

Conway Township Planning Commission

2015 Annual Summary Report

Date	Overview
January 12, 2015	<ul style="list-style-type: none"> • Newly elected officers for 2015 were: Chair Dennis Bowdoin, Vice Chair Dennis Sommer, and Secretary Londa Horton. • Dennis Sommer asked if the Township Supervisor would secure a map of gas and oil pipelines through PIMMA access. • Recommended changes to the Conway Township Zoning Ordinances reviewed with Attorney Abby Cooper. • Scott Buell and George Pushies reappointed to the Planning Commission for 2015. Scott indicated he would be resigning due to personal issues. • Discussion on number of animals allowed on one acre parcels in Section 6.22. GAMPS are recommendations. Recommendation to change verbiage and delete "unusable land." • Attorney Abby Cooper to recommend verbiage update to Zoning Ordinance section 6.18 sub B, page 6-28 regarding telecommunications. • Bob Carusi of the Emergency Planning Committee needs training on starting and operation of the Township generator. • Meetings approved for 2015 calendar as second Monday of each month.
February 9, 2015	<ul style="list-style-type: none"> • Zoning Administrator Bill Call reported that the AT&T cell tower project on the Dan Coon property was pulled. • Dennis Bowdoin conducted a review of Special Use Permits held by area residents in the past. • Motion to ask the Township Board to upgrade the GIS to the higher resolution maps which allows for better visibility in detection of gas lines underground, etc.
March 9, 2015	<ul style="list-style-type: none"> • Dennis Sommer reported that Marion Township updates their website two to three times per week. • Mike Stock noted that the sales tax increase to 7% allows for a Constitutional Amendment on this issue. The increased funds will go towards school aid, revenue sharing to the township for example and mass transit. It's a tax shift.
April 13, 2015	<ul style="list-style-type: none"> • Approved land division request of Paul and Catherine Quick parcel 4701-01-100-013 pending submission of; driveway maintenance agreement, easement agreement and setback for sight distance from the County Road Commission. • Attorney Abby Cooper provided an update on zoning changes verbiage with regard to the keeping of animals. "Useable" land was replaced with the two acreage requirement. • Zoning Administrator Bill Call will follow-up with Clerk Cindy Dickerson regarding sending a letter to residents to validate their current need of a Special Use Permit. • Mike Stock volunteered to be a ZBA member. • Londa Horton brought to the attention of Zoning Administrator Bill Call a resident out of compliance at 11638 Chase Lake Road near Herrington Road with numerous animals fenced in the front and back yards beyond the two acre requirement. Bill sent the resident a certified letter, but is unable to reach the resident at home.

<p>May 11, 2015</p>	<ul style="list-style-type: none"> • Dennis Sommer discussed the Rover gas pipeline route through Owosso and Maxwell Roads. • Attorney Abby Cooper provided an update on zoning change verbiage. • Resident asked for clarification of a cemetery committee versus a cemetery board. The Township Attorney noted that a cemetery committee advises the Township Board. • A resident was disgruntled over not having access to the Township Hall Wi-Fi.
<p>June 8, 2015</p>	<ul style="list-style-type: none"> • Attorney Abby Cooper provided an update on zoning changes for telecommunications where the Ordinance will replace Special Land Uses, Section 13.10G and Section 6.18 will be deleted. • Discussion regarding verbiage “Accessory Building” and “Principal Building” and “Accessory Structure.” • Zoning Administrator Bill Call noted the issue of mud bogging occurring in Marion Township. • George Pushies appointed to the Split Committee.
<p>June 24, 2015</p>	<ul style="list-style-type: none"> • John Enos from Carlisle/Wortman & Associates provided training on typical township roles and responsibilities in planning and zoning. • The Conway Township Master Plan was last updated in 2012. • Components of the Master Plan include a: <ul style="list-style-type: none"> ○ Transportation plan ○ Housing plan ○ Land use plan ○ Recreation plan ○ Capital facilities plan ○ Special area plan • The Zoning Ordinance defines what you can do on your property. • Special Land Uses may be for things like: a commercial kennel or mining, etc. The Township may attach a list of conditions such as hours of operation. • The Zoning Board of Appeals interprets the ordinances and provides a mechanism to give a resident a variance.
<p>July 13, 2015</p>	<ul style="list-style-type: none"> • Mia Stock gave a presentation on the 4-H market place auction for the upcoming Fowlerville Fair inviting Commissioners to participate. • Attorney Abby Cooper provided an update on zoning changes for telecommunications which resulted in changes to Ordinance section 6.06. • Attorney Abby Cooper created a form revising the Land Division Application and Shared Driveway form. • Bill Call stepped down as Zoning Administrator. • Mike Stock provided a township comparison update regarding verbiage of accessory buildings constructed prior to the principal building.

<p>August 10, 2015</p>	<ul style="list-style-type: none"> • An area resident was disgruntled regarding asphalt being dug up on the side of the road. A recommendation was made to attend the Road Commission meeting with Mike Rife. • The tiny house issue has surfaced as noted by the Township Supervisor. • A public hearing on the Township zoning changes was held. These changes include; the Zoning Administrator is the point person to receive Special Use Permits, the ZBA is reduced from five to three members, Ordinance 6.06 was changed to make clear accessory structures with or without a dwelling, and the Wireless Communication structure requirements are now in section 13. • Dennis Bowdoin clarified that residents can build an accessory building prior to a home, however the home must be placed in front of the accessory building. Attorney Abby Cooper noted that a Plot Plan must be provided when applying for the accessory building. • The Zoning Ordinance Amendments were adopted by the Planning Commission pending approval by the Livingston County Department of Planning, (which occurred September 16, 2015). • New Zoning Administrator, Todd Thomas, was introduced. • Dennis Bowdoin clarified Ordinance Section 622 noting the restriction of animals restricted to two animals.
<p>September 14, 2015</p>	<ul style="list-style-type: none"> • Dennis Bowdoin noted a fact sheet, <i>Aging in Place in Livingston County</i>, whereby Howell has a standalone small senior community off M-59, however Conway Township does not have any zoning ordinances specifically for seniors. • Perry Township updated their Master Plan. None of their updates would affect Conway Township. • Dennis Bowdoin took the zoning changes to the Livingston County Department of Planning for their approval. • Londa Horton noted Detroit residents rebutting a hazardous waste containment facility that handles fracking waste which is slated to be enlarged. • Dennis Summer and Larry Parsons attended an MTA conference on the following issues: fracking, Right to Farm Act, wind turbines and medical marijuana.
<p>October 12, 2015</p>	<ul style="list-style-type: none"> • The Conway Township zoning changes were approved by the Livingston County Department of Planning. • The Emergency Preparedness meetings are switched to the third Wednesday of the month. • Mike Stock recommended putting trash pickup on the tax roll to assist area residents in cleaning up their home property in the township. • This is the first time Township residents could pay their property taxes online. Getting a "paid" receipt was not available. Mike Stock learned that only the Treasurer can mark the receipt paid and a "paid" stamp was purchased for the office.

<p>November 9, 2015</p>	<ul style="list-style-type: none"> • Planning Commission’s zoning changes were approved by the Township Board. • Nine Land Use Permits have been applied for; six pole barns, one pool, one new home, and one remodel. • Zoning Administrator, Todd Thomas, brought the issue of shared driveways without proper signage to the attention of the Commission. • Mike Rife and Dennis Bowdoin attended a countywide internet meeting learning of Chuck Mattox from Lapeer Schools who successfully implemented a plan to install fiber optic through Lapeer County with a seven year bond. An internet cost to residents was reduced to \$45 per month. • Londa Horton recommended supporting recycling efforts through installation of a newspaper bin at the Township Hall. • Ten percent of the Township residents voted in a recent Special Election on Special Education funding.
<p>December 14, 2015</p>	<ul style="list-style-type: none"> • Recent zoning changes require the updating of several of the Township applications and checklists. • An index of amendments to the Zoning Ordinances is needed. • The Zoning Ordinance Bylaws also need to be amended to reflect the changes to the Zoning Ordinances. • Discussion regarding allowing tax abatements for adding a housing addition onto a home to care for an elderly parent concluded with the attorney recommending the issue be brought up with our legislators. • Zoning Administrator, Todd Thomas, is holding office hours at the Hall on Wednesday’s from 12:30-3:30pm. • A resident at 6232 N. Fowlerville Rd. needs a permit to sell cookies at her home.

Conway Township Planning Commission Meeting Minutes

December 14, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost, Bob Carusi • Board Members present: Dennis Bowdoin, George Pushies, Londa Horton, Mike Stock, Larry Parsons, and Dennis Sommer. Brian Williams and Todd Thomas absent. • Abby Cooper present. 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>The next meeting is January 11, 2016 at 7:00pm.</p>	
Minutes from last meeting	<p>Larry Parsons made a motion to accept the minutes of the Nov. 9 regular meeting and Nov. 17, 2015 joint meeting. Second by Mike Stock. All in favor. Motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin brought up:</p> <ul style="list-style-type: none"> • There is a Bill before Congress whereby townships can mandate competitive bidding on their road projects. 	
Old Business	<p>Regarding recent zoning changes attorney Abby Cooper brought up that applications need to be made to conform to the new ways of doing things such as: Review of Special Use Permits, (The Township Board makes the approval, but now the Planning Commission makes the approval), the Site Plan Review application is missing. The Parcel Division application needs to be updated as does the application for Land Division. The Shared Driveway permit application is missing, (Article 16). Reconciliation of these permits and checklists to the new Zoning Ordinance needs to be made.</p> <p>Planning Commissioners asked by Dennis Bowdoin to recommend going through the new ordinances that need applications and permits before we take it to Todd Thomas.</p> <p>Abby also mentioned that an index of amendments is also needed. Dennis Sommer to bring the yellow folder Zoning Ordinance which may be the initial record of the ordinances we have.</p> <p>Abby also brought up that the Bylaws need to be amended to reflect the changes from the Zoning Ordinance.</p> <p>Dennis Sommer brought up the tax abatement idea for adding an addition onto a home to care for a family's elderly parent. Abby commented that, "No tax abatement could be allowed." Tax deferments based on income of the elderly is allowed as assistance. Senior living facilities that are multi-unit and endorsed by MSHDA do qualify for tax abatements. Abby suggested this needs to be brought to the attention of our legislators.</p>	<p>Dennis Bowdoin to bring to the Board the issue of reconciling the permits and checklists to the new Zoning Ordinance.</p> <p>Londa to check to see if the Planning Commissioners' have already approved the Bylaws when she develops the annual review.</p>

Conway Township Planning Commission Meeting Minutes December 14, 2015

Agenda	Items Discussed	Actions to be Taken
Zoning Administrator Report	<ul style="list-style-type: none"> • Todd Thomas is holding office hours Wednesday's from 12:30-3:30pm. • Todd is absent. 	
New Business	<ul style="list-style-type: none"> • Emergency Preparedness next meeting is the third Wednesday in February. • 6232 Fowlerville Road resident is selling cookies and needs a permit. This will be brought up at the next Board meeting. • Dennis Bowdoin and Dennis Sommer are up for re-election to the Planning Commission. 	Larry to bring to the Board that Dennis Bowdoin and Dennis Sommer are up for re-election.
Update from the Board	Larry Parsons gave an update report from the Township Board.	
Call to Public	Bob Carusi mentioned that losco Township is looking at getting cable internet. Corner of 5495 Herrington and Mohrle Roads and 5298 Herrington Road have junk cars and a junk bus sitting by the road.	
Adjournment	George Pushies made a motion to adjourn at 8:05pm. Second by Dennis Bowdoin. Motion passed.	

Conway Township Joint Planning Commission & Board of Trustee's Meeting
Nov.. 17th, 2015

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies Dennis Sommer

1. Dennis Bowdoin gave the Planning Commission Report
2. Mike Stock gave the Recreation Report
3. Moved and Approved to have the Planning Commission work with Ken Reckter from the County Drain Commission on a long term plan for the Township Drains.

Submitted by Dennis Bowdoin chair

Conway Township Planning Commission Meeting Minutes

November 9, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost, Rick Ralston, Bob Carusi • Board Members present: Dennis Bowdoin, George Pushies, Londa Horton, Mike Stock, Larry Parsons, Brian Williams, Todd Thomas, and Dennis Sommer • Abby Cooper absent. 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>The next meeting is December 14, 2015.</p>	
Minutes from last meeting	<p>Mike Stock made a motion to accept the minutes of the Oct. 12 regular meeting and Oct. 20 joint meeting. Second by Larry Parsons. All in favor. Motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin brought up:</p> <ul style="list-style-type: none"> • The Citizen Planner workshops are offered again at Frankenmuth and online. • The Livingston County Master Plan is being updated. • November 18 is the next Emergency Preparedness meeting at 7pm. 	<p>Brian does not receive the email updates regarding Citizen Planner.</p>
Old Business	<p>The Planning Commission's Zoning changes were approved by the Township Board.</p>	
Zoning Administrator Report	<ul style="list-style-type: none"> • Nine Land Use permits have been applied for; six pole barns, one pool, one new home, and one remodel. • Todd Thomas is holding office hours Wednesday's from 12:30-3:30pm. 	

Conway Township Planning Commission Meeting Minutes

November 9, 2015

Agenda	Items Discussed	Actions to be Taken
New Business	<ul style="list-style-type: none"> • GIS shared drive – Todd Thomas indicated that the county indicates that shared driveway signs are a problem. Emergency responders or police calls are the issue as there may be many mailboxes at the driveway, but no indication where the house actually is located. A recommendation was made to assign the private drive a name. There should be uniform verbiage throughout the county. <i>The address shall clearly be marked at the intersection with a private or public road, zoning ordinance 16.04 part B #5, pointed out by Mike Stock.</i> George Pushies asked Todd to bring back an application to see what the applicant needs to provide so we can better advise. • Mike Rife and Dennis Bowdoin went to countywide internet meeting. In Lapeer County where every school runs its own fiber optic through a 7 year bond they passed. All towns are wired and he's starting to go out into the townships now. They do their own repairs, lines, etc. Pulse Broadband also does the whole thing. Attracting business to the county was the incentive to install fiber optic. Internet fees per household was approximately \$45 per month. George Pushies made a motion to have a group come in and discuss this possibility, second by Brian Williams. Motion passed. Dennis Bowdoin recommends we get Chuck Mattox from Lapeer Schools to present. • Handy township is updating their Master Plan. 	Dennis Bowdoin to advocate that Chuck Mattox from Lapeer Schools present his fiber optic/internet dispersion model to the group.
Update from the Board	Larry Parsons gave an update report from the Township Board.	
Call to Public	<ul style="list-style-type: none"> • Londa Horton mentioned supporting the recycling efforts of the Governor and getting a bin for newspapers for Conway Township. A resident mentioned the bins are usually purchased through fund raisers. • Brian Williams asked about little houses or other ideas for housing for the aging. He suggests that an individual owner building an addition onto the main home allowing the senior citizens to stay with the family, not be taxed. But once the house is sold the tax abatement then is dissolved. More research is needed. This question needs to be posed to Abby. • 252 people voted which is 10% of the Conway Township registered voters in the recent Special Election on Special Education funding. 	Question for Abby Cooper regarding tax abatements for adding addition onto a home for aging parent.

Conway Township Planning Commission Meeting Minutes
November 9, 2015

Agenda	Items Discussed	Actions to be Taken
Adjournment	George Pushies made a motion to adjourn at 8:05pm. Second by Brian Williams. Motion passed.	

Conway Township Planning Commission Sign-in Sheet
Oct. 12th 2015

Dennis L. Bowdoin _____

Dennis Sommer _____

Londa Horton _____

Larry Parsons _____

Mike Stock _____

George Pushies _____

Brian Williams _____

HANDY TOWNSHIP
135 & 137 N. GRAND AVENUE, P.O. BOX 189
FOWLERVILLE, MI 48836
517-223-3228

TO: Contiguous Municipal Legislative Body, County Planning, Public Utilities, and Railroad Company

FROM: Handy Township Planning Commission

DATE: October 5, 2015

RE: **NOTICE OF INTENT TO UPDATE THE MASTER PLAN**

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008 as amended), the Township of Handy is preparing an update to the existing Master Land Use Plan and requests your cooperation and comment on the Plan.

Please be aware that you will be receiving a digital draft of the update for comment in the near future. At the time the Master Plan update is ready for your review, we will provide a second notice and directions on where to send comments and time limits for doing so.

