happens when someone else buys the lot/house? Jim Anderson said that the approval for a home-based business should not be transferable with the sale, rental or lease of the unit. Cheryl Range thinks this is very good and likes what Jim came up with, especially Section S. Jim Anderson said that this language gives business owners a chance to come in and fill out the proper paperwork. Dave Hamann said that we can send this to the Board for review and they will send it back to the Planning Commission with their comments. Jim Anderson said that he would make the necessary corrections and send it to John and Dave for review before sending it to the Board for approval.

Cheryl Range motioned to send language 6.14 Home Occupation and 17.32 Home-based Business with the necessary changes to the Board for comments, input and ideas. Larry Grunn seconded. **MOTION CARRIED**

4) Marion Township Engineering Standards

John Enos came up with standards that will help support our Zoning Ordinance. It will include more details for Site Plan requirements.

Dave Hamann said that the Board assigned this project to Phil Westmorland, John Enos and himself to help simplify certain steps and the process for site plan reviews, along with some of our zoning standards. Next month, this will come back to the Planning Commission with section 2 from Phil prepared.

5) TXT# 07-17 proposed changes Lots

Dave Hamann said that 3% of the property you pay taxes on should be used for zoning decisions related to parcel size versus the gross. Bob Hanvey said that some areas refer to GROSS acreage and some use the NET area. Dave said to pick the word that you want to use and use that word throughout, making the whole piece of language uniform, NET or GROSS.

Cheryl Range motioned to use the term GROSS and remove the word NET from TXT 07.17. Jim Anderson seconded. **MOTION CARRIED**

Cheryl Range motioned to postpone further discussion on "Lot Changes" until the July 23rd Planning Commission meeting. Jim Anderson seconded. **MOTION CARRIED**

6) Wellhead Protection Overlay District

Cheryl Range motioned to postpone discussion on "Wellhead Protection Overlay District" until the July 23rd Planning Commission meeting. Bob Hanvey seconded. **MOTION CARRIED**

CORRESPONDENCE AND UPDATES:

Dave said to start thinking about "Animal Complaints/Requests" and its relation to "Right to Farm". Think about it and we will discuss at some point in the future.

Bruce Powelson is still recovering and hopes to be at the next Planning Commission meeting.

CALL TO THE PUBLIC:

ADJOURNMENT:

Jim Anderson made a motion to adjourn the meeting at 9:45pm. Cheryl Range seconded. **Motion carried.**

Section 6.14

Home Occupation

The regulation of home occupations as provided herein is intended to secure flexibility in the application of the requirements of this ordinance. Home occupation is permitted as an accessory use to the principal residential use of a lot; a zoning permit for such an occupation is not required. Such flexibility is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of non-residential activities. Home occupations shall satisfy the following conditions (these regulations do not apply to farms):

- A. The home occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas. Home occupations shall be conducted in such a manner that, except as otherwise allowed by the provisions of this section, there is no external evidence of the home occupation operation except for the occasional visits by customers or clients numbering no more than ten (10) visits every seven (7) days.
- B. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- C. Refuse generated by the home occupation shall be safely and properly disposed of in a safe manner in full compliance with all federal, state and other governmental requirements of any such materials.
- D. Home occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a home occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.
- E. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. No employees shall be permitted, other than members of the immediate family residing in the dwelling unit.
- F. All of the activities on the property related to the occupation, except horticultural, shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment, vehicles, trailers or products related to the occupation.
- G. Traffic generated by the combined home and home occupation shall be no greater in volume than would normally be expected in a residential district, and such traffic shall be limited to passenger vehicles, delivery vans and similarly-sized vehicles. Any need for parking used by such home occupation shall be met off the street and motor vehicles may be parked in an existing driveway if it is of sufficient size. No additional off-street parking demand shall be created.
- H. The home occupation shall be conducted within the dwelling unit, attached garage, or accessory building.
- I. The home occupation shall not occupy more than twenty-five (25%) percent of the total gross floor area of said residential dwelling including the basement.
- J. Storage of combustible, toxic or hazardous material associated with the home occupation shall be done in a safe manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.

- K. The home occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- L. Home occupation approval is not transferable with the sale, rental or lease of the dwelling unit.
- M. Home occupations are not allowed signage.
- N. Art and music instruction shall be classified as a permitted home occupation subject to the standards of this ordinance.
- O. Prohibited home occupations include but not limited to: service, repair or painting of any motorized vehicle, motor vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles; small engine repair; lawn equipment repair; and equipment repair.

Section 17.32 Home-based Business

Home Occupation regulations are provided in Section 6.14. Home-based businesses are considered special uses and are therefore subject to the provisions of Article XVI, Special Use Permits, and other applicable provisions of the ordinance. A Special Use Permit, and any conditions attached thereto, may be approved by the Township Board if all the criteria listed are met.

A home-based business is an occupation, business, commercial activity, company or profession carried on by family members residing on the premises that is clearly incidental and secondary to the principal single-family residential use and has one or more of the following characteristics and is not a farm operation as defined herein:

1. The business has one or more employees who do not reside on the premises, but who work on the premises or travel to the premises to pick up business vehicles or equipment for use off the premises.
2. The business has outside storage of materials or equipment solely related to the business within a designated and screened area; and/or
3. Has vehicles related solely to the home or business.

Locational Requirements: Home-based businesses are permitted by Special Use Permit in the Rural Residential and Suburban Residential Districts.

Site Requirements:

- A. A home-based business may be permitted in both the dwelling unit and accessory structure. The home-based business shall not occupy more than twenty-five (25%) percent of the total gross floor area of said dwelling including the basement; however, it may encompass the entire accessory structure. Accessory structures used for business purposes shall conform to Section 6.07 Accessory Buildings and Structures.
- B. The residential appearance of the dwelling shall not be altered in order to conduct the home-based business.
- C. The home-based business shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
- D. All of the activities on the property related to equipment and vehicle repair, cleaning, painting and maintenance associated with the home-based business shall be carried on indoors.
- E. Storage and use of combustible, toxic or hazardous material associated with the home-based business shall be done in a safe manner in full compliance with all federal, state and other governmental requirements concerning the use, handling, transport, storage and disposal of any such materials.
- F. Solid or liquid refuse or waste or hazardous waste generated by the home-based business shall be safely and properly disposed of in a safe manner in full compliance with all federal, state and other governmental requirements of any such materials.
- G. In no case will radioactive, medical, or biomedical chemicals or materials waste be received, used, processed or stored on the site of the home-based business.

- H. No equipment or process shall be used in such home-based business that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal human senses off the subject site. In addition, in regard to electrical interference, no equipment or process shall be used that creates visual, audible, or noticeable interference in any radio or television receivers off the site or that causes fluctuation in line voltage off the site.
- I. The home-based business shall be conducted so it does not constitute a nuisance or annoyance to the residents of adjoining properties due to noise, smoke, odor, electrical disturbance or night lighting, or the creation of unreasonable traffic to the premises.
- J. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations. The number of non-resident employees who can be employed by a home-based business shall be regulated by the size of the parcel containing the business as follows:

<u>Minimum Lot Size</u>	<u>Maximum Number of Non-Resident Employees</u>
2 or more acres and less than 5 acres	1
6 or more acres and less than 9 acres	2
10 or more acres and less than 12 acres	3
12 or more acres	4

The Planning Commission or the Township Board may, in its discretion, allow a greater number of non-resident employees than those shown in the table above, where the operator of the business can provide clear and convincing evidence that doing so will not interfere with the principal single-family residential use of the premises and also the surrounding area, and further, only where the non-resident employees travel to the premises to pick up business vehicles or equipment for use off the premises.

In the event the home-based business premises are split or otherwise reduced in acreage, the operator will immediately be limited to the number of non-resident employees allowed on the remaining home-based business premises as shown in the table above, unless the operator seeks a new Special Use Permit on the remaining premises within 90 days of the split or reduction in acreage. In the new Special Use Permit, the Planning Commission or the Township Board may in its discretion reduce the number of non-resident employees allowed on the remaining premises.

- K. Outdoor storage of materials and equipment involved in the business is permitted provided it is adequately screened so it is not visible from adjoining roads and properties. Measures to screen such material or equipment are subject to the approval of the Planning Commission and shall include, but are not limited to, one or more of the following: a solid fence no more than six feet in height; plantings that are at least five feet in height at planting and will provide an adequate year-round screen; the topography of the site; existing vegetation on the site; or the screening is provided by existing buildings.
- L. The home-based business shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
- M. Home-based business approval is not transferable with the sale, rental or lease of the dwelling unit.
- N. Home-based businesses are allowed signage. See Article XV Signage.
- O. Visitors, customers and deliveries shall not exceed a total of twelve (12) during a single day. The Planning Commission or the Township Board may modify this standard in the case where the Planning Commission or the Township Board determines that the operation of the home-based

business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. No traffic shall be generated by the home-based business in volumes in excess of that which is normally associated with a single-family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly-sized vehicles. The Township Board may relax this requirement upon a finding that the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the lot, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection shall be interpreted to allow outdoor parking in excess of that regulated by subsection below.

- P. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home-based business will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.

Performance Standards: Prior to recommending approval, the Planning Commission shall determine that the proposed home-based business is not incompatible with existing land uses in the area and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

- A. For a home-based business, an informal site plan (does not need to comply with the requirements found in Article XVIII Site Plan Review) or plot plan must be submitted for review and recommendation by the Marion Township Planning Commission. The site plan shall be to scale and need only illustrate the following:

- 1) Owner's name, parcel identification (tax ID#) and address
- 2) Property lines with dimensions
- 3) Existing and proposed structures with dimensions indicating the location(s) and square footages to be occupied by the home-based business
- 4) Location of driveways, off-street parking areas & delivery and storage areas
- 5) Proposed landscaping/screening in association with any parking to minimize negative impacts on nearby properties,
- 6) The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory structure to accommodate the home-based business.
- 7) Lot or parcel identification (address and tax ID#), size of lot or parcel dimension of lot lines, location of structures on adjacent lots or parcels within two hundred feet, abutting streets or roads. **Items #1 and #2 above already asks for most of this**

- B. In addition to the information required in Section 17.32 and the site plan described above, the applicant shall submit a detailed description of the nature of the home-based business, which shall clearly specify the following minimum features:

- 1) A detailed description of the character of the home-based business including but not limited to the service or product offered and the typical daily schedule of activities of such business.
- 2) The type and frequency of vehicular traffic to be generated by the home-based business. The maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home-based business.

- 3) The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
- C. The Planning Commission may require additional information if it determines the character of the project, site or surrounding conditions necessitates further investigation, allowing it to make a sound decision on the application.
 - D. Any approval of a home-based business, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

**MARION TOWNSHIP
ENGINEERING STANDARDS
MARCH 2019**

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GENERAL PLAN SUBMITTAL REQUIREMENTS AND PROCEDURES

I. PURPOSE

- A. It is the purpose of this Section to specify standards and data requirements, which shall be followed in the preparation of the site plans. It is also the purpose of this Section to ensure that:
1. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the Township;
 2. 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, ground water, and woodlands; and
 3. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

II. SITE PLAN PROCEDURE SUMMARY

- A. 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.
1. 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.
 2. 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 these specifications.
- B. Preliminary Site Plan
1. 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), 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, as determined by The Administrator. The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan to the Planning Commission. 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.
 2. 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'. A preliminary site plan submitted for review shall contain all of the following information in a clear and legible format:
 - General Information
 - a. Name of the proposed development
 - b. Name, address, phone, fax number and/or email address of applicant(s), property owner(s), engineer(s), architect(s), and landscape architect(s).
 - c. 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.
 - d. 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.
 - e. Date of plan preparation, including revision dates.
 - f. Complete legal description of the site.
 - g. Professional seal of a registered architect, engineer, surveyor, landscape architect, or a planner.
 - h. Vicinity map drawn at a scale of 1" = 2,000'.
 - i. Dimensions and gross acreage of the site.
 - j. Zoning classification of petitioner's parcel and all abutting parcels and demonstration of compliance with lot area, width, coverage, and setback requirements.
 - k. Scale and north arrow on each plan sheet.
 - l. Existing natural features and man-made features to be retained or removed.

- m. 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.
- n. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.
- o. Proposed construction phasing.
- p. Identification of variances that may be required.

Physical Features

- a. 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).
- b. Location of existing and proposed private and public roads and access drives, including general alignment, right-of-way or easement, surface type, and width.
- c. 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.
- d. Location, size, and dimension of existing and proposed storm sewer, culverts, ditches, and public and private storm sewer easements.
- e. Location, size, and dimension of existing and proposed sanitary sewer, septic fields, reserve septic fields, sewage disposal facilities, and public and private sanitary sewer easements.
- f. Location of all existing and proposed parking, including dimensions of spaces, maneuvering lanes, and surface type, where applicable.

Natural Features

- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Livingston County, Michigan.
- b. 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.
- c. Location of existing wetlands, drainage courses, floodplains, and associated bodies of water, within one hundred (100) feet of the site, and their elevations.
- d. 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.
- e. 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

- a. Density calculation by type of unit.
- b. designation of units by type and number of units in each building.
- c. 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).