We thank you for your consideration in this matter. If you have any questions or comments on the Handy Township Master Plan update process at this time please contact Laura A. Eisele, Handy Township Clerk, at lauraeisele@handytownship.com or in the office at 517-223-3228.

HANDY TOWNSHIP PLANNING COMMISSION

Laura A. Eisele

**Conway Township Joint Planning Commission & Board of Trustee's Meeting
Oct. 20th, 2015**

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

1. Dennis Bowdoin gave the Planning Commission Report
2. Mike Stock gave the Recreation Report
3. Handy Township notified us that they are re-doing their Master Plan
4. A request was made to the Township Board for a Special Assessment District so they can keep their Private Drive maintained. As their Association has been dissolved.

Submitted by Dennis Bowdoin chair
10/20/15

Conway Township Planning Commission Meeting Minutes

October 12, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost, Rick Ralston, Bob Carusi • Board Members present: Dennis Bowdoin, George Pushies, Londa Horton, Brian Williams and Mike Stock. Larry Parsons, Todd Thomas and Dennis Sommer absent. • Abby Cooper present. 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is Nov. 9, 2015.</p>	
Minutes from last meeting	<p>Mike Stock made a motion to accept the minutes of the Sept. 14 regular meeting and Sept. 15 joint meeting. Second by George Pushies. All in favor. Motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin brought up:</p> <ul style="list-style-type: none"> • County wide internet is the topic at an MTA meeting at the Brighton Chamber on 10/28/15. 	
Old Business	<p>The Livingston County Department of Planning approved the Conway Township zoning changes brought by Dennis Bowdoin. Brian Williams made a motion to send the changes to the Board. Londa Horton second. All in favor. One opposed. Motion passed.</p>	<p>Cindy Dickerson to bring the Livingston County Dept. of Planning approval of zoning changes to the Township Board.</p>
New Business	<ul style="list-style-type: none"> • Meetings switched to third Wednesday for Emergency Preparedness Committee chaired by Bob Carusi. Next meeting is November 18, 2015. • GIS shared Drive – Todd Thomas not here to discuss item. 	
Update from the Board	<p>Dennis Bowdoin gave an update report from the Township Board.</p>	

Conway Township Planning Commission Meeting Minutes

October 12, 2015

Agenda	Items Discussed	Actions to be Taken
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Call to Public	<ul style="list-style-type: none"> Londa Horton brought up the Stockbridge Enbridge crude oil farm 100 million gallon tank expansion project. Mike Stock suggested putting trash pickup on the tax roll to assist area residents in cleaning up their home property. Mike Stock brought up paying taxes online. A "paid" stamp was purchased, but only the Treasurer can mark the receipt paid. Londa Horton brought up the grain elevator death at ADM due to a collapsed barn wall. 	
Adjournment	George Pushies made a motion to adjourn at 7:26pm. Second by Brian Williams. Motion passed.	



Livingston County Department of Planning

September 17, 2015

Kathleen J. Kline-Hudson
AICP, PEM
Director

Conway Township Board of Trustees
c/o Cindy Dickerson, Clerk
PO Box 1157
Fowlerville, MI 48836

Robert A. Stanford
AICP, PEM
Principal Planner

**Re: Planning Commission Review of Zoning Amendments
Z-31-15 to Z-41-15**

Scott Barb
PEM
Principal Planner

Dear Board Members:

The Livingston County Planning Commission met on Wednesday, September 16, 2015, and reviewed the zoning amendments referenced above. The County Planning Commissioners made the following recommendations:

Z-31-15 to Z-41-15 Approval

The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Copies of the staff reviews and draft Livingston County Planning Commission meeting minutes are enclosed. Please do not hesitate to contact our office should you have any questions.

Sincerely,

Kathleen J. Kline-Hudson
Director

Department Information

Administration Building
304 E. Grand River Avenue
Suite 206
Howell, MI 48843-2323

ras/kkh

(517) 546-7555
Fax (517) 552-2347

Enclosures

Web Site
co.livingston.mi.us

c: **Dennis Bowdoin**, Chair, Conway Township Planning Commission
Todd Thomas, Zoning Administrator, Conway Township

**LIVINGSTON COUNTY PLANNING COMMISSION
MEETING MINUTES**

DRAFT – September 16, 2015

5:30 p.m.

304 E. Grand River Ave., Howell, Michigan

PLANNING COMMISSION		
COMMISSIONERS PRESENT:	REID KRINOCK JEANNE CLUM SYLVIA KENNEDY-CARRASCO MIKE HUBERT	JAMES SPARKS BILL ANDERSON
COMMISSIONERS ABSENT:	BRIAN PROKUDA	
STAFF PRESENT:	ROB STANFORD SCOTT BARB	
OTHERS PRESENT:	KEN HINTON, COUNTY ADMINISTRATOR MIKE RIFE, CONWAY TOWNSHIP SUPERVISOR DENNIS BOWDOIN, CONWAY TOWNSHIP PLANNING COMMISSION CHAIR	BRENT LAVANWAY, BOSS ENGINEER LARRY CIOFU, HARTLAND TOWNSHIP CLERK

1. **CALL TO ORDER** - Meeting was called to order by Commissioner Krinock at 5:30 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL AND INTRODUCTION OF GUESTS**
4. **APPROVAL OF AGENDA –**

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS, SECONDED BY COMMISSIONER ANDERSON TO APPROVE THE AGENDA, AS AMENDED, DATED SEPTEMBER 16, 2015.

All in favor, motion passed.

5. **APPROVAL OF MINUTES –**

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KENNEDY-CARRASCO TO APPROVE THE MINUTES OF THE PLANNING COMMISSION MEETING DATED AUGUST 19, 2015.

All in favor, motion passed.

6. **CALL TO THE PUBLIC** - No one from the public spoke at this time.

7. ZONING REVIEWS

A. **Z-31-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:**

Amendments to Articles 1 and 2 Purpose and Definitions

The Conway Township Planning Commission proposes to revise Article 1: Purpose and Article 2: Definitions. Among the minor changes to Article 1 is the revision of the responsible party in charge of approving special land use permits. The proposed changes to Article 2 is the removal of definitions for Antenna, Attached Wireless Communication Facilities and Co-locations, Subdivision, Tower, Usable Land, Wireless Communication Antenna or Antennae, Wireless Communication Equipment Storage Facilities or Storage Building, Wireless Communications Facilities, Wireless Communication Support Structure or Tower. These items will be redefined as part of the concurrent revision to Article 13.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed. 6-0

B. **Z-32-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:**

Various Amendments to Articles 3, 6 and 20 Zoning Administrator Responsibilities

The Conway Township Planning Commission proposes to revise Article 3: Administration and Enforcement, Article 6: General and Supplementary Regulations, and Article 20: Zoning Ordinance Map. The intent of the specific revisions to Section 3.02, Section 6.02(A) and Article 20, are to provide that the Zoning Administrator is responsible for maintaining the Township zoning maps and also for receiving and processing applications for the ZBA instead of the Township Clerk and Township Board.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: Commissioner Sparks inquired as to the daily availability of the Township Zoning Administrator. Dennis Bowdoin, Conway Township Planning Commission Chair responded that he is available in the office on Wednesdays and by phone every other day.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed. 6-0

**C. Z-33-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Amendment to Article 19 Land Divisions**

The Conway Township Planning Commission proposes to eliminate Article 19: Land Divisions. The intent of the amendment is because the Township already has a general law ordinance governing land divisions, which essentially makes the review/approval process of land divisions more of an administrative function. As part of this amendment, the Township intends to keep this article number/chapter held in reserve for possible usage in the future.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendment at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

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

All in favor, motion passed. 6-0

**D. Z-34-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Various Amendments to Article 4 Amendments**

The Conway Township Planning Commission proposes to revise Article 4: Amendments. The intent of the specific revisions to Article 4 are proposed so that applications for amendments to the Zoning Ordinance shall now be filed with the Zoning Administrator instead of the Township Clerk.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER SPARKS.

All in favor, motion passed. 6-0

**E. Z-35-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Amendments to Article 5 Zoning Board of Appeals**

The Conway Township Planning Commission proposes to revise Article 5: Zoning Board of Appeals. The intent of the revisions to Article 5 are:

- To revise Article 5 to change the membership of the ZBA from five (5) members to three (3) members, to make it optional for a member of the Township Board to serve as a member of the ZBA, but no compulsory, and other related revisions to Section 5.03.
- To add standards for the ZBA's consideration of variance requests in Section 5.04(C).
- To revise Section 5.05(B) to direct appeals to be filed with the Zoning Administrator, the ZBA, and the body or officer from whom the appeal is taken instead of the Township Clerk.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: Commissioner Clum asked when the ZBA meets in the township. Dennis Bowdoin, Conway Township Planning Commission Chair answered it meets on an as needed basis. Commissioner Sparks stated he thought that the Township going from five (5) to three (3) members was not a good idea. Mr Bowdoin stated that the township is having a hard time keeping that Board filled and finding enough willing volunteers to serve in the township, so that's the reason for the change.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed. 6-0

**F. Z-36-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Amendments to Article 6 General and Supplementary Regulations**

The Conway Township Planning Commission proposes to revise Article 6: General and Supplementary Regulations. The intent of the revisions to Article 6 are:

- To revise Section 6.06(A) and (N) to allow accessory buildings or structures to be constructed prior to or without a principal building upon demonstration to the Zoning Administrator that the proposed accessory

building or structure will not inhibit the future construction of a principal building in compliance with the ordinance, and also providing that no commitment to build any principal building shall be required.

- To revise Section 6.09(C) to provide for the Zoning Administrator instead of the Township Clerk to issue temporary land use permits.
- To remove Section 6.18 for Wireless Communication Structures.
- To delete the qualification of “usable land” to the site acreage requirements in Section 6.22(A) for the keeping of farm animals.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.
All in favor, motion passed. 5-1 (Sparks – nay)

**G. Z-37-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Amendments to Article 7 AR Agricultural Residential District**

The Conway Township Planning Commission proposes to revise Article 7: AR Agricultural Residential District. The intent of the revisions to Article 7 are proposed to make a few minor changes and to make the reference to wireless communication support structures and radio and telephone broadcast towers consistent with the corresponding special use section of the Township’s zoning ordinance.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendment at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER ANDERSON.
All in favor, motion passed. 6-0

**H. Z-38-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Article 12 Open Space Community, Section 12.08 General Requirements.**

The Conway Township Planning Commission is proposing to amend the Township Zoning Ordinance by deleting a reference within Section 12.08(D) regarding joint meetings between the Planning Commission and Township Board.

Township Planning Commission Recommendation: Approval. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

Staff Recommendation: Approval. Staff believes the proposed changes are reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER SPARKS.
All in favor, motion passed. 6-0**

**I. Z-39-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Article 13 Special Land Uses.**

The Conway Township Planning Commission is proposing to amend several sections of Article 13 to include review procedures for special land use applications, adding references regarding the Township's master plan process, and revising current provisions for commercial transmitting and receiving towers.

Township Planning Commission Recommendation: Approval. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

Staff Recommendation: Approval. Staff finds the new changes reasonable and appropriate.

Commission Discussion: None.

Public Comment: Mr. Bowdoin stated that this amendment brings the Township Ordinance into compliance with the provisions of the Michigan Zoning Enabling Act (MZEA).

Commissioner Action:

**Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER ANDERSON.
All in favor, motion passed. 6-0**

**J. Z-40-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Article 14 Site Plan Review, Section 14.05 Action on Site Plans.**

The Conway Township Planning Commission is proposing to amend the Township Zoning Ordinance by deleting references to the Township Board for special use permit approval.

Township Planning Commission Recommendation: Approval. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

Staff Recommendation: Approval. Staff finds the new changes reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER KENNEDY-CARRASCO TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER CLUM.
All in favor, motion passed. 6-0

**K. Z-41-15 CONWAY TOWNSHIP: PROPOSED ZONING ORDINANCE AMENDMENT:
Article 17 Sign Standards, Sections 17.06 Permits and Fees; Section 17.08 Sign Appeals.**

The Conway Township Planning Commission proposes to eliminate Article 19: Land Divisions. The intent of the amendment is because the Township already has a general law ordinance governing land divisions, which essentially makes the review/approval process of land divisions more of an administrative function. As part of this amendment, the Township intends to keep this article number/chapter held in reserve for possible usage in the future.

Township Planning Commission Recommendation: Approval. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

Staff Recommendation: Approval. Staff finds the new changes reasonable and appropriate.

Commission Discussion: None.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER CLUM TO RECOMMEND **APPROVAL**, SECONDED BY COMMISSIONER ANDERSON.
All in favor, motion passed. 6-0

L. Z-42-15 GENOA CHARTER TOWNSHIP - REZONING:

Current Zoning: OSD Office Service District and IND Industrial
Proposed Zoning: MUPUD Mixed Use Planned Unit Development
Proponents: Cleary University

Township Master Plan: The Genoa Township Master Plan adopted in 2013 designates this site as both Research and Development and Industrial.

Land uses within the category of Research and Development include light industrial, research & development and office park. High quality architecture should be utilized to convey a high quality image.

Enhanced landscaping and screening should be provided along adjoining major thoroughfares. Flexibility in some zoning requirements may be considered in exchange for these aesthetic enhancements. The intent of the Industrial land use category is to develop industrial land uses such as research, wholesale, warehouse activities and light industrial operations which manufacture, compound, process, package, assemble and/or treat finished or semi-finished from previously prepared material.

County Comprehensive Plan: The Livingston County Comprehensive Plan (as amended) designates this site as **Residential** and **Howell-Brighton Growth Corridor**. The Plan describes these designations as follows:

***Residential** - Residential areas are located mainly in the southeast quadrant of the county. This quadrant has had the largest number of new residents move in over the last decade, and is the most built out area of the county. Over 40% of the county's population lived in Residential areas in 2000. It is characterized by fairly dense residential, commercial, and to some extent industrial development, although less dense and intense than uses found in the cities and villages. Residential areas are not without their rural character and scenic vistas. However, few agricultural lands in Residential areas are expected to exist twenty years from now.*

New residential developments in these areas should be compact and make the best use of sewer and water if it is available, and cluster projects should be utilized when appropriate to preserve open space and scenic vistas. Projects such as planned unit developments that are not feasible in Cities/Villages or Primary Growth Areas because of parcel size or similar restrictions should be channeled into Residential areas. Limited commercial and industrial growth is appropriate.

***Howell-Brighton Growth Corridor** - This growth area identifies a particular section of the Grand River Avenue corridor between the City of Howell and the City of Brighton. This Plan recognizes the considerable growth that has occurred in this area in the last decade, and that the corridor will continue to develop over the life of this Plan. The uses are mixed: commercial uses, which include everything from mom-and-pop convenience stores to big-box retailers; office and service establishments; a variety of industrial uses; and recently, fairly dense housing developments, such as attached condominiums and apartment complexes. Established residential neighborhoods are also found along the corridor.*

The Howell-Brighton Growth Corridor is a unique area of the county. While the corridor could be interpreted as a logical extension of the two cities because of the infrastructure and types of uses present, the corridor could also be considered suburban sprawl that generates congestion and competes with traditional downtowns. The reality is probably somewhere in between, which warrants this special designation on the Generalized Future Land Use Map.

Township Planning Commission Recommendation: The Genoa Charter Township Planning Commission recommended **APPROVAL** of this rezoning at their August 10, 2015 meeting. There were no comments from the public during the public hearing portion of the meeting.

Staff Recommendation: The proposed MUPUD rezoning of this site meets the Qualifying Conditions of a PUD according to Section 10.02 of the Genoa Charter Township Zoning Ordinance. MUPUD zoning is consistent with the established higher education uses of Cleary University, and with the zoning and land uses immediately to the north, south, east and west of the site. The PUD development method will complement and help coordinate future land uses on this campus site.

Commission Discussion: Commissioner Sparks asked about how much student housing there is currently as well as planned. Brent LaVanway, Boss Engineering, stated that there are sixty (60) apartments now and there is a second housing building on campus to mirror the first planned in the future. The university has added many athletic programs and this necessitates the need for more housing as well as a recruiting tool. Cleary is striving towards a complete consolidated campus plan. Commissioner Clum stated the rezoning

makes sense and has been needed for some time.

Public Comment: None.

Commissioner Action:

Commissioner Action: IT WAS MOVED BY COMMISSIONER ANDERSON TO RECOMMEND APPROVAL, SECONDED BY COMMISSIONER CLUM.

All in favor, motion passed. 6-0

8. NEW BUSINESS: Item added to the agenda. Request By Planning Commission for Meeting with County Planning Staff, County Administration and Planning Commission to discuss the role and responsibilities of Planning Commissioners.

Commissioner Sparks voiced the need to hold a meeting or have formal discussion with County Planning Staff, County Administration and County Planning Commission regarding the role and responsibility of the Planning Commission.

Commissioner Hubert asked what the need of the meeting and why it had to take place at another date and time, he preferred to discuss now if possible. He stated the Planning Commission needs to be careful with changing the scope of the Planning Commission if that is what this meeting is about. Commissioner Anderson stated he was glad to see coordination of services and collaborative efforts being taken on by County Planning. Commissioner Hubert stated he would like to have details available to all Planning Commission members prior to the meeting about what will be discussed at the meeting so he and all others on the Planning Commission are well prepared. Commissioners Krinock and Sparks assured the rest of the Commissioners that relevant materials will be provided to everyone prior to the meeting. Commissioner Sparks stated we used to have 5 planners and 1 secretary and we are now down to 3 planners and no secretary. Commissioner Clum stated that having more productivity with less staff is the current trend and Planning Department Staff have done a good job in the past shifting focus where it needs to be and being flexible in its prioritization of staff time and project management. Commissioner Hubert asked if the meeting was more about Planning Commission role or that Planning Department Staff are being stretched too thin. Commissioner Clum stated that the entire Planning Department Staff needs to be in attendance at the meeting, not just Planning Commission and Administration. Commissioner Hubert asked if County Administration has a different expectation of what we should be doing. Principal Planner Barb stated that County Administration encouraged the Planning Department to accept the Brighton Township Planning Services contract and is an advocate for future collaborative planning efforts throughout the county. Commissioner Krinock stated the Planning Commission needs a meeting with County Administration to determine what scope of work for the Planning Commission is desired by County Administration. Commissioner Hubert asked for clarification for the reason for the meeting. Commissioner Clum stated that County Planning Staff prepares an annual Work Plan and that is usually the guide that is used for project management. Commissioner Clum asked for the date of the most recent Work Plan. Principal Planner Barb stated that the Plan is usually brought forward to the Planning Commission for their approval in December or January annually. Commissioner Clum stated she would like a copy of the Work Plan available for this meeting next month.

It was decided by the Planning Commission to dedicate time at the October 21, 2015 Planning Commission during the New Business portion of the meeting for this discussion to take place. No motion or vote was taken.

9. OLD BUSINESS:

- a. **City of Brighton Agreement** – Board of Commissioners Approved, September 14, 2015. Principal Planner Barb briefed the Commissioners about the City of Brighton.

10. **REPORTS:** There were no reports.

11. **COMMISSIONERS HEARD AND CALL TO THE PUBLIC** – Commissioner Clum stated that she understood Commissioner Sparks concern about staffing hours and thought that County Planning Staff has always stepped up to the challenge in the past.

Commissioner Krinock formally recognized and welcomed Mr. Larry Ciofu, Hartland Township Clerk.

12. **ADJOURNMENT** –

Commissioner Action: IT WAS MOVED BY COMMISSIONER SPARKS TO ADJOURN THE MEETING AT 6:55 P.M., SECONDED BY COMMISSIONER ANDERSON.

All in favor, motion passed. 6-0



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-31-15 Amendments to Articles 1 and 2
Purpose and Definitions

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to revise **Article 1: Purpose** and **Article 2: Definitions**. Among the minor changes to Article 1 is the revision of the responsible party in charge of approving special land use permits. The proposed changes to Article 2 is the removal of definitions for Antenna, Attached Wireless Communication Facilities and Co-locations, Subdivision, Tower, Usable Land, Wireless Communication Antenna or Antennae, Wireless Communication Equipment Storage Facilities or Storage Building, Wireless Communications Facilities, Wireless Communication Support Structure or Tower. These items will be redefined as part of the concurrent revision to Article 13.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

Conway Township proposes the following text changes to **Article 1: Purpose** :

Section 1.05 Uses in District

Permitted and special land uses allowable relative to each zoning district are listed according to that district herein. Any use not expressly listed for a district is prohibited in that district. All special land uses require **approval** ~~review~~ by the Planning Commission ~~and approval by the Township Board~~, subject to the requirements of Special Land Uses, herein (See Article 13).

Section 1.06 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the provisions within this ordinance. In addition to handling violations of this ordinance pursuant to the Conway Township Municipal Ordinance Violations Bureau Ordinance as a civil infraction, **or as otherwise permitted herein**, said Board is hereby empowered, in the name of Conway Township, to

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commence and pursue any and all necessary and appropriate action or proceedings in the District Court and Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy or abate such nuisance, noncompliance, or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit or join the Township Board in such a suit to abate the same.

Section 1.11 Certification and Effective Date

This zoning ordinance is hereby declared and certified to have full force and effect as previously enacted, and as duly amended in 2009 by the Conway Township Board, Livingston County, State of Michigan, at a meeting of said Board duly called and held on the 18th day of August, 2009-, and as may be subsequently amended from time to time.

Conway Township proposes the following text changes to **Article 2: Definitions**:

~~**Antenna.** A wire or set of wires and the supporting structure used in transmitting and receiving electromagnetic waves including, but not limited to, amateur radio antennas, television antennas, satellite receiving dishes, and wireless communication antenna.~~

~~**Attached Wireless Communication Facilities.** The wireless communication facilities affixed to existing structure, including but not limited to existing buildings, towers, water tanks, or utility poles.~~

~~**Co-location** The location of two or more Wireless Communication Facilities on a common Tower with the view toward reducing the overall number of Towers within the Township.~~

~~**Subdivision.** (See also Land Division.) The division of any tract or parcel of land, including frontage along an existing street or highway, into two or more lots, plots, or other divisions of land for the purpose, whether immediate or future, of building development for rental or sale, and including all changes in street or lot lines, provided, however, that this definition of a subdivision shall not include divisions of land for agricultural purposes.~~

~~**Tower.** (See also Antenna.) A structure that is intended to send and/or receive radio and television communications.~~

~~**Wireless Communication Antenna or Antennae.** Any antenna used for the transmission or reception of wireless communications signals excluding those used exclusively for dispatch communications by public emergency agencies, ham radio antenna, satellite antenna, those which receive video programming services via multi point distribution services which are one meter (39") or less in diameter and those which receive television broadcast signals.~~

~~**Wireless Communication Equipment Storage Facilities or Storage Building.** Equipment used in the operation of the wireless communication facility other than antennae or towers and the structure, within which the equipment is stored maintained and serviced.~~



~~**Wireless Communications Facilities** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals including but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Included in this definition are “Antennae”, “Towers”, and “Storage buildings”. Not included in this definition are citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to state or federal laws or regulations which preempt municipal regulatory authority.~~

~~**Wireless Communication Support Structure or Tower.** Structures erected or modified to support Wireless Communication Antennae or Facilities. Support structures within the definition include, but are not limited to monopoles lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.~~

STAFF COMMENTS: The Township should also revise the definition for the term “Land Division” as the Township is removing the definition for the term “Subdivision”. There remains a cross reference to the term “Subdivision” within the current definition for the term “Land Division” (provided in parenthesis to the right of the definition in the Ordinance) which needs to be removed as well for sake of consistency. See below:

Land Division. (See also Subdivision.) ← Should be removed

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended **Approval** of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-32-15
Various Amendments to Articles 3, 6 and 20
Zoning Administrator Responsibilities

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to revise **Article 3: Administration and Enforcement, Article 6: General and Supplementary Regulations, and Article 20: Zoning Ordinance Map**. The intent of the specific revisions to Section 3.02, Section 6.02(A) and Article 20, are to provide that the Zoning Administrator is responsible for maintaining the Township zoning maps and also for receiving and processing applications for the ZBA instead of the Township Clerk and Township Board.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

Conway Township proposes the following text changes to **Article 3: Administration and Enforcement**.

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Section 3.02 Duties of Zoning Officials

A. Zoning Administrator.

5. The Zoning Administrator shall maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy.
6. The Zoning Administrator shall receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals ("ZBA") is required to decide under this ordinance; conduct field inspections and investigations or prepare other informational materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the ZBA for determination.



B. Township Clerk and Township Board.

1. The Township Clerk shall notify all applicants requesting site plan review or a special use permit in writing of any decision of the Planning Commission.
- ~~2. The Township Clerk shall maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy.~~
- ~~3. The Township Clerk and Township Board shall receive all applications for appeals, variance, or other matters which the Zoning Board of Appeals ("ZBA") is required to decide under this ordinance; conduct field inspections and investigations or prepare other informational materials when necessary or desirable, and otherwise process applications so as to formulate recommendations; refer such applications with recommendations to the ZBA for determination.~~
24. The Conway Township Board shall order discontinuance of illegal uses of land, buildings or structures, removal of illegal buildings or structures, discontinuance of any illegal construction or shall take any other lawful action authorized by this ordinance to ensure compliance with or prevent violations of its provisions.

Section 3.03 Land Use Permits

B. Applications for Permits.

1. Land Use Permits. Applications for land use permits shall be filed with the Township Clerk upon forms furnished and approved by the ~~Township Board~~ Zoning Administrator. The application shall be printed in ink or typewritten, and shall be submitted with information required. Applications shall be accompanied by bankable funds as herein required payable to the Conway Township Treasurer.
2. Special Land Use Permits. Applications for special land use permits shall be filed with the Township Clerk upon forms furnished and approved by the ~~Township Board~~ Zoning Administrator. The form shall be completed and submitted, along with other materials, to the ~~Township~~ Planning Commission. The Planning Commission reviews the application and related documents in accordance with Article 13. If and, after a public hearing, transmits a recommendation to the Township Board. If the Township Board approves the request for a special land use is approved, the Board Planning Commission shall instruct the Zoning Administrator to issue a special land use permit once all conditions have been satisfied.

C. Application Requirements.

2. Applications for land use permits must be accompanied by the following items, as applicable:
 - b. Include two (2) set of blueprints. One (1) copy for the Township and one (1) for the Building Department. Blueprints must be stamped by the ~~Township~~ Zoning Administrator prior to submitting to the Livingston County Building Department.



This stamp is to state the Township has received a copy of the blueprint, not an approval.

- d. Attach proof of ownership of property (~~for example, Tax Bill, Warranty Deed or Land Contract~~).

STAFF COMMENTS: The Township should consider adding a cross reference to Item C.2.b. above that would tie this provision directly to the requirements of a proper site plan, in accordance with Township Zoning Ordinance Article 14, Section 14.03. This would greatly aid a petitioner in directing them to the proper set of standards by which the special use permit site plan will be considered. Staff believes that Item C.2.d. appears to be somewhat ambiguous as proposed, and needs to include specifics as to what would satisfy this requirement.

Conway Township proposes the following text changes to **Article 6: General and Supplementary Regulations:**

Section 6.02 Boundaries of Districts

A. Boundaries. The boundaries of the districts listed above are established as shown on Map 1, Zoning Ordinance Map, Article 20 of this ordinance. The map shall bear the date adopted or amended and hereby made a part of this ordinance. The official zoning map shall be maintained at the Conway Township offices by the Township Clerk **Zoning Administrator** or appointed staff. Unless otherwise shown, the boundaries of the districts are property lines, section lines, the center lines of streets and roads or such lines extended, and the limits of the Township of Conway.

Conway Township proposes the following text changes to **Article 20: Zoning Ordinance Map:**

A. Zoning Map

The official zoning map shall be identified by the signature of the Township Supervisor, as attested to by the Township Clerk **Zoning Administrator**. A record is to be kept by the Township Clerk of all changes in district boundaries or location lawfully made, to include the date of official action, district boundaries or location change description, and names of property owners involved. One (1) copy of the official zoning map and above-mentioned record shall be maintained and kept up to date by the Township Clerk **Zoning Administrator**, accessible to the general public, and same shall be the final authority as to the current zoning status of all lands and buildings in Conway Township.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended **Approval** of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-33-15
Amendment to Article 19
Land Divisions

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to eliminate **Article 19: Land Divisions**. The intent of the amendment is because the Township already has a general law ordinance governing land divisions, which essentially makes the review/approval process of land divisions more of an administrative function. As part of this amendment, the Township intends to keep this article number/chapter held in reserve for possible usage in the future.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended **Approval** of the text amendment at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.

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Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-34-15
Various Amendments to Article 4
Amendments

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to revise **Article 4: Amendments**. The intent of the specific revisions to Article 4 are proposed so that applications for amendments to the Zoning Ordinance shall now be filed with the Zoning Administrator instead of the Township Clerk.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

Conway Township proposes the following text changes to **Article 4: Amendments**:

Section 4.02 Application Procedure and Fees

The procedures, requirements, and provisions for amending this ordinance shall be in accordance with the MZEA, MCL 125.3101 et seq, as amended. Except those initiated by the Township Board or Planning Commission, all proposed amendments shall require submission of a completed application (Petition) to the ~~Township Clerk~~ **Zoning Administrator** on a form supplied by the Township and payment of an application fee. The Township Board shall establish fees for zoning amendment petitions. The fee shall be paid at the time the petition is filed and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by a government agency or body.

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Section 4.03 Amendment Petition

A. Map Amendments. If a petition involves an amendment to the official zoning map or rezoning, the petitioner shall submit the following information to the ~~Township Clerk~~ Zoning Administrator:

B. Text Amendments. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information to the ~~Township Clerk~~ Zoning Administrator:

Section 4.04 Public Hearing and Notice

Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice shall be given in accordance with the MZEA, MCL 125.3103 ~~et seq.~~, as amended. The Township Board may hold additional hearings it deems necessary in accordance with the MZEA, MCL 125.3103 ~~et seq.~~, as amended.

Section 4.05 Action Procedures

A. Following the conclusions of the public hearing or hearings, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall make a recommendation on the amendment petition based on its consideration of the criteria contained in Section 4.06, or any other applicable criteria. The recommendation shall be sent to the Livingston County Planning Commission for review pursuant to the MZEA, MCL 125.3103 ~~et seq.~~, as amended.

STAFF COMMENTS: The Township should also remove an "et. seq." reference from Section 4.07 to be consistent with the proposed amendments presented here.

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-35-15
Amendments to Article 5
Zoning Board of Appeals

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

The Conway Township Planning Commission proposes to revise **Article 5: Zoning Board of Appeals**. The intent of the revisions to Article 5 are:

- To revise Article 5 to change the membership of the ZBA from five (5) members to three (3) members, to make it optional for a member of the Township Board to serve as a member of the ZBA, but not compulsory, and other related revisions to Section 5.03.
- To add standards for the ZBA's consideration of variance requests in Section 5.04(C).
- To revise Section 5.05(B) to direct appeals to be filed with the Zoning Administrator, the ZBA, and the body or officer from whom the appeal is taken instead of the Township Clerk.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

~~Conway Township proposes the following text changes to **Article 5 Zoning Board of Appeals**:~~

ARTICLE 5. ZONING BOARD OF APPEALS

Section 5.01 Purpose of Board

The **Zoning Board of Appeals** ("ZBA") is established to ensure that the objectives of this ordinance may be more fully and equitably achieved, that a means be provided for competent interpretation of this ordinance, that reasonable

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Z-35-15: Conway Township
Amendments to Article 5 Zoning Board of Appeals
September 1, 2015

flexibility be provided in the application of this ordinance, and that the public health, safety and welfare is protected.

Section 5.03 Membership, Terms of Office

A. **Membership.** The ZBA shall consist of ~~five~~ three (5~~3~~) members, as follows:

1. The first member shall be a member of the Planning Commission;
2. ~~The second member shall be a member of the Township Board, but shall not serve as chair of the ZBA;~~
3. The remaining ~~two~~ three (2~~3~~) members shall be representative of the population distribution and of the various interests present in the Township. These members shall be appointed by the Township Board.
4. ~~The member selected shall be representative of the population distribution and of the various interests present in the Township.~~

An employee or contractor of the Township Board shall not serve as a member or employee of the ZBA. A member of the Township Board may serve as a member of the ZBA, but shall not serve as a chairperson.

B. **Tenure.** The term of the first and second members of the ZBA shall be limited to that person's serve their tenure of office on the Planning Commission and the Township Board respectively. The remaining members shall be appointed for a term of three (3) years. When members are first appointed, the appointments may be for less than three (3) years to provide staggered terms. If a member of the Township Board is appointed to the ZBA, the term of that person to the ZBA shall be limited to his or her term on the Township Board.