3. **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 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.

- a. The Planning Commission recommendation of the preliminary site plan shall be forwarded to the Township Board of Trustees for its review.

- b. 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. **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.
 - c. 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.
 - d. 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.
 - e. 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.
4. **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.
5. **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.
- C. Final Site Plan
- 1. **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 (as determined by The Administrator) of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.
 - 2. **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'. A final site plan submitted for review and approval shall contain all of the information required for the preliminary site plan in addition to the following data presented in a clear and legible format.
 - Physical Features
 - a. 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.
 - b. 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.
 - c. Existing and proposed off-street parking with calculation of the number of parking spaces required and provided.
 - d. Location of existing storage tanks. This may include, but not be limited to, information on the following:
 - I. Chemical and fuel storage tanks and containers;
 - II. Water supply facilities;
 - III. Sanitary sewage disposal facilities;
 - IV. Storm water control facilities and structures; and

- V. Location of all easements.
 - e. 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.)
 - f. 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.
 - g. A note shall indicate the ultimate outlet for storm water runoff (County Drain, creek, or river).
 - h. Location of all building structures with setback and yard dimensions.
 - i. Dimensioned floor plans and typical elevation views for all buildings, where applicable.
 - j. Proposed exterior lighting locations, typical detail, and illumination pattern.
 - k. Location and description of all existing and proposed landscaping, berms, fencing, retaining walls, and quantity and size of all proposed landscaping.
 - l. Trash receptacle pad location, area, method of screening, pavement type and cross-section.
 - m. Location, area, depth, and method of screening of transformer pads, compressors, air conditioners, generators, refrigeration units, and similar equipment, where applicable.
 - n. Entrance detail(s) including traffic control and monument sign locations and size.
 - o. Designation of fire lanes.
 - p. 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.
 - q. Location of existing and proposed ground, wall, or directional signs, and details of all proposed signs.
 - r. Any other pertinent physical features.
 - Additional Requirements for Commercial and Industrial Developments
 - a. Loading/unloading areas.
 - b. Total and useable floor area.
 - c. Number of employees in peak usage.
- 3. **Standards for Review.** In reviewing the final site plan, the Planning Commission and Township Board shall determine whether the plan meets the following specification and standards:
 - a. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.
 - b. All required information is provided.
 - c. 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.
 - d. Site plans shall fully conform to the Livingston County Drain Commission standards.
 - e. 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.
 - f. 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.
 - g. The proposed use is in compliance with all Township Ordinances and any other applicable laws.

4. **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 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.
5. **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.
6. **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.
 - a. **Combining Preliminary and Final Site Plans** An applicant may, at the discretion of The Administrator, request to combine a preliminary and final site plan in one (1) application for approval. 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 to warrant.
 - b. **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.
 - c. **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.
- D. **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 these standards. Approval of the construction plans by appropriate authorities is required prior to beginning construction.
- E. **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 these standards, as amended.

III. CONSTRUCTION PLAN SUBMITTAL PROCEDURES

1. Following approval of the preliminary and final site plans by the Township, 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 review fee, and a completed application form. After the initial submittal, subsequent revisions can be sent directly to the Township Engineer.
2. The construction plans shall address the same concerns as the final site plan but shall include much greater detail in accordance with the adopted Marion Township Engineering Standards. Approval of the construction plans is required prior to beginning construction.
3. As part of the review process, the Township Engineer may contact the Township, the DPW, Fire Department, or other regulatory agencies for comments and feedback. If other agencies (MDOT, MDEQ, LCRC, LCDC, etc.) have not completed their reviews, the Township Engineer may request that their comments be supplied to the Township Engineer prior to final approvals. In general, the following agencies shall have review authority over the type of improvement:
 - d. Marion Township
 - I. Sanitary sewer and appurtenances
 - II. Public and Private water distribution system and appurtenances
 - III. Private storm sewer and appurtenances
 - IV. Stormwater management (detention, retention; etc.)
 - V. Private roads and paved areas
 - VI. Pathways and sidewalks
 - VII. Grading and restoration
 - VIII. Any other improvements not regulated by another agency
 - e. Livingston County Road Commission (LCRC)
 - I. Public roads, streets, and right-of-ways
 - f. Livingston County Drain Commissioner (LCDC)
 - I. Public storm sewer and appurtenances
 - II. Stormwater management (detention, retention, etc.)
 - III. Soil Erosion Control
 - g. Livingston County Department of Public Health
 - I. Private septic fields
 - II. Private water wells
 - h. Marion Howell Ocala Genoa Water Authority (MHOG)
 - I. Public water distribution system and appurtenances
4. When plans are complete and ready for approval the Township Engineer will request additional sets of plans be submitted for distribution to MDEQ for sanitary sewer permitting (see item 7 in this section).
5. The applicant shall be responsible for submitting directly to the LCRC, LCDC, MHOG, and other separate regulatory agencies (MDOT, MDEQ for wetland permitting, etc.). Any such approvals shall be forwarded to the Township Zoning Administrator and the Township Engineer prior to beginning construction.
6. All public improvement plans submitted for permits must carry the seal and signature of the Design Engineer. Note that the amount and type of sanitary and/or water main pipe must be summarized on the cover sheet when MDEQ permitting is required.
7. Sanitary sewer plans along with a completed MDEQ Sanitary Sewer Permit Application Part 41, shall be provided to the Township Engineer. The Township engineer will have the Township execute the permit application and then forward the application and plans to the MDEQ for permitting.

8. 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.
9. 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.
10. Appeals. No decision or condition related to a site plan approval shall be taken to the Zoning Board of Appeals
11. 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.

IV. INSURANCE

- A. Prior to construction, the Contractor shall procure and maintain, during the term of the project, public liability and property damage insurance with a responsible insurance company which meets the approval of Marion Township, in such amounts as will be adequate to protect the public, Marion Township interests, and shall not be less than the limits set forth herein.

Type of Insurance:

1. Workmen's Compensation Insurance and Employer's Liability Limit: As required by laws of State of Michigan

Public Liability & Property Damage:		
Bodily Injury:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Property Damage:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Owner's and Contractor's Protective Liability & Property Damage:		
Bodily Injury:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Property Damage:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Motor Vehicle (including Owner, Hired and Non-Owned Vehicles):		
Bodily Injury:	Each Occurrence:	\$1,000,000
Property Damage:	Each Occurrence:	\$1,000,000
Combined Single Limit:		\$2,000,000

- B. Policies shall be made available to Marion Township and the Township Engineer for examination as to their validity and any undesirable exclusions deemed improper by legal opinion rendered to the Township regarding same. Underground construction, where applicable, shall be specified in the coverage. Certificates of coverage signed by the insurance carriers shall include a guarantee that 30 days written notice shall be given by the insurance carrier to Marion Township prior to cancellation of, or any change in the respective policies. In the event that the insurance is canceled, operations shall cease prior to the cancellation date and shall not resume until evidence is provided that proper insurance is again in effect. Additional Named Insured under Owners and Contractors Protective Public Liability and Property Damage Insurance shall include Marion Township, the Township Engineer (specifically by name) and members of staff, employees and agents for the Township.
- C. The name of the proposed development must be included on the insurance documents.

V. CONSTRUCTION OBSERVATION PROCEDURES

Marion Township or their designated representative will provide observation on all proposed public utilities and improvements, as well as limited construction observation of private improvements. Any facilities installed without Township provided observation may not be accepted by the Township, and therefore may be required to be re-installed. The requirements and procedures for Construction Observation and final project closure shall be as follows.

- A. Pre-Construction Meeting
 - 1. Upon construction plan approval and receipt of all permits, but prior to commencing construction, a Pre-construction meeting shall be held. The Developer or the Developer's Authorized Representative shall contact the Township Engineer to schedule the Pre-construction meeting.
 - 2. Attendees shall include: Township representatives, Township Engineer, Developer or Developer's Authorized Representative, Design Engineer, Underground and Paving Contractors and any interested regulatory agency.
 - 3. At the Pre-construction meeting, the following information shall be provided:
 - a. Proof of insurance naming Marion Township and its Engineer as additionally insured.
 - b. All permits from other agencies (MDOT, MDEQ, LCRC, etc.).
 - c. Approximate schedule for construction.
 - 4. Prior to the Pre-construction meeting, the contractor shall provide the inspection escrow to the Township. Proof of payment should be forwarded to the Township Engineer. The final approval letter from the Township Engineer will detail the amounts and basis of the escrow based upon industry standard production rates.
 - a. Unused observation and administration escrow funds will be eligible for return as described in the final approval letter.
 - b. The Township Engineer shall monitor the observation escrow and may require additional deposits. This shall be dependent on the contractor's rate of progress and the difficulty in completing the project.
 - c. Failure to keep the observation escrow current may result in withholding construction observation, and therefore possibly delaying construction.
- B. Initially and/or after a significant delay in construction, the Township Engineer shall have a minimum 72 hour's notice (not including weekends or holidays) prior to the start of any construction requiring observation.
- C. The Township's Engineer shall observe all public and private improvements according to the following criteria. The criteria may be adjusted for large or phased developments, at the discretion of the Township. The Township's Engineer may inspect all other operations requested by the Township.

1. Tree removal and site clearing – Representatives of the Township, the Township’s Engineer, the Developer or Developer’s Authorized Representative, the Design Engineer, and the Developer’s Contractor will meet prior to beginning any site work. The meeting will take place on site after the removal/clearing limits have been marked or staked, with the purpose being to verify general compliance with the approved plans. The proposed clearing limits must be clearly marked on the site prior to the meeting.
 2. Mass grading – The Township or the Township’s Engineer will not review the site grading for compliance with the plans unless specifically directed by the Township. Responsibility for adhering to the approved grading plan shall fall upon the developer or their engineer/surveyor. Any irregularities observed while out performing other inspections will be brought to the Township’s and developer’s attention. A grading certificate as described under project acceptance requirements shall be required.
 3. Soil erosion control - All inspections related to soil erosion control will be handled by the permitting agency, LCDC. Any problems observed by the Township’s engineer while on site performing other inspections will be brought to the Township’s, LCDC’s, and the developer’s attention.
 4. Water system improvements – Full time inspection will be provided by MHOG or their representatives as outlined in their approvals and permits.
 5. Sanitary system improvements – Full time inspection will be provided by the Township’s Engineer.
 6. Storm system improvements (private sewers) – The Township’s Engineer will perform a maximum of two (2) inspections during the storm sewer installation to verify general compliance with the plans and specifications. The developer shall be responsible for certifying the storm system prior to project acceptance. Copies of testing reports and all certifications shall be provided to the Township.
 7. Storm system improvements (public sewers) – All inspections related to public storm sewers will be handled by the permitting agency, LCDC, or the Township Engineer. Any problems observed by the Township’s Engineer while on site performing other inspections will be brought to the Township’s, LCDC’s, and the developer’s attention.
 8. Private road improvements – The Township’s Engineer will perform inspections at critical junctions of the road construction process. Critical junctions will be defined as:
 - a. Witnessing the proof-roll of the sub-grade (Permit to place sub-base)
 - b. Verification of sub-base construction (Permit to place base)
 - c. Verification of base construction (Permit to place pavement material)
 - d. Two (2) inspections during the placing of the asphalt or concrete pavement to verify general compliance with the plans and specifications.

The developer shall be responsible for certifying the road system prior to project acceptance. Copies of testing reports and all certifications shall be provided to the Township.
 9. Public road improvements - All inspections related to public road improvements will be handled by the permitting agency, LCRC. Any problems observed by the Township’s Engineer while on site performing other inspections will be brought to the Township’s, LCRC’s, and the developer’s attention.
- D. Acceptance of final project:
1. The Township Engineer will generate a preliminary punch list. Once the items have been addressed, the Township and the Township’s Engineer will conduct a final site inspection.
 2. All punch list items must be addressed.
 3. All fees and escrows must be paid in full.
 4. A Maintenance and Guarantee bond should be provided to the Township. The bond should be 50% of the engineer’s estimate for public improvements. The Township will keep the bond for two years from the date of acceptance.

5. Record drawings and related documents must be provided to the Township:
 - a. Upon acceptance of field improvements, the Developer's Engineer will be provided with a copy of the Inspector's Daily Reports (IDR), any applicable lead reports, and a blank "Record Drawing Requirement Checklist" in order to provide record drawings to the Township's Engineer for review and approval.
 - b. A grading certificate will be required at this time. This form (provided by the Township's Engineer with IDR's) will also need to be signed and sealed by the Developer's Engineer and then submitted to the Township's Engineer along with the record drawings.
 - c. Easements for public utilities based on "As-Built" conditions requires a sketch and legal description to be submitted by the Developer's Engineer to the Township's Engineer for review and approval along with the record drawings. Once easements documents are approved, the Township's Engineer will mail the Developer/Township the easements to be recorded with the County Register of Deeds. Once the easements are recorded with liber and page number, recorded copies will need to be forwarded to the Township and the Township's Engineer.
 - d. Once the record drawings are approved by the Township's Engineer, the Developer's Engineer will be instructed as to what is required for final distribution (i.e. bluelines, mylars, CD-ROM or possibly micro-film.)