G. **Conflict of Interest.** The ZBA member who is also a member of the Planning Commission and ~~the any~~ ZBA member who is also a member of the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board; however, the member may consider the vote on other unrelated matters involving the same property.

Section 5.04 Powers, Duties

The ZBA possesses the limited and specific powers and duties specifically stated in this Section, and as prescribed by the MZEA, MCL 125.3101 et seq, as amended, which include:



C. **Variances.**

2. To grant a variance, the ZBA must find that practical difficulties exist, the intent and purpose of this ordinance will be observed, public safety will be secured, and substantial justice will be done. **For practical difficulties to exist, the ZBA must make the following findings:**
 - a. **There are exceptional characteristics of the property that make compliance with the dimensional or other requirements substantially more difficult than would be the case for the great majority of properties in the same zoning district.**
 - b. **The characteristics that make compliance with the dimensional or other requirements difficult are related to the premises for which the variance is sought, and not some other location.**
 - c. **There is not a lesser relaxation of the requirements than that applied for that would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.**
 - d. **The characteristics that make compliance with the dimensional or other requirements difficult have not been created by the current or previous owner.**
3. The ZBA may attach conditions regarding the location, character, and other features as it may deem reasonable in furtherance of the purposes of this Ordinance. The ZBA shall state the grounds upon which it justifies the action.
- 4.3. Prior to granting a variance, all other existing infractions of this ordinance or other Township ordinances relating to the property shall be resolved.

The ZBA shall not have jurisdiction over appeals of decisions affecting special land uses, planned unit developments, and open space communities.

Section 5.05 Terms of Appeals

B. Time; Notice of Appeal. Appeals shall be taken within such times as shall be prescribed by the ZBA by general rule, by filing with the **Zoning Administrator, the ZBA, and the body or officer from whom the appeal is taken,** ~~ZBA and with the Township Clerk~~ a "Notice of Appeal" specifying the grounds thereof. The ZBA may require the appellant, or applicant requesting special action by the ZBA, to submit all necessary surveys, plans or other information necessary for the ZBA to thoroughly investigate the matter before it. The Zoning Administrator or the Planning Commission shall transmit to the ZBA the record upon which the action being appealed was taken.



Z-35-15: Conway Township
Amendments to Article 5 Zoning Board of Appeals
September 1, 2015

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-36-15
Amendments to Article 6
General and Supplementary Regulations

Robert A. Stanford
AICP, PEM
Principal Planner

The Conway Township Planning Commission proposes to revise **Article 6: General and Supplementary Regulations**. The intent of the revisions to Article 6 are:

Scott Barb
PEM
Principal Planner

- To revise Section 6.06(A) and (N) to allow accessory buildings or structures to be constructed prior to or without a principal building upon demonstration to the Zoning Administrator that the proposed accessory building or structure will not inhibit the future construction of a principal building in compliance with the ordinance, and also providing that no commitment to build any principal building shall be required.
- To revise Section 6.09(C) to provide for the Zoning Administrator instead of the Township Clerk to issue temporary land use permits.
- To remove Section 6.18 for Wireless Communication Structures.
- To delete the qualification of "usable land" to the site acreage requirements in Section 6.22(A) for the keeping of farm animals.

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County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

Conway Township proposes the following text changes to **Article 6 General and Supplementary Regulations**:



ARTICLE 6. GENERAL AND SUPPLEMENTARY REGULATIONS

Section 6.02 Boundaries of Districts

- A. **Boundaries.** The boundaries of the districts listed above are established as shown on Map 1, Zoning Ordinance Map, Article 20 of this ordinance. The map shall bear the date adopted or amended and hereby made a part of this ordinance. The official zoning map shall be maintained at the Conway Township offices by the Township Clerk Zoning Administrator or appointed staff. Unless otherwise shown, the boundaries of the districts are property lines, section lines, the center lines of streets and roads or such lines extended, and the limits of the Township of Conway.

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. **Relation to Principal Building.** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district, except an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use under same ownership in the AR Agricultural Residential District. ~~No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.~~ On parcels of two (2) acres or less, the accessory gross floor area cannot exceed one hundred fifty percent (150%) of the total square footage of the gross floor area in the principal residence.
- N. **Accessory Structures Constructed Prior to or Without a Principal Structure Building.** Notwithstanding any provision to the contrary in Section 6.06(A), an accessory building and/or structure may be constructed prior to or without a principal building or dwelling provided that a plot plan is submitted to the Zoning Administrator that demonstrates to the Zoning Administrator's satisfaction that such proposed accessory building or structure will not inhibit the future construction of a principal building in compliance with the requirements of this Zoning Ordinance. No commitment to build any future principal building shall be required.

If an approved is obtained for an accessory building or structure is to be constructed prior to or without a principal structure building, the location of the accessory building or structure must be located behind allow for a future the principal structure building to be located in front of the accessory building or structure, unless otherwise permitted by this ordinance, and shall meet the required setbacks.



Section 6.09 Temporary Uses and Buildings

All temporary uses and buildings permitted by this Section are allowed in all districts unless otherwise provided. Such uses and buildings shall be authorized by a temporary land use permit issued by the Zoning Administrator unless otherwise provided.

- C. **Application.** Applications for temporary land use permits shall be available from the ~~Township Clerk~~ **Zoning Administrator** and shall be filed with the ~~Township Clerk~~ **Zoning Administrator** upon forms furnished and approved by the Conway Township Board of Trustees. A temporary land use permit may be approved, modified, conditioned or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Planning Commission for a recommendation.

Section 6.18 ~~Wireless Communication Structure Ordinance~~ **Reserved.**

STAFF COMMENTS: The township essentially consolidated Sections 6.18 and 13.10(G) into a revised Section 13.10(G). There were duplicate provisions in the ordinance that the Zoning Administrator found confusing and hard to implement. In addition there have been some significant changes in federal and state law in this area, so the township incorporated those as well into what they hope to be a more succinct and straightforward approach.

Section 6.22 Keeping of Animals

- A. **Farm Animals.** The raising and keeping of farm animals may be conducted on a parcel of two (2) acres or larger in the AR Agricultural Residential and R Residential Districts. The number of farm animals allowed on the designated ~~usable land~~ **site acreage**, is provided in the following table. Farm animal shall mean a domestic animal that is typically kept on farms or is typically associated with farms or farming operations. This definition includes, but is not limited to, such animals as cows, pigs, horses, goats, llamas, buffalo, sheep, chickens, pigeons, rabbits, geese and ducks. This definition does not include a wild animal as described in this Section.

Site Acreage	# of Animal Units Permitted
Less than 2 acres of usable land	0
2 to 5 acres of usable land	2
5 to less than 10 acres of usable land	2+1 additional animal per acre over 5 acres to a maximum of 7
10 to less than 20 acres of usable land	8+1 additional animal per acre over 10 acres to a maximum of 17
20 or more**	

**The number of animals kept on twenty (20) acres or more in the AR Agricultural Residential and R Residential Districts may be determined by each individual land owner based upon the carrying capacity of the land and subject to meeting all other applicable requirements of this ordinance.



Z-36-15: Conway Township
Amendments to Article 6 General and Supplementary Regulations
September 1, 2015
Page 4

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
PEM
Principal Planner

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

FROM: Robert Stanford, Principal Planner

DATE: September 1, 2015

SUBJECT: Z-37-15
Amendments to Article 7
AR Agricultural Residential District

The Conway Township Planning Commission proposes to revise **Article 7: AR Agricultural Residential District**. The intent of the revisions to Article 7 are proposed to make a few minor changes and to make the reference to wireless communication support structures and radio and telephone broadcast towers consistent with the corresponding special use section of the Township's zoning ordinance.

County Planning Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review.

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

Conway Township proposes the following text changes to **Article 7 AR Agricultural Residential District**:

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Section 7.02 Permitted Uses

- A. The following non-farm uses of land are permitted in this district upon a minimum lot size of two (2) acres unless otherwise specified by provisions of this ordinance:
11. Home Occupation Class I (~~Amended _____, 2011; effective _____, 2011.~~)



Section 7.03 Special Uses

- A. The following uses of land and structures may be permitted upon the issuance of a special use permit in accordance with the procedures and standards contained in Article 13, Special Land Uses:

2. Home Occupation Class II (~~Amended _____,~~
2011; effective _____, 2011.);

~~15. Commercial transmitting and receiving towers and associated facilities;~~
Wireless communication support structures and radio and television broadcast towers.

18. Small and Medium Wind Energy Turbines (see Section 6.24). (~~Amended _____,~~ 2011; effective _____, 2011.)

Township Planning Commission Recommendation: Approval. The Conway Township Planning Commission recommended Approval of the text amendments at their August 10, 2015 meeting. There were no public comments at the public hearing.

Staff Recommendation: Approval. The proposed text amendments are straightforward, add no further undue hardship on the public and appear to be reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

TO: Livingston County Planning Commission and the Conway Township Board of Trustees

FROM: Scott Barb, Principal Planner

DATE: September 16, 2015

SUBJECT: Z-38-15. Amendments to Zoning Ordinance: Article 12 Open Space Community, Section 12.08 General Requirements.

The Conway Township Planning Commission is proposing to amend the Township Zoning Ordinance by deleting a reference within Section 12.08(D) regarding joint meetings between the Planning Commission and Township Board. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review. Staff comments are written in *italic and underlined*.

Article 12, Section 12.08(D)

Changes to this section include the removal of the following statement from section 12.08(D):

'The Planning Commission may hold the public hearing at a joint session with the Township Board.'

Staff comments: The proposed change better aligns the Ordinance with proper public notification and procedure requirements.

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

RECOMMENDATION: APPROVAL. Staff believes the proposed changes are reasonable and appropriate.

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Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

TO: Livingston County Planning Commission and the Conway Township Board of Trustees

FROM: Scott Barb, Principal Planner

DATE: September 16, 2015

SUBJECT: Z-39-15. Amendments to Zoning Ordinance: Article 13 Special Land Uses.

The Conway Township Planning Commission is proposing to amend several sections of Article 13 to include review procedures for special land use applications, adding references regarding the Township's master plan process, and revising current provisions for commercial transmitting and receiving towers. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review. Staff comments are written in *italic and underlined*.

Article 13, Section 13.02 Authority to Grant Permits

Proposed changes to this section allow only the planning commission to direct the Zoning Administrator to issue special land use permits.

Staff comments: The change simply allows the zoning administrator to issue the permit at the discretion of the Planning Commission and the Planning Commission shall conduct public hearings and make decisions on said applications without the need to go to the Township Board.

Article 13, Section 13.03 Permit Procedures

Two subsections will be amended within Section 13.03 and will include the following items:

- Any special land use permit application shall be filed with the Township Zoning Administrator at least fourteen (14) days prior to the meeting at which the application will be reviewed.
- The Township Planning Commission shall hold a public hearing on the special land use application within sixty (60) days of receipt of the application.

Article 13, Section 13.04 Basis of Determination

The only change to this subsection will be the word '*recommendation*' will now become '*decision*'.

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Article 13, Section 13.05 Required Planning Standards & Findings

The only change to will be to subsection (A) and will result in the addition of the words **'also known as the Master Plan'**. This wording adds description to the Conway Township Comprehensive Plan.

Article 13, Section 13.06 Permits

Subsection (B) will be amended to allow the Zoning Administrator to authorize time extensions for special land use permits.

Subsection (D) will be amended to allow for the Planning Commission the ability to require a performance guarantee to insure compliance with requirements of the Ordinance.

Article 13, Section 13.10 Site Design Conditions

This section has numerous grammatical corrections, but the primary amendment to the Ordinance is subsection (G). Subsection (G) is being completely revised to include new language regarding the construction, collocation, and site design guidelines for wireless communication towers and facilities. The new section is exhaustive in nature and major points will be summarized below:

- Wireless communication towers (cellular, radio, TV, etc.) will be allowed in the AR (Agricultural Residential) District as a permitted special use.
- Site Requirements: maximum height is 85 feet within 1,000 feet of any residential property, 2 acre minimum lot size, and setbacks include 1.5 times the tower height from any property line with guy wires meeting all setback requirements of the zoning district.
- Collocation is encouraged and only cautionary signs are allowed on site.
- The Planning Commission must approve or deny the application within 60 days or the application becomes approved as submitted.
- General site designs and guidelines shall be submitted as part of the application for new facilities complete with layout, landscaping, and other design components as stated in the Ordinance.

Staff comments: The above references are only the major highlights of the newly revised section. The proposed changes to the subsection are compatible with the new statute (PA 143 of 2012) that amended the Michigan Zoning Enabling Act (PA110 of 2006) on wireless communications, which limits local government regulations of said facilities. The state law requires most applications to be handled as permitted uses, but in some cases may be special uses with caps on application fees, deadlines for actions, and other administrative issues. Collocations are generally treated as permitted uses with new sites considered special approval uses.

Article 13, Section 13.10 H-V

Changes in sections throughout Article 13 are modified to reflect the Zoning Administrator being given the duty to review and approve the majority of special uses by permit.

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

RECOMMENDATION: APPROVAL. Staff finds the new changes reasonable and appropriate.



Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

TO: Livingston County Planning Commission and the Conway Township Board of Trustees

FROM: Scott Barb, Principal Planner

DATE: September 16, 2015

SUBJECT: Z-40-15. Amendments to Zoning Ordinance: Article 14 Site Plan Review, Section 14.05 Action on Site Plans.

The Conway Township Planning Commission is proposing to amend the Township Zoning Ordinance by deleting references to the Township Board for special use permit approval. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review. Staff comments are written in *italic and underlined*.

Article 14, Section 14.05 (C)

Subsection (C) will be modified to remove references to the Township Board and allowing the Planning Commission to authorize approval or denial of special land use permit approval.

Staff comments: This change only clarifies the new special use procedures set aside in Article 13 Special Land Uses.

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

RECOMMENDATION: APPROVAL. Staff believes the proposed changes are reasonable and appropriate.

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Livingston County Department of Planning

MEMORANDUM

Kathleen J. Kline-Hudson
AICP, PEM
Director

Robert A. Stanford
AICP, PEM
Principal Planner

Scott Barb
AICP, PEM
Principal Planner

TO: Livingston County Planning Commission and the Conway Township Board of Trustees

FROM: Scott Barb, Principal Planner

DATE: September 16, 2015

SUBJECT: Z-41-15. Amendments to Zoning Ordinance: Article 17 Sign Standards, Sections 17.06 Permits and Fees; Section 17.08 Sign Appeals.

The Conway Township Planning Commission is proposing to amend the Township Zoning Ordinance by modifying sections of the Ordinance that pertain to permitting authorizations and clarification of appeals procedures for the ZBA. Staff has reviewed the proposed changes for accuracy and compatibility with the Township Zoning Ordinance and offers the following comments for your review. Staff comments are written in *italic and underlined*.

Article 17, Section 17.06 (B)

Subsection (B) will be modified to remove 'Township Clerk' and replace this with the words 'Zoning Administrator'.

Staff comments: This revision directs sign permits to be submitted to the zoning administrator and not the Township Clerk.

Article 17, Section 17.08 Sign Appeals (D)

Subsection (D) will be modified to include the words 'when the standards of Section 5.04 (C) (2) are met'.

Staff comments: This modification references the variance standards of Section 5.04 (C) (2). With this addition, previous general standards for variances will be deleted in this subsection.

Article 17, Section 17.08 Sign Appeals D (1) and (2)

These amendments to subsections D (1) and D (2) will insert 'ZBA' into the subsection and delete 'Board'.

Staff comments: The revisions within this amendment simply serve to clarify references to the ZBA.

TOWNSHIP PLANNING COMMISSION RECOMMENDATION: APPROVAL. There were no comments on the proposed text changes at the August 10, 2015 public hearing.

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Conway Township Planning Commission Meeting Minutes

September 14, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost, Bob Carusi • Board Members present: Dennis Bowdoin, Larry Parsons, George Pushies, Brian Williams, Dennis Sommer, Londa Horton, Mike Stock. • Zoning Administrator: Todd Thomas was absent. 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is October 12, 2015</p> <p>Dennis Bowdoin conducted roll call: all Planning Commissioners present.</p>	
Minutes from last meeting	<p>Minutes from the August 10 regular meeting and August 18 joint meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.</p>	
Call to the Public	-0-	
Communications	<p>Dennis Bowdoin brought up:</p> <ul style="list-style-type: none"> • There will be a brown bag luncheon at Genoa Township Hall, Sept. 24 at noon regarding, <i>Increasing jobs and Prosperity in SE Michigan</i> with SEMCOG presenting. • Discussion regarding Livingston Health and Human Service Needs – <i>Aging in Place in Livingston County</i> fact sheet. Howell has allowed a standalone little community on M-59 for seniors. Conway Township does not have any zoning specifically for seniors currently. 	
Zoning Changes	<p>Dennis Bowdoin will be taking the Zoning changes to the Livingston County Planning Commission Sept. 16 at 5:30pm. Next steps include open discussion of possible changes the County may ask for at the next Planning Commission meeting.</p> <ul style="list-style-type: none"> • Perry Township is updating their Master Plan and submitted it to Conway Township for review. There is nothing that would affect us, noted Dennis. 	Dennis Bowdoin will take Zoning changes to County.

Conway Township Planning Commission Meeting Minutes

September 14, 2015

Agenda	Items Discussed	Actions to be Taken
New Business	Discussion of any known Tiny House zoning laws. Dennis Bowdoin conducted some research without finding any; however he noted MSU is working on outlining some.	
Update from the Board	Larry Parsons gave an update report from the Township Board meeting.	
Zoning Administrator Report	Todd Thomas was not in attendance.	
Emergency Preparedness Committee Report	Bob Carusi will change the meetings to the third Wednesday of every month for the Emergency Preparedness Committee.	
Call to Public	-0-	
General Discussion	<p>Londa Horton mentioned Detroit residents rebutting the hazardous waste containment facility which is slated to be enlarged. They handle fracking waste.</p> <p>Dennis Summer and Larry Parsons attended an MTA conference in Frankenmuth regarding issues such as: fracking, Right to Farm Act, wind turbines, and medical marijuana.</p> <p>Londa Horton asked about how to receive a tax receipt online for summer taxes?</p>	Mike Stock to bring up tax receipts at Township Board meeting.
Adjournment	George Pushies made a motion to adjourn at 7:59pm. Second by Brian Williams. Motion passed.	

**Conway Township Joint Planning Commission & Board of Trustee's Meeting
Sept. 15th, 2015**

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, Dennis Sommer

1. Dennis Bowdoin gave the Planning Commission Report
2. Mike Stock gave the Recreation Report
3. Dennis Bowdoin reported on Dawn Patrol

Submitted by Dennis Bowdoin chair

**Conway Township Joint Planning Commission & Board of Trustee's Meeting
Aug. 18th, 2015**

Attendees: Dennis Bowdoin, Larry Parsons, Mike Stock, George Pushies

1. Dennis Bowdoin gave the Planning Commission Report
2. Mike Stock gave the Recreation Report
3. George Pushies, Dennis Bowdoin, & Larry Parsons discussed why we eliminated the hardship trailers from the ordinance.

Submitted by Dennis Bowdoin chair

Conway Township Planning Commission Meeting Minutes

August 10, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Herm and Shirley Yost, Bob Carusi, 3 residents, • Board Members present: Dennis Bowdoin, Larry Parsons, George Pushies, Scott Buell, Dennis Sommer, Londa Horton. Mike Stock out of town. • Zoning Administrator: Todd Thomas 	
Call to Order and Pledge to Flag	<p>Chair, Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is September 14, 2015</p>	
Minutes from last meeting	<p>Minutes from the July 13th meeting were reviewed. Larry Parsons made a motion to accept the minutes, second by Dennis Sommer. All in favor, motion passed.</p>	
Call to the Public	<p>Area resident brought up asphalt being dug up on the side of the road with chunks of asphalt on the road shoulder. It's dangerous if your tire gets on the shoulder of the road. Commissioners recommended the resident get hold of Mike Rife and accompany him to the next Road Commission meeting.</p>	
Communications	<p>Dennis Bowdoin brought up:</p> <ul style="list-style-type: none"> • MSU Land Policy Institute is offering <i>Fundamentals of Planning and Zoning</i> webinar January 26-February 3, 2016. • The Tiny houses issue was surfaced by the Township Supervisor. They tend to be 400 square feet. <p>Denny Sommer mentioned the Michigan Connect meeting is October 20th at the Lansing Center.</p>	
Zoning Changes	<p>Opened Public Hearing on Zoning Changes</p> <p>Zoning changes discussed by attorney Abby. Bulk of changes correcting issues to see who properly is receiving Special Land Use permits. Zoning Administrator is the point person. ZBA reduced from 5 to 3 members. 606 proposed changes to make clear accessory structures with or without a dwelling. 606A changes removed one sentence clarifies any questions. Wireless Communication structure requirements now in section 13.</p> <p>Herm commented on:</p> <ul style="list-style-type: none"> • Article 13 page 36 – top of information Roman Numerals duplicated and out of order. • Page 38 – i... he deleted the T. Should read "The". • Page 39 – j... injection wells and page 40 injection of hazardous material. Are we completely protecting our water aquifers? How is 	

Conway Township Planning Commission Meeting Minutes

August 10, 2015

Agenda	Items Discussed	Actions to be Taken
	<p>this to be managed at the beginning? Dennis Bowdoin commented this is monitored by the EPA and DEQ.</p> <ul style="list-style-type: none"> • Article 6 page 10, N – Principle and/or dwelling structure – can we add this verbiage? Recommended George Pushies. • Section 6.22 – definition of animals and number of animal units permitted. One animal unit is equivalent to 3 pigs, etc. <p>Dennis Bowdoin mentioned that residents can build an accessory building prior to a home, but the home must be placed in front of an accessory building. Resident commented building a barn first allows for storage materials so they are not stolen prior to building a home. The Zoning Administrator mentioned that in Cohoctah there is a two year limit on when the principle residence needs to be built. Abby mentioned that a Plot Plan must be provided when applying for the accessory building.</p> <p>Dennis Bowdoin introduced the new Zoning Administrator, Todd Thomas.</p> <p>Lots of discussion surrounding definitions in our current Zoning Ordinance. Principle structure vs. dwelling for example was discussed.</p> <p>Dennis Bowdoin commented on Section 622 restriction of animals restricted to two animals. He gave an example of a resident who had multiple pigs/horses, but only two acres. We took the "useable" verbiage out of the ordinance. It's clearer this way to enforce. Flat two acre verbiage is best.</p> <p>Resident brought up rezoning of hobby kennels mentioned in the local paper. Annual review of hobby kennels will be conducted by Zoning Administrator is the change previously from the Township Supervisor commented Abby.</p> <p>Closed Public Hearing.</p>	
Old Business	<p>Recommend adoption of the amendments discussed to the Township Board tentative to County Planning input subject to further review and adoption by Planning Commission. George Pushies moved and Brian William second. Motion passed.</p>	Abby to take Zoning changes to County Planning Commission.
New Business	<p>Zoning Administrator report. No report provided as first meeting of new Zoning Administrator, Todd Thomas.</p> <p>Meeting Wednesday for Emergency Preparedness chaired by Bob Carusi.</p>	
Update from the Board	<p>Larry Parsons gave an update report from the Township Board.</p>	
Call to Public	<p>-0-</p>	
Adjournment	<p>George Pushies made a motion to adjourn at 8:22pm. Second by Brian Williams. Motion passed.</p>	

Conway Township Planning Commission Meeting Minutes
August 10, 2015

Agenda	Items Discussed	Actions to be Taken
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A permit to construct an accessory building to a single-family residential dwelling on a lot or parcel prior to the construction of the single-family dwelling may be issued by the Planning Commission upon proper application and subject to the following conditions:

1. The single-family residential dwelling must be completed and the certificate of occupancy issued no later than two years from the date of issuance of the permit for the accessory building.
2. No more than one accessory building shall be allowed under said permit and the applicant shall submit a copy of the proposed floor plan of the residential dwelling indicating the total square footage which the dwelling will consist of.
3. The accessory building shall be used for no other purpose than the storage of personal property belonging to the owner(s) of the lot or parcel and shall not exceed 960 square feet in size.
4. The permit shall only be issued to the owner of the lot or parcel who will also be the occupant of the completed single-family residential dwelling.
5. There shall be no outside storage during the term of the permit and after the completion of the dwelling outside storage will only be allowed in conformance with the terms of this Ordinance.
6. The applicant shall post with the Township Clerk a financial guarantee as determined by the Township Board in its schedule of fees and costs in cash, certified check or money order payable to the order of the Township to ensure compliance with the terms of the Zoning Ordinance, the permit referred to herein, and the completion of the single-family residential dwelling. In the event the applicant fails to comply with the terms of the permit, the terms of the Zoning Ordinance during the time of the permit, or fails to complete the single-family residential dwelling in the applicable time, then the financial guarantee, at the Township's sole discretion, shall be forfeited and applied toward any and all expenses incurred by the Township in enforcing the Ordinance, which could include seeking injunctive relief for the removal of the accessory building; or applied to other expenses incurred by the Township as a result of the violation of

Mobile Homes as Accessory Dwellings. Mobile homes as accessory dwellings shall be permitted as follows:

1. Permitted on 40 acres or more of land used for agricultural production with the following conditions:
 - (a) The parcel has a principal farm dwelling located on it.
 - (b) The farm parcel is at least 40 acres in area for the first mobile home, and an additional 40 acres for each additional mobile home.
 - (c) The occupants meet either one of the following conditions:
 - (1) Have a family relationship to those persons occupying the principal farm dwelling.
 - (2) A full-time employee of the occupants of the principal farm dwelling and engaged in an agricultural occupation on the farm on which the mobile home is located.
2. Permitted on a single-family residential lot with the following conditions:
 - (a) The lot has a principal single-family dwelling located upon it.
 - (b) The lot is a legal lot of record.
 - (c) The occupants have a direct family relationship to those persons occupying the principal dwelling.
 - (d) The occupants have a need as determined by their acquisition of a physician's certification prescribing the need for such housing during the period of illness or infirmity.
3. Mobile homes permitted under Subsections B.1 and B.2 above shall also meet the following additional conditions:
 - (a) Mobile homes used for this purpose shall be limited to only one per single-family residential lot or one per each 40 acres of a farm parcel.
 - (b) Mobile homes shall have a minimum dimension of 12 feet in width and 700 square feet of mobile home floor area.
 - (c) Mobile homes used for this purpose shall have immediate and unlimited access to all facilities located in the principal dwelling on the farm or single-family residential lot for the maintenance of proper health, and sanitation, including potable water and sanitary disposal facilities for solid and liquid wastes.
 - (d) All accessory mobile homes shall be located within the appropriate setback lines for the yard in which they are located, except that no accessory mobile home shall be located in a front yard of a principal dwelling.
 - (e) Zoning permits shall be approved by the Planning Commission and reviewed annually thereafter for continued need and compliance.
 - (f) Zoning permits issued for such use shall terminate at such time that any one or combination of the above conditions ceases to be met.
 - (g) Prior to the issuance of a zoning permit the owners of the principal use shall post a financial guaranty with the Township in accordance with Section 16.22B for each mobile home for which a permit is sought.

Conway Township Planning Commission Meeting Minutes

July 13, 2015

Agenda	Items Discussed	Actions to be Taken
Attendees	<ul style="list-style-type: none"> • Public: Bill Call, Shirley and Herman Yost, Abby Cooper, Bob Carusi • Board Members present: George Pushies, Dennis Sommer, Londa Horton, Larry Parsons, Mike Stock, Brian Williams, and Dennis Bowdoin. 	
Call to Order and Pledge to Flag	<p>Chair Dennis Bowdoin called the Conway Township Planning Commission meeting to order at 7:00pm and led in the Pledge of Allegiance.</p> <p>Next meeting is August 10, 2015 at 7:00pm.</p>	
Roll Call and Sign In	Dennis Bowdoin conducted roll call of all Planning Commissioners present: Dennis Sommer, George Pushies, Larry Parsons, Londa Horton, Mike Stock, and Brian Williams.	
Minutes from last meeting	Larry Parsons made a motion to accept the regular June 8 meeting and June 16 and 24 joint meeting minutes. Mike Stock second. All in favor. Motion passed.	
Call to the Public	Mia Stock, Mike Stock's daughter, gave a presentation on the 4-H market place auction for the upcoming Fowlerville Fair and invited Planning Commissioners to participate.	
Communications	<ul style="list-style-type: none"> • Dennis Bowdoin communicated a training series on Redevelopment Ready Communities offered in Lansing July through August. Details at: rrc@michigan.org. • Denny Sommer commented that he is still receiving FLOW brochures via the mail. 	
Land Divisions	-0-	

Conway Township Planning Commission Meeting Minutes

July 13, 2015

Agenda	Items Discussed	Actions to be Taken
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Old Business	<p>Abby Cooper provided an update on zoning changes for telecommunications. Discussion ensued regarding</p> <ul style="list-style-type: none"> • Raising the bond on monopole wireless towers from \$5000 to \$15,000 which would include internet and cell towers. • Ordinance 6.3 on page 9, recommended leaving the language as is, e.g. "owner of a tower shall supply Conway Township with a yearly report of such maintenance." • Regarding the maximum height of 265 feet for a wireless tower, recommended to the leave language as is. • Regarding the fencing around a tower, recommended language that the fencing be 10 feet tall with three strands of barbed wire pointed out on top of the fence, be amended. <p>Abby rewrote Ordinance section 6.06 with regard to pole barns being built prior to a primary residence. Discussion around exempting certain requests and giving the Zoning Administrator discretion over approving the accessory structures. Dennis Bowdoin commented that we should not restrict a property owner to put a barn up whether the owner puts up a house now or not. The intent is to keep the house in front of the barn. Discussion around the verbiage "dwelling."</p> <p>Abby created a form revising the Land Division Application and Shared Driveway forms as a reference for someone coming into the Clerk's office as a starting point for them. The intent is to ensure the property owners' method of proposing how they will divide the land and share the driveway meets requirements. It will still need to be approved by the Zoning Administrator and the attorney.</p> <p>A vote on these recommendations will not take place until after the Public Hearing.</p>	
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Conway Township Planning Commission Meeting Minutes

July 13, 2015

Agenda	Items Discussed	Actions to be Taken
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New Business	<p>Bill Call thanked the Planning Commissioners for working with him as the Zoning Administrator. He will step down July 31, 2015. On behalf of the Planning Commissioners, Dennis Bowdoin thanked Bill for his service to Conway Township.</p> <p>Mike Stock gave a township comparison update of area townships to Conway township regarding: accessory buildings built prior to the principal building, allowance of animals and the minimum lot size allowed.</p>	
Update from the Board	<ul style="list-style-type: none"> • Larry Parsons gave an update from the Township Board meeting. 	
Last Call to Public	-0-	
General Discussion	<ul style="list-style-type: none"> • Abby Cooper commented on the Bylaws of September 8, 2014. 	
Adjournment	<ul style="list-style-type: none"> • George Pushies made a motion to adjourn. Brian Williams second. All in favor. Motion Passed. Meeting adjourned at 8:28 p.m. 	

Accessory

before
Principal

Small Animal < 2 acres

Minimum Lot Size

Township

Permitted/Minimum Req'd	<input checked="" type="radio"/> No	Yes	0.75 acre
Ordinance Location	Section 2.2 - B	Section 2.14 - B, C	Section 14.1
Specific Requirements	AR and RA-A	District specific - AR, less than 11 acres. Small animals only!	District specific - AR, RA-A
Permitted/Minimum Req'd	No information	Yes	2 acre
Ordinance Location	Section 5.6, 4.6 B	Section 5.2.2	Section 4.3.3
Specific Requirements	None	Animal Units	Smaller allowed for higher density would be considered

Iosco

Permitted/Minimum Req'd	<input checked="" type="radio"/> Yes	5 acre AG District Large Animals Only 2 acre Rural Res District 1/2 acre Suburban Res District	1 Acre - Suburban Res District 2 acre - Rural Res District 20 acre - AG & RD District
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Cohoctah

Ordinance Location	Section 16.06 G	Section 7.06 2 acre Section 4.06 1/2 acre Section 16.37 Large Animals Section 16.36 Household pets	Section 4.06 A Section 6.06 A Section 7.05 A Section 8.06 A
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Specific Requirements	certificate of occupancy w/in 2yr max financial guarantee 960 sq.ft max	Very district specific w/ respect to ordinances	Very district specific w/ respect to ordinances
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Antrim

?
? *Common-owning*

Permitted/Minimum Req'd	<input checked="" type="radio"/> Yes	No - R districts	1 acre - R District 5 acre - AG District
Ordinance Location	Article-28, Section 28.11 - B	Article-28, Section 28.23 - D	Article-10, Table 10-4
Specific Requirements	Allowed w/ building plan commitment	District specific - AR, R	District specific - AR, R

Locke

Permitted/Minimum Req'd	<input checked="" type="radio"/> No	No	2 acre
Ordinance Location	Section 6.06 - A, N	Section 6.22	Section 7.04, 8.04

Conway

Specific Requirements	Allowed w/ conjunction activity lot. Example: AG buildings	AG, R Districts	AG, R Districts
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CONWAY TOWNSHIP PLANNING COMMISSION BYLAWS OF

September 8, 2008

Adopted, effective immediately, September 8, 2008

(Revised August 8, 2014)

(Revised August 1, 2015)

1. Name Purpose

- A. The name shall be the Conway Township Planning Commission, hereafter known as the "Commission".
- B. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 et seq.), hereinafter "the Planning Act."
- C. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.), hereinafter "the Zoning Act."