CONSTRUCTION PLAN REQUIREMENTS

The following is a list of requirements that shall be used to assist in Construction Drawing and Record Drawing preparation. Items or criteria not specifically on this list or contained within the Marion Township Zoning Ordinance shall be subject to Township approval, based solely on the Township's discretion as to appropriate standards, regulations, or local impact.

I. PLAN REQUIREMENTS

A. GENERAL

1. Plan paper shall be 24" x 36"
2. Plan scale shall be a maximum horizontal scale of 1":50' and vertical scale of 1":5'.
3. Plan cover sheet shall include the following; project name, name of Marion Township, Livingston County, Michigan, proprietor's, engineer's, architect's and landscape architect's name, address, phone and fax number, a location map (1" = 2000' scale) with north arrow, property Sidwell number(s), agency approvals required, plan sheet index, and professional architect's or engineer's seal.
4. A title block shall be present on each plan sheet.
5. The legal description for the property shall be included, must also be represented by bearing angles and distances in plan view, and shall have a ratio of closure no greater than 1 part in 5000.
6. Zoning information including zoning designation, land use, minimum lot area, frontage, and setbacks; and maximum lot coverage and building height requirements for the site's zoning designation.
7. A topographic survey plan sheet shall be included; additional requirements are outlined in Section II, Topographical Survey, of this document.
8. A general area plan shall be included at 1"=100' or 1"=200' when size of the site prohibits a single sheet. The general plan shall show existing and proposed roadways, site location and dimensions, utilities, building structures, landscaping, and topography.
9. A landscaping plan with tree survey information shall be included.
10. Location of wetlands, drainage courses, and floodplain areas.
11. On and offsite permanent and temporary easements shall be shown on the plans.
12. Private and public roadways, road right-of-way, and road easements shall be shown on the plans.
13. Dimensions for existing and proposed road right-of-way and/or easements, roadways, parking areas, driveways, sidewalks, and pathways shall be shown on the plans and shall be in accordance with the Marion Township Zoning Ordinance and the requirements outlined herein.

II. TOPOGRAPHICAL SURVEY

A. GENERAL

1. A complete topographical survey is required for all sites. Existing offsite elevations must be given at a minimum of 100' abutting the entire perimeter of the site. Onsite contours are required to establish the existing site drainage. Contours shall be at the following spacing:
 - a. 1-foot contours if scale of plan is less than or equal to 1"=50'
 - b. 2-foot contours if scale of plan is greater than 1"=50'
2. A minimum of two (2) benchmarks based on NAD83 or NGVD88 must be included. The datum shall be clearly referenced.
3. Property lines shall be indicated by bearing and distance.
4. All existing conditions shall be shown, including but not limited to the following items (location and elevation):

- a. All utilities including sanitary, water main, gas, telephone, cable, and electrical (including rim and invert elevations).
 - b. Along property lines.
 - c. The building finished floor.
 - d. Sidewalks and pathways.
 - e. Retaining walls.
 - f. Finished grades of all adjacent buildings.
 - g. All easements.
 - h. 100-year flood plain.
 - i. Existing drainage courses and wetlands.
 - j. Upstream and downstream culverts.
 - k. Adjoining road right-of-way.
5. Road Topography shall extend across the entire site with grades shown on both sides of the street for:
- a. Property line.
 - b. Ditch centerline and top of bank.
 - c. Edge of shoulder.
 - d. Edge of pavement or top of curb.
 - e. Crown or centerline.

III. UTILITIES (GENERAL)

A. GENERAL

1. The location, size, and type of pipe of all existing and proposed utilities shall be shown in plan view.
2. Proposed sanitary shall extend across the property frontage(s) or to a property line, as directed by the Township.
3. No new utilities shall be placed below or within a 1:1 influence of a building footprint. The limits of all removals and/or abandonments shall be shown on the plans. The following criteria shall apply for all existing utilities within the influence of a building foundation:
 - a. Utilities within five (5) or less below a footing shall be removed.
 - b. Utilities greater than five (5) feet below a footing shall be grouted full using a standpipe to prevent air voids.
 - c. Utilities that are to be abandoned and are not within the influence of a footing shall be bulkhead unless the utility is determined to be a hazard, nuisance or potential maintenance problem by the Township.
4. A minimum ten (10) feet wide horizontal separation shall be required between water main and sewers.
5. No water main or sanitary sewer shall be within five (5) feet (measured horizontally) from the high-water elevation of a detention, retention, and/or forebay basin.
6. All utility crossings, including sanitary sewer leads, shall specify top and bottom of pipe elevations in both plan and profile view. An 18" minimum vertical clearance between water main and storm or sanitary sewer is required.
7. A casing pipe shall be provided when utilities must cross retaining walls or when a bore is proposed under a roadway. The casing pipe must extend beyond the angle of repose of the retaining wall or roadway. The size, length and invert of the casing pipe shall be indicated. All bores under roadways shall meet the requirements of the Livingston County Road Commission Requirements.

IV. WATER MAIN

A. GENERAL

1. The location, size, length and type of existing and proposed water main, water service leads, and water main appurtenances such as, though not limited to; valves, hydrants, vertical and horizontal bends, and tees shall be shown in plan view. All water main, including appurtenances shall meet the Marion Howell Ocoola Genoa Sewage and Water Authority standards and the Howell Fire Department standards.

V. SEWERS (SANITARY/STORM)

A. GENERAL

1. The following must be shown in plan view for sanitary and storm sewer:
 - a. Length, size, type, class, and slope of pipe between structures.
 - b. Top of casting elevation at structures.
 - c. Easement width (20' minimum for sanitary sewer, 12' minimum for storm sewer).
 - d. Progressive numbering system for all structures.
2. The following must be shown in profile view for sanitary and storm sewer:
 - a. Length, size, type, class, and slope of pipe between structures.
 - b. Size and type of structure.
 - c. Top of casting and sewer invert elevations at structures.
 - d. Existing and proposed ground elevations.
 - e. Hydraulic grade line (storm sewer only).
 - f. Utility crossings, including top and bottom of pipe elevations.
 - g. Special backfill areas under or within pavement areas.
 - h. Progressive numbering system for all structures.
3. Storm and sanitary sewer size, grade, and structure spacing table

	Std	Min	Max	Std	Max
	Grade	Grade	Grade	Grade	Grade
Size	(%)	(%)	(%)	(ft)	(ft)
10" *	0.60	0.30	6.2	300	350
12" **	0.40	0.22	6.0	300	350
15"	0.24	0.16	3.6	300	350
18"	0.18	0.12	2.8	300	400
21" & greater	0.14	0.10	2.2	300	400
*	minimum allowable sanitary sewer size is 10"				
**	minimum allowable storm sewer size is 12"				

4. All pipe connections at structures shall be separated by a minimum of one (1) foot between pipe walls and 40% of the structure circumference must remain intact. The design engineer shall provide details for all structures with multiple pipe connections not meeting the requirements below:

Structure Inside Diameter	Max. Pipe Size for Straight – Through Installation	Max. Pipe Size For Right Angle Installation
48"	24"	18"
60"	36"	24"
72"	42"	36"
96"	60"	42"

5. Where Manning's equation is used to compute flow, a minimum value for "n", roughness coefficient shall be as follows:
 - a. Sewers = 0.013
 - b. Culverts = 0.025
 - c. Open Channel = 0.035

VI. SANITARY SEWER

A. GENERAL

1. A minimum 20' wide easement is required for all public sanitary sewer. Wider easements will be required for deeper sewer to maintain a 1:1 excavated side slope within the easement. The sanitary sewer shall be centered within the public easement.
2. Prior to acceptance of the sewer, the developer or contractor shall provide a videotape or approved digital image file of the sewer (with flows) to the Township. The video shall be taken no less than 30 days after installation.
3. The Township Engineer will inspect all sanitary taps into existing Township structures.
4. Lift stations will not be permitted unless there is no other alternative for sewer service. If a lift station is required, the Design Engineer shall provide the Township with all design details and calculations, which shall be in accordance to all current local, County and State requirements.
5. The testing requirements are as follows:
 - a. The contractor shall conduct a sanitary air test with the Township Engineer witnessing. Air tests shall comply with current testing standards and requirements. Air testing should not be used if the groundwater level is 2 feet or more above the top-of-pipe at the upstream end (reference ASTM F1417) or if the air pressure required for testing is greater than a psi-gauge.
 - b. A sanitary infiltration test shall comply with current standards and is required when the water table is 7' or higher than the invert elevation.

B. DESIGN CRITERIA

1. A quantity list and design data (on the cover sheet or first sheet of the plans) shall be provided and be in accordance with the current 10 States Standards.
2. The maximum depth to the invert of any sanitary sewer pipe shall not exceed 80% of the manufacturer's recommendation.
3. When there is a change in direction in a sewer at a manhole, an allowance of 0.10 feet in grade shall be made for a loss of head through the manhole.
4. Whenever there is a change in pipe size, the inverts of both sewers shall be set at a grade so that both sewers maintain the same energy gradient.
5. Siphons shall only be allowed when specifically approved by the Township and Township Engineer.
6. A minimum cover of 4' is required over all sanitary sewers, including leads.
7. The building lead location, size, type, and slope (minimum 6" diameter, SDR 23.5, and 1%) shall be provided. In order to verify the slope of the lead, invert elevations shall be provided at the finished grade of the building and at the connection to the mainline sanitary sewer. The 6" lead shall extend all the way to the building.
8. All sewer leads in high groundwater areas to be installed according to the township standard lead detail.
9. In sanitary sewers where construction of building leads to the property line is not required, a wye branch (tees not allowed) shall be installed for each lot or potential building site.

10. Leads shall not be connected to manholes unless specifically approved by the Township for connection to the last manhole or connection to deep sewer. A drop connection will be required at connections to manholes.

C. DROP CONNECTIONS

1. External drop connections are required when there is an 18" vertical difference between inverts on the outlet and inlet pipes and shall be constructed according to the Standard Details.
2. The Township must approve internal drop connections. The connection shall be based on field conditions and in accordance with standard details.

VII. STORM SEWER

A. GENERAL

1. A drainage area map shall be provided. The drainage area map shall show the storm sewer system, sub-area boundaries and acreage contributing to each storm structure, and impervious (C-factor) for each sub area.
2. Storm water shall not be diverted onto adjoining properties nor shall storm water flow be impeded from its existing drainage path due to a proposed development. Detention may be required to meet County discharge rate requirements. See the Detention/Retention section of this document for requirements.
3. Storm water discharge shall be per the Livingston County Drain Commissioner's requirements or the Livingston County Road Commission's requirements if discharging into the road right-of-way. At no time shall storm water discharge exceed a rate of 0.2 cfs/acre.
4. The location, size, type of pipe, and length of all culverts shall be shown on the plans. Culvert requirements are further outlined in the design criteria of this section.
5. The location, length and cross-section of all ditches shall be shown the plans. The cross-sectional ditch requirements are further outlined in the design criteria of this section.
6. Roof drainage and sump pump leads may be directed overland or connected to a storm sewer system. If connecting to a storm sewer system, the connection shall be made at a storm structure unless otherwise approved by the Township Engineer. If approved, a tap to an existing 12" concrete storm sewer may be made with a Fernco EZ Tap and a tap to a larger concrete storm sewer pipe with a KOR-N-TEE. The location, size, type and slope of the leads shall be included on the plans.
7. The owner/developer shall be responsible for cleaning and maintaining all storm sewer, storm structures, sediment forebays, filter berms, detention basins, and detention basin outlets. These storm water management systems shall be cleaned once all buildings within the development are complete. A note indicating this, as well as a description of the mechanism for which the owner/developer plans to establish in order to provide for long term maintenance, should be included on the plans.

B. DESIGN CRITERIA

1. Enclosed storm sewer design calculations shall be submitted using the Rational Method, $Q = CIA$. The following shall be considered:
 - a. 10-year storm, $I = 175/(T+25)$ with initial $T=15$ minutes. Time (T) shall be based on the actual time of flow from the most distant point of flow measurement.

b. Typical surface runoff coefficients shall be:

Surface	C
Pavement (Asphalt, Concrete, Brick)	0.90
Roofs	0.90
Open Water	1.00
Aggregate	0.65
Greenbelt (Lawns, Vegetation)	0.20

Note: Surface area of detention, retention, and forebay areas shall be considered open water unless a naturally vegetative basin is provided.