2. Membership

- A. Members. Members of the Commission are appointed by the Conway Township Board of Trustees pursuant to the Conway Township Planning Commission Ordinance No. 21 as amended. There shall be seven members, which shall include one ex officio member.
 - 1. First priority, each member shall represent and advocate what is best for the Township of Conway as a whole, putting aside personal or special interests.
 - 2. Second priority, the membership of a planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of Conway Township to the extent practicable, as appointed by the Conway Township Board of Trustees.
- B. Ex Officio. As defined by statute, is a planning commission member with full voting rights unless otherwise provided, who serves on the planning commission by virtue of holding another office, for the term of that other office.
- C. Omitted.
- D. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Conway Township Board of Trustees to remove a member from the Commission for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The Commission Secretary, or acting Secretary in the absence of the elected Secretary, shall keep attendance records and shall

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Deleted: Liaisons. The purpose of liaisons is to provide certain Conway Township officials and quasi-officials the ability to participate in discussions with the Commission. Liaisons cannot vote, except to break a tie vote of the appointed Commissioners, introduce motions, initiate any other parliamentary action, be counted for a quorum or be expected to comply with attendance requirements pursuant to Section 2.C of these bylaws. Liaisons, if not already appointed Commission members, are:¶ Conway Township Board member, usually the Clerk.

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notify the Conway Township Board of Trustees whenever any member of the Commission is absent from three consecutive regularly scheduled meetings; this is not to include the Township Board of Trustee meetings; so the Conway Township Board of Trustees can consider further action allowed under law or excuse the absences.

E. Incompatibility of Office.

1. If there is a question whether a conflict of interest exists or not, the Question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission, after full disclosure of commissioner, if known.

2. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- a. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- b. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- c. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- d. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- e. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents in-law grandparents in-law, or members of his or her household.
- f. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - (1) an applicant or agent of an applicant, or
 - (2) Has a direct interest in the outcome.

3. When a conflict of interest exists, the member of the Commission, or or Committee shall do all of the following immediately, upon first knowledge of the case and determining that a conflict exists:

- a. declare a conflict exists at the next meeting of the Commission or Committee;
- b. cease to participate at the Commission or committee meetings, or in any other manner, or represent one's self before the Commission, or others; and
- c. during deliberation of the agenda item before the Commission or committee, remove one's self from the front table where

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members of the Commission sit, until that agenda item is concluded.

4. If a member of the Commission is appointed to another office, which is an incompatible office with his or her membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with his or her membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.

F. Duties of all members.

1. Ex Parte contact,

- a. Members shall avoid Ex Parte contact about cases where an administrative decision is before the Commission whenever possible.
- b. Despite one's best efforts it is sometimes not possible to avoid Ex Parte contact. When that happens, the member should take detailed notes on what was said and report to the Commission at a public meeting or hearing what was said, so that every member and other interested parties are made aware of what was said.

2. Site inspections,

- a. Site inspections shall be done by the Zoning Administrator. An oral report of the site inspection shall be presented to the Commission at a public meeting or hearing on the site. Written presentation may be requested by Commission.
- b. If desired, no more than one member of the Commission may accompany the Zoning Administrator on a site inspection.

3. Omitted ↓

4. Accepting gifts.

- a. Gifts shall not be accepted by a member of the Commission or Liaisons from anyone connected with an agenda item before the Commission.
- b. As used here, gifts, shall mean cash, any tangible item, or Service, regardless of value; and food valued over \$10.00 ten dollars.
- c. This section does not apply to the Commission accepting gifts For the exercise of its functions pursuant to M.C.L. 125.3823(3), 23(3) of the Planning Act.
- d. In Township gifts shall only be accepted by the Township Board on behalf of the planning Commission

5. Spokesperson for the Commission.

- a. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.

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Commented [TM1]: This will be addressed in the ZBA Bylaws, which is the only time this would be an issue for a Planning Commission member (i.e., when a Planning Commission decision is appealed to ZBA)
Deleted: Not voting on the same issue twice. ¶ <#>Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum shall include, but not necessarily be limited to the following: ¶ When the appeal is of an administrative or other decision by the Commission and the member of the Commission sits both on the Commission and the Zoning Board of Appeals.
Deleted: <#>When the case is an administrative decision which was decided by the Commission and sent to the Conway Township Board of Trustees for further action, and the member of the Commission sits both on the Commission and the Conway Township Board of Trustees.¶
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- b. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
 - c. From time-to-time or on a specific issue the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.
6. Code of Conduct. Each member, upon appointment, shall sign a code of conduct.
7. Officers

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- a. Selection. At the regular meeting in January of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, and Deputy Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Vice-Chair shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Vice-Chair for the unexpired term. In the event the office of the Secretary becomes vacant, the Deputy Secretary shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of Deputy Secretary for the unexpired term. The Commission or Secretary may also designate another person who is not a member of the Commission to be the recording Secretary.
- b. Tenure. The Chair, Vice-Chair and Secretary shall take office at the meeting following their selection and shall hold office for a term of one year or until their successors are selected and assume office.
- c. Chair's Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:
 - (1) Preside at all meetings with all powers under parliamentary procedure.
 - (2) Shall rule out of order any irrelevant remarks; remarks which are personal; remarks about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics; profanity or other remarks which are not about the topic before the Commission.
 - (3) Restate all motions as pursuant to these Bylaws.
 - (4) Appoint committees.
 - (5) Appoint officers of committees or choose to let the committees select their own officers.
 - (6) May call special meetings pursuant to these Bylaws.
 - (7) Act as member and Chair of the Executive Committee pursuant to these Bylaws.

- (8) Act as an Ex-Officio member of all committees of the Commission.
 - (9) Appoint an Acting-Secretary in the event the Secretary is absent from a Commission meeting.
 - (10) Review with the Secretary, prior to a Commission meeting, the items to be on the agenda if he or she so chooses.
 - (11) Periodically meet with the Planner hired by the Board of Trustees, the County Planner to review Planning procedures, and to monitor progress on various projects.
 - (12) Act as the Commissions chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels.
 - (13) Represent the Commission before the Conway Township Board of Trustees.
 - (14) Perform such other duties as may be ordered by the Commission.
- d. Vice-Chair's Duties. The Vice Chair shall:
- (1) Act in the capacity of the Chair, with all the powers and duties of the Chair.
 - (2) Perform such other duties as may be ordered by the Commission.
- e. Secretary's Duties. The secretary shall:
- (1) Execute documents in the name of the Commission;
 - (2) Be responsible for the minutes of each meeting, pursuant to section 6.A of these Bylaws if there is not a recording secretary.
 - (3) Review the draft of the minutes, sign them, and submit them for approval to the Commission and shall have them spread in suitable volumes. Copies of minutes shall be distributed to each member of the Commission prior to the next meeting of the Commission. The Secretary may delegate this duty to the Deputy Secretary.
 - (4) Keep attendance records pursuant to these Bylaws;
 - (5) Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act, P.A. 267 of 1976, as amended, M.C.L. 15.261 et seq.
 - (6) Prepare an agenda for the Commission meetings pursuant to these Bylaws.
 - (7) Act as a member and Secretary of the Executive Committee pursuant to these bylaws.
 - (8) Perform such other duties as may be ordered by the Commission.
- f. Deputy Secretary's Duties. The Deputy Secretary shall:

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- (1) Act in the capacity of the Secretary, with all the powers and duties of the Secretary in the absence of the Secretary; and
- (2) Perform such other duties as may be ordered by the Commission.

G. Meetings

1. Regular meetings. Meetings of the Commission will be held the 2nd Second Monday and the 3rd third Tuesday of every month at 7:00 p.m. at the Conway Township Hall. The 3rd Tuesday meeting shall not be paid and shall not be mandatory. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. As annual notice or regularly scheduled Commission meeting shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.)
2. Special Meetings. Special meetings shall be called in the following manner:
 - a. By the Chair.
 - b. By any two members of the Commission.
 - c. By the Chair at the request of any non member of the Commission, upon payment of a non-refundable fee to cover costs of the special meeting. The fee shall be set by the Conway Township Board of Trustees.
 - d. Notice of special meetings shall be given by the Secretary to members of the Commission at least forty eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition notices shall comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act M.C.L. 15.261 et seq.).
3. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda. The Commission shall then decide to finish that meetings agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting. If applicable such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more that 18 hours will pass before the reconvened Commission, public notice shall be given to comply with P.A. 267 of 1976 as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The Commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.
4. Quorum. More than half the total number of seats for members of the

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Commented [TM3]: Do you do this?

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Commission, regardless if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is not present at a regular or special meeting, those present shall adjourn the meeting to another day.

5. Motions.

a. Motions shall be restated by the Chair before a vote is taken.

b. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality's proposed plan, review and submission on a capital improvement, review of township zoning) shall include each of the following parts.

- (1) A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements;
- (2) ~~C~~onclusions to list reasons based on the facts for the Commission's action, often directly related, or not, to a finding of compliance, or noncompliance, to standard;
- (3) ~~T~~he Commission's action; and
- (4) ~~R~~ecommendation or decision on approval, approval with conditions, or disapproval.

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6. Voting. Voting shall be by voice and shall be recorded as passing or failing. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by "yes" or "no". Members must be present to cast a vote. Voting by proxy shall not occur. The affirmative vote of a majority of those present or a majority of a quorum, whichever is greater, shall be necessary for the adoption of motions. The affirmative vote of a majority of the total number of seats for members of the commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.

7. Commission Action. Action by the Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

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8. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by Roberts Rules of Order, as amended and revised, for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than Robert's Rules of Order, then these Bylaws control.

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9. Public Participation. All regular and special meetings, hearings, records, and accounts shall be open to the public. All public comment on all agenda items should be presented at the beginning of the

meeting where provided in the printed agenda. After that point during the meeting, public comment is normally not allowed; however, sometimes the Commission may direct questions to members of the public. Public comment is at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any written material shall be made available without cost for members of the public asking for a copy prior to the meeting. The Chair may limit the amount of time allowed for each person wishing to make public comment at a Commission meeting. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be able to make public comment at the Commission meeting with an extended time limit set by the Chair.

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10. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification).

Commented [TM4]: Do you use a consent agenda?

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a. Any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation.

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b. A motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The approval of minutes could be proposed on the agenda as a Consent Item.

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c. Consensus business can be proposed for any item on the agenda, but shall never include any of the following.

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(1) Review of plans and zoning ordinances, or any part or amendment thereto.

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(2) Action on special use permits, planned unit developments, site plans, and similar administrative actions. Election of officers.

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(3) Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.

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d. The motion to adopt Consent Items in the minutes shall clearly list each item and indicate its action/disposition.

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11. Order of Business/Agenda. The Secretary, or designee, shall prepare an Agenda for each meeting and the order of business shall be as follows:

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- a. Call to order, Pledge of Allegiance.
- b. Matters pertaining to citizens present at the meeting, as Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first
- c. House keeping business such as, Consent Business, Approval of Minutes, Communication, Other.
- d. Unfinished business and reports to include but not limited to, a report from the Conway Township Board of Trustees about the action taken by the Board on the items sent to them by the Commission for their action.
- e. New business.
- f. Public participation for items not on this agenda.
- g. Adjournment.

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- 12. Delivery of Agenda. The agenda and accompanying materials shall be mailed or delivered to Commission members so it is reasonably expected to be received prior to the weekend prior to the regular meeting date, generally accepted to be, but not always, mailed by first class mail on the Thursday of the week prior to the Commission meeting or by email.

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13. Placement of Items on the Agenda.

- a. The Conway Township Clerk shall be the office of record for the Commission.
- b. The Zoning Administrator may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and eight business days prior to the next regularly scheduled Commission meeting.
- c. Items received by the Zoning Administrator between seven business days prior To the next regularly scheduled Commission meeting and the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled Commission meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature, or items normally receiving review, analysis, or recommendation shall be tabled until the subsequent regular or special Commission meeting.
- d. The deadline to add items to the Commission's meeting agenda Shall be seven business days prior to the next regularly scheduled Commission meeting.

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14. Record

- a. Minutes and Record. The Commission Secretary shall keep, or caused to be kept, a record of Commission meetings, which shall at a minimum include an indication of the following:

- (1) Copy of the meeting posting pursuant to P.A. 267 of 1976, as amended, (being the Michigan Open Meetings Act, M.C.L. 15.261 et seq.).
- (2) Copy of the minutes, and all its attachments which shall include a summary of the meeting, in chronological sequence of occurrence.
- (3) Time and place the meeting was called to order.
- (4) Attendance.
- (5) Indication of others present.
- (6) Summary or text of points of all reports including reports of what was seen and discussed at a site inspection given at the meeting, and who gave the report and in what capacity.
- (7) Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
- (8) Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included: who testified and a summary of what was said, a statement of what is being approved, the location of the property involved including tax parcel number ID, what exhibits were submitted, what evidence was considered, the administrative body's findings of fact, reasons for the decision made and if denied then each reason should refer to a section of an ordinance which would be violated or with which not complied, the decision if denied, approved, or approved with modification, a list of all required improvements, a list of all changes to the map/drawing/site plan that was submitted, who called the question, what type of vote and its outcome, that a person making a motion withdrew it from consideration, all the Chair's rulings, all challenges, discussion and vote/outcome on a Chair's ruling, all parliamentary inquiries or points of order, when a voting member enters or leaves the meeting, when a voting member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting, all calls for an attendance count, the attendance, and ruling if a quorum exists or not, the start and end of each recess, all Chair's rulings of discussion being out of order, full text of any resolutions offered, summary of announcements, summary of informal actions, or agreement on consensus, time of adjournment.

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- b. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as an appendix to the minutes.
 - c. Retention. Commission records shall be preserved and kept on file according to the following schedule,
 - (1) Minutes, bonds, oaths of officials, zoning ordinances, master or compressive plans, other records of decisions, Commission publications Permanent.
 - (2) General ledger: Twenty years
 - (3) Correspondence: Permanent.
15. Mileage and Per Diem. Mileage and per diem shall be paid to members of the Commission at the will of and at the rate established by the Conway Township Board of Trustees. No mileage or per diem is paid to any member to attend the Board of Trustee meetings.
16. Hearings. Before the adoption of any part of a plan, as defined in the Planning Act, or any amendment to a plan, or recommending approval of an amendment to the Conway Township Board of Trustees, the Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by at least one publication in each newspaper of general circulation. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested and as required by the Planning Act, Zoning Act, and relevant local zoning ordinance. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.
17. Zoning Responsibilities. All the powers of zoning are transferred to this Commission, pursuant to M.C.L. 125.3301 of the Zoning Act. The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the Conway Township Board of Trustees. At a minimum the recommendation shall include the text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and the manner of administering and enforcing the zoning ordinance. The Commission shall review and act on all special use permits pursuant to the Zoning Act and the zoning ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the

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form of a motion which contains a finding of fact, conclusions as to a list of reasons for action, the Commission's action, pursuant to these Bylaws and a recommendation to the Conway Township Board of Trustees. The Commission shall review and act on all those site plans which the zoning ordinance requires Commission action. Action shall be in the form of a motion which contains a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to these Bylaws. The Commission shall not act, or otherwise hear issues on zoning ordinance interpretations, zoning map interpretation, non-use variances, or use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

18. Other Matters to be Considered by the Commission

a. The following matters shall be presented for consideration at a meeting of the Commission:

- (1) Preparation of an annual report of the Commission.
- (2) Selection of Consultants and a recommendation to the Conway Township Board of Trustees for same.

19. Adoption, Repeal, Amendments

- a. Upon adoption of these Bylaws of 9/8/2008, they shall become effective and all previous Bylaws, shall be repealed.
- b. The Commission may suspend any one of these Bylaws, for a duration of not more than one agenda item or meeting.
- c. These Bylaws may be amended at any regular or special meeting by a two-third (2/3) vote of the members present.

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18.

CODE OF CONDUCT AND OATH OF OFFICE

The Appointed Member of the Conway Township Planning Commission agrees to abide by this Code of Conduct.

As a member I will:

1. Accept responsibility to represent the Conway Township Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public. Abusive, insulting, profane or excessively argumentative language or conduct should not be tolerated.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the responsibility to promote and support development of effective planning and zoning programs.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notification of any necessary absences.
6. Read the plan, zoning ordinance, other ordinance, rules of procedure, bylaws, and other pertinent documents which pertain to the business of the Planning Commission and continue to gain knowledge and understanding through self-study, inquires and attending appropriate training when possible.
7. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission and Township Board of Trustee's.
8. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
9. Refrain from deciding cases before the meeting discussion.
10. Participate in the Planning Commission deliberation at the meetings when appropriate.
11. Do not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, ex parte contact, or accepting gifts as a form of influencing your vote.
12. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.
13. I will follow, and will help my community follow the community planning principles established by the Michigan Association of Planning, the Michigan Chapter of the American Planning Association.

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OATH OF OFFICE

I, _____ solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Michigan, and that I will discharge the duties of the office of a member of the Planning Commission in and for Conway Township to the best of my ability.

Signed: _____ Date _____

Once finalized and approved, the Ordinance proposed below will replace Special Land Uses, Section 13.10 (G) currently entitled, "Commercial Transmitting and Receiving Towers and Associated Facilities" and Section 6.18 will be deleted in its entirety (applicable provisions incorporated herein).

G. WIRELESS COMMUNICATION SUPPORT STRUCTURES AND RADIO AND TELEVISION BROADCAST TOWERS.

1. **Location Requirements.** Wireless communication support structures and radio and television broadcast towers may be permitted as a special use in the AR Agricultural Residential District subject to the issuance of a special use permit, to the extent one is required as provided in this Section, and subject to the conditions specifically set forth herein. No tower except wireless internet towers under eighty-five (85') feet shall be located closer than one thousand feet from the boundary of any R Residential District, including a PUD District incorporating residential uses, and shall not be in violation of the airport zoning height restrictions.
2. **Site Requirements.**
 - a. Minimum lot size shall be two (2) acres.
 - b. The tower base shall be setback from all lot lines a minimum distance equal to one and one half (1.5) times the height of the tower. All other buildings, structures, and guy wires shall meet the minimum setback requirements of the zoning district.
 - c. Where possible, joint use of tower facilities, including Township storage tanks, shall be required in order to minimize the number of separate towers and individual locations throughout the Township. As a condition of approval, the applicant shall agree to permit future users to share the tower facility and shall demonstrate that it is not feasible to locate the proposed tower on public lands, or co-locate on an existing tower.
 - d. No signs, except warning or other cautionary signs shall be permitted on the site.
3. **Permitted Uses.**
 - a. Notwithstanding the foregoing provisions, wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this Ordinance if all of the following requirements are met:
 - i. The wireless communications equipment will be collocated (See Section 13.10(G)(4) for definition of "Collocation") on an existing wireless communications support structure or in an existing equipment

- compound, or requires the removal of transmission equipment or replacement of transmission equipment.
- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the Zoning Ordinance or was approved by the Township.
 - iii. The proposed collocation will not do any of the following:
 - 1. Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - 2. Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3. Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - iv. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the Township.
 - v. Upon a showing that all conditions contained in subsections (a)(i)-(a)(iv) herein have been met, the Zoning Administrator shall confirm in writing that no special land use permit is required.
- b. Wireless communications equipment that meets the requirements of subsection (a)(i) and (ii) but does not meet the requirements of subsection (a)(iii) or (iv) is a permitted use of property if it receives special land use approval under subsections (c) to (f).
 - c. Unless otherwise in conflict with this Subsection 3, a request for special land use approval of wireless communications equipment described in subsection (b) shall also satisfy the requirements of subsection 5(b), 5(d) and 6.
 - d. After a request for special land use approval is filed with the Zoning Administrator, as outlined in subsection (b), the Zoning Administrator shall determine whether the request is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (e), the request shall be considered to be administratively complete when the Zoning Administrator makes that determination or 14 business days after the Zoning Administrator receives the request, whichever is first.
 - e. If, before the expiration of the 14-day period under subsection (d), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to

accompany the application has not been paid, specifying the amount due, the running of the 14 day period under subsection (d) is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- f. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Zoning Administrator fails to timely approve, approve with conditions, or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

4. **Definitions.**

- a. **"Collocate"** means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound such that the physical dimensions of the tower or base station are not substantially changed. A substantial change is anything that meets any of the following criteria:
 - i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
 - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the Tower structure at the level of the appurtenance, whichever is greater; for other types of support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
 - iii. For any support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

Commented [JS1]: PC: The special land use application for approval needs to indicate whether it meets the requirements of (a)(i) and (a)(ii) such that the township knows, if it does meet those requirements, that they only have 60 days for approval as compared to 90 for all others.

- iv. It entails any excavation or deployment outside the current site; and
 - v. It would defeat the concealment elements of the support structure.
 - b. **“Collocation”** has a corresponding meaning, i.e., to collocate.
 - c. **“Equipment Compound”** means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
 - d. **“Transmission Equipment”** Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
 - e. **“Wireless Communications Equipment”** means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures. Wireless Communication Facility has a corresponding meaning. Not included in this definition are citizens band radio facilities, shortwave facilities, ham or amateur radio facilities, satellite dishes for residential use, and governmental facilities which are subject to State or Federal law or regulations which preempt municipal regulatory authority.
 - f. **“Wireless Communications Support Structure or Tower”** means structures erected or modified to support Wireless Communications Equipment. Support structures within the definition include, but are not limited to monopoles lattice towers, light poles, wood poles, and guyed towers, or other structures which appear to be something other than a mere support structure.
5. **Special Land Use Permit**
- a. **When Required.** A special land use permit is required for all wireless communications equipment that does not meet the requirements of subsection 3(a)(i)-(a)(iv), herein, and for all other wireless communications support structures. Conway Township has 90 days to approve, approve with conditions, or deny the request once it is administratively complete under Section 13.10(G)(d).
 - b. **Information Required.**

The following information is required for a special use permit under subsection (a):

- i. Each applicant shall provide an inventory of its existing towers, antennas or sites approved for towers or antennas that are either within the jurisdiction of Conway Township or within one (1) mile of the border thereof, including specific information about the location, height, type of equipment including model number and design of each tower. Such information may be shared with other applicants applying for approvals under this ordinance or other organization seeking to locate towers or antennas within the jurisdiction of Conway Township; provided, however, that the sharing of such information in no way constitutes a representation or warranty by the Township that such sites are available or suitable.
- ii. A scaled site plan clearly indicating the location, type and height of the proposed tower or site land uses and zoning, adjacent land uses and zoning; land use plan classification of the site and all properties within the applicable separation distances set forth above; adjacent roadways, proposed means of access; setbacks from property lines, elevation drawings of the proposed tower, specifications of the transmitter and model numbers and any other structures, topography, parking and any other information deemed by Conway Township to be necessary to assess compliance with this ordinance.
- iii. Legal description of the property and proof of ownership, and evidence of lease interest, if applicable.
- iv. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
- v. A landscape plan showing specific landscape materials.
- vi. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- vii. If requesting a wireless support structure, a notarized statement by the applicant indicating that construction of the proposed tower will accommodate a minimum of five (5) additional antenna arrays equal to the one submitted by the applicant, allowing a minimum total of six (6) antennas.
- viii. For wireless communication systems, identification of the relationship between the backhaul network (i.e., the lines that connect a provider's structures/cell sites to one or more cellular

- telephone switching offices, and/or long distance providers, and/or the public switched telephone network) and tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township.
- xi. If requesting a wireless support structure, a description of the suitability of the use of existing towers, and other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. The applicant shall provide an affirmative statement as to the need for the proposed tower and why no existing structure will meet the needs of the proposed new tower.
 - x. A map showing the locations(s) of future towers, structures or antennae proposed or anticipated by the applicant within Conway Township based on existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
 - xi. An environmental impact assessment disclosing any potential impact on local wetland, flood plains, wilderness areas, wildlife preserves, endangered species, historical sites or other environmental considerations.
 - xii. Name and location of communication tower manufacturer.
 - xiii. A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights.
 - xiv. A maintenance plan and any applicable maintenance agreement shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure long term, continuous maintenance to a reasonable prudent standard.
 - xv. All tax related information as requested by the Conway Township Assessor for appraisal purposes.
 - xvi. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- c. **Conditions of Approval.** In granting a special land use permit under subsection 5, the Planning Commission may impose conditions that the Planning Commission determines are necessary to further the purposes of this ordinance and/or to minimize any adverse impact of the proposal on adjoining

or nearby properties. The Township may employ specialized experts to review information and materials submitted by the applicant. The applicant shall incur all costs associated with such review, not to exceed \$1,000.

- d. **Factors to Consider in Granting a Special Use Permit.** The Planning Commission shall consider all provisions of this ordinance, including the following factors, as well as any other Township ordinances not in conflict with this ordinance, in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce one (1) or more of the following criteria if the Planning Commission determines that the goals of this ordinance are better served thereby:

- i. Height of the proposed tower.
- ii. Proximity of the tower to residential structures and residential district boundaries.
- iii. Nature of uses on adjacent and nearby properties.
- iv. Surrounding topography.
- v. Surrounding tree coverage and foliage.
- vi. Design of the tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- vii. Proposed ingress and egress.
- viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- ix. The design of the proposed structure and its ability to accommodate co-location of additional users.
- x. A bond of \$5,000 on a cell tower and \$1,000 on internet towers will be maintained while the tower is up with Conway Township. The bond shall be posted before work begins and returned when the tower is taken down.

Commented [JS2]: PC: These numbers are from the existing zoning ordinance. Is this bond enough? Or does this need to be changed to reflect an amount sufficient to cover the cost of removal to be determined by the Planning Commission?

- e. **Availability of Suitable Existing Towers, Other Structures or Alternative Technology.** No new wireless support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower or structure or alternative technology which does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can

accommodate the applicant's proposed antenna may consist of any of the following:

- i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
- ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- v. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
- vi. The applicant demonstrates there are other limiting factors that render existing towers and structures unsuitable.
- vii. The applicant demonstrates that an alternative technology which does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system is unsuitable. Costs of alternative technology that exceed the new tower or antenna development shall not be presumed to render the technology unsuitable. New technology, which does not require the use of a tower, shall be preferred, regardless of cost.

6. General Regulations and Design Standards.

- a. Wireless communication support structures or towers shall be subject to the following regulations:
- b. **Access.** Unobstructed access, constructed in accordance with all provisions of this ordinance, shall be provided to the tower and apparatus building to ensure service by police, fire and emergency vehicles. Roads used for ingress and egress must be constructed according to specifications set forth by the Livingston County Road Commission.
- c. **Structural Design and Installation**
 - i. The plans for the tower construction shall be certified by a State of Michigan licensed professional engineer, and the applicant shall submit verification that the installation is in compliance with all applicable codes.

Commented [JS3]: PC: This is the starting point at which you can elect to remove any of the "general" or other miscellaneous provisions that follow that you don't want to keep. All are compliant with applicable law so you are free to leave them in if you wish.

- ii. All towers or structures must meet or exceed current standards and regulations of the FAA, the FCC and other agencies for the state or federal government with the authority to regulate towers, structures, and antennas. If such standards and regulations are changed, then the owners of the towers, structures, and antennas governed by this ordinance shall bring such towers, structures, and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers, structures, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- iii. To ensure the structural integrity of towers or structures, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers or structures that are published by the Electronic Industries Association, as amended, and shall supply Conway Township with a yearly report of such maintenance. If upon inspection Conway Township concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- iv. Antennae and metal towers or structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all applicable local, state and federal statutes, regulations, and standards.
- v. Towers or structures with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- vi. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower of antennae and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
- vii. The base of the tower shall occupy no more than five hundred (500) square feet.
- viii. The use of guyed wires is prohibited unless the applicant demonstrates that the prohibition of guyed wires is not feasible for the proposed tower.

Commented [PB4]: PC: Are you willing to enforce this provision? Is this being done?

- ix. All communications tower operators shall be required to prove compliance with all federal and state emission regulations as requested by Conway Township.
- x. Lighting towers or structures shall not be artificially illuminated if under one hundred fifty (150) feet, except as required by the FCC, FAA or local building codes. Anything over one hundred (150) feet shall be illuminated.
- d. **Height.** Height shall be measured from the finished grade of the parcel to the highest point on the tower or other structure including the base pad and any antenna, but shall not include the height of a whip, which whip may not exceed fifteen (15) feet in height. In no case shall the tower or structure plus the whip exceed two hundred sixty five (265) feet in height.
- e. **Design.**
 - i. Except as otherwise provided herein, all towers shall be of monopole design and shall be constructed of or treated with corrosive resistant material.
 - ii. The antennae shall be painted to match the exterior treatment of the tower. The paint scheme of the tower and antennae shall be designed to minimize off-site visibility of the antennae and tower.
 - iii. Landscaping shall be utilized to blend the tower or structure into the natural setting and surrounding buildings.
 - iv. If an antenna is installed on a structure other than a tower (such as a clock tower, bell steeple or light pole), the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - v. All utility wiring going to the tower shall be placed underground.
- f. **Fencing and Landscaping.** The tower and appurtenant apparatus building shall be secured by fencing a minimum of ten (10) feet in height. All towers must be equipped with an anti-climbing device to prevent unauthorized access. The fencing and apparatus building shall be screened with a landscape strip at least twenty (20) feet wide along each side of such fencing or building. Specifications for spacing land plant materials shall be as set forth by the Planning Commission. The landscape strip shall be maintained in good condition at all times so as to continue its effectiveness. Existing mature on-site vegetation and natural land forms shall be preserved to the maximum extent feasible. In some cases, such as towers or structures sited on large wooded lots, natural growth around the property perimeter may provide sufficient buffer, in

Commented [JS5]: PC: The Planning Commission can increase the maximum height if desired but may want to consider eliminating any reference to a maximum height at all since the Township would still have the discretion to control the height if necessary as 5(b)(xii) requires the applicant to provide: "A technical analysis setting forth the minimum height necessary for reasonable communication by the applicant and an evaluation of alternative designs which might result in lower tower heights."

Commented [PB6]: PC: You can increase/decrease this height.

with case the Planning Commission may waive the landscaping requirements of this paragraph.

- g. **Employees.** No employees shall be located on the site on a permanent basis to service or maintain the antennae. Occasional or temporary repair and service activities are excluded from this restriction.
- h. **Franchises.** Owners and/or operators of towers structures or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system have been obtained and shall file a copy of all required franchises with the Zoning Administrator prior to final plot plan approval.
- i. **Not Essential Services.** Towers, structures and antennae shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.
- j. **Cessation of Operation.** The Planning Commission shall condition approval of any new tower subject to the removal of said tower, including all structural components of the tower above and below ground within one hundred and eighty (180) days of cessation of operations. The Planning Commission reserves the right to request evidence of ongoing operation at any time after construction of an approved tower. Any antenna or tower, whether approved under this ordinance or existing at the time of adoption of this ordinance, that is not operated for a continuous period of one hundred eighty (180) days shall be deemed abandoned. Failure to remove an abandoned antenna or tower within sixty (60) days of receipt of a notice from Conway Township requesting such removal shall be grounds for Conway Township to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not take effect until all users cease using the tower.