2. Velocity: Minimum = 2.0 ft/s; Maximum = 10.0 ft/s. Velocities exceeding 5.0 ft/s will require erosion protection as directed by the Township Engineer.
3. Manning's formula shall be used to calculate pipes flowing full to verify the capacity of the storm sewer system: $Q = (1.49/n) AR^{2/3}S^{1/2}$
4. The storm sewer system shall be designed, if possible, so that the hydraulic grade line (HGL) is within the pipe. When discharging storm sewer into an existing or proposed detention basin, the 10-year storm elevation or bankfull elevation shall be considered when calculating the HGL of the proposed system. When discharging into an existing storm sewer system, the HGL must be calculated from the outlet of the existing system.
5. Sewer and structure requirements
 - a. All storm sewer shall be in accordance with Section V., Sewers (Sanitary/Storm).
 - b. The minimum size storm sewer shall be 12" diameter.
 - c. The Township Engineer must approve direct taps for storm sewer. Direct taps shall only be permitted if the storm sewer that is to be tapped is significantly larger than the tapping pipe. A KOR-N-Seal boot connection shall be required for allowable taps. A detail shall be included on the plans.
 - d. The sump leads and roof drain leads connecting to a storm sewer system shall be a minimum of 4" diameter and shall be SDR 35, non-perforated, solid wall, PVC pipe.
 - e. Storm sewer, unless otherwise approved by the Township Engineer, shall be reinforced concrete pipe (RCP) and shall meet the following requirements:
 - I. Class IV for a depth up to 14 feet
 - II. Class V for depth 14 feet to 24 feet
 - III. Class III may be allowed in greenbelt areas for a depth up to 14 feet. At no time shall Class III be allowed under or within the influence of pavement areasAll RCP shall be meet ASTM C76 requirements
 - f. RCP elliptical storm sewer may be allowed and must be approved by the Township Engineer. Elliptical storm sewer shall meet ASTM C507 requirements.
 - g. Plastic storm sewer pipe may be allowed in greenbelt areas only and must be approved the Township Engineer. The following requirements shall apply:
 - I. Maximum 18" diameter
 - II. Smooth interior
 - III. PVC pipe shall meet ASTM F949 requirements
 - IV. HDPE pipe shall meet ASTM M294 requirements
 - h. End sections shall be RCP, with a bar grate and 8" to 15" rip rap at the outlet.
 - i. Manholes and catch basins shall be a minimum of 48" diameter. A detail of a typical manhole and catch basin shall be included on the plans. The type of casting for each structure shall be indicated in either plan or profile view and on the detail.

- j. Inlets shall be a minimum of 24" diameter. Inlets shall only be permitted at a structure that is the first (upstream) structure in a series and 12" diameter pipe serves as the discharge. The next downstream structure must have a sump.
 - k. A minimum cover of 2'-6" is required. MDOT "lowhead" or "flat top" structures are required instead of a cone/corbel section if there is less than 4' of cover over the pipe. Both plan and profile shall specify "low head" where necessary. A detail of the "lowhead" structure should be included on the plans.
 - l. A two (2) foot sump is required for any structure receiving surface runoff, with the exception of inlet structures.
 - m. All storm sewer shall be premium joint (rubber gasket). A note indicating this shall be included on the plans.
 - n. Trench drains shall only be permitted within truck wells. A trench drain detail shall be included in the plans.
 - o. All storm water runoff within a truck well or discharging into a wetland shall be pre-treated with an oil and gas separator. A detail of the treatment structure, including the type and model number, shall be included on the plans.
6. Culvert calculations shall be submitted for inlet headwater control or outlet tailwater control with proper "K" factors used to determine culvert sizes. All culverts shall be sized for a 10-year storm event.
7. Culvert requirements
- a. The minimum size culvert shall be 12" diameter
 - b. Culverts 48" diameter and greater shall require sloped paving at the inlet. Headwalls shall not be permitted.
 - c. Culverts shall be either corrugated metal pipe (CMP) or reinforced concrete pipe (RCP) and shall meet the following requirements:
 - i. 12" – 24" CMP shall be 16 gauge
 - 30" – 36" CMP shall be 14 gauge
 - 42" – 54" CMP shall be 12 gauge
 - 60" – 72" CMP shall be 10 gauge
 - All RCP shall be a minimum of Class IV
8. Open ditch calculations shall be submitted and shall be sized for a 10- year storm event using Manning's formula: $Q = (1.49/n) AR^{2/3}S^{1/2}$. A one (1) foot freeboard shall be required.
9. Open ditch requirements:
- a. Minimum flat bottom width: 2'
 - b. Minimum flat bottom depth: 2' (measured from shoulder hinge point).
 - c. Transverse slopes: 1.0% - 5.0%; ditch slopes exceeding 3% shall be sodded to a point one (1) foot above the ditch flow line.
 - d. Maximum side slopes 3:1
 - e. Culverts sized for a 10-year storm elevation
 - f. Flow through an open ditch system shall not exceed eight (8) cfs
 - g. No more than six (6) acres of tributary area may be conveyed through an open ditch system. An enclosed storm sewer system is required for all tributary areas exceeding six (6) acres.
 - h. A ditch cross-section, which clearly indicates the dimensions outlined above shall be included on the plans.

VIII. DETENTION/RETENTION

A. GENERAL

1. The location of the detention, standpipe riser structure, retention, forebay, forebay filter berms, and rain garden areas shall be shown in plan view. Storm water management systems proposed under the jurisdiction of the Drain Commissioner shall be located on common-owned property, not on privately owned lots.
2. Detention must accommodate all onsite drainage and any runoff entering the site from neighboring properties.
3. The Livingston County Drainage District for which the site discharges should be indicated on the plans. Discharge rates shall not exceed 0.2 cfs/acre. More restrictive discharge rates may be required based on site conditions and the drainage district for which the site discharges. The Township Engineer and/or the Livingston County Drain Commissioner shall determine if a more restrictive discharge rate is required.
4. Detention basins shall be wet basins or storm water marsh systems. Dry basins, providing extended storage, will be accepted when the development site's physical characteristics or other local circumstances make the use of a wet basin infeasible.
5. Storm water management system incorporating pumps shall not be permitted in developments with multiple owners. Variances from this requirement will only be considered if a demonstration that no other alternative is feasible is provided on the plans.
6. The use of underground detention/retention is not allowed without Township approval.

B. DETENTION/RETENTION/FOREBAY DESIGN

1. Calculations for sizing the detention basin shall be submitted and included on the plans. All detention basin sizing shall be per the Drain Commissioner's "Simple Method of Detention Basin Design" for a 100-year storm event and have a minimum freeboard of one (1) foot. Drainage calculations shall include the following:
 - a. Tributary area in acres.
 - b. C-factor
 - c. Discharge rate
 - d. Volume of storage required
 - e. Volume of storage provided
 - f. Volume of the permanent wet area, which shall be based on the following equation:
$$2.5 * 0.5 \text{ inch} * \text{runoff coefficient} * \text{site drainage area (cf)}$$
 - g. Bankfull elevation. This volume shall be based on a 1.5-year, 24-hour storm event and the following equation:
$$5160 * \text{tributary area acreage} * \text{C-factor}$$
 - h. The bankfull volume shall be stored not less than 24-hours and not more than 40 hours.
 - i. First flush elevation. This volume represents the first 0.5 inch of runoff and shall be calculated using the following equation:
$$1815 * \text{tributary area acreage} * \text{C-factor}$$
 - j. Standpipe-type riser structures are required for all detention basins. The size of the riser pipe and calculations showing the size and number of infiltration holes within the riser pipe shall be included. Riser pipes shall be a minimum of 36" diameter for a height up to four (4) feet and a minimum of 48" diameter for a height exceeding four (4) feet. Infiltration holes shall be set at the bottom of the riser pipe and at the first flush and bankfull elevations. A standpipe detail shall be included on the plans.
 - k. Hoods or trash racks shall be installed on the riser to prevent clogging. Grate openings shall be a maximum of three inches.

- l. Orifice plates are discouraged. Where an orifice plate is to be used in the standpipe to control discharge, it will have a minimum diameter of four inches
 - m. The riser shall be placed near the pond embankment to provide for ready maintenance access.
 - n. Riser pipes will be constructed with concrete bottom.
 - o. Outlet pipe size. The outlet pipe shall be sized for a 10-year storm event.
2. A marsh fringe shall be established near the inlet or forebay and shall surround a minimum of 50% of the basin's perimeter. The location of this area shall be shown on the plans.
 3. If connecting into an existing detention basin, calculations showing the total volume of the existing basin, the C-factor used to size the existing basin, the amount of storage volume dedicated for the site and the amount of storage volume required for the site.
 4. Calculations for sizing a retention basin shall be submitted and included on the plans. Retention basins shall be sized to accommodate two consecutive 100- year storm events and shall be capable of storing two (2) inches of runoff from the entire tributary area. A minimum three (3) foot freeboard shall be required. Calculations shall include all requirements for detention basins shown in sections a-e above.
 5. Calculations for sizing the sediment forebay(s) shall be included on the plans. The capacity of the forebay shall be equivalent to 5% of the 100-year storm volume based on the area tributary to the inlet. Forebays shall be separated from the detention basin using either gabions or compacted earthen filter berms. A detail of the separation method shall be included on the plans. Direct maintenance access to the forebay for heavy equipment will be provided.
 6. Basin side slopes, regardless of the type shall be no flatter than 20:1 and no steeper than 3:1. Slopes steeper than 5:1 must have a four (4) foot high chain link fence with a twelve (12) foot wide access gate. The fence shall completely surround the basin.
 7. Anti-seep collars should be installed on any piping passing through the sides or bottom of the basin to prevent leakage through the embankment.
 8. All basins will have provisions for a defined emergency spillway, routed so that it can be picked up by the main outflow channel while not discharging directly over the outlet pipe. The emergency spillway will be set at an elevation six inches above the design high water elevation.
 9. Adequate maintenance access from public or private right-of-way to the basin will be reserved. The access will be on a slope of 5:1 or less, stabilized to withstand the passage of heavy equipment, and will provide direct access to both the forebay and the riser/outlet.
 10. The placement of retention/detention basins within a floodplain of a stream, creek, or lake is prohibited.
- C. PERMANENT RETENTION PONDS
1. Freeboard: Retention Basins shall provide three feet of freeboard.
 2. Storage Volume
Retention basins will be capable of storing two inches of runoff from the entire tributary area, contingent upon the following:
 - a. An overflow assessment will be required. The assessment should include descriptions of the surrounding areas, including nearby homes, which would be impacted in the event of an overflow.
 - b. The proprietor must submit a soil boring log taken within the basin bottom area to a depth of 25 feet below existing ground or 20 feet below proposed basin bottom elevation. The Drain Commissioner reserves the right to require additional storage up to that required by two consecutive 100-year storm events based on the results of soils data or the overflow assessment. If such additional storage is required, freeboard requirements may be reduced at the discretion of the Drain Commissioner.

D. RAIN GARDEN

1. Located a minimum distance of 10' from any building structure or parking area.
2. Maximum contributing acreage shall be five (5) acres. Contributing acreage of one (1) acre or less is preferred.
3. The size of the rain garden shall be indicated on the plans. Sizing shall be based on contributing drainage area, amount of imperviousness, and soil type. The calculations using following formula shall be included on the plans:

$$A = \text{Drainage area} * 5\% * R_v \quad R_v = 0.05 + (\% \text{ impervious})$$

4. A cross-section of the rain garden shall be included on the plans and shall meet the following requirements:
 - a. Soil mixes shall consist of 50%-60% sand, 20%-30% topsoil and 20%-30% compost.
 - b. Water depth shall be based on the ground slope of the surrounding area.
Depth = 4" – 5" for slopes 2% - 4%
Depth = 6" – 7" for slopes 5%-7%
Depth = 8" for slopes 8% - 12%
Water depth shall not exceed 8" and ground slopes should not exceed 12% within 30 feet from the rain garden.
 - c. A minimum 4" mulch layer shall be placed between the water storage area and planting soil bed. The mulch specified shall be appropriate for water quality gardens. Coarse, fibrous, shredded wood chip mulch is preferred.
 - d. (If necessary) Type and size of underdrain shall be specified. All underdrain shall be surrounded by pea gravel with 12" minimum layer of class II sand.
 - e. Water depth shall be based on the ground slope of the surrounding area.
5. The number and type of plants should be included. The plants shall be water tolerant and the one (1) plant for every square foot of rain garden area is required.

E. GENERAL REQUIREMENTS

1. All runoff generated by proposed impervious surfaces, unless otherwise permitted by the Drain Commissioner, must be conveyed into a stormwater storage facility for water quality treatment and detention/retention prior to being discharged from the site.
2. Public safety will be a paramount consideration in stormwater system and pond design. Providing safe retention/detention is the proprietor's responsibility. Pond designs will incorporate gradual side slopes, topsoiling, seeding and mulching, plantings per landscape plan if one is required, and safety shelves. Where further safety measures are required, the proprietor is expected to include them within the proposed development plans.

F. DETENTION REQUIREMENTS

1. The volume and storage provided for controlling the "bankfull" flood will be equal to or in excess of the total rain from a 1.5-year, 24-hour storm. This storage volume is slightly increased from C_p , the channel protection storage volume, as used in Appendix H. This can be determined by:
$$8160 \times \text{acreage} \times \text{the relative imperviousness factor } C = \text{cubic feet}$$

The release rate from the "bankfull" storage volume will be such that this volume will be stored not less than 24 or more than 40 hours.
2. The "first flush" of runoff is defined as the first 0.5 inch of runoff over the entire site. The majority of this volume will be captured in the sediment forebay, with the residual volume detained for a minimum of 24 hours. The volume of the first flush can be determined by:
$$1815 \times \text{acreage} \times \text{the relative imperviousness factor } C = \text{cubic feet}$$
3. Basin Inlet/Outlet Design
 - a. Engineered velocity dissipation measures based on discharge flow rates and velocities will be incorporated into basin designs to minimize erosion at inlets and outlets, to minimize the re-suspension of pollutants, and to create sheet flow conditions where feasible.

- b. To the extent feasible, the distance between inlets and outlets will be maximized. The length and depth of the flow path across basins and marsh systems can be maximized by:
 - I. increasing the length-to-width ratio of the entire design.
 - II. increasing the dry weather flow path within the system to attain maximum sinuosity. If possible, inlets and outlets should be offset at opposite longitudinal ends of the basin
- a. The outlet will be well protected from clogging.
- b. Riser Design
 - I. The use of a perforated standpipe-type riser structure to assure an appropriate detention time for all storm events is required.
 - II. Orifices used to maintain a permanent pool level should withdraw water at least one foot below the surface of the water.

IX. FLOOD PLAIN DEVELOPMENT

- A. An MDEQ permit is required for work within the floodplain.
- B. An equivalent volume of excavation must compensate for all fill within floodplain in order to maintain water storage volume.
- C. In certain instances, the 100-year flood plain boundary must be shown on the plans.
- D. Where available, the community flood insurance study shall be used.

X. SITE GRADING

A. GENERAL

- 1. Sufficient proposed grades must be indicated to ensure the following:
 - a. Drainage is adequately discharged offsite with proper detention or retention.
 - b. No upstream drainage is restricted.
 - c. Paving slopes are adequate.
 - d. The site generally drains without standing water.
 - e. Site grading merges with grading on neighboring sites.
 - f. Sight lines are not obstructed.
- B. The finished grade elevation for all proposed and existing buildings on site or on neighborhood properties must be provided.
- C. The maximum slope to an abutting property line is 1:4.
- D. A slope of 1:3 may be approved based on township review. a slope of 1:3 shall be restored using an approved "erosion blanket". this shall be identified on the plans.
- E. Grading plans shall take into account the natural features of the land as much as possible.
- F. A grading easement from an adjacent property owner will be required for any offsite grading and for any retaining wall footing or where it appears that "normal" (1 on 1 side slope) excavation to the bottom of the footing encroaches the adjacent property.
- G. No filling will be allowed within the flood plain of a river, stream, creek, or lake unless under the terms of a permit granted by the mdeq.

XI. RETAINING WALLS

A. GENERAL

1. Walls separating a grade differential of more than 2' are considered a retaining wall and require a structural engineering design and review. The Design Engineer must supply a cross-sectional detail on the plans and computations (sealed by a registered engineer) with the plan submittal. The cost of all retaining walls must be included in the engineering cost estimate.
- B. Top and bottom of wall elevations and dimensions above and below grade and from the property line shall be shown on the plans.
- C. The face of a retaining wall shall be a minimum of 2' from the property line.
- D. Edge drain shall be provided along the base of all retaining walls. edge drain shall be a minimum of 6" diameter. the type of pipe should be included in the cross-sectional detail.
- E. The developer shall provide appropriate material testing at his/her cost during construction.
- F. Protective railing is required for all walls within 2' of parking, driving, pedestrian walkways and/or when the height of the wall is 30" or greater.
- G. The design engineer shall execute and submit a retaining wall certification form. see page 31.
- H. Type of walls allowed, specifications, and inspection items
 1. Concrete Walls
 - a. Formwork dimensions for the base (inspection only)
 - b. Steel size, quantity, spacing, overlap (2" minimum clearance for reinforcing steel from any formwork.
 - c. Box-outs, keyways, weep holes, footing drain and any other plan details.
 - d. No vibration of concrete occurs inside the form during placement (inspection only).
 - e. Concrete cylinders, slump, air entrainment tests performed by developer's testing firm are acceptable (inspection only).
 - f. Concrete mix shall not be over watered at the job site (inspection only).
 - g. Copies of the delivery tickets are obtained (inspection only).
 2. Pre-cast walls
 - a. Certification shall be obtained from the manufacturer (inspection only).
 - b. Wall base placement, material, size, thickness, and compaction.
 - c. Embedment and batter are per the manufacturer's recommendations.
 3. Wood Walls
 - a. Certificates of treatment level for wood materials.
 - b. Connection details and fasteners (i.e. nails, bolts, etc.)
 - c. Proper length and embedment of "dead men".
 4. Boulder Walls
 - a. Maximum height: 4 feet.
 - b. Boulder size shall range from 24" to 30" and embedment shall be a minimum of 8" into the ground.

Date: _____

XXXXX

XXXXX

XXXXX

XXXXX

Regarding: Retaining Wall Review for: _____
S.T.P.C.#: _____
Sidwell#: _____

Design Engineer and Firm Name: _____ Address: _____
Phone: _____
Fax: _____

Owner: _____ Address: _____
Phone: _____ Fax: _____

A retaining wall(s) is proposed for the above referenced site. The wall(s) was designed to applicable standards, and all necessary loads (including vehicular surcharge) have been incorporated into the design. In addition, the wall meets minimum factors of safety against both overturning and sliding.

A retaining wall detail has been incorporated into the drawings and has been submitted for review.

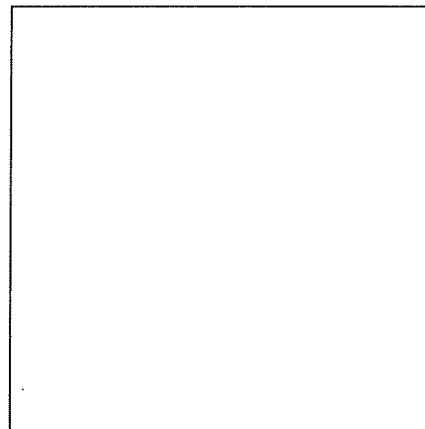
Sincerely,

Seal

Printed Name of Professional Engineer

Signature

cc: Philip Westmoreland, P.E., Spicer Group, Inc.,
125 Helle Blvd., Ste. 2
Dundee, MI 48131



XII. EXISTING PRIVATE ROADS

A. General

1. Have 3 standards for developing existing private roads by classes established by Marion Township.
 - a. **Class A** – Existing approved private road. All new Roads must be approved under new ordinance.
 - b. **Class B** – Existing private roads that are approved by the township engineer to be of a high standard and with minor improvements and a Road Maintenance Agreement could be reclassified to A at the homeowners' expense.
 - i. **Restrictions on Class B** – No splits less than 5 acres
 - c. **Class C** – Existing sub-standard road. Must be brought up to a standard which is not as restrictive as Livingston County Specs but that would be considered safe and passable by specs provided by township engineer and certified by an engineering firm after completion at homeowners' expense.
 - i. **Restrictions on Class C** – Areas serviced by Class C will be restricted to no splits less than 10 acres. Only permitted buildings would be 1 residence and 1 accessory building per parcel. These restrictions would be recorded with the Livingston County Register of Deeds and remain with the parcels until such time as the existing private road is approved under Class A or B.
 - ii. With a majority vote, homeowners can expense to upgrade to Class A or B on a Special Assessment which could go with parcel.
2. Unclassed – these existing private roads are in such deteriorated state that they should not be considered as viable for any type of development or construction until brought up to least a class c status.
3. No land use permits or splits will be issued on existing private roads that do not qualify under standards set forth for class a, b, or c.

XIII. PAVING AND ROADS

A. GENERAL

1. All public roads shall meet the requirements of the Livingston County Road Commission and the Marion Township Zoning Ordinance.
- B. All private roads shall meet the requirements of the marion township zoning ordinance and the standards outlined within the private road sections below.
- C. All facets of the intersection of two or more roads, public or private, where at least one (1) of the roads is a public road, shall meet the then current requirements of the livingston county road commission.
- D. The type of surface proposed for roadways, parking areas, driveways, sidewalks, pathways, loading zones, and dumpster pads shall be shown on the plans and shall be in accordance with the requirements outlined herein.
- E. All applicable pavement and/or gravel cross-sections shall be included on the plans for roadways, parking areas, driveways, sidewalks, pathways, and dumpster pads. Curb and gutter cross-sections shall be included on the plans, if applicable.
- F. Private roads shall be limited to serving no more than thirty (30) single-family dwelling units on a single access and seventy-five (75) with more than one point of access. 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. If private roads are an extension of a dead end public road, the number of dwelling units along the public road shall be considered in the number of dwelling units allowed. This limit shall apply to any type of roadway surface, gravel or pavement.
- G. Private roads with only one connection to a county road, state highway, or another approved private road shall not be longer than two thousand (2000) feet.

- H. Dead end roads shall terminate with a cul-de-sac, unless site conditions necessitate the use of another configuration. The township must approve any alternate configuration.
- I. All cul-de-sacs or turnarounds shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot, or parcel within the development and that building envelope, lot, or parcel fronts upon the cul-de-sac.
- J. Frontage measurements along a cul-de-sac shall be measured tangent to the front setback line and at right angles to the side lot lines.
- K. Not more than four (4) principal buildings or lots shall have frontage on a cul-de-sac. any lot located on a cul-de-sac shall have its side lot lines designed to be radial to the front property line or right-of-way line on either public or private roads, except where such lot lines would create unusual, inconvenient, or irregular lot shapes.
- L. PRE-EXISTING, NON-CONFORMING PRIVATE ROADS
 - 1. Pre-existing, non-conforming private roads should generally conform to the following criteria. Additional requirements are set forth in Article VI: General Provisions, Section 6.20A Pre-Existing, Non-Conforming Private Roads of the Township Zoning ordinance.
 - 2. Requirements for pre-existing, non-conforming private roads will be on a case- by-case basis. The requirements set forth herein are general guidelines to ensure public health, safety and welfare, and may be adjusted by the township as necessary based on site conditions.
 - 3. Submission requirements shall be sufficient to determine the nature and extent of the existing conditions and any proposed improvements. The extent of the information provided shall be at the discretion of the township, township engineer and township planner. In general:
 - a. Minor changes in the physical characteristics of the road will require a sketch of the proposed improvements. The sketch shall be legible and clearly identify all improvements. The sketch should utilize current aerial information but do not need to be to scale. Aerial information is available at the Livingston County GIS Management Department, 304 E. Grand River Ave., Suite 101, Howell, MI 48843.
 - b. Major changes in the physical characteristics of the road will require detailed plans. The level of detail shall meet the requirements of a full, complete construction plan submittal.
 - 4. Right-of-way or easements should have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems. Depending on the location of the private road easement in relation to adjacent parcels, a landscape buffer as provided in the Township Zoning Ordinance may be required by the Township to reduce the impact of the private road upon existing abutting parcels.
 - 5. Roadway width should generally meet the following requirements:
 - a. Gravel road: twenty-two (22) feet edge of gravel to edge of gravel.
 - b. Paved road:
 - I. Shoulder (with or without ditch): twenty-two (22) feet edge of pavement to edge of pavement, with a one (1) foot wide gravel shoulder on either side of pavement edge.
 - II. Curb and gutter: a minimum of twenty-five (25) feet back of curb to back of curb, with a minimum lane width of eleven (11) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.
 - 6. Roadway cross sections should generally conform to the following:
 - a. Existing or alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer.
 - b. Gravel road:
 - I. Six (6) inches MDOT 22A aggregate placed in two (2) courses.
Six (6) inch sand sub-base, meeting MDOT Class II requirements.

- c. Paved road:
 - i. Four (4) inches bituminous surface placed in two (2) courses. No course or lift shall exceed 2" in depth.
Eight (8) inches of aggregate base, MDOT 21AA Limestone.
 - d. Shoulder sections shall match the section for the road.
- M. Vertical alignment should generally conform to the following guidelines:
 - 1. Site distances at all intersections (public roads or private roads) should be verified and shall meet the requirements of the Livingston County Road Commission.
 - 2. The roadway grade within one hundred (100) feet of an intersection should generally not exceed a slope of three (3) percent regardless of surface type.
 - 3. Gravel Surface:
 - a. Minimum: one (1) percent.
Maximum: five (5) percent.
 - 1. Paved surface:
 - a. Minimum: 0.5 percent.
Maximum: six (6) percent.
- N. All roadways, regardless of surface type, should have a sufficient crown to adequately drain runoff from the roadway.
- O. Drainage should conform to the following requirements:
 - 1. A system to adequately collect and discharge tributary roadway runoff is required. Either open ditch or enclosed storm sewer systems are acceptable and shall be sized reasonably for the anticipated run-off. Generally, a 10- year storm event shall be used to determine run-off.
 - 2. All paved roads with curb and gutter shall have an enclosed storm sewer system, unless otherwise approved by the Township.
 - 3. Drainage ditches and swales shall meet the following:
 - i. Minimum flat bottom depth of one (1) foot, measured from shoulder hinge point.
Longitudinal slope shall generally follow the slope of the road. The slope design shall minimize soil erosion. Slopes shall generally be between one (1) percent and five (5) percent.
Maximum front slope is 1:3, and the maximum back slope is 1:2.
 - 4. Culverts should be sized for a 10-year storm elevation and their invert set at the ditch flow-line.
Culverts shall be clean and free of debris.
- P. Roadway signage shall meet the requirements of the Livingston County Road Commission and the Michigan Department of Transportation's Manual of Uniform Traffic Control Devices.
- Q. Any pre-existing, non-conforming road that serves multi-family residential, commercial, or industrial uses shall meet the requirements for a new road according to the Township Engineering Standards. Any changes in the road will require the road be improved to meet the standards for a new road in its entirety.