See p. 4 for proposed changes

- C. **Outdoor Storage.** Except where expressly permitted in other provisions of this ordinance, the outdoor storage or parking of any aircraft, semi truck cab or trailer, antique or racing automobile, boat, float, raft trailer, trailer coach, camping trailer, motorized home, demountable travel equipment of the type adaptable to automobiles or light duty trucks, and other equipment or vehicles of a similar nature shall be prohibited for a period greater than forty-eight (48) hours unless the following minimum conditions are met:
1. All such vehicles or equipment shall be placed within a completely enclosed building or located behind the front face of the principal building and no closer than five (5) feet to any side or rear lot line.
 2. Storage or parking shall be limited to a lot or parcel of land upon which located an inhabited dwelling unit is located and the vehicle or equipment is owned by the occupant.
 3. Trailer coaches and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.
 4. No more than three (3) trailers, one of which is a travel trailer, may be parked on a lot of record which is zoned and used for residential purposes. Trailers shall not be any closer than five (5) feet to any side or rear lot line. Ownership of said apparatus must be in a name of a member of the immediate family of the lot's owner, tenant or lessee.
 5. Parked or stored campers, travel trailers, snowmobiles trailers, boats and the like shall be located only in the rear yard and the side yard, and addition, shall conform to the required yard space requirements for accessory buildings in the zoning district where located.
 6. All campers, travel trailers, boats and the like shall be locked or secured at all times when not in use.
 7. All recreational equipment which normally requires a license or registrations must be kept in good repair.
 8. The parking or storage of a mobile home on property not located in a licensed mobile home park is specifically prohibited.

Section 6.06 Supplemental Regulations Pertaining to Accessory Buildings and Structures

Accessory buildings and structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- A. **Relation to Principal Building.** Accessory buildings, structures and uses are permitted only in connection with, incidental to and on the same lot with a principal building, structure or use which is permitted in the particular zoning district, except an accessory building or structure may be permitted on a separate lot in conjunction with activity of a permitted use under same ownership in the AR Agricultural Residential District. No accessory building, structure or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized. On parcels of two (2) acres or less, the accessory gross floor area cannot exceed one hundred fifty percent (150%) of the total square footage of the gross floor area in the principal residence.
- B. **Permit Required.** Any accessory building of one hundred (100) square feet or more shall require a building permit from the Livingston County Building Department.
- C. **Structurally Attached to Main Buildings.** Where the accessory building is attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.
- D. **Yard Locations.** Detached accessory buildings and structures shall be located in the rear yards outside of the minimum required yard area except:
 - 1. Private residential garages may be allowed in the side yard, adjacent to the residential structure, but not forward of the front building.
 - 2. Detached parking garages or carports may be permitted in the non-required front yard of attached residential dwelling complexes provided that the Planning Commission approves the site plan, elevation drawings and construction material. In reviewing such structures, the Planning Commission shall consider the impact of headlights and views from nearby public streets and adjacent properties.
 - 3. Where the lot dimensions make rear yard locations impossible, the Planning Commission may waive restrictions on front yard placement of detached accessory buildings and structures.
- E. **Number of Accessory Structures.** On AR Agricultural Residential and R Residential zoned lots of two (2) acres in area or less, only one attached garage or accessory building or structure and one detached

garage or accessory buildings and structures shall be permitted. On AR Agricultural Residential and R Residential zoned lots of greater than two (2) acres, the number of accessory buildings and structures shall be regulated by the maximum coverage requirements of Section 6.06(1) unless accessory buildings and structures are for active agricultural conduct and are eligible for an agricultural waiver under 6.06(1*) below.

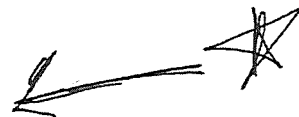
- F. **Number of Agricultural Accessory Structures.** On AR Agricultural Residential zoned lots of twenty (20) acres or greater with active agricultural pursuits, the number of accessory buildings and structures shall be regulated by agricultural waiver. Such waiver may be obtained from the Conway Township Zoning Administrator. A waiver shall be obtained from said Administrator prior to building construction. All other applicable requirements of this ordinance shall apply to AR Agricultural Residential zoned lots of twenty (20) acres or greater.
- G. **Height of Non-Farm Accessory Structures.** No accessory non-farm building or structure shall exceed the maximum heights permitted in the R Residential District (See Section 8.04), except for antennas as noted in Section 6.17.
- H. **Height of Farm Accessory Structures.** No accessory farm building or structure shall exceed the maximum heights permitted in AR Agricultural Residential District (See Section 7.04).
- I. **Maximum Coverage.** On all R Residential zoned lots and AR Agricultural Residential zoned lots of greater than two (2) acres, the combined square footage of all accessory buildings, structures and uses, excluding swimming pools, may occupy a maximum of twenty percent (20%) of the total yard area.
- J. **Required Setbacks for Detached, Accessory Residential Buildings and Structures (over 100 square feet total floor area).** Detached accessory residential buildings and structures over one hundred (100) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least twenty-five (25) feet from any public street right-of-way line, at least twenty-five (25) feet from any side or rear lot line, at least fifty (50) feet from any shoreline or drain easement, at least twenty-five (25) feet from the edge of any wetland, and at least fifty (50) feet from any principal building on an adjacent property. In no instance shall any accessory building or structure be located within a dedicated easement or road right-of-way.
- K. **Required Setbacks for Detached Accessory Residential Buildings and Structures (less than 100 square feet total floor**

area). Detached accessory residential buildings and structures less than one hundred (100) square feet of floor area shall be at least ten (10) feet from the principal building to which they are accessory, at least ten (10) feet from any public street, right-of-way line, at least ten (10) feet from any side or rear lot line, at least fifty (50) feet from any shoreline or drain easement, and at least twenty-five (25) feet from the edge of any wetland. In no instance shall an accessory building or structure be located within a dedicated easement or road right-of-way.

L. **Required Setbacks for Detached, Accessory Farm Buildings and Structures.** Regardless of size or use, an accessory farm building or structure shall be setback a minimum of one hundred (100) feet from the principal building to which they are accessory. Accessory farm buildings or structures shall also be set back at a distance equal to one hundred (100) feet from the center line of a secondary roadway and one hundred ten (110) feet from the center line of a primary roadway. In addition, an accessory farm building or structure shall be setback at least fifty (50) feet from any shoreline or drain easement and at least twenty-five (25) feet from the edge of any wetland. In no instance shall an accessory building or structure be located within a dedicated easement or road right-of-way.

M. **Waterfront Lots.** Where a residential lot abuts a water body, docks and boat storage buildings and structures for the use of the individual residential property owners are permitted as an accessory use to a residential use. Such docks and boat storage buildings or structures may be located in the water but not nearer than twenty-five (25) feet from any side lot line.

N. **Accessory Structures Constructed Prior to Principal Structure.** Notwithstanding any provision to the contrary in Section 6.06(A), an accessory building or structure may be constructed prior to a principal structure provided that a plot plan or site plan is submitted to the Zoning Administrator that demonstrates to the Zoning Administrator's satisfaction that such proposed accessory building or structure will not inhibit the future construction of a principal building in compliance with the requirements of this Zoning Ordinance. If an approval is obtained for an accessory building or structure to be constructed prior to a principal structure, the accessory building or structure must be located behind the principal structure and meet the required setbacks.



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O. **Occupancy of Accessory Structures or Basements.** Buildings erected after the effective date of this ordinance such as garages or accessory buildings shall not be used or occupied for dwelling purposes at any time.

- P. **Design Standards.** Accessory buildings in the R Residential district shall be harmonious with the height, character and scale of surrounding buildings and topography. Exterior surfaces shall also be similar to that of surrounding structures. Metal pole barns or structures with agricultural or industrial metal finishes may not be permitted if they are not compatible with the surface finish materials of surrounding structures.

Section 6.07 Supplemental Regulations Pertaining to Yards

A. Permitted Yard Encroachments.

1. Paved terraces, patios and uncovered porches shall not be subject to yard requirements, provided the following minimum conditions are met:
 - a. The paved area is unroofed and without walls or other forms of solid continuous enclosure that links the paved area to the principal building.
 - b. The highest finished elevation of the paved area is not over three (3) feet above the average surroundings finished grade area. No portion of any paved area is closer than five (5) feet to any lot line or projects into any minimum required front yard area.
 - c. Such paved areas may have constructed wind breaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area.
2. Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area provided the porch is not higher than one (1) story and is erected on supporting piers. The porch shall not be closer than eight (8) feet to any side or rear lot line.
3. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard and area dimensional requirements established for principal buildings.
4. Special structural elements such as cornices, sills, chimneys, gutters and similar structural features may project into any minimum required yard up to a maximum of two and one-half (2 1/2) feet.

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- drainage at collection points along the sides of the dwelling.
7. A single family dwelling shall be compatible in design and appearance with other single family dwellings in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more dwellings located outside of mobile home parks and within 2,000 feet of the subject dwelling, where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area. Where said area is not so developed, the determination of compatibility shall be based upon the standards set forth in this Section as well as the by the character, design and appearance of one or more dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
 8. It has front and rear or front and side exterior doors and has steps connected to said exterior door areas or to porches connected to said door areas where the difference in elevation exceeds twelve (12) inches.

Section 28.11 Accessory Uses, Buildings, and Structures

A. Scope:

1. Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section.
2. No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 29 pertaining to "accessory building" and "accessory use."
3. For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by either shared wall construction or by a fully and structurally enclosed corridor.

B. Permit Required: No accessory building or structure shall be erected prior to the issuance of a land use permit for such structure of building, except that no permit is required in the case of agricultural fences and residential fences for single-family and two-family dwellings. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Article 4.

C. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard except on a residential lot in the A-1 District, provided such building or structure is set back a minimum distance of one-hundred fifty (150) feet from the abutting road right-of-way and such building or structure does not obstruct the view of any portion of the dwelling as viewed along the road frontage directly opposite the dwelling. This subsection (1) shall not apply to farm buildings.
2. Accessory buildings and structures shall comply with the District setbacks applicable to the principal building or anticipated principal building on the lot, according to Table 10-4.
3. In no case shall a detached residential garage be located in a front yard, nor be less than twenty-five (25) feet from a road right-of-way line.
4. In no case shall an accessory building or structure be located so as to interfere with the proper functioning of utilities, including existing and proposed back-up septic drain fields.

D. Height:

1. In Conservation and Residential Districts, accessory buildings shall not exceed twenty (20) feet in height except on lots of one (1) acre or greater.
2. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

E. Area and Lot Coverage:

1. On residential lots, accessory buildings shall not occupy more than a total ground floor area of 1,500 sq. ft. except on lots of two (2) or more acres, in which case accessory buildings shall not occupy more than a total ground floor area of 2,400 sq. ft.
2. Accessory structures and buildings shall not occupy more than a total cumulative area of thirty

- percent (30%) of the yard in which they are located.
3. No accessory building or structure shall be erected that results in noncompliance with the lot coverage standards of Table 10-4 of Section 10.06.

F. Habitation of Accessory Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 28.12 (Temporary Dwellings).

G. Prior to a Principal Structure: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance.

Section 28.12 Temporary Dwellings

A. Authorization/Application: Temporary dwellings are prohibited except as authorized by this Section. Temporary dwellings are classified as special land uses and authorized in the A-1 District only. Application for and authorization of temporary dwellings under this Section shall follow all provisions of Article 5 except that a plot plan shall be submitted in place of the normally required site plan, and such plot plan shall clearly identify the proposed location of the permanent and temporary dwelling.

B. Basis for Temporary Dwelling: No temporary dwelling application shall be approved except for the following purposes:

1. **Emergency Housing:** To allow a mobile home to be placed on the lot while the permanent dwelling on the same lot is under repair for which a land use permit and building permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. **New Home Under Construction:** To allow a mobile home to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a land use permit and building permit has been issued.
3. **Care of an Elderly or Ailing Relative:** To allow a mobile home to be placed on the lot to facilitate the care of a person related by blood, marriage, or adoption, to a resident of a lawful permanent dwelling on the same lot.

C. Standards: Excluding minimum floor area standards, temporary dwellings authorized by this Section shall comply with all provisions of this Ordinance including but not limited to.

1. The special land use standards of Section 5.06(A).
2. The district's requirements for principal building setbacks.
3. Adequate provisions for potable water and sewage disposal, in compliance with county health department rules and regulations.

D. Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. The temporary dwelling shall be removed from the lot no later than the termination date of the permit. The Planning Commission may renew the permit for periods not to exceed twelve (12) months, but only in the case where the continued need for such temporary dwelling can be demonstrated and the dwelling is in compliance with all regulations of the Ordinance. However, in no case shall the total permit period for a temporary dwelling for emergency housing or new home construction exceed two (2) years.

E. Mobile Home as Temporary Dwellings: A temporary dwelling authorized pursuant to this Section shall consist of a mobile home only. See Section 28.13 regarding the temporary occupancy of recreational vehicles.

(Ord. #4 of 2006, 11-14-06)


Section 28.13 Mobile Homes and Recreational Vehicles

A. Mobile Homes

1. **Mobile Homes in Non-Conformance with Section 28.10:** Mobile homes that do not conform to the standards for single-family dwellings in Section 28.10 shall not be used for any purpose, or erected, moved onto or stored upon any lot for any length of time, unless located in a

Sec. 16.06. - Accessory building provisions.

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.
- B. Accessory buildings may be located in any yard, except in the required front and side yard setbacks.
- C. An accessory building not exceeding 25 feet in height may occupy not more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard, provided that in no instance shall the accessory building exceed three times the gross floor area of the main building in the AR, WRD, and RD Districts, and in all other districts the accessory building shall not exceed the gross floor area of the main building.
- D. No detached accessory building shall be located closer than ten feet to any main building nor shall it be located closer than 15 feet to any side or rear lot line. In those instances where the rear lot line is in common with an alley right-of-way the accessory building shall not be closer than one foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
- E. No detached accessory building in all zoning districts shall exceed 25 feet in height.
- F. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building shall not project beyond the side yard line of the lot in the rear of such corner lot.
- G.  A permit to construct an accessory building to a single-family residential dwelling on a lot or parcel prior to the construction of the single-family dwelling may be issued by the Planning Commission upon proper application and subject to the following conditions:
 1. The single-family residential dwelling must be completed and the certificate of occupancy issued no later than two years from the date of issuance of the permit for the accessory building.
 2. No more than one accessory building shall be allowed under said permit and the applicant shall submit a copy of the proposed floor plan of the residential dwelling indicating the total square footage which the dwelling will consist of.
 3. The accessory building shall be used for no other purpose than the storage of personal property belonging to the owner(s) of the lot or parcel and shall not exceed 960 square feet in size.
 4. The permit shall only be issued to the owner of the lot or parcel who will also be the occupant of the completed single-family residential dwelling.
 - 5.

There shall be no outside storage during the term of the permit and after the completion of the dwelling outside storage will only be allowed in conformance with the terms of this Ordinance.

6. The applicant shall post with the Township Clerk a financial guarantee as determined by the Township Board in its schedule of fees and costs in cash, certified check or money order payable to the order of the Township to ensure compliance with the terms of the Zoning Ordinance, the permit referred to herein, and the completion of the single-family residential dwelling. In the event the applicant fails to comply with the terms of the permit, the terms of the Zoning Ordinance during the time of the permit, or fails to complete the single-family residential dwelling in the applicable time, then the financial guarantee, at the Township's sole discretion, shall be forfeited and applied toward any and all expenses incurred by the Township in enforcing the Ordinance, which could include seeking injunctive relief for the removal of the accessory building; or applied to other expenses incurred by the Township as a result of the violation of the terms of the permit, the Zoning Ordinance, or the failure to complete the home within the prescribed time period. The financial guarantee will be returned after the applicant has obtained a certificate of occupancy within the time period required hereunder and after authorization by the Planning Commission for the return of the financial guarantee after finding the applicant is in compliance with the permit and the Zoning Ordinance.
7. Absolutely no commercial storage or commercial activity of any kind shall occur on the premises or within the accessory building.
8. The accessory building shall not be used for human habitation at any time.
9. The applicant, as part of the permit application, shall submit a detailed plot plan and ensure that sufficient information is provided with the land use permit application to enable the Planning Commission to determine that the construction of the accessory building and the single-family residential dwelling will be in complete compliance with the requirements of the Zoning Ordinance especially in regard to setbacks, building size, building location, etc.
10. A permit for an accessory building that exceeds 960 square feet shall not be issued until the single family dwelling has reached the stage of construction where all windows and doors are installed and the roofing and exterior of the dwelling have been completely finished.

(Ord. of 11-12-1987, § 16.06; Amd. No. 14-1, § 1, 12-9-1993; Amd. No. 16, § 1, 9-9-1993; Amd. No. 43, § 4, 10-14-2004; Amd. No. 68, §§ 1, 2, 5-12-2011)