XIV. NEW PUBLIC AND PRIVATE ROADS

- A. New roads, whether public or private, shall meet the following criteria. Additional requirements are set forth in Article VI: General Provisions, Section 6.20B New Private Roads of the Township Zoning ordinance.
- B. All roadways that are to be public shall meet the requirements of the Livingston County Road Commission. Approval and acceptance of the roads shall be granted by the Livingston County Road Commission.
- C. All roadways that are to be private shall meet the requirements of the Livingston County Road Commission, the Marion Township Zoning Ordinance and the standards outlined below. If a conflict

- exists between the Road Commission and Township standards, the stricter requirements shall govern.
- D. Right-of-way or easements shall have sufficient width to encompass the entire cross section of the road, including any ditches or drainage systems.
 1. Depending on the location of the private road easement in relation to adjacent parcels, a landscape buffer as provided in the Township Zoning Ordinance may be required by the Township to reduce the impact of the private road upon existing abutting parcels.
 2. Minimum road right-of-way or easement width shall meet the following:
 - I. All residential (single or multi-family) shall be sixty-six feet (66').
Commercial, industrial and all other uses shall be eighty feet (80').
 - E. Roadway width shall meet the following requirements:
 1. Gravel road:
 - I. Gravel road: thirty (30) feet edge of gravel to edge of gravel.
 1. Paved road:
 - I. Residential streets without curb shall be a minimum of twenty-two (22) feet edge of pavement to edge of pavement, with a four (4) foot wide paved or gravel shoulder on either side of roadway edge.
 - II. Residential streets with curb and gutter: a minimum of twenty-seven (27) feet back of curb to back of curb, with a minimum lane width of twelve (12) feet. Either a 2-½ foot wide curb and gutter or a 1-½ foot wide curb and gutter are acceptable.
 - III. Commercial streets shall be a minimum of twenty-nine feet (29') back of curb to back of curb. Minimum lane width shall be twelve feet (12'). A 2-½ foot wide curb and gutter is required.
 - IV. Industrial roads shall be a minimum of thirty-five feet (35') back of curb to back of curb. Minimum lane width shall be fifteen feet (15'). A 2-½ foot wide curb and gutter is required.
 - V. In areas where on-street parking is allowed, the minimum width of the road shall be increased by 8'. Including the gutter pan in the width extension for parking is not permitted.
 - VI. Roadway recovery areas, (clear zones) shall be a minimum of 7' for straight-line sections and inside diameter curves. A minimum of 15' is required for outside diameter curves. Recovery areas shall be considered the distance between a permanent structure and edge of gravel shoulder or back of curb.
 - F. Roadway cross sections shall conform to the following criteria. Alternate cross sections may be considered if the alternate section has been demonstrated to have equivalency to the required section via the AASHTO Guide for the Design of Pavement Structures. Geotechnical analysis may be required by the Township Engineer:
 1. Residential roads or streets shall have a minimum of four (4) inches bituminous surface placed in two (2) courses (no course or lift shall exceed 2" in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone), Gravel roads, if permitted by the Township, shall consist of a minimum of eight (8) inches of aggregate base (MDOT 22A) and six (6) inches of sand sub-base meeting the requirements of MDOT Class II.
 2. Commercial streets shall have a minimum four (4) inches of bituminous surface placed in two (2) courses (no course or lift shall exceed 2" in depth), with eight (8) inches of aggregate base (MDOT 21AA limestone), and six (6) inches of sand sub-base meeting the requirements of MDOT Class II. An open graded drainage course may be substituted for sand sub-base.
 3. Industrial streets shall have a minimum of nine (9) inches of non-reinforced concrete pavement, four (4) inches of aggregate base (MDOT 21AA limestone), and four (4) inches of sand sub-base meeting the requirements of MDOT Class II.
 4. Shoulder pavement sections shall match the section of the road.

5. The pavement shall have transverse slope (crown) of 2% each way of the pavement center-line. Superelevated sections are prohibited in any development having a proposed operating speed of less than fifty-five (55) miles per hour. Where the design speed for a proposed street or road is less than fifty-five (55) mph and super elevation would otherwise be required as determined in the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways, the horizontal curve shall be designed with a radius long enough to counter the need for superelevation.
6. Edge drain is required on all streets with curb and gutter. The trench must be filled with pea stone to the level of the base material, and the entire trench wrapped with geotextile fabric.
7. Proposed sections utilizing an open ditch section shall have a ditch depth of not less than two (2) feet relative to the shoulder hinge point and two (2) feet wide rounded at the bottom. The depth shall be increased if warranted by drainage discharge calculations.
8. The maximum slope within the proposed right-of-way shall be 1:4 (rise/distance). The use of slopes steeper than 1:4 outside of the proposed right-of-way draining toward the roadway should be avoided.
9. Driveway slopes or lot access areas shall have a slope not greater than 1:10 within the right-of-way. Only one drive approach is allowed per single-family dwelling unit. Driveways beyond the right-of-way shall generally not exceed 12% slope without significant topographical limitations.
10. Pavement sections for residential driveways shall meet the following:
 - a. Gravel – six (6) inches of MDOT 21AA limestone or MDOT 22A.
 - b. Asphalt – three (3) inches of bituminous surface over six (6) inches of MDOT 21AA limestone.
 - c. Concrete – six (6) inches of concrete over four (4) inches of MDOT Class II.
11. Pavement sections for commercial or industrial driveways shall meet the following:
 - a. Gravel drives will not be permitted.
 - b. Asphalt – four (4) inches of bituminous surface over eight (8) inches of MDOT 21AA limestone. For development with significant truck traffic, asphalt approaches will not be permitted.
 - c. Concrete – eight (8) inches of concrete over four (4) inches of MDOT Class II.
- G. Horizontal alignment shall conform to the following guidelines. All horizontal alignment and intersection design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be thirty-five (35) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
 1. Minimum center-line radius for a horizontal curve shall be 230 feet.
 2. Minimum cul-de-sac radius at the outside edge of the pavement shall be fifty (50) feet, not including any curb.
 3. The fillet radius from cul-de-sac to tangent sections shall be a minimum of fifty (50) feet.
 4. Intersection radii shall be a minimum of thirty-five (35) feet for residential streets and a minimum of forty-five (45) feet for commercial and industrial streets.
 5. Intersection shall be at right angles and shall be designed such that the first sixty-five (65) feet in any direction shall be straight line sections.
 6. Boulevard intersections or entrances shall have concrete curb and gutter around the island.
 7. MDOT Detail M openings shall be used for all commercial or industrial drives or approaches. All commercial or industrial approaches shall be curbed regardless of the road cross section.
 8. Commercial and industrial drive approaches shall have a minimum forty-five
 9. (45) foot radius.

10. Drive approaches shall be contained within the property lines, including radii and any acceleration/deceleration tapers, if required.
 11. Drive approaches shall be a minimum of 125' from any intersection, measured from the centerline of the drive approach to centerline of the road.
- H. Vertical alignment shall conform to the following guidelines. All vertical alignment design shall follow the latest edition of the AASHTO Policy on Geometric Design for Streets and Highways. The design speed shall be thirty-five (35) mph for interior subdivision streets unless otherwise directed by the Township or Road Commission.
1. The percent of grade on a road with an open ditch cross section shall be no less than 1.0% or more than 5.0% where ditch grades are centerline dependent.
 2. The percent of grade on a road with a curb and gutter cross section shall be no less than 0.50% or more than 6.0%.
 3. A vertical curve shall be required where the algebraic difference in slopes of the tangent sections exceeds 1.0%. The minimum length of the vertical curve shall be 100'.
 4. Road grades within 100' of an intersection shall not exceed a slope of three (3) percent regardless of the surface type.
- I. A drainage system to adequately collect and discharge tributary roadway runoff is required. Either an open ditch or enclosed storm sewer system per the Township requirements is acceptable.
1. All paved roads with curb and gutter shall have an enclosed storm sewer system unless otherwise approved by the Township.
 2. The maximum allowable storm water runoff tributary area conveyed overland in drainage ditches shall be no more than six (6) acres. When the tributary area is more than six (6) acres or the amount of flow in the ditch exceeds 8.0 cfs, an enclosed storm sewer system and curb and gutter will be required.
 3. The percent of grade in an open ditch shall not be less than 1.0% or greater than 5.0%
 4. Any open ditch that exceeds 3.0% shall have a sodded ditch bottom. Sod in these areas shall extend from the ditch bottom up either side of the ditch to a point one foot above the flow line of the ditch.
- J. Roadway signage shall meet the requirements of the Livingston County Road Commission and the Michigan Department of Transportation's Manual of Uniform Traffic Control Devices.

XV. PARKING LOT REQUIREMENTS

- A. A striping and traffic control plan for parking areas shall be included. The location of all traffic control, regulatory, street, and subdivision signs shall be shown on the plans.
- B. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.
- C. Concrete curb and gutter shall be provided for the perimeter of the parking area and for all island areas within the parking area.
- D. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.
- E. Private Developments
 1. Loading zones and dumpster pads: 8" concrete on 6" 21 AA limestone aggregate.
 2. Minimum drive widths and parking dimensions shall be in accordance with the Marion Township Zoning Ordinance.

XVI. PATHWAYS AND SIDEWALKS

- A. Sidewalks shall be located in the right of way and one (1) foot from the ultimate right-of-way line.
- B. The sidewalk will be five (5) feet wide constructed of four (4) inches of concrete on compacted well-draining subgrade. The walk must be continued through driveway sections where it will be increased in thickness to eight (8) inches on major thoroughfares and collector roads and six (6) inches in all other instances. Curbs must be tapered to meet the walk.
- C. Proposed grades must be shown along the property line, driveways, and intermittent locations along the length of the walk.
- D. Any structures, hydrants, poles, etc., which are existing along the alignment of the walk, must be adjusted or relocated at the expense and coordination of the developer.
- E. All sidewalk construction will be according to public Act No. 8, 1973, the new MDOT standards for ADA ramps with detectable warning domes.

XVII. SOIL EROSION AND SEDIMENT CONTROL

A. GENERAL

- 1. All proposed erosion control measures and sequence of soil erosion control measures shall be shown on the plans.
- B. Erosion control shall conform to Livingston County standard details, with a detail of each measure used shown on the plans.
- C. The smallest practical area of land should be exposed at any one time during development. "Practical area" shall be defined as the area in which temporary or permanent restoration can and will be performed within a reasonable period of time, as defined by the Township. When land is exposed during development, the exposure should be kept to the shortest possible period of time, as deemed by the Township.
- D. Temporary vegetation or mulching may be required to protect areas exposed during development, particularly if an unexpected erosion problem becomes evident. The developer will be required to assign this activity top priority upon notification by the Township. Failure to act after a second notification will be grounds for the Township to take necessary action to address the problem and charge the owner/developer accordingly.
- E. Sediment basins or temporary basin outlet standpipe filters shall be maintained during construction to ensure that sediment within runoff is not being discharged onto neighboring properties.
- F. Sediment basins prior to discharge into any wetland, stream, pond, etc., require 1 x 3 stone outlet filter at all low points/discharge points properly toed into silt fence.
- G. Permanent vegetation and structures/basins should be installed as soon as practical during development. This should be included in the Soil Erosion Control Sequence noted above.
- H. Wherever feasible, natural vegetation should be retained and protected.
- I. The development plan should be best fitted to the topography and soil so as to create the least erosion potential. The best earth balance may not be the best fit with respect to topography and natural vegetation.
- J. All new or existing (disrupted ditches) shall be sodded.
- K. Seed and mulch is not permitted on slopes greater than 1:4. "Excelsior" Mulch blanket, sod pegged per Township specifications, or approved equal will be required on such slopes.
- L. Erosion protection shall be provided in the public roadway for all drainage structures receiving road runoff to the low point.
- M. The developer shall clean all structures impacted during construction along with any other erosion control items prior to occupancy.
- N. SITES REQUIRING PERMITS
 - 1. A permit is required for all earth moving activities as follows:

- a. All projects that disturb one (1) or more acres.
 - b. All projects that occur within 500 feet of surface water and disturb more than 225 square feet.
 - c. Construction of new ponds or alterations to existing ponds.
 - d. All major projects as defined by Livingston County.
- O. INTENT OF PERMIT
- 1. The intent of this requirement is to ensure that no silt or sediment enters the public stream or watercourses. This is accomplished through means of sediment basins, filters, diversions, etc.
- P. PLAN REQUIRED
- 1. A soil erosion and sediment control plan is required for all sites that require a permit. This can be made a part of the plan documents. Itemized on this plan shall be step-by-step requirements for controlling erosion (sequence of construction). No work, including site clearing, will be allowed until approved soil erosion and sediment control measures are in place.
- Q. Accelerated erosion and sedimentation must be prevented during all phases of construction including:
- 1. Initial site clearing.
 - 2. Utility construction.
 - 3. Building construction.
 - 4. Site paving.
 - 5. Final site approval.
- R. INSPECTION
- 1. Inspection will be made periodically throughout construction on the maintenance and effectiveness of soil erosion control methods by designated consultants or personnel from Marion Township and Livingston County.
- S. If inspection reveals that the controls are not being implemented, a cease and desist order on all site construction may be issued.

ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE "LOTS"

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

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

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

The Zoning Ordinance on the township website:

mariontownship.com

Links

Planning & Zoning

Zoning Ordinance

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

ATTACHMENT PAGE 1

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

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

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

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

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

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

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

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

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

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

These two need to be reconciled.

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

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

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

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

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

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

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

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

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

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

"Parcel" we don't include condo units.

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

This is most likely not an exhaustive list of issues.

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

From: Marion Township Zoning Ordinance

ARTICLE III: DEFINITIONS

Section 3.01 Construction of Language

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

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

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

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

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

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

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

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

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

FIGURE 3-4
LOT TYPES

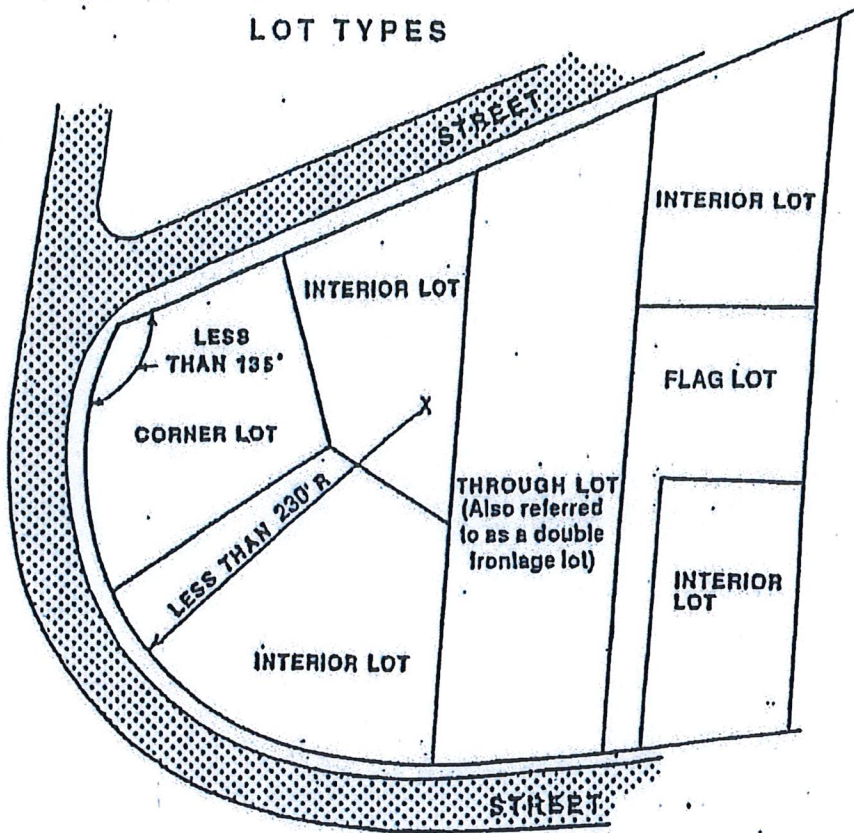


FIGURE 3-5
LOT DEPTH

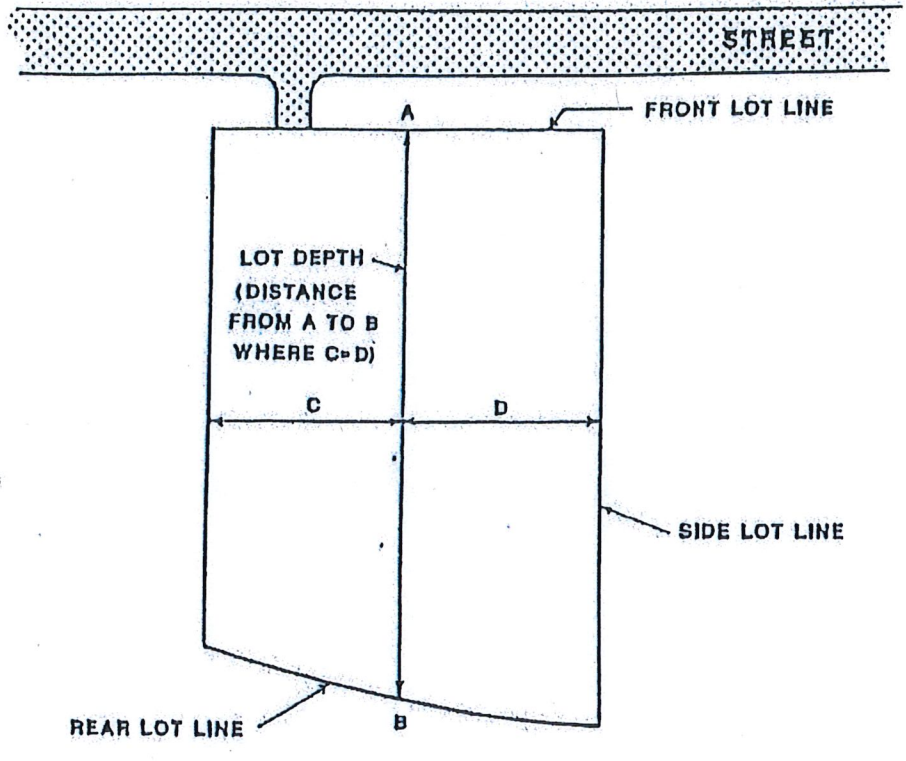


FIGURE 3-6
NET AND GROSS LOT AREA

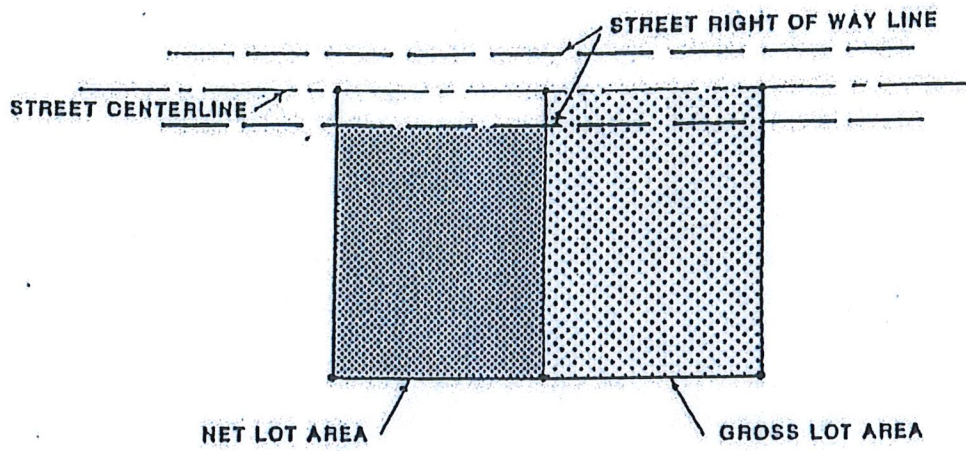
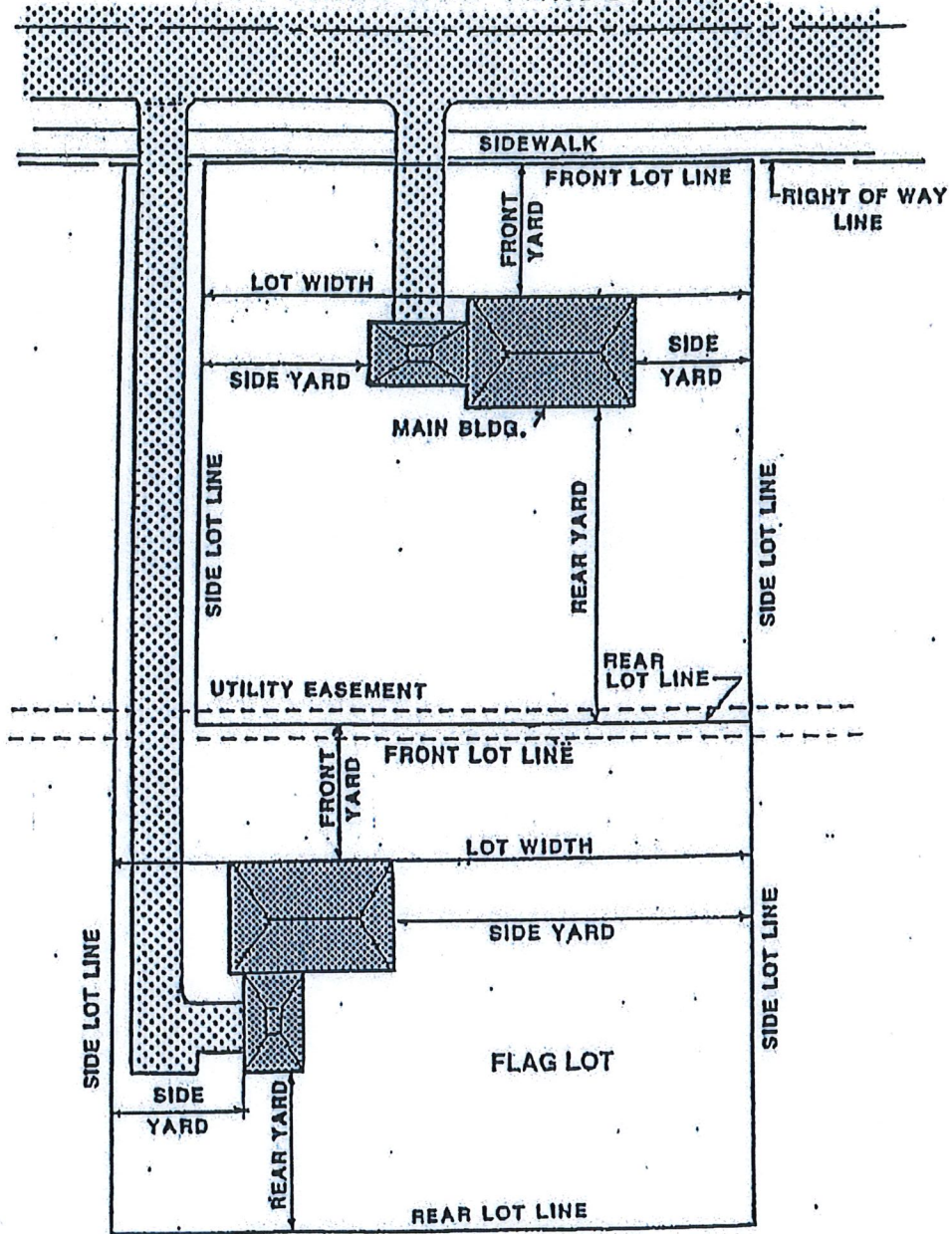


FIGURE 3-7
LOT LINES AND YARDS.



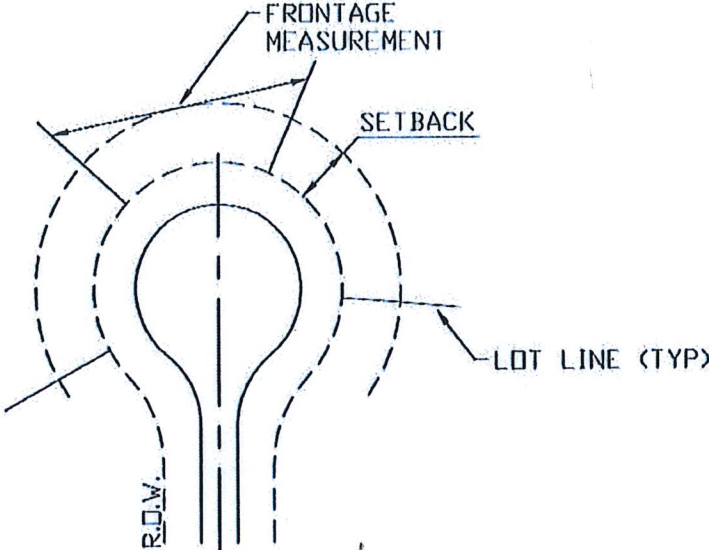


FIGURE 3-8

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

Section 6.19

Access Controls

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

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

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

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

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

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

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

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

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

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

2. Is served by an existing easement that provides vehicular access to an existing road or street and that meets all applicable location standards of the state transportation department or county road commission under Act No. 200 of the Public Acts of 1969 or can be served by a proposed easement that will provide vehicular access to an existing road or street and that will meet all such applicable location standards.

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

SECTION I: INTENT AND PURPOSE

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

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

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

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

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

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

SECTION II: PROCEDURE

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

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

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

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

ATTACHMENT TO "ISSUES WITH MARION TOWNSHIP ZONING ORDINANCE"

recording to insure future participation by new owners. A copy of the recorded maintenance agreement shall be provided to the Township. A non-profit corporation of property owners can be formed under PA 162 of 1982 for the funding of maintenance ~~to~~for the private road under the specifications of the road maintenance agreement.

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

SECTION III: SEVERABILITY

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

SECTION IV: EFFECTIVE DATE

This ordinance shall take effect thirty days after publication.

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

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

Tammy L. Beal, Township Clerk

Date

Moved by:

Supported by:

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

Nays: Hamann

Abstentions: None

Absent: None

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

Tammy L. Beal, Township Clerk

Date

From:

The Michigan Community Association Law Blog

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

ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

**Marion Township Zoning Ordinance
Livingston County, Michigan**

Insert Date Here

DRAFT

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ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

Section 1 – STATEMENT OF PURPOSE

The purpose of the Wellhead Protection Overlay District is to provide supplemental developmental regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of Marion Township and the region from any use of land or buildings that may reduce the quality and/or quantity of water resources. This Wellhead Protection Overlay District has been created in accordance with both the City of Howell's and Marion, Howell, Oceola & Genoa Sewer and Water Authority's (MHOG) **Wellhead Protection Plans** drafted by Wood Environment & Infrastructure Solutions, Inc. (Wood). This Wellhead Protection Overlay District was also created in conjunction with the City of Howell and Howell Township.

Section 2 – DEFINITIONS

As used in this Article, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise.

Aquifer. A geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Discharge. Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

Impervious Surface. Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Overlay District. That area of the Township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifers supplying the City of Howell's and MHOG's municipal water wells.

Regulated Substances shall include: 1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance; 2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended; 3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations; 4. Radiological materials; and 5. Biohazards.

Wellhead Protection Area. The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if discharged, are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field. Wellhead Protection Areas for both the City of Howell and MHOG are present in areas of the Township.

Section 3 – SCOPE OF AUTHORITY

The Wellhead Protection Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Wellhead Protection Overlay District shall prevail.

Section 4 – CREATION OF OVERLAY DISTRICT BOUNDARIES

The Wellhead Protection Overlay District boundaries shall be established on the official Township Zoning Map. The Overlay District boundaries may be amended according to the Zoning Ordinance procedures in Article YYYYY.

Section 5 – DISTRICT DELINEATION

- A. The Wellhead Protection Overlay District is hereby established to include all lands within the Marion Township, lying within the City of Howell's of MHOG's Wellhead Protection Areas, including recharge areas of groundwater aquifers and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area.
- B. Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the District. At the request of the owner(s), the Township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The Township shall charge the owner(s) for all or a part of the investigation. The Owner shall place the funds necessary into an escrow account at the Township to cover the necessary fees of the qualified professional.

Section 6 – SITE PLAN REVIEW REQUIREMENTS

- A. **New or Expanded Uses and Structures.** All proposed new or expanded structures or uses within in the Wellhead Protection Overlay District, except single family uses, shall be subject to ¹⁸ site plan review, pursuant to Article WWWW.
- B. **Existing Uses and Structures.** All land uses and activities existing prior to approval the Wellhead Protection Overlay District must conform to the site plan review standards in this Article within 365 days after adoption of the Wellhead Protection Overlay Ordinance.

Section 7 – DATA REQUIREMENTS

The following data are required for site plan review in the Wellhead Protection Overlay District, in addition to the information required by Article WWWW, Section WWWW of the Zoning Ordinance.

- A. **List of Regulated Substances.** A complete list of chemicals, pesticides, fuels and other Regulated Substances to be used or stored on the premises. Businesses that use or store such Regulated Substances shall file a management plan with the Fire Chief. The management plan shall include the following, at minimum:

1. Provisions to protect against the discharge of Regulated Substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
 2. Provisions for indoor, secured storage of Regulated Substances and wastes with impervious floor surfaces.
 3. Evidence of compliance with the rules and regulations of the Michigan Department of Environmental Quality.
 4. Drainage recharge features and provisions to prevent loss of recharge.
 5. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
- B. Service Facilities and Structures.** Location of existing and proposed service facilities and structures, above and below ground, including:
1. General location of the site within the Wellhead Protection Overlay District.
 2. Areas to be used for the storage, loading/unloading, recycling, or disposal of Regulated Substances, including interior and exterior areas.
 3. Underground storage tank locations.
 4. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- C. Water Resources.** Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
- D. Soils.** Soil characteristics of the site, at least to the detail provided by the Natural Resources Conservation Service.
- E. Topography.** Existing topography of the site, with a maximum contour interval of two (2) feet.
- F. Existing Contamination.** Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
- G. MDEQ Checklist.** Completion of a Michigan Department of Environmental Quality (MDEQ) checklist, indicating the types of environmental permits and approvals that may be needed for the project.

Section 8 – PERMITTED PRINCIPAL USES

The following uses shall be permitted in the Wellhead Protection Overlay District, provided they comply with all applicable restrictions and standards specified in this Article:

- A. Single family residential uses.
- B. Residential accessory uses, including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems (i.e., septic systems).
- C. Agricultural uses such as farming, grazing, and horticulture.
- D. Forestry and nursery uses.
- E. Outdoor recreation uses, including fishing, boating, and play areas.
- F. Conservation of water, plants, and wildlife, including wildlife management areas.

Section 9 – CONDITIONAL USES

The following uses may be permitted subject to conditions specified for each use, review and recommendation by the Planning Commission and approval by the Township Board, and subject further to any special conditions that are necessary to fulfill the purposes of this Ordinance, and the provisions set forth in Article UUUU:

- A. Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in Section 11.
- B. Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use.
- C. The rendering impervious of more than fifteen percent (15%) or 2,500 sq. ft. of any parcel, whichever is less, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
- D. The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five (5) feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One (1) or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This sub-section shall not apply to excavations incidental to permitted uses, including but not limited to installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
 - 1. Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site.
 - 2. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.

- E. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal of ice and snow on roads, provided such chemicals are covered and located on a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.
- F. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
- G. The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.
- H. All liquid Regulated Substances, provided such materials must be stored either in a freestanding container within a building, or in a freestanding container above ground level with protection to contain a spill the size of the container's total storage capacity.

Section 10 –CONDITIONS

In addition to Section 9, Conditional Uses shall comply with the following:

- A. The Township Board may grant Conditional Use approval only upon finding that the proposed use meets to the following standards:
 - 1. In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the Wellhead Protection Overlay District.
 - 2. The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
- B. The Township Board shall not approve a Conditional Use under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards of this section.

Section 11 – PROHIBITED USES

The following uses are prohibited in the Wellhead Protection Overlay District:

- A. Business and industrial uses that generate, use, treat, process, store, or dispose of Regulated Substances, including but not limited to metal plating, chemical manufacturing, wood preserving, and dry cleaning factory, except for the following:
 - 1. Generators of a very small quantity of Regulated Substances (less than 20 kilograms or six (6) gallons per month), subject to Special Land Use review.
 - 2. Municipally-operated or sanctioned household waste collection stations.
 - 3. Waste oil retention facilities.

4. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by the Michigan Department of Environmental Quality.
- B. Business and industrial uses that dispose of process wastewater on-site.
- C. Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, with the exception of disposal of brush or stumps.
- D. Storage of liquid petroleum products of any kind, except for the following:
1. Storage that is incidental to:
 - a. Normal household use and outdoor maintenance or the heating of a structure.
 - b. Use of emergency generators.
 - c. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities has been approved by the Michigan Department of Environmental Quality.
 2. Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Article, provided that:
 - a. All such replacement storage tanks or systems shall be located underground as required by the Michigan Department of Environmental Quality.
 - b. All such storage systems shall be protected by a secondary containment system as specified by the Michigan Department of Environmental Quality.
 - c. The Fire Chief may deny an application for tank replacement, or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
- E. Outdoor storage of salt, de-icing materials, pesticides or herbicides.
- F. Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane, or other household Regulated Substances.
- G. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Wellhead Protection Overlay District that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.
- H. Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
1. The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.

2. In calculating the maximum sewage disposal system density, it shall be assumed that each single-family-residential home will generate 280 gallons of sewage per day.
3. The maximum sewage disposal system density may be computed using the following method:
 - a. On an individual per lot basis (i.e., a single-family home typically generates 280 gallons of sewage per day, creating the need for a minimum lot area of $\frac{3}{4}$ acre.

In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in Article VVVV of the Zoning Ordinance.

- I. Wastewater treatment works, except the following:
 1. The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system.
 2. The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system.
 3. Treatment works designed for the treatment of contaminated ground or surface waters.

Section 12 – MISCELLANEOUS REQUIREMENTS

The following requirements shall apply to all uses in the Wellhead Protection Overlay District:

- A. **Drainage.** For commercial and industrial uses, run-off from impervious surfaces shall not be discharged directly to drains, streams, ponds, or other surface water bodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the Township Engineering Design Standards.
- B. **Discharge of Regulated Substances.** The property owner shall prevent the discharge of regulated substances.
 1. Upon discovery of a discharge within the Wellhead Protection Area, the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance discharge must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approved obtained from, the Township Supervisor or his/her designee.
 2. All discharges shall be documented in writing and mailed to the Township Supervisor or his/her designee within ten (10) business days of said incident. Initial discharge notification shall include, at a minimum, the following:
 - i. Location of the discharge (name, address, and phone);
 - ii. Reporting party's name, address and phone (if different from above);
 - iii. Emergency contact and phone;

- iv. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged;
 - v. Map showing exact discharge location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - vi. All measures taken to clean up the discharge; and
 - vii. All measures proposed to be taken to reduce and prevent any future discharge.
3. The Township Supervisor or his/her designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

Section 13 – ENFORCEMENT

- A. Whenever the Township Supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the Township Supervisor or his/her designee may order compliance by issuing a written Notice of Violation to the responsible person/facility.
- B. If the Township Supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work could be performed by the Township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

Section 14 – VARIANCE/APPEAL RIGHTS

- A. If an owner of property within a Wellhead Protection Area believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Marion Township Zoning Board of Appeals ("ZBA") in any appeal to the ZBA, the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights. Such a request must be in writing with enough detail to allow the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights, to understand the situation and proposed variance. If the Township Consulting Engineer determines that additional information is needed, the request for additional information shall be made within 15 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request a hearing in front of the ZBA. The ZBA shall grant, deny, or partially grant the request. A grant, partial or complete, may relieve the property owner from strict compliance of this Ordinance. Reasonable conditions may be imposed by the ZBA as part of such a grant. The ZBA shall be guided by the primary goal of protecting the Township's Wellhead Protection Area without creating undue hardship upon the property owners affected.
- B. Any person receiving a notice of violation may appeal the determination by submitting a written notice of appeal to the Marion Township Zoning Board of Appeals. The notice of appeal must be received by the Zoning Board of Appeals within 30 days from the date of the notice of violation, with enough detail to allow the Township's Consulting Engineer, as a staff representative to the ZBA to understand the situation. Within 30 days of the receipt of such an appeal, the Township Consulting Engineer shall issue a written response to the appeal to the applicant and to the ZBA unless the Township Consulting Engineer has requested additional information, in which case the Township Consulting Engineer's response shall be issued within 30 days of receipt of the information. The Zoning Board of Appeals shall affirm, reverse or modify the notice of violation being appealed.

- C. If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the ZBA, said person may appeal the matter by filing an action in the Livingston County Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the decision of the ZBA or within the time period required by Michigan General Court Rules, whichever has the shortest appeal period.

Section 15 – ABATEMENT/REMEDIAL ACTIVITIES BY THE TOWNSHIP

- A. The Township is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all expenses thus incurred by the Township.
- B. If the Township desires the responsible party to reimburse it for the abatement activity expenses, the Township, shall within 90 days of the completion of such activities mail to that person a notice of claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within 30 days of receipt of the claim. If the person billed desires to object to all or some of the amount sought by the Township, said person may file, within the same 30-day period, a written objection so stating. The Township shall, within 30 days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the Township may attempt collection of the sum due by filing a civil lawsuit.

Section 16 – INJUNCTIVE RELIEF

- A. If a person has violated or continues to violate the provisions of this Ordinance, the Township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation.

Section 17 – VIOLATIONS DEEMED A PUBLIC NUISANCE

- A. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Township.

Section 18 – CRIMINAL PROSECUTION

- A. Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the Township Supervisor, his or her designee, the Township's Ordinance Enforcement Officer or the Sheriff's Department.

Section 19 – REMEDIES NOT EXCLUSIVE

- A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Department to seek cumulative remedies.

